



**National Review of the Bachelor of Laws programme**

**HEQC Meeting**

**30 March 2017**

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**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws, LLB (mainstream – four years)  LLB (extended – five years)  LLB (two-year second degree, following on from a first degree)
<b>Name of Institution</b>	Nelson Mandela University
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	South Campus, Summerstrand, Port Elizabeth
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	Mainstream programme: 494  Extended programme: 490

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC’s National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);

- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme’s compliance with the national qualification standard;
- Comments on the programme’s meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme’s re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

The panel is satisfied that, in the Self-evaluation Report (“SER”) and also in the NMMU Response to comments made in the Desktop Evaluation Report (“DER”), the Faculty has engaged substantively with the Preamble to the LLB Standard. On each of the aspects referred to specifically in the Preamble the panel wishes to make the following comments:

Transformative constitutionalism

1. In the SER and in the Faculty’s response to comments made in the DER, the Faculty suggests that it embeds the notion of transformative constitutionalism in the LLB curriculum and that students are made aware of the importance of the Constitution both as a primary source of law and as the foundation of a constitutional ethos underpinned by a range of constitutional values.
2. In engagements the panel had with staff and students and in our perusal of the documentary evidence provided, the panel found that there is an inadequate appreciation of the fundamental importance attached in the Preamble to the LLB Standard to this notion and that

justice is not done to this in the curriculum.

3. It is the panel's view that, whatever scholarly nuances may be attached to an analysis of the term "transformative constitutionalism", at the very least the term denotes an appreciation that the 1996 Constitution heralded a break with the way in which law was practised and taught and understood in the pre-Constitution dispensation. The Constitution was – and is – meant to serve as the primary instrument of transformation from an unjust to a just society. Its provisions and its values and aspirations permeate the whole of society and therefore also the whole of law. To teach and to practise law "constitutionally" means a wholly different way of teaching and practising law than previously.

4. This broad sentiment is not reflected in the curriculum. To be sure, much attention is paid, commendably so, to the constitutional imperatives that inform the NMMU LLB programme. Students, however, are not, or not sufficiently, taught what it means to practise law with the Constitution as both its starting point and its end point.

5. The panel studied the content of the Introduction to Law modules. We noted that the content follows a familiar pattern from pre-Constitution teaching. The primacy of the Constitution is not stressed upfront. In fact, the Constitution is introduced to the students only in April of the first semester and only in late September of the second semester. In our view, and this is also the stated purpose of section 39(2) of the Constitution, the Constitution should be the starting point of any introductory discussion on law.

6. The panel appreciate that the LLB Standard was only formally approved by the sector in 2015 and that most faculties have not yet had an opportunity to fully internalize what is meant by this concept, let alone to infuse their curriculum with it. We nevertheless strongly recommend that the faculty, in its review of the curriculum, should seriously interrogate how it can and should make their students aware of the "transformative" intent of the Constitution and the primacy of the Constitution in being educated as lawyers.

#### Responsiveness to social justice

The panel is satisfied that the curriculum pays sufficient attention to the infusion in the students of a responsiveness to social justice. The Faculty highlights in particular the modules Human Rights Law, Consumer Protection and Credit Law and Legal Practice and provides a description of how social justice is infused into the module content. It is particularly commendable that the Faculty has a compulsory final-year module, Legal Practice, in which students are expected to participate in the Law Clinic as well as become exposed to the broader community through the Street Law component of the module.

#### Inculcation of constitutional imperatives

The panel is satisfied that the curriculum pays sufficient attention in a wide range of modules, both core and elective, to the primacy of the Constitution as a foundational source of law. This was also confirmed in our engagements with the academic staff and with the students. The panel suggests that the imperative nature of constitutional provisions should be stated boldly and upfront in the module outlines for each module. The Faculty might wish to consider whether the placement of a module on Constitutional Law in the first year of study is appropriate, as discussed below.

#### Responsiveness to globalization

The panel is satisfied that the LLB curriculum makes it clear to students that South Africa and therefore the South African legal system is embedded in a globalized environment and that legal education and legal practice should reflect this. A number of modules have a specific focus on the

international dimension to law and the Faculty has itself identified a range of opportunities for a further and deeper infusion into a revised curriculum of regional, continental and global developments in law. The panel was informed of a fairly large number of foreign – mostly African – students registered for the LLB programme at NMMU, which dovetails well with the Faculty’s aspirations to further ‘globalize’ the LLB curriculum.

The Faculty might wish to note the range of legal-educational opportunities contained in the African Union’s Agenda 2063 approved by the AU in 2013 and in particular the contribution the Faculty can make towards the realization of the goals and priority areas set out under Aspiration 3.

Responsiveness to ever-evolving information technology

The panel is satisfied that the Faculty is actively engaged with the need for, and the manner in which, information and communication technology can be used to enhance students’ learning in the LLB programme. The institution has adopted a “blended learning” approach which seeks to blend traditional teaching and learning methods with learning with technology. In the SER and in our engagements with staff and students we were made aware of examples of how technology is currently being used and can conceivably be used in future to enhance the students’ learning experience. The technology (on the Moodle platform and the SharePoint site) is currently used largely for information-sharing purposes. We were made aware of efforts to introduce video streaming of lectures and of podcasting as a learning tool, which is commendable. We recognize, though, that a fully-fledged blended learning approach demands extensive planning and the availability of resources – both financial and infrastructural.

The panel has noted that the Faculty offers an elective module, “Information Technology Law” in the final year of study. Given the importance of ICT’s it might wish to consider making this a core module.

“Africanisation”/“Decolonization of the curriculum”

Although not part of the review exercise conducted by the CHE, the panel was made aware of engagements within the faculty and within the institution on the meaning to be attached to the notions of “Africanisation” and “decolonization of the curriculum” and how these notions can be translated into revised modular content. The panel was informed of a curriculum revision strategy called the Curriculum Renewal Journey (“CRJ”). Meetings have already taken place to unpack the strategy. In these meetings, in which students are present, notions of “Africanisation” and “decolonization”, among others, are unpacked and interrogated. Students from NMMU also addressed a national conference on this topic (see SER, p 17). It is also recognized as an important development opportunity by the Faculty.

The panel wishes to commend the Faculty for its readiness to reflect critically (with its students) on the LLB curriculum, for the many development opportunities it has identified in its SER and for devising and implementing a strategy that will lead to curriculum renewal in a planned and structured way.

The panel recommends that the Faculty heeds the comments made by the panel on the notion of “transformative constitutionalism” and introduces this notion and its underlying values and mindset definitively into a revised curriculum. Also that debates within the Faculty on Africanization and decolonization can fruitfully be informed by and aligned with the development plan (and its accompanying goals and priorities, of the AU’s Agenda 2063, especially Aspiration 4.

Institutional alignment ( refer to Criterion 1 (i))

1. What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?
2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place

to ensure comparable quality under those arrangements.

Note

With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).

Panel Comment

1. The panel is satisfied that clear alignment exists between the LLB programme and the institution's strategic plan and its vision and mission statement. The alignment between the institutional strategic plan and the Faculty's strategic plan is spelled out in some detail in the SER. Our engagement with senior management of the institution made it apparent to us that the Faculty of Law and its LLB programme is central to the institutional strategic planning.

Commendably, the Faculty developed a set of faculty-specific graduate attributes at a strategic planning session. These graduate attributes are largely complementary to and reflective of the graduate attributes identified in the LLB Standard. The Faculty has also attempted to align such graduate attributes with each of the modules in the LLB programme. While such an alignment exercise might not wholly satisfy an external observer, it is nevertheless indicative of an approach that is driven by strategy and planning and that feeds into institutional planning.

The panel wishes to commend the Faculty for its dedication to strategic planning and its close alignment with institutional planning and strategic initiatives.

2. There is no outsourced delivery of the programme.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?

2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?

Panel Comment

Preparation of well-rounded graduates

1. The panel is satisfied that the LLB curriculum prepares students adequately for entry into legal practice. This is apparent from such modules as Legal Practice, the Moot Court elective, the first-year Legal Skills module and a number of other modules where students are introduced to professional skills such as advocacy, drafting and consultation. The panel was informed of a recent initiative in terms of which student "hubs" (of four-five final-year students each) are formed, which link up with law practitioners who then provide them with practical mentoring over a period of time. Although the project is still in its infancy it is a commendable initiative. It was also apparent to the panel that there are close links between the Faculty and law practitioners in Nelson Mandela Bay, which in itself provides opportunities for students to engage with practitioners.

2. Although the SER provided information on the manner in which the programme prepares students for postgraduate study (SER, p 20), the panel does not believe that students are adequately prepared for the possibility of postgraduate studies. Mention is made of the Research Essay and the Research Assignment as preparatory modules for postgraduate studies. However, very few students actually register for these modules (less than 10% in 2015, according to data provided to us at the site visit). One of the alumni also made the comment that she felt that, upon completion of the LLB programme, her writing and research skills were so underdeveloped that she had no intention of registering for a research-based master's programme.

Generally, the panel found that the LLB curriculum does not adequately enhance students' writing, research and communication skills, a topic to which we will return later. More needs to be done by

the Faculty to enhance their writing and research skills generally and to instill in them the enthusiasm to wish to pursue postgraduate studies in law.

3. The question whether or not the NMMU LLB adequately prepares students for a wide range of other careers which require the application of law was debated with NMMU academic staff and among the panel members. The view which gained general acceptance was that a LLB curriculum which primarily prepares a student for professional practice and for postgraduate research will necessarily have, as a secondary benefit, the preparation of a student for careers that require the application of law. The graduate attributes, properly engaged with in the curriculum, are such that they will stand a graduate in good stead who pursues a career other than that of a professional lawyer, but which nevertheless requires the application of legal skills and knowledge.

The panel felt in this regard that, in its curriculum revision exercise, they might wish to consider providing the final-year students with electives in so-called “public interest law”. This would offer opportunities for students who do not wish to practise law, but wish to pursue careers in broader society to exercise other choices than the preponderance of commercial law elective modules on offer.

Evidence that purpose of qualification is addressed

Subject to the comments made in 2 above, the panel is satisfied that the LLB programme adequately addresses the purpose of the qualification, as formulated in the LLB Standard, and that sufficient evidence exists to support this. There is sufficient detail throughout the SER, in particular the sections on “Graduate Attributes” and on the “Teaching and Learning Strategy”, backed up by documentary evidence, that the students receive a well-rounded education in law that provides them with a sound knowledge of the basic areas of law, a critical understanding of the law as a discipline, the ability to apply the law in appropriate contexts and a sense of the accountability and responsibility that accompanies the practice of law.

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**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.
2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.
3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?
4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?
5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?

**Panel Comment**

1. The panel is satisfied that sufficient attention has been paid in the LLB curriculum to logical sequencing and increasing complexity of module content to ensure appropriate progression through ascending levels of competency. The Faculty adopts the *Bloom* taxonomy of descriptors and provided sufficient - in fact copious - detail in the SER for the panel to come to a satisfactory conclusion on this matter.

The panel was informed by the students who were interviewed that, in their view, *Constitutional Law* is not well placed in the first year of the curriculum, a view supported by the Faculty in the SER. They also felt that the transition from the first to the second year of study was big and that the first year should be given more substance. There was also a view expressed that in the third year of study the manner in which their knowledge was assessed differed substantially from the previous years. The Faculty is advised in its revision exercise to note these views expressed by the students and to seek to construct a curriculum that ensures a more “strategically scaffolded” learning process (the term is adopted from the SER, p 25) for the students.

2. The panel is satisfied that the Faculty has adequately described how the LLB qualification meets the NQF exit level 8 requirements.

3,4 and 5

The panel noted the fact that the mainstream LLB curriculum carried a total credit value of 494 and that of the extended programme 490. A set of tables per academic department (with accompanying explanatory notes) was provided in the SER (p 48-61f) which provides details of the credit value per module and how the notional hours for each individual module were determined, with reference to such matters as lecture hours/tutorials, independent self-study, assessments and lecturer consultations.

The panel engaged with the Faculty management on the manner in which the credit allocation was determined and how notional hours for each module were calculated. The Faculty acknowledged that they employed some “creative bookkeeping” in order to determine the total credits for the mainstream and the extended programmes. They

also acknowledged that the manner in which the calculations were done deserved closer attention.

The panel is satisfied that the total credits allocated for the programme meet the purpose, content and outcomes of the qualification.

The panel **recommends** that the Faculty engage in a substantive exercise to determine what credit value should be attached to each module, with due recognition of the fact that some modules naturally demand more independent self-study, more assessment and more lecture/tutorial time than others. The exercise has an added importance in that it could assist in a determination of a standard workload for each lecturer.

### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

### **Panel Comment**

1. The panel is satisfied that The Faculty does its recruitment, selection and admission of students with due regard to legislative requirements, policy prescripts of the institution and the national demands for equity, transparency and the provision of access to previously disadvantaged students.

The panel was satisfied with the admission and selection policies and processes adopted by the Faculty. It noted that there had been considerable fluctuation in recent years in the numbers of students annually selected onto the LLB programme (around 100-230). The Dean of the Faculty informed the panel that this hampered proper planning and so in 2015 a decision was taken to “cap” the annual intake of first-time registrations into the LLB qualifications and into other qualifications that lead to the LLB to a maximum of 400. This policy was adopted for the first time in 2016, so the fluctuations apparent in previous

years will no longer happen.

The staff:student ratio for the LLB programme is 1:59, the highest in the institution. This is a very high ratio and the Faculty has provided the panel with a range of initiatives, both in the SER and during the site visit, to mitigate the impact on teaching and learning quality this high ratio can result in.

The panel was provided with an explanation of how students who did not meet the minimum entrance requirement and who then wrote an *Access Admissions Test* were selected for admission to either the mainstream programme or, for the most part, to the extended LLB programme. It was acknowledged that the mode of testing and the manner in which the various criteria were applied were not optimal. The panel was appreciative of the dedication with which the admissions testing was applied and the readiness of the staff involved to analyze results and make improvements where required. There was a real concern that students should not be admitted – despite sometimes severe pressure from student activists – if they would merely be “set up for failure”.

As a rule the Faculty does not admit students through a Recognition of Prior Learning process. The Faculty has now embarked on a pilot project to admit students who were successful in the *Higher Certificate in Criminal Justice* programme, but who did not meet the entrance requirements for the LLB programme, to nevertheless be admitted onto the programme. This is a commendable initiative.

2. Students are registered either for the mainstream LLB programme or for the extended LLB programme. In both these programmes students are given a variety of academic support in the first year to enhance their competence. The dominant support mechanism is the *Legal Skills* module, which develops the advocacy, numeracy, reading and research and writing skills of the students. Students commented to the panel that, although such a module is useful in the first year of study, it would be useful to have a “refresher” module in the third or fourth year to strengthen the skills learnt in the first year, when students are still too raw and immature to fully appreciate the value of such a module. The Faculty recognizes the need for such skills to be further strengthened in the course of the programme (SER, p 88). Also important are the tutorials offered to the students in their first year of study in the modules *Legal Skills* and *Introduction to Law*. Based on discussions with students the panel is of the view that tutorials should be introduced far more widely in later years of study than is currently the case. Clearly the students felt that it would be useful to them to enhance their competence levels in the manner done in the first year of study.

In the *Centre for Teaching, Learning and Media* staff can receive training in teaching development and on how to use “blended learning”. Sufficient engagement takes place in the faculty on the need for ongoing and thorough-going support to students.

The panel **recommends** that the approach adopted in the *Legal Skills* module should be carried forward to the second, third and fourth years of the LLB curriculum. Tutorials should be skills-based, compulsory, should contribute to final marks in modules, and should be carefully dovetailed with the formal lectures.

**Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

- (1) what other discipline(s) may students pursue?; and
- (2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

**b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?
- the development of research skills?
- the development of writing skills?

**c. Applied Competence**

How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the

*applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

#### **Panel Comment**

##### Knowledge

The panel is satisfied that the curriculum provides to students a “comprehensive and sound knowledge and understanding” of the South African law, the legal system and its underlying values and its history and on the dynamic, contextual nature of law. The SER provides sufficient detail on how such knowledge is imparted in the basic areas of law, on what fields of law are covered, on how the dynamic, contextual nature of law is brought home to the students and on the rationale for the absence of some of the areas of law – largely resource-determined.

Comment was already provided by the panel (in the “Preamble” section above) on a deficiency identified in the manner in which the curriculum embeds in the curriculum the notion of “transformative constitutionalism”.

The mainstream curriculum does not adequately provide for a knowledge of disciplines other than law. It provides for language modules, a module on computer literacy and an elective, Accounting for Professionals, is offered. The extended programme makes provision for a number of non-law modules, but they are invariably skills-based. The details are provided in the SER, p 85. The panel acknowledges that the LLB Standard is not prescriptive in relation to the number and nature of the non-law modules that can or should be provided for in the LLB curriculum, and that making provision for such non-Law modules in an already-full curriculum requires considered reflection. The panel is nevertheless of the view that the NMMU law curriculum should include some non-law modules beyond what is currently on offer. This has been recognized by the Faculty in its SER. Whether such modules are in the form of “Economics/Politics/Media and the Law” or as alone-standing discipline-based modules, the Faculty is advised to devote a larger proportion of the programme credits to non-law modules, including language modules, than is currently the case.

In the programmes that lead to the LLB programme roughly 50% of the credits are devoted to

non-law modules.

Specialization is provided for by means of a number of elective modules from which students may choose in their final year. Although the range of electives is broad there is a bias towards commercial law modules. The panel wishes the Faculty to consider provision for some public interest law modules as final-year electives. The panel has noted that the institution wishes to introduce into all of its programme a module on *Social Consciousness and Sustainable Futures*.

Clinical legal education is a core module in the final year of the LLB programme. It is part of the module Legal Practice and carries a credit value of 6. The Law Clinic has good facilities, which are well located near to communities in need of such legal services.

The panel wishes to **commend** the Faculty on the fact that training in clinical legal education is compulsory for all final-year students, and on the quality of the clinical legal education provided.

The panel wishes to **recommend** that the Faculty gives serious consideration to the insertion in the LLB curriculum of non-law modules that go beyond mere skills enhancement and that include language modules.

#### Skills

The panel is satisfied that sufficient attention is given, both in modular content and in modular assessment, to the inculcation in the students of critical thinking skills.

The panel is of the view that the development of research and writing skills of LLB students needs improvement. This view will be elaborated on in the section on “Context and Conditions for Assessment”.

#### Applied Competence

The panel is satisfied that the applied competences, as listed and described in the LLB Standard, are adequately addressed. Although the curriculum does not contain a stand-alone ethics module (some students in fact suggested that such a module should be developed) the panel is satisfied that ethical considerations are covered in a number of modules in the curriculum – in the Legal Practice module in particular. The same holds true for numeracy (a 20-credit module, *Accounting for Professionals*, is offered, and numeracy skills are developed in the *Legal Skills* module), information technology, particularly in relation to the electronic search for legal sources (although, as stated above, more can be done to further enhance “blended learning” in the curriculum), problem solving, self-management and collaboration, the transfer of acquired knowledge and agency, accountability and service to the community (the latter in particular by means of both the Law Clinic and Street Law components of the *Legal Practice* module).

The panel is of the view that the *communications skills and literacy* competence, while addressed in the curriculum, needs improvement. First-year students are required, as part of the *Legal Skills* course, to present arguments to a panel in public (“mini-moots”). *Moot Court* is also an elective in the curriculum. Some interaction between students and between staff and students is required in other modules in the curriculum. This, however, in the view of the panel, is not sufficient. On the lack of adequate literacy training the panel will express itself in the section on “Context and Conditions for Assessment”.

## **Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

### **Panel Comment**

1. The academic staff comprises 27 permanent lecturers, of whom five are Professors, four are Associate Professors, three are Senior Lecturers, fourteen are Lecturers and one an Associate Lecturer. (Tables depicting the academic staff profile are provided in the SER, p 102-104.) There is a satisfactory number of senior academics in the Faculty. The panel was informed by the Dean that plans are underway to ensure that the teaching workload in the LLB curriculum is spread evenly across all staff members, so that all, from senior to junior, contribute to teaching on the programme.

Of the 27 members of staff, 10 have doctorates and 5 are nearing completion. 11 members have a master's qualification and three are working towards such a qualification. The level of higher-level qualifications in the Faculty is adequate. Many of the staff members are also practitioners, which is also appropriate. The years of teaching experience among the staff also reflects an appropriate mix of senior and experienced teachers of law and less-experienced staff. There are seven contract teaching staff, which is adequate in proportion to the number of permanent staff.

The gender profile of the Faculty is adequate. The race profile, though, is not. The Faculty recognizes that much more needs to be done to provide for adequate racial representivity in the Faculty. The SER mentions one strategy, namely to appoint a number (8-10) African master's graduates into teaching assistantships in 2017, in the hope that a number of them will remain in the Faculty so that they can be mentored into law academics. This is but one strand to what should be a multi-faceted strategy. The panel appreciates the difficulty experienced by all law faculties/schools to attract and retain qualified and competent black staff. Nevertheless, the panel urges the Faculty to develop an Improvement Plan to address the significant race bias in the Faculty in favour of white academics.

2. The staff: student ratio of 1:59 is high, as admitted to by the Faculty. They seek to reduce this ratio to 1:40 and have in the SER listed a number of initiatives that will be or can be implemented to achieve this (SER, p 100). The panel urges the Faculty to actively seek to implement these initiatives to reduce the high ratio. The panel suggests that, in addition to the initiatives listed in the SER, consideration be given to the integration or rationalization of existing modules and to more co-teaching or co-assessment in modules that lend themselves to this approach.

Given the high staff: student ratio, it is apparent that the staff have a heavy teaching workload. The Dean informed the panel that much effort is spent on determining an appropriate workload for all academic staff and that at present there is a largely satisfactory arrangement in place.

3. There are satisfactory policies and processes in place, both institutionally and at faculty level, to guide the recruitment, employment, induction, promotion and development of academic staff. An institutional policy on *Multiple Career Pathways* allows for academic staff to choose to develop in more than one academic career pathway. The performance management system, the *Framework for the Recognition of Excellence*, was introduced into the institution in 2015 and has the possibility, if applied properly, to provide for the development of academic staff and for appropriate recognition of beyond-the-norm performance.

The panel **recommends** that the Faculty develops an Improvement Plan to address the bias towards white academics in the academic staff profile.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

*1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

### **Panel Comment**

1. The panel noted that the full complement of administrative staff in the Faculty is six: four “secretaries” and two faculty administrative staff members. They are assisted by three part-time staff. The permanent staff members are all qualified and all have years of administrative experience (all female, four of the six being white), but they carry a heavy workload; they are “stretched to the limit”. The panel was provided with information on the vast number of students that each “secretary” administers (inclusive of service modules and extra-curricular students) and the range of duties involved in such administration. It is clear that the institution needs to provide relief for the Faculty in this regard. The staff we engaged with all professed loyalty to the Faculty and the institution.
2. The panel was told that development opportunities do exist within the institution for administrative and support staff, but that their workload makes it very difficult for them to avail themselves of such opportunities.
3. The panel is satisfied that rules, procedures and policies exist and are applied with sufficient integrity and diligence to ensure the integrity of the entire academic process.
4. The panel was provided with information on the psycho-social and academic development support provided in collaboration with the Faculty. These include the development of the *Risk Analysis and Detection to Assist and Retain Students* (“RADAR”) information management tool, still in its pilot stage; the introduction of a Faculty helpdesk for students to seek and be provided with assistance via email contact; the *Learning Enhancement Checklist* developed by Student Counselling Services to assist students to self-manage themselves when struggling academically or socially; the provision of a student counsellor able to devote a substantial proportion of her time to the Law Faculty. All of the above are commendable actions engaged in by the Faculty and its related support services to provide support to students. Students gave the impression that they were but vaguely aware of such support opportunities. The panel suggests that the Faculty should do more to promote the availability of these services to students.
5. The panel was informed that problems existed with the NSFAS system. This was the result of the late payment of imbursements by NSFAS nationally to the students at the beginning of the year. This sets in train a range of problems that involve accommodation, food and transport. This is a recurring problem that the institution is seeking to address at a national level.

The panel wishes to **commend** the institution for the range of student support systems that are in place to assist students with academic, social and emotional problems and the close cooperation that exists between the Faculty and other support services to provide such support.

### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

1. How are the teaching and learning needs of the programme reflected in the institution’s central operating policies and procedures, including resource allocation, mode(s) of tuition, as

*well as staff appointments and promotion?*

- 2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
- 3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
- 4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
- 5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
- 6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

1. The Faculty's teaching and learning strategy is closely aligned with that of the institution. The institution has a Teaching and Learning Policy which takes as its point of departure a "humanizing pedagogy". This philosophy also underpins the Faculty's strategic approach to teaching and learning. The Faculty budget for teaching and learning is constrained by the institutional budgeting approach, which places a cap on faculty resources and allows for cross-subsidization of less resource-rich programmes. It is from these financial resources that faculty appointments and promotions are made. No promotions could be made in 2015. The panel is satisfied that, despite the substantial financial constraints on the Faculty, its resources are adequate to enable it to provide appropriate teaching and learning.

Each module in the LLB programme is expected to provide students with a "module outline" that is meant to give important information to the students on the module being taught. The panel found, when it inspected the module outlines, that many modules provide detailed information to students on the teaching outcomes for the module and the assessment criteria to be used to measure the achievement of such outcomes. In some modules "worksheets" or self-study exercises are also provided. However, this is not the case in all modules. Some module outlines provide no more than essential administrative information.

The panel suggests that the Faculty should consider producing a template for such module outlines which all lecturers are compelled to follow. In such a template the teaching outcomes and accompanying assessment modes and criteria should be provided, the credit value of the module and how it was determined (with specific reference to notional hours), the particular graduate attributes that the module seeks to instil in the student and the place and function of the Constitution in the substantive content of the module.

2 and 3

The Faculty's mode of teaching is primarily large-class contact. This is supplemented by some tutor tuition especially in the first year of instruction. Teaching and learning aids in the form of Moodle- and SharePoint-based provision of on-line learning materials, electronic information sourcing and some interactive teaching takes place. The Faculty pioneered "blended learning" in the institution and recognizes the usefulness of information technology as an important pedagogical tool. The Faculty makes use of graduate teaching assistants to provide tutoring to first-year students. A system of "Supplemental Instruction" ("SI") is also in place. This system provides for senior, trained students to provide additional instruction on a voluntary basis to students in modules that have low pass rates. Students interviewed by the panel expressed their satisfaction with SI and suggested that it could be expanded and even made compulsory for students.

The panel is satisfied that the Faculty, through its Teaching and Learning Committee, has a demonstrated commitment to innovative teaching and learning methods to complement large-class teaching and to thereby overcome the disadvantages of such large-class teaching in a resource-strapped environment (too few venues; high staff: student ratio; inadequate resources for expansion).

The panel has already suggested above that the Faculty should provide for tutoring opportunities for senior students on a much larger scale than is presently the case.

4. The Faculty does not provide non-contact learning materials.

Student evaluations are routinely done in the Faculty. The format of these evaluations are currently under review, as the students expressed themselves as suffering from "evaluation fatigue", which lessens the value of such evaluations. The recent introduction of the performance management approach, *Framework for the Recognition of Excellence*, provides for each lecturer to formally reflect on her/his teaching effectiveness by using, among others, student evaluations. Students are also active participants in the Curriculum Renewal Journey currently underway in the Faculty.

5. The panel has already commented favourably above on the RADAR pilot project initiated in the Faculty for the identification of at-risk students and has also commented favourably on the support available to students who wish to use such assistance. The panel noted the graduation and throughput rates in the Faculty in the last number of years. As acknowledged by the Faculty, these rates are low: on average less than 50% of the students for the mainstream LLB and less than 30% of the programme for the extended programme graduate. While these rates are not obviously out of line with throughput rates nationally, it is nevertheless concerning to note that the throughput rates remain low despite the clear effort in the Faculty to provide academic support to its students.

The panel **commends** the Faculty on its readiness to innovate in the field of teaching and learning and to initiate projects within the institution designed to improve teaching and learning capacity.

The panel **recommends** that attention should be paid to the development of “module outlines” that are template-based and provide detail information on the nature and purpose and design of the module, including appropriate referencing of the primacy of the Constitution (e.g., quoting from its Preamble and from section 39(2)).

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates’ learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- *an adequate student:staff ratio;*
- *adequate physical resources, such as teaching venues and audio-visual equipment;*
- *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

7. *What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

8. *What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

### **Panel Comment**

1. The panel notes that the Faculty adopts a variety of formative and summative assessment methods. These range from standard tests and examinations, to assignments – individual and group-based – oral presentations, portfolios of evidence and continuous assessment. However, by far the predominant form of assessment is tests and exams. The panel is, though, satisfied that a variety of assessment methods are used.
2. The curriculum makes provision for the students to engage in independent research. The dominant mode for the assessment of such independent research is assignments. In the SER and in our interview with the academic staff the approach adopted to the setting of assignments was explained. Given the importance attached nationally to the inculcation in law students of reading, writing and research skills, the panel is of the view that the approach adopted by the Faculty to addressing this need needs improvement. The following concerns are highlighted:
  - (i) Assignment are set in less than 40% of the modules that form part of the LLB curriculum. This is too low a proportion, even on the understanding, as suggested by some of the academic staff, that some of the assignments that are set form an important component of a student’s study in a particular year (e.g., the group assignment set for *Human Rights Law* in the second year).
  - (ii) The panel interrogated the nature of the assignments set for the students in the modules. In many cases – not in all – assignments are in the nature of writing tasks and do not have a substantive research or critical thinking component. While this is acceptable in the first year *Legal Skills* module, it is not so in later years of study.
  - (iii) The panel found no evidence of a structured, planned approach to the setting of assignments in the various years of study. The setting of assignments is largely dependent on a particular lecturer’s approach to assessment in a particular year and on the capacity of the lecturer to assess the assignments set. The panel is of the view that the Faculty, in its revision exercise, should develop a clear strategy for the setting of assignments and other writing tasks (e.g., drafting) throughout the curriculum that definitively addresses the poor research, writing and reading skills that many law graduates have.
  - (iv) The panel acknowledges that the curriculum provides for two writing and research-based modules, namely the *Research Assignment* and the *Research Essay*. Both modules, however, are electives and, based on our understanding of the student enrolments in 2015, very few students (less than 10%) register for these modules. Although the panel fully appreciates the time and effort involved in assessing research essays, it urges the Faculty to consider making the *Research Essay* module compulsory. Given the Faculty’s readiness to innovate in the field of teaching and learning, the panel expresses the view that an innovative approach to a compulsory and substantial research essay will be found.
3. The panel is satisfied that enough opportunities exist in the LLB curriculum for students to engage in problem-solving tasks, either in actual real-life situations (in the *Legal Practice* module) or in simulated real-life situations.
4. The panel is satisfied that the students are sufficiently exposed to information

technology in the formal curriculum to teach them to appropriately engage with such technology as an important information tool.

5. The panel is satisfied that sufficient opportunity exists for all students to be given regular and constructive feedback on their assessments, as a means of academic support and development. The students interviewed by the panel expressed their satisfaction with the readiness which all lecturers had to engage with students in consultations or informally.
6. The panel is satisfied that adequate resources exist for appropriate teaching and learning to take place in the Faculty. The panel was given a tour of the facilities. It found that the library is adequately stocked with study materials (in both hard copy and electronic copy) to enable all students to gain access to prescribed and recommended learning materials and that the library staff is qualified and available to assist the students in their research needs. The panel found the teaching venues adequate for their purpose and sufficiently provided with audio-visual equipment. There was also a range of venues that allowed for Wi-Fi access in the classroom. The panel visited the Law Clinic and was impressed with the nature and the location of the facilities.
7. The panel found that the assessment and moderation policies conform to institutional rules and procedures. All first and second year modules are internally moderated and all third and fourth year modules are externally moderated. Provision is made for external moderators to be replaced after three years.
8. The panel is satisfied, after its interview with the support staff, that sufficient checks and balances exist in the system and are sufficiently implemented to ensure the integrity of the academic process, from registration to eventual certification.

The panel wishes to **commend** the Faculty on the quality of the facilities and the location of its Law Clinic.

The panel is of the view that **improvement** is needed in the approach adopted by the Faculty to assignments as an important assessment method for the reading, writing and research skills of its students.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

1. *What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
2. *What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
3. *Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

The panel is satisfied that issues of credit transfer and credit recognition are adequately dealt with. While no hard-and-fast rules exist it is clear that decisions on whether or not to award credits are taken at a senior level and are subject to effective control.

Many articulation possibilities exist for students. LLB graduates who achieve an average mark of at least 60% can register for a number of master's programmes in law, both taught programmes and dissertation-based programmes. Graduates are also able to register for a number of postgraduate diploma qualifications. Horizontal articulation possibilities will soon be guided by an institutional policy, *Guidelines for Articulation into Programmes*, once it is formally approved (SER, p 140).

**Panel Comment**

1. The panel is satisfied that sufficient measures are in place to monitor student throughput and graduation rates. The full implementation of the RADAR system will further enhance this capability. The Faculty has identified a deficiency in the manner in which it is able to monitor and manage throughput rates with reference to race and gender. The tables provided in the SER (p 144-146) suggest that the throughput rate of African students is generally lower than that of White students. As stated above, the Faculty's throughput and graduation rates are not high, despite all of the support offered to students.
2. Graduates are made aware in the course of the LLB curriculum of the different career options available to them.
3. NMMU does graduate tracking, but it is, as in most institutions, done inadequately.

Plans are in place to improve the capability of the institution to track its graduates by means of better liaison between the Faculty and the profession. Mention has already been made of the commendable interaction that already exists between the Faculty and members of the legal profession in Nelson Mandela Bay. Such interaction can only but enhance the Faculty's ability to react to perceived weaknesses in the education of the law students and to seek to address them.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

***Panel Comment***

The panel is satisfied that the LLB programme is well managed, that sufficient leadership within the Faculty exists to ensure appropriate management, administration and coordination of the teaching and learning activities of the programme. There exists a close working relationship between the Faculty and the institution in respect of such matters as quality assurance, policy design and implementation, student support and ICT support. The programme is firmly embedded within the institution and forms an integral part of the long-term strategic planning of the institution.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of Nelson Mandela University be re-accredited subject to meeting specified conditions.**

<b>Conditions</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The Faculty must report on a review of the curriculum that ensures adequate sequencing, and horizontal and vertical progression, in the modules of the programme. The review should include attention to the development of adequate reading, writing and research skills.	1 (iv), (vi)
<u>Short-term</u> 2. An improvement plan must be produced to address current imbalances in staff demographics.	4 (iii), (iv)

The NSRC **commends** the programme in respect of the following aspects, identified by the site visit Review Panel.

1. The extent and nature of the engagement between the Faculty and the organized legal profession in Nelson Mandela Bay. This goes beyond annual prize-giving and involvement with bursaries. It is a dedicated implementation of an approach that seeks to involve the profession in the teaching activities of the Faculty and in creating opportunities for students to interact constructively and over a period of time with members of the profession. The facilities of the Law Clinic, the location of the Clinic in the heart of communities where indigent people live, and the manner in which the Clinic is conducted.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (LLB)
<b>Name of Institution</b>	University of Johannesburg
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Auckland Park Kingsway Campus
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	508/500 (with 444 law-related credits)
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC’s National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);

- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

The University of Johannesburg LLB curriculum advances aspects of transformative constitutionalism as reflected in module outlines, as well as formative and summative assessments of the modules Constitutional Law, Bill of Rights and Administrative Law. 1<sup>st</sup> year students are required to write an assignment on transformative constitutionalism. The content of Indigenous Law reflects aspects of the changing community values. The course inculcates student awareness of constitutional imperatives such as gender equality in customary marriages, the impact of the Recognition of Customary Marriages Act and rules of succession governing such marriages. Students are taught about the impact of the Constitution on social security rights in Social Security Law, hence enhancing their knowledge on aspects of constitutional imperatives. (It is noted that the LLB curriculum for students coming from the B Com (Law) does not include the module on Human Rights, which was introduced as a result of the module in Constitutional Law being reduced from a full course to

a semester module.)

The values of social accountability and social justice are inculcated in students and are apparent in the culture of the Faculty. This is indicated by the sense of respect and integrity among students towards each other, such as donating food parcels to their less privileged fellow students and supporting selected community organisations and members of society e.g. the homeless, HIV- positive citizens, and orphans. However, the alumni students interviewed expressed concern with regard to the limited number of prescribed or elective modules in public interest law. .

Public International Law and Private International Law advance aspects of globalisation by teaching students critical aspects of the relationships between states. This is apparent from the formative and summative assessment examples provided.

Responsiveness to information technology is evidenced in the use of the Blackboard platform and the use of e-books as a strategy to ensure that students keep up with the ever-evolving technology. Students also have access to various databases in the library. There is no dedicated cyber law module.

#### Conclusion

The standard is adequately met. The panel recommends that consideration should be given to the inclusion in the curriculum of attention to cyber law.

#### **Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

#### **Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

From the interviews with Senior Management and HODs and Faculty documentation, there seems to be adequate evidence to indicate that the LLB programme aligns closely with the University of Johannesburg's mission to inspire the community to transform and serve humanity through innovation and the collaborative pursuit of knowledge. The Faculty has adopted the institution's 2020 Strategic Plan, including the focus on Access and Excellence in Teaching and Learning. The use of Assistant Lecturers and Tutors promotes this goal. The Faculty does not have its own Teaching and Learning Strategy.

There is no outsourcing of modules.

#### **Conclusion**

The standard, and Criterion 1 (i), are adequately met.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

- 1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
- 2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
- 3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
- 4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
- 5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. To a limited extent the LLB programme does prepare students to enter the three career paths: (i) into legal practice; (ii) into other careers requiring the application of law; and (iii) post-graduate study. However, during the interviews with students and alumni, the panel heard that there is a greater emphasis on legal practice, rather than on research or other career options. This is indicated by the emphasis on moot courts, drafting of legal documents and oral presentations. Furthermore, there is no compulsory or elective research-intensive module at fourth year. However, some modules such as Law of Persons, Law of Property, Public International Law, Private International Law, Jurisprudence, Interpretation of Statutes and Constitutional Law require students to tackle problem-type questions and to complete essay-type assignments.
2. The legal/clinical education component is addressed adequately. Each student is required to take Applied Legal Studies wherein there are taught consultation skills, drafting skills, oral communication, ethics, legal research and analytical skills. This was confirmed during the tour of the Auckland Park Law Clinic where we observed students consulting with real-life clients. The supervising attorneys are knowledgeable in their field of expertise. Moreover, the Law Clinic contributes significantly towards social justice imperatives, which is commendable. The alumni students interviewed also acknowledged the benefits of their clinical education experience when serving articles. Students are also involved in mooting exercises which develop their advocacy skills.

**Conclusion**

There is a need to improve the focus on other career pathways besides formal legal practice.

### **Panel Comment**

1. The LLB syllabus clearly sets out the modules that are offered within the Faculty of Law. The inclusion of the non-law modules at first year is commendable as it allows students to choose modules that enhance their perspectives from other fields. However, the level of complexity of assessments as the LLB level progresses needs to be improved. This is evidenced by the type of assessment questions in some modules that generally fall short of the requirements set out at NQF exit level 8.

The SER mentions that there has been relatively little change in the curriculum design since re-curriculation in 1997, although there have been minor amendments. The four-year integrated curriculum includes, besides law modules, two semester modules in English, and two semester modules at first year level in another discipline. The rest of the programme comprises core modules, apart from a 12-credit elective module taken in the final year, selected from three options (Intellectual Property and Competition Law, International Trade Law, and Social Security Law). Students entering the LLB holding a BA (Law) or B Com (Law) follow curricula that, in the main, are similar to the third and fourth years of the integrated LLB.

2. The integrated LLB comprises 444 law-related credits (60 in 1<sup>st</sup> year, 132 in final year) as well as 64 (or in some cases 56) credits in English and the non-law discipline. (A preceding BA (Law) programme includes 204 law-related credits, and a B Com (Law) 192 law-related credits. The numbers of law-related credits in the two-degree routes differ slightly from the number in the integrated programme.) This appears reasonable, in terms of total credit allocation. There is comment below on a low throughput from third to final year. There is a possible link between this and the structure of the third year curriculum, which includes four full-year courses, compared with two in the second year and only one in the final year.

3. A question arises in respect of the need for a curriculum sequence that results in increasing complexity and levels of intellectual demand. There is little evidence from assessment tasks provided to the panel that there is progression through the programme from NQF level 5 to level 8. Much of the assessment in the later years of the programme is not significantly at a higher academic level than what is required of students in the first year. For example, levels of demand in some final-year modules – assessed through multiple choice or short-answer questions limited to description or recall – are not noticeably higher than the level required for an assignment in the introductory first-year module Legal Studies. Alumni who have proceeded to post-graduate (Masters-level) studies stated that they were inadequately prepared, on exit from the LLB, for the skills and techniques required for research. This raises the question whether the LLB fully achieves graduates' capacity to enter higher studies, which is specified in the LLB Standard purpose statement. In terms of NQF level descriptors, the depth of knowledge and capacity for problem-solving commensurate with the exit level are in need of attention.

4. Most courses are allocated either 24 credits (for a full-year course) or 12 credits (for a semester-length module). Credit allocation is appropriately spread across the years of study. In respect of notional hours of study, the panel notes the relatively low number of lecture/contact hours, in many cases, compared with the notional hours allocated to self-study and assessment (one example is 18% for the former, and 82% for the latter). Thus it does not appear that the use of blended learning materials (on Blackboard) adequately substitutes for the low percentage of contact tuition. While marks are allocated for tutorial performance, in Table 2 of the SER, zero hours are allocated to tutorials in all but the first year.

5. The curriculum covers the basic aspects of law, as required by the Standard. Students and alumni expressed the view that there is a significant emphasis on mercantile and corporate law, and that the

range of electives available in the final year is too limited to cater for the needs and interests of graduates intending to enter other fields of employment. The SER states that the elective options could be increased only through an additional year of study.

### Conclusion

The standard, in respect of questions 3, 4 and 5 above, is adequately met. However, the standard in respect of questions 1 and 2 above, and Criterion 1 (iv) are not adequately met. There is a need to review the developing level of demand and the complexity of assessment (tests, assignments and examinations) to reflect the NQF exit-level of the module.

### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

### **Panel Comment**

1. The recruitment strategy is outlined on p 61 of the SER and the admission criteria on p 65. Students may be admitted with 35 matric points (APS). Most of the applications and registrations are done online, with a call centre facility to support applicants. There is a central admissions office for the University which processes applications. The Faculty staff are required to verify information where students have credits from another degree. Once verified, these are sent to the central admissions office. Registration is done online through the central admissions office.

The demographic profile of entering students aligns adequately with regional demographics (p 64 of the SER).

There is a University-wide RPL policy which is applicable, but no students have been admitted in terms of this policy.

2. During the 1<sup>st</sup> year, students are required to participate in the First Year Experience Programme,

which seeks to introduce students to a number of facets of student life. Core skills are taught in Legal Skills and Introduction to Legal Studies and English for Law. There is no specific numeracy skills module, but aspects of numeracy are incorporated into the 1<sup>st</sup> level modules, particularly in the tests and examinations in the 1<sup>st</sup> year module, Law of Persons and the Family, and later in Delict and Succession.

### Conclusion

The criteria are adequately met.

## **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

- (1) what other discipline(s) may students pursue?; and
- (2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

### **b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

### ***Panel Comment***

#### **a. Knowledge**

1. The SER (p 150) outlines the modules in the LLB degree which are designed to provide a 'comprehensive and sound knowledge and understanding' in relation to the South African law and the legal system, the associated values and the historical background. These include 1<sup>st</sup> year compulsory modules in Introduction to Legal Studies; Legal Skills; and 2<sup>nd</sup> year modules in Human Rights Law and Indigenous Law. There is sufficient evidence in the course outlines and examination questions that these requirements are met.

2. Basic areas of law are covered in a range of modules: Criminal law (private law) Administrative law (public law), Law of Contract (mercantile law), Civil Procedure (formal law), International Law (international law and comparative aspects of law); Jurisprudence (perspectives on law); Applied Legal Studies (the legal profession). The dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts is covered in a wide range of modules including Indigenous Law, Labour Law and Law of Property (see p 169 of the SER). The site visit confirmed that these aspects are evident in the module outlines.

Students may register for a limited number of elective modules in the final year. These include International Trade Law; Social Security Law; Intellectual Property. Students and alumni interviewed

indicated that they found the curriculum narrowly focussed towards corporate law, with little opportunity to explore public interest law subjects. It was suggested that the Faculty could offer a wider range of elective modules, including subjects such as Medical Law, Environmental Law, Gender Law, Competition Law and Research Methodology.

3. Students are required to register for 2 semesters of English, and another non-law course for another 2 semesters in either Development Studies; Historical Studies; isiZulu, Politics; Psychology or Sociology. English may be taken through either English for Law or English A and B. Students expressed reservations about both routes, in terms of perceived benefits for law-related studies.

4. In the integrated LLB curriculum, the choice of non-law modules is limited: the explanation by the Faculty is that 'timetable challenges have necessitated the reduction in choice' (p 171 of the SER). There is also little room in the curriculum to add further non-law modules. The total number of non-law credits is 64/56 credits. In the BA (Law) programme, there are 172 non-law credits; in the B (Com) programme 236 non-law credits. In respect of the last-mentioned routes, the relation between law and non-law credits appears appropriate.

### **b. Skills**

The development of critical thinking skills is specifically targeted in the 1<sup>st</sup> year modules: Introduction to Legal Studies and Legal Skills, outlined on p 180 of the SER. Innovative assessment was demonstrated in some of the modules (for example, Interpretation of Statutes and Jurisprudence). Students interviewed also indicated that the development of these skills was addressed in Law of Succession, Law of Evidence and Administrative Law. However, there is no consistency in the complexity level in some of the 3<sup>rd</sup> and 4<sup>th</sup> year modules. Most of the assessment is based on rote learning by students, and not critical analysis of legal knowledge.

The development of research skills occurs largely in the form of assignments. Students are required to complete assignments in each year of study. There is no module (compulsory or elective) which requires the writing of a research project or treatise, and demonstration of intensive research capability. Alumni who are currently engaged in LLM studies stated that they had been inadequately prepared for post-graduate research tasks.

The development of writing skills: students are required to draft legal documents and prepare written submissions (for example in Private International Law, Bill of Rights, Law of Property and Civil Procedure). Detailed examples are outlined in the SER (p 203 to 209). A good deal of attention is paid to developing writing skills in the first year. Written work of students may be reviewed and edited by tutors prior to submission, but in the later years this is not a pre-requisite for submission of assignments. Students interviewed indicated that they found the guidance of the tutors in this regard invaluable, but the ratio of students to tutors in the third and fourth year subjects raises a question of capacity to provide individualised writing support to all students.

### **b. Applied Competence**

Ethics and integrity are not dealt with in a separate module. These aspects are dealt with in a number of modules (Civil Procedure, Law of Evidence and Litigation Techniques, Jurisprudence and Applied Legal Studies).

Communication skills and literacy competency is demonstrated in the compulsory Moot Court component.

There is evidence of assessment of numeracy as a competency in Legal Skills, Law of Persons and the Family, Delict and the Law of Succession.

Information technology is fostered to some extent through blended learning, where students are required to use the Blackboard platform to access module materials. However, it seems that interactive online learning is engaged in in only a very limited number of courses. Examples of the use of information technology in the modules are provided on p 226 - 228 of the SER. There is no specific module on cyber law.

Problem solving skills are evidenced in some of the assessments in most modules, where students are presented with a set of problem facts and are required to unpack the legal issues and the solutions to the problem. However, in some assessments, despite the initial impression that a question required an analysis of a complex set of hypothetical facts, the subsequent short answer questions based on the facts were not particularly challenging, nor did they require sophisticated problem-solving skills that could be expected of senior law students. Alumni interviewed indicated that in practice they were able to identify and resolve legal problems. However, there are a number of courses (even at 4<sup>th</sup> year level) where assessment is by way of multiple-choice or short, non-analytical descriptive questions. It is recommended that more complex questions should be set for students at 4<sup>th</sup> year.

Self-management and collaboration is evident in a large number of modules. Students interviewed indicated that in all modules they were required to self-study and that there were many opportunities for group work. Examples of group assignments could be found in Law of Persons and Family; Moot Court; Evidence; Civil Procedure; Private International Law, Applied Legal Studies, Delict and Interpretation of Statutes (p 234 -237 of the SER).

Transfer of acquired knowledge and service to the community are evident from the compulsory component where students are required to participate in the Law Clinic. The panel commends the Faculty on its three Law Clinics, which are well-resourced. The Soweto Clinic provides access to a broader range of indigent clients. Students took the view that the clinic should run over the full year to allow them to see the cases they dealt with progress to completion or resolution.

There is a strong sense of agency and accountability in the focus on social justice in some of the modules (see p 242 of the SER).

### Conclusion

The standard is adequately met. The panel recommends, however, that attention should be given to enhanced development of research and problem-solving skills.

## **Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum?*

*What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

**Panel Comment**

1. There are 43 academic staff members in the Faculty. Thirty-one of the 43 academic staff members are involved in lecturing the LLB. The minimum required qualification for any new academic appointment at lecturer level is an LLM degree. Of the 31 staff members, 12 staff members have doctorates and 19 have Master's degrees. Of the 9 rated researchers, only 3 lecture LLB students. Staff involved in lecturing the LLB programme include; 7 Professors, 8 senior lecturers, 15 lecturers and the Director of the Law Clinic.

All academic staff currently lecturing on the LLB are in possession of a Master's degree. Twelve staff members who lecture on the LLB have doctorates. Two Professors who occupy research chairs are not involved in the delivery of the LLB, while others are involved in the delivery of Master's programmes or have entered into agreements with the university that allow them to focus solely on research. The evidence suggests that students are exposed to a diversity of expertise, styles and approaches.

2. The student: staff ratio is high and is a cause for concern. Student: staff ratios were provided per academic department. No figure was provided for the overall staff: student ratio in the delivery of the LLB, but it was acknowledged that it is not ideal.

The Faculty has an academic staff workload policy. The workload allocated to each individual staff member depends on a number of circumstances. The workload policy does not contain a formula according to which academics are assigned to modules. The practice indicates that an academic is normally not required to be involved in the delivery of more than one LLB module. The high staff: student ratio impacts on the ability of staff to provide detailed feedback to students on tests and assignments. The practice in the Faculty is that an academic will present a total of one-hour-and-a-half lectures a week per module. It is possible that the reduced contact time is as a direct result of the student: staff ratio, attributable to the increasing student intake over the past years.

The Faculty employs tutors, senior tutors and assistant lecturers to assist academics. Tutors are appointed for most subjects. In the first year the tutors meet with students for one-on-one consultations for which attendance marks are allocated. From 2<sup>nd</sup> to 4<sup>th</sup> year, the tutors have scheduled consulting hours in an office where students may consult them if they are experiencing problems in the course for which the tutor has been appointed. Marking assistance is provided by tutors to alleviate the marking burden of academics. In the interview with academics an example was provided where the lecturer takes responsibility for marking the substantive criteria of a test or

assignment and the tutor/marking assistant is responsible for marking according to the style criteria. It is recommended that the Faculty consider utilising the tutors for the presentation of traditional tutorials, teaching skills interactively to students in small groups, based on exercises designed by the lecturer, in addition to merely consulting with students. There are a few academics who use blended learning in an extended manner, but they are in the minority. It is recommended that academics consider incorporating more blended learning to address the high student: staff ratio and limited contact time in lectures.

3. Recruitment, employment, promotion and professional development of academic staff are governed by University policies. The UJ Resourcing policy provides for recruitment and employment of staff (see p 90 of the SER) as does the University's Employment Equity Policy (see p 92 of the SER). There is racial diversity among the staff (see table 23 of p 93 of the SER). In 2015 UJ adopted an accelerated academic mentoring program to fast-track black academics and women. The Law Faculty currently has 5 staff members participating in the program. One designated staff member and four women participate in the program. All newly appointed academics attend a formal induction program. A mentor is appointed for a year for each newly-appointed lecturer. Academic staff members not in possession of doctorates are provided with teaching relief to assist them to work towards finalizing their doctorates.

Promotion criteria are determined by the University and the Faculty adopted its own policy in line with the guidelines of the University-wide policy. Any academic can apply for ad hominem promotion once s/he meets the criteria. The law faculty has guidelines in respect of promotion of academic staff. Promotions in the faculty are not dependent on a post being available within the post provision. A HOD in an interview mentioned that at "UJ you do not have to wait for someone to retire or die before you can get promoted."

#### Conclusion

The criteria are adequately met.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

### **Panel Comment**

1. There are 25 administrative, technical and support staff members in the Faculty. This includes the staff at the Law Clinic. The IT department on the third floor is available to students the whole day if they experience any IT-related problems. The Faculty has recently implemented a verification system for the checking of marks. Senior tutors check that marks are added correctly and captured correctly.
2. University induction policies apply and there are sufficient support and development opportunities for administrative staff.
3. The identification of students at risk is informal; it is largely dependent on individual lecturers contacting and meeting with vulnerable students. The panel recommends that the Faculty implement a uniform programme to identify students at risk, to support and monitor them in a coherent, consistent and extended intervention.
4. There is no distance learning offered.

### **Conclusion**

The criterion is largely met, but there is a need for improvement in one area: the Faculty needs to create a formal process to identify students at risk and to monitor and support their progress.

### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 5, 11 and 12)**

1. *How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
3. *How are the teaching and learning strategies aligned with the mode(s) of delivery and the resources required for effective teaching and learning through the tuition mode(s)?*
4. *Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
5. *What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
6. *How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### **Panel Comment**

1. The initiatives and resource allocation pursuant to the Teaching and Learning Strategy, to support the Law Faculty with funding for and training of tutors, in addition to providing support to lecturers who are implementing aspects of the e-learning strategy, are commendable.

However, within the Faculty, there is no specific sub-committee which includes academics other than those involved in management that is focused on teaching and learning matters. Formal participation of all staff in processes such as the allocation of subjects and teaching loads does not take place. Co-ordination across subjects in any year appears to be informal.

2. & 3. The existence of a First Year Experience (FYE) Committee that coordinates the first-year experience and first year teaching approaches, in line with the UJ FYE programme is to be **commended**. An extension of that type of coordination for other years of study would be worthy of consideration.

It is of concern to the panel that there is limited contact teaching time even in the fourth year. In addition, no formal tutorial programme, in which students could engage in complex problem-solving and application exercises, is in place. Such tutorials could provide students with an opportunity to practice high level cognitive thinking skills of analysis, synthesis and evaluation, appropriate to NQF Level 8 modules. Some of the final examination papers in both third and fourth year reflect an approach that rewards factual recall through the extensive use of multiple choice questions, 'matching' answers, and descriptive or narrative questions, even when such questions seem to be based on a complex hypothetical fact pattern.

The stated focus on professional 'being' and the development of professional skills is addressed through teaching of drafting and trial advocacy skills. However, given the large student numbers, students expressed a view that it is not possible to effectively expose them to a variety of drafting exercises in large groups during a lecture. The purpose of preparing graduates for the legal profession is addressed in the curriculum, with an emphasis on mercantile law subjects. However, there is some doubt as to whether the two other purposes of the qualification are addressed with equal rigour. Students are not required to write a research paper in their final year which might better equip them for postgraduate study. Other than Social Security Law, there are no public interest law courses which might encourage students to consider employment in fields other than professional legal practice. Students stated that, in their opinion, the Faculty sustains an ethos that focuses on and primarily promotes the career path of obtaining of articles of clerkship after graduation.

The size of the classes appears to present a challenge in allowing academics sufficient time to engage in research; however, the academics interviewed did not seem to find this an insurmountable hurdle to producing publications. The restricted number of contact lectures may contribute to this ability to balance the demands of an academic career in the Faculty.

4. The requirement that all first year students, since 2015, have a tablet is a progressive initiative that has been supported with faculty funding. The provision of e-text books similarly addresses concerns of the affordability of books. The limited availability of computers for law students' use in the Law library is a cause for concern. Although students may use computers in other locations, it was stated that there are usually queues of students waiting to use those computers in general student use areas. In the opinion of the panel, additional provision of computers specifically for law students' use, in order to meet the requirement that graduates are proficient in electronic research and are able to respond to ever-evolving information technology, is recommended.

5. Course evaluations are conducted annually. Informal student feedback on assessments in the Faculty was that assessments often reward rote learning. Because of the limited number of contact lectures, students are often expected to read and understand many cases that are not discussed in classes: this leads to 'cramming and spotting' and short term memorization of facts without deep conceptual engagement.

6. The Faculty acknowledges that there is currently no institutional system in place to identify 'at risk' students, but the University of Johannesburg is planning to implement this. Strategies to identify and support vulnerable students at 1<sup>st</sup> year appear to be holistic and well-coordinated. However, in the subsequent years of the degree, such identification and interventions are ad hoc and depend on the individual lecturers. It is the panel's view that a more embedded approach, applying consistent criteria and coordinated and extended support interventions be developed. There does not appear to be follow-up on students who have performed poorly in a June test after a single meeting with the lecturer, or where students have been referred to counselling services.

### Conclusion

The criteria are largely met, with some improvement required in resolving issues arising from the high student:staff ratio, and in monitoring and assisting at-risk students.

### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- *an adequate student:staff ratio;*
- *adequate physical resources, such as teaching venues and audio-visual equipment;*
- *adequate access to library and e-resources (taking into account the mode(s) of tuition and*

*institutional policy for access to resources);*

- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

### **Panel Comment**

1. The university policy requires regular assessments but these may be tests only. Written assignments are not necessarily required in all modules.

2. Development of students' research skills is supported throughout the four years; however, there is no evidence of development of these skills to an advanced NQF level 8, and there is no capstone research assessment in the final year. It has already been mentioned that graduates proceeding to post-graduate studies have experienced this as a problem.

3. The first year skills courses, procedural courses and applied legal skills include real life work activities. Memoranda supplied for most case study assessments suggest that they do not require analytical or critical problem solving skills but are rather focused on short descriptive or narrative answers. Factual recall is rewarded rather than understanding of the legal issues. It would appear that the design of the assessments is geared towards facilitating quick marking of a high volume of scripts, at the cost of enhancing students' understanding of and deep engagement with legal concepts. Multiple choice questions and recall of quotations from cases are used in assessments extensively, even in third year courses. While students are benefitting from the assessments used in procedural courses, and the Faculty should be **commended** for their efforts, it is recommended that the level of complexity in final year electives, as evidenced in the assessments, be reviewed.

4. Blended learning does not appear to be widely used. Access to Wi-Fi in all lecture venues may be a constraining factor. Online learning activities using Blackboard could be a means to facilitate additional active learning and contact with the students.

5. There does not appear to be much opportunity for personalized feedback on students' writing skills in a Faculty that has a particularly high staff: student ratio. Whilst general feedback either online, through the use of 'codes' that refer to general feedback documents, or by means of in-class discussions of memos is given, in students' opinions, they do not receive individual advice on assignments or tests that suggest how to improve their writing, beyond the opportunity of consulting a tutor for feedback on a first draft. The opportunity to consult a tutor or even a lecturer for feedback on a first draft is available, but it seems unlikely that the faculty has the capacity for the majority of students to do this.

6. The limited availability of venues necessitates teaching and assessing full time students in the evening. This no doubt negatively impacts on the learning experience of students. Students interviewed indicated that the evening lectures pose a security risk and transport difficulties for

students living off-campus. The panel notes with some concern that the faculty has adopted a policy that each course beyond first year has only 2 lectures of 45 minutes each per week, with no supplementation of teaching through tutorials. Computers dedicated to law students are not adequate. Students complained that they have to queue at the general university computer labs. While the provision of tablets is commendable, this does not eliminate the need for students to have access to computers to prepare and print or submit online assignments.

The Faculty is to be **commended** on its clinical legal education program which is well-resourced with both staff and facilities. The quality of supervision, assessment and teaching materials is of a very high standard. The Law Clinic extends its services to an additional two off-campus clinics and provides community service and outreach support to indigent communities. It exposes students to contextual realities and heightens their awareness of social justice.

7. Exit courses are externally examined and internal courses are internally moderated. This meets the criteria adequately.

8. Independent exams and invigilation offices control the administration and security of assessments.

#### Conclusion

The criteria are met, with the exception of Criterion 13 (iv). Improvement is required in respect of the range and levels of assessment, particularly in the later years of study. The panel also recommends that policy for and practice of student feedback should be reviewed.

#### **Progression ( refer to the LLB standard, and Criterion 1 (v))**

*1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*

*2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*

*3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

#### **Panel Comment**

1. From the SER there seems to be a process that the Faculty uses to ensure a proper transfer of credits. It is recommended that a formal policy consistent with institutional regulations be applied, to ensure consistency of application.

2. The Faculty has a seven-year shelf-life for credits, which seems appropriate.

3. According to the Faculty of Law: Qualifications and Regulations, 2015, a student with an average of 65% for the LLB degree may be admitted to the LLM programme. The admission requirement seems to be fair and allows for vertical articulation.

#### Conclusion

The standard and criterion are met. The panel recommends that there should be a formal policy on the transfer of credits.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. The throughput rate is extremely low. (SER p 280-292). It is recommended that the Faculty puts measures in place to support students beyond the first year. Lecturers are not all actively participating in providing support and monitoring students at risk beyond first year. There seems to be a significant drop in student numbers between the third and fourth years of study. The concentration of 4 full-year courses in year three could be a contributory factor. The Faculty should provide a plan to implement, in a co-ordinated manner, a strategy to indicate how the throughput rate will be addressed. Formal structured tutorials and other support interventions are necessary.
2. Even though the Faculty lists a number of activities geared towards informing students about the options available, interviews with the students revealed that there was a great deal of focus on the attorney's profession. Students expressed concern that the design of the curriculum was too heavily focussed on commercial law.
3. Graduate tracking does not appear to be effective (see p 295-297 of the SER).

**Conclusion**

Most criteria are adequately met, with the exception of Criterion 17: there is need for more effective remedial measures to address and resolve the low throughput rates, particularly throughput from third to fourth year, and on-time graduation rates.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB*

programme(s)?

**Panel Comment**

The program is co-ordinated through heads of department. All decisions are taken at Dean's committee meetings. It is noted that non-executive staff do not participate in the Dean's committee meetings decisions.

Conclusion

The criterion is adequately met. The panel recommends that best aspects of the First-Year Experience coordination be adapted for other years of study.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of University of Johannesburg be re-accredited with the following conditions.**

Condition	Relevant criteria
<u>Short-term</u>  1. The institution must submit a plan for re-curriculation of the programme, to ensure more coherent horizontal and vertical articulation between modules and years of study, to provide a balance that reconciles with the current emphasis on commercial and mercantile law, and to prepare graduates for the various pathways indicated in the LLB Standard.	1 (v), (vi), (viii), (ix)
<u>Short-term</u>  2. The institution must submit a plan that demonstrates coherent and appropriate alignment between content, and approaches to teaching, learning and assessment, in such a way that enhances critical, analytical and research skills, and reduces dependence on rote learning.	1 (iii) 12 (i), (ii) 13 (iv)
<u>Short-term</u>  3. The Faculty should review its strategy for improving student retention and on-time completion, including effective identification of and support for at-risk students.	11 (iii), (iv), (v) 17 (i), (ii)

The NSRC **recommends** that the institution attends to the following matters.

- I. Perceptions of under-staffing in the programme might be addressed through a revision of workload policy to optimise the use of staff members in their areas of expertise.

- II. The Faculty should conduct on-going evaluation of its use of on-line learning tools (Blackboard and tablets) to supplement contact-mode learning, especially in providing for development of students' drafting and writing skills.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (LLB)
<b>Name of Institution</b>	University of Venda
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Thohoyandou
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	498
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);

- *Criteria for Programme Accreditation (CHE, 2004);*
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme’s compliance with the national qualification standard;
- Comments on the programme’s meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme’s re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

The SER (p 10 to 16) lists a number of instances that provide an understanding of how the Law School addresses transformative constitutionalism and the inculcation of constitutional imperatives. This is reinforced in the Response document (p 1 to 3) which states that these are examples of modules but the SER does not “provide an exhaustive list” of all types of transformative constitutionalism.

Social justice issues are addressed through the Law Clinic (Response p3) and through public lectures and seminars. There are a few examples of the latter in the SER. We were informed that the Law Clinic deals mainly with Criminal Law, guardianship issues and damages. In our interviews with the alumni, it was confirmed that candidate attorneys receive exposure to these types of matters in the main. The Legal Aid Clinic addresses the clinical legal education component of the LLB and the

community development function.

The Centre for Human and Peoples' Rights is currently not operational and therefore cannot address the concerns around social justice. In the interviews we were informed that a post of Professor in Human Rights was being advertised. In addition, it was unclear whether that Centre would address local human rights issues through its community law arm. If this were to happen, there is a likely overlap with the Law Clinic's work.

There was initially no evidence that the Street Law Programme (SER p 25) was operating in the files produced by the School, apart from the National Schools Moot Court Competition. Later, upon inquiry, further evidence was produced of work undertaken in correctional centres and high schools together with a file on Street Law 4531 which is a taught and examined elective course. The engagement of the School in the Moot Court Competition is another example of their commitment to social justice.

In our interview with management we were informed that the University was essentially a national university and the School of Law cannot, therefore, be as responsive to globalization as it might wish. At best it can respond to the region as it draws students from the immediate neighboring states. In our interviews, alumni stated that the strength of the School lay in Criminal Law and in the skills they imparted in drafting. If that is true, then the responsiveness to globalization is further limited.

The School has responded to the information technology (IT) issues in the past two years with the introduction of the platform Blackboard (SER p 20 and 21). In our interviews with staff only 3 of the 8 colleagues used this teaching tool. All students are provided with a tablet in the first year of registration. In our interviews with the students, we were informed that the earlier speed of Wi-Fi was very slow and they could not download cases and journal articles. In addition not all academics have been trained on how to maximize the potential of this device or of Blackboard. So while there is a response to IT, its effect is limited. There is no dedicated cyber law module offered by the School.

#### Conclusion

The standard is adequately met.

#### **Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

***Note:** With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

1. After the Desktop Evaluation Report (DER, which noted that there was no School vision and mission) was submitted to the School, the CHE panel was presented with a School vision and mission document which adopted the language of the CHE standards document. Attached to it is an Operational Plan.
2. There is no outsourcing of the delivery of the programmes.

### Conclusion

The standard appears to be have been met, following the DER submission.

### **Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

### **Panel Comment**

1. The interviews revealed that the strength of the School lay in the practice of Criminal Law and the drafting of procedural documents. There was a limitation placed on the practice of Mercantile Law in the Clinic (presumably because the Legal Aid Board does not fund this type of litigation) or even aspects of Contract Law. In our interviews with alumni, most confirmed these details. Like most Law Schools in the country, the LLB education is mainly directed towards training a practitioner in law.

2. Most of the alumni interviewed were undertaking postgraduate degrees at other institutions. The recent introduction of the compulsory Research Project appears to have had a positive influence in this regard. Three alumni were undertaking postgraduate studies at Univen. There was only one alumni who was at the bar.

### Conclusion

The standard is adequately met although the main thrust of the LLB appears to be a focus on legal practice.

### **NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

- 1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
- 2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
- 3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
- 4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
- 5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

### **Panel Comment**

1. In January 2012 there was a reduction from 602 credits to 498 in the LL B, which makes the degree more in line with the 480 minimum credits.

2. Following the review of Univen's curriculum, the LLB programme appears to be coherently structured at each of the relevant NQF levels. This is set out in the SER (p 45). However, after

perusing the examination and test papers, it became apparent that there is an uneven standard of examination at the requisite NQF level. For example the NQF level 8 courses in Jurisprudence, Legal Practice and Civil Procedure are at level 5 as in Introduction to the Theory of Law examination. In Insolvency, which is supposed to be at level 7, there is no progression in the complexity of questions. Typographical and grammatical errors have not been picked up even by external examiners, as in Jurisprudence for example. These are matters of concern for the panel.

3. The credit rating of the modules is allocated on a rational basis with a credit rating from 8 to 16. (These are set out on p 35 of the SER).

4. Contact time with students in the form of lectures is arranged on the basis that there are 4 (50 minute) lectures allocated to a 12 credit module with a total of 120 notional hours. A table outlining the notional hours for each module is set out on p 40 of the SER.

5. The total credit allocation (498) of the degree is in line with its stated purpose.

#### Conclusion

The standard and Criterion are not adequately met. There is no clear progression in complexity of the level of assessment to adequately reflect an advance to the required exit level at NQF level 8. The Law School is required to review the complexity of assessment of all its modules to reflect the appropriate NQF level of the module.

#### **Student recruitment, selection, admission and support (refer to Criteria 2, 5 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

#### **Panel Comment**

1. Students are admitted into the LLB degree with a minimum of 36 NSC points (excluding Life Orientation) with a minimum pass of 60% in English (page 11 of School of Law Calendar). Admissions are done by the School Administrator who is part of the Registrar's office. This is done

manually and students with the highest scores are given first preference. The process appears to be transparent and accountable. The student population is black African which is reflective of the geographical location and local demographics. At interview, staff indicated that there was no urgency to change the profile of the students as the Faculty was providing places for African students, who remain under-represented in tertiary education in the country.

There is a draft University-wide RPL and Credit Accumulation and Transfer Policy which provides for admission on this basis.

2. Support for students who are at risk is done informally when students are identified after the first assessment. They are supported by the Centre for Higher Education Teaching and Learning (CHETL) which provides for tutoring and mentoring. These functions are set out in detail in the Academic Mentoring Guidelines (June 2012) perused during the site visit.

### Conclusion

The criteria are adequately met.

### **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

#### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

- (1) what other discipline(s) may students pursue?; and
- (2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB

programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

### **b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?
- the development of research skills?
- the development of writing skills?

### **c. Applied Competence**

How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.

- Ethics and integrity;
- Communication skills and literacy;
- Numeracy;
- Information technology;
- Problem solving;
- Self-management and collaboration;
- Transfer of acquired knowledge;
- Agency and accountability;
- Service to the community.

### **Panel Comment**

#### **a. Knowledge**

1. This aspect is covered in the SER (p 52 to70). Modules are offered (Introduction to the Theory of Law (1<sup>st</sup> year); Customary law (2<sup>nd</sup> year); Constitutional Law (2<sup>nd</sup> year)) to provide a 'comprehensive and sound knowledge and understanding' in relation to South African law and the legal system; the associated values; and the historical background.

2. Basic areas of law are covered in a range of compulsory modules including the Law of Delict and Family Law (private law); Administrative Law & Human Rights law (public law); labour Law & Law of Business Entities (mercantile law) and Civil & Criminal Procedure (formal law). International and

comparative law is covered in Public International Law and perspective on law (in Jurisprudence) and the legal profession in Legal Practice. Students may take elective modules in the 4<sup>th</sup> year in at least 2 of the 15 specialist modules offered.

3. Students may take 2 non-law modules from a list of 9 modules (including Accounting; Economics and Psychology). Students are also required to take skills modules.

4. The total credits for the non-law modules is 24 credits for non-law modules plus 64 credits for non-law skills modules (88 credit points).

#### Conclusion

The standard is adequately met.

#### b. Skills

Students and alumni interviewed indicated that they learnt critical legal thinking in a number of modules. However, a perusal of the examination papers indicates that many modules do not provide sufficient opportunity for students to engage critically with the law. Most modules on all levels asked questions in which students were required to write notes on a concept, which indicated that students who performed well are those who are able to rote-learn, rather than to critically analyse content. They also indicated that they developed research skills at 1<sup>st</sup> year in the Legal Research and Writing Skills module and in the Research Project at 4<sup>th</sup> year. Students are also required to complete the compulsory module Legal Research & Methodology, which is designed to enhance research and writing skills. Students are also required to attend a court case for Criminal law, and write an assignment about it.

A matter of concern is the poor quality of some of the examination questions.

#### Conclusion

The standard is not adequately met. Students must be assessed with more problem-type questions or questions which require some critical thinking.

#### c. Competencies

Ethics and integrity are dealt with in the Legal Practice modules. Students must complete the compulsory modules in English Communication Skills and Legal Communication Skills. Students interviewed reported that their communication and literacy skills were developed in the Moot Court module. Students and alumni found the participation in Moot Court competitions valuable in building their oral skills. There is evidence of the development of some numeracy competency in the Accounting for Lawyers and Family Law modules. The Theory of Law, Introduction to Computer Literacy and Legal Research Methodology modules provide exposure to information technology competency. Students also use the Blackboard platform in a few of the modules. Students interviewed indicated that they conducted online research.

Problem solving competencies are evidenced in the problem-questions used in examination assessment in most of the modules. Students are also required to perform collaborative work in some modules, including the Law of Insolvency, Legal Research Skills and the Law of Banking and Payments. Students interviewed indicated that Moot Court exercises helped them to transfer acquired knowledge. Participation in the compulsory Law Clinic is designed to develop agency and accountability competencies and service to the community.

#### Conclusion

The standard is adequately met.

## **Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

### **Panel Comment**

1. The staff profile is dealt in p 70 to 80 of the SER, p 9 to 10 of the DER and p 10 to 12 of the Response to the DER. From the table set on p 79 of the SER the staff complement is made up of 1 Professor, 1 Associate Professor, 8 Senior lecturers and 8 lecturers. There are currently 5 academics who hold PhD qualifications. Many of the staff at lecturer and senior lecturer level are practitioners. In terms of academic titles it seems that only 2 staff members are senior (Prof and Assoc. Prof). From the table provided, it is clear that not many academics have undergone training in teaching, especially since a number are from law practice. There seems to be only one part-time academic with the rest of the staff being permanently employed.

The School has 6 departments with collegial heads for each department. Given the number of staff each department will have about 3 members. There seems to be teaching across the departments. Apart from the administration being centralised, it is not clear why there are 6 departments. It is therefore questionable why there should be 6 departments when academics teach across departments.

2. The ability to hire and retain excellent academic staff appears to be a concern for the School. This has been a problem for many years. This may be attributed to the geographical distance of the University from any main city centre. There have been recent appointments to fill some of the vacancies but there are still posts that remain vacant. It is envisaged that once all the vacant posts have been filled, the staff complement will be to the tune of 32 staff members engaged in the LLB degree. This is likely to take the staff- student ratio to 1: 30. There are currently 18 lecturers in the School of Law. Seventeen of these lecture in the LLB degree together with 6 part-time lecturers. Having regard to the new appointments and the posts still to be advertised, it would appear that a reasonable staff:student ratio can be achieved once all the vacant posts are filled. This will also reduce the workload that each staff member has.

The current workload seems to be 2 modules per academic per semester. Where the classes are

large for a module, the lecturer can teach one core module and 1 elective. There was mention of co-teaching but it seems not to actually take place, as per the academics who were interviewed. There seems to be no workload model (the proposed model was rejected by Senate in 2011). The University has engaged the services of IDSC to do a survey and devise a workload model. Currently there is therefore no workload model for the School but there is workload allocation that is done within the School.

The idea behind the increase in the number of lecturers in the School is to facilitate the research component enabling current staff to go on sabbatical leave and focus on doing research and completing their post-graduate qualifications and for the workloads to decrease.

According to the Vice-Chancellor there has been a high staff turnover in the past. To minimise this the institution has reviewed how their remuneration packages are structured and have moved over to the total-cost-to-company model. This is done to be market-related and competitive. There has been an attempt to make the environment more attractive by providing staff housing and this is likely to increase in the future. The institution has also submitted that they offered successful applicants a 20% increase on their current salaries. There is also a lot of attention placed on personal development of the academic staff. There is provision being made for staff to attend international conferences and to reap the rewards from publications. New staff are also subjected to a 4-day induction programme which includes how to teach. There are 3 lecturers who have attended the Blackboard training.

3. With regards to recruitment, promotion and retention, there is apparently a policy regarding this. It would appear that the policy is rather rigid with regards to requirements for appointment/recruitment and promotion. A PhD is the minimum requirement to be appointed as a lecturer. This might not be ideal considering that in the market of law professionals there are not many individuals that will have both the practical experience (as attorneys or advocates) and a PhD as well. Recognising the admission as an advocate or attorney, as an alternative to the PhD, might increase the number of successful job applicants. It might help to introduce a bit of flexibility in appointments.

Having gone on the site tour it became clear that the office space for the staff is grossly inadequate. There was sharing of office space by staff. This situation will be exacerbated with the appointment of additional staff. Such conditions do not ensure working conditions conducive to teaching and learning and research (criterion 4 (ii)).

With regards to the Law Clinic, there is sharing of office space there as well. The room that is used for consultations with clients is also used as the meeting room for the staff. There was also no dedicated space where clients could wait. During the site visit the construction of the Moot Court was completed.

### Conclusion

The criteria are not met. There is a need for a formal workload policy. There is also a need to provide more physical facilities in the form of office space by the University to the School of Law.

**Staffing resources (refer to Criterion 8)**

**Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

**Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

- 1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
- 2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
- 3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
- 4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
- 5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
- 6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### **Panel Comment**

1. Staffing and office space allocation for the School of Law are recognised as problematic in the SER, DER and by Institutional infrastructure managers who presented at the site visit. This was confirmed during site visit observations. To date, the School has made an informal arrangement with the law professional community of practice: a moot room was in completed during the site visit, and a computer laboratory has been committed to the School in the near future. Both of these venues are in disparate locations from the current building. The Law Clinic's facilities are of the most concern, with no commitment in the short term from the institution's infrastructure management for a solution. Staff are to be commended for their resourcefulness and willingness to share spaces with candidate attorneys and postgraduate students, although this is not a sustainable solution.

A commitment was made by the Director of Infrastructure to source funding for a new building for the School during a presentation made to the panel on the first day of the site visit. We were led to believe that this would be adequately equipped to house the increasing number of academic staff, provide clinical legal training, house the Law Clinic with their candidate attorneys, and include computer laboratories.

Tablets are provided institution-wide to students which are used by some for word-processing. The strength of the Wi-Fi on campus is not sufficient for downloading large volumes of e-Resources needed in law. In interviews, students supported staff calls for more computers for this purpose. Electronic resources are not yet being used to their full potential, either in the organisation of teaching resources or in the online engagement and participation of students.

The timetable is not electronically systematised, with occasional clashes in terms of classes and venues, and student workload pressure is increased by uncoordinated tests. There is also little evidence that concerns of the students who do not live on campus are taken into account. Interviews with alumni indicated that such students may be disadvantaged by late afternoon classes, weekend sessions with the Magistrate, and the data demands required to engage actively with the online system. They explained that students who did not live on campus had to travel long distances to get to campus and transport was not readily available or safe later in the evenings.

2. Information provided at the site visit indicated that the staff use largely traditional lectures and tutorials. However indications are that the summative assessment in the fourth year is substandard to NQF level 8 (as demonstrated in examination papers requested by the site visit panel). The focus on criminal law cases in the Law Clinic arose during the alumni interview. Such a focus may limit the diversity of the student experience of practice.

3. There was evidence of some, but not all, courses having written curriculum outlines which include outcomes and assessment criteria. Indications are that not all staff use or communicate these to students, and only a minority of staff upload these to the online learning management system. The wording of such documents is framed in general terms, and most often not in language to ensure a shared understanding with students. A minority of courses have explicitly related the module outcomes and criteria with guidelines as to the standard expected (such as Social Security Law 4631). There was documentation of one internal review having had an impact on improving such approaches (see p 7 of the Departmental Review of Criminal & Procedural Law of May 2015 and later implementations outlined in the memorandum dated Sept 2016 (p 2)), as has engagement with professional teaching qualifications of 10% of the staff. Holistic evaluation of such aspects of the curriculum, and how they are constructively aligned to inform student learning and ensure their active participation, is not evident across the programme. Students, in the interviews, commented on the fragmented nature of the course and the need for more integration in how these aspects are

applied in practice.

4. A list of courses with components including independent research was provided during the site visit. Evidence of modules which include group-work and practical components were available during the site visit. Conversations with the Course Coordinator revealed that in a minority of modules, students are encouraged to form peer learning groups outside of contact time.

Indications are that the LLB has not yet integrated eLearning in the manner of blended learning or enabled a flipped classroom or participatory environment.

5. There were clear indications that the timely completion of reports about CHETL questionnaires for the generation of student feedback has been problematic, until recently (mid-year 2016). The reports include an analysis of the open-ended responses and ranked statements, with graphs for ranked responses provided to the lecturer involved. These standardised questions are not responsive to the specificity of the LLB programme, and are aimed at quality assurance of minimum standards of teaching, curriculum design and learning. There was no evidence available of how these contribute to larger evaluation processes in departments or across the School nor of how any changes resulting from such reports are communicated with the student-participants involved.

Concerns about transparency and instances of unethical evaluation practices (see “lecturer threatens them with failure” (Dept. Review of Criminal and Procedural Law May 2015, p 9)) arose when reading some reports. The Operational Plan (KPA 2) provided at the site visit outlines an undertaking to have students evaluate “the curriculum”. However, it should be noted that the focus articulated in that table for each year is on the teaching performance of staff.

From interviews at the site visit and minutes of such meetings, it emerged that monthly meetings are held with nominated student representatives and staff members in Departments to enable periodic concerns to be voiced. Minutes of such meetings indicate that students are tasked to prompt lecturers to collect student feedback and to coordinate test dates, which is inappropriate.

Reports of peer observation of teaching performance by HODs were presented at the site visit. Reports and/or resultant changes were not recorded or discussed within departmental or School meetings.

There was some evidence of how the analysis of student work assessed in formative and summative assessments feeds into evaluation and re-curriculation processes (see point 6 of this section).

The newly drafted Operational Plan 2-16-20 (p2) outlines yearly intentions to “ensure quality of the programmes” so as to “ensure...implementation of the ....LLB”, but pragmatic detail is required to ascertain whether these will be valid, transparent or reliable evaluation practices.

6. From interviews with staff and students, it emerged that students who may be termed ‘at risk’ are identified by the lecturer in the first year of the LLB from their demonstrated performance in assessment tasks. The names of these students are then communicated to CHETL and to their tutors, who are tasked to provide support. A mentorship programme is in the process of being rolled out. The lecturer then manually tracks those students’ performance in the next submission. Follow-through is made in consultation with the Deputy Dean, who sees her role as ascertaining the nature of the problem, and offering referral where necessary.

The consistency of attention to students requiring assistance beyond the first year could not be ascertained. From interviews and copies of students’ submitted scripts (with the feedback ‘see me’),

it emerged that some lecturers invite students to meet with them for one-on-one oral feedback in cases of below-standard submissions for assessment. One lecturer spoke about encouraging students to form peer learning groups for some modules, which operate as informal tutorial groups with identified group leaders who communicate with the lecturer.

There were indications of systematic infused curriculum support of students since 2011, with the inclusion of modules to address gaps in the prior learning of students, leading to modules in their third year to scaffold their academic literacy.

Going forward, the Operational Plan (KP4) provided during the site visit places responsibility mostly with structures external to the School to identify so called 'at risk students'.

### Conclusion

The criteria are largely met, although associated improvements are required as outlined in other sections of this report (physical space, evaluation and examination questions).

### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

*1. What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

*2. How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

*3. How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

*4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

*5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

*6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- an adequate student:staff ratio;*
- adequate physical resources, such as teaching venues and audio-visual equipment;*
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?

8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?

**Panel Comment**

1. Evidence of a range of assessment methods was provided at the site visit, including methods which assess oral and written presentations; criterion-referenced and norm-referenced assessment (such as competitions); individual and group-work assignments, which record both the outcomes and process of engagement; in addition to those which reward academic, professional (authentic) and community-based tasks. There were some indications of participatory assessment, mostly of peer assessment of group-work presentations. There were indications of formative and summative assessment. However, of concern was the standard of the final examination questions, which indicated a lack of validity for the requisite NQF standard.

2. In response to a request in the DER, a list of modules which require independent research was provided at the site visit. The Dean and LLB Coordinator, and the document provided to the panel, outlined how the supervision workload for the final year research course is pragmatically managed according to the Dean's discretion, as a workload model has yet to be implemented in the School (Institutional report phase 1, n.p.).

3. Tutorial questions provided do not demonstrate problem-based learning but do indicate engagement with case studies and scenarios which would involve some problem-solving. In terms of authentic assessment, following the IPQA Review of 2016, the Department of Criminal and Procedural Law committed to have all students involved in practical. In the Operational plan is an undertaking to increase experiential learning from two modules in 2017 up to four in 2020. Documents provided indicate that while not all of these are credit bearing, there are indications of assessment of practical components of the LLB. Street law practical engagements include assessment of the presentations with oral feedback in situ on student performance when interacting with respondents.

4. Each student is provided with a tablet, and there are over 200 computers available for student use in the library. These computers are maintained by the university IT department. Discussion with staff indicated that, in most cases, assignments and related feedback are submitted in hardcopy, and that the uptake of e-learning from staff is slow. The E-learning policy of the University does allow for schools to develop its own policies.

5. As indicated in the DER, inconsistency in the practices of the giving of feedback on assessment performance emerged. From the interview with academic staff, formative feedback of pre-summative submissions of assessment tasks is not a common practice undertaken by lecturing staff. Conversations with the Course Coordinator at the site visit indicated that tutors provide feedback on tutorials in a more ongoing and formative manner. The exception is the research project in the final year, where drafts are submitted for formative feedback in a manner similar to postgraduate supervision practice.

The most prevalent feedback is numerical in nature with short in-text comments. In interviews with students, it was mentioned that oral general feedback is sometimes provided in lectures after assessments have been made; in addition to specific feedback to individual students when a need is

perceived (see 6 of 'teaching and learning'). There was no evidence provided of using high standard work as exemplars. There seemed to be inconsistency in terms of the communication of assessment criteria and how these are used in relation to feedback. The assessment of the moot competition included the most comprehensive feedback – criterion-referenced assessment relating to numerical weighting in addition to open-ended feedback for each individual.

6. The teaching staff: student ratio has been recognised as an area of concern in the course – by those within the School and the University's management structures. As an interim solution, the number of first years admitted was reduced (SER, p 24). Indications are that new staff are in the process of being recruited, with a commitment made by institution to recruit 32 full-time teaching staff in the LLB programme and more dedicated support staff.

An interim solution to the lack of IT resources was found just before the site visit, with a dedicated lab of 20 computers for the Law School students. There is insufficient space for the needs of new staff, postgraduate students and most notably the Law Clinic.

While tablets are provided and the campus has low strength Wi-Fi, electronic resources are not used actively for formative assessment or the submission of assignments. In all courses, except the Research course in 4th year, assignments are submitted in hardcopy. Staff buy-in to such resources is low, with few attending library training sessions. Indications are that there has been a rapid increase in Turnitin usage by students, although the use of this is not validated electronically by lecturers.

In terms of legal practice, indications are that the capacity for teaching in the Law School is adequate for criminal law aspects but may not currently be sufficient for the diversity of topics required for the LLB. This was confirmed in interviews with alumni.

7. The panel was led to believe that internal moderation is conducted by HODs of the different departments. In courses involving collaborative teaching, indications are that there are variable approaches to how submissions are assessed, and as such the reliability of such assessments across the offering could not be verified.

Evidence was provided to confirm that external examiners are retained for 3 years (p.1 'Response to DER'). External examiners' responses in submitted reports are often very brief. Monitoring is required to ensure that the moderators and examiners do report fully (as per 9.12 p15 to16 of Univen Assessment Policy); that they have determined that the summative assessment questions are valid for the standard of the relevant NQF level; and that their examination reports feed into programme evaluation. There was no evidence of the concerns cited by such examiners informing evaluation and subsequent curriculum review.

8. The DER guided the site visit panel to look for evidence for the claim that the "assessment instruments are all appropriate, valid and reliable" (SER at p 93). There was evidence of such principled assessment as indicated in the information above, although it was not consistently demonstrated.

### Conclusion

The criteria are adequately met, with some improvement. There must be monitoring in relation to moderation of assessment to ensure that the moderators and examiners do report fully; that they have determined that the summative assessment questions are valid for the standard of the relevant

NQF level; and that their examination reports feed into programme evaluation.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

**Panel Comment**

1. The Recognition of Prior Learning and Credit Accumulation and Transfer University-wide policy talks to credit transfer. A student transferring from another institution is required to submit the course outline for the module to be credited from the institution where it was obtained. This outline is evaluated by the responsible lecturer and Head of Department to ascertain whether the content and level of the module is equivalent to an existing module at Univen. If the module is equivalent, an application for the transfer of the credit is submitted to the Registrar's Academic Committee for approval. This is dealt with in some detail on p 103 of the SER.
2. Modules have a shelf life of 10 years and are processed in terms of the university-wide policy. This is a long period for most law modules, as the law is amended and developed through case law.
3. On completion of the degree, students may in principle join a Masters' programme or post-graduate diploma in law. The University offers a Master's in Law by research.

**Conclusion**

The criteria is adequately met.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification*

*has been achieved in its graduates?*

**Panel Comment**

Data is collected at the end of each examination session by the University to indicate the number of student enrolling for modules every semester, drop-out rates, failure rates and pass rates as well as graduation lists are discussed by the HoDs in their departmental meetings and by the School's examination committee.

The throughput rate in the table on p 108 does not indicate the drop-out rate: there is reference to the graduation rate. For the 2011 entrant cohort this was 41 % while in 2015 it was 29%. These figures are confusing and it is unclear how they were derived. According to the SER, the following rates:

2011: on-time graduation 21%, n+1 40%, n+2 59%

2015: on-time graduation 44%; n+1 71%.

Without correct data, it is impossible to say whether the Univen rates are above or below the national norm.

2. Steps have been taken to expose students to a number of legal professional bodies. Students are addressed by the National Prosecuting Authority; Legal Aid South Africa; Public Protector; Department of Justice and Corrections, Black Lawyers' association (BLA), etc. However, but the numbers recruited by them could not be estimated during the site visit. Most of those chosen to speak to us (alumni) were in academia rather than the profession.

3. There is no formal graduate tracking system in place at present. The School launched the School of Law Alumni Association on the 22nd of August 2015 with the objective of tracking of alumni. However, no impact studies or surveys have yet been conducted to gauge the status of its programmes. It is recommended that the School conduct such surveys.

**Conclusion**

The criteria are not met. Accurate data about throughput rates, graduation rates and dropout rates needs to be compiled.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

There is sufficient information gathered on teaching and student-staff relations. Data generated from student participants by CHETL are teacher-focused rather than curriculum-focused. Internal responsibility for review is placed externally from the School, within their IPQA unit, and is not conducted as per their T&L policy ratified in 2009.

Course development, informed by peer involvement and analysis of assessment submission, to identify areas requiring more attention, is not evident. The potential of each department, to ensure that incremental learning of the subject is indeed happening at each NQF level, is not apparent. Although some departments (such as Criminal Law) have engaged in 'self-evaluation reports' these

are limited to the Department and not the LLB programme as a whole. Conversations during the site visit revealed that, in an attempt to be responsive to concerns as they arise, weekly departmental meetings are held, following on from which the HODs submit reports to the School Executive. While such regular reporting structures are in place within this institution, and report-writing is the norm, purposive evaluation processes with valid source and methods are not as evident.

A holistic approach to the coordination and evaluation of the LLB degree, across departments, is not in evidence and should be put in place. HODs could make more transparent use of valid sources of data about the quality of the programme, such as the external examiners' indications of concerns in the standard of students' submissions. Evidence of peer observation reports, undertaken by HODs of staff, was at the site but related conversations or changes following those reports were not evident.

#### Conclusion

The criterion is not adequately met. Coordination and evaluation of the LLB degree, across departments, should be put in place.

### **JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

#### **NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the **Bachelor of Laws (LLB)** programme of **University of Venda** be re-accredited **subject to specified conditions**.

<b>Conditions</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The Faculty must submit a plan for curriculum review, to address issues of modular sequencing, horizontal and vertical articulation, and the achievement of the NQF exit level and the purpose and graduate attributes established in the LLB Qualification Standard.	1 (ii), (iv), (v), (vi), (viii), (ix)
<u>Short-term</u> 2. The Faculty must submit a plan for the early identification of students at risk, and for a system of interventions to support such students throughout the programme.	6 (i – bullet 3) 11 (ii), (iv), (v) 12 (iii), (iv), (vi)
<u>Short-term</u> 3. The Faculty must demonstrate that comprehensive course outlines are timeously provided to students in all modules.	10 (i) 12 (i), (iv)
<u>Short-term</u> 4. A policy is required for appropriate quality control and management of summative assessment and moderation (internal and external).	6 (i) 13 (i), (ii), (iii), (iv)
<u>Short-term</u> 5. The Faculty must submit a plan for addressing infrastructural shortages, including adequate teaching and learning spaces,	7 (i)

and staff office space.	
<u>Short-term</u> 6. The Faculty must submit a plan to enhance IT facilities and access, including wifi and internet access for students.	7 (ii)
<u>Long-term</u> 7. The Faculty must develop a plan to address both academic and administrative under-staffing in the programme.	3 ,4

The NSRC **recommends** that the Faculty address the following matters.

- I. The organisational structure of the Faculty – in six departments – may put strain on academic and administrative resources; the existing structure merits review.
- II. Effective allocation of teaching resources may benefit from a review of workload policy to ensure fairness and equitability.
- III. Students’ course evaluation should be done of all modules, with measures to ensure that student feedback impacts on programme improvement.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION’S REPRESENTATION**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above, with an amendment to the first condition.

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The Faculty must submit a plan for a review of its assessment practice in the programme, to address issues of modular sequencing, progression through NQF levels, and the achievement of the NQF exit level and the purpose and graduate attributes established in the LLB Qualification Standard.	1 (ii), (iv), (v), (vi), (viii), (ix), 13 (iv)



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (Four-year LLB) Five-year extended LLB programme
<b>Name of Institution</b>	University of Limpopo
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Turfloop Campus, Mankweng
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	Four-year programme: 480 Extended five-year programme: 552
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme’s compliance with the national qualification standard;
- Comments on the programme’s meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme’s re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

### **Panel’s prefatory comment**

**During the site visit the Director of the School of Law informed the panel that the Senate of the University of Limpopo had recently approved revisions to the current LLB programme. A presentation by the Director provided details to the panel of the revisions. The Director informed the panel that the “new” curriculum would come into effect immediately. The School would await the CHE report and incorporate such changes to the new curriculum that might be proposed by the panel on behalf of the CHE and deemed appropriate by the School.**

**In light of this information, the panel decided to consider both the current curriculum and the proposed new curriculum in its report. The LLB programme, therefore, in respect of which the panel would make its recommendations (including any conditions for re-accreditation) was the current programme as recently amended by the University Senate.**

### **Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*

- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

### **Review Panel comment**

1. The SER (p 25-26) comments on the place and function of the notion of “transformative constitutionalism” (as articulated in the *LLB Standard*) in the curriculum. The panel acknowledges that scholarly unanimity on the meaning of this notion does not yet exist. At the minimum, though, it can be said to embody an understanding of the Constitution as an agent for social and economic transformation, from an inherently unjust political system to a system that is constantly the subject of reform to achieve social and economic justice. The notion reflects an ethos of active engagement with the principles and rights enshrined in the Constitution, as a means to achieve change. The Constitution is therefore not only the primary source of law in South Africa, it also serves as a primary agent for change.

The panel **recommends** that the School further reflects on the notion of “transformative constitutionalism” and appropriately integrates this notion into the subject-matter of the modules in the programme. The panel found no evidence that this currently happens. The modules referred to in the SER (p 26), while they do reflect contemporary issues of injustice and inequality, do not reflect the important “agency” role of the Constitution as an instrument for the promotion of change.

2. The panel is mindful that the vast majority of the students registered for the LLB programme come from disadvantaged rural communities and therefore have real experience of the circumstances that give rise to social injustice. The panel therefore accepts that the teaching and learning that takes place in the LLB programme happens within a context of responsiveness to social justice. The panel **commends** the School for the initiative taken to provide at least some final-year students (30-60) with the opportunity to actively participate in Small Claims Courts in the region, under the auspices of the elective *Alternative Dispute Resolution* module. The panel encourages the School to investigate ways in which a larger numbers of students can participate in the regional Small Claims Courts.
3. The panel is satisfied that the LLB programme sufficiently inculcates in students an awareness of constitutional imperatives and of the primacy of the Constitution as a fundamental source of law. The panel does, however, wish to voice a concern in respect of the new LLB curriculum recently approved by the Senate of the University of Limpopo. In this curriculum, presented to the panel during its site visit, provision is made for only one core module in Constitutional Law, presented in the second year of study. A module, *Advanced Public Law*, is presented in the fourth year, but as an elective only. Given the importance and ubiquity of the Constitution as a primary source of law and as an agent for transformation, the panel’s view is that any LLB curriculum should incorporate more modules on Constitutional Law and Human Rights Law. The panel **recommends** to the School that it incorporates at least one further core module on constitutional law/human rights law in its revised curriculum.
4. The panel is satisfied that the LLB programme is responsive to globalization and that students are sensitized to the reality that South Africa is part of a global community and that its laws have an impact beyond national borders, and also that law and treaties and

conventions passed or concluded elsewhere have an impact on South Africa and its legal system.

5. The School uses the Blackboard learning system to provide students with important information and with learner material in their modules. The panel is of the view that this e-learning system can and should be used more effectively as a pedagogical tool for “interactive learning” than is currently the case (SER, p 94-95). The panel was provided with information on the IT infrastructure in the institution that provides student support for access to electronic resources, for access to Blackboard and for internet use via computer laboratories. There are 698 computers in the computer laboratories across the institution. There are also printing facilities in the computer laboratories. These are used by all students, not only law students. The panel is of the view that the number of computers is insufficient to provide for the IT-related learning needs of law students, the majority of whom have limited access to the internet off campus. The panel is also of the view that the printing facilities are inadequate and not always well-maintained. The students interviewed by the panel expressed the view that the computer and printing facilities and the institutional internet connectivity were inadequate. The manager of the computer laboratories interviewed by the panel, however, was adamant that the facilities were well-maintained and subject to daily inspection.

In light of the importance for law graduates of a proper understanding of the law that governs the use of the internet and of information and communications technology generally, the School should consider the introduction of a module on “ICT”/“Internet”/“Cyber” Law or else the incorporation into selected modules of the legal rules and principles that govern ICT’s.

The panel **recommends** that the School should approach the institution to make more computers and printers available for law students and, if possible, to identify one or more computer labs for the exclusive use of such law students. It also **recommends** that the School consider the introduction of a module (either core or elective) on “ICT Law”/“Cyber Law”.

#### **Institutional alignment ( refer to Criterion 1 (i))**

1. *What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?*
2. *Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

#### **Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

**Panel Comment**

1. The panel is satisfied that the LLB programme is sufficiently aligned to the institution's mission, goals and strategic plans. The School of law is one of four Schools located in the Faculty of Management and Law. The *Strategic Plan University of Limpopo 2020* guides the Faculty of Management and Law's Annual Performance Plan, its Teaching and Learning Guideline and its strategic objectives with respect to teaching and learning. The Faculty's mission statement and the School's mission statement are both derived from the institutional vision statement.
2. The LLB programme is not outsourced.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

1. *How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
2. *What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. The view expressed in the SER (p 30-31) is that the LLB programme prepares a graduate for entry into legal practice, for other careers that require the application of law and for postgraduate studies in law. The panel wishes to comment as follows after having conducted interviews with students and alumni:
  - (i) A general view was expressed by the students and alumni that the LLB programme, as presently constructed and as presented by the School, places an emphasis on the preparation of graduates for a career in litigation, at the expense of an education that prepares students for commercial lawyering or for careers outside the legal profession, where the application of (primarily commercial) law is required. Many graduates, the panel was told, become criminal lawyers. This is so because there is not enough mercantile law modules in the curriculum, those that are presented are taught at too late a stage in the curriculum or they are taught in a fashion that does not emphasise their importance or relevance in the practice of law or in careers other than law. The panel was told that a perception exists within the law profession and alumni that UL graduates are ill-prepared for commercial law practice (or for commercial careers other than law) and that they therefore cannot hold their own in the big commercial law firms in the cities.
  - (ii) There was general consensus among students and alumni that they would have much preferred a teaching and learning strategy in the programme that was more focused on the application of the law to real-life or hypothetical situations. Their view was that too much "theory" was taught in the modules and not enough "practical law". The panel recognizes that students and recent graduates do not always appreciate the distinction between the role of legal academics, which is to teach students to "think like lawyers", and the role of legal practitioners, which is to train students to "do law". However, the panel is persuaded by the students and the

alumni that the modules taught in the programme should incorporate more “law-in-action” teaching than is presently the case. In only a limited number of modules is this approach adopted. The panel **recommends** that the School consciously adopts a teaching and learning style across the programme that does more than merely require students to reflect knowledge absorbed from textbooks or other learning materials and challenges them to critically apply the law to social, economic and cultural contexts.

- (iii) When the panel scrutinized the modules in the LLB programme, it became clear to that not enough attention was devoted to enhancing the reading, writing and research skills of the students. Two first-year core modules, *Legal Communication*, is designed to promote these skills and attributes in students. An elective fourth-year *Research Report* module requires students to complete a substantive research essay and an elective *Practical Legal Course* module requires students to engage in the drafting of different types of legal documents. Apart from these modules, though, little attention is paid to the enhancement of research and writing skills elsewhere in the programme. Some modules require assignments to be set, but these are the exception rather than the rule. In any event, according to the students interviewed, they lacked the skills required to do proper research and writing for the assignments, as these skills were taught to them in too rudimentary a fashion in their first year of study and never reinforced later on. The end result is that students are not as well-prepared as they should be to engage in postgraduate studies that require a high level of research and writing skills.

In the new LLB curriculum presented to the panel a new core third-year module, *Research Methodology*, is presented. In the final year a core 24-credit module will now be presented, which requires either an academic research report or the compilation of a research portfolio that replicates the preparation for a civil or criminal trial. The panel appreciates this attempt by the School to improve the reading and writing skills of the students. It also encourages the School to introduce assignments for at least two modules in each year of study, which would require students to engage in independent research of a nature that becomes more demanding in each subsequent year of study. Before setting such assignments, reading, research and writing skills should be taught to the students in dedicated modules, which skills should be strengthened in each succeeding year of study.

2. The panel is satisfied that the LLB programme produces graduates with a knowledge and appreciation of the values and principles of the Constitution.
3. The current curriculum does not require students to pass any non-law modules. This does not allow for students to be “well-rounded graduates” with a broad education, nor does it allow for students to appropriately contextualize law studies in social and economic settings by means of disciplines other than law. The panel therefore welcomes the School’s initiative in introducing into the new curriculum a number of non-law modules (including two English-language modules). The introduction of two English-language modules is important. The students we interviewed informed us that many students struggle not so much because they do not understand the work, but because they lack the English language ability to either properly understand what is required of them in an assessment or to adequately verbalize their knowledge.

4. As will appear from the report below, the panel is not convinced that the programme adequately prepares students to develop a *critical understanding* (as opposed to “mere” knowledge) of the law and its rules, principles, concepts, processes and methods and to apply their acquired knowledge in different contexts. This concern will be elaborated on below.
5. The panel accepts that students are constantly made aware of the dangers attached to plagiarism and dishonesty (the Turnitin system is used, although its use is not widespread or compulsory) and in this respect are taught to be accountable for their actions (students accused of dishonesty are regularly subjected to disciplinary proceedings). The extent to which students learn to take responsibility for their conduct is co-dependent on the extent to which students learn to be critical and to understand that much of the learning they engage in is self-initiated learning rather than the mere absorption of transferred knowledge. As stated, the panel is concerned that insufficient self-initiated learning takes place in the programme. The notion of “student-centred” learning and its implications for accountability and responsibility, professed in the SER (p 86) and of “learning by doing” (SER, p 95) is not fully embedded in teaching and learning practice.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

1. *Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
2. *With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
3. *How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
4. *How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
5. *To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

**Panel Comment**

1. The panel wishes to express its concern with the design of the current LLB programme. In its view the curriculum does not adequately take into account the logical sequencing of modules or the increasing complexity of module content, so as to provide for appropriate progression through ascending levels of competency. It therefore welcomes the School’s initiative to revise the curriculum. The revised curriculum was recently approved by the Senate of the University and presented to the panel during its site visit.
2. The panel is of the view that the revised curriculum is an improvement on the current curriculum. This is particularly so in view of the fact that it has now introduced 10 core modules that focus on skills and the acquisition of competences and also because a substantive research essay/research portfolio and (simulated) clinical legal education are now compulsory modules.

The panel does, however, wish to make the following general comments about the new curriculum:

- (i) As stated earlier, the panel is concerned that only one module in Constitutional Law is prescribed in the programme.
  - (ii) The panel is also concerned that no core module on Jurisprudence is offered (an elective fourth-year module is presented). The panel has noted the criticism against the current Jurisprudence modules expressed by students, alumni and staff. It is the view of the panel that the problem lies in all likelihood with the subject-matter of the current modules and the manner in which they are presented. A well-designed module in Jurisprudence, in which students are required to think critically about the place, nature and function of law in society (especially in a South African society in which social and economic injustice and inequality is prevalent) should be an essential component of a LLB programme.
  - (iii) In the new curriculum provision is made for only two core modules in mercantile law, namely Business Entities Law and Labour Law. A number of mercantile law modules are presented as electives only. Conceivably, therefore, a student can graduate from the programme without having passed modules in Banking Law, Insolvency Law and Tax Law. These are modules that would almost invariably be taught as core modules in any modern LLB curriculum. The School must guard against a reinforcement of an existing perception that the LLB programme at UL primarily prepares its graduates for a career in (criminal) litigation.
  - (iv) The new curriculum introduces electives into the programme from the second year onwards. The panel encourages the School to provide formal guidance to students when they exercise their choices. Their choices should be guided by a desire to acquire detailed knowledge of select or specialized areas of the law, rather than to randomly choose modules that are “interesting” or “easy”.
3. The panel is satisfied that the proposed new LLB programme will meet the requirements for NQF exit level 8 once the concerns expressed above in respect of the design of the programme have been appropriately addressed. The panel is satisfied that the School has considered the NQF credits that it attaches to each of the modules as well as the notional hours for each module.
  4. The extended five-year LLB programme has a total of 552 credits. In the extended LLB programme the same modules are prescribed as for the four-year programme. In addition, students on the extended programme are required to pass introductory modules on life orientation, critical thinking skills, foundational English, foundational legal practice and numeracy in the first and second years of study (SER, p 36). This means that the students on the extended programme complete the first two years of the four-year programme over a three-year period, before they enter the third and fourth years of study of the four-year LLB programme.

The panel **recommends** that the School attends carefully to the manner in which it attaches credit values and notional hours to individual modules in the new curriculum. The credit values (and attendant notional hours) of modules is co-dependent on the place of such a module in the curriculum and the specific learning outcomes for a module. This demands a considered evaluation of each individual module and its relationship to others.

### **Panel Comment**

1. The panel is satisfied that the policies and procedures employed by the School for the selection and admission of students conforms to legislative, policy and institutional requirements and that the process is fair and well-managed. The minimum APS score required for admission to the four-year LLB programme is 30 (excluding Life Orientation and including a “points score” for English), which is acceptable.

However, the panel has one concern with regard to the recruitment practices of the School:

The panel noted that no White students are registered for the LLB programme and that very few students designated as Coloured or Indian are registered for the programme. Apart from a number of foreign African students, the vast majority (99%) of the students are designated as Black African. It is the panel’s view that this student profile does not reflect the demand for widened access to higher education, as formulated in the *National Plan for Higher Education*. The panel is mindful of the particular location of the institution and its history and ethos. It nevertheless **recommends** that a more concerted effort should be made by the School and indeed the institution to recruit students from other designated groups to register for the LLB programme. The region in and around Polokwane has a large enough population of prospective students from other groups for the School to be able to recruit students from these groups.

2. The minimum APS score for admission to the extended LLB programme (five-year programme) is 26. This is relatively low. All students on this extended programme have an APS score of 26-29. Out of 71 students currently registered for the extended programme, 16 have an APS score of 26, 22 students have a score of 27, 22 students a score of 28 and 13 students a score of 29. The success and throughput rates of these students is no better or worse than the students registered for the standard programme.

In light of the comments below on the assessment practices in the School, the panel is of the view that the school should consider increasing the minimum APS score.. If the general standard of the assessment practices in the programme improved, it is the panel’s view that students who have a APS score of less than 30 would struggle to meet the assessment criteria of the programme.

3. The panel has noted the student support provided to students upon first registration. The primary support vehicle is a system of mentorship. Mentors (senior students) are trained by the institutional *Centre for Academic Excellence* (“CAE”) and allotted to first-time entering students. These mentors assist students with their academic, social, emotional and financial support needs and serve as interlocutors between the students, the lecturers and the institutional support services.
4. The CAE also has a Writing Centre, which was established in 2104. Its purpose is to provide writing assistance/support to students in the institution, by means of trained postgraduate students who provide the students with advice and guidance. The system is currently run on a voluntary basis. The panel was told that there were plans underfoot to further improve the system. This would include additional computer stations and more dedicated use of the Student Tracking System. LLB students use the Writing Centre, although the number of students who do so was not clear. The panel appreciates this initiative by the CAE and encourages the School to make use of its services – even to the extent of making such

assistance compulsory for identified categories of at-risk students. In time, the School might consider the implementation of a law-specific Writing Centre housed in the School of Law. Legal writing and research skills are of central importance to the education of a law student, and a Writing Centre devoted to the inculcation of *legal* writing and research skills would greatly enhance these endeavours.

5. Tutorials are presented in the first-year *Legal Communications* modules. These also assist in bridging any gaps that may exist between the assumed and the assessed competence of first-time entering students.
6. The School has an RPL policy and admitted a student in 2016 via this policy. The panel interviewed this student and it is satisfied that he has adapted well to the teaching and learning environment.

**Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) what other discipline(s) may students pursue?; and

(2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

**b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?
- the development of research skills?
- the development of writing skills?

**c. Applied Competence**

How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

#### **Panel Comment**

##### **Knowledge**

1. The panel is satisfied that the LLB programme provides graduates with a comprehensive knowledge of the Constitution and basic fields of South African law and the legal system and its underpinning values.
2. Two core first-year modules, *Historical Foundations of South African Law A and B*, are presented in the current curriculum. In the revised curriculum one core module, *Historic (sic – should be “Historical”) Foundations of South African Law* will be presented. The panel had sight of the subject-matter of the current modules. The panel **recommends** that the subject-matter of these modules – and of the revised new semester module – be substantially revised. The current subject-matter is little more than an overview of the external history of the Roman-Dutch Law, of the origins of the South African common law and of the external history of human rights law. Such subject-matter, if not related to the *internal* history of selected rules and principles of the law and if not taught from the perspective of the Constitution and its pivotal role in re-conceptualizing the history of South African law before and after its promulgation, has little relevance and purpose. Small wonder that the students expressed themselves negatively towards these modules.
3. The panel also **recommends** that the School re-consider the manner in which mercantile law modules will be offered in the new curriculum. If only three core modules of mercantile law are presented then the new curriculum runs the risk of falling foul of the requirement in the *LLB Standard* that the programme should provide its graduates with a “comprehensive and sound knowledge” of a basic area of law such as mercantile law. As stated earlier, students and alumni expressed concern at the bias in the current programme against commercial/mercantile law.

4. The panel has noted that the revised LLB curriculum provides for knowledge of disciplines other than law, by providing for two modules in a non-law discipline and also providing for two language modules. This revision remedies the absence of such non-law modules in the current programme.
5. In the current curriculum clinical legal education is provided to fourth-year students in the *Practical Legal Course* modules. These are elective modules only and currently between 140-180 students register for these modules annually. In the new curriculum these modules are compulsory. The panel welcomes this provision for compulsory clinical legal education for all final-year students. The panel was informed that students do not have “live clients” at the Law Clinic. Their clinical legal education takes place on the basis of simulations conducted by the attorneys who are employed in the Law Clinic. The reason given is that there are too many students for them to be exposed to live clients and their real-life problems. The panel is not persuaded by this rationale. The panel **recommends** that the School should investigate the possibility of exposing students to “live” clients of the Law Clinic, even if only to a limited extent. The School might wish to seek the advice of other Law Clinics where large numbers of students work with live clients in real-life situations, to determine how this can best be managed.

### Skills

1. As stated below, the panel is of the view that the assessment practices in the School do not sufficiently assess the critical thinking skills of the students. The result is that students are alert to the fact that in many modules they will be required to merely absorb existing knowledge and reflect such knowledge back to the assessor. The majority do not engage critically with the work, because they are, in many modules, not obliged to do so. Some students, who do engage critically with the subject-matter (the panel interviewed one of them), are complimented by the lecturers for doing so. The *LLB Standard*, however, requires such critical engagement to be the norm, rather than the exception that is to be complimented on.
2. Research skills are developed in the two core first-year modules, *Legal Communication*. Furthermore, a 24-credit research report is an elective in the fourth year. It is the panel’s view that this is not enough to inculcate research skills in the students. Students interviewed by the panel concurred among each other that much more should be done by the School to develop the research skills of the students. The work done in the first year is too superficial and basic to be of much use – also with reference to their training in the use of library resources - and students are ill-prepared for the demands of independent research when they begin their Research Report. (This said, the panel had sight of some randomly-selected research reports from previous years and came to the conclusion that they were not sub-standard.) The panel therefore **commends** the initiative by the School to include, in its revised curriculum, a number of modules that focus on research skills, most important of which is the proposed core third-year module, *Research Methodology*, to prepare students for the now-core research essay/research portfolio in the fourth year.
3. The panel is of the view that much more needs to be done by the School to improve the writing skills of the students. The *Legal Communication* modules seek to develop the reading and writing skills of the students. Based on the testimony of the students interviewed, this is too superficial and just not enough to prepare them for subsequent years of study. It was

also pointed out by the students, as already discussed above, that the English language skills of many of the students from the rural areas are insufficient for the demands of understanding and verbalizing assessments in law. They also told the panel that they found themselves under-prepared for the (relatively simple) task of doing assignments that required some independent research and writing. The panel found a case where a group assignment had been set in a module, but no expectations or instructions were given to the students beforehand (at least none that the panel could find) on how to do the assignment. The panel **recommends** that the School implements a strategy for the development and the writing skills of students. Such a strategy should include the regular setting of assignments at all levels of study, reflecting on the nature of the assignments to be set and the need that assignments should build on reading, writing and research skills and competences acquired in earlier years of study.

### **Applied competences**

1. The panel found evidence of the development of applied competences in a limited number of modules. The panel wishes to recognize the modules in Administrative Law and the Law of Delict as exemplars of the teaching and learning of such applied competences as problem-solving and the transfer of acquired knowledge. As already stated, the panel commends the initiative in the *Alternative Dispute Resolution* to expose students to actual participation in regional Small Claims Courts. Such an initiative promotes such applied competences as service to the community, self-management and collaboration and the transfer of acquired knowledge.
2. On the whole, though, the panel found a large-scale lack of the teaching and assessment of applied competences in the modules. From its perusal of the module content provided to it, it found little expectation of actual engagement with case law in assessments. Too often, it would seem, students are expected to merely refer to “relevant case law”, without expecting them to analyze and critique judgements. Little opportunities present themselves in the programme for students to engage in moots or other forms of public engagement. Class sizes, to be sure, are an inhibiting factor, but the large number of students should not be an insurmountable problem.
3. The panel appreciates the ubiquitous use made of the Blackboard learning platform and the requirement that all students must pass a module on Computer Literacy in their first year. The panel encourages the School to make even more use of the pedagogical opportunities presented by this e-learning platform.
4. The panel appreciates the decision taken by the School in the proposed new curriculum to include two core English language modules in the first year. This will make a big contribution to the improvement of the communication skills and literacy of the students.

### **Staffing resources (refer to Criteria 3 and 4)**

#### **Academic staff resources**

*1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity*

*of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

#### **Panel Comment**

1. The School of Law has a permanent academic staff complement of 34. Of these the majority are African. There are 7 White academics, 1 Indian and 5 international staff. It has a small complement of contract staff (2), appointed at the level of junior lecturer. There are two Full Professors, one Associate Professor, eight Senior Lecturers and 16 Lecturers. The rest are junior or associate lecturers. There is a large number of junior lecturing staff (8 or 26%) and also a large number of staff (29%) with only a LLB degree as highest qualification. Only three of the academic staff are Professors or Associate Professors.
2. Two academic staff members won University awards for teaching and learning excellence in 2016. Staff members undergo training in curriculum development and in assessor and moderator expertise.
3. The Director of the Law School in his presentation to the panel provided details of the improvement plan that was in place to enhance the qualifications and seniority of the academic staff. The academic staff number has grown by 11 since 2013. Of the current staff four are engaged in doctoral studies, five expect to register for doctoral studies in 2017 and six staff members are currently registered for LLM studies. Those currently registered for higher degrees have all been granted study leave (some quite generous) to engage in their studies. The panel **commends** the School for the approach it has adopted to encourage academic staff to improve their qualifications and so to enhance the seniority of the academic staff by means of promotions. Pressure should be brought to bear on these staff members to complete their studies as soon as possible. It is inappropriate that there are so few senior academics in the School, as it is important that as many senior academics as possible teach on the LLB programme. A situation where 9 of the lecturing staff (26%) are junior lecturers and 13 of the lecturing staff (29%) have no more than a LLB degree cannot be allowed to continue.
4. The panel was informed by the Director that as from 2017 all academic staff will be required to sign annual performance agreements. These will enable the management of the School to determine appropriate annual workloads for each staff member.
5. The staff: student ratio is currently 1:44. Due to the academic appointments made in the last three years the ratio was brought down from 1: 63 in 2103. This is a high ratio (although

not beyond the norm in the sector). The School appreciates the intention of the School to introduce a system of tutorials in 2017 at all levels of study, to complement large-class teaching with small-group teaching. This will improve teaching and learning in the programme and ameliorate the effects of a high staff: student ratio.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

#### **Panel Comment**

1. The panel is satisfied that the administrative and support staff resources are adequate to properly support the academic activities of the LLB programme. The current staff of the School has adequate qualifications and experience.
2. The panel is satisfied that the academic life-cycle of a student, from first registration to certification, is properly administered and that the integrity of the system on which the student life-cycle is managed is secure. There appear to sufficient checks and balances in place to maintain system integrity.
3. The panel noted that the Principal Administrative Officer of the School is responsible for "all operational academic administrative duties regarding students" (SER, p 83). The panel encourages the School to determine whether such an apparent concentration of responsibility for the integrity of the student life-cycle in one individual only creates the danger of a security breach of the system.
4. The School does not offer distance learning programmes.

### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

- 1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?
3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?
4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?
5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?
6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?

**Panel Comment**

1. Teaching and learning in the LLB programme is guided by the *University of Limpopo Teaching and Learning Policy* (SER Annexure 8, p 243ff) and by the *Faculty of Management and Law Teaching and Learning Guide* (SER Annexure 11, p 327). Teaching and learning in the LLB programme is conducted primarily by means of large-class teaching. Tutorials are only presented to students in the first year modules, *Legal Communication*. These are conducted by the student mentors. "Supplemental instruction" by student peers takes place in the high-risk third-year module, *Civil Procedure*, as a pilot project. Small-group teaching takes place in the *Practical Legal Course* module.
2. Despite comments made in the SER (p 87-89) about the teaching and learning strategies adopted in the LLB programme, in conformity to the guidelines and policy directives of the policy documents referred to in 1 above, the panel is not convinced that the teaching and learning practices described take place in all modules. The panel notes the following:
  - (i) The guidelines on the format, nature and content of course or module guides contained in the aforementioned policy documents are not followed in most of the module guides the panel examined. In some case the module guide was not much more than a Photostat copy of the table of contents of the prescribed textbook. There are cases where good, substantive module guides are compiled, but they are the exception rather than the rule.
  - (ii) In most of the module guides consulted, the panel was unable to find evidence of the "outcomes-based, student-centred" approach to teaching and learning stated in the SER (p 87). Students confirmed that in many modules (again, they noted exceptions) the lecturer did little more than repeat the study material in the textbook or in the learner material and little student engagement with the application of the law takes place. The panel found little evidence that actual learning outcomes had been appropriately formulated and consciously assessed, either formatively or summatively.
  - (iii) The panel identified an irregularity in the occurrence of the same (or substantially the same) assessment questions/tasks in the same module year in and year out and sometimes even from one assessment to the next in the same year. This matter will be

further discussed below. This suggests very strongly to the panel that in many modules students are not so much taught as “coached” to respond effectively to assessment questions that are regularly set, with little or no variation. This practice is directly contrary to the approach advocated in “Bloom’s taxonomy”, an approach advocated in the Faculty’s teaching and learning guide (p 10-11, see SER, p 338-339). This practice might be the result of too-junior staff teaching in particular modules, as stated above.

- (iv) Although feedback is given to students after assessments, this feedback is often in the nature of the provision of the memorandum used for the marking of the assessment. There is, so the students informed us, merely a reflection of what the “right answer” should have been and what facts were required to achieve marks, rather than actual engagement with the assessment questions/tasks themselves (*pace* the exceptions to the standard practice). In some of the module files provided to the panel no memoranda for a period of three years could be found (e.g., the *Law of Succession* and *Law of Things* modules).
- (v) The panel found that the learner material prescribed in some modules had clearly not been updated for some time, and did not therefore reflect recent developments in the discipline.
- (vi) The success rates of modules are generally high; in many instances as high as 90% and more. If, as the panel suspects, the generally high success rates are the result of questionable teaching and assessment practices, as detailed above, then such success rates are artificial and cannot be used as an indicator of quality.

3. In respect of the extended LLB programme the panel found the following:

- (i) Students on the extended programme interviewed by the panel informed it that two of the modules on the extended programme, namely *Foundations in Basic Numeracy A and B* and *Foundations in Life Skills A and B*, provided them with no value. In the case of the former, they were taught, along with students from other schools/faculties, pure mathematics, not “basic numeracy”. In the case of the latter, they complained that the modules were little more than a re-hash of the Life Orientation subject they were taught at school and contributed very little to their education.
- (ii) They also expressed the view that the module, *English for Academic Purposes A and B*, had little substance and was taught at the school grade 10 level.
- (iii) They expressed appreciation, however, for the module *Foundations in Legal Practice*. Their view was that the subject-matter of this module should be incorporated into the mainstream programme.

4. There is no formal system of student/staff evaluations, nor do they currently take place in any of the modules. The panel was informed that such a system has already been approved and that it will be applied throughout the programme from 2017.

5. The report has already commented above on the support provided for at-risk students in the first year of study. The proposed extension of student support, discussed above, should be extended also to senior students.

In light of the above comments and findings, the panel **recommends** the following: The School should engage in a substantial module evaluation exercise. This exercise should investigate (with the assistance of external experts, if deemed necessary) the appropriateness of the subject-matter for each module and the appropriateness of the module/course guide

prepared for each module. This will allow the School to take remedial action, where necessary. In such an exercise, the School is encouraged to seek the comments/advice of students and recent graduates of the programme.

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- *an adequate student:staff ratio;*
- *adequate physical resources, such as teaching venues and audio-visual equipment;*
- *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

7. *What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

8. *What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

### **Panel Comment**

1. The standard form of assessment for each module is two formative “tests” and an examination as summative assessment. Sometimes one of the tests is replaced with an assignment, either an individual or a group assignment. Some formative class discussion takes place and in some modules students must present their work in class.
2. The report has already made mention of the panel’s view that not enough assignments (of whatever nature) are set in the programme. More assignments should be set, as recommended, and students should be given clear instructions on what is expected of them. More opportunities should be created for students to engage in independent research – beyond the Research Report of the final year.
3. The panel wishes to express its serious concern with the assessment practices it found in many of the modules, on the basis of the evidence provided to it in the module files. These concerns can be listed as follows:
  - (i) It is a regular occurrence in many modules that the same (or substantively the same) questions/tasks are set from one year to the next, and even sometimes from one assessment opportunity to the next in the same module in the same year. The memoranda for such repeat questions are also made available to the students via Blackboard. Also, in some instances, the assessments do not cover all of the work prescribed for the module. These practices must be stopped immediately. No teaching and learning strategy or policy countenances such a strategy.
  - (ii) The assessments the panel scrutinized contain an abundance of questions/tasks which require a student to “describe”, “discuss”, “define”, “list”, “name”, mention”, “tabulate”. While some such assessment tasks are appropriate, in line with Bloom’s taxonomy, the preponderance of such tasks on a regular basis, from first to fourth level, is cause for serious concern. Such tasks are posed at the expense of problem-solving, critiquing-type questions, where students are challenged to do more than merely repeat absorbed knowledge and facts. When this happens, students do not “learn to understand meaning rather than merely content”, as posited in the SER (p 92). This practice, taken in conjunction with the concern expressed at (i) above, cannot be allowed to continue. Examples of modules in which these assessment practices were found to exist include the following: *Historical Foundations of SA Law; Jurisprudence A and B; Introduction to Law A and B; Family Law; Law of Persons; General Principles of Contract; Specific Contracts; Law of Succession; Administration of Estates; Conflict of Laws; Law of Things; African Law; Social Security Law.*
  - (iii) In one case (the module file for *General Principles of Contract*) the panel found that a mark sheet that had been provided contained a large number of mark adjustments (mostly to reflect a mark of 40%, to gain examination entrance). None of these adjustments had been counter-signed to reflect that this was an official mark adjustment. In fact, some of the students and alumni we interviewed told us that in their view a lot of subjectivity was involved in the awarding of marks to gain entrance to an examination: if a lecturer “liked” you, you were likely to get the marks required for examination entrance; if not, or if you were an introvert who did not promote her-/himself, you would not get the required marks. The panel was unable to confirm these statements, but the mere fact that they were made by the students/alumni is cause for concern.

- (iv) The panel gained the impression that supplementary examinations were readily granted. The students could attend summer and winter schools to prepare for the examinations. The panel is concerned that these “schools” are no more than “coaching” opportunities for students to pass the supplementary examination. Students we interviewed expressed the view that it sometimes happened that a particular lecturer was placed under undue pressure by students to ensure that the majority of the students passed. The panel was in no position to confirm the veracity of this statement.
4. The panel was given a tour of the facilities in which and by means of which teaching and learning takes place in the LLB programme. The panel found the following:
- (i) The lecture venues were in need of maintenance. The air-conditioning in most of the venues did not work. The lighting was inadequate and chairs in the teaching venues were broken. Also, the venues on the inside and the outside, were in need of a layer of paint. The facilities manager interviewed by the panel stated that he was aware of the lack of maintenance of the lecture venues. This was the result of a lack of resources and a prioritization of resources that were available. He indicated that he was hopeful that at least some of the R75m or so needed to effect proper upgrades and maintenance of the lecture venues would soon become available. Then the maintenance plan that had already been drawn up would become operational.
- (ii) Statistics provided to the panel during the site visit indicated that the computer laboratories house some 700 computers and some printers. These are used by all the students of the institution. When the panel visited some of these computer labs, it found that some of the computers were not functional, that there seemed to be too few printers and of the printers that were there, a number were broken. Also, the computer labs seemed to lack proper ventilation. The panel makes these findings despite the clear assurances given by the manager of the computer labs that very few of the computers are in fact non-functional and that daily inspections are carried out to ensure that all computers work and, if they do not, that they are replaced. He acknowledged that there was a concern with the level of service delivery of the company who serviced the printers.
- (iii) The students interviewed by the panel indicated that Wi-Fi connectivity in the residences and on campus was very slow and impeded their ability to do their work. It must be acknowledged, though, that this was not a view shared by all the students. Some indicated that, although not optimal, the access to the internet provided by the institution was satisfactory – at least when compared to a couple of years ago.
- (iv) The library facilities seemed adequate to the panel. Sufficient provision seemed to be made for students to use textbooks in the short-loan facility and access to electronic resources was available to the students. The students interviewed by the panel said that there was often a textbook in the short-loan section that was not available and that better control over the use of these textbooks should be exercised. They also stated that the initial training provided by the library on the use of the library and its electronic facilities was inadequate (with typical student hyperbole, they called it “a joke”). The panel **recommends** that the School investigate the concerns voiced by the students about the inadequacy of the training provided to them and, if the concerns are valid, to take steps to improve the situation.

(v) The panel visited the Law Clinic (Legal Aid Clinic) and were informed of its activities. As stated earlier, the panel **recommends** that the possibility of exposing students to “live clients” in the Law Clinic must be actively pursued. Although the panel found the activities adequate, it believes that there is certainly room for expansion and improvement.

5. The School recently embarked on a process to improve the quality of and the manner in which the internal moderation of assessments took place (SER, p 104-105). A pre-assessment moderation process was initiated and a moderator report prepared. The panel had sight of these moderator reports. Although the initiative is to be commended, in practice this initiative has not yet been fully embedded. In some cases moderator reports were not present in the module files. In cases where they were available, the reports, without exception, had no constructive criticism and simply approved the assessment in all cases. It has, to all intents and purposes, become a “tick-box” exercise. If this impression is indeed correct, the School is encouraged to make sure that a well-meant initiative does not fail as a result of improper implementation.

#### **Progression ( refer to the LLB standard, and Criterion 1 (v))**

*1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*

*2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*

*3. What vertical articulation (for example, into a master’s programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

#### **Panel Comment**

1. The panel is satisfied that sufficient provision is made for the transfer of credits from beyond the LLB programme, and that transfer is conducted in accordance with institutional policy and process. The same comment holds true for a determination of the “shelf-life” of credits (the norm being three years).

2. The panel is satisfied that sufficient provision is made for vertical and horizontal articulation of a graduate. Currently only one LLM programme is presented in the School (in Development Law), apart from the dissertation-based Master’s programme. The School is encouraged to consider the introduction of more postgraduate programmes, perhaps in conjunction with other law schools/faculties, as specialist expertise in the School increases with more staff members completing doctoral studies.

#### **Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

*1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that*

*resembles the entrant cohort profile?*

*2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*

*3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. The panel was provided with information on the throughput and graduation rates of students in both the mainstream and the extended LLB programmes. The throughput rates for both programmes are low (on average 33%), but in line with the (low) national norm. The School currently graduates a large number of students annually. They are the produce of the high module success rates in the programme. As stated, the panel is not convinced that these high success rates reflect the quality of the teaching and learning in the module, but rather the prevalence of questionable teaching and learning and assessment practices in many of the modules.
2. The School used to have a "Law Week", during which students were exposed to opportunities in the legal profession. This Law Week no longer takes place, but the intention is to revive it.
3. No graduate tracking takes place. Anecdotal evidence provided by students and alumni suggests that many, if not most, of the students, practise law as criminal litigators. If such a limited range of options is true is true, this should be cause for concern for the School.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

1. The School of Law functions with a departmental structure. There are four departments. The heads of department report to the Director of the School of Law, who heads the School and chairs its executive committee. The panel was informed that the School experiences no real difficulties in functioning as a School within a Faculty, rather than as a faculty in its own right. It was also comfortable that the departmental structure worked for them.
2. The panel urges the School to consider the formalization of a Teaching and Learning

Committee within the School, with defined responsibilities that include regular scheduled meetings and investigating and reporting on teaching and learning practices in the School. A need was identified for coordination across the programme to take place, alongside the module coordination that already takes place. The panel is of the view that this task can readily be done by a Teaching and Learning Committee comprised of senior staff with an active interest in the scholarship of teaching and learning and its inculcation into the teaching, learning and assessment practices in the programme.

3. The panel appreciates the initiative taken by the School to revise the curriculum and to present the revised version to the panel. The panel **recommends** that the School considers the advice on the curriculum given to the School in this report. In considering this advice, it might in addition wish to consult with external peers on the content and structure of the curriculum.

### **NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of University of Limpopo be re-accredited with the following conditions.**

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The School must provide the CHE with an improvement plan in which it indicates what active steps have been and will be taken (with appropriate timelines) to ensure that teaching and learning takes place in all modules in the LLB programme in line with institutional and faculty policy and guidelines and that they are properly assessed, as per these policies and guidelines.	1 (i) , 5 (ii), 6 (i), 12 (i), (ii), (iii), (vi) , 13 (i), (ii), (iii), (iv)
<u>Short-term</u> 2. The School must submit a plan for review of the curriculum that addresses the need for adequate sequencing and progression of modules, for ascending complexity of content to ensure the achievement of the intended NQF exit level, and for alignment with the LLB Standard and the diverse purpose of the qualification, including provision for, among other areas, jurisprudence and philosophy of law.	1 (ii), (iv), (viii), (ix)
<u>Short-term</u> 3. The School must provide the CHE with an institutional maintenance plan (with an approved budget and appropriate timelines for completion) for the upgrading of the physical infrastructure for the teaching and learning that takes place in the LLB programme.	7 (i), (ii)

The NSRC **commends** the programme for the following aspect, identified by the site visit Review Panel.

The exposure of students in the *Alternative Dispute Resolution* module to regional Small Claims Courts and their active participation in these courts with the collaboration of Department of Justice officials.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws, LLB  Offered as first degree (4 years); as second degree after degree with law subjects (2 years); as second degree after degree without law credits (3 years)
<b>Name of Institution</b>	Rhodes University
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Grahamstown
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	532 (4-year programme)
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- Framework for National Review of Programmes in Higher Education (CHE, 2015);*
- *National Review Manual: Bachelor of Laws (CHE, 2015);*
  - *Criteria for Programme Accreditation (CHE, 2004);*
  - Institutional Self-Evaluation Report (SER);
  - SER desktop evaluation report;
  - Desktop evaluation moderating panel report;
  - Any additional information submitted by the institution prior to the site visit;
  - Supporting documentation made available during the site visit;
  - Any further documentary evidence requested by the Panel Chair during the site visit;
  - Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

The SER points to careful curriculum design and this element of the standard is dealt with in an integrated manner throughout the SER narrative (p 6 to 10). Based on the SER's information as well as the evidence available at site, it appears that the LLB programme addresses the values and ethos expressed in the LLB standard preamble. It did appear that other than through the compulsory law practice module there is little by way of engagement with social justice issues by students during the course of their studies.

**Conclusion**

The programme meets the Standard in this regard.

**Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

*Note: With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

**Panel Comment**

1. The SER demonstrates the alignment between the programme and the institution's mission, goals and strategic plans (the IDP) (see p 11 to 13 and also the rest of the SER). The Faculty has also adopted the values entrenched in the Constitution in the Faculty Vision, Mission and Goals and Faculty Survival Guide. The annual calendar (2016) includes a declaration of academic freedom and other ethical principles, which include the following principles: freedom, integrity, equality, collegiality and excellence.

The Faculty's vision (see Law Survival Guide 2016 at p 7) refers to a respected academic-centred Faculty at national and international level for excellent teaching and research whilst playing a productive role in the development of the Eastern Cape and Southern Africa. The Faculty's mission is to produce high-quality graduates who are capable of becoming leaders in legal practice, commerce, etc. The Faculty is committed to the values in the Constitution and aims to promote "a sense of justice, tolerance and equity in our staff and students, so enabling them to become responsible, productive and ethical members of society". The Faculty elsewhere states (Survival Guide at p 8) that the "main focus of the Law Faculty is undergraduate teaching and learning".

The SER indicates that, in a research-intensive University, the scholar-teacher model was adopted and teaching and learning is based on sound and up-to-date research (p 11) and as such 'both lecturers and students are involved in knowledge production'. The SER also submits that engagement with research 'viewed across the Faculty as a whole, is lower than the Faculty and the University would like it to be' due to several reasons (including the 'breadth of teaching responsibilities', SER at p 106). This was confirmed at the site visit. The SER describes how management is taking steps to encourage staff to research and publish (p 101 to 102 and 106 to 107). This aspect will be dealt with later on in the evaluation report under 'Staffing' but it appears that there is no effective workload model that facilitates such outcome as yet.

2. There is no outsourcing of the programme.

**Conclusion**

The programme meets the Criterion in this regard.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

***Panel Comment***

1. The SER deals with this aspect in an integrated manner (see p 96 of the SER) which is commendable, and it appears to adequately illustrate how the LLB programme addresses the stated purpose.
2. Evidence on site attests to the extensive use of problem type of assessments with research skills embedded in such essays and assessments. It is, however, strange that there are so few students (2 students in 2016) that take up the research project/dissertation as an elective. This is the case even where such module would grant them 2 elective credits. (The Dean indicated that students may be hesitant to enrol for such dissertation due to the extensive use of essays in other modules in the programme.) The admission requirements for postgraduate studies at RU also do not require same even though it would better prepare students for said postgraduate studies (as also alluded to during interviews with individuals on site).

**Conclusion**

The programme meets the minimum Standard and Criterion in this regard.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

- 1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
- 2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
- 3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
- 4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
- 5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

***Panel Comment***

1. There is evidence of logical sequencing and increasing complexity in the module content and assessment requiring progression through ascending levels of competency. There are only two year-long modules (Administrative Law and Law of Delict) in the LLB programme in the context that the second-degree LLB is made up of the "penultimate and final years" and all other students first follow a general formative degree. (The numbers in the 4-year LLB programme are so negligible that they are not relevant here.) There is a high number of electives available to students with classes being

offered with a minimum of 5 students being registered for a module. The programme design therefore adds to the workload challenges raised by the Faculty and elsewhere in this report, in particular with regard to internal parity amongst staff and lecturing loads and research opportunities.

The SER states that the Faculty is considering registration for the advanced bachelor's degree as the 'majority of its students follow the sort of curriculum which would allow them to earn such an advanced bachelor's degree' (p 15) instead of two undergraduate bachelor's degrees. It continues to state that the Faculty has to determine 'what sort of curricular adjustments this might entail'. Such programme design and registration will more accurately reflect the current position at Rhodes University. In fact, the current position does not ideally fit The Higher Education Qualifications Sub-Framework. This has implications for widening of access, accurate marketing of the programme as well as transparent student recruitment. More is said about recruitment and programme design later in this report.

2. The SER indicates continuous reflection on the curriculum, which is commendable. The most recent review was early 2014 (p 16). It seems, however, as if some other associated aspects (e.g. weighting of assessments – in the majority of modules the mark allocation and weighting is 70% for the examination and 30% for the semester work) are not that regularly reviewed. The recognition of the value of continuous assessments was raised by students as a matter of some contention (see discussion later on under Assessment). Another matter raised by the students related to the performance of Black South African students with regard to:

- (1) being admitted to the LLB programme after the first three years of study; and
- (2) the absence of these students on the Dean's list (i.e. obtaining an average of above 65%).

Students expressed a strong wish for additional engagement regarding assessment methodology in order for, in particular, Black South-African students to clearly understand what is expected from them when answering assessments. Assessment is dealt with later on in this report.

3. The SER explains the progression clearly and fully (p 15 to 32) and it was also confirmed at the site visit.

The average of 120 non-law credits in the 4-year programme that Rhodes students have the opportunity to take up is well above the average and aligned with the institutional approach.

4. The SER describes how the LLB degree meets the NQF exit level 8 with reference to compulsory and elective courses (pp 32-33). (Nine of the 17 electives are offered at level 8.) The SER states that 'the Rhodes LLB therefore meets the requirements for a degree at NQF exit level 8'. The SER continues to indicate that the Faculty's teaching and learning philosophy concentrates on 'constructing and developing higher-order problem-solving skills and competencies' (p 34 and paras 6 and 8). Students and examples of question papers confirmed that problem-based assessments are the norm in examinations.

5. The SER also describes the University's and the Faculty's approach to credit weighting as robust (p 36) and to notional hours as 'a blunt instrument for measuring student learning'. However, the programme's throughput rate is exceptionally high and it appears as if the required balance is achieved (p 39 to 43). It must be noted, however, that students indicated that they felt pressured by the demanding nature of the programme and that the time spent on a course is largely determined by the lecturer offering the course and the use of or reliance on case law in a particular module.

### Conclusion

The programme meets the Standard and Criterion in this regard, but there must be a review in relation to programme design with specific reference to the proposed Advanced Bachelor's Degree and consideration to the weighting of assessments.

### **Student recruitment, selection, admission and support (refer to Criteria 2, 5 and 11 (iv) and (v))**

1. *Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

2. *In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

### **Panel Comment**

1. Student recruitment and admission is done through the Registrar's office. There are no 1<sup>st</sup> year students admitted into the LLB degree. Students register in a general degree and may register for some law modules (Legal Theory) together with modules within that degree. They may apply for admission into the LLB degree in their second year of study, where the admission criteria is a minimum 65% average mark in the first year. The Faculty has a Policy on LLB Admission which contains 'general principles or guidelines' with a view to 'attaining the sort of numbers and student profiles which the University aims for' in its enrolment plans (p 46 of the SER). The SER also states that in each of the Penultimate and Final LLB classes only about 85 students can be accommodated if classes were to continue in the Faculty's venues. The SER identifies two matters as concerns, namely the 'lower than hoped-for numbers of South African black students' and 'the patterns of higher numbers of international students' (p 49), which was confirmed on site. These challenges are receiving attention (e.g. the Dean may exercise a discretion to admit students with a lower average to increase representivity) and the student body otherwise appears diverse with regards to race and sex.

2. The 'policies, procedures and resources in place to ensure adequate academic development support for students' appears mainly in the 1<sup>st</sup> year module Legal Theory. It appears as if the main measure of support is targeted through the module Legal Theory 1 (p 52).

## Conclusion

The criteria are adequately met. However, the current practice of not admitting students in the 1<sup>st</sup> year of the Degree holds implications with regard to access and articulation opportunities for students who enrol with the hope to complete a law degree but, who after successfully completing an undergraduate degree, are not selected/permitted to do so.

## **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) what other discipline(s) may students pursue?; and

(2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

### **b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?

- *the development of research skills?*
- *the development of writing skills?*

### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

### **Panel Comment**

#### **a. Knowledge**

1. There are a number of modules designed to provide a ‘comprehensive and sound knowledge and understanding’ in relation to South African law and the legal system; the associated values; and the historical background. These include Foundations of Law; Introduction to Law (1<sup>st</sup> year); Constitutional Law and Bill of Rights (2<sup>nd</sup> year) and Legal Pluralism (p 58 of the SER).

2. Basic areas of law are covered in a range of compulsory modules including the Law of Persons and Law of Life Partnerships (private law); Administrative Law & Criminal Law (public law); Company Law and Partnerships & Trusts (mercantile law) and Civil Procedure & Criminal Procedure (formal law). International and comparative law is covered in Public International Law and Perspectives on Law (in Jurisprudence) and the legal profession in Legal Skills. The dynamic nature of law is dealt with in a number of modules, including Constitutional Law, Legal Interpretation, Administrative Law and Environmental Law.

Students may choose 4 of 17 of the elective modules in the final year. These electives include specialist study in Constitutional Litigation, International Human Rights and Humanitarian Law, Introduction to Conveyancing, Competition Law and Legal Accounting. All students are required to participate in the Law Clinic for 1 semester as part of the Legal Practice module in the penultimate year of study. (Students and alumni indicated that a year would be preferable. However, such option would entail a huge demand on limited resources).

3. Students do not enrol for the LLB degree in their first year of study and are usually enrolled in the Humanities, Commerce or Science Faculties. There is no restriction on the non-law modules students may choose.

4. The total credits in the 4-year LLB programme for the non-law modules is 120 credits for non-law modules.

#### Conclusion

The Standard is adequately met.

#### b. Skills

Alumni interviewed indicated that they learnt critical legal thinking in a number of modules, and that most lecturers required them to interact critically during the classes to discuss case law. A perusal of examination papers and assignment questions supports this view.

There is a strong focus on writing and research skills within the degree. Students are required to write assignments in a large number of modules (see p 69 -72 of the SER). Students and alumni confirmed that they have gained a great deal of exposure to these skills, and mention that they were all required to prepare a brief in which they were required to research all aspects of a legal problem presented to them. The Faculty is to be commended in this regard.

#### Conclusion

The Standard is adequately met.

#### c. Competencies

Ethics and integrity are dealt with in the Legal Skills and Legal Practice modules, and a specific module Ethics and Professional Responsibility.

Communication Skills are the focal point of Mock Trials in the first year and compulsory Moot Court in the penultimate and final years of the degree. Alumni and students interviewed stated that some of them participated in the Moot competitions, which added value to their research and communication skills. Consultation with clients at the Law Clinic also assists them gain confidence in this regard.

Most examination questions involve problem questions and there is clear evidence of problem solving competencies in the answers to the sample examination scripts. There is evidence of collaborative work in some modules, including the Law of Succession, Moot Court and Administrative Law. Alumni interviewed indicated Moot Court exercises and Law Clinic helped them to transfer acquired knowledge. Participation in the compulsory Law Clinic is designed to develop agency and accountability competencies and service to the community. It was observed by Alumni interviewed that the Law Clinic experience would have been more fruitful if they were able to participate in it for a full year and not only one semester (see the comment above).

#### Conclusion

The Standard is adequately met.

### **Staffing resources (refer to Criteria 3 and 4)**

#### **Academic staff resources**

1. How is the academic staff profile, in terms of qualification, experience and levels of appointment,

*aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

### **Panel Comment**

1. According to the SER this is the smallest Faculty in the University and also the smallest in the country with an allocation of “approximately thirteen full-time academic posts”. The outline in Tables 7.1, 7.2 and 7.3 however does not match up to this number. It seems that the correct academic staff component at the start of 2015, with a total of 17 staff members, was as follows:

1 Professor; 4 Associate Professors; 9 Senior Lecturers; 3 Lecturers (2 lecturers left at the middle of the year but the posts were soon after that filled with 2 new members) giving a total of 17 staff members.

The position changed in 2016 with two senior lecturers being promoted to Associate Professors, one Associate Professor took retirement and the only Senior Lecturer with a doctorate left at the end of January 2016, giving a total of 16 staff members.

This is also, according to the “Faculty of Law Courses for 2016” schedule which the panel received during our visit, the correct position.

It appears from the SER that succession planning and contingency arrangements are crucial due to the relatively small size of the staffing resources. It seems that the vacancies that resulted in 2015 were addressed urgently and have been filled on a permanent basis. The vacancy in 2016 has also been filled. (The SER submits that ‘Regrettably, circumstances sometimes dictate that more part-timers have to be called upon’ (at p 103).) The reliance on part-timers during pressure times (e.g. due to resignations) is identified as not ideal by the SER (p 104).

All of the above mentioned staff are teaching in the different modules in the LLB degree. See the paragraph on Teaching and Learning later in our report.

The number of students in the LLB degree, except for the first year intake in Legal Theory offered to students in the general degrees, is very small. The SER describes the practice that staff should be ‘all-rounders’ who are able ‘to teach outside their areas of interest or research, and having to teach a number of diverse subjects’ because of the small size of the Faculty (p 100). According to the SER, lecturers teach approximately 4 semester courses (p 104). This is however a broad figure as only 5

lecturers carry that load where the rest have less than that. It was observed that some of the staff who also form part of the “research” or “management” component of the Faculty are carrying a heavy teaching load.

The matters of recruitment and diversity (pp 105 and 110-115) are also raised by the Faculty as areas in need of improvement without it providing plans and timelines for this improvement.

2. The Faculty has a very favourable full-time staff: full-time student ratio of just over 1:22. The Faculty admits that it does ‘have challenges’ regardless of a favourable staff: student ratio (p 102).

The need for a more ‘sophisticated workload allocation model’ is identified as necessary (p 105). It appears from the SER as if this is the case in order to encourage more research activity as well as the further improvement of staff qualifications. The panel, however could not find evidence that current efforts are working in practice. Qualifications and research are relevant to the matter of quality education in as far as it empowers staff to develop, teach and assess substantive content that is relevant and appropriate. In the case of individual staff members lecturing several modules, this imperative becomes even more important to allow sufficient time for staff to remain up to date and at the forefront of legal developments.

3. The SER states that academic staff have a probationary term of three years and the process of confirmation requires the submission of a teaching portfolio to be assessed by peers (p 109). This approach requires more of academic staff than that of most comparable institutions, which may also have an impact on recruitment. There is however no formal requirement as far as research and progress in postgraduate studies are concerned and that is a matter of concern.

Taking into account the fact that the Faculty presents itself as mainly a “Teaching and Learning” institution there are a number of issues from a staffing perspective that need special mention.

Qualifications of staff members, in relation to even a small Faculty, are a matter for concern.

6 with PhD/LLD in 2015 (now 5)

7 with Masters in 2015 (now 7)

5 with LLB in 2015 (now 4)

TOTAL: 16

Some staff with the LLB degree (senior lecturers as well as lecturers) have many years of teaching experience and no evidence could be found that they are encouraged to complete their masters. It seems that staff members with masters are also not presently enrolled for PhD/LLD. In terms of Criterion 3 (i), all teaching staff members should have a qualification at least one level above the exit level of the programme.

The contribution of part-time staff moved up from 8.23 modules in 2015 to 13.30 modules in 2016. This year’s statistics mean that more than 20% of the modules are presented by part-time staff. The feedback from students interviewed, however, was that the practitioners brought a lot of practical experience into the classrooms.

Despite these challenges, the panel was of the view that the staff was extremely loyal to the Faculty and, overall, content within their work environment.

Conclusion

The criteria are not met. Explicit plans are required to achieve diversity in the staff composition, A clear workload model needs to be adopted and the improvement plans with regard to the qualifications of staff need to be addressed.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

#### **Panel Comment**

1. The role that the support staff plays in the Faculty differs somewhat from other faculties. This is due to the fact that important administrative support is provided by the Registrar's office and central academic administration. Three administrative positions are located within the Faculty: Manager: Administration, Office Administrator and Secretary. There are a further six administrative staff members employed at the law clinic under the leadership of the Senior Administrator. All staff appear to have the necessary experience for the functions to be performed.
2. Staff are inducted into the Faculty informally and promotions are conducted in terms of the university-wide promotion policy.
3. Admission, registration and related administrative functions are performed by the Registrar's office.
4. There is no distance learning.

#### **Conclusion**

The criterion is adequately met.

### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

- 1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
- 2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
- 3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources*

*required for effective teaching and learning through the tuition mode(s)?*

*4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*

*5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*

*6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### **Panel Comment**

1. It became clear that the main focus of the Faculty is on teaching and learning and a lot of effort is put into this function. However it seems that certain opportunities provided to students are not being taken up. One example is where multilingualism is supported and isiXhosa for Law is offered as an elective, but not a single student in 2015 took that elective.

Some of the Faculty's lecturing staff is 100% involved in teaching law subjects to the large number of Bachelor's students, as well as teaching in the service modules offered by the Faculty.

2. The Faculty uses traditional lectures and tutorials. The fact that the Faculty is the smallest in the country is often mentioned in the SER and that fact is also used to point out some academic and pedagogic advantages. Practical issues like students being on or very close to campus with no significant obstacles to attend classes must certainly be favourable for teaching and learning. Being part of only 80 students in the LLB classes does have the further advantage that students can get to know their lecturers and their classmates well. Not all students, however, regarded this as an advantage. Some students mentioned that this may lead to "discrimination", subjective vendettas, favouritism and even bias. However, the impression created by the majority of students interviewed and all of the alumni was that they felt that they benefitted from the small classes.

3. The Faculty is able to provide lectures in lecture venues and facilities which are well-equipped. The practical situation however is that the lecture rooms can only accommodate 83 students and there is little room for growth of the programme. Most modules have two 45-minute lectures per week, which in the view of the panel, is not always adequate for the more complex modules.

4. There is a well-resourced law library which is located within the Faculty.

5. Staff evaluation by students is conducted on a regular basis by most lecturers. A perusal of the modules files confirmed the Faculty's commitment to the evaluation of staff.

6. Student support is provided by way of tutorials in the 1<sup>st</sup> year of study but little support is provided in the later years in the degree. Students were also somewhat critical of the value of tutorials and the preparedness of tutors to deliver the tutorials.

### **Conclusion**

The criteria are adequately met. It is recommended that the Faculty consider increasing the amount of contact time (lectures) in the advanced level modules.

### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*
4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*
5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*
6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*
  - *an adequate student:staff ratio;*
  - *adequate physical resources, such as teaching venues and audio-visual equipment;*
  - *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
  - *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*
7. *What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*
8. *What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

#### **Panel Comment**

1. The SER places 'the skill of writing' as central to assessment and multiple choice, true/false or short comprehension questions 'would be extremely rare in the Rhodes LLB programme' (p 142). Evidence of assessments was considered during the site visit and, based on the description of the Faculty's approach and implementation of assessment, the policy for and practice of assessment should be commended.

The SER raises the possibility of over-assessment of students but concludes that the Faculty has resolved to continue with current practices (p 143). Feedback from the students on present practices, however, was not all that positive. The one concern was that, in general, not every lecturer covers all

or most of the work especially during exam assessments. This concern also relates to the format of the examination papers where, for the first time they encountered only long (35 mark) questions while in the tests there were much shorter questions. Students felt that a balanced approach towards shorter, as well as longer questions, would have been fairer. Students also raised a concern that most modules were heavily weighted in the exams, with the examination counting 70% of the total mark for the module. The Faculty emphasises examination as an important practice with a general weighting of 70%. Although a staff member may obtain permission from the Faculty Board to reduce this weighting, the SER indicates that this is a matter that was identified as warranting specific attention.

The Faculty does not make provision for final summative examination in three modules: Legal Practice, Legal Skills and isiXhosa for Law. The reason provided is that these modules do “not suit the sitting of a final summative examination, as an examination would not align itself with the purpose and objectives of these modules”. These modules are therefore assessed on the basis of 100% coursework.

2. Students are required to write in most of the modules in the form of assignments (discussed further under ‘graduate attributes’).

Mock trials and other tasks are also utilised in assessments and these are described in the SER (see p 144 to-148).

3. The site visit revealed that most modules required students to answer problem-type questions. All students also participate in the Law Clinic to present them with ‘real life’ situations to apply legal knowledge.

4. The University has a large pool of computers available to students both in its libraries and computer laboratories.

5. Students are given written feedback on tests and assignments. The panel confirmed that staff do provide extensive feedback to students.

6. The Faculty is well-resourced in its library facilities, lecture rooms and IT laboratories on the campus. The Faculty also runs an efficient Law Clinic which is well-staffed and well-resourced. The Clinic is also located close to the Magistrates’ Court and within a short distance from the High Court, giving students an opportunity to observe legal processes first-hand.

7. All examinations (except the 1<sup>st</sup> year modules Foundations of Law and Introduction to the Study of Law) are moderated externally.

8. The Registrar’s office controls the administrative of these functions. Staff interviewed indicated clear and secure procedures to ensure that assessments are consistent with the University policies.

### Conclusion

The Standard and criteria are largely met. However the Faculty needs to review the high weighting of 70% examination mark in most of its modules. Continuous assessment occurs regularly and essays and other assessments take up a significant share of notional hours spent on a particular module. The results of these assessments do not, however, carry a lot of weight in the final results of most modules.

### **Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

### **Panel Comment**

1. The Faculty applies a general rule which allows for a discretionary transfer of credits from another degree or institution (p 42 of the University Calendar). A description of the application of the rule is outlined on p 163 to 164 of the SER.
2. There is no specific rule about the shelf-life of credits. The decision to award such credits is left to the Dean and Deputy-Dean, who apply general principles including the date the module was completed, the NQF level and the year of study in which it was offered and the extent to which the subject matter or teaching method has changed (p 164 to 165 of the SER).
3. The Faculty only offers the LLM by research and this is the only vertical articulation available to students. Staff qualifications are relevant in this respect in order to ensure sufficient postgraduate supervision capacity.

### **Conclusion**

The Standard and Criterion are adequately met.

### **Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

### **Panel Comment**

1. Student throughput and graduation rates are monitored through the Registrar's office for the whole university, which generates the necessary statistics for each Faculty. The throughput rate is very high with 'on-time' graduates amounting to about of 90% of total graduates (p 167 of the SER)

sets out the details). However, it appears that these figures exclude students in the 1st year of study, as they are not registered for the LLB degree.

2. There is a university Careers Centre which assists students with careers choices. Student Societies in collaboration with the Dean, embark on career workshops. Further the Faculty hosts a Market Day, where employers are given an opportunity to market their businesses. These include firms of attorneys, the National Prosecuting Authority, the Competition Commission, the National Credit Regulator and the National Consumer Commission, Legal Aid South Africa and the General Council of the Bar of South Africa; and non-governmental organisations like Rhodes Law Clinic. Alumni who attended the interview at the site visit were active in the Bar, attorney's practice as well as postgraduate studies.

3. Graduate tracking is undertaken by the university-wide graduate tracking lies centrally with the University's Development and Alumni Division which gathers information from graduates and conducts surveys in this regard (p 176 – 178 of the SER).

Conclusion

The criteria are adequately met.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

***Panel Comment***

The Dean and Deputy-Dean play a critical role in programme co-ordination. The Faculty also has a number of committees to deal with various aspects of programme administration (see p180 to 195 of the SER).

Conclusion

The Criterion is adequately met.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of Rhodes University be re-accredited subject to meeting specified conditions.**

Condition	Relevant criteria
<p><u>Short-term</u></p> <p>1. The Faculty must submit a plan for how it will address the need for staff demographic diversity, and the upgrading of qualifications to meet HEQC requirements.</p>	<p>3 (i)</p> <p>4 (iii), (iv)</p>

<p><u>Short-term</u></p> <p>2. The Faculty must indicate how its policy of restricting admission of first-year students intending to study for the LLB to other non-law programmes and then applying an additional admission requirement for entry to the LLB in a second year of study complies with all the provisions of the Higher Education Qualifications Sub-Framework or, if the policy does not, what steps will be taken to redress the matter.</p>	<p>1 (ii)</p> <p>2 (iii), (iv)</p>
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The NSRC **commends** the programme on the following aspects.

- a. The strong emphasis across the curriculum on the development students’ writing and research skills.
- b. The integration of Law Clinic experience in the curriculum, and the resourcing of the Clinic to optimise students’ experience.

**HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

**FOLLOWING THE INSTITUTION’S REPRESENTATION**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above, with an amendment to the second condition.

<b>Condition</b>	<b>Relevant criteria</b>
<p><u>Short-term</u></p> <p>1. The Faculty’s policy of restricting admission of first-year students intending to study for the LLB to other non-law programmes and then applying an additional admission requirement for entry to the LLB in a second year of study needs review to comply with all the provisions of the Higher Education Qualifications Sub-Framework. The admission policy must include the option of direct access, upon first-time admission, to the LLB programme.</p>	<p>1 (ii) , 2 (iii), (iv)</p>



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (LLB)
<b>Name of Institution</b>	University of Zululand
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Main Campus, KwaDlangezwa
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	480
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education (CHE, 2015);*

- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**A. Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Panel comment***

**Transformative constitutionalism and social justice**

The institutional Self-Evaluation Report (SER) demonstrated adequately how the general principles of constitutionalism are embedded in both the content and the outcomes of the curriculum, but did not provide a deeper exposition of the institution's understanding of 'transformative constitutionalism' and 'social justice'.

The panel engaged Faculty leadership and staff on these principles, from which the following responses emerged regarding the need for transformative constitutionalism in the curriculum:

- The importance of understanding our South African context: where we have come from (our history); where we are going; our socio-economic circumstances; how all this ties into the modules taught.
- Specific examples that were given: same-sex marriages, and the need to be cognizant of changing times (family law); issues relating to expropriation (property law); litigation when unconstitutionally obtained evidence is relied upon (law of evidence, where about 25% of the examination focusses on this issue).

These responses demonstrate that the institution is keenly aware of the need to address issues of transformative constitutionalism in its teaching, and to inculcate student awareness of constitutional imperatives.

Responsiveness to social justice was not discussed as a distinctive concept. However the institution relies on mock trials, moots and the law clinic to expose students to social justice values.

#### Africanisation and decolonisation

Staff provided examples from the LLB curriculum:

- The impact of indigenous law in the first year module of that name.
- The clash of indigenous law and constitutional principles (e.g. cases such as *Bhe*, and cases involving traditional leadership).
- In the research essay, students are encouraged to examine controversial, topical issues (e.g. virginity testing).
- Intellectual Property Law: traditional teaching of this subject is 'corporatized', but now there is a movement towards recognising indigenous knowledge systems.
- Family law: customary marriages; Muslim marriages.
- Law of Delict: the application of *ubuntu* in defamation cases.

#### Responsiveness to globalisation

The LLB curriculum responds to the imperative of globalisation through emphasising international and comparative aspects of law:

- The Public International Law and International Trade Law electives.
- Compulsory modules such as Intellectual Property which have a comparative element.
- Encouraging students to look at foreign law.
- Wednesday research seminars (students and staff), where international law is often the focus.
- The Africa human rights moot competition.
- There is a Nigerian postgraduate student in the department doing comparative study.
- An international conference in July 2016 (including international scholars from Holland, Nigeria, India, Germany – 70 presentations altogether).

However, by the very nature of its rural geographic location the department may be limited in globalisation opportunities.

#### Responsiveness to ever-evolving information technology

The institution also acknowledges in its SER the limitations on access to dedicated legal information technologies for both staff and students.

In regard to the curriculum, in the first year of study the students are offered Computer Literacy which is designed to give students with limited exposure to computers, basic skills. Whilst an

elective in cyber law (IT law) would be desirable, staff were not convinced that there would be sufficient demand for it.

Students have ready access to on-line legal resources through a range of search engines both on and off campus, although some students expressed frustration with intermittent internet access dictated by high levels of demand across campus. The Moodle platform is used effectively in most modules.

Students have access to computer laboratories on campus with about 260 desktop computers, which are available to all 16000 students of the university. There also appear to be adequate printing and photocopying facilities which students pay for, with pressure around deadlines seemingly the only limitation on access. In addition, each 2<sup>nd</sup> and 3<sup>rd</sup> year LLB student on NSFAS funding (the majority of such students) were allocated R4000 in 2016 to purchase a laptop computer, which is programmed and supported by the University. Final (4<sup>th</sup>) year students were able to use their book allocation funds (R1000) towards the purchase of items such as i-pads.

### Conclusion

In general, given its nature, resources and rural location, the University of Zululand LLB responds adequately to the imperatives articulated in the Preamble in all the above respects.

### **B. Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

### Note

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

### **Panel Comment**

1. The department in its SER adequately demonstrates the alignment that exists between the institution's LLB programme and the mission, goals and strategic plans of the University. This was confirmed by the head of the law department in a presentation in which she considered the vision and mission of the University and the department.

The law department appears to have played its part in the university's processes aimed at its transformation. The university relies on the law department staff with tasks such as disciplinary hearings, drafting and scrutinising of University contracts and memoranda of understanding, and participation on the selection committee for SRC elections.

2. There is no outsourcing of delivery of the programme.

### Conclusion

The criterion is adequately met.

**C. Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. The institution emphasises heavily the application of the law and preparation for practice (which is a tremendous strength of the programme). There is, however, limited reference to the two other stated purposes of the LLB qualification, namely preparation for other careers requiring the application of the law, and post-graduate study in law.

For these reasons the panel addressed these matters very specifically with departmental management and staff.

**2. Preparation for legal practice**

The LLB degree at University of Zululand is geared to prepare graduates for the practice of law. Students and alumni expressed great satisfaction in this regard, some stating that they felt they had a competitive edge over other law graduates in practice, and in the attorneys' admission exam (except for bookkeeping). Nine out of 12 of the academic staff have practice backgrounds, and several continue to maintain part-time practices, which further influences the primary focus of the degree. The stated expectation of staff and students is thus that the degree will prepare graduates for practice, in particular criminal (and to a lesser extent civil) litigation. The department further strives to respond to the need for skills development, including language skills and other lawyering skills, in answer to the profession's concerns and criticisms of the preparedness of law graduates for practice.

**Preparation for a range of other careers requiring the application of the law**

The above notwithstanding, alumni expressed the view that the intellectual demands of the degree still prepare graduates to successfully pursue careers outside of the practice of law, and pointed to their colleagues employed at organisations such as SARS and KPMG in this regard.

There are only two non-law modules offered at first year level, namely Practical English and Computer Literacy, both of which appear to be intended to provide academic support for the successful study of law, rather than providing knowledge in a discipline other than law (as defined in the Standard, which will be canvassed further under 'graduate attributes'). In response to this concern, the head of department referred also to the elective module on Local Government, which is not a law module.

**Preparation for postgraduate studies in law**

Alumni and students of the department expressed as a shortcoming of the degree the limited

emphasis on learning of research skills. Research skills are dealt with at in the Legal Skills module, and then some students who do the research essay elective have greater opportunity to hone their research skills (and thus to prepare them for postgraduate study).

Management of the department also acknowledged the need to adjust the curriculum to include more intensive instruction in research skills for all students, which will go a long way towards preparing students for postgraduate study (LLM currently by thesis only, although a coursework LLM and / or postgraduate diploma was acknowledged to be desirable).

Notably, few students choose to pursue postgraduate study in the department or elsewhere. The Dean, in particular, expressed a wish to increase the number of LLM and PhD students in the department, and for departmental staff to increase their research productivity (about five staff are currently engaged in PhD study, which is most encouraging).

### Conclusion

The criteria and standard are met, but there is room for improvement. It is recommended that the LLB degree should provide more opportunity for the pursuit of (i) disciplines other than law and (ii) research skills.

### **D. NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

*1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*

*2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*

*3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*

*4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

*5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

### **Panel Comment**

1&2. The department in the SER clearly demonstrates that the institution's LLB degree is appropriately designed to ensure progression through ascending levels of competency and meets the requirements of NQF exit level 8 (at p 30 – 37 of the SER). The degree starts off with foundational modules (Legal Skill A, B, C and D) in the 1st year (NQF level 6) and 2<sup>nd</sup> year (level 7). Core law modules (e.g. Law of Contract; Law of Delict; Criminal Procedure) are covered in the 3<sup>rd</sup> year (level 7) and more complex modules (e.g. Negotiable Instruments, Public International Law; Law of Evidence) are dealt with in the 4<sup>th</sup> year (level 8).

Management indicated that the degree has been tweaked occasionally in the last approximately ten years when this was perceived to be necessary, and staff indicated that this may be necessary in future (e.g. moving of the challenging Administrative Law from year 2 to year 3 once the foundational Constitutional Law has been completed). Whilst management and staff generally

expressed satisfaction with the degree, it appears that there is scope for review of the curriculum, particularly given that this appears not to have been done since its introduction (presumably after 1998 when the undergraduate degree was introduced nationally). Whilst management and staff generally expressed satisfaction with the degree, it appears that there is scope for review of the curriculum, particularly given that this appears not to have been done since its introduction (presumably after 1998 when the undergraduate degree was introduced nationally).

3. The degree is well-balanced in its allocated of credits. Each of the 40 modules that every student is required to complete for the degree through years one to four has a credit rating of 12 (10 modules for each of the first three years, and a minimum of 10 modules in final year), amounting to 480 credits altogether (and electives may increase the total number of credits to 504).

4. Each module has a credit rating of 12. This implies that each of the 40 modules requires the same number of 120 notional hours of study. Staff expressed the view that this is borne out in reality, pointing out that some modules have less, more complex content at a higher NQF level (e.g. Intellectual Property at 4<sup>th</sup> year), whilst others have fewer cognitive demands on students but have more content (e.g. Civil Procedure). In introductory modules at 1<sup>st</sup> year level, the notional hours included tutorials. The same variations apply in regard to the nature and complexity of assessment of different modules.

5. All things considered, the total allocation of credits in the degree adequately meets the purpose, content and intended outcomes of the LLB qualification.

#### Conclusion

The LLB adequately meets the standard and the criterion.

#### **E. Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in*

**Panel Comment**

1. The institution meets the legislative requirements for admission. Students with 30 matric points are admitted into the LLB degree. On the issues of equity, diversity and transformation, there are no admission barriers to equity, diversity and transformation. The University is located in the rural part of KwaZulu-Natal. This makes it difficult to attract students of races other than African Black. There is a predominantly large population of African Blacks in the university and accordingly the mission of establishing it for Africans is still being apparent. There is a small number of non-African students in the department.

The University has an RPL policy, but no evidence was provided of students that have benefited from admission through this policy.

Institutional capacity to handle the recruitment, selection process, admissions and support for students is adequate.

2. Student support is made evident in the SER and this is also confirmed by the Desktop Evaluation Report (DER). At interview stage, students and staff clearly demonstrated that there is a high level of support, particularly at first year level. Mentors, tutors, library staff and lecturers provide commendable support to the students.

Practical English, Legal Skills and Numeracy as well as Computer Literacy modules are designed to bridge the gap between fresh students and the demands of the institution.

**Conclusion**

These criteria are adequately met.

**F. Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- *South African law and the legal system;*
- *the associated values; and*
- *the historical background?*

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- *basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;*
- *the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;*
- *some discipline(s) other than law;*
- *select area(s) or*
- *specialization in one or more areas or*

- *clinical legal education.*

3. In regard to discipline(s) other than law –

- (1) *what other discipline(s) may students pursue?; and*
- (2) *are there any restrictions in the discipline(s) students may choose?*

4. *How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver ‘well-rounded’ graduates.*

#### **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

#### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

#### **Panel Comment**

##### **a. Knowledge**

1. The degree provides sound and comprehensive knowledge in the South Africa legal system, its associated values and historical background. This is evidenced in some of its modules, including

## Indigenous Law and Introduction to Law.

2. Core compulsory modules are offered in private, public, mercantile and formal law. These are listed in the SER (pages 32 to 37). International and comparative aspects of law are dealt with in modules such as Public International Law, Competition and International Trade. The module outline and assessment tasks reveal that the dynamic nature of law and its relationship with the relevant contexts are dealt with particularly in modules such as Constitutional Law and Indigenous Law. The department offers two compulsory modules on Legal Practice in the final year. There are some specialised elective modules (e.g. Forensic Medicine, Tax Law and Local Government). The department is in the process of adding Environmental Law as an additional elective module in its offerings.

3. & 4. The curriculum is fixed and there are limited opportunities to pursue other disciplines. Non-legal courses are limited to Practical English, Computer Literacy and Local Government (an elective).

### b. Skills

The degree meets the multiple career pathways criteria in respect of critical thinking skills, research skills and writing skills. This is evident from content and method of instruction in Legal Skills A, B, C and D. Further evidence is noted in Legal Practice and Moot court (which is not compulsory). However, staff indicated a desire to increase the amount of research activities to better prepare students for post-graduate studies. It is recommended that plans are put in place to address this.

### c. Applied Competency

The degree meets the applied competencies. Ethics and Integrity are explored in Legal Practice, Introduction to Law and the Legal Skills modules, and are embedded in a range of other courses too. Numeracy skills are taught in Legal Skills A and B. There is a compulsory module offered on Information Technology (Computer Literacy). There are explicit examples of problem solving in the examination questions, for example, in Constitutional Law and the Law of Evidence. In the Legal Practice module and in Family law we noted clear evidence of self-management and collaboration. Transfer of acquired knowledge, agency and accountability and service to the community are evidenced in the Legal Practice module and the Moot court.

### Conclusion

The standard is adequately met.

## **G. Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

*1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic*

*staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

**Panel Comment**

1. The department has a staff complement of 13 members. Most staff have postgraduate law degrees and 5 are registered for PhDs. Only two staff members have only an LLB degree but these lecturers are qualified attorneys. In view of the organogram (see Overview of the LLB Programme and the law department at The Unizulu Document) and the diverse staff complement, there is sufficient evidence of the diversity of expertise, ideas, styles and approaches in the department's staffing. However there is a shortage in the number of staff members, but two lecturers have recently been appointed (June 2016), and we were informed that a further 5 posts are in the process of being filled. The staff displayed and expressed a high level of collegiality and support for each other, which is highly commendable (p 57 of the SER).

2. The staff: student ratio of 1:300 is high, with each staff member teaching 15 hrs per module (6 hours teaching + 9 hours of other teaching-related commitments). This high ratio has impacted on staff ability to spend more time on research and to deal with students. Assessments are returned late to students, but the use of mentors and tutors goes a long way in assisting the lecturers in achieving their goals. There are no part-time staff members.

3. The department does not have its own promotion policy. There is a University-wide policy but staff expressed a reluctance to apply for promotion because they found the promotion procedure too cumbersome. Staff prefer the route of applying for vacant posts for upward mobility rather than apply for promotion. The School has identified problems in relation to staff retention and the slow process of appointing new staff (p 83 of the SER). There are concerns about poor salaries which are being addressed with the university. The panel does not see how some of these issues can be addressed within the context of this review.

**Conclusion**

The criteria are adequately met.

**H. Staffing resources (refer to Criterion 8)**

**Administrative and support staff resources**

*1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional*

*policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

**Panel Comment**

1. The department is reliant on support staff from different divisions in the University. There are 7 staff members for the entire faculty and only two are available for the Department of Law. This is a shortfall considering the number of students that are in the department and taking into account the existing staff complement and those that are likely to join in the near future. A consequence of the limited administrative staff is that academic staff are required to perform some of the administrative functions, such as input their assessment marks and administration of tests and assignments.
2. The Human Resources department has policies in place for staff induction and development.
3. Admission applications are processed through the Central Applications Office (CAO). Results are recorded by staff and the IT staff have indicated that sufficient measures are in place to safeguard the input of results into the system. All students who receive a mark below 40 are regarded as students at risk and are identified and guided by the department through its mentorship programme.
4. The University does not provide distance learning.

**Conclusion**

This criterion is not adequately met. More administrative staff is required to support the academic functions.

**I. Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

1. *How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
3. *How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
4. *Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
5. *What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
6. *How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### **Panel Comment**

1. There is evidence of the institution's central operating policies and procedures, including policies on resource allocation, mode(s) of tuition, as well as staff appointments and promotion. The university has committed to the Academic Renewal Project (ARP) whereby it aims to produce "high quality academic and career-focused programmes which are relevant and responsive to the needs of students and the society" (p 60 of the SER).
2. Traditional teaching methods including the Socratic dialogue, simulations, mock trials, online platforms and blogs are often used as teaching tools. The use of these innovative teaching tools is highly commendable.
3. The teaching strategies are aligned with the mode of delivery, which is largely face-to face lectures and there are sufficient resources in this regard.
4. There is little non-contact learning. Online platforms and blogs are used by some lectures to supplement the formal lectures (Law of Persons, Legal Skills, Family Law and Forensic Medicine).
5. Staff evaluations are done on a three year cycle and we are satisfied that the University meets this requirement. A persusal of document on-site indicated that evaluations were done regularly.
6. The policy on identifying and supporting students at risk shows an elaborate commitment towards student improvement and support (see p 68 of SER). At the end of each term, students who have failed tests are identified by lecturers and students are contacted and required to attend a consultation at the Teaching and Learning Centre for appropriate interventions to be put in place. The Centre provides a progress report on the student and suggestions on what further remedial action needs to be taken, if necessary. Students interviewd indicated that they received valuable assistance from the Teaching and Learning Centre, particularly with their writing skills. The University policy in this regard is commended.

### **Conclusion**

The criteria are adequately met.

### **J. Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*
4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance*

*of these resources to keep abreast of ever-evolving technology?*

*5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

*6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- an adequate student: staff ratio;*
- adequate physical resources, such as teaching venues and audio-visual equipment;*
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

**Panel Comment**

1. There is sufficient evidence that the University uses formative and summative assessment processes. The method of assessment includes tests, assignments and mock trials.

2. Students conduct assessments through independent research in at least six modules. There is also an Independent Research module offered as an elective in the final year. Further examples include Introduction to Law, Legal Research methods and Juridical Interpretation.

3. Problem solving is incorporated in at least 13 modules for example, Constitutional Law, Tax Law and Labour Law. Students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities during the Legal Practice module.

4. There are several computer laboratories that are Wi-Fi enabled. NSFAS students to a large extent are given individual laptop computers. . The students have adequate access to the library and e-learning facilities. Students are able to access library resources through these computer even when off-campus. These computers are maintained by the University IT department. Students interviewed indicated that they had no problems with the computer resources.

5. Regular and constructive feedback takes place through the online system, through lectures and during tutorials. This was confirmed by students during interviews.

6. A visit to the library indicated that it was sufficiently equipped with resource material. There is insufficient space in lecturing venues, and some students reported having to sit on the floor in some lectures. The Legal Practice clinic is housed in a very small facility. There is only one attorney who supervises 175 students, which is an unacceptably high supervisor to student ratio. This facility is not

adequate.

7. There is a comprehensive internal and external moderation policy that the University has in place. All modules are moderated internally by colleagues, and exit level examinations are moderated by external examiners.

8. The department applies the University Assessment policy. An interview with the examination officials indicated that there were secure measures in place for the preparation of examination papers and input of final marks for the modules.

#### Conclusion.

The criteria are adequately in some respects, but there is a need for improvement.. There is insufficient space in lecture rooms to accommodate the students in lectures, and the Law Clinic has inadequate staff and space for the number of students being supervised.

#### **K. Progression ( refer to the LLB standard, and Criterion 1 (v))**

*1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*

*2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*

*3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

#### **Panel Comment**

1. There appears to be an adequate policy on transfer of credits. The policy is explained in the SER (p 75). A student who wishes to receive credit is required to submit the course outlines for the relevant modules, which are assessed against similar modules. If they are substantially equivalent, then credits are awarded, up to a maximum of 50% of the total number of modules needed to complete the degree. Students are not permitted to receive a transfer of credits for any modules to be taken in the final year of study.

2. There is no policy in regard to shelf-life of credits in place, but there is a practice to evaluate each module on an *ad hoc* basis. The individual module is evaluated, taking into account the year the module was completed and whether the content would have changed. This is done at the Dean's discretion. It is recommended that a policy or set of guiding principle should be adopted to ensure consistency and transparency.

3. Having completed the LLB degree the institution offers an LLM (research) degree. No postgraduate diplomas are offered at the university.

#### **Conclusion**

The standard and criteria are adequately met.

#### **L. Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

*1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that*

*resembles the entrant cohort profile?*

*2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*

*3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. Basic data is kept by the department. Pass rates are reported by way of an Examination Report. Data in the SER (p 78) suggest a 36-37% on-time graduation rate, with a slight increase from 2006 to 2010 entrant cohorts. Very little data or commentary was available on this issue.

2. The department actively exposes its students to the legal profession and other career pathways. It holds career days, it has visits from judges and hosts the Black Lawyers' Association activities on campus. These activities are outlined on p 76 to 77 of the SER.

3. There is no formal graduate tracking in place. However, individual lecturers keep in contact with graduates, particularly those in legal practice. Alumni interviewed in the site visit indicated that they were employed in a range of spheres, including accounting firms, prosecuting and practising as attorneys.

Conclusion

The criteria is not adequately met. The School is required to provide detailed data and commentary on its throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile.

**M. Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

The programme is coordinated by the Head of Department. She is responsible for quality assurance matters and there are team leaders appointed to each level of the degree to oversee any matters that arise in that level of study. (p 80 of the SER). Staff interviewed confirmed that their curriculum

coordination and provision for review of the programme.

Conclusion

The criterion is adequately met.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of University of Zululand be re-accredited subject to meeting specified conditions.**

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The Faculty must submit a plan for review of the curriculum, in order to address the diverse purpose of the qualification as set out in the LLB Standard, to address the need for the inclusion of non-law modules, to enhance students' research skills, and to improve their prospects for admission to post-graduate studies.	1 (ii), (iv), (v), (vi)
<u>Short term</u> 2. A plan must be submitted to address the high student:staff ratio (including the outcome of posts currently being filled), as the current ratio impacts negatively on research capacity, dealing with students, and timeous feedback on assignments.	4 (i), (ii) , 11 (iv) 12 (vi), 13 (i)
<u>Short-term</u> 3. The Faculty must submit a plan to improve the administrative staff support for the programme.	4 (i) , 8 (i), (ii)
<u>Short-term</u> 4. The Faculty must report on steps it intends to take in order to enhance the staffing resources and space available in the Law Clinic.	4 (i), (ii) , 12 (iii)
<u>Short-term</u> 5. The Faculty must provide further and adequate information on how throughput and graduation rates are monitored, and what plans are in place to enhance these rates.	17 (i) , 19 (iii)
<u>Long-term</u> 6. The Faculty must address problems of insufficient space in teaching venues to accommodate all student groups, and report on relevant developments.	7 (i)

### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (LLB): integrated 4-year programme Foundation LLB: Extended 5-year programme LLB post-B Com (LLB): 2-year programme
<b>Name of Institution</b>	University of the Western Cape
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	n/a
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	490 (integrated and extended programmes) 230 (following B Com (Law))
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***A. Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

The LLB programmes (4-year, 5-year and post-BCom (Law)) mainly address the values and ethos expressed in the Preamble of the Qualification Standard through knowledge attributes and the exposure of the law students to diverse viewpoints and approaches of Faculty staff. The post-BCom (Law) LLB students attend the same law modules as the 4-year or Foundation LLB programme students in the two final years.

### Transformative constitutionalism

The Faculty offers a number of modules in which issues of constitutional imperatives are embedded – in both compulsory courses (e.g. Constitutional law 202 and Administrative law 311) and in elective courses (e.g. Regional Integration Law 431, Advanced Public Law 431 and Immigration and Refugee Law 401) which inculcate student awareness of constitutional imperatives.

### Responsiveness to social justice

The Faculty offers a number of elective modules which address the issue of responsiveness to social justice such as Child Justice 431, Legal Process 401 and Social Security Law 431. All students are also required to participate in the Law Clinic which deals with issues of social justice.

Responsiveness to globalization is dealt with in compulsory courses such as Public International Law 321 and elective courses such as International Business Law 431, Comparative Conflict Resolution 411 and Comparative Law 431.

In the compulsory modules Introduction to Legal Studies 111 and 121 the aspect of information technology is part of the Main Outcomes and Main Content. In Introduction to Legal Studies 111 the outcomes include “Locate, read and apply the various sources of law” whilst the content includes “Introduction to study methods, computer literacy and problem-solving”. In Introduction to Legal Studies 121 the outcomes include “Demonstrate a basic knowledge of information technology and the use thereof in their legal studies” whilst the content does not specifically make reference to information technology or computer literacy as such. (See Faculty of Law Calendar 2016 pp91-92.) The curriculum includes an elective module Internet Law, which not all students take.

The Dean did indicate that the Faculty’s self-evaluation has resulted in a decision to review the programme with regard to issues of decolonization, including transformative constitutionalism.

### Conclusion

The programme meets the minimum standard in this regard. It is recommended that the Faculty pursue its review of the programme and address issues of decolonization and transformative constitutionalism.

## **B. Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

*Note With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

### **Panel Comment**

1. The Faculty has not adopted its own internal mission, aims and objectives. Rather, it adopts the institutional (UWC) mission (“it strives to be a place of quality, a place to grow. It is committed to excellence in teaching, learning and research, to nurturing the cultural diversity of South Africa,

and to responding in critical and creative ways to the needs of a society in transition”), goals (see the 8 strategic goals p 5 f the SER) and strategic plans. The LLB programme is formally part of the Institution’s approved programme qualification mix (PQM), enrolment planning is done through formal channels, and resources are made available for the programme to be offered. In this formal sense there is alignment. There was mention of an annual plan/report of the Faculty which should be in alignment with the institutional strategic plan. However, such plan was not made available to the panel and no Faculty (or departmental) strategic plan has formally been adopted. Having regard of workload planning, teaching and research outputs (HEMIS-time spent on teaching and learning in comparison with research), the Faculty and its LLB programme cannot thus far be said to be fully aligned with the institution’s mission of UWC as a “significant research and innovation university” but it is more aligned with excellence in teaching and learning.

Recommendation: The Faculty should adopt its own vision and mission or it should explicitly tailor and apply the institutional mission, goals and values to its context and programme(s). It was apparent from the interviews and documentation that the Faculty did not have a clear identity and it appears that departmental organisation, planning and functioning are more prominent with resulting consequences for coherent and cohesive academic planning and implementation of the LLB programme. (See also the section on co-ordination later in this report.) Furthermore, the UWC graduate attributes should be benchmarked against the new LLB National Qualification Standard.

2. There is no outsourcing of delivery.

#### Conclusion

The programme meets the criterion in this regard.

### **C. Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

*1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*

*2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

#### **Panel Comment**

1. The Programme is structured to reflect all the basic areas of private, public, formal, criminal, civil, and corporate law and a range of specialized areas of law. Professional skills, e.g. writing, oral and communication skills are harnessed through some modules, like Preparing for Legal Practice and the Law Clinic experience (p 16 to 18 of the SER).

2. Students are given a range of elective courses which allow them to specialise in the legal profession (e.g. Advanced Family Law, Law of Unjustified Enrichment and Intellectual Property Law); the public service (e.g. Advanced Public Law; Environmental Law, Gender Law and Immigration and Refugee Law) and the postgraduate studies (Research Project).

#### Conclusion

The standard and criteria are adequately met.

#### **D. NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

- 1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
- 2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
- 3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
- 4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
- 5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

#### **Panel Comment**

1. The LLB programme design has been reviewed in recent years. Progression is evident from the ascending NQF levels of modules as offered in different year levels (e.g. from Introductory modules to advanced modules). This is outlined concisely in the SER (page 12 to 14) and evidenced in the perusal of the module outlines during the site visit.

2. All final year modules are set at NQF exit level 8 and the level descriptors are evident from the overarching outcomes contained in the Faculty Calendar. In general, assessments of the exit level modules indicate the requirements of problem-solving skills.

3. & 4. The credit rating of the modules takes account of different teaching and learning activities but there are some questions regarding the alignment between such credit ratings and the student workload:

(1) Students commented that they did not consider the notional hours as an accurate indication of time spent, for example referring to Corporate Law 401 (20 credits) which is a semester course and not a year course; and

(2) In the Faculty Calendar 2016, in the section dealing with Undergraduate Module Descriptors (p 56 et seq), some modules set out the Breakdown of Learning Time but in some instances the calculation of time does not correspond with the actual credits listed for the module (e.g. Criminal Law 202 at p 75, Criminal Justice 431 at p 74 and Critical Legal Analysis 201 at p 76). Therefore there are some discrepancies within the Faculty Calendar as well as between the Faculty calendar and the SER data table on pp 19 et seq). Although these may only be calculation errors, they may also be indicative of a speculative approach to NQF credits.

5. The total credits of the 4-year LLB programme is 490. Of these credits, the Faculty rules/calendar indicates 60 elective credits in the final year (i.e. 6 electives of 10 credits each, or 5 of 10 credits each and Legal Process, which bears 20 credits). The SER states there is a "suite of 30 elective modules" 9 (at p 15) but the 2016 Faculty calendar contains 40 elective modules (pp 13-14).

#### **Conclusion**

The programme in this regard needs some improvement. Inaccuracies regarding notional hours and credits must be corrected in all formal material (e.g. the Faculty calendar). Furthermore, the content and student workload for modules should correspond to the NQF credits and notional hours.

### **E. Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:

- legislative requirements
- equity
- diversity and transformation
- transparency
- institutional capacity
- demonstrated or assumed competence (as reflected in admission requirements)
- admission via RPL.

2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)

#### **Panel Comment**

1. The bulk of the student selection process is done online. Criteria for admission to the 4-year LLB requires a minimum of 37 matric points and 32 points to the 5-year LLB. There is sufficient representation of students from different backgrounds in view of the regional demographics of the Western Cape (p 33 of SER).

The Institution (as well as the Faculty) have adopted a policy of over-registration of students, which impacts negatively on the capacity of the Faculty's service delivery. This leads to overcrowded lecture rooms, limited assessment methods, and a strain on staff commitment to research and innovative teaching methods.

2. The entry requirement, even for the Foundation Programme, is relatively high. The Faculty provides academic support through its Foundation Programme (5-year LLB), graduate lecturing assistants and tutors. Students are provided with computer literacy training, numeracy skills development and English for Educational Development (EED). There is also a University-wide Writing Centre, which provides assistance with writing skills. The Faculty has a dedicated computer laboratory which has 200 computers and printer facilities available for students in its IT resource centre.

#### **Conclusion**

The LLB programmes adequately comply with the criteria.

### **F. Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

#### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and

*understanding' in relation to:*

- *South African law and the legal system;*
- *the associated values; and*
- *the historical background?*

*2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:*

- *basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;*
- *the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;*
- *some discipline(s) other than law;*
- *select area(s) or*
- *specialization in one or more areas or*
- *clinical legal education.*

*3. In regard to discipline(s) other than law –*

*(1) what other discipline(s) may students pursue?; and*

*(2) are there any restrictions in the discipline(s) students may choose?*

*4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.*

#### **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

#### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge; (elective modules only)*
- *Agency and accountability; (electives)*
- *Service to the community. (electives)*

### **Panel Comment**

#### **a. Knowledge**

1. The Faculty offers sufficient modules to provide graduates with a ‘comprehensive and sound knowledge and understanding’ in relation to the South African law and the legal system and its historical background. These modules include Introduction to Legal Studies 111 and 121; Legal Systems 111 and Customary Law 121. The associated values are dealt with in Constitutional Law 202 and Legal Interpretation 221 and the elective course Legal Pluralism 431.

2. The Faculty offers a wide range of core compulsory modules in private, public and mercantile law. These include Law of Persons 112 and Law of Things 211 (private law); Administrative Law 311 and Public International Law 321 (public law); Labour Law 321 and Law of Insolvency 311 (mercantile law); and Law of Criminal Procedure 204 and Law of Civil Procedure 302 (criminal justice and procedure). International and comparative aspects of law are dealt with Public International Law and elective modules such as International Business Law 431, Regional Integration 431 and Comparative Conflict Resolution 431. The dynamic nature of law is dealt with a number of modules including Constitutional Law 202 and Family Law 121.

Perspectives on law and the legal profession are addressed extensively in the skills modules Critical Legal Analysis 201, Introduction to Advocacy 301 and Preparing for Legal Practice 401; the last-mentioned being an elective module in which students participate in the Law Clinic as part of their clinical legal education. The Law Clinic has 6 attorneys and 2 candidate attorneys, and all students deal with live disputes with sufficient supervision and guidance from the attorneys. From our observations, the Clinic is well-resourced and provides above-average community service. The Faculty is **commended** in this regard.

The Faculty offers 40 elective modules and students have to select 6 of these as areas of specialization. These elective modules include Advanced Corporate Law 431, Advanced Criminal Law 431, Advanced Family Law 431, Advanced Labour Law 431 and Advanced Law of Civil Procedure 431 (page 43 of the SER).

3. In the first year of the degree, students must enrol for 30 credits of non-legal modules. These non-legal elective modules are limited to Arts and Economics as areas of study which include Introduction to Psychology, Ethics, Political Studies, and Introduction to Economics and Business. In addition, students are required to register for English for Educational Development (Law) 101. It is the view of

the panel that the percentage of these non-law modules is adequate to provide an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

#### b. Skills

Problem-type and case study questions requiring evaluation, critical thinking, analysis and application are evidence in most of the modules. Complete problem-based research assignments are found in Public International Law 321, using detailed guidance on issues such as referencing and the consultation of various research sources. This skill is specifically focussed on in Introduction to Legal Studies 111 and 121 and Critical Legal Analysis 201.

Students are required to submit written assignments in Public International Law 321; Corporate Law 401 and the elective modules such as International Business Law 431 and Social Security Law 431 to develop their writing and research skills. The University-wide Writing Centre makes provision for writing skills for all students in the University. Students may individually seek assistance from the Centre. The Faculty acknowledges that the development of these skills is limited due to the large sizes of the classes. It is recommended that the Faculty implement the compulsory research project in 2017 as outlined in the SER (p 46).

#### c. Applied competence

Ethics and integrity is taught in part in some of the modules, but there is no dedicated Professional Ethics module/ component. The legal ethics are specifically touched on in Legal Practice 401 and the broader issues of ethics and integrity are dealt with Jurisprudence 311.

The compulsory modules Introduction to Advocacy 301 and Legal Process 401 are designed to enhance communication skills and literacy. This competency is also developed in some of the elective modules, (Advanced Law of Contract 431, Advanced Labour Law 431, Internet Law 431, Law of Agency and Cession 431, International Business Law 431 and Gender Law 431) where students are required to make oral presentations on questions researched.

Numeracy skills are taught in a first year Introduction to Legal Studies 121 and Preparing for Legal Practice 401. They are also assessed in some of the elective modules (Legal Accounting 431; Tax Law 431 and in Social Security Law 431).

Information technology is dealt with on a basic level in Introduction to Legal Studies 111 and 121, and the Faculty offers an elective module Internet Law. The university also uses the iKamva platform to post materials and assessment for students. However, there was no evidence that it is extensively used by staff.

Problem solving was evident from the type of test and examination questions. Students are required to working collaboratively in order to prepare for moots and in Labour Law 321. Some of the electives also require group work (International Business Law 431 and Gender Law 431). Students interviewed indicated that they were required to self-manage their time in preparation for tests and assignments. The transfer of acquired knowledge and service to the community was evident from the Law Clinic and the elective Street Law programme and Social Security Law 431 offered by the Faculty. Aspects of agency and accountability are dealt with the Law Clinic work, as students are held responsible for the clients they encounter.

#### Conclusion

The criteria and Standard are adequately met.

#### **G. Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

### **Panel Comment**

1. Forty permanent academic staff members are engaged in teaching, learning and assessment of students in the LLB programme. In view of the temporary absence of some of these staff members (for purposes of sabbatical leave and related reasons) some of them are at present temporarily relieved by a total of 8 contract staff members. There are 28 graduate learning assistants who augment teaching capacity in tutorials.

At least 50% of staff members teaching in the LLB programme are qualified on doctorate level with the remainder, with very limited exceptions, all qualified on master's degree level. Sound proportions of all academic ranks (senior professor and below) are evident among the staff members, while there also appears to be a good distribution of experience level, gender and race.

2. As of 2016, 1989 students are registered in the LLB programme, which entails that there is a relatively high student to staff ratio, which the Faculty describes as 'challenging' (p 61 of the SER). The Faculty states its position (at p 63) as follows: The 'Faculty is in an invidious position as far as its student numbers are concerned. High student numbers result in a high workload for academic staff, but high student numbers are unavoidable given the socio-economic circumstances and the access/admissions policy governing the context in which the Faculty exists and operates.' The panel regards this as a matter that the institution must take under consideration by either decreasing its admission numbers to the LLB programme or by increasing its academic staff cohort who teach in the LLB programme.

Workload management is a matter that requires serious interrogation and intervention. This seems to be a matter that is informally managed by departmental chairpersons and there is no formal and consistent system throughout the Faculty. As a result, there are indications that teaching workloads are not in all instances equitably distributed and there might be staff members who, by virtue of their teaching and related workloads, might not have reasonable opportunities to conduct research. The panel therefore takes the view that the Faculty formulates and adopts a Faculty-wide formal workload model to be implemented, which ensures internal parity.

3. Overall, it appears that students are exposed to a diversity of expertise, ideas, styles and approaches. The panel **commends** the Faculty for its Employment Equity and People Plan. This document, in conjunction with the Appointment and Promotions Policy, reveals that proper recruitment, employment, induction and promotion practices are in place.

#### Conclusion

The criteria are not adequately met. The Faculty must take under consideration by either decreasing its admission numbers to the LLB programme or by increasing its academic staff cohort who teach in the LLB programme. The Faculty needs to adopt a workload policy to ensure parity in teaching responsibilities.

#### **H. Staffing resources (refer to Criterion 8)**

##### **Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

##### **Panel Comment**

1 & 3. There are 17 administrative and support staff members engaged in the LLB programme. Of these, 6 are permanently deployed to student administrative matters: such as selection and registration of LLB students, arrangement of test venues and timetables and maintenance of student records. Overall, there appears to be sufficient administrative support staff. Based on interviews with these staff members, it appears that they are sufficiently experienced and knowledgeable to duly perform their duties. The panel has noted that the position of Faculty Manager is presently vacant. It is assumed that the institution will give this matter attention in due course.

2. Staff induction and development are done on an informal basis. Staff have an annual gathering to foster interactions and to discuss concerns.

3. Each of the Faculty's departments has an administrator who performs the functions of dealing with students and their assessments, who reports to the respective Head of Department, who reports to the Dean. Staff interviewed confirmed that they performed their functions within the Faculty and university policies.

4. There is no distance learning.

##### **Conclusion**

In this regard, the institution meets the Criterion.

### **I. Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

- 1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
- 2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
- 3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
- 4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
- 5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
- 6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### ***Panel Comment***

1. This is achieved by application of the university-wide Approved Teaching and Learning Policy. In terms of this policy, the university is committed to promoting a scholarship of teaching and learning, to embed graduate attributes into academic programmes and curricula, to develop a more responsive teaching and learning environment which promotes and enhances flexible learning, etc. (p 72 of the SER). A perusal of the module outlines and assessments support claims by the Faculty that achieves this commitment in its curriculum which promotes the acquisition of skills and competencies which empowers its students as critical thinkers who are able to be reflective within the environment in which they operate.
2. There is largely a traditional style of lecture delivery with tutorials in some of the modules which is interactive. Students interviewed stated that they were encouraged to participate in most of the classes.
3. The teaching style differs in the various modules, but first and second year students are given tutorials to facilitate participation and learning. Tutorials are conducted mostly by Graduate Lecturing Assistants (GLAs) who are post-graduate students within the Faculty. The Faculty acknowledges that due to the large class sizes, only a select number of 3<sup>rd</sup> and 4<sup>th</sup> year modules have tutorials. The Faculty also uses an online platform 'iKamva', which enables lecturers to place interactive material for student use, such as online revision tests; online workbooks and practice tests or tasks; watching videos or listening to podcasts; reviewing lecture notes and slides. However, while most modules have an online presence, few lecturers utilize the system to its full capacity. The Faculty acknowledges a 'need to spend more time learning about and piloting blended and online learning initiatives' (p73 of the SER). However there is no indication on how and when this will be achieved. The panel recommends that the Faculty refine its blended learning strategy, particularly in view of its large classes.

4. There is no non-contact learning.

5. Staff evaluation is conducted at the completion of each module. From the documents available on the site visit, modules appear to be evaluated regularly. The evaluations are used for staff development and promotions purposes. The Faculty has recognised the limitation of this process. It states that the evaluation forms are too generic and the evaluation is conducted at the end of a module and does not enable lecturers to adjust the module during the current teaching cycle to deal with any difficulties experienced by students (p 78 of the SER). It is recommended that the Faculty consider new ways to conduct the evaluations so that they add greater value.

6. At risk students are identified by individual lecturers after assessments, and students are then referred to the Writing Centre or other appropriate support services for assistance. The University has developed Student Tracking System, which is a programme currently being piloted by the university and not in use in the Faculty.

#### Conclusion

The criteria are adequately met.

#### **J. Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- *an adequate student:staff ratio;*
- *adequate physical resources, such as teaching venues and audio-visual equipment;*
- *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- *in cases where clinical legal education is a credit-bearing part of the programme, adequate*

*resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

**Panel Comment**

1. The majority of assessment is in the form of written tests and examinations, with a small number of essay assignments. Some of the core modules use tutorials.

2. The implementation of the assessment policy is applied in a varied manner by staff, for example, the mark allocation and duration of examinations varied from module to module. In at least 2 elective modules, Competition Law, Internet Law class participation and discussion is used as a form of assessment, where students are given bonus points for participation. The panel has some reservations about validity of this method of assessment. The justification by Faculty of this method of assessment is that it is 'a means of refining module content and encouraging active learning' (p 79 of the SER). However, it is unclear why these purposes cannot be achieved in tutorials. The panel is of the view that this method of assessment creates uneven marking (as it is difficult to attach the same value to every comment/observation by different students) and it highly subjective. Further, there is no way in which a student is able to challenge the assessment at a later date. The Faculty should have safeguards against unfairness in this method of marking, and provide a justification why mere participation in class should attract an assessment mark.

3. Introduction to Advocacy 301 and Preparing for Legal Practice 401 are the modules which seek to instil certain of these aspects, specifically litigation skills and drafting of arguments. Various types of problem-solving assignments are used, both in tutorials and in tests and exams.

4. There are adequate IT resources in the computer laboratory which is maintained by University. There are full-time staff members who provide support and assistance to students in the IT facility.

5. Feedback is done on an individual basis by lectures and does not appear to happen after each assessment. Corrective feedback is not consistent (p 46 of the SER). The Faculty needs to put in place measures to ensure that students receive feedback on their assessments, and that it is done within a reasonable time.

6. There are suitable lecture venues but students reported that some lectures were over-crowded. There is adequate access to library and e-resources.

7. First, second and third year examination papers are moderated internally by the Heads of Departments who will look at the appropriateness and quality of questions in relation to the exit outcomes of a particular module. The responsible lecturer will set the paper, and submit it to the HOD, who will scrutinize the paper with the lecturer and make recommendations where necessary. External moderation entails closely examining syllabus coverage, the standard and quality of questions for the target level, the appropriateness and correctness of marks allocated per question, as well as the time scheduled for the paper. All the fourth year question papers are moderated externally by qualified, competent and experienced professionals from other institutions who have expertise in the same area. Post-examinations, each department submits reports which illustrate how each module was assessed, student progress and what feedback was received from external

moderators to the Senate Assessment Committee. Students also participate in the evaluation of the modules on a regular basis.

#### Conclusion

The criteria are not adequately met. The Faculty should have safeguards against unfairness in this method of marking, and provide a justification why mere participation in class should attract an assessment mark. The Faculty needs to put in place measures to ensure that students receive feedback on their assessments, and that it is done within a reasonable time.

#### **K. Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

#### **Panel Comment**

1. In terms of the institution's academic rules, credits obtained at other institutions may be recognised which is, in practice, managed by the Faculty of Law in regards to LLB modules. In deciding whether to recognise a credit, the Faculty requires a pass mark of at least 60%, with due regard to the year (NQF) level on which the module had been passed, the time lapse since passing and equivalency of modular content.

Insofar as transfer of credits from other programmes are concerned, the institutional rules allow for transfer, provided not more than 50% of credits are transferred. This is the regime that applies to B Com (Law) graduates who transfer to the LLB programme. They are given credits for the LLB modules that they had passed in their B Com studies. Since they enter the LLB programme with less than 50% of the total credits in LLB, this does not pose any problem under the institutional rules. There is however one matter that the institution could take under consideration. Pursuant to Rule H6.2, a student may not register for 3rd level LLB modules before all 1st level modules have been passed. B Com (Law) students who enter the LLB programme, however, have modules outstanding on all four levels of the programme. In the ordinary course they are required to complete the outstanding first to third level LLB modules in the first year in which they join the LLB programme. This means that they need to be registered, despite the provisions of Rule H6.2. According to the Dean, they enjoy a blanket exception. Still, it might constitute better practice to formulate an exception to the said rule.

2. The shelf-life of credits is 5 years, which may be extended if special considerations are shown by a student. The Faculty is however sensitive to curriculum changes or developments in the law that might have occurred during a period of interruption.

3. The LLB programme allows for vertical articulation to the institution's LLM programme but does not allow for horizontal articulation before the programme has been completed.

#### Conclusion

The standard and criteria are adequately met.

**L. Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. There is little reflection/engagement regarding cohorts or specific measures evident (see also SER p 89 to 92) that are in place to promote and monitor student graduation rates although throughput rates are utilised in departments. The Faculty provided the panel with data in this regard at the site visit.

The following may be noted:

(i) The B.Com-LLB cohort (which is significantly smaller than the LLB stream) performs considerably better than the LLB stream. (This is the case regardless of the fact that the B.Com (Law) students have a relatively heavy credit load to complete when entering the LLB programme.) There is only one demographic group of students in this programme ('Coloured') and thus the graduate profile resembles that of the entrant cohort. There is no significant difference female and male graduation rates.

(ii) No cohort graduation rates were available for the 5-year LLB programme (the Foundation programme).

(iii) The largest programme in the Faculty is the 4-year LLB programme.

(iv) The cohorts show significantly more female enrolments than males (e.g. 2010 cohort comprised 233 female and 136 male; 2009 cohort comprised 133 female and 69 male; 2008 cohort comprised 135 females and 74 males). There are fluctuating differences between the performances (on-time graduate) of the respective gender groups: 2007 entrant cohort, female 8% and male 16% (N+2 31% and 43%); 2008 entrant cohort, female 31% and male 12% (N+2 58% and 31%); 2009 entrant cohort, female 29% and male 10% (N+2 48% and 39%); and 2010 entrant cohort, female 24% and male 23% (N+2 44% and 44%).

(v) The graduation rate of the 2007-2010 entrant cohorts has steadily declined whilst student numbers (and admission scores of students) have increased: Graduation rates are 2007=55%; 2008=38%; 2009= 45%; and 2010=44%.

(vi) Regarding the aim to have "a graduate profile that resembles the entrant cohort profile" there is relative parity, since the Indian and White numbers are small and therefore not meaningful. I.e. of

the 2010 entrant cohort the following applied: 37% of students was African, 56% of students was Coloured, 5% of students was Indian and 1% of students was White. The graduation rate per demographic category was 37% African, 56% Coloured, 5% Indian and 1% White.

(vii) The graduation rates of those finishing from the 2010 cohort in minimum time plus 2 was: 45% for African students, 40% for Coloured students, 29% for Indian students, and 75% for White students.

(viii) Throughput rates for the Faculty improved from 68% to 80% from 2014 to 2015. In 2012 the throughput rate average was 72% and in 2013 it was 64%. The data indicates unexpected annual fluctuations. An average of 80% is, however, a good throughput rate.

(ix) Student evaluations are conducted and the results are taken up with lecturing staff through the departmental chairs during performance discussions. It appears as if there is room for improvement in communicating with students regarding the benefit of completing such evaluations, i.e. that the feedback is indeed constructively used.

(x) Class attendance is raised as a challenge, in particular where assessments are scheduled for a particular week. It is not clear how this issue can be easily resolved by the Faculty.

2. Through the Top Achievers Programme (a proportion of) law students are made aware of career pathways (other than postgraduate studies) with a dedicated programme manager. In this programme attention is given to drafting of curriculum vitae's, exploring vacation work with law firms, networking with the players in the profession and so forth. It did appear that not all students make full use of this programme, which is regrettable and it may be useful for the Faculty to consider the causes for this.

3. The institution practises graduate tracking to a limited extent but surveys, such as the UNIVERSUM survey, are utilised and alumni tracking etc. has been done in the past. The SER refers to the visibility and successes of the Faculty's graduates in the profession and other sectors. Interviews with alumni confirmed that graduates do perform well in the profession, in postgraduate studies at other universities and, in general, in society. It is not evident, however, that surveys, impact studies or alumnus tracking influence reviews of the programme itself.

#### Conclusion

The criteria are adequately met. The Faculty data indicates an overall good throughput rate in the last 3 years.

#### **M. Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

#### **Panel Comment**

Beyond the departmental structures there is no significant indication of coordination across the LLB programme, particularly in regards to teaching and learning and assessment. The Heads of Department and departmental academic staff members attend to matters pertaining to co-ordination of NQF level outcomes in the teaching, learning and assessment of LLB modules relating to the disciplines in their respective subject areas. As a result, there are inconsistent assessment practices. For instance, some departments conduct three tests, of which the two highest test marks count towards semester marks; while other departments conduct two compulsory tests; subject to

an aegrotat test for students who missed either of the compulsory tests.

There is no clear evidence of systems and procedures to provide for effective and long term coordination. Reference may also be made to the following:

- Besides evidence of meetings of the Faculty Board, it appears that committee meetings on programme related matters are infrequent and unscheduled.
- There appears to be a trend of the Faculty identifying matters of concern and concomitant resolutions of corrective action, which are not eventually followed through. For instance, in a Faculty review report of 2013, the Faculty undertook to set up a task team to deal with practical problems arising from the presentation of final-year elective modules. This task team has however not convened to date. In May 2015 the Faculty Board resolved that there had to be adjustments to the module descriptor in the research paper module. However, this has similarly not been attended to.

There is no institutional or Faculty policy or practice that caters for cyclical review of the LLB programme. Accordingly, there is no way of ensuring that beyond the present process, there will be further reviews of the programme.

In view of the aforesaid concerns, the panel is of the view that the following corrective actions by the Faculty:

- i. An academic staff member must be identified as coordinator of the LLB programme to ensure academic coherence and integrity of the programme and that all conditions for programme delivery are met. This person must be mandated with clearly defined powers and responsibilities, relating to day-to-day delivery and quality management of the programme; particularly in regards to achievement of adequate vertical and horizontal articulation within the programme.
- ii. The institution must provide an improvement plan in regard to improvement of decision flow, record keeping and governance.
- iii. The institution must provide an action plan for cyclical reviews of the LLB programme with involvement of internal and external stakeholders.

Conclusion

This Criterion was not adequately met.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of University of the Western Cape be**

**Re-accredited subject to meeting specified conditions.**

Condition	Relevant criteria
<u>Short-term</u> 1. The Faculty strategic plan needs to be reviewed in order to align	

it more appropriately with the institutional vision and mission.	1 (i)
<u>Short-term</u> 2. Bearing in mind that the programme has not been reviewed for many years, the Faculty needs to conduct and report on a curriculum review. The review should take into account the LLB Standard (including the preamble), and the need to ensure that professional ethics is adequately addressed.	1 (ii), (iv), (vi)
<u>Short-term</u> 3. The Faculty needs to report on a review of programme coordination, to ensure adequate academic oversight of teaching, learning and assessment, coherence, and alignment of modules in terms of their NQF levels.	10 (i)

The NSRC **commends** the programme in respect of the following matter, identified by the site visit Review Panel.

The effective manner in which the Law Clinic is run; Law Clinic practice is integrated within the curriculum, and provides students with opportunities to engage in community service and deal with live cases.

The NSRC **recommends** that the Faculty give attention to the following matters.

- I. There should be a review of programme credit allocation, suitably aligned with notional hours of study and student workloads.
- II. The Faculty should review its practice relating to effective, timeous feedback on student assessment.

### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	LLB; Extended LLB and second-degree LLB (two-year, three-year and extended four-year)
<b>Name of Institution</b>	University of Cape Town
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Rondebosch
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	678 (first degree) 378 (two-year second degree) 522 (three/four-year second degree)
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

Transformative constitutionalism is introduced in the courses Foundations of South African Law (1<sup>st</sup> year) and Constitutional Law (2<sup>nd</sup> year). The former explores the political and legal history of the transition to democracy, while in the latter issues relating to the Bill of Rights, rights discourse and ethical obligations imposed by the Constitution are debated. Constitutional aspects are also addressed in core courses such as Law of Property, Law of Persons and Family and Comparative Legal History; a broad context is introduced leading to more contextually focused courses such as African Customary Law and International Law. While there is significant emphasis, in private law, on its roots in Roman and Roman-Dutch law, the curriculum map suggests that this focus provides

adequate background for addressing 'transformative constitutionalism' in courses that follow. During interview, however, students were of the view that 'constitutional' issues were largely covered in Constitutional Law; although the topic was covered theoretically elsewhere, they wanted more practical application to contemporary issues arising from landmark cases.

In two units of Foundations of South African Law issues relating to social justice are addressed. There is a First Year Book Club in which each student is given a free copy of a relevant selected book that explores matters promoting social justice. Lunch-time debates are arranged on topical issues. The project ran from 2013-15 but disruptions in 2016 have put it on hold. It is hoped that it can resume in 2017. Practical application is possible through a compulsory 60 hours of Community Service, commencing in the 3<sup>rd</sup> year of study. For some students (capacity allows for about one-third of the student cohort) an option is engagement in the Law Clinic accompanied by an elective module Legal Practice. During the interview, students stated that some students do not complete the required 60 hours of Community Service and are granted a special dispensation. As it is a compulsory unit, this is of concern. Students wanting to further their 'consciousness' (SER, p 16) of social justice may do so through some of seven electives offered in the final year. Students are also able to participate, on a voluntary basis, in socially responsible projects such as the Legal Welfare Community Organisation (LAWCO) and the SA Constitutional Literacy and Service Initiative (CLASI). It is clear that plenty of opportunity exists for students to develop responsiveness to social justice, as well as a meaningful 'awareness of constitutional imperatives'. It is less clear, though, whether students who do not choose any of these electives and voluntary projects are adequately prepared in this area by two first-year units. Students expressed the view that they experienced issues of 'social justice' only in Criminal Law, but not elsewhere. If the student view is incorrect, it would help if the Faculty clarified the matter with them.

The SER distinguishes between the concepts 'globalisation' and 'internationalisation'. Globalisation is covered variously in a range of two core and five final-year elective courses (the core courses are 1<sup>st</sup> year Comparative Legal History and 3<sup>rd</sup> year International Law, SER, p 18). Internationalisation is construed as comprising alliances and partnerships with foreign higher education institutions. In that respect the Faculty is party to a number of international legal networks, and final-year LLB students, as well as graduates, have the option of spending time at a selection of law faculties abroad as part of a UCT LLM. The curriculum suggests, however, that, with African Customary Law focusing largely or entirely on South Africa-based customary law, internationalization with 'an Afropolitan [i.e., continental] niche' (UCT Mission Statement – see below) has yet to be achieved

In respect of responsiveness to ever-evolving information technology, the programme emphasizes "computer skills" in each of the academic years' (SER, p19). Each course has a dedicated course website on the 'Vula' platform with on-line learning tools and students are encouraged to use them. Students responded favourably to the Vula platform, finding it a very useful accompaniment to contact tuition. The programme, however, lacks explicit attention to cyber/IT law. The panel was told that a previous elective course had been abandoned in favour of an across-programme integrated approach, but this approach was not ideal, and consideration is being given to the re-introduction of an elective course in the field. At the same time, the programme will need to ensure that some aspects of this legal sub-field are incorporated in the core courses, to ensure that all students meet this aspect of the LLB standard, not just those who choose such an elective module.

The panel commends the range of options available to students fully to address these aspects identified in the preamble to the LLB Standard, while recommending that care be taken to ensure

that students who do not choose the relevant options are not unduly compromised.

The panel recommends that the Faculty continues, during its planned review of the curriculum, with its deliberations concerning an appropriate way to ensure that all aspects set out in the LLB Standard Preamble, including some study of cyber law, are adequately covered in the core programme. Students were of the view that, while some signs of transformation, including curriculum transformation, have recently emerged, there is much in this respect that still needs to be addressed.

#### Conclusion

The standard is met, with a need for some improvement.

#### **Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

*Note : With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

The LLB programme (with a revised curriculum introduced in 2011), and the Faculty Strategic Plan, aim to represent and reflect the UCT Mission and Foundation Statement approved in 2009. The core of the Foundation Statement lies in four strategic goals: internationalisation 'with an Afropolitan niche', transformation towards non-racialism, enhanced graduate profile, and community engagement expanding contribution to national development needs.

Courses such as Comparative Legal History and International Law engage with the international context (although, as the SER acknowledges, not specifically with an African continental context). Other courses, mainly elective modules, engage students 'directly or indirectly' (SER, p 21) with international systems more broadly.

In relation to transformation, the Faculty has endeavoured to enhance and broaden access and success through a number of means: an Extended Curriculum Programme, a mentoring system, and an early warning system (PASS) to identify and support students-at-risk. The SER acknowledges the need to include critical reflection on the hegemony of Eurocentric approaches to knowledge, belief and value systems and their potential undermining of African perspectives. Some attention is given to this issue in African Customary Law, and some courses are undergoing curriculum re-design to address the challenge.

The SER mentions, in respect of the graduate profile, a strong focus on developing academic literacy skills, and a progression in skills and competence requirements from first to final year is clearly outlined (SER, p 24). A 2015 student survey revealed generally positive response to questions about how the programme developed their critical thinking, research skills, ability to

apply legal knowledge to practical situations, and to reflect on the role of law in achieving social justice (which results need to be evaluated in relation to throughput and graduation rates, discussed later in this report).

The primary focus in respect of community engagement is the Law Clinic (an elective) and Community Service (referred to above). The SER acknowledges the need to 'strengthen the Faculty-Law Clinic relationship' (SER, p 28). These initiatives are augmented by a number of courses that deal with social responsiveness.

Partially in response to emerging challenges and opportunities within the higher education sector, both the University and Faculty strategic plans are currently being reviewed and revised. The aim is to focus sharply on transformation of institutional culture and curricula.

There is no outsourcing of the LLB programme.

### Conclusion

The panel recommends that revision of the Faculty Strategic Plan takes into account, besides the University's revised plan, aspects of law education, specifically relating to the LLB programme, embedded in the national Standard.

### **Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

*1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*

*2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

### **Panel Comment**

According to the SER, the LLB, as it is currently structured, aims primarily to prepare graduates for careers as attorneys or advocates, while giving general attention to readiness for a range of alternative occupations, such as in corporate entities, government and NGOs. Research skills, and readiness for postgraduate studies, are addressed largely – but not exclusively – through a final-year Integrated Assessment Project (IAP) that requires students to identify legal problems, conduct related research, to present and defend arguments and to produce at least one 5000-word research essay, following weekly discussion seminars.

Students are informed about career options through an orientation programme, including a careers-focussed panel discussion, and an annual Law Careers Fair that includes representatives of law firms, public interest organisations, NGOs and other potential employers. (The view of students was that, at the Careers Fair, the presence of and branding by big law firms tended to put other employer bodies in their shadow, with detrimental effects on students' attitudes to those other bodies.)

The panel's interview of a small group of recent graduates suggested that interviewees had successfully entered all three after-graduation routes identified in the Standard. A point worth noting is that those who had studied the LLB as a second degree were of the view that many of the skills essential for inter-personal relationships had been gleaned from studies in the first degree.

The impression gained was that career options (in the minds of graduates) were slightly broader for those who had completed a general degree prior to the professional LLB. This impression may, of course, not be unique to the UCT programme.

#### Conclusion

The standard and criteria are adequately met.

#### **NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

*1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*

*2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*

*3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*

*4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

*5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

#### ***Panel Comment***

1. The UCT LLB is offered on five streams:

- (i) a four-year integrated (first degree) stream;
- (ii) a five-year extended (first degree) stream (admission to this stream is discussed in the next section);
- (iii) a two-year (second degree) stream for students who have achieved an adequate number of law credits in a first degree (B Com, BA, B Soc Sci);
- (iv) a three-year (second degree) stream for students who have a first degree in another discipline (without law credits);
- (v) a four-year (second degree) stream from students 'from redress categories' who have not achieved requisite marks in their first degree (it is not stated whether students not from redress categories are placed in this stream).

1. The curriculum comprises three levels: preliminary (the first two years of the first-degree four-year stream, intermediate (equivalent to the 3<sup>rd</sup> year of the first-degree four-year stream) and final-year levels (similar for all streams). The structure is designed to allow for a distinctive, varying pathway of progression for each stream. As it applies in each year, all streams are together in the same class. The SER mentions both complicating effects (the lecturer must accommodate, simultaneously, students with differently acquired knowledge sets) and enriching effects (which are not defined, but possibly implying that different knowledge sets 'bounce off' one another). Students in the extended curriculum programme (ECP) spoke of a 'stigma' attached to them by students in other streams. (Issues of selection and admission to the ECP stream are discussed in the section below.) In terms of the ECP curriculum, students mentioned two problems: the workload in the preliminary phase (ECP years 1 and 2) is, for more able students, light, leaving them unprepared for the sudden increase in workload in the intermediate phase (year 3); and there is currently no provision for a student who, early on, shows above-average competence, to move to

the 'mainstream'.

Conversely, students entering the LLB from a first degree mentioned an initial, temporary feeling of law-related un-readiness when comparing themselves with students in an integrated stream. It appeared to the panel that these observations may point to the need to review the relationship between ECP, 'mainstream' first degree, and second-degree curricula. However, it appeared that, by the final year at the latest, such problems had dissipated. The progression in levels of competence described in the SER appears to be experienced, perhaps in somewhat different sequences, by students in all streams.

2. While, as with many professional programmes, new areas of law commence in each year of study (and could be construed as introductory courses), there is evidence that integrative cross-referencing between areas ensures a steady progression from NQF 5 upwards. The introduction of the ECP stream indicates that students from different educational backgrounds require different periods of study to advance from level 5, but the requirement for all students to complete the final-year Integrated Assessment Programme and the research essay, together with four elective modules in advanced areas of law, suggest that all students, in whatever streams, complete the programme demonstrating competence appropriate for a level 8 qualification.

3. The total credit allocation is unusually high: for the first degree (regular and extended curriculum) 678 credits for a degree with a minimum of 480 credits; in the case of a second degree (minimum 240 credits) 378 credits on a two-year curriculum, and 522 credits on a three-year curriculum. The highest credit allocation (198) is in the final year, which is preferable to an excessive credit rating in earlier years. The SER expresses some doubt whether the credit allocation is meaningfully reflected.

The high overall credit value can be partially attributed to the high number of credits to be achieved in the category 'a discipline other than law': 72 in year 1 and 84 in year 2. Given the requirement in the graduate attributes defined in the Standard for adequate foundational knowledge in the 'other' discipline, the emphasis is commendable.

4. The relationship between credit allocation and notional hours of study suggests that, in this professional degree incorporating a wide range of aspects of law, the student workload, while heavy, is not unreasonable. Interviews with students and graduates yielded no comments to suggest otherwise. To enhance students' multilingualism, Faculty Board (April 2016) supports the notion of students (in the second year) being required, from 2018, to elect a pair of communication/language for lawyers modules in isiXhosa, seSotho or Afrikaans. The idea is currently being negotiated with the Faculty of Humanities/School of Languages and Literature.

Graduates complimented the programme for its inculcation of critical thinking skills ('We learnt a special way of thinking, even though we may not always have the answers'), ability to write in different formats and modes (including practical legal forms), and emphasis on research skills. They regarded the biggest challenge to be a degree of alienation and problems with orientation, particularly in the first year, with what they described as a difficult technical field with its own complex discourse. In interview, current students were of the view that learning progress was, in some courses, compromised by the perception that a 'culture of participation [in disciplinary discourse and debating of issues] was not encouraged'. Academic staff mentioned a problem in the preliminary phase of the programme, largely due to inadequate preparation at school level prior to admission.

5. A significant feature of the curriculum is the large number of elective modules offered in the final year of study. There are 44 electives, with enrolments ranging from 4 to 62. In terms of curriculum design, this is commendable, in terms of students' access to a wide range of 'select areas' and, in certain cases, 'specialisation in one or more areas' as specified in the LLB standard. While this may have a major effect on staff workloads, and may be dependent on the discipline-specific academic expertise available to the Faculty, these are resource-related rather than curriculum-related matters.

### Conclusion

The panel recommends that, during the planned review of the LLB programme, any issues identified in students' experience of the relationship between the curriculum 'streams' should be addressed. This may include the relative credit weighting and course placement in the years of study. This could entail a more Faculty-led integrative approach, with less emphasis on the 'laissez faire' approach mentioned during an interview.

### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

### **Panel Comment**

1. Students are admitted using different criteria which are set out on p 54 of the SER. These criteria are consistent with legislative requirements, transparency and institutional capacity. However, the Faculty uses additional criteria that are applied to students in 'redress population groups in all streams'. These criteria include socio-economic disadvantage, which is used to place students in different streams. The factors relevant are set out (p 54 of the SER): 'socio-economic disadvantage and home and/or schooling circumstances are also considered in admissions decisions.' 'Disadvantage' factors include: the quality of school attended by the applicant; the educational level of the applicant's parents and grandparents; dependence on social grants and the parents' language, if this is different from the language of the applicant's education.'

Some difficulties are presented by these criteria. Students expressed grave concern about the use of these 'markers' applicable to non-white students only and assumptions that their social circumstances are determinant of their academic capacity. Some of the criteria, such as whether their parents/grandparents have a degree, and the 'quality' of the school and parent's language created the perception of elitist, rather than academic, admission. Students interviewed stated that they were simply placed in the extended programme without consideration of their academic performance, and that the extended programme was the 'Black', slower LLB programme. Students were also demotivated in their first year because they were told by lecturers that they had little chance of completing the degree. They were stigmatised by staff and other students in the mainstream LLB degree. In this regard, the criterion is not adequately met because of the negative assumptions which negate transformation and diversity in admission. The panel recommends that the Faculty either significantly revise, or remove, the criteria applied to 'redress population.' There is no Faculty-specific RPL policy and the university-wide policy is used.

2. Students have sufficient opportunities for support and development in the 1<sup>st</sup> and 2<sup>nd</sup> year of study. These are outlined in detail on p 63 to 71 of the SER, and confirmed in interviews with students.

#### Conclusion

The criteria are met, with a need for improvement in the admission policy.

#### **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

##### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) *what other discipline(s) may students pursue?; and*

(2) *are there any restrictions in the discipline(s) students may choose?*

4. *How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.*

#### **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

#### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

#### **Panel Comment**

##### **Knowledge**

1. On the issue of a 'comprehensive and sound knowledge and understanding of the South Africa legal system', the associated values and historical background, there are compulsory modules in which these aspects are covered. These include Foundations of South African Law and

Comparative Legal History.

2. Students are adequately exposed to the basic areas of law. There are compulsory modules in public law (e.g. Constitutional and Administrative Law); private law (e.g. Law of Persons and Family and Law of Property; mercantile law (e.g. Corporation Law & Labour Law) and formal law (e.g. Evidence & Criminal Procedure). Comparative aspects of law are covered in Comparative Legal History and perspectives on law and the legal profession are dealt with in Foundations of Law and Jurisprudence. The dynamic nature of law is evidenced in some of the compulsory modules, including International Law and the relationship of law with its political, economic, commercial and social context is evidenced in a number of modules including Property Law; Constitutional Law; Contract Law; and Evidence. Students may choose four of the range of elective modules of specialization. Students may attend to clients in the Legal Aid clinic as form of community service (which is not a credit-bearing module).

3. Students have an opportunity to pursue disciplines other than law. All undergraduate LLB students must complete one English module in the 1<sup>st</sup> year of study and 2 further non-legal modules in the 2<sup>nd</sup> year of study. There are no restrictions on the disciplines they may choose.

4. This aspect is clearly articulated in the SER (p 100) where there is an explanation that 72 of the 144 credits in the 1<sup>st</sup> year and 84 credits of the 156 credits in the 2<sup>nd</sup> year are dedicated to non-law modules.

#### Conclusion

The standard is adequately met in this regard.

#### Skills

The development of critical thinking skills is introduced in the 1<sup>st</sup> year in Foundations of South African Law and most modules foster problem-solving techniques in assessment and examinations.

Research skills are evidence in the research required in the 1<sup>st</sup> year module Comparative Legal History and in the final year where students are required to complete a research seminar (p 104 of the SER).

Writing Skills are developed in Foundations of South African Law, where students must write a case note, and the moot court where they are required to prepare an opinion and heads of argument. Students are also required to complete a research seminar.

#### Conclusion

The standard is adequately met in this regard.

#### Applied Competences:

Ethics and Integrity are addressed in a number of modules including Evidence and Criminal Law. The Legal Writing Project (in Foundations of South African Law) deals extensively with reading and writing skills (p 109 of the SER). There is also a Law Writing Centre where graduates are available to assist students with draft copies of assignments and research work.

Communications skills and literacy are also developed by way of moot court in the 3<sup>rd</sup> year. The Faculty is to be commended on this initiative. Numeracy is dealt with the module Law that Counts which is taken by students who fail the Quantitative Literacy competency test in the 1<sup>st</sup> year of study. Numeracy skills are also required in some of the modules such as Law of Succession, Law of

Property and Law of Delict. There is no module dedicated to Information Technology, but students are required to pass a computer competency test and are provided with assistance from the ICTS which provides various courses to staff and students (P 115 of the SER). Students also use online library resources and submit typed assignments. The Faculty has embarked on a First Year Laptop Project which provides access to laptops to students who are unable to afford them.

Problem solving competency is evidenced in most of the assessment in the modules, where students are required to apply legal principles to a set of facts presented.

There is some collaborative learning in Criminal Procedure and the Integrated Assessment Project in Foundations of South African Law. Most of the degree is structured on the basis of individual study and self-management. Students have an opportunity to transfer acquired knowledge through the moot process and the compulsory community service component of the degree.

Agency and accountability, together with community service aspects, are dealt with in the compulsory community service requirement in the degree. Staff interviewed indicated that all students had to participate in at least 60 hours of community service to an approved service organisation, or attend the Legal Aid Clinic (p 195 of the SER). However, students interviewed indicated that some could be granted an exemption if the total number of hours were not completed.

#### Conclusion

This standard is adequately met.

#### **Staffing resources (refer to Criteria 3 and 4)**

##### **Academic staff resources**

*1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

##### **Panel Comment**

1. The academic staff profile is more than adequate and complies with this requirement. The Panel commends the diversity of expertise that is adequate and gives students a wide choice of electives.

2. The staff/student ratio is adequate in view of the fact that at least 28 academics lecture in the LLB programme. The discrepancy in the total number of academics in the Faculty and the number of lecturing staff is due to non-teaching in LLB modules of some academics.

3. Staffing does not represent the demographics of the country (p 143 of the SER). The Panel recommends a need to recruit more Black academics and make life more conducive to Black staff. Recruitment, mentoring and development of Black staff needs to take priority.

There is no clear induction process except that new academics are mentored by senior staff members. Monitoring and a follow-up process need to be in place.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

*1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

#### **Panel Comment**

1. Administrative staff number is more than adequate to comply with this requirement.

2. Although induction policies are in place, these are not adhered to, according to administration staff when interviewed.

3. Staff use the PASS system to assist academics to identify students at risk. They are also required to assist with admission of students into the programme.

4. There is no distance learning programme.

#### **Conclusion**

The standard is adequately met.

### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 5, 11 and 12)**

*1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

*2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*

*3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the*

*resources required for effective teaching and learning through the tuition mode(s)?*

*4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*

*5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*

*6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

The needs are well catered for. There is also tutorship and mentorship that help the students in their 1<sup>st</sup> & 2<sup>nd</sup> years. There should be consideration of extending tutorship/mentoring to 3<sup>rd</sup> year where students feel they are thrown into the deep end as the volume and complexity of the work increases.

**Conclusion**

The criteria are adequately met.

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

*1. What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

*2. How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

*3. How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

*4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

*5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

*6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- *an adequate student:staff ratio;*

- *adequate physical resources, such as teaching venues and audio-visual equipment;*
- *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

7. *What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

8. *What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

### **Panel Comment**

1. Students are assessed by way of assignments, essays, tests and examination. There is evidence that students are assessed regularly and continuously in all the modules.

2. Students conduct independent research mostly in the 3<sup>rd</sup> year of study, where they are required to prepare a moot and a legal opinion. They are also required to write a research paper on a selected topic in their final year of study (p 193 of the SER).

3. Students are required to answer problem-type questions in tests and examinations in all their modules.

4. Students use an online learning platform 'Vula' in which each module has a webpage where core materials can be accessed. Students have access to 90 computers in the law library and these are maintained by the university IT department. There are also 30 laptop computers in the Faculty which are loaned out to students who are unable to purchase a personal laptop.

5. Students are given individual, detailed feedback on assignments and tutorials, although it is not applied by all lecturers.

6. The site visit revealed that the lecture rooms and law library were very well-equipped.

7. Course convenors oversee the internal moderation of assessments and external moderators are used for final year modules (p200 of the SER).

8. The Faculty has provided a detailed account of its assessment system (p 208 of the SER) which is in accordance with the university-wide Examinations Policy Manual.

Students at risk are first called by the lecturer to an individual session before tutors take over. The students however voiced a concern that whilst called, the time spent is not qualitative with some lecturers only giving students only 5 minutes. The Panel recommends a change of attitude from staff members to consultation with at-risk students.

### **Conclusion**

The standard is adequately met, but there is a need to improve the attitude of staff towards students in the extended programme.

### **Progression (refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

### **Panel Comment**

1. For students arriving from another institution, credit transfer for a maximum of four courses (or equivalent) is allowed. These are 'usually' first-year courses taken at most other universities: a Foundation of Law course, Law of Persons and Family, Law of Property and Succession, and Comparative Legal History / Roman Law. Most credit transfers occur after a first year of study; the aim is to allow the student to progress into the second year.

2. There is no 'hard-and-fast' rule about the shelf-life of credits awarded (SER, p 211). The duration is normally not more than three years, which is shorter than it is in many other institutions. The panel recommends that, allowing for appropriate Faculty discretion, there are some published guidelines informing the matter of credit shelf-life, to prevent the possibility of inconsistent application.

3. There are many opportunities for vertical and horizontal progression. Graduates may be admitted to a LL.M by dissertation (25 000 words) or a professional LL.M (coursework and 4 x 5 000 word research tasks). Acceptance to the LL.M by dissertation (in most fields of study) requires an average of 60% in the LL.B. It is not clear whether this applies to the professional LL.M, and whether the 60% requirement includes all years of LL.B study or recognises improved performance in the latter years.

There is more flexibility in respect of horizontal admission to a Postgraduate Diploma, for example, a PG Dip in Taxation Law or Labour Law. Flexibility applies also to a few LL.M specialisations, such as International Taxation. The University has applied for accreditation of a PG Dip in Compliance Management, which is to be offered on-line with the aim of attracting off-campus students.

### **Conclusion**

The criteria and standard are adequately met.

### **Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of*

*the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

The Faculty has a number of measures to monitor and support pre-graduation throughput rates. They include a 'First Year Experience' programme, a University-wide initiative introduced in 2013, which provides both affective and academic support (SER, p 212). There is an 'early warning system' to identify at-risk students, who are put into a Preliminary Year Academic Support System (PASS) that provides academic mentoring. The Faculty appoints a number of dedicated student advisors; students can consult with them throughout the year. In all years of the degree, the programme includes a suite of small-group tutorial sessions. In the first two years tutorials are conducted by selected postgraduate students; lecturers, mostly, are responsible for third-year (intermediate phase) tutorials. Both academic staff and students mentioned a problem of low attendance, even in first year, at lectures and tutorials. While access to the on-line Vula system may partially account for this, there may well be other factors that the Faculty needs to investigate.

Notwithstanding these measures, the graduate profile poorly resembles the entrant cohort profile (SER, p 216). The second-degree two-year LLB cohorts achieve the best ratio. 80% graduate on time, and 86% overall. Rates for the second-degree three-year cohorts (those without law in their first degrees) are not as high (49% on time from 2010 – 2013, and 57% overall). According to the SER (p 214), students report difficulty in adapting to law studies. The SER states that the four-year first degree aims to increase access to students from disadvantaged educational and socio-economic backgrounds. With these cohorts, the graduation rates are much lower. Among the 2007 – 2011 first-time-entry cohorts, about 30% graduated on time, and about 47% had graduated in six years (SER, p 219). There are two notable features: for the 2011 entrant cohort, 43% on-time and 60% n/n+1 graduation for White students, compared with 0% on-time and 33% n/n+1 graduation for African students; and 67% graduation for female students compared with 33% for male students. While the SER suggests that the low number of ECP students imply limited value for the data, the rates for the ECP cohorts are similarly low. The issue has been targeted by the Dean as one calling for urgent attention.

The panel recommends that Faculty plans to investigate low throughput and graduation rates, particularly in the case of first-degree LLB students, should be high on its list of priorities, together with the development of measures to address the problem.

At present the Faculty does not track graduates in a systematic way. The UCT Alumni Office has some results from an alumnus survey (a 60% return). According to these data, 53% are working either as attorneys or advocates, 27% in the private commercial sector, 11% in the public sector (judges, prosecutors, etc.), and the rest in NGOs or academia. These figures more or less equate with informal Faculty data. They suggest, incidentally, the importance of attention in the LLB programme of the varied purpose of the qualification indicated in the LLB Standard purpose statement. Alumni interviewed complimented the capacity of the programme to imbue students

with critical thinking and writing skills, while there was a need expressed by some for more emphasis on research. These anecdotal views should be compared, however, with the results of a 2015 LLB exit survey (SER, pp 25-26) that indicated general satisfaction in terms of felt ability relating to critical thinking, research and application of legal knowledge. The SER also refers to external criticism of a lack of knowledge, skills – especially writing skills – and attributes in graduates (especially 4-year first-degree graduates). The Faculty is attempting to respond to such criticism by incorporating more practical components into the curriculum.

The SER notes that a lack of resources caused by austerity measures taken by the University is making more systematic tracking of graduates difficult, but creative ideas such as a social network forum for alumni are being considered. Data from the Law Society of South Africa are restricted to national article clerkship registration and currently practising attorneys, but have little value in terms of specific institutions' graduate cohorts.

Taking into account the resource constraints, the efforts of the Faculty to track its graduates is **commendable**.

#### **Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

#### **Panel Comment**

The LLB programme (all streams) is overseen by a programme coordinator (academic leader), who is the Deputy Dean (Under-graduate). There is a sub-coordinator for each year of study (whose task appears to be mainly ensuring effective administration), and a convenor for each course. These layers of coordination report to an over-arching Academic Planning Committee (a sub-Committee of Faculty Board) that is responsible for the academic coherence, integrity and quality of the programme. This Committee drove a review of the curriculum and designed a new curriculum that was implemented in 2011. These levels of oversight suggest that the statement, 'Course design remains in the discretion of individual lecturers' (SER, p 164), while encouraging individual innovation in terms of focus and delivery methods, does not imply a lack of faculty-level quality assurance and programme integrity. At the same time, it appears that the role of Heads of Department in this respect merits review; HoDs receive and consider student course evaluations that form part of staff performance appraisal – but it is not clear how the HoD evaluation / appraisal role and the programme coordination roles talk to one another.

All courses in the programme are externally moderated. External moderators are required to approve examination papers and report on the rigour and consistency of assessment criteria and their application.

Opportunity exists for student input at various levels via the Law Students' Council (LSC), which is represented on every Faculty committee. Each lecturer is required to have at least one course evaluated by students every year, and each course should be evaluated every two years. There is acknowledgement of the problems of evaluation overload, especially as courses tend to be evaluated on their conclusion. Students expressed a degree of scepticism about the immediate

value of course evaluation: in most cases, if it benefits students, the benefit is going to be noticed only among future course cohorts. They also mentioned the mixed reaction, from lecturer to lecturer, to attempts by students to offer constructive criticism of courses, which could be a way, if encouraged by all teaching staff, to promote student participation in course development. The LSC has recommended that evaluation during courses, practised in some but not all courses (SER, p 231), should be extended to others, a move that might at least partially alleviate the problem.

In terms of programme results coordination, a general University problem has been that administrative staff members were, in some cases, deemed responsible for the calculation of marks, and a new policy is in the process of being approved. The panel was told that this has not happened in the Law Faculty, and that it is general practice that course convenors are accountable for results entry, that must be signed off at Faculty level.

**General comment**

**a. Above-threshold practice**

*If there are any aspects of the programme that the Panel considers to be above the standard threshold, identify those aspects. (Unless further elaboration is required, it would be sufficient at this point simply to name the aspects and refer to the sections in your report in which they are described.)*

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of University of Cape Town be re-accredited subject to meeting specified conditions.**

<b>Conditions</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The Faculty must submit a report on the plan for curriculum review, in respect of curriculum design and teaching methods, as referred to in Section 14.2D of, and elsewhere in, its Self-Evaluation Report.	1 (iv), (vi)
<u>Short-term</u> 2. The Faculty must report on plans to enhance throughput and graduation rates (including race and gender equity).	17 (i), (ii) , 19 (iii)
<u>Short-term</u> 3. A report is required on measures taken to enhance programme coordination, thereby ensuring integrated academic leadership and supervision across the entire programme, in the interests	10 (i)

of coherence, progression and quality assurance.	
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The NSRC **commends** the following aspects of the programme, identified by the site visit Review Panel.

The range of elective modules and non-law discipline options included in the curriculum.

The extensive provision of library and e-resources, and students' access to ancillary on-line learning resources.

The NSRC **recommends** that the Faculty deliberate on the following matter.

- I. Admission criteria and access to the first-degree 'streams' (standard four-year and extended five-year curriculum streams), on the grounds that students are of the view that some decisions are not based on a wholly appropriate set of factors.

### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above, with an amendment to the first condition set.

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u>  1. The Faculty must submit a report on the plan for curriculum review, in respect of curriculum design, how it represents the purpose of the qualification and graduate attributes as set out in the LLB Standard, and how the purpose and graduate attributes are reflected in the teaching methods, as referred to in Section 14.2D of, and elsewhere in, its Self-Evaluation Report.	1 (iv), (vi)



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws: LLB (integrated four-year) LLB (three-year following non-law first degree) LLB (two-year following BA (Law) or B Com (Law)) Bachelor of Accounting LLB: BAccLLB (five-year)
<b>Name of Institution</b>	University of Stellenbosch
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Stellenbosch
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	LLB (4 yrs): 606 LLB (3 yrs): 480 LLB (2 yrs): 300 BAccLLB (5 yrs): 844
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education (CHE, 2015);*
- *National Review Manual: Bachelor of Laws (CHE, 2015);*
- *Criteria for Programme Accreditation (CHE, 2004);*
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme’s compliance with the national qualification standard;
- Comments on the programme’s meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme’s re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

**Transformative constitutionalism**

The panel is satisfied that the concept of “transformative constitutionalism” and its underlying ethos is properly understood by the Faculty and is appropriately embedded in the curriculum at all levels. Sufficient evidence exists to confirm that students in the LLB programme are taught to appreciate the value of the Constitution, not only as the primary source of law, but as a critical legal agent for social and economic change.

### Responsiveness to social justice

The LLB programme contains compulsory modules in Constitutional Law, which focus considerably on human rights law. In the second year, *Constitutional Law 271* introduces students to human rights law; *Constitutional Law 312* explores the scope and content of specific rights in the Bill of Rights; and an elective module in Constitutional Law in the fourth year (Constitutional Law 451) has substantive human-rights content. A number of modules, as discussed in the SER (p 22-23), require students to engage critically with concerns of social injustice and the legal response (or lack thereof) to such injustices. The LLB programme does therefore respond to social justice and exposes students to the law's response to injustice. Panellists were also made aware of law student organizations that seek to promote social justice programmes such as the Stellenbosch branch of Students for Law and Social Justice.

In the opinion of the panel, though, the LLB curriculum can and should do more to create an awareness among its students of the important role law plays in responding (or failing to respond) to social injustice. Apart from the final-year elective module, *Practical Legal Training*, in which students participate in the Law Clinic (around 30-40 students register for this module per year), students are not exposed in the curriculum to law-in-action studies. There is no Street Law module, for example, nor do any of the final-year electives provide for a public interest law module. The panel suggests that the Faculty should consider, in the revised curriculum they are contemplating, that provision be made for one or more modules where students are required to engage with law-in-action from a public interest perspective, in order to instil in them an appreciation of how law can and should respond to social injustice that permeates South African society.

### Inculcating student awareness of constitutional imperatives

The panel is satisfied that students in the LLB programme are made sufficiently aware of constitutional imperatives in the programme. Students have a deep understanding of the primacy of the Constitution as a source of law and guide to the social, economic and political ordering of society.

### Responsiveness to globalization

On the basis of the evidence provided, the panel is satisfied that the LLB programme sufficiently alerts students to the global impact of law and the role that law plays in regional, trans-national and international affairs. A number of core and elective modules (see SER p 24-25) cover this topic in the curriculum.

### Responsiveness to ever-evolving information technology

The panel is satisfied that the LLB programme is responsive to the demand for the use of information technology in the curriculum not only as a means for conveying information to students but also as a pedagogical learning tool. The Faculty consciously promotes active learning in a number of modules which use information technology as a means for students to engage with the learning material in a manner different from the standard passive absorption of study material in formal lectures. It also presents as a final-year elective module, *Internet Law* (Mercantile Law 447), in which students are taught in an innovative way about the impact on law of the use of information technology and also on legal rules and principles that govern information technology. In the first-year, students are also introduced to the use of electronic legal sources and to electronic research skills in the *Writing Skills* module (171).

The panel **commends** the faculty for the infusion into the LLB programme of the notion of "Transformative constitutionalism", for the manner in which constitutional imperatives inform the learning content in the programme and for the manner in which information technology has become integrated into learning within the LLB programme.

The panel **recommends** that in the revision of the LLB programme more curricular opportunity should be provided for students to engage with issues of social justice and law's response to such issues.

**Institutional alignment ( refer to Criterion 1 (i))**

*1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*

*2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

**Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

**Panel Comment**

1. The panel is satisfied that there is appropriate alignment between the institution's vision and mission statement and its strategic planning and the manner in which the LLB programme is administered, developed and managed. It is noteworthy, however, that the institutional vision and mission statement that seeks to promote the institution as a diverse, inclusive community of scholars and students has not yet been realized, by the institution's own admission. The same comment therefore also applies to the Faculty which, again by its own admission, has not made sufficient progress to become more diverse and inclusive in its staff and student profile.

The Faculty does not have its own vision and mission statement (except one dated from 2006) nor does it have its own strategic plan. The panel was told that the Faculty felt that it was given sufficient guidance by institutional strategic planning and that it did not want to create a situation where the Faculty and the institution were working at cross-purposes. It is the panel's view, however, that there are many faculty-specific matters, particularly relating to the LLB programme, that could be best planned and structured within a faculty-specific strategic plan that is informed by the institutional strategy, but nevertheless allows for a deeper and more nuanced strategic approach to faculty concerns and ambitions. The panel suggest that the Faculty should consider the development of a faculty-specific strategic plan.

2. There is no outsourcing of delivery of the LLB programme. The Faculty has six contract teaching staff, some of whom teach in the LLB programme, but full control over the programme resides with the permanent academic staff of the Faculty.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. The panel is satisfied that the LLB programme prepares students adequately for entry into **legal practice**. All the areas of law are covered in the programme, there is sufficient attention paid in the curriculum to enhancing the writing, reading and research skills of its students and to the practical, procedural dimensions of the law. The panel will comment later on the extent to which the skills component of the programme serves the purpose for which it was designed.

The panel is also satisfied that students who wish to engage in **postgraduate studies in law** are adequately equipped to do so. There is sufficient engagement within the Faculty with high-level scholarship, there are a number of postgraduate programmes in law available to LLB graduates, and an atmosphere of postgraduate study permeates the Faculty.

The panel is of the view that a well-designed, well-taught LLB programme, one that covers all areas of law, allows for the study of more than one non-law module and that engages the students in a range of skills and competences within law, is fit-for-purpose in creating opportunities for graduates to pursue **careers where an application of legal knowledge and/or skills are required**, even if law itself is not practised. The LLB programme at US is appropriately designed and taught to achieve this purpose. It produces well-rounded graduates, even if those graduates lack perhaps sufficient exposure to social justice issues, as stated earlier. The panel will comment later on the design of the programme and on the learning and teaching strategies employed by the Faculty.

2. There is sufficient evidence that the LLB programme satisfies the requirements of the *LLB Standard*. Knowledge and appreciation of the values and principles of the Constitution are sufficiently embedded in the programme. Assessment approaches generally inculcate in students an ability to engage critically with the doctrines and methods appropriate to law and students are constantly made aware of their ethical responsibilities as students who study with integrity and as potential lawyers who treat the public with integrity and respect. Sufficient attention is paid throughout the curriculum to the application of the rules, principles and concepts of the law to the manifold social, economic and political contexts within which law functions. Students are also by and large made aware, through workload and assessment practices, of the need to be accountable and responsible, to themselves and to others, for the manner in which they study law and the manner in which they will later apply law in a professional context.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.
2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.
3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?
4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?
5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?

**Panel Comment**

1. The panel is satisfied that sufficient attention is paid in the design of the LLB programme to logical sequencing and increasing complexity of module content to ensure appropriate progression through ascending levels of competency. The panel does, though, wish to make the following comments:
  - (i) A year module, *Criminal Law*, is presented in the first year and a module, *Criminal Procedure*, is presented in the second year. The panel questions the appropriateness of presenting these modules respectively in the first and the second year. First year students lack the intellectual maturity to properly comprehend the complexities of the criminal law and second year students lack the substantive knowledge of the law to engage critically with formal law at this level. Students the panel spoke to agreed that these modules are misplaced. The Faculty also acknowledges that these modules are not appropriately placed in the curriculum, but informed us that there were a number of vexed problems related to timetabling and logistics that made it difficult to revise the curriculum to accommodate the concerns around criminal law.
  - (ii) The first year of the four-year LLB programme contains three full-year law modules, namely *Private Law 171*, *Indigenous Law 171* and *Criminal Law 171* in which "doctrinal" law is taught. The panel is of the view that the preponderance of such modules in the first year of the programme might be too heavy a burden for first-year students. It is an accepted fact that students fresh from school – even if the schools they attended are highly regarded – simply lack the intellectual and emotional make-up to engage with three such law modules at the appropriate level. A revision of the curriculum should closely interrogate the need for a greater emphasis on introducing and preparing students for study in law and for the place of law in the broader social context. A reduction in the number of "doctrinal" law modules would perhaps be more appropriate.
2. The panel is satisfied that the LLB programme meets the requirements of NQF exit level 8.
3. The panel noted that the total credits for the LLB programme is 606. For the BAacLLB programme it is 844, for the three-year LLB programme it is 480 and for the two-year LLB programme it is 300. These credit totals are way beyond the minimum total credits prescribed for the LLB qualification. The inflation of the credit total is the result of the allocation of credits per module that vary from 10 to 32. The faculty's active engagement with credit values and notional hours per module is commendable. Further thought, though, needs to go into the determination of credit values to bring the total credit allocation for the qualification closer to the minimum prescribed value of 480. In this respect a detailed analysis of actual workload (of student and lecturer) per module might serve a useful purpose. The Faculty has acknowledged this and indicated that in its revision of the curriculum, it would seek to further investigate an approach to credit values that takes detailed

account of all factors involved.

4. See comments at 3 above.

5. The concern the panel has with a credit allocation for the four-year LLB programme of 606 is that it far exceeds the minimum prescribed allocation of 480. The impression thus created is that the Faculty expects its students to successfully complete a level 8 qualification far in excess of the national norm. To be sure, 480 credits is a *minimum* prescribed allocation. The 606 credit allocation implies an expectation in terms of purpose, content and intended outcomes that surpasses by almost 30% the minimum prescribed norm. It is debatable whether this is appropriate.

The credit allocation for the BAccLLB is 844. On the face of it this is an appropriate credit allocation for a double degree. The concern, though, is that students are expected to complete this programme within five years, rather than the six or seven years it would otherwise have taken a student to complete the two qualifications separately.

#### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

1. *Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

2. *In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

#### ***Panel Comment***

1. The panel is satisfied that the recruitment, selection and admission policies and procedures of the Faculty adequately take into account legislation, transparency, institutional capacity and demonstrated or assumed competence. We were also informed that the Faculty does not admit students via RPL simply because the demand for places is too high.

The panel wishes to express its concern in respect of the following: the stated policy of the institution and of the Faculty is to have a diversity profile for first-time entrants into an academic programme (and therefore also the LLB programme) that has 30% of its entrants from the "Black",

"Coloured" and "Indian" categories ("BCI"), and for this percentage to grow to 50% by 2019. In 2016, the Faculty was able to admit 38% of students who are "BCI" into its four-year LLB programme. On its two-year programme only 13% are "BCI", on its three-year programme only 21% are "BCI" and in the BAccLLB programme only 12% are "BCI". Although it is laudable that the Faculty has been able to out-perform its own 2016 target, the reality is that the student profile in the different LLB programmes is still predominantly white. Such a profile does not reflect the regional profile nor does it reflect the national profile. The panel engaged with faculty management on the language policy and the intention to implement a language policy in 2017 that gives precedence to the use of English in law modules. Such a revised language policy may, along with other institution-wide interventions, assist the Faculty to further improve the diversity of its student profile in the LLB programme. The Faculty gave the panel the assurance that they were acutely aware of the need to further diversify the student (and staff) profile and that they were constantly engaging on the issue among themselves and within the institution. They recently formed a Transformation Committee that is meant to provide guidance on measures that can and should be taken to improve inclusion and diversity among its students.

2. The panel is satisfied that the Faculty has in place a range of interventions to ensure that the assumed competence of first-time entering students matches the assessed competence of such students. These include the following: the identification, by means of an early assessment (within the first ten weeks of registration) of students potentially at risk; a core first-year module, *Writing Skills*, to enhance the reading, writing and research skills of students; and a faculty-coordinated programme run by the Coordinator: Student Support to identify and appropriately guide at-risk students in their first year of study.

The skills that the Faculty seeks to impart to such first-year students include the full range of skills and applied competences described in the *LLB Standard*. From students we interviewed, we gained the impression that the *Writing Skills* module did not adequately fulfil the purpose for which it was designed. In their view the module was "fluffy" and not fully aligned to the programme of study in the first year. They proposed that the skills the module seeks to impart can be best acquired by embedding them within the law modules as such, rather than having them taught as a stand-alone module. The Coordinator: Student Support also informed us, that whereas the interventions for at-risk students had worked well for a number of years, the programme had met with some resistance from students in 2015. This was largely due to a sense of "otherness" among the students identified, a sense that they were being stigmatized.

Commendably, there is constant engagement within the Faculty with the content and structure of the programme to improve it and to try to provide the most appropriate assistance. The Panel was also provided with information on the nature and extent of assistance provided to students (at first year and also subsequent levels) to improve their writing skills. This was mainly done by "Writing Consultants" appointed by the Faculty to assist students by means of one-on-one consultations. There is a commendable attempt by the Faculty to provide a structured environment within which writing skills of students can be enhanced. The panel will comment further on the writing programme below. The panel wishes to propose to the Faculty that it should seek to identify and provide support to students with learning disabilities.

The panel **commends** the Faculty for the development and implementation of a faculty-specific programme that focuses on the provision of structured academic development support for its at-risk students and for all first year students.

**Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) what other discipline(s) may students pursue?; and

(2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

**b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?
- the development of research skills?
- the development of writing skills?

**c. Applied Competence**

How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the

*applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

### ***Panel Comment***

#### **Knowledge**

The panel is satisfied that the LLB programme imparts to students a sound and comprehensive knowledge of South African law and the legal system, of its associated values and of the historical background to the law. The LLB curriculum appropriately covers all areas of law (national and international). It also provides students with a clear understanding of the dynamic nature of law and the importance of appreciating the social, economic and political context within which law functions.

There are a sufficient number of non-law modules within the LLB programme and the range of options from which students can elect their non-law modules is also sufficiently wide. The proportion of non-law modules to law modules in the programmes is appropriate to assist in the formation of a well-rounded law graduate.

The LLB programme allows for some specialization within the final year. Students must choose four electives that encompass subject-matter from public law, private law and mercantile law. The panel noted that electives within public interest law are absent. The panel suggests that the Faculty should consider the introduction of one or more modules within the public interest domain.

Clinical legal education is provided for in the programme. It is a component of the elective final-year module, *Practical Legal Training 471*. We were told that between 30-40 students register for this module per year. The facilities of the Law Clinic are excellent. The Clinic is also well-staffed, having four attorneys and a number of candidate attorneys in residence. We engaged with both a manager in the Law Clinic and with faculty management on the possibility of either making clinical legal education compulsory for all final-year students or increasing the number of students who register for the module. We were told that in their view there were resource constraints to a larger intake of students, but that the matter was under consideration.

It is the panel's view that the Faculty should re-consider their approach to clinical legal education as

a final-year elective. Students we interviewed were of the view that all students should be exposed to clinical legal education. We appreciate the not insignificant resource and logistical constraints involved and the concern of the Faculty to provide a quality - rather than a merely superficial - clinical legal education. We believe, though, that much might be gained from an interrogation of an innovative approach, as adopted by many other law faculties, to clinical legal education for all final years.

The panel **recommends** that the Faculty should seriously consider making provision in a revised curriculum for compulsory clinical legal education for all final-year students or, alternatively, for compulsory exposure of final year students to community-based initiatives in law.

The panel further **recommends** that the Faculty should consider providing for one or more electives within the field of public interest law in the final year of the LLB programme.

### Skills

The panel is satisfied that the programme makes sufficient provision for the inculcation of critical thinking skills, research skills and writing skills.

From the assessments in the different modules the panel scrutinized, it was clear that there is a pervasive attempt made by the Faculty to imbue the students with critical thinking skills and to appropriately assess their attainment by means of assessments. This is apparent at all levels of the programme.

The Faculty has had, since 2011, a "writing-across-the-curriculum" strategy for its students. Two "writing consultants" are employed by the Faculty. Their primary purpose is to provide students with dedicated assistance to improve their writing, conceptualization and analytical skills. In the first-year module, *Writing Skills*, students are exposed from early on to writing and reading and research exercises. Assignments are set in a number of modules at all levels of the programme. In the final year, all students are compelled to produce a substantive research essay (around 5 000 words) as part of the *Legal Skills 411* module. A mini-dissertation is also an elective for final year students. Although the dominant mode of assessment in the programme is tests and examinations, the panel is satisfied that sufficient opportunity exists within the programme for students to develop their writing and critical reading skills. From our interview with the law librarian we got the impression that the staff in the law library provide able assistance to students in sharpening their research skills in both hard copy and electronic format.

The panel **commends** the Faculty on its "writing-across-the-curriculum" strategy for its LLB students.

### Applied competences

The panel is satisfied that the evidence it was provided during the site visit confirms the detailed commentary provided in the SER (pp 88-103) that the programme and the learning outcomes of the individual modules address sufficiently the applied competences listed in the *LLB Standard*.

The above statement is subject to one exception, however. The panel was unable to find any evidence that the programme adopts a dedicated and focussed approach to community service by the students. We recognize that more than one student grouping exists among law students whose purpose is to serve the community through their legal knowledge. These are extra-curricular

activities. The students we interviewed expressed themselves in favour of a curricular approach to community service by law students. If such a curricular approach were to be adopted it would provide students with the ability “to recognize, reflect and apply social justice imperatives” (as formulated in Applied Competence 8 (“Agency, accountability and service to the community” ) of the *LLB Standard*). It will also enable students to “engage with diverse audiences as identified by culture ...” (as formulated in Applied Competence 2(d) of the *LLB Standard*).

#### **Staffing resources (refer to Criteria 3 and 4)**

##### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

##### **Panel Comment**

1. The Faculty has an academic staff complement of 32 permanent academic staff and two contract staff members. Of the 32 permanent academic staff, three are Distinguished Professors, nine are Professors, five are Associate Professors, twelve are Senior Lecturers and three are Lecturers. There is an appropriate mix of senior and less senior staff members, in terms both of teaching experience and research experience. The gender profile is 50/50. Although somewhat top-heavy in terms of senior academic staff, this is not inappropriate. The staff retention in the Faculty is high. All levels of academic staff teach in the LLB programme. There is appropriate teaching experience within the Faculty in the different areas of law.

The panel wishes to express its concern at the lack of demographic (i.e., racial) diversity in the academic staff profile. With only some exceptions, the Faculty is predominantly composed of White academics. The Panel is satisfied that the Faculty is very much aware of this deficiency and is working towards a solution. They have an active recruitment strategy to seek to attract staff from the designated groups. The attrition rate among such staff members is high. We were told that an inhibiting factor in the appointment of staff from the designated groups thus far has been the language policy of the Institution. The panel had sight of the *Language Policy of Stellenbosch University*, a revised version of which was approved in June 2016. On the strength of this policy the Faculty of Law has prepared a Language Plan for implementation in January 2017. This plan must still be approved by the Institution. The gist of the plan, we were informed, is that English will be the dominant mode of instruction in the LLB programme, with a range of measures that ensure that

Afrikaans is also available to students who wish to use Afrikaans as their medium of tuition. The Dean expressed the hope that this plan, if approved, will enable the Faculty to attract more academics from the designated groups who are not proficient in Afrikaans.

2. The staff: student ratio in the Faculty is 1:31 (FTE-based). This ratio is high and can serve as a barrier to the introduction of more writing-intensive modules in the programme than the current eight. It is also true that the proper inculcation of the critical thinking skills and of the writing and research skills demanded by the *LLB Standard* may not be achieved if such a high ratio is maintained. The panel appreciates, though, that the current paucity of resources in the institution inhibits the Faculty from appointing more academic staff. There are very few contract teaching staff. We were told that a workload model was being developed in the Faculty to ensure that there is a relatively even spread of academic responsibilities among staff members. Although the model is a work-in-progress, the panel understands that progress in this regard was gratifying.

3. Opportunities exist within the Institution for the professional development of academic staff. All academic staff are subject to annual performance evaluation, which also provides for development opportunities. Training opportunities exist in the Institution for academic staff in respect of matters such as assessment and moderation practices and the use of information technology as a pedagogical tool.

The Panel **recommends** that the Faculty should persevere in its attempts to attract academic staff from the designated groups in greater numbers than is currently the case.

#### **Staffing resources (refer to Criterion 8)**

##### **Administrative and support staff resources**

*1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

##### **Panel Comment**

1. The panel is satisfied that sufficient administrative and support staff services exist in the Faculty and in the Institution to serve the needs of the LLB programme.

2. The support staff members are appropriately qualified and experienced. Sufficient opportunities exist in the Institution for the induction of new staff and for development opportunities for such

staff.

3. The panel is satisfied that an appreciation exists of the primacy to be attached to the maintenance of the integrity of the academic life-cycle of the student, from first registration to certification. Sufficient checks and balances exist in the system to promote such integrity.

4. The Faculty does not offer distance learning in the LLB programme.

**Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

*1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

*2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*

*3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*

*4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*

*5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*

*6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

1. Teaching and learning within the programme takes place by means of large class teaching and by means of tutorials in some of the modules taught in the first and the second year. The panel is satisfied that the lecture and tutor venues, which are spread across the campus, are fit for purpose. All have audio-visual equipment and an institutional strategy is in place for all lecture venues to have Wi-Fi connectivity in the foreseeable future. The library facilities are large enough and well-resourced enough to accommodate the large student numbers who regularly use the library. Some 3,000 computers are available campus-wide for law students to use along with other students on campus. These include braille-adapted computers for sight-disabled students.

2. The teaching and learning approaches that dominate are large-class teaching and smaller tutorial groups. A commendable innovation that has recently been introduced in the programme is "active learning". This approach utilizes a number of non-traditional methods of teaching and learning. These include: the use of podcasts and video clips; blended learning using the "SUNLearn" platform; "flipped class" approach where the students play an active role in the classroom and the lecturer a facilitative role; the use of concept maps; group discussions in class with a pre-determined outcome. It is clear, from interviews with lecturers who adopt active learning and from students who have been the recipients of active learning, that the approach has many benefits.

The students informed us that the lecturers who taught modules in the Public Law Department were far more willing to innovate in their teaching and learning strategies than the lecturers from other departments. This created some uncertainty among them on how to approach their learning in different modules. It was also clear to the panel that, although active learning created enthusiasm among students and allowed them to retain concepts and principles longer than in other modules, the throughput rate in such active-learning modules did not substantially improve. Some students suggested that active learning increased their workload and that the benefits of active learning are lost to them when their ability to properly prepare for other modules is under threat. The Panel recommends that the Faculty coordinates active learning opportunities to create the time and the incentive for students to engage adequately with active learning materials.

The SER proposed (see p 121) that the faculty's teaching and learning strategy prioritizes the professionalization of the scholarship of teaching. There are certainly examples within the faculty of lecturers who engage deeply with the scholarship of teaching and learning. There is no evidence, however, that this is the norm in the Faculty. It appears to be a gradual process where individuals seek to promote best practice in their teaching; others, though, are comfortable to teach by means of traditional methods.

3. Student evaluations are annually completed for each module. These evaluations are hard copy evaluations completed by the students in class. The evaluations are subject to institutional scrutiny and are utilized by the Head of each Department in the annual performance evaluations of each lecturer. The Panel was informed that, whereas some students make useful and substantive comments on the course content and on the individual lecturer, many do not take the process seriously. An element of "evaluation fatigue" is apparent among students by year-end.

4. The panel reiterates its commendation, provided under the section, "Student recruitment, selection, admission and support", in respect of the support provided by the Faculty to at-risk students.

The panel **commends** the Faculty for the introduction of the "active learning" strategy and recommends that the strategy be implemented in all departments and adequately coordinated in order that it is optimized to the benefit of the students.

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

*1. What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

*2. How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

*3. How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?

5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?

6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):

- an adequate student:staff ratio;
- adequate physical resources, such as teaching venues and audio-visual equipment;
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.

7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?

8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?

**Panel Comment**

1. The Faculty adopts a variety of assessment modes, both formative and summative. The dominant mode of assessment is tests and examinations. There is sufficient evidence of other assessment modes (assignments both small and substantive; group work; orals; moots; mock trials; portfolios) in a number of the modules to satisfy the panel that the programme exposes the students to a range of assessment modes that both assess and develop their critical thinking skills, their writing skills and their ability to do independent research. Standard tests and examinations too employ a number of assessment modes to evaluate the range of skills and competences required by the *LLB Standard*.

2. The LLB programme makes use of information technology on a fairly large scale. Such IT resources are utilized both as means of conveying information between students and the lecturer and as a pedagogical tool to enhance the learning experience. These IT resources are adequately maintained and developed within the constraints of available financial resources.

3. As mentioned above, the panel is satisfied that the physical resources and infrastructure available on campus to the students registered for the programme are adequate and are in fact in many cases far beyond the norm. The same holds true for the Law Clinic. Its facilities are excellent and it is also well-situated to attract clients to it. The facilities of the Law Library are excellent. It is part of the institutional library, which underwent significant refurbishment and extension fairly recently. The holdings in the Law Library (including the electronic sources) are more than adequate and fulfil the needs of the law students.

4. The Faculty conforms to the assessment practices and policies that apply within the institution. Provision is made for internal moderation and for external moderation of all final-year modules.

External moderators serve for a period of no longer than three years and are then replaced. The panel is satisfied that the assessment system is rigorous, reliable and secure.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

**Panel Comment**

1. Sufficient provision is made to appropriately consider approval or otherwise of credits for modules passed at another institution. A policy exists in this regard and is applied by the faculty management. Generally, a maximum of 148 transfer-credits are allowed, although all pre-final and final year modules must be completed in the Faculty (although there may be special permission for a maximum of 44 of them).

The same holds for the approach adopted towards the "shelf-life" of credits. Although the approach is discretionary, the panel has no reason to believe that the discretion is not exercised with due diligence.

2. Both vertical and horizontal articulation opportunities exist for students in the LLB programme. Vertical articulation is possible into the LLM, by coursework or by thesis (with specialisation in Intellectual Property Law or International Trade Law), and horizontal progression into a Post-Graduate Diploma (specialising in Tax Law or Intellectual Property Law). BAccLLB graduates may be admitted to the M Com or a PGD in the Faculty of Economic and Management Sciences.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be*

*introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. Student throughput is adequately monitored by means of data tables provided at institutional level. The tables the panel scrutinized suggest that, though the pass rates per individual module is high, the throughput and graduation rates for the four-year LLB programme in particular is low (see SER, p 172-181). Whereas the 2008-2010 cohorts had an on-time graduation rate of between 34%-43%, the on-time graduations of the 2011 and 2012 cohorts dropped significantly to 25% and 28% respectively. It is concerning, too, that there is a clear difference in the throughput rates among the different race groups: Among the 2011 cohort only 3 out of 14 African students graduated on time and only 7 out of 28 Coloured students did so, whereas 17 out of 52 White students graduated on time; among the 2012 cohort only 1 out of 6 African students graduated on time, only 3 out of 23 Coloured students did so, whereas 21 out of 60 White students graduated on time (SER, p 175). The two- and three-year LLB programmes have a higher throughput rate than the four-year programme, but the drop-out rate in these programmes too is a cause for concern. It is noteworthy that the drop-out rates for males is significantly higher than for females. It is a matter for concern, though, that there is such a large drop-out rate in the LLB programme and that the throughput rate for on-time graduations has been less than 30% in the last two years. The panel makes this statement cognisant of the fact that the Faculty is able to select students who are above-average performers at school level and who by and large come from privileged backgrounds. The panel suggests that the faculty might wish to engage more deeply with this phenomenon of a high drop-out rate and low throughput rate in the LLB programme in order to try to counter this trend at an institutional level.

2. Students are made aware of different career pathways by means of informal discussions and through the annual "Employers Week". This might not be sufficient and the faculty is encouraged to investigate other means to assist students to gain knowledge of opportunities for employment on the basis of their law qualification.

3. The Faculty does not engage in graduate tracking to any significant extent. The reason for this is resource constraints and a sense that the law profession has at least a shared responsibility with an academic institution to track law graduates.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

The panel is satisfied that there is effective and efficient leadership within the Faculty and within the institution to ensure that the LLB programme is well managed, coordinated and administered. Well-functioning committees exist in the faculty in respect of teaching and learning and student development support. The LLB programme at US enjoys a high institutional status and it is hoped that the Faculty will continue to receive strong institutional support as it begins its revision of the LLB programme. The departments and the programme have in recent times been subjected to extensive external review. The results of these reviews have been very satisfactory to the Faculty.

## JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA

### NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB)** programme of **University of Stellenbosch** be **re-accredited subject to meeting specified conditions**.

Conditions	Relevant criteria
<u>Short-term</u> 1. The Faculty needs to submit a plan to indicate how the diversity profile of its academic staff will be transformed and enhanced. The plan should include short- and longer-term goals.	4 (iii), (iv)
<u>Short-term</u> 2. A similar plan is required to indicate how the diversity profile of students in the programme (all the variants offered) will be improved.	2 (iii), (iv), (v), (vi)

The NSRC further recommended that the

**Bachelor of Accounting, Bachelor of Laws (BAcLLB)** programme of **University of Stellenbosch** be put on **notice of withdrawal of accreditation** for the following reason.

Reason	Relevant criteria
The programme is not aligned with the HEQSF.	1 (ii)

### HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### FOLLOWING THE INSTITUTION'S RESPONSE

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** in respect of the **Bachelor of Laws (LLB)** programme as set out above.

On account of its difference in designator from the Bachelor of Laws (LLB) degree, which raises issues regarding compliance with the HEQSF, the NSRC recommends that the programme **cannot be considered for re-accreditation** as part of the national review of LLB programmes.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Four-year LLB  Three-year LLB (second degree following on a first degree with no law modules)  Two-year LLB (second degree, following on a first degree with a large number of law modules)
<b>Name of Institution</b>	University of the Witwatersrand
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Braamfontein Campus, Johannesburg
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	594
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

Comment

Some of the difficulties encountered by the Panel are obvious (a major one is referred to in the Conditions below. The SER is based on the 4-year LLB which is now in abeyance. There is no information about the currently-offered 3-yr and 2-yr programmes. In which case, a fundamental

question arises: what programme(s) is (are) being recommended for accreditation. Only the programme in abeyance? Perhaps the summary recommendation should emphasise this point.

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

1. The panel is satisfied that the LLB programme addresses the values and ethos expressed in

the Preamble, with particular reference to Constitutional values and ethos. In this regard the panel is satisfied – and indeed it finds it commendable – that the notion of “transformative constitutionalism” has been appropriately embedded in the curriculum. This is so not only because it explicitly forms part of the content of core modules on Constitutional Law and in Jurisprudence, but because it implicitly permeates a range of modules in the LLB programme.

2. The panel is also satisfied that the programme appropriately inculcates in its students an awareness of pervasive social injustice in society and a need to be responsive to such injustice. It does so explicitly by means of the clinical legal education it provides within the core module, *Practical Legal Studies*. The imperative to use the law as a means of responding to social injustice also finds expression in such modules as *Jurisprudence* and in the *Constitutional Law* modules.
3. The panel is satisfied that the LLB programme appropriately inculcates in law students an awareness of constitutional imperatives, through constant reference in almost all modules to the Constitution as a primary source of law and as the prism through which statutory and common law are to be evaluated.
4. The panel is satisfied that the LLB programme makes students sufficiently aware of the place and function of South African law within a global context. Rules and principles of international law are embedded in various modules in the programme. Furthermore, many of the academics within the Law School enjoy an international reputation, which further underscores for the students the global nature of law and the scholarship of law. The Mandela Institute, too, gives students an indication of how law transcends national, regional and international boundaries, through its short courses and certificate courses.
5. The Law School uses a web-based platform, *Sakai*, to provide students with module-based information, with general information on the LLB programme and with additional learning materials. Some interactive teaching and learning also takes place on this platform. By and large, though, the programme has not yet responded to the opportunities information technology offers as a means to pedagogically enhance the teaching and learning experience of lecturers and students. Many of the students on the programme do not have (sufficient) access to information technology, such that IT can be readily embedded in the curriculum. The panel encourages the School to investigate ways in which IT can be better employed in the programme as a pedagogical tool.
6. The panel furthermore encourages the Law School to investigate the insertion into the curriculum, either as a stand-alone module on *Cyber Law/Internet Law/ICT Law* or in appropriate areas within the subject-matter of modules, the law that governs the use of the Internet and electronic means of communication.
7. The panel is satisfied that due attention is paid in the Law School to the national call for investigation into the manner in which the LLB curriculum can be “de-colonized” or “Africanized”. One of the standing committees of the School, the *Transformation Committee*, has already met on more than one occasion to discuss this. There is also evidence that the

module, *Jurisprudence*, has been adapted to meet these demands.

The panel **commends** the Law School on the manner in which the notion of “transformative constitutionalism” has become embedded in the LLB programme.

The panel **recommends** that the Law School should investigate opportunities to infuse the curriculum with information technology as a teaching and learning tool, beyond merely providing ready access to learning materials and as a means of communication with students. It also recommends that the School should pay attention in its revision of the curriculum to providing students with a deep understanding of the law that governs the use of information and communications technology.

#### **Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

***Note:** With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

- The panel is satisfied that there is sufficient alignment between the LLB programme and the institutional vision, mission and value statement. The SER has provided adequate explanation of the manner in which the Law School, and the programmes it presents, is alert to the mission, goals and strategic planning within the institution. (See SER, p 4-5).
- There is no outsourcing of delivery of the LLB programme in the School.

#### **Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

#### **Panel Comment**

- The panel is satisfied that the LLB programme adequately prepares well-rounded graduates for entry into legal practice, into a range of careers that require the application of law and for postgraduate studies in law. Although the curriculum is not designed explicitly to provide for those students who wish to pursue careers outside of the legal profession, the panel acknowledges that the programme is rigorous enough to provide graduates with the ability to

“think like a lawyer” and in so doing provide graduates with the knowledge and skills base to pursue careers where the application of the law is required. This was confirmed by some of the alumni the panel spoke to. In their view the knowledge, skills and competences they acquired in the LLB programme has stood them in good stead in their professions outside of the law as such.

2. The stated strategic plan of the institution is to significantly enhance the number of its students engaged in postgraduate studies. To this end Wits law graduates are sufficiently aware of the many opportunities that exist for postgraduate studies in law and are provided with sufficient opportunity in the LLB programme to prepare themselves for postgraduate studies in law. The fact that a number of reputable law journals have their scholarly “home” within the Law School further enhances the value of and opportunity for postgraduate study among its law students.
3. The panel is satisfied that the LLB programme is designed and presented in such a manner as to seek to address the stated purpose of the qualification. Although, as will be discussed below, the panel has detected a certain “bias” towards public law in the curriculum, the Wits law graduate has sufficient knowledge and appreciation of not only the Constitution and its values and principles, but also of the structure, doctrines, rules and principles and procedures of the law.
4. Students and alumni the panel spoke to suggested that a shortcoming within the LLB programme was the fact that they were not sufficiently taught how to *apply* the law. They were satisfied that their theoretical knowledge was of a high standard, but they expressed the view that it would have been helpful if they had had more opportunity to be taught how to apply the law to a given set of facts or circumstances and to be assessed on this. Too often, they said, module assessment simply expects rote learning from students and students themselves expect to be “spoon-fed”. Despite this view expressed by the students and alumni, the panel is satisfied that there is enough evidence of the manner in which students are assessed in a range of modules to suggest that students are appropriately taught how to think critically about the law and how to apply the law in different contexts, and that they are appropriately assessed in this regard. The panel has noted in this regard that the School will, in 2017, introduce two new modules into the curriculum, *Ethics and the Law: Theory and Practice* and *Critical Jurisprudence*, that seeks to strengthen the demand for critical thinking about the law and for the application of the theory of law to the practice of law.
5. The panel is also satisfied that accountability and responsibility are values that receive sufficient attention within the programme.

#### **NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

1. *Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
2. *With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
3. *How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
4. *How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?

**Panel Comment**

1. The four-year LLB programme underwent a thorough review in 2012. The programme that was then designed, complied with the demand for logical sequencing and increasing complexity of module content and assessment. The programme ensured appropriate progression through ascending levels of competency. Scaffolding was used as a teaching strategy to build and expand on students' existing skills set. Subsequently a decision was taken to no longer present the four-year LLB programme from 2015 onwards. Students are now required to register for the LLB programme as a second degree and to complete the qualification within two or three years, depending on the nature of their first qualification. In interviews the panel conducted with staff and students it was clear that this has led to a certain amount of confusion. Students are uncertain at what level a particular module is being presented. Staff, too, experienced a sense that the approach adopted in 2012 during the review has become confused. The panel encourages the School to deliberate carefully on the impact the phasing-out of the four-year programme has had on the requirement of logical sequencing of modules and of ascending levels of competency.
2. The panel also recommends that the School should review the level at which some of the mercantile law electives on offer in the final year of the programme are presented. It is the panel's view that some of the modules are not presented at a NQF level 8 but rather at a NQF level 6 or 7. Examples are *Law of Insolvency* and *Labour Law*. The impression gained by the panel was that in these modules students were given more active support in their preparation for the assessments than was appropriate for a level 8 module in which independent thinking skills are required. This means that, although they are presented as level 8 modules, they are not in fact taught and assessed as level 8 modules. This might be as a result of the fact that these modules, for the most part, are not really final-year modules but that the configuration of the curriculum has necessitated them to be placed in the final year.
3. Despite the comments made in par 2 above, the panel is satisfied that the LLB programme meets the requirements of NQF exit level 8. The panel makes this finding despite the fact that some of the information on final-year elective modules that should ordinarily be available for a CHE site visit were not available to the panel.
4. The LLB programme carries a credit value of 594. This is 114 credits beyond the minimum prescribed in the NQF and equates to almost a full academic year's study. The credit rating was determined on the assumption that, on average, each semester module carries a credit value of 18. This equates roughly to 180 notional hours per semester module. It is clear from comments made in the SER that the approach adopted within the School in order to determine credit ratings for each module lacked a full appreciation of how these credit values were to be determined.

In light of the decision taken by the Law School to discontinue the four-year LLB programme, the panel **recommends** the following: The School should apply to have the LLB programme formally approved an *Advanced Bachelor's Programme*. Such a programme has a minimum credit value of 240 credits. The School should then engage in a rigorous process to structure the programme so that it accurately reflects the credit value of a formally-approved advanced programme. The credit value of each module within the programme should also be properly aligned with the criteria determined for the NQF.

### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:

- legislative requirements
- equity
- diversity and transformation
- transparency
- institutional capacity
- demonstrated or assumed competence (as reflected in admission requirements)
- admission via RPL.

2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)

#### **Panel Comment**

1. The panel is satisfied that the recruitment, selection, and admission policies and processes adopted by the Law School are in line with legislative (and institutional and national) policy requirements. The panel has noted that as from 2015 the Law School no longer registers first-time entering students for the four-year LLB programme. Students are now expected to have a first degree before they can register for the LLB qualification. The first degree therefore serves as an admission requirement for the LLB programme. The School also requires students to have an average mark of 60% for the final year of the qualification (or an average mark of 60% for the law majors) and to have completed the qualification in no more than four years (in respect of a three-year qualification). Although such admission requirements are high, they are not unreasonable.

Against this background the concern around a gap between assumed and assessed competence is less in this Law School than it would otherwise be where a student registers for the LLB programme soon after completion of a secondary school qualification.

2. The panel notes, however, that the School adopts three mechanisms to provide appropriate support to students in the first year of the (second degree) LLB programme. These are the following:
- (i) An early warning system that functions under the auspices of an *At risk Coordinator* within the Faculty of Management, Commerce and Law identifies and provides academic development support to students.
  - (ii) A programme called the “R2SP” (the Road to Success Programme) is in place within the Faculty to provide dedicated support to students registered for the three-year LLB programme.
  - (iii) The *Writing Centre* within the Law School provides writing, argumentation and

research skills to students in the *Introduction to Law* module. The work of the Writing Centre will be commented on later.

3. We were told that a *Career Development Officer* holds an appointment in the Law School. Apart from his primary function of providing career guidance and advice to students, he also tries to provide financial assistance to students and to channel students who need emotional or psychological assistance to the appropriate departments in the institution.
4. Certain lecturers, particularly those who teach first-year modules, work closely with a Writing Centre to develop and present writing and reading skills to students. Students informed the panel that in their opinion lecturers are not properly trained by the institution to engage properly with teaching and learning techniques and approaches.

The panel **recommends** that the School should investigate ways in which lecturers are provided with appropriate and ongoing training by the institution in teaching and learning methodologies for law modules.

### **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

#### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) what other discipline(s) may students pursue?; and

(2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB

programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

### **b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?
- the development of research skills?
- the development of writing skills?

### **c. Applied Competence**

How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.

- Ethics and integrity;
- Communication skills and literacy;
- Numeracy;
- Information technology;
- Problem solving;
- Self-management and collaboration;
- Transfer of acquired knowledge;
- Agency and accountability;
- Service to the community.

### **Panel Comment**

#### **Knowledge**

1. The panel is satisfied that the LLB programme provides students with comprehensive and sound knowledge and understanding of South African law and the legal system, of the Constitution and of the basic areas of law.
2. The panel is of the view that the LLB programme has a bias or slant towards public law, at the expense of private law and mercantile law. This is apparent from the following:
  - (i) The only core mercantile law module for the LLB programme is *Business Entities*. (A module file for this module was not made available to the panel, despite requests to do so.) All other mercantile law modules are electives in the final year of the programme.

These include such modules as *Labour Law* and *Insolvency Law*. The private law module, *Law of Succession*, too, is only an elective module. The panel shares the view expressed in the SER (see p 7-8) that some of these modules should be considered as core modules in a revised LLB curriculum. The *LLB Standard* requires that a curriculum should include “basic areas” of law. “Basic areas” are defined as including “aspects of ... mercantile ... law”. The panel is of the view that one core semester module of mercantile law in the curriculum only (*Business Entities*) does not meet the requirement of the *Standard*.

When the panel engaged the management of the School on this issue, the response was that, as the students are required to register for a large number of electives and as most of the electives are mercantile law or private law based, in the normal course of things most LLB graduates would have been required to pass a number of mercantile law modules. The fact remains, though, that it is possible for a student to graduate with a LLB without having passed a module in Labour Law, for example, or in Law of Insolvency. This was in fact confirmed to us by one of the alumni interviewed by the panel. Some of the alumni also informed us that in their view the fact that they did not pass some of the mercantile law modules negatively affected their employability.

(ii) The panel investigated the study material and the forms of assessment for the mercantile law electives in the final year of study. Some had study material and assessment modes appropriate to level 8 modules. A number, though, did not. The impression gained was that these modules did not receive the same scholarly attention as did the public law modules.

3. The panel also noted that Customary Law is not presented as part of the LLB programme. It is the panel’s view that the School should consider the introduction of Customary Law in the LLB programme, at least as an elective or otherwise to substantively incorporate components of customary law into appropriate modules. This was a view also shared by some of the alumni interviewed by the panel.
4. In light of the decision to require students who register for the LLB programme to have a first degree, the School is of the view that the requirement in the *LLB Standard* that students should be exposed to contexts within which law operates has been adequately addressed in the first degree, where social sciences, humanities and/or commerce would have been studied by the students.
5. The panel was impressed with the quality of the clinical legal education offered by the Law School to its LLB students. All final-year students (in 2016 there are 485 final-year students) must attend the Law Clinic as part of the *Practical Legal Studies* module. The manner in which the Director of the Law Clinic manages to provide appropriate and quality clinical training to so many students, and the facilities within which this is done, are commendable.

The panel **commends** the Law School on the quality of the clinical legal education provided to its final-year LLB students.

The panel **recommends** that the School should seriously consider the introduction into a revised curriculum of more mercantile modules as core modules than only *Business Entities*. It should also consider the introduction of Customary Law and Law of Succession into the core curriculum.

### **Skills**

1. The panel is satisfied that the LLB programme appropriately addresses the skills listed in the *LLB Standard*.
2. The panel wishes to commend the Law School for having a *Writing Centre* dedicated to the students of the Law School. From the report of the Writing Centre provided by the School and from an interview conducted with one of the two permanent staff members of the Centre the panel gained an impression of the range of activities of the Centre and of the beneficial impact the Centre has had on the inculcation of writing and reading skills in the students. It provides “embedded” writing development support across the curriculum in collaboration with the lecturers, individual writing support to students and support to enhance legal argumentation. It is an active Centre that has expanded its activities since the first pilot projects in 2015 and continues to do so. The panel was informed that coordination of the teaching activities of the lecturers and the work of the Centre can improve. One result of a lack of coordination is that the notion of “scaffolded writing development” has not been implemented optimally. Students also informed the panel that the quality of guidance provided by some of the Writing Consultants (themselves LLB students) was questionable. The panel, though, is satisfied that these concerns can and will be addressed in time and that the Centre plays an important role in the development of core writing and research skills within the LLB programme.

### **Applied competence**

The panel is satisfied that there is sufficient evidence to substantiate the claim made in the SER (p 34-53) that the LLB programme substantively addresses all of the applied competences required by the *LLB Standard*.

### **Staffing resources (refer to Criteria 3 and 4)**

#### **Academic staff resources**

1. *How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
2. *Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
3. *What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

### **Panel Comment**

1. The panel is satisfied that the academic staff profile of the Law School is appropriate for the LLB programme. The Law School has on its academic staff complement a number of senior academics who have international reputations for their expertise. It has, in comparison to most other schools/faculties, a large staff complement. Although the staff profile is not yet fully representative of the regional or national population profile, the panel is satisfied that this matter is being attended to.
2. The panel has noted that the staff profile is “top-heavy”. That is to say, 74% of its staff are either Professors or Associate Professors. This is a high percentage and at variance with the generally accepted notion that senior academics are not normally more than half of a particular staff complement.
3. The panel has also noted that a number of academic staff do not hold PhD degrees and that some do not even have a master’s qualification. The panel notes that the School is comfortable with the qualifications profile of its academic staff. Nevertheless, it does recommend to the School that it considers the adoption of a policy that seeks to promote higher qualifications in law among all of its staff. In terms of *CHE Re-accreditation Criterion 3(i)* staff teaching on the programme must academic qualifications higher than the exit level of the programme.
4. The staff: student ratio for the LLB programme is around 1:45 (FTE-based and considering only permanent FTE staff). This is a high ratio. Measures in place to accommodate this high ratio with limited resources include the following: in cases where modules have large enrolments, the classes are divided into smaller groups and co-teaching (and co-assessment) takes place; and a limited number of “sessional lecturers” (contract teaching staff) is employed annually to lessen the burden of a high teaching load.
5. Although the steps taken to accommodate this high ratio are appropriate, there are some teaching practices that are not beneficial to sound teaching and learning . Students of the *Law Students Council* (speaking, therefore, on behalf of many students who complained to them) informed us that in a number of modules formative (i.e., test-based) assessments are conducted by tutors (for the most part LLB students) and the summative assessments are conducted by the lecturers. This often leads to glaring discrepancies in the manner in which marks are awarded and leads to student confusion and frustration. The SER itself (see p 31) states that the high assessment load of lecturers means that little comment and guidance on their assessments are provided to students. Feedback is an important component of sound learning and teaching and its absence is cause for concern (as indeed the SER points out).
6. The panel was informed that the Law School must still finalize an appropriate promotions policy for its academic staff. The panel strongly encourages the School to make every effort to determine a promotions policy for its staff that has the approval of all or the majority of its academic staff. Uncertainty and inconsistency in respect of promotions criteria and the approval route for promotions is a major source of friction among academic staff.

The panel **recommends** that the School should develop a promotions policy for its academic staff as soon as possible and that such a policy should be approved by approval structures within the institution as soon as possible. The School could furthermore include provisions in their Assessment Policy related to the appointment and moderation of formative assessments by markers.

## **Staffing resources (refer to Criterion 8)**

### **Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

### **Panel Comment**

1. The panel is satisfied that support staff resources are adequate for the academic needs of the programme. The panel was told that there is a shortage of staff, but the panel is satisfied that the current support staff are effective in serving the needs of the programme.
2. The panel interviewed the *Career Development Officer*. He has a range of responsibilities, primary among which is the provision of advice to students on career after graduation and the organization of an annual "careers week". During this week students are exposed to a wide range of careers, not only in the organized legal profession, but other careers too where knowledge of law is required.
3. The panel was given the firm assurance that everything humanly possible is being done to ensure the integrity of the academic life-cycle of a student, from first registration to eventual certification. The integrity of the system is maintained through such mechanism as regular audits, regular changes of password and the restriction of access to the ITS system to properly authorized staff only.
4. The panel interviewed law librarians and also visited the Law Library. The Law Library is well stocked and is able to meet the needs of the students in the LLB programme. This is done through the provision of adequate numbers of prescribed and recommended learning materials in the LLB modules and through the ongoing assistance provided by them to students who need to source the electronic and hard copy learning materials. However, if the library continues to have no budget available to purchase books (see second bullet on p 70 of the SER), lecturers and students will soon be unable to keep in touch with international developments in the legal field. The panel was shown in the library where refurbishment of the library was needed for the infrastructure of the library to match the high standard of the Law School. Although the panel recognized that such refurbishment was needed, the infrastructural deficiencies did not severely impact on the high quality of the service provided to the students by the library and its staff.

5. Opportunities for training and development of support staff exist within the institution. The panel was told that it would have been preferable if some of the training programmes on offer in the institution were better tailored to suit the particular needs of the support staff within the Law School.

**Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

1. *How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
3. *How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
4. *Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
5. *What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
6. *How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel comment**

1. The standard mode of teaching in the programme is by means of large-class teaching. In many modules where the class numbers are very big, a system of co-teaching takes place. This ensures that the heavy workload of teaching and assessing large classes is shared among the lecturing staff. It also ensures that no more than around 200 students are in any one class.
2. The panel was told that, though there is a Faculty-specific time-tabling system, there is no institution-wide central time-tabling system. Annually, this creates a lot of problems as each Faculty and each School within a Faculty seek to secure venues for their students. Currently, the problem has been addressed to a large extent, but issues remain and much time is still spent on securing venues. The panel recommends that the School should propose to the institution that a central timetabling facility be introduced to manage this very vexed process.
3. Large-class teaching is supplemented by tutorials in many of the first- and second-year modules in particular. The determination of whether there should be tutorials for a particular module or not is seemingly governed by tradition and the choice exercised by the module coordinator. These tutorials are conducted by senior students who liaise regularly with the lecturers to determine what material should be tutored on. Although the staff interviewed by the panel expressed

themselves satisfied with the tutorial system, it is the panel's view that the system should be formalized, by making a policy determination in which modules teaching should be supplemented by tutorials, what the explicit purpose of such tutorials are and how that purpose is best achieved, and how the tutors should be appointed and trained for their tutoring tasks.

4. Modules have been identified at each of the first three levels of study that are to be treated as *skills-based modules*". Four such modules have been identified: *Family Law* at first-year level, *Jurisprudence* and *Law of Contracts* at second-year level and *Civil Procedure* at third-year level. Lecturers, in collaboration with the Writing Centre, treat these modules as writing-intensive modules. They require students to do more writing assignments and exercises than in the other modules. The panel appreciates the intention that underlies the identification of these modules as "writing-intensive". It does, however, recommend that the School should adopt an approach that sees a planned introduction of ever more modules as "writing intensive".
5. As discussed in the "NQF Level and Credits" section above, the School adopted a "scaffolding" approach to teaching and learning in the programme. However, the decision by the School to discontinue the four-year programme has meant that some confusion exists among staff and students as to the level at which certain modules are taught. This means that the notion of "scaffolded" teaching – building on acquired knowledge and skills – has become diluted. Also, the method of teaching and assessing in some modules is at a lower level than is demanded by the level placement of those modules.
6. The commendable work of the School-based Writing Centre to enhance the independent thinking, research and writing skills of students as a deliberate teaching and learning strategy has already been commented on (see the "Skills" sub-section of the "Graduate Attributes" section above).
7. Student evaluations of lecturers take place on a regular basis, in accordance with policy prescriptions. These evaluations are complemented by so-called "on-the-spot" evaluations and by a system of class representatives who bring student concerns to the attention of the lecturers. Also important is the fact that the Law Students Council has representation on a number of School committees that deal with teaching and learning and curriculum issues. The panel is satisfied that the student voice is heard and listened to at the School.
8. The panel has already commented on the support available to students who are deemed to be at risk of not passing the programme in the "Student Recruitment, Selection, Admission and Support" section above.

#### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed*

*by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

*4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

*5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

*6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- an adequate student:staff ratio;*
- adequate physical resources, such as teaching venues and audio-visual equipment;*
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

### **Panel Comment**

1. The panel is satisfied that a variety of assessment methods are adopted within the curriculum. These include tests, examinations, essays, (individual and group-based) assignments, "take-home" tests/assignments and group work. The dominant forms of assessment are tests and examinations. These different assessment methods collectively seek to inculcate the skills and competences in the students required by the *LLB Standard*.
2. Mention was made earlier of a concern expressed by the students that in many modules tutors (senior students) do much of the marking of semester tests. When the lecturer(s) then mark the examinations there is a clear disparity in the manner in which the exams are assessed, to the potential prejudice of the students. The panel suggests that the School notes this concern and that steps are taken to remedy this – if the concerns are found to be valid.
3. As discussed previously students are required to do independent work that enhances their writing, research and reading skills. This happens in particular in the skills-based modules and happens in close cooperation with the Writing Centre. The panel wishes to commend the Law School on this initiative.
4. The SER mentions (at pp 10 and 31) that one result of the high staff: student ratio is that the lecturers have a high assessment workload. This means that lecturers have little or no time to

provide constructive feedback on the work submitted by students. A survey conducted in the School among 138 students suggests that 51% of students are (very) disappointed with the feedback provided after examinations, 41% are (very) disappointed with feedback after tests and 66% feel that there is not sufficient consultation time. The same survey, though, suggests that 75% of students find the lecturers in the Law School easily accessible.

5. The SER also notes (at p 66) that the high assessment workload has as a consequence that not enough proper individual writing assessment takes place within the programme. Colleagues within the School also expressed concern at the high levels of plagiarism detected in written assignments. The panel is satisfied, though, that the School is alert to the concerns that arise from the high teaching and assessment workload and seeks proactively to address them.
6. The panel is satisfied that sufficient IT resources exist for the School (primarily the Sakai teaching and learning platform) to discharge its teaching and learning responsibilities in the LLB programme.
7. The School has adequate physical resources to discharge its responsibilities. It also has adequate library resources. The Law Clinic is well-resourced and manages in a commendable fashion to provide clinical legal education to 485 students with the limited resources available to it.
8. Internal and external moderation of assessments takes place in accordance with institutional policies and procedures. The panel is satisfied that the integrity and reliability of the assessment system is fully aligned to institutional policies.
9. Some of the students complained about the poor attendance of classes by LLB students. According to these students, the attendance of classes in many modules did not make a meaningful contribution to their learning experience since they can easily pass modules without having attended any classes.
10. A high number of cases (often more than 30 cases) are sometimes prescribed for the different themes/units in a module. However, students made it clear during the interviews that they are more often than not merely required to state the name of a case and the decision of the court (the “principle” involved) in formative and summative assessments. If this is true, deep learning and analysis does not take place. The absence of memoranda and/or rubrics in most of the module files rendered it impossible for the panel to verify the claim by students. The institution should consider decreasing the number of prescribed case studies in order to enable students to effectively read, analyze and criticize a manageable number of cases.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

1. *What policy and practice apply to the transfer of credits from other institutions or other programmes?*
2. *What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
3. *What vertical articulation (for example, into a master’s programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

**Panel Comment**

1. The procedure for the granting of credits for modules passed at other institutions is governed by the *Senate Standing Orders for Course Credit Recognitions and Exemptions* of 2005. In terms of this “standing order” modules passed at other institutions may be recognized by the Dean/Head of School. Modules so passed elsewhere retain their “shelf-life” for a period of four years, unless the Dean/head of School deems it appropriate to make an exception. The panel is satisfied that procedures for credit transfers and the shelf-life of credits are appropriately applied.
2. Sufficient vertical and horizontal articulation possibilities are available to the LLB student and graduate. LLB graduates who meet the entry requirements can register for any of a number of Master’s qualifications in the School and may also register for short courses and certificate courses presented by the *Mandela Institute*.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

1. *What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
2. *What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
3. *Given a distinction between graduates’ employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution’s capacity to track its graduates’ career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. The School monitors graduation and throughput rates for the two-, three- and four-year LLB programmes. The throughput rates are within the norm in the higher education sector. The statistics provided to the panel suggest that the dropout rate for the LLB programme (around 30%-40% for the period 2008-2012) is in fact among the lowest in the sector. For non-South African students the dropout rate is even lower. We were informed that the pass rate norm at the institution is a high 84%. We were also informed that there was pressure on lecturers to meet this norm. It is conceivable that the relatively high throughput rate (and, conversely, the low drop-out rate) is attributable to an institutional need to meet the pass rate target rather than the successful implementation of a teaching and learning strategy that improves the quality of the learning experience.
2. The Law School has a dedicated *Career Development Officer*, whose responsibility it is to advise law students on career opportunities (also beyond the law profession itself) and to provide students with opportunities to engage with potential employers. This officer also serves as a liaison between the school and the profession.

3. The School does not actively engage in graduate tracking. However, there is sufficient interaction between the School/the institution and a wide range of employers of Wits law graduates to suggest that Wits graduates do not struggle overly much to secure employment, either within or outside of the profession.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

1. The Law School has a Head of School (who reports to the Dean of the Faculty of Management, Commerce and Law), a Deputy Head of School and an Executive Committee. This latter committee comprises the Head and Deputy Head of School, the chairpersons of the eight standing committees in the School, four elected representatives of the academic ranks within the School, the administrative manager, the financial manager and a representative of the Law Students' Society. The Faculty Dean made it clear to the panel that all academic decisions affecting the LLB programme are taken by the School, without Faculty "interference".
2. When the panel engaged the management of the School on the manner in which the School is governed, it was struck by the laissez faire approach to governance adopted by the School, especially given the large number of permanent academic staff (50) in the School. This is apparent from the following:
  - (i) The chairpersons and members of the standing committees are not elected, they are appointed, and they are requested to participate or they volunteer their services.
  - (ii) General staff meetings (the equivalent in a faculty structure of a Faculty Board) happen irregularly and only when important matters, such as the review of the LLB curriculum in 2012, are discussed.
  - (iii) With the exception of the "Visiting, Exchanges and Partnerships" committee, no committee has decision-making powers. All decisions are taken by the Executive Committee of the School. The panel was not provided with any minutes of committee meetings that would have given it a sense of the work done by these committees.
  - (iv) The Executive Committee used to meet once per month; however, meetings now take place every quarter or otherwise when the need arises.
  - (v) The panel was made aware of very few policies or charters that regulate governance in the School. There are some so-called "standing orders", but they cover only a fraction of the governance arrangements that are in place.
3. When the panel shared its concerns with the management of the School, the response was that the committee system works for the School, the committees enjoy legitimacy among the academic staff, and the "job gets done". The colleagues in fact took issue with the panel's description of the governance of the School as "laissez faire".
4. The panel has noted the looseness of the governance in the School. It is of the view that this has negative implications for the effective management of the LLB programme. It cites the following

as examples:

- (i) The panel was disappointed in the quality of the SER. From comments made in the SER it is clear that the compilation of the SER, far from being the collegial exercise involving all of the academic (and support) staff it was meant to be, was in fact a “rush-job” and delegated to only a handful of individuals. The panel was informed of certain human resource issues that impacted on the process. These issues, in the view of the panel, should not have impacted on the SER in the way it seems to have done. The approach to the SER and the final product suggests to the panel a concerning lack of a pervasive culture of collegiality in the School. Although academic members of staff stated that they were in agreement with the SER content, it was evident from the interviews that not all staff members were acquainted with the contents thereof.
- (ii) The site visit itself did not run as smoothly as the panel had hoped. A number of important documents were not available or were made available only during the visit. There seemed to be uncertainty among colleagues as to who should be present at interviews and when. With one or two exceptions, no senior and reputable academics in the Law School participated in the site visit.
- (iii) In the absence of departments in the School or of level coordinators or of “academic clusters” and in the absence of decision-making authority for the standing committees, teaching and learning activities are not formally coordinated. The result is that the cooperation that exists between lecturers teaching on the same course and between these lecturers and, say, the Writing Centre, is apparently not translated into cooperation and collaboration between others. This means that adequate “scaffolding” of the reading, writing and communication skills in the skills-based modules has not yet taken place. The real concern that the logical sequencing that permeated the design of the four-year programme and that has seemingly become diluted in the two- and three-year programme, has not yet been adequately addressed.
- (iv) The panel was informed of problems and unhappiness that exist within the School in respect of the promotions practice within the School. The School does not have its own promotions policy (at least not a policy that is recent, thoroughly workshopped among colleagues and formally approved). This absence of as a crucial governance instrument as a promotions policy can be attributed, at least in part, to the loose governance arrangements in the School.
- (v) The panel was informed that there is no official policy that governs the decision which modules should be supplemented by tutorial teaching and which not. These decisions are left up to the individual lecturers (or course coordinators) and are often guided by past practice. It is the panel’s view that a teaching and learning approach that must confront and resolve the manifold difficulties that inhere in the proper preparation of students within the LLB programme cannot be properly implemented and evaluated without formal governance structures to guide it.
- (vi) The panel was struck by the differences in quality of the presentation to the students of learning materials in modules, the disparity in assessment methods and the differences in the general look-and-feel of tutorial guides. Some were excellent, some were mediocre. This seemingly can be attributed to the absence of a general School-based policy on the nature and content of module guides.

5. The Law School at Wits has a well-earned reputation for the quality of the research within the School and for the quality of the graduates it produces. It is the panel’s considered view that in the absence of better governance in the Law School and more formalized systems and structures

for decision-making, monitoring and accountability, teaching and learning and curriculum development in a challenging environment will suffer.

The panel **recommends** that the governance structures within the School should be improved and formalized through appropriately-documented instruments that are subject to regular monitoring and review.

## JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA

### NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB)** programme of **University of the Witwatersrand** be re-accredited with the following conditions.

Condition	Relevant criteria
<p><u>Short-term</u></p> <p>1. The institution has a 594-credit (four-year) integrated LLB programme accredited and HEQSF-aligned. However, the institutional self-evaluation report states that this programme is “in abeyance” (p.2) and has been “phased out” (p.21). The discrepancy between what is accredited and what is offered needs to be clarified.</p>	1 (ii)
<p><u>Short-term</u></p> <p>2. The School must report on the recognition, in terms of sequence, progression and credit allocation, of modules taken in the LLB as second degree. This needs to be accompanied by a clear policy on application of credit accumulation and transfer (CAT) from a prior qualification, and how it complies with the provisions of the HEQSF.</p>	1 (vi)
<p><u>Short-term</u></p> <p>3. The School must submit a report on review of programme coordination, ensuring adequate academic oversight of the programme as a whole, in the interests of quality assurance, coherence, sequence, progression, and student input and participation.</p>	10 (i), (ii) 12 (iv)

The NSRC **commends** the School on the following aspects of the programme, identified by the site visit Review Panel.

- A. The activities of the Law Clinic (whose work is integrated in the curriculum) and its staff, for providing quality clinical legal education to a large number of final-year students, and providing legal service to indigent members of the community.
- B. The dedicated Writing Centre, situated within the Law School, and the quality of work it does.

The NRC **recommends** that the School deliberate on the question whether mercantile law is adequately addressed in the second-degree curriculum.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above, with an amendment to the first condition.

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u>  1. The institution has a 594-credit (four-year) integrated LLB programme accredited and HEQSF-aligned. However, the institutional self-evaluation report states that this programme is “in abeyance” (p.2) and has been “phased out” (p.21). The discrepancy between what is accredited and what is offered needs to be resolved satisfactorily.	1 (ii)



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (LLB): 4-year integrated programme Extended LLB: 5-year integrated programme LLB following B Com (Law): 2-year programme LLB following non-Law degree: 3-year programme LLB following B Proc: 1-year programme LLB following B Juris: 2-year programme
<b>Name of Institution</b>	Nelson R Mandela School of Law (University of Fort Hare)
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	East London Campus
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	LLB (4-year) 548 LLB Extended Programme 564 LLB following B.Com (Law) 312 LLB following non-Law degree 470

	LLB following B Proc 160 LLB following B Juris 204
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

From the SER and the UFH response to the desktop evaluation report (hereafter UFH response) it is not clear how the School differentiates between transformative constitutionalism and constitutional imperatives. Save to state in the UFH response that the differences between the two were discussed at a one-day workshop and the School came to the conclusion that the term 'transformative constitutionalism' is open to various interpretations, there is no explanation as to what the collective understanding/view of the School is about transformative constitutionalism or how it is addressed in the LLB programme. The School is however committed to the realisation of the values and norms of the Constitution (p 1 & 2 of the UFH response) and various modules are used as examples of this commitment. From the site visit interviews it does appear that individual lecturers do address transformative constitutionalism to a certain extent in their modules - for example in the Law of Contract the Consumer Protection Act is dealt with in detail. It does not seem that transformative constitutionalism is emphasized. The site visit panel recommends that the School re-visit the transformative constitutionalism aspect and clarify how they incorporate transformative constitutionalism in their LLB curriculum.

HIV/AIDS was incorporated into the curriculum in different modules as a response to social justice issues (see p 13 of the SER & p 2 of the UFH response) and to sensitize students to issues of unfair discrimination experienced by vulnerable groups. Furthermore, final year students complete a compulsory semester course (Legal Aid Internship) in the Legal Clinic where students are further exposed to issues of social justice. The School also embraces student programmes like the CLASI project and Students for Law and Social Justice, to further the students' understanding and participation in social justice issues.

Responsiveness to globalization, according to the UFH response on p3 are extensively covered in three modules, namely Public International Law, International Trade Law and Constitutional Law. Internationalisation is dealt with sufficiently in the SER under par 7.4 which refers to international students, international academic collaboration and international exchange agreements and opportunities. It appears from p 251 of the SER that quite a large number of UFH LLB graduates every year are international students.

The School's response to ever-evolving information technology involves the availability of electronic resources, the use of different e-learning platforms by some lecturers, the introduction of computer literacy in the foundation programme, and a competency test for new students which covers basic computer literacy (p 3 of the UFH response). Stand-alone modules on information technology and the law, and the integration of information technology into the various modules, were not dealt with in the SER, supporting evidence or the UFH response.

**Conclusion**

The standard is largely met. The panel **recommends** further reflection on the influence of transformative constitutionalism in the curriculum.

**Institutional alignment ( refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

*Note :With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

**Panel Comment**

1. It is stated in the UFH response that the LLB programme is in conformity with the Institutional Vision as it is premised on teaching and research, and the Institutional Mission requires the School to provide high quality education to advance knowledge that is socially and ethically relevant – see p 3 of the UFH response. Neither the SER nor the UFH response refers to the UFH Strategic Plan (2009-2016) nor does it explain how the strategic plan of the institution resonates with the LLB programme. The School’s Strategic Plan was made available during the site visit and it has not been updated since 2006. The SER (on p 15) does refer to the Institutional Charter of Ethical Principles and Values without explaining how this charter resonates or is aligned with the LLB programme. In the UFH response (p 4) the School explains that the charter requires that all staff must at all times act in a manner conforming to the ethical principles and values in the charter (which is based on the universal values of justice, integrity, discipline, love, kindness, non-injury and concern for the wellbeing of others). It is (according to the UFH response) required of academics to follow these guidelines in their teaching and assessment practices as well. In summary there is no evidence that criterion 1 is met.
2. There is no outsourcing of the delivery of the programme.

**Conclusion**

There is no evidence that this Criterion is met.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

- 1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
- 2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. In order to prepare students for the three career pathways stated in the purpose, the LLB programme must reflect a combination of varied modules, approaches to law and skills development modules. Problem-solving skills, critical thinking skills, writing and research skills as well as

knowledge of the substantive law are required. The UFH LLB programme comprises of various skills modules spread over the different year levels and covers different areas of substantive & procedural law.

2. Modules like Life, Knowledge, Action (LKA); Legal Research & Writing; Advanced Legal Writing; Accounting for Lawyers and the Law Clinic Internship in addition to substantive and procedural law modules are attempts to address the purpose of the LLB to offer a broad education that develops well-rounded graduates in all three career pathways.

#### Conclusion

The criterion and standard are met.

#### **NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

*1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*

*2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*

*3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*

*4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

*5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

#### **Panel Comment**

1. It is explained in the SER (p 159-173) that the increasing complexity of module content and assessment is most apparent in the adjectival/skills modules and that some advanced modules are offered as electives in the final year. In the final year students are challenged to deal with complex issues and comprehensive knowledge of the law (UFH response p 5). Assessments in the 3<sup>rd</sup> and 4<sup>th</sup> year in terms of the School policy (p 5 of the UFH response) comprise of an increasing percentage of problem-based type questions. No further explanation or evidence is given to substantiate the logical sequencing or increasing complexity through ascending levels of competency.

2. Neither the SER nor the UFH response explains (with reference to the NQF level descriptors) how the UFH LLB degree meets the requirements of NQF exit level 8 nor does it explain how the summative assessments at the exit level examine the descriptors in a) – d) in Annexure A of the LLB Standard. No evidence was provided that the UFH LLB degree was designed with consideration of the level descriptors or that modules were placed at a certain year level because that specific module complies with the relevant level descriptors. During an interview with the acting Dean and acting Vice-Dean to clarify certain issues it was explained that the School had a 2-day workshop a few years ago (conducted by the Teaching and Learning Unit of the institution) where the NQF level descriptors were discussed with all academic staff.

3. Save to explain that the Institution's policy requires either 8 or 16 credits to be allocated to a semester module, the SER did not offer any explanation of how the credit rating of modules are constructed in terms of student workload and the variety of teaching activities offered and learning activities expected. During the site visit panel interviews it was explained that special permission had to be obtained from Senate to allocate 12 credits to some of the LLB modules. In the UFH response it was explained (on p 5) that all modules have two 90 minute lectures every week over a

14-week semester. No further explanation or evidence were submitted to explain why certain modules carry 16 credits; others 12 and others 8. The credit rating of modules does not increase in accordance with ascending levels of progression, for example a semester module like Criminal Law A in the first semester of the 2<sup>nd</sup> year carries 16 credits while a final year semester module elective like Tax Law only carries 8 credits. The total number of credits for the four year LLB degree amounts to 568 which is much more than the minimum number of 480 but may be attributed to the fact that the School is restricted by the institution's policy of either 8 or 16 credits.

4. Ten notional hours are ascribed to one credit – see p 5 of the UFH response. On p 159 of the SER it is conceded that “*some notional hours actually spent might only approximately match the numbers of credits allocated.*” As explained in 3 above the contact time for all modules is the same irrespective of the credit rating of the module. The UFH response (p 5) submits that the rest of the notional hours in all modules comprise of preparation for lectures and self-study without differentiating between specific modules.

5. In both the SER and the UFH response only the four year LLB programme (full-time and part-time) as well as the extended foundation LLB programme were discussed. During the site visit it became apparent that different streams of the LLB are offered by UFH. The following streams of the LLB programme are offered:

- 4 Year LLB (total credits = 544);
- 5 year LLB Foundation (total credits = 564);
- 2 year LLB following BCom with Law modules (total credits = 312);
- 3 year LLB following non-Law degree stream (total credits = 460);
- 1 year LLB following BProc stream (total credits = 160);
- 2 year LLB following BJuris stream (total credits = 208).

The total number of credits vary significantly in the different streams of the LLB. The total of credits for the four-year LLB as well as the five-year Foundation programme is much higher than the 480 minimum requirement.

The curriculum of only the first three years of the newly introduced B.Com (Law) programme appears on p 31 of the 2016 Prospectus of the School. A proposed curriculum (not approved yet) was provided by the School management of the proposed LLB 4<sup>th</sup> and final years of this programme. 444 credits are allocated to the first three years of the B.Com (Law) and 312 credits to the 2-year LLB part of the programme bringing the total of credits for the B.Com (Law) degree to 756 credits. This is a very high credit load. It does not appear that the B.Com (Law) students will be able to join the mainstream 3<sup>rd</sup> and final year LLB students to complete their LLB portion as they also have to complete 1<sup>st</sup> and 2<sup>nd</sup> year modules during those two LLB years according to the proposed curriculum provided. This may be an aspect the School should address proactively as it may be difficult to teach the B.Com (Law) stream students separately as it appears the academic staff are already burdened with a very heavy teaching load. It may be more practical to structure the 2<sup>nd</sup> year LLB degree in such a manner that the B.Com (Law) students are able to slot in with the 3<sup>rd</sup> year main stream LLB students. This would also reduce the credit load of the 2 year LLB degree to a more manageable 284 credits. It may require the School to re-visit the curriculum of the LLB following the B.Com (Law) degree but as 2016 is the first year this programme is offered it should still be relatively easy to address this.

In the three year non-Law degree stream LLB programme (pp 24 & 25 of the School Prospectus) students in their first year have first and second year modules; in their second year they have 2<sup>nd</sup>

and 3<sup>rd</sup> year modules and in their 3<sup>rd</sup> year they have 3<sup>rd</sup> and 4<sup>th</sup> year modules. A total of 470 credits are allocated for this 3 year Non-Law LLB stream. From the Prospectus it appears that the students in this stream are not offered the opportunity to enrol in any elective modules in their final year which raises the question whether this degree complies with the requirement in the LLB Standard for some specialization. This 3 year non-Law LLB stream appears to be very intense. The School may want to investigate the feasibility of offering this Non-Law LLB stream as it has a limited number of enrolled students and increases the workload of the academic staff exponentially as it is offered as both a full-time and part-time option.

The one year post-B.Proc LLB stream comprises of 160 credits (p 20 & 21 of the School Prospectus) which presumes that 320 credits are allocated to the first degree – the B.Proc degree. The prescribed modules in the LLB stream are not all on NQF exit level 8. According to rule 2.8 on p 87 of the General UFH Prospectus a student may be exempted for a maximum of 50% of the credits for a second degree. For this one year B.Proc stream students are credited more than the maximum of 50%. It also appears that the curriculum of the B.Proc (assuming the student obtained his/her B.Proc at UFH) combined with the one year LLB does not cover all the basic areas of law as required.

The two year B.Juris stream comprises of 204 credits from 2<sup>nd</sup>; 3<sup>d</sup> and final year mainstream LLB modules.

The review panel has serious concerns about the B.Proc and B.Juris streams of the LLB for the following reasons: the 50% transfer of credits rule; the shelf-life of credits (see progression at the end of this site visit report); the NQF exit level of these streams and whether these LLB streams are truly comparable with the mainstream LLB.

The management of the School submitted proposed changes to all their LLB streams to the site visit panel but as these proposals were not discussed or approved by the Faculty Board the site visit panel cannot comment on any of these proposed changes.

### Conclusion

The criteria is not adequately met. The School is required to provide evidence that it has reviewed and corrected the credit allocation to modules; the various programmes as per the proposals submitted to the panel by the Dean, etc.) of the four year LLB stream; the extended five-year foundation LLB stream and a 2 year LLB stream as a second degree after a first degree like a BCom or BA with law modules and the notional hours ascribed to all its modules.

The panel has reservations about the feasibility of the 3-year Non-Law LLB stream and recommends that the programme be re-accredited on conditions that the School provides evidence that it has a sufficient number of staff to offer this programme as both a full-time and part-time programme.

The panel recommends that the accreditation of the one-year B.Proc LLB stream and the 2-year B.Juris LLB stream is put on notice of withdrawal for the reasons explained above.

### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
  - *equity*
  - *diversity and transformation*
  - *transparency*
  - *institutional capacity*
  - *demonstrated or assumed competence (as reflected in admission requirements)*
  - *admission via RPL.*
2. *In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

**Panel Comment**

1. Student admission is done manually by staff in the faculty office of the Law School. The selection criteria are set out in the Prospectus (p66), as a minimum of 30 matric points for acceptance into the LLB degree; 25 points to the LLB (Extended Programme) and 26 points to the B.Com law degree. The RPL university-wide policy allows discretionary admission based on prior learning. This policy is used to admit students who are currently employed as attorneys or magistrates (with a B. Proc/ B. Iuris degree) into the LLB degree. The process of selection appears to be transparent. At least 90% of the student population is made up of black, students, reflective of the regional and social demographic of the region in which the University is situated.

2. All students are required to sit for a computer literacy test. If the test is failed, students are required to attend a three-day Computer Literacy course offered by the university. Students may also make use of the Writing Centre which assists students with writing. Numeracy skills and English are taught at 1<sup>st</sup> year level to all students registered in the degree.

**Conclusion**

These criteria are adequately met.

**Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- *South African law and the legal system;*
- *the associated values; and*
- *the historical background?*

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- *basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;*
- *the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;*
- *some discipline(s) other than law;*
- *select area(s) or*
- *specialization in one or more areas or*
- *clinical legal education.*

3. *In regard to discipline(s) other than law –*

(1) *what other discipline(s) may students pursue?; and*

(2) *are there any restrictions in the discipline(s) students may choose?*

4. *How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver ‘well-rounded’ graduates.*

#### **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

#### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*

- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

### ***Panel Comment***

#### **Knowledge**

1. The programme requires students to undertake compulsory modules in Introduction to Law and African Customary Law in the 1<sup>st</sup> year of study, and Bill of Rights in the 2<sup>nd</sup> year of study. From the Prospectus (p 29-31), these modules cover content which imparts a 'comprehensive and sound knowledge and understanding' in relation to South African law and the legal system, its associated values and historical background.

2. The programme requires students to study core courses in private, public, mercantile and formal law. These are described in the Prospectus (p 29-55). The issues of perspectives in law are dealt with in the module content in Public International Law, Juridical Interpretation, Human Rights Law and Social Security Law; and the legal profession in some of the modules, including Accounting for Attorneys, Professional Skills and Ethics, Legal Clinic Internship and Legal Skills. The dynamic nature of law and its relationship with relevant contexts is dealt with in Administrative Law, Constitutional Law and Social Security Law (p 191 of the SER). There are 20 elective areas of specialization offered by the Faculty. These include Tax Law, Intellectual Property Law, Law of Insurance, International Trade Law (p 28 of Prospectus). Not all these elective courses are offered every year.

3. & 4. Students are required to complete 4 non-law modules which are fixed in the degree (English A & B; Logic and Ethics for Law students; and Life, Knowledge, Action: Grounding Programme). All these modules are studied in the 1<sup>st</sup> year and offered by the other Faculties. These modules count for 64 credits points in the degree. These modules are skills courses designed to support the LLB degree. The number of non-legal modules is therefore extremely limited.

#### **Skills**

Almost all the modules require students to develop critical thinking skills in the manner of assessment in which they are presented with problem-type questions. Students who were interviewed indicated that these skills were strongly developed in some modules, including Criminal law (2<sup>nd</sup> year), Logic and Ethics and Legal Skills (1<sup>st</sup> year). Research skills are specifically developed in the 2<sup>nd</sup> year of study in the module Legal Research and Writing and the 4<sup>th</sup> year module Advanced Legal Writing. The development of writing skills is evident from the compulsory module Advanced Legal Writing which requires student to draft legal documents and prepare an article for publication.

#### **Applied Competencies**

Students are exposed to ethics and integrity principles in a number of modules, including Logic and Ethics for Law students (1<sup>st</sup> year); Life, Knowledge, Action Grounding Programme (1<sup>st</sup> year); Professional Skills and Ethics (2<sup>nd</sup> year) and the Legal Aid Clinic Internship (4<sup>th</sup> year). Communication skills and literacy are the focus of the Professional Skills and Ethics module (3<sup>rd</sup> year) in which all students are required to participate in the Moot Court programme. Numeracy competency may be gained from two modules: Numeracy Skills for Law (1<sup>st</sup> year) and Accounting for Lawyers (3<sup>rd</sup> year) are designed for this purpose. Information technology competency is measured by way of a test on entry into the degree. Those students who fail are required to attend the university-wide Computer Literacy module. There were some modules that use IT-based learning platforms in the form of Blackboard and V-drive where students can access module material and perform assessments

online. These platforms also allow students to join discussion groups in that module. Some of the modules addressed internet related law (for example, Media Law and Evidence).

Students are exposed to a wide range of opportunities to develop problem solving competencies. In the 1<sup>st</sup> year. Legal Skills and Life, Knowledge, Action Grounding Programme is designed to achieve this purpose. Students interviewed explained that they were required to manage their time and that most modules required some self-study. Many of the modules required students to undertake group activities. Students specifically mentioned that they were assessed on group work in Labour Law and Social Security Law where they were required to research an aspect of the law and jointly prepare a written submission. They indicated that these activities required them to transfer their acquired knowledge to other students in their group.

All students in the School are required to participate in the Legal Aid Clinic Internship (4<sup>th</sup> year) which deals with competencies in agency and accountability. This competency is also dealt with in Professional Skills and Ethics (2<sup>nd</sup> year). Service to the community is not evident in the curriculum. However, students participate in the Students for Social Justice organisation in which they provide legal and social assistance on a voluntary basis to indigent communities in the vicinity.

### Conclusion

The minimum standard is met, but there is room for some improvement (in regard to the limited non-legal modules). It is recommended that the Faculty make some attempt to increase its non-legal modules beyond the skills modules.

### **Staffing resources (refer to Criteria 3 and 4)**

#### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

#### **Panel Comment**

1. All academic staff are sufficiently qualified to teach at LLB level. In addition, the two members of the professoriate with full-time teaching commitments (as on the dates of the site visit) are in possession of doctorates, as are four of those appointed at the level of senior lecturer. It is encouraging to note that four of the current members of staff have also completed the Postgraduate Diploma in Higher Education and Training (hereafter "PGDHET"). There is a good balance of experience not only in the staff composition but also in terms of the distribution of teaching

commitments across the various years of study. The academic staff come across as being enthusiastic and committed to their task. Two of them have also been recognised, at an institutional level, for excellence in teaching (via the Vice-Chancellor's Awards for Excellence in Teaching – SER p 89). The fact that academics in the Faculty teach across departments appears to be beneficial to both students and staff, ensuring not only that students, but also that departmental members themselves, are continually exposed to diverse ideas, styles and approaches.

2. Based on a head-count on the date of the site visit, the Faculty currently has 18 lecturing staff, with a staff: student ratio of 1:57 (if it is taken into account that there are currently 1018 registered students). Three new full-time academic positions are in the process of being advertised, and it is envisioned that these will be appointments at professorial level. Although this will undoubtedly have a positive effect on the staff: student ratio and on the ability to meet the needs of the curriculum, it must be borne in mind that the workload of (particularly) those members of staff who are involved in teaching *both* full and part-time LLB students is arduous. This leaves very little time for research and professional development. This may require attention as it may have a negative effect on the Faculty's overall research profile in the long-run, especially given its aim (stated during the interviews) to become more research intensive. In addition, while the efforts to achieve clinical legal education of all final-year students via the UFH Law Clinic are commendable and invaluable in addressing the graduate attributes, it is envisioned that additional staff / infrastructure will be required in this regard. As far as the ratio of full-time to part-time staff is concerned, the current ratio of 18:3 appears to be acceptable in view of the Faculty's preference for limiting the use of part-time staff (SER p 54).

3. The University's recruitment, employment, induction and promotion policies were comprehensively addressed in the SER (p 54 – 62). These policies appear to be sound, and in the interviews academic staff did not identify any shortcomings in this regard. Regarding the promotion policy, some members of academic staff (particularly those tasked with teaching both full and part-time students) expressed the view that their workload did not provide them with sufficient time to conduct research / develop their research potential for promotion purposes. This is something that may require attention from a human resources point of view. It may however be mentioned that the promotion policy (Policy document Promotions / Appointments of Academic and Research Staff, 13 December 2010) ostensibly achieves a good (and post-level appropriate) balance between the four broad categories of teaching and learning, research, community engagement and university service. As far as professional development is concerned, the faculty is to be commended on its drive to encourage all academic staff to complete the PGDHET and, in so doing, to receive certified pedagogical training (SER p 64). This will serve to increase the overall quality of the programme. The latter considerations assist in achieving an academic staff profile that reflects the values embedded in the Preamble of the qualification standard. Finally, the panel notes the concern expressed in the SER (p 179) that, in terms of staff profile, the UFH "faces challenges of attaining employment equity targets as set out in its Employment Equity Plan".

### Conclusion

The criteria is met, but there is room for improvement in meeting Employment Equity targets. The Faculty is required to provide a plan on what measures it will take to address this issue.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

1. *What evidence is there that the support staff resources available to the LLB programme*

*(administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

#### **Panel Comment**

1. The East London Faculty currently has five administrative members of staff (including a law librarian) at its disposal. These staff members are experienced and adequately qualified for their tasks. During the interview a mixed response was received from the administrative staff cohort as to whether staff numbers were sufficient to meet the Faculty's needs. The consistently increasing number of registered students over the last five years (see SER "Table 2" p 254) prompted the view that the number of administrative and support staff members was insufficient. In this regard the Faculty Manager informed the panel that permission had been sought to appoint an additional staff member. The panel endorses this request. Similarly, short-listing had already taken place for an additional member of staff for the library. This appointment would also be welcomed by the panel.

2. The induction policy for new support staff members is briefly dealt with in the SER (p 59). No significant problems in the latter regard (or regarding development opportunities) were reported during the interview.

3. The panel is satisfied that the institutional policy is adhered to in terms of the administrative staff's role in respect of admission, registration, recording of results, identification of students at risk (the specific roles of each member is explained in SER pp 133, 135) and certification (see Response to DER p 13). One inconsistency that should be addressed arises in terms of the "shelf-life" of credits. This issue is mentioned here simply because the administrative staff are indirectly involved with it. The issue is addressed more fully under "Progression".

4. N/A

#### **Conclusion**

The criterion is adequately met.

#### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

*1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

*2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the*

*purpose, are addressed and met?*

*3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*

*4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*

*5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*

*6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### **Panel Comment**

1. The University's Strategic Plan identifies seven objectives in enhancing academics as teachers (SER p 208). In terms of one of these, namely the provision of an "enabling environment", the University has gone some way in recent years to give effect to the School's teaching and learning needs. These include the establishment of the School on the East London campus (which serves to increase the possibility of attracting staff and places the School within close proximity of the courts and law firms), the possibility of three new academic positions at the School on the professorial level, the construction of the New Teaching Complex (which includes a state-of-the-art Moot Court facility) and the construction of the new library as a collaborative effort between UFH, UNISA and Walter Sisulu University (see SER p 90). The School also works closely with the University's Teaching and Learning Centre (TLC) where invaluable academic support is provided to both staff and students. While these are commendable achievements, the site visit revealed that some of the teaching venues are in need of being refurbished. The upgrading of these venues will serve to enhance the School's mode of tuition, which is mostly conducted by face-to-face teaching. Regarding staff appointments and promotion, mention has already been made of the additional professorial appointments, and the promotion policy (Policy document Promotions / Appointments of Academic and Research Staff, 13 December 2010) which in the panel's view reflects a good (and post-level appropriate) balance between the four broad categories of teaching and learning, research, community engagement and university service. The possibility for academic staff to complete the PGDHET and, in so doing, to receive certified pedagogical training (SER p 64), as well as the School's insistence that even if this diploma is not obtained, all staff are required at least to complete the assessment module (see SER p 64) are examples of good practice.

2. The School's teaching and learning strategy is to a large extent based on face-to-face teaching, coupled with group work, assignments and class presentations (see SER p 180; Response to DER at p 15). The School expects academic staff to develop module learning guides for each module (see Response to DER at p 15). As alluded to earlier, the TLC provides valuable support in enabling students to meet the LLB graduate attributes. A further development with great potential is the renewed efforts to provide all final-year students with clinical legal education and practical experience via the recently introduced compulsory Legal Aid Clinic Internship module. The School also provides students with sufficient opportunities to participate in Moot Courts. Further aspects relevant to the School's teaching and learning strategy are reflected in the Teaching and Assessment-Related Policy Decisions / Resolutions (adopted in June 2012). While these resolutions relate mostly to assessment, they include the following features that ensure that the purpose of the

LLB and the graduate attributes are addressed and met:

- a) The prescription of a minimum of two assessments for the purpose of determining semester marks. In the site visit interviews it was confirmed that these assessments usually (particularly for third and fourth-year students) take the form of a written test and a research-based assignment.
- b) A balance/ratio between problem-type questions and essay-type questions is prescribed (30%:70% in the case of first and second-year students and 50%:50% in the case of third and fourth-year students).

3. In view of what has been said earlier, the panel is of the view that there is an adequate alignment between the School's teaching and learning strategies, the mode(s) of delivery and the resources required for effective teaching and learning through its tuition modes.

4. N/A

5. The School makes provision for student assessment of teaching and assessment, but the SER and the interviews revealed that this is still for the most part a voluntary exercise (see SER pp 84 and 181). In the panel's view, this should be a mandatory exercise, especially given the academic staff's view that such evaluation is "considered the most important way to enhance student support and development in terms of academic support" (SER p 181). In addition, the interviews revealed that the effectiveness of student assessment of teaching and learning is hampered by the fact that this is conducted online. The School may wish to consider other options in order to ensure more effective/representative feedback. The interviews also revealed that students / graduates currently play no meaningful role in terms of programme review. It is recommended that the School may wish to reconsider this state of affairs.

6. The identification and monitoring of students at risk is extensively explained in the SER (pp 105 – 116 and 243 - 245). The site visit and the interviews conducted revealed that, despite some teething problems (see SER p 105 et sqq), the School goes out of its way to identify, monitor and assist students at risk. The School is to be **commended** for this.

#### Conclusion

The criteria are adequately met.

#### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

*1. What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

*2. How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

*3. How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

*4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?

6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):

- an adequate student:staff ratio;
- adequate physical resources, such as teaching venues and audio-visual equipment;
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.

7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?

8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?

#### **Panel Comment**

1. Students are generally assessed by way of tests, assignments, tutorials and group assignments. A small portion of the assessment is conducted through the use of multiple choice questions. From a perusal of the course outlines and students scripts submitted, it appears that all modules provide students with at least 2 assessments in each module.

2. Students conduct independent research in the Professional Skills module in which they are required to prepare heads of argument and argue a case in Moot Court. They are also required to prepare a publishable article in Advanced Writing Skills. In many modules, their assignments are research-based in 3rd and 4th year.

3. All students are required to complete an internship in the Legal Aid Clinic in their final year for 1 semester. In this internship, they deal with real-life cases and are guided by the lecturer who is an attorney. There is also a candidate attorney who provides assistance to students.

4. There are at least 3 computer laboratories where students have access to laptop computers and free Wi-Fi access. These facilities are maintained by the university's IT division.

5. Most of the staff appear to provide feedback on assessments. Students interviewed stated that some lecturers gave individual feedback on their tests/assignments, whilst others gave general feedback in lectures after the test/assignment. In some cases, feedback was given at tutorials. Students also indicated that they could approach the lecturer individually for personal feedback.

6. The student:staff ratio could be improved in view of the fact that some staff are involved in full-time and part-time students.

Lectures are held in a range of buildings across the campus. Each of the lecture rooms has a data

projector and various writing boards. There is one library which houses law materials. Students have access to online law journals and materials with the assistance of library staff. The Legal Aid Clinic has one attorney and candidate attorney, with a single consultation room for clients which is located in the Law School. It was indicated in the interviews that a Director would soon be appointed to the Clinic. It is recommended that the Faculty make more office space available for the Clinic to function effectively.

7. All modules are subject to formal internal moderation by co-employees in the various departments. All final year modules are moderated externally by members of staff from other universities. From a perusal of the examination papers, it appears that all papers are checked before they are presented to students.

8. From a perusal of the module files and interviews with students, staff and alumni, there appears to be consistent assessment in compliance with the assessment policy of the institution.

### Conclusion

The criteria are adequately met.

### **Progression ( refer to the LLB standard, and Criterion 1 (v))**

*1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*

*2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*

*3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

### ***Panel Comment***

1. According to Rule 2.8 (Exemptions) on p 87 of the General UFH Prospectus, Senate may exempt students from attendance and/or assessment in a module on the grounds of their having obtained credit for the same or equivalent modules prescribed for another qualification in the University, or a qualification at another institution, provided that students will be credited only up to a maximum of half the prescribed credits required for the second qualification – the so-called 50% rule. (See p 241 of the SER in this regard). From the site visit interviews it became evident that in practice this rule is not applied by the UFH School of Law specifically with regard to the one year B.Proc stream of the LLB programme.

2. Another inconsistency that should be addressed, arises in terms of the “shelf-life” of credits. During the interviews (and on pp 241-242 of the SER) it was mentioned that a shelf-life of 8 years is permitted in the case of modules completed at the UFH, whereas 5 years was permitted in the case of modules completed at other institutions. (The panel was not able to find any reference to a detailed “shelf-life” policy in any official documentation other than the general statement made on p 29 of the University’s Undergraduate Academic Admissions Policy). In addition, an example was found in the November 2015 Examination results where a student, although registered throughout for study code 21502 (Bachelor of Laws), had originally registered for the period 1991 – 1993; resumed his/her studies only for the year 1998, and then re-resumed only in 2013. Credit was

however seemingly maintained throughout this period of more than twenty years. These inconsistencies should be investigated and addressed at the appropriate Faculty level.

3. Vertical articulation to the LLB and MPhil is possible and horizontal articulation into the Post-Graduate Diploma in Human Rights or other Honours programmes is also an option – see p 15 of the School Prospectus and p 242 of the SER.

#### Conclusion

The criteria are met, with some improvement necessary. The Faculty is required to review its shelf-life policy and nominate a specific staff member to be responsible and accountable for its accurate implementation and the correct implementation of Rule 28 (exemptions).

#### **Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

#### **Panel Comment**

1. The site visit confirmed that the School strives to comply with institutional targets in respect of module pass rates and student throughput. In this regard, it has already been mentioned that despite some technical problems with the tracking of students who are in need of support, the site visit and attendant interviews confirmed that the School goes out of its way to identify, monitor and assist students at risk. In so doing, the School aims as far as possible to achieve a graduate profile that resembles the profile of its entrant cohort. The School is to be **commended** in this respect.
2. The site visit and the interviews conducted with current students and alumni confirmed that, throughout their studies, students are amply (and continuously) informed of the various career pathways that are available via the LLB.
3. In the Response to the DER (pp 14, 15), the School acknowledges that while it is not directly involved with the tracking of alumni (this is conducted at institutional level), it would stand to benefit from the introduction of a tracking system. It also acknowledges that this lack undermines its ability to obtain input from alumni regarding programme development and feedback regarding whether the purpose of the programme has been achieved in its graduates. The School states that

this matter will receive attention in the near future. A suggestion from the panel in this regard (which was met with enthusiasm during the interview with alumni) is for the School to establish an Association of UFH Law Alumni.

Conclusion

The criteria are adequately met.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

***Panel Comment***

The programme is coordinated by the Deputy Dean. The Faculty structure is currently in transition due to a change in the Deanship, which leads to a blurring of responsibilities between the Dean, Deputy Dean and the Faculty Manager in relation to issues of programme co-ordination. It is recommended that the Faculty and its leadership address this matter as a matter of priority.

Conclusion

The criteria is met, with some improvement. The Faculty is required to provide a policy document which clearly outlines the various responsibilities of management in relation to programme coordination.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of the University of Fort Hare be re-accredited subject to meeting specified conditions.**

<b>Conditions</b>	<b>Relevant criteria</b>
<u>Short-term</u> 1. The School must demonstrate how the programme is aligned with the institutional Strategic Plan.	1 (i)
<u>Short-term</u> 2. A plan must be submitted for a review of the curriculum design, to ensure that sequence, horizontal and vertical progression and credit allocation meet the requirements for a NQF level 8 qualification, and that the programme meets the requirements set out in the LLB Standard.	1 (ii), (iv), (v), (vi)
<u>Short-term</u>	

3. There needs to be clear policy on credit accumulation and transfer (CAT) in respect of students admitted to the LLB following a first degree, with proof that credit transfer complies with the provisions of the HEQSF. The School needs to demonstrate that the shelf-life of credits transferred from other programmes to the LLB complies with institutional policy, and with the achievement of all LLB graduate attributes.	1 (iv), (vi), (viii) 8 (iii) , 14 (6 <sup>th</sup> bullet)
<u>Short-term</u> 4. On the grounds that articulation between the programmes, and the transfer of credits after a normal shelf-life has been exhausted, create problems relating to the full achievement of all LLB graduate attributes, the School must decide, and indicate its decision, no longer to admit students to the LLB following a B Proc or B Juris degree.	1 (iii), (iv), (vi)
<u>Short-term</u> 5. The School must submit a plan to address the dearth of senior legal academics in the programme, and high staff turnover. Further, the School must demonstrate that it has the staffing capacity to offer the 3-year LLB programme following a non-law degree, both full-time and part-time, in addition to its 4-year and 5-year integrated degree programmes and 2-year programme following a B Com (Law).	4 (i), (ii), (iv)
<u>Short-term</u> 6. A plan must be submitted indicating how currently inadequate teaching venues, teaching aids, and library resources are to be addressed, and in what time-frames.	7 (i), (ii), (iii)

The NSRC **commends** the following aspect of the programme:

The semester-long internship with the Legal Aid Clinic for final-year students, integrated in the curriculum.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above, with an amendment to the second condition set.

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u>	1 (ii), (iv), (v), (vi)

<p>1. The School must demonstrate how the sequence of modules addresses horizontal and vertical progression, and credit allocation, in a way that is consistent with the requirements for a NQF level 8 qualification, and for the programme to meet the requirements set out in the LLB Standard.</p>	
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**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Four-year integrated LLB Second-degree two-year LLB
<b>Name of Institution</b>	University of KwaZulu-Natal
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Howard College, Durban Pietermaritzburg Campus, Pietermaritzburg
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	Four-year programme: 520 Two-year programme: 280
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and</b>	n/a

<b>mode(s) of delivery</b>	
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This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

The panel is satisfied that in the Preamble to the SER and in its engagements with the School's

management and academic staff, there is a full appreciation of the values and ethos articulated in the preamble to the *LLB Standard* and a sincere attempt to infuse the LLB programme with these values and ethos. We are satisfied that the following aspects receive dedicated attention in the programme and that sufficient evidence exists that these aspects are indeed an integral part of the modules (both core and elective) in the curriculum:

1. Transformative constitutionalism;
2. Responsiveness to social justice; and
3. Inculcating student awareness of constitutional imperatives.

We are of the view that the discussion of *transformative constitutionalism* was not deep enough in the Preamble to the SER, given the centrality of the notion in the *LLB Standard*. There also seems to be a sense that the advancement of the “normative imperatives of the Constitution” (SER, p iv) is the same as “transformative constitutionalism”, which it is not. However, we are satisfied from the evidence provided that in many modules the rights-based culture and the dedicated search for principled reasoning rather than mere legal formalism that lie at the heart of transformative constitutionalism is taught and accentuated, as distinct from a “mere” insistence on the importance of constitutional imperatives for each module.

It is a matter of debate whether “globalisation” and “internationalisation” are terms with a significantly different meaning or rather two sides of the same coin. We are satisfied that the content of core modules such as *International Law, Constitutional Law, Jurisprudence, Human Rights Law* and the commercial modules - apart from the content of electives such as *Maritime Law, Intellectual Property Law, Environmental Law* and *International Criminal Law* - provide the students with sufficient learning material to make them aware of the global reach of law and their responsibility to understand law in a trans-national, globalized context.

It is the panel’s view that the School has not as yet been sufficiently responsive to ever-evolving *information technology*. To be sure, students are provided with basic computer literacy skills and the appropriate use of electronic sources and electronic search platforms. They also have a learning platform, *Moodle*, which is used in many modules. The problem, though, and this was borne out during our interviews with students, that information technology is not used for anything more than the capture and transfer of information. No *blended learning*, in the sense in which information technology is used as a pedagogical tool to enhance learning, takes place. The tools are there, but they are not utilised optimally. We were told that all first and second year students were compelled to have handheld devices (tablets and laptops), in practice (as stated by the students) this is not so and no penalty or sanction attaches to a student who does not have such a device. Also, the SER (p vii) makes the comment that “one or more modules” need to be developed dealing with “the substantive legal issues that arise out of information technology, electronic commerce, and digital communication”. We were informed by the Dean that the School would be prepared to take its cue from the work being done within the *South African Law Deans’ Association* on the issue of a module dedicated to “cyber law” or “information technology law”. This approach cannot be faulted. The impression the panel was left with was that the domain of information technology, both as a substantive pedagogical tool and as a discipline worthy of modular learning, had not been addressed in the LLB programme with much depth and analysis.

No mention is made in the Preamble of *Africanization* and *decolonisation*. This was not required. In the *General* chapter (p 103) mention is made of the need to interrogate this matter when the LLB programme is re-curriculated in the next year or so. We are satisfied that the School takes its responsibility to respond to this national concern seriously and actively participates in the

national debate on this.

The panel wishes to **commend** the Law School for the practice of holding a *First Years' Pledge Ceremony*, during which all first years undertake to uphold the Constitution and to exercise its values and during which each student is provided with a copy of the Constitution.

The panel wishes to **recommend** that the School should adopt a dedicated approach in its re-circulation plans to address the lacuna in both the optimal use of available IT resources and the inclusion of module(s) dedicated to information technology law.

The panel wishes to **recommend** that, during the proposed re-circulation of the programme, due attention is given to the principles of Africanisation and decolonisation.

#### **Institutional alignment ( refer to Criterion 1 (i))**

1. *What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*

2. *Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

#### **Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

The panel is satisfied that substantial alignment exists between the institutional vision, mission, goals and strategic plans and the LLB programme. The Law School provided a response to the Desktop Evaluation Report, in which mention was made of the lack of evidence in the SER to corroborate the statements made in the SER. This evidence, contained in Annexures 004, 005 and 113 to the SER and in the Response (p 3) was available to the panel. There is a clear correlation between the institutional goals and strategies, and the strategic initiatives of both the College of Law and Management Studies and the Law School. Strategic planning takes place within the College and the School is an active participant in institutional and College-based planning and the resultant resource allocation.

There is no outsourcing of delivery of the LLB programme. The programme is delivered on the Howard College Campus and the Pietermaritzburg Campus. There is a small number of contract teaching staff (6% on one campus and 15% on the other campus). The programme is presented on a full-time and a part-time basis on both campuses.

The standard and criterion are adequately met.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?
2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?

**Panel Comment**

The panel is satisfied that the LLB programme adequately prepares students for the three career pathways stated in the *LLB Standard*. The panel scrutinised evidence on the learning content of modules such as *Professional Training One* and *Professional Training Two*, *Accounting for Legal Practice*, the procedure modules, *Legal Research*, *Writing and Reasoning* and the public interest modules *Clinical Law* and *Street Law*. The evidence confirmed that students are not only taught the substantive law but also how to apply substantive law in professional practice.

Modules such as *Legal Research*, *Writing and Reasoning* and the *Research Essay* (elective) are primarily meant to inculcate in students the skills required to engage in postgraduate legal research and in a “higher” understanding of the law. In many, but certainly not all modules, compulsory assignments further enhance writing, research and reasoning skills required at postgraduate level. The SER suggests (p 8) that students acquire “a significant level of mastery in terms of their writing skills” in the course of the programme. This, though, is perhaps an over-statement. The students we spoke to, both at Howard College and in Pietermaritzburg, thought that much more could be done to enhance students’ writing skills. Mention must be made in this regard of the *UKZN Student Law Review* published once a year (both online and in hard copy) to showcase student (mostly postgraduate) writing talent. It is a noteworthy contribution to providing students with the incentive to pursue postgraduate studies in law.

The SER makes much of a range of generic attributes developed in students by the programme (p 6-9), such as an understanding of ethics, the ability to think in a disciplined and logical fashion, writing, research and communication skills and to analyse and frame political and policy arguments as evidence of the programme’s ability to prepare students for “a wide range of other careers which require the application of law”. This is certainly true. However, these are *primarily* attributes cultivated as part of a programme designed to train a student for the legal profession; only *secondarily* do they have the benefit of preparing for non-profession careers. In other words, the LLB programme contributes only indirectly to a non-profession career. This does beg the question whether a LLB programme can indeed be designed to *directly* prepare a student for a non-profession career. This should be a matter of debate among schools/faculties when re-curriculating the programme.

The panel **commends** the Law School for the annual publication of the *UKZN Student Law Review*. The essays in the *Review* are of a high quality and the publication is one of which the School can be justifiably proud.

The panel is satisfied that the LLB programme addresses the purpose of the programme as stated in the *LLB Standard*. The stated purpose of the LLB is also well-reflected in the detailed LLB Programme Template used by the Law School (SER, Appendix 001, Appendix p 3-13). The SER covers in some detail the attributes which the LLB programme seeks to instil in its graduates and there is sufficient evidence to support the statements contained in the SER. In fact, in chapter five,

*Graduate Attributes*, even more detail is provided to confirm that the programme directly addresses the purpose of a LLB programme provided for in the *Standard*.

The standard and criterion are adequately met.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

*1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency. And*

*2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*

*3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*

*4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

*5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

**Panel Comment**

1. The panel is satisfied that sufficient detail has been provided in the SER, which detail has been backed up with evidence of modular content, to confirm that the LLB programme is designed in a manner that ensures appropriate progression through ascending levels of competency. There is sufficient evidence of logical sequencing and increasing complexity of module content and of ever-more demanding assessment in the programme. A concern was expressed in the Desktop Evaluation Report of the UKZN SER that no explanation is provided of how the progression of content complexity in succeeding modules is translated into NQF credits and notional hours. The panel is satisfied with the explanation provided by the Law School in its Response to the Desktop Evaluation Report (Response, p 4) and in fact agrees with the explanation. Logical sequencing of modules in the LLB programme is a matter of perennial debate in law schools/faculties. While the sequencing of the modules in the UKZN LLB programme can also be debated, as the SER itself highlights, there are no obvious discrepancies.

Sufficient evidence was provided of the number and nature of the non-law modules prescribed for the LLB programme. The panel, while appreciative of the value attached by the School to non-law modules, especially language-related modules, takes leave to doubt whether six 16-credit modules in the first year and a further one 16-credit module in the second year (a total, therefore, of 21% of all modules in the programme – SER p 21), is appropriate. When the School engages in a re-curriculation exercise, as we were told they would, they might wish to consider a reduction in the number of prescribed non-law modules. The “jump” from first year to second year, mentioned in the SER on more than one occasion and confirmed by the students, could well be addressed, at least in part, by the introduction of one or more substantive law modules in the first year of the programme in place of one or more non-law modules.

2. Sufficient and commendably detailed narrative has been provided in the SER to explain how the programme meets the requirements of NQF exit level 8.
3. Sufficient detail has been provided in Table 1 of the SER (p 20) to explain the construction of the credit ratings and concomitant notional hours of the modules in the programme. The panel noted that, almost without exception, the number of hours allocated to assessment in each module was either 3 or 4 hours.
4. Figure 1 in the SER (p 21) provides a useful summary of the credit allocations in the programme to meet the purpose, content and intended outcomes of the programme. The credit allocation for the two-year LLB programme is the same as for the four-year programme, except that students are granted credit for modules prescribed for the four-year degree but which have already been passed in a first degree. The four-year and the two-year LLB programme are there treated as substantially the same programme, as far as progression, coherence and workload are concerned, the only difference being that the students are awarded credit for a number of modules already passed as part of another (first) degree.

The standard and criteria are adequately met.

The panel **recommends** that, during the proposed re-curriculation process, the relationship between law and non-law module credit allocation should be evaluated. The panel also recommends that due consideration should be given whether the two-year LLB programme should not rather be treated as an “advanced degree” in accordance with CHE guidelines, rather than a condensed version of the four-year programme.

#### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

### **Panel Comment**

1. The panel is satisfied that the policies and procedures for student recruitment, selection and admission employed in the Law School and administered by the College for Law and Management Studies comply with the CHE accreditation criteria. Its admission requirement of an APS score of 32 (excluding the Life Orientation result) and appropriate results in Maths and English is in line with national standards. (It can be questioned whether it is appropriate that *no* weight is attached to the Life Orientation results, with the implication that no value is attached to this subject. This, however, is an internal institutional matter.) The provision for RPL admissions (no more than 10% of the cohort) and for the admission of 11.5% of students from quintiles 1 and 2 schools in 2016 is commendable. Also commendable is the increase in admission of some 15% in the number of African students. It should be worrying to the Law School that there has been a steady decline in the number of international students admitted to the LLB programme over the last five years. The panel is also satisfied that the NSFAS allocations to students are well administered.
2. The panel was impressed with the nature and level of academic development support provided to students, in the first year but also in subsequent years. In the modules *Introduction to Law, Foundations of South African Law* and *Legal Research, Writing and Reasoning* much of the module content is devoted to enhancement of students' language, numeracy, cognitive and referential skills. The support, though, goes well beyond modular content. It includes the following: dedicated and comprehensive psycho-social support through Academic Development Coordinators and Student Counselling Services; the use of Graduate Teaching Assistants (postgraduate students) and 20-odd final-year students who elected the *Teaching Legal Skills* module to supplement teaching by means of tutorials for first- and second-year students; voluntary supplemental instruction to students in those modules which have low pass rates; the recognition of and structured support to at-risk students; the use of the NMMU-generated *Learning Enhancement Checklist* for students to identify and attend to learning-related problems.

In the Desktop Evaluation Report a comment is made that not enough information is provided on the adequacy of the training provided for staff members involved in such support activities". This is true, but the panel is satisfied that there is sufficient professional support staff involved in student support, that sufficient training goes into preparing students involved in tutor training and supplemental instruction and that academic staff generally are sufficiently aware of and involved in dedicated student support to offset any concern in this regard.

The Law School has chosen not to implement an Extended LLB Programme. Given the intensity of the support provided to students in the programme, this is a choice the panel can support.

The panel **commends** the UKZN Law School on the depth and breadth of its student support and development and on the obvious sincerity and seriousness of the School in providing such support.

**Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) what other discipline(s) may students pursue?; and

(2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

**b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- the development of critical thinking skills?
- the development of research skills?
- the development of writing skills?

**c. Applied Competence**

How does the conceptualisation and overall design of your LLB degree address the following areas of

*applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

#### **Panel Comment**

##### **1. Knowledge**

The panel is satisfied that the LLB programme imparts to its students a comprehensive and sound knowledge of the South African law and legal system, its historical background and its associated values. Sufficient information is provided, in the SER and in the Programme Template and the Module Templates made available to the panel, on the transmission of knowledge to students in the basic areas of law, of the dynamic nature of law and of its contextual nature. This is also borne out by the content of the modules sampled by the panel.

There is also sufficient evidence of non-law modules prescribed for the programme that cover a range of disciplines other than law. The non-law elective chosen by the students represent a wide range of disciplines (very wide range: see Response, p 7-15) that reflect the political, economic, commercial and socio-cultural contexts within which law functions. In fact, as stated earlier, it is the panel's view that too much provision in the programme (22%) is made for the study of disciplines other than law. Students who enter the programme after completion of a first degree, for the most part either in the humanities and social sciences or in the commercial sciences, have a sound and substantial background knowledge of disciplines other than law. The number of non-law modules in such degrees make up roughly 50% of the total number of credits for the degrees.

Students are also given an opportunity, appropriately in their final year of study, to choose electives that allow them to develop specialized knowledge of one or more branches of the law. Final-year students are expected to pass public interest modules in their final year (*Clinical Law* at Pietermaritzburg and *Clinical Law* or *Street Law* or *Teaching Legal Skills* at Howard College). In 2016 more than 100 students were registered for Clinical Law at

Pietermaritzburg and some 120 students at Howard College. A large proportion of final-year students, therefore, are registered for clinical legal training.

The concern expressed in the Desktop Evaluation Report at the lack of a narrative on “select areas of law” was accurately addressed in the School’s Response (p 16).

## 2. *Skills*

The panel is satisfied that adequate attention is paid in the LLB programme to the inculcation in the students of appropriate critical thinking skills and research and writing skills. It is, however, debatable whether the School actually succeeds in its attempts to inculcate these skills in its students. The panel is not convinced that the stand-alone second-year module, *Legal Research, Writing and Reasoning*, is suitable as a means to address these skills. This is a view shared by the students interviewed by the panel, despite an acknowledgment from them that the module is well-intentioned. It also appears from Table 19 (SER, p 80-81) that a large number of modules do not in fact assess students beyond the traditional test and examination mode. It is doubtful whether tests and exams alone promote research and writing skills. It would appear, too, based on student opinion, that the tutorials do not always serve the purpose of improving students’ writing and research skills.

Some of the students (particularly those interviewed at the Pietermaritzburg campus) suggested that it would be helpful if they were exposed on a regular basis throughout their years of study, to drafting and to public presentation of their work. This, in their view, would contribute much to the improvement of the skills required for the legal profession.

The panel wishes to express its **concern** that, despite the good intentions of the School in designing the LLB programme, research and writing skills are not adequately addressed in the current programme. It is suggested that, at the least, assignments (whether in the form of take-home tests or mini-essays or document drafting) should be compulsory in all core modules at both campuses. The School should also re-assess the efficacy of the stand-alone *Legal Research, Writing and Reasoning* module. One of the assessments set for this module contained a number of multiple choice questions, which the panel suggests might not be appropriate in developing research and writing skills.

## 3. *Applied competence*

The panel is satisfied with the commendable level of detail provided in the SER to demonstrate how each of the applied competences listed in the *LLB Standard* are addressed in the programme modules. The narrative is borne out by the evidence provided in individual modules consulted by the panel.

With regard to *numeracy*, the panel appreciates the explanations provided in the SER of the development of numeracy competences in some of the modules. It is surprised, though, that the module *Accounting for Legal Practice*, is not mentioned in this context. This would be the module above all others that promotes numeracy among law students.

The panel wishes to note that, when consulting the Module Templates of each of the

modules, it came across a number of instances where the distinction between “knowledge”, “skill” and “competence” was not fully appreciated by the lecturer concerned. This is probably to be expected as lecturers begin to grapple with these pedagogical concepts and it is trusted that more clarity and consistency of understanding will develop in time.

The School has introduced isiZulu into the tutorials conducted in some of the modules. This takes the form either of separate isiZulu tutorials or the provision of a lexicon of terms in isiZulu and English. While the effort in this regard is laudable, the students interviewed were skeptical of the long-term success of the project. In their view, a view shared by the panel, the provision of a comprehensive lexicon of legal terms and concepts in isiZulu will be sufficient as students prepare for a profession that is conducted to all intents and purposes exclusively in English.

While the standard and criteria are largely met, the panel **recommends** on-going enquiry into capacity of the programme to develop students’ research and writing skills.

#### **Staffing resources (refer to Criteria 3 and 4)**

##### **Academic staff resources**

*1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

##### **Panel Comment**

**1. Academic staff resources**

The panel is satisfied that the academic staff profile, in terms of levels of seniority, qualifications and teaching workload is appropriate for the LLB programme. The number of senior academic staff (Professors and Associate Professors) seems appropriate to the overall staff complement: nine Professors (although Table 16 at p 67 of the SER lists only seven), eight Associate Professors, 13 Senior Lecturers, 33 Lecturers and 5 Development

Lecturers.

The School policy of appointing Development Lecturers who are then mentored by more senior colleagues in their teaching and who are also given ample opportunity to develop their research profiles (again with mentors) is commendable. It has a number of benefits, for the School and for the individuals concerned, as described in the SER.

The School's management structure was explained to the panel. It is clear that the School takes seriously its responsibility to manage the two sites of delivery (Howard College and Pietermaritzburg) as sites of delivery rather than as two sub-schools. The management structure has been designed to facilitate this union and, though it appears to be pragmatic rather than principled (especially its grouping of all Pietermaritzburg staff in one), it is an approach that works and that has seen the two sites of delivery collaborate ever more closely and effectively over the last number of years.

The panel shares the School's concern, articulated in the SER, that they currently have nine vacancies, which a scarcity of resources makes it difficult for them to fill. It is also a concern that the School is unable to appoint Professors and Associate Professors from the "designated groups". The panel recognizes the difficulties involved in attracting staff at a senior level from the "designated groups". It is concerned, though, that the School provides no Improvement Plan or Succession Plan in the SER to address these important issues that have national relevance. It merely expresses its concern at their inability and makes reference to the many challenges they (and all other law schools/faculties) face in this regard. The result is that the School's staff equity profile is not appropriate, a fact fully recognized by the School, but no plan is in place to address the problem, however complex and apparently intractable it might appear.

The School has a staff:student ratio of 1:37. This is at variance with both the current staff:student ratio of the College of Law and Management Studies and with the proposed staff:student ratio governed by College strategic planning. The panel found that the ratio is more acute at Howard College than at Pietermaritzburg. It also found that the School has adopted a number of multi-teaching and co-teaching strategies to cope with the large classes and that this strategy works well, both in the view of the academic staff and the students. As long as there is a scarcity of resources law schools or faculties will have to adopt strategies to provide quality teaching and learning with the limited resources available. The UKZN Law School has done really well in this regard.

The number of contract (part-time) staff is low and the majority of teaching on the programme is done by full-time academic staff.

The panel is satisfied with the policies, practices and procedures in place for the appointment, promotion and development of academic staff members, for a determination of appropriate workloads for them and for talent management schemes that incentivize them to continually improve their outputs and the quality of their research and teaching.

The panel **commends** the Law School on the policy and practices developed to appoint and mentor Development Lecturers in a structured manner.

The panel expresses its **concern** that the Law School does not have an Improvement Plan or a Succession Plan in place to address the equity profile of its academic staff or to provide for the succession of senior academic staff.

Staffing resources (refer to Criterion 8)

Administrative and support staff resources

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

**Panel Comment**

1. *Administrative and support staff resources*

The panel is satisfied that there are sufficient administrative and support staff resources available to the LLB programme. An explanation was given to the panel of the manner in which the College of Law and Management Studies and the Law School are structured administratively to ensure maximum efficiency within the College and the School. There is sufficient support staff, properly trained and qualified and given enough development opportunities, to provide comprehensive and quality support to the academic staff and students of the School.

The panel, having interrogated the support staff in this regard, is satisfied that there are appropriate policies and procedures in place and sufficient built-in checks and balances in the administrative system to ensure the integrity of the student system, of data management and quality and of the reliability of the graduation process of students.

Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 5, 11 and 12)

- 1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
3. *How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
4. *Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
5. *What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
6. *How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

The panel is satisfied that sufficient, dedicated attention is paid to the continual enhancement of the teaching and learning requirements of the LLB programme. This is apparent from the following:

- The appointment of Academic Leaders: Teaching and Learning on both campuses. Although these individuals still carry a teaching load, they provide dedicated attention to the enhancement of teaching and learning and ensure that College strategies and institutional policies are adhered to.
- The comprehensive Programme Template for the LLB programme, the templates produced by the responsible lecturers for each module and the Module Moderator Panels that evaluate the content of each module at the end of a semester. The Module Templates, in particular, provide evidence of a structured approach to the development of learning outcomes for each module, such that each student is properly informed of the module outline and what is expected of her/him and each lecturer knows what outcomes need to be attended to and assessed in the module. The Module Moderator Panels, though initially introduced to ensure consistency of module content and assessment between the two campuses, have as a secondary benefit the regular evaluation, by peers and colleagues, of a module's content and therefore of its relevance and quality.
- The variety of assessment approaches adopted throughout the programme. These include standard tests and assessments, tutorials, assignments, small group teaching, take-home tests and group work. Although, as stated previously, the panel found that this variety is not present in all modules, and also that in many cases tutorials do not serve their intended purpose, it is apparent that the School is sincere in its attempt to improve and develop teaching and learning strategies within the limits of its resource capacity.
- The effective use that is made of multiple teaching and of co-teaching in many of the modules has a number of benefits for the students and the staff members, as stated previously.
- The manner in which students are identified as being at risk, the placement of students on

probation and the structured approach to the provision of support for these students.

- The requirement that all students must complete an evaluation of each module each semester. This is done online. Evidence provided by the students suggest that not all students take these evaluations seriously. It is clear, though, that the evaluations are considered by the staff, and students, too, feel that their views as expressed in the evaluations are considered. The School might wish to consider developing a survey instrument that is more aligned to the law modules or, alternatively, to the development of module-specific survey instruments. The one-size-fits-all survey instrument currently used can come across as bland and non-rigorous to the students.

As also stated previously, it is the panel's considered view that the School can enhance its teaching and learning strategies considerably if it were to optimally use the electronic platform it has at its disposal – Moodle – to blend traditional learning approaches with electronic learning.

The panel **commends** the teaching and learning initiatives identified above.

#### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

- 1. What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
- 2. How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
- 3. How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*
- 4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*
- 5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*
- 6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*
  - an adequate student:staff ratio;*
  - adequate physical resources, such as teaching venues and audio-visual equipment;*
  - adequate access to library and e-resources (taking into account the mode(s) of tuition and*

*institutional policy for access to resources);*

- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

**Panel Comment**

1. The School only offers contact, large class-size tuition.
2. The School provides its academic staff with sufficient opportunities for moderator and assessment training and assessment practices adhere closely to institutional policies in this regard.
3. A variety of assessment methods are used for both formative and summative assessments, as explained above. Clear evidence is provided of assessment approaches in the different modules. It is concerning that not nearly all of the modules require students to complete assignments as part of their formal, rather than merely informal, assessments. In the view of the panel, more can be done by the School to assess the students' competence to conduct independent research and to provide written evidence of such competence – beyond standard tests and assignments.
4. The School has adopted a policy in terms of which students are expected to write one test per module prior to being assessed in an exam. The reason for this stated as being that students are not “over-assessed” (SER, p 99). In the view of the panel the School should not be too concerned at the “over-assessment” of students. Continual assessment of students has more benefits than it has disadvantages.
5. The panel visited the Law Clinics on both campuses. It was impressed with the level of commitment and dedication shown by both directors and by the recognition that they need to do the best they can under severe resource constraints. Both clinics demonstrated that the training provided to the students at the clinics is more than adequate for the purpose served by the clinics.
6. The panel was impressed with the centrality of all its teaching facilities in Howard College. The panel was shown lecture venues on both campuses. On both campuses the lecture venues are well maintained, all have wifi connectivity and all have audio-visual and data projection equipment. As stated before, the ready availability of information technology resources has not yet been properly utilized for pedagogical enhancement. Although all first and second year students are required to have laptops or tablets, in practice this does not happen and those students without such devices manage adequately.
7. The panel was impressed with the law libraries on both campuses. Although we were informed that the libraries do not meet all of the criteria listed in the Library Template made available by the CHE to all law schools/faculties as part of the evaluation process, the library (and the panel) are satisfied that ample provision is made for students to have access (either electronically or in hard copy) of the resources required for their programme of studies and to have an infrastructure that allows the students such access. In fact the

libraries are currently open 24/7 to students who wish to use the library facilities as a place of study. The panel was impressed with the student textbook loan scheme which allows indigent students to use textbooks on loan at a minimal cost to them.

8. The School adheres closely to College and institutional policies in respect of internal and external moderation of its examinations.
9. The assessments perused by the panel provide evidence of rigour and reliability. It is worthy of comment, though, that the panel found in some modules clear differences in the nature and even quality of the assessments of the same module on the two campuses. While this may appropriately be ascribed to individual autonomy of the lecturers, there was a sense among panel members that some of the assessments in the same module were definitively different.

### **Progression ( refer to the LLB standard, and Criterion 1 (v))**

1. *What policy and practice apply to the transfer of credits from other institutions or other programmes?*
2. *What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
3. *What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

### ***Panel Comment***

1. A policy is in place that guides the transfer of credits from other institutions or other programmes and is duly applied by the Law School.
2. A policy is in place that guides the "shelf-life" of credits and is duly applied. If a student has not been registered at a university for six semesters or more and a module has been identified as obsolete, the student will not be granted credit for such a module.
3. Sufficient provision is made for vertical and horizontal progression. It is noteworthy that the School allows students into a Master's programme if the student has an average mark for their LLB degree of 55% only (as compared to the requirement of 60% or even more in place in other law schools/faculties).

In the Desktop Evaluation Report a comment is made that not enough evidence is provided in the SER on the two-year LLB programme. While this may be so, the panel is satisfied that it has a clear understanding of the requirements of the two-year LLB programme and that these requirements do not differ from those applied to the four-year programme.

### **Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

1. *What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
2. *What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that*

*graduates have been made aware of the career pathways made available to them through the award of the LLB?*

*3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. The panel was not satisfied with the data tables provided in the SER (Tables 22-24 on p 91-93) as far as completeness and comprehension were concerned. The School then provided the panel with a series of tables generated by the Institutional Information division of UKZN. These tables provide information, in respect of the full-time four-year degree, the part-time four-year degree, the full-time two-year degree and the part-time two-year degree since 2008. Information was provided on graduation rates (on time, with one extra year and with two extra years), cohort profiles that reflect dropouts and exclusions. The data provided suggest that, although there are at times large differences between the graduation and dropout rates in different years, they are all within limits found nationwide. They bear out the contention in the SER that the graduation average over the last five years is around 60%. They also reflect a dropout and exclusion rate of, on average, around 35%. This is high, but again largely in line with comparable institutions. Also clear from the data is that the graduation rates of those students who register for the two-year LLB programme is significantly higher than in the case of the four-year programme, and that the dropout and exclusion rates are a lot lower. Of concern is the fact that dropouts and exclusions are higher among African students than among other populations groups.
2. The Law School has an annual *Law Professions Day* which is well-attended and provides opportunities for students to engage with representatives of the different branches of the legal profession. Students were positive about the role of this annual event. Opportunities within the College of Law and Management Studies are also available for students to learn more about careers other than the legal profession. These opportunities, though, are not well advertised and, in the view of the students, more can be done in that regard.
3. A graduation survey is conducted after every graduation event. The results are collated and provided to the different schools and colleges. The School acknowledges in the SER, though, that this is not an adequate instrument to track the employability of UKZN law graduates. Some planning has happened within the School to address this lacuna. Having said this, the panel is mindful of the complexity involved in such an exercise and the fact that it is resource-intensive. These are challenges faced by most law schools and faculties. Reliance on anecdotal and ad hoc evidence remains the norm.

### **Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

### **Panel Comment**

The panel is satisfied that there is a high quality of academic leadership in the institution, that the programme is well managed and that sufficient curricular coordination takes place. This comment applies also to the laudable efforts made by the School to ensure that the two sites of delivery are seen as two parts of a whole and that they do not have significantly devolved functions.

The School also attempts to involve students in decision-making in matters pertaining to the LLB programme. Class representatives are appointed for each module.

## **JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

### **NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NRC recommended that the

**Bachelor of Laws (LLB) programme of University of KwaZulu-Natal be re-accredited subject to meeting specified condition.**

<b>Condition</b>	<b>Relevant criteria</b>
<u>Short-term</u>  1. The Faculty must submit a plan for how it intends to enhance the diversity of its staff profile to reflect regional and national demographics.	4 (iii), (iv)

The NRC **commends** the programme for the following aspects, identified by the site visit Review Panel.

1. The publication and maintenance of the *UkZN Student Law Review*, enabling students to publish during the course of study.
2. The appointment of academic leaders of teaching and learning on both campuses.

### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	LLB (four years) LLB (two or three of four years) as a second (advanced) degree following on from a first degree, the time to completion being dependent on the number of credits a student can be awarded for modules passed in the first qualification.
<b>Name of Institution</b>	University of Pretoria
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Hatfield Campus, Pretoria
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	496
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);

- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme’s compliance with the national qualification standard;
- Comments on the programme’s meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme’s re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

**Preamble (refer to the LLB standard)**

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

**Review Panel comment**

1. The panel is satisfied that the LLB programme addresses the values and ethos expressed in the Preamble to the *LLB Standard*. It does so in respect of all of the aspects referred to in the preamble. The panel wishes to make additional comments in respect of the notions of “transformative constitutionalism” and “responsiveness to social justice”:
2. The panel **commends** the Faculty for the manner in which and the extent to which the notion of “transformative constitutionalism” has been embedded in the LLB programme. The students are exposed to this notion at the start of their legal studies, in the first-year modules *Jurisprudence 110 and 120*. It forms a substantive component of the module content. This notion is further developed in second and third-year modules in Constitutional Law and Jurisprudence. Elective modules in the fourth year, such as *Jurisprudence and Law and Community*, further reinforce students’ understanding of transformative constitutionalism and the role of the Constitution as a powerful agent of social change. The

Department of Jurisprudence within the Faculty plays an important facilitative role in this regard.

3. The same comments as in 1 above hold true for the notion of “responsiveness to social justice”. The panel is satisfied that in the recently introduced first-year modules, *Jurisprudence 110 and 120*, students are made fully aware of the role of law and of lawyers in responding to, and accepting responsibility for, social injustice. Again, responsiveness to social justice is reinforced in subsequent years. This culminates in the elective fourth-year modules, *Practical Law* (in which some 70 students do clinic legal education and work with “live clients”) and *Law and Community* (where students engage in law-in-action studies).
4. The panel must, however, express its concern at comments made to it by the students it interviewed. A group of Black students interviewed by the panel made the following comments:
  - (i) In their view there is still clear segregation between White and Black students, be it between Afrikaans-speaking and Black English-speaking students or between White English-speaking and Black English-speaking students in the lecture venues.
  - (ii) Their view is that White students as a rule (there are exceptions) adopt an attitude of superiority towards Black students, a sense that they enjoy more privilege than do the Black students. Cultural differences are deeply entrenched and there seems to be little general willingness to break down social barriers.
  - (iii) The students experience the use of Afrikaans as a separate language of instruction as exclusionary and discriminatory. Their experience is that the Faculty (staff and students) is “White and Afrikaans” and this creates a sense of alienation among them.
  - (iv) An instance was cited by the students when a group of White students left a lecture by a Black lecturer, as a form of protest against his teaching ability and their apparent inability to understand his spoken English. Another instance was cited, when White students left a lecture in the Jurisprudence module, because apparently these students found the topic under discussion discomforting.

These comments by the students are concerning. From these comments the inference can be drawn that the ethos of “transformative constitutionalism”, although very much embedded within the LLB programme, has not sufficiently become infused in the “hearts and minds” of many White (Afrikaans-speaking) students. There is still some work to do in the Faculty to instil in their students the true virtues and values of social responsibility as lawyers and a mind-set of transformation-through-law and its application and practice.

5. The panel is satisfied that teaching and learning in the LLB programme is responsive to ever-evolving information technology. Students are expected to make extensive use of the web-based platform “ClickUP” (a Blackboard system). Pilot projects are also underway to use “clickers” in the classroom for students to engage in active learning. Force of circumstance (student protest action and the closing of the Hatfield Campus) has led to the Faculty requiring students to submit assignments online and to do online assessments – in effect, to create a virtual learning environment. One of the fourth-year electives in the LLB programme is ICT Law and some of the compulsory modules also have integrated aspects of information technology. The Faculty also plans to further develop hybrid/blended teaching and learning in the programme, in order for information technology to become a more deeply embedded pedagogical tool within modules rather than for it be a mere tool for the dissemination of information.

**Institutional alignment ( refer to Criterion 1 (i))**

1. *What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?*
2. *Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

**Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

**Panel Comment**

1. The panel is satisfied that there is sufficient alignment between the LLB programme and the institution’s strategic planning. The LLB programme was revised in 2011 as a result of substantive review exercise conducted in 2011. The *UP Strategic Plan 2025* calls for an “inquiry-led approach” to teaching and learning and the panel was assured that it is the intention of the Faculty to give full effect to this strategic priority in their teaching and learning approach and their curricular exercises. An Education Innovation Consultant who serves the Faculty of Law assists the Faculty in the design and implementation of strategy-informed modules and curricula.
2. The fact that the Faculty is one of only two African law faculties that were invited to join the Law Schools Global League initiative is testimony to its international profile.
3. There is no outsourcing of the LLB programme.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

1. *How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*
2. *What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. The panel is satisfied that the LLB programme is designed in such a way as to prepare graduates for entry into legal practice, for careers in which the application of law is required and for postgraduate studies in law. The panel makes this general statement subject to the comments below.
2. When the panel interviewed alumni, they provided the panel with the following comments:
  - (i) They felt that graduates generally are ill-prepared for the practice of law. Research, writing and communication skills are inculcated in the students in a superficial manner only and when the average graduate is first exposed to the rigours of legal practice, they

- singularly lack these skills. This was a view shared by all the alumni interviewed, despite their commonly-shared view that the LLB qualification is sought after by employers.
- (ii) They informed us that the manner in which the assessment system is practised by many lecturers in the Faculty provides leeway for students to take “shortcuts”. Many students, they say, get by with a minimum amount of “deep learning” and are able to pass (and even do very well) by simply referencing old test/exam papers; using tutorial sessions as opportunities to be given “tips” for tests and exams; reading only the headnote of a case rather than the whole judgment and sometimes merely providing the name of a case without any substantive knowledge of the judgment involved. A lot of “spoon-feeding” takes place, in their view, and students are not required to do independent research to any great extent.
  - (iii) Their opinion was that too many of the assessments in modules do not expect much more from a student than to parrot information contained in the prescribed literature. In those modules where critical thinking skills are assessed more extensively than in most modules, the students regard these modules as “difficult” and problematic.
  - (iv) It was their opinion that the research essay provided only superficial opportunity for students to improve and display their research and writing skills, at least not to the extent required when research and writing is expected in legal practice.
  - (v) The extent of exposure to the application of law (moots, drafting of pleadings and heads of argument, etc.) is limited. Students, they suggested, should be exposed to applied skills and competences at first year level already and these skills and competences should be reinforced at all succeeding levels.

The panel was unable to confirm the veracity of these comments, but if these statements and concerns are indeed valid, the panel suggests that the Faculty should take immediate remedial action. Such teaching and learning practices essentially subvert the well-meant attempts in the Faculty to develop an “inquiry-led” approach and to inculcate the graduate attributes required by the *LLB Standard*. The Panel is aware that the above remarks were made in relation to the pre-2013 curriculum. The changes that have been made in the last few years since the introduction of the current LLB curriculum and an inquiry-based model for teaching and learning addressed some of these concerns. The panel recommends that the Faculty investigate the extent to which these comments remain valid for the new 2013 curriculum.

3. The SER provides much detail on the manner in which the Faculty seeks to give full effect to the purpose of the LLB programme as stated in the *LLB Standard*. Lecturers interviewed by the panel informed it that attempts were being made to develop critical understanding of the purpose and nature of law and to develop their ability to apply the law in relevant contexts. In a number of modules, we were told, the sheer sizes of the classes and the time and energy involved in setting assignments that develop critical thinking skills makes it impossible to do so. The impression gained by the panel was that in some core modules and in most of the elective modules critical thinking skills and applied skills were actively cultivated. In some of the modules, though, this was not the case. This allows students to “manage” their studies in such a way that compliance with a relatively low standard of assessment set in some modules can be achieved without significant critical input.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

*1.Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending*

*levels of competency.*

*2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*

*3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*

*4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

*5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

#### **Panel Comment**

1. There are 496 credits in the LLB programme. The programme was designed in 2011-2012 and implemented for the first time in 2013. The panel is satisfied that the Faculty took due care in the design of the programme to provide for logical sequencing, for increasing complexity of learning material and assessment modes and for appropriate progression through ascending levels of competency. A lecturer whom the panel interviewed teaches the Law of Evidence. She informed us that in her opinion this third-year module is more appropriately taught after students have been exposed to some procedural modules. Her sense was that she was teaching the module “in a vacuum”. The panel suggests that the Faculty reflects on this concern raised by the lecturer. The panel also suggests that the Faculty considers the appropriate placement of Criminal Law in the LLB curriculum, which is currently taught at fourth-year level. In its view Criminal Law can appropriately be taught at second- or third-year level. It is at these levels that a module devoted to the teaching of the general principles of a basic discipline such as Criminal Law is best presented.
2. The panel is also satisfied that the LLB degree meets the requirements of NQF exit level 8.
3. In reading the SER the panel noticed that there were some inaccuracies in the manner in which credit ratings were determined and in the calculation of the number of credits for the programme. These were not major concerns and they were discussed with the Education Innovation Consultant who assists the Faculty in the determination of credits for each of the modules and for the programme as a whole. The panel is satisfied that she is well-versed in NQF credit ratings and in the determination of notional hours for each module to be able to provide expert advice to the Faculty on the determination of notional hours and credit values. Work still needs to be done by the Faculty in this regard and the consultant is willing and able to provide them with appropriate advice.

#### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*

- *diversity and transformation*
  - *transparency*
  - *institutional capacity*
  - *demonstrated or assumed competence (as reflected in admission requirements)*
  - *admission via RPL.*
2. *In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

**Panel Comment**

1. The panel is satisfied that the Faculty applies appropriate mechanisms and norms for the selection and admission of students into the LLB programme and for the selection of students on the basis of the promotion of diversity in the student complement. The APS score of 32 (excluding a “score” for Life Orientation) set as minimum admission requirement is appropriate. The panel has noted that the selection of students into the BA (Law) and B Com (Law) programmes is managed by other faculties and that it therefore has control over the admission into law modules of less than 40% (190 out of 510 in 2106). The panel recommends that the Faculty should discuss in the institution the possibility of co-governance over the selection and admission of students who, once admitted into a BA (Law) or B Com programme (Law), automatically gain admission into the LLB programme upon completion of a first Bachelor qualification (see discussion below).
2. The Faculty of Law allows students who complete the BA (Law) or B Com (Law) qualification to register “seamlessly” for the LLB programme (i.e., without having to satisfy the minimum admissions requirement for the LLB programme). In the case of the B Com (Law) programme this is not problematic, as the minimum admission requirement for this qualification is the same as for the LLB (in fact higher: the B Com qualification also requires a pass mark for Mathematics). In the case of the BA (Law) programme the minimum entrance requirement is 30. It is therefore possible for students who complete the BA (Law) programme to gain entrance to the LLB programme without having satisfied the minimum admission requirements of the LLB programme. Such a practice can be problematic, as it proceeds from the assumption that the BA (Law) qualification is embedded within the LLB programme. This is not the case, though. A student who registers for the LLB programme as a second degree is in fact registering for an “advanced degree” as defined in the HEQSF. This has two implications:
  - (i) Entry into the LLB programme after having first graduated with a BA (Law) and B Com (Law) qualification means that the LLB programme for which the student registers is an “advanced degree”. It is not merely a truncated or contracted four-year LLB programme. As such, it needs to be registered separately as an “advanced degree” with a minimum credit value of 240 credits.
  - (ii) A student who registers for the LLB degree as an advanced degree must comply with the minimum admissions requirements set for this (separate) qualification, determined by the institution.

The panel recommends that the Faculty should investigate whether it should treat the LLB programme as an “advanced programme” for which separate minimum admission requirements for those entering the programme after completion of a first degree, should be set.

3. The panel is satisfied that a number of interventions are in place to assist students to bridge any gap that might be present between assumed competence and assessed competence. A Faculty Student Advisor (“FSA”) serves the academic development needs of first-year students. The FSA was interviewed by the panel. It is satisfied that an appropriate system is in place to identify at-risk students – either right at the start of their studies, after the first set of assessments or after the June examinations – and that the FSA engages with the students by means of a number of interventions. A large number of students are assisted by the FSA. Although the focus is on first-year students, senior students are also assisted by her.

The panel **commends** the faculty for the placement of a Faculty Student Advisor in the faculty and for the range of interventions for which she is responsible. The panel noted, however, that the FSA had no assistance and was in fact fulfilling such academic responsibilities on her own. It also noted that student participation in such development opportunities was voluntary, which means that students often do not follow through on the development interventions initiated by the FSA.

### **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

#### **a. Knowledge**

1. How does your LLB degree impart to graduates ‘comprehensive and sound knowledge and understanding’ in relation to:

- *South African law and the legal system;*
- *the associated values; and*
- *the historical background?*

2. How, specifically, is ‘comprehensive and sound knowledge and understanding’ achieved in:

- *basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;*
- *the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;*
- *some discipline(s) other than law;*
- *select area(s) or*
- *specialization in one or more areas or*
- *clinical legal education.*

3. In regard to discipline(s) other than law –

- (1) *what other discipline(s) may students pursue?; and*
- (2) *are there any restrictions in the discipline(s) students may choose?*
4. *How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.*

**b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

**c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

***Panel Comment***

***Knowledge***

1. The panel is satisfied that the LLB programme seeks to impart to students a sound and comprehensive knowledge and understanding of the South African legal system, of its underlying values and of its historical background. The programme also covers all of the basic areas of law (as stated in the *LLB Standard*). Students are adequately educated to comprehend the dynamic nature of law and the manner in which law is influenced by social and economic context and in turn influences such contexts.

2. A large number of electives is available to students in their final year of study. This allows them to elect modules in which they have an interest and in so doing allows them to gain specialized knowledge of a particular branch or discipline in the law.
3. The programme provides for 48 non-law credits or some 10% of the credits for the programme. This is the equivalent of four first-year semesters. Half of these credits are reserved for two language modules (either English or Afrikaans). The panel is satisfied that the Faculty appreciates the value of non-law modules in the curriculum. It might wish to consider a requirement that another non-law module at second-year level be introduced. In the BA (Law) and B Com (Law) programmes around 50% of the credits are reserved for non-law modules.
4. Clinical legal education is provided for in the elective year module, *Practical Law*. Some 70-100 students (a little less than one-third of the number of final-year students) register annually for *Practical Law* and therefore participate in clinical legal education. The panel visited the Law Clinic during its site visit. The panel **commends** the Faculty on the quality of the facilities of the Law Clinic and on the quality of the clinical legal education provided to the students.

#### **Skills**

1. The SER provides much detail on the critical thinking, reading and writing skills that the faculty seeks to impart to students in the LLB programme. This occurs in all four years of the programme, primarily in the modules *Jurisprudence 110 and 120* (first year), *Jurisprudence 310* (second year), *Research Methodology 320* (third year) and *Essay and Seminar 410*.
2. In a number of modules, particularly *Legal Practice 220*, the procedural law modules and in the (elective) *Practical Law* modules, students are expected to engage in a number of types of legal drafting. The panel noted, however, a comment within the alumni group that often these drafting exercises were provided without an appropriate context. In their view, therefore, it diminished the value of the exercise. The Faculty might wish to consider the validity of this comment.
3. Assignments are set in a number of modules in the programme. Because of the large classes in the modules taught in the first and second years, some of those that are set generally tend to be writing exercises rather than assignments that test the ability of a student to do independent research. More assignments are set in the third and fourth years. Most elective modules require assignments. The Faculty acknowledges (SER, p 69) that there is currently little coordination (“scaffolding”) in the way in which assignments are set within the programme and also in the type of assignments that are set in the different modules at different year levels.
4. The panel is appreciative of the existence in the Faculty of the *Pretoria Student Law Journal*. This journal has been in existence for about ten years and provides students with opportunities to publish research-based articles in law.
5. The panel is mindful of comments made by alumni and also by students. These were to the effect that in a number of modules critical thinking skills are not adequately addressed and

that the research and writing skills that are taught are not always covered to a significant extent. The panel suggests to the Faculty that this be investigated. It **commends** the Faculty for requiring all final-year students to do a substantial research essay and for requiring all students to do a module on Research Methodology in the third year. However, the panel noted that only 15 credits are attached to the compulsory research essay. It also noted the opinion expressed by some of the alumni that the research essay did not in fact enhance their research and writing skills to the level required in the practice of law. The panel recommends that the Faculty reflect on these issues. The Research Essay module (30 credits) and the Research Methodology module (5 credits) collectively make up 35 credits. The Faculty may want to consider enhancing the credit value of the Research Essay.

### **Applied competence**

1. The panel is satisfied that the LLB programme has been designed in such a way that all of the applied competences listed in the *LLB Standard* are covered in the programme. The panel, however, wishes to make the following comments:
  - (i) Students and alumni interviewed by the panel suggested that not enough “applied learning” takes place in the programme. Too often, they suggested, a module required knowledge of the theory in a particular module, without any teaching taking place on how the law is “applied” in real-life situations.
  - (ii) Whether or not the concerns expressed by the students, as reflected in (i) above, are deemed valid by the Faculty, the panel suggests to the Faculty that they consider the introduction of more “experiential learning” within the programme. For example, students could be required in a number of modules to engage in mini-moots. There are limited opportunities for students to engage in moots/trial advocacy within the programme. The students interviewed by the panel proposed that the programme provide for more opportunities for students to improve their mooting skills. In addition, students in some of the procedural modules could be required to attend court sessions (*pace* the logistical concerns that were highlighted in this regard). There was a felt need among students and alumni interviewed by the panel for students to be exposed to law-in-action within the programme.
2. The panel noted that the LLB programme makes provision for students to be given formal training in the use of electronic information sources: In the first-year Jurisprudence module, in the second-year Legal Practice module and in the third-year Research Methodology module. The panel also noted that, as a result of the closure of the institution due to student protest action, the Faculty had no alternative other than to make provision for “virtual” teaching and learning for a period of some weeks prior to the November examinations. Students we interviewed expressed themselves satisfied with the arrangements made with the students, especially in support of those students who were unable to gain electronic access off-campus. The panel noted the efforts of the Faculty in this regard, under difficult circumstances, with appreciation.
3. The students (and staff) are able to provide service to the community by two separate means within the LLB programme. A final-year elective, *Law and the Community*, provides opportunities for students to engage with the community in a number of law-in-action contexts. The final-year *Practical Law 410 and 420* modules are the vehicles through which students engage with clients in the Law Clinic. In 2016 some 100 students registered for these modules. The panel noted that the Faculty has already drawn up a plan that, if

implemented at institutional level, could provide that all final-year students are exposed to clinical legal education. The panel welcomes this possibility. The panel also wishes to recommend to the Faculty that it investigates the possibility of introducing a requirement that all final-year students should be engaged in service to the community either through the Law and the Community module or through the Practical Law modules.

#### **Staffing resources (refer to Criteria 3 and 4)**

##### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

##### **Panel Comment**

1. The Faculty has a large academic staff complement. There are 70 permanent academic staff members of which 63 are available for undergraduate teaching and assessment in the LLB programme. Forty-eight of them hold doctorates in law, a very high percentage. The panel is satisfied that the staff collectively has sufficient qualifications, teaching experience, discipline expertise and academic seniority (more than 50% of the academics are either Professors or Associate Professors) to provide a high quality of legal education within the programme. There are 8 fixed-term contract teaching staff, which is appropriate for a Faculty with such a large student body (1104 students for the four-year LLB programme and 623 students for the two-year LLB programme, a total therefore of 1727).
2. The panel recognizes that there has been some progress within the Faculty in recent years to improve the diversity of the staff complement. Some 27% of the academic staff are from the designated groups. Eleven staff members are designated as African. The panel also had sight of a progress report on the achievement by the Faculty of its equity targets within the institution. The report provides indicators of steps that are being taken or can be taken to attract more staff from the designated groups.

The panel is concerned, though, that the Faculty is not yet representative of the regional or national demographics. This is acknowledged by the Faculty.

3. The panel appreciates that an improvement in the (racial) diversity profile of the Faculty is a matter of some difficulty. It nevertheless urges the Faculty to take proactive steps to improve its diversity profile. The panel was concerned by comments made by (primarily Black) students it interviewed on problems they experienced in classes. Some of the comments they made include:

- (i) Some lecturers create an atmosphere in class that they experience as alien and biased towards a “White way” of doing things.
- (ii) A perception exists among many Black students that White (and, in particular Afrikaans-speaking) students enjoy a closer academic relationship with some lecturers than they do, which results in perceptions that such students are better academic achievers than the Black students.
- (iii) A lecturer who teaches a module on African customary law is not as conversant with African customary law as they are. This causes tensions in class, as they experience the lecturer as having insufficient expertise and being textbook-bound.
- (iv) They struggle to relate to many of the senior, White, Afrikaans-speaking academics, whom they experience as being culturally aloof. They are better able to relate to Black academics, who can at the same time serve as role models.
- (v) In their view senior academics (there are exceptions) do not make enough of an effort to break down cultural barriers between diverse groups of students. They are not sensitive enough to the sense of alienation felt by Black students in a predominantly White cultural environment. They experience them as being resistant to change and wishing to remain in a “comfort zone”. They expect these academics to provide leadership in dispelling the segregationist tendencies that exist between White and Black students and between Afrikaans and English-speaking students. They expect lecturers, for example, not to provide slides in class that are in both English and Afrikaans, not to prescribe cases that are in Afrikaans and to be able to express themselves proficiently in English (this latter problem exists mostly among Afrikaans-speaking tutors).
- (vi) They experience some academic departments as being more willing to embrace transformation than others. The Department of Jurisprudence was cited as an example of a “progressive” department and the Departments of Private Law and Mercantile Law were labelled as being “conservative”. This, they said, was reflected in the racial profile of the tutors appointed in the different departments. (The panel found, as a fact, that more Black tutors were appointed in the first-mentioned department and more White tutors in the latter-mentioned departments.)

The panel urges the Faculty to investigate these comments made by the students and to take active steps to counter these problems, if they are found to exist. At the very least, the perceptions that live in the minds of (mostly, but not only, Black) students of the existence of what one student called “soft barriers” to full integration, should be cause for concern in the Faculty.

4. The staff: student ratio in the Faculty (expressed in FTE terms) is 1:44. This is very high. It is an inhibiting factor in the full implementation of an “inquiry-led” approach to teaching and learning within the LLB programme. The Faculty will be compelled to investigate other means of teaching and learning than large-class teaching and in this regard blended/hybrid learning becomes an attractive means of pedagogy to complement the traditional teaching and learning approach.

5. The panel is satisfied that there exists sufficient development and promotion opportunities for academic staff within the Faculty, that they are appropriately inducted into teaching and learning within the Faculty and provided with sufficient institutional support.

**Staffing resources (refer to Criterion 8)**

**Administrative and support staff resources**

1. *What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
2. *What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
3. *What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
4. *In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

**Panel Comment**

1. The panel is satisfied that the Faculty has sufficient administrative and support staff resources, and sufficient expertise and experience within such human resources, to provide adequate support to the LLB programme. Sufficient induction and development opportunities also exist.
2. The panel is satisfied that there is sufficient exercise of a duty of care among support staff to ensure the integrity of the academic life-cycle of a student, from registration to certification. Staff are sufficiently alert to the need for the utmost security in respect of student support systems.
3. The Faculty does not offer distance learning programmes.

**Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

1. *How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
3. *How are the teaching and learning strategies aligned with the mode(s) of delivery# and the*

*resources required for effective teaching and learning through the tuition mode(s)?*

*4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*

*5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*

*6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

1. The panel is satisfied that a diversity of teaching and learning approaches are adopted within the programme. The dominant mode of teaching and learning is large-class teaching. Increasingly, blended/hybrid learning is being introduced into the pedagogy. The use of “clickers” in two modules, to encourage class attendance and to encourage class participation, has proven to be a successful pilot project and the panel appreciates the intention of the Faculty to expand the use of clickers within the classroom. The fact remains, though, that the very high staff: student ratio makes it difficult to introduce pedagogical innovations within the programme.
2. The panel noted that extensive use is being made of the Blackboard-based “ClickUP” learning platform and also notes the Faculty’s acknowledgment that more use can be made of this learning system beyond serving primarily as an instrument for the dissemination of information to students.
3. The panel noted a concern expressed by some of the alumni. This was to the effect that the widespread practice of providing students with “casebooks” instead of requiring them to engage in independent research in the library made students lazy and created a “short-cut” to the acquisition of the necessary knowledge of a subject without engaging in problem-solving and deep learning on the subject-matter, as required by the Faculty’s assessment policy.
4. The panel discussed with staff and students the tutorials presented in the programme. The Faculty has indicated that it is exploring the introduction of a tutor programme throughout the programme. The following are some of the views expressed by staff and students:
  - (i) Tutorials are conducted in all of the first-year law modules and in some of the second-year modules. They are in most instances voluntary or, if compulsory, only compulsory in the sense of attendance. Work done in the tutorials do not “count” towards the students’ final results.
  - (ii) Tutorials are conducted mainly by third and fourth year students. Some tutorials are conducted by postgraduate students.
  - (iii) Of the 41 tutors appointed in 2016, 25 are White, 14 are African and 2 are Indian. In the Department of Jurisprudence the majority of tutors (8 out of 11) are Black, whereas in the Department of Private Law the majority (13 out of 18) are White.
  - (iv) The size of tutorial classes differs. Whereas the norm should be 15-20 students per

tutorial, in some cases 90 students are in a tutorial group. In the latter case such tutorials are no more than merely lectures, rather than opportunities for close, inquiry-led engagement with students they are meant to be.

- (v) For the most part students treat tutorials as opportunities to work through possible test and examination questions. In other words, they are “prepping exercises” for assessments, an opportunity for students to be provided information on possible questions they can expect in an assessment. In fact many lecturers encourage this notion of treating a tutorial as a “prepping exercise” and prepare tutors for tutorials on this basis.

The panel encourages the Faculty to reflect closely on what it seeks to achieve with the introduction of tutorials across the LLB programme. On the evidence presented to the panel, the current tutorials do not serve the purpose of small-group, inquiry-led critical engagements with work already covered in the lectures. Tutorials do not form part of the formative assessments of a student; they are not compulsory and are therefore poorly attended; students are not expected to come prepared to a tutorial and so imparting critical thinking skills and independent research skills to a student – the essential purpose of a tutorial – does not happen. It might be that a tutorial system - narrowly defined - might not suit the purposes of a Faculty intent on the introduction of an inquiry-led, active learning approach in the programme.

5. Regular student evaluations, as prescribed by institutional policy, takes place. The Faculty also allows for programme review. A major review of the LLB programme was undertaken in 2011/2012, as an outcome of departmental reviews undertaken at the time.
6. As reported earlier, the Faculty provides adequately for support for at-risk students. A number of interventions were identified in the SER (p 50-55). The Faculty Student Advisor plays a pivotal role in the coordination of the support activities. As stated, the FSA has no additional support and also has to contend with a system in which students’ participation in support and development interventions is voluntary. The Faculty should consider ways and means of overcoming these inhibiting factors.
7. The panel noted the employment by the Faculty of language tutors. The panel proposes to the Faculty that it should consider the introduction of a Writing Centre for the Faculty, where properly trained staff can provide dedicated writing support to students, beyond what is currently offered by the Faculty. The use of postgraduate students in this sort of enterprise should be considered.

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which*

*problem-solving activities are assessed, and provide examples of tasks that are required of students.*

*4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

*5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

*6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- an adequate student:staff ratio;*
- adequate physical resources, such as teaching venues and audio-visual equipment;*
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

#### **Panel Comment**

1. A variety of assessment methods are used throughout the LLB programme. The nature of the assessments are dependent on class size, on the level of complexity of the module and on the nature of the learner material in a particular module. The standard form of assessment remains tests and examinations. Faculty policy forbids the use of "old" test papers or questions (SER, p 99), but it is acknowledged that this policy is not implemented in practice. Students stated in interviews that the practice of using previous test questions is prevalent.
2. As stated earlier, assignments of varying types (writing exercises, "journal entries", group and individual assignments, independent research-based assignments) are set, but, by the Faculty's own admission, not enough research-based assignments are set and there is not enough coordination of the assignments within the programme. The result is that the independent research and thinking skills of the students are not often enough and not "deeply" enough assessed. The panel recognizes the difficulty posed by the large classes in properly assessing the independent research and thinking skills of the students by means of research-based assignments and providing individualized feedback on these assignments. The panel nevertheless encourages the Faculty to continue to seek innovative ways in which to develop the independent research and thinking skills of the students. Otherwise, to use the words of one of the alumni, students will always be able to take "short-cuts" to achieving the necessary marks to pass a module without having engaged in deep learning.

3. The panel is satisfied that the tests and examinations are set in a manner that requires of students to engage regularly and with ever-increasing frequency in problem-solving exercises, in accordance with the Faculty's own assessment policy. A careful reading of the examination papers reveals that there are quite a few modules that require answers to questions of 1, 2, 3 and 4-marks, which does not allow for the development of argumentation and writing skills. The Faculty's assessment policy requires that students "solve problems" in problem questions with reference to the theoretical underpinnings of the module and not merely refer to relevant cases and memorize.
4. The Faculty expressed the need to revise the assessment policy in order to incorporate inquiry-led learning into the assessments (SER, p 96). The panel supports this proposed revision.
5. Regular and constructive feedback is provided to students. This takes place primarily by means of a class discussion after the completion of a test. In some modules students are encouraged to provide drafts of their work to the lecturers for them to be commented on. All students expressed themselves satisfied that lecturers were readily available to consult with students and to discuss with them their work-related concerns. Some students did indicate, though, that some lecturers were somewhat difficult to contact.
6. The panel is satisfied that sufficient and appropriate infrastructural and information-technology resources were available for teaching and learning in the programme. The panel wishes to **commend** the Faculty for the quality of the services provided to students in the Law Library and by the law librarians and the ready availability of prescribed learner material, either in hard copy or in electronic format. The library is a conducive environment for the students to engage in learning and the library is well-stocked.
7. The panel has already commented on the quality of the facilities and infrastructure, the location and the human resources of the Law Clinic for the provision of high-quality clinical legal education. The panel was impressed with the very high numbers of "live" clients of the Law Clinic, at its Hatfield site but also at its other sites.
8. Internal and external moderation takes place within the programme in accordance with policy requirements. The panel had sight of a number of moderator reports during the site visit. These moderator reports were largely mere "tick-box exercises" and no substantive engagement with the nature and quality of the learner material and with the nature and quality of the assessment takes place. The panel recommends to the Faculty that it revises its moderation policy in order to provide opportunity for moderators to give substantive and constructive feedback to lecturers, as an important quality enhancement tool.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

1. *What policy and practice apply to the transfer of credits from other institutions or other programmes?*
2. *What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
3. *What vertical articulation (for example, into a master's programme) and horizontal*

*articulation (for example, into a post-graduate diploma) options are available to the graduate?*

**Panel Comment**

1. The Faculty adopts the standard “50% rule” in respect of credit transfers from other institutions and programmes. It also applies the “10-year rule” in respect of the “shelf-life” of credits, although case-by-case determinations can lead to deviations from this rule of thumb. The panel is satisfied that progression policies and practices exist and are appropriately applied by the Faculty.
2. A number of vertical and horizontal articulation opportunities exist for students and graduates. The Faculty has a large number of taught Master’s programmes and students can also register for dissertation-based Master’s study. A number of diploma and certificate programmes offered within the Faculty provide for a number of horizontal articulation opportunities.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

1. *What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
2. *What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
3. *Given a distinction between graduates’ employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution’s capacity to track its graduates’ career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. Regular monitoring of throughput and graduation rates in the programme takes place, through the use of the information provided by institutional data managers. The throughput rates of the four-year LLB programme are in fact higher than is the norm within the sector: on-time graduations in the LLB programme, for example, have been between 44% and 52% for the 2010-2012 cohorts. Throughput rates for the BA (Law) and B Com (Law) programmes have, on the other hand, been slightly less than the sector norm (on-time graduation for the 2014 BA (Law) cohort, e.g., was 32% and for the 2014 B Com (Law) cohort it was 47%. One reason proposed at the site visit for the relatively low throughput rates of those who register for the LLB programme as a second degree, is that such students are accepted onto the

programme without having to comply with admission requirements beyond being in possession of a first qualification. At other institutions, a requirement of an average pass mark of 60% is often set.

2. In cases where poor pass rates occur in certain modules, the Education Innovation Consultant is called upon to assist the lecturer in understanding the reasons for the high failure rate and to adopt corrective strategies accordingly.
3. Anecdotal evidence suggests that the UP LLB qualification is held in high regard by law practitioners generally. Alumni interviewed by the panel confirmed this.
4. There is no proper system of graduate tracking in place, beyond institutional surveys conducted during graduations.

#### **Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

#### ***Panel Comment***

1. The panel is satisfied that the programme is well-managed by the Faculty and that sufficient attention is paid to curricular coordination and programme administration. A departmental system exists in the Faculty. This system works for the Faculty and there are no obvious concerns in the manner in which the Faculty is managed.
2. A substantive programme and departmental review by external peers was conducted in 2011. Regular reflection on the curriculum and on module reviews takes place within the Faculty.
3. The panel was informed that, although in terms of its own rules, provision is made for student representation on the Faculty Board, this has not yet happened. The panel recommends that student representation on the Faculty Board should happen as a matter of urgency. The students interviewed by the panel expressed themselves dissatisfied with the lack of formal representation of students in faculty affairs. A “Faculty House” or “Law House” exists, elected by students and which is meant to represent student interests. In practice, though, this “house” is more concerned with social affairs than with voicing the academic concerns of students. The panel gained the impression that there was a real need for students to be provided with a formal avenue of communication to Faculty management, by means of which their concerns can be communicated and addressed. The panel recommends that the Faculty investigates the manner in which this felt need of the students can be accommodated.

## **JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

### **NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programme of University of Pretoria be re-accredited subject to meeting specified conditions.**

Conditions	Relevant criteria
<u>Short-term</u> 1. The Faculty must submit a plan indicating the steps it intends to take, and the timelines within which the steps will be achieved, to further improve the diversity of its academic staff.	4 (iii), (iv)
<u>Short-term</u> 2. A plan must be submitted to review the alignment of teaching and learning with assessment, to ensure adequate inclusion of critical reflection and analysis that go beyond the requirements set in tests and examination.	5 (ii) 12 (ii), (iii)

The NRC **commends** the following aspects of the programme, identified by the site visit Review Panel.

The infrastructure and resources of the Law Clinic and the services it provides, with student participation in the Clinic integrated in the curriculum.

The establishment within the Faculty of a Student Advisor, to provide and coordinate academic support for students.

The NRC **recommends** that the Faculty give consideration to the following matters.

- I. Establishment of Faculty structures for students to appropriately and regularly communicate to management issues of academic concern, and for effective address by management of such issues.
- II. Deliberation on means to create a culture among staff and students in the Faculty that promotes cultural diversity and strives for cultural integration and dissolution of barriers to such integration.

### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### **FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Four-year LLB Two-year LLB (second degree)
<b>Name of Institution</b>	North-West University
<b>Mode of Delivery *</b>	Contact
<b>If contact, site(s) of delivery</b>	Potchefstroom Campus Mafikeng Campus
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	576
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

\* At the Vaal Triangle Campus, a Bachelor of Arts (Law) and Bachelor of Commerce (Law) are offered. Law-related credits are transferable towards the LLB offered at Potchefstroom and Mafikeng. (The panel did not visit the Vaal Triangle Campus, as the LLB programme is not offered at this campus.)

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

The panel wishes to make the following comments in respect of the programme offered on the **Potchefstroom Campus** ("PC"):

1. It is satisfied that the LLB programme offered at PC adequately addresses the values and ethos expressed in the preamble to the *LLB Standard* in respect of *responsiveness to globalization, the inculcation of student awareness of constitutional imperatives* and *responsiveness to ever-evolving information technology*. It is satisfied that the statements made in this regard in the SER (see pp 41-42 and Annexure 4.4) are borne out by the evidence provided at the site visit.
2. The panel is not satisfied that the faculty has a full appreciation of the difference between “transformative constitutionalism” and “constitutional imperatives”. The panel is mindful of the fact that scholarly unanimity in respect of the notion of “transformative constitutionalism” does not yet exist. It is, though, the view of the panel that it means, at the least, the recognition by both students and staff that the 1996 Constitution represented a fundamental break with the past. It represents an approach to law that acknowledges law as an instrument for the promotion and achievement of justice in a society where social and economic injustice had been institutionalized. As such, the Constitution provides the framework for an approach to law as an active agent of social and economic change. In the view of the panel the *LLB Standard* creates an expectation that students should be taught this foundational role of the Constitution from the very outset and be made aware of the importance of section 39(2) of the Constitution.

The panel acknowledges that, despite the lack of definitional clarity evidenced in the SER, a number of modules in the curriculum do, either explicitly or implicitly, provide students with an understanding of the *transformative* nature of the Constitution as opposed to an understanding of the Constitution as “merely” a (primary) source of law.

The notion of “transformative constitutionalism” in the Preamble to the *LLB Standard*, however, means more than providing students with an understanding of the notion in the context of course material in certain modules. Students and staff should be made aware of and be explicitly required to *internalize* the transformative nature of the Constitution. As stated in the Preamble, “legal education cannot be divorced from transformative constitutionalism ... . At the heart of transformative constitutionalism is a commitment to ... examining the underlying principles that inform laws themselves ... .”

It is in this latter respect - the “internalization” of transformative constitutionalism - that the panel suggests that legal education in the LLB programme can be improved. The panel wishes to refer to the following matters which were brought to its attention during the site visit and which seem to suggest a lack of internalization of the transformative nature of the Constitution among some students and some staff members:

- (i) The panel visited two lectures where interpretation facilities were being used in the classroom. The panel is satisfied that, by and large, the simultaneous interpretation of the lecture from Afrikaans into English was an accurate rendition of the lecture itself. The panel also interviewed staff members from the institutional Interpretation Services and found that there was a commitment to a professional and quality service. The experience of the (predominantly Black) English-language students (some 15 of them) interviewed by the panel suggests otherwise. In their view the quality of the interpretation services was generally not high (there were exceptions). Importantly, they felt that the interpretation service was a hindrance to their active engagement in class discussions, to the extent that they felt disconnected and therefore disengaged from the class discussion. In some cases lecturers were willing

to arrange matters in such a way that they could engage – in English – in class discussions, but this was not generally the case. These students also pointed to problems in understanding instructions and information communicated, in Afrikaans, using the board. The written information on the board was often not translated and this created confusion and a sense of receiving less information, amongst these students.

- (ii) The students cited an instance when, in the introductory lecture in the final year-elective module, *Socio-Economic Rights*, the lecturer started her lecture in English. When asked by some students whether she was going to continue the lecture in English, she assented. This led to a group of students (Afrikaans-speakers) leaving the classroom. Students also stated that in a number of cases, students would pressurize a lecturer to stop speaking in English, if in their view she/he was taking up too much lecture time using English.
- (iii) Students found that when they participated in “facilitation” (i.e., supplemental instruction by trained student tutors), their experience was that in some cases the instructor spoke only in Afrikaans and was unwilling to engage in English, or that they lacked the English language skills to engage properly with the students in English.
- (iv) The students interviewed were unanimous in their assertion that the above practices led to a sense of social disengagement, a sense that they felt themselves being “accommodated” rather than fully accepted and integrated into the academic space. Some even commented that their results had suffered, as they did not have a full understanding of the subject-matter. When asked whether they had taken up their concerns with management, their response was that they had “given up” on this. Some lecturers were very obliging, others were not. As a result they simply try to “get by”.

The panel was informed by the Dean of the PC Faculty of Law that she was aware of the action of the Afrikaans-speaking students in the *Socio-Economic Rights* module. The lecturer concerned did not follow the prescribed protocol for gaining permission to teach the module in English, which triggered the unhappiness among some of the students. She acknowledged that the protest action of the Afrikaans-speaking students would have been perceived as disrespectful to the English-speaking (mainly Black) students.

These shared experiences described to the panel by some 15 Black students are a cause for serious concern. It suggests that there are White Afrikaans-speaking students who exercise their language rights at the expense of the basic constitutional rights to dignity, equality and respect of other registered students who are not Afrikaans-speaking and who are Black. There is also the suggestion that at least some staff members are not sensitive to the sense of indignity Black students suffer on a regular basis. These practices, if they do exist (the panel has no reason to doubt this), reflect a lack of a deeper understanding and internalization of the notion of “transformative constitutionalism” within the teaching and learning practices in the programme. Students told the panel that they did not feel the faculty “management” was receptive to their concerns. This suggests that the faculty at PC needs to consider the introduction of clear lines of communication where sensitive matters of this nature can be raised and addressed with due diligence.

3. The panel is also not satisfied that the programme gives full effect to the requirement

*responsiveness to social justice*. To be sure a number of modules do address this notion, as discussed in the SER (see reference above). The panel is concerned, though, that the programme does not sufficiently address the need to educate the students to be responsive to the social injustice prevalent in society by using the law as an active agent of social change. The panel suggests that the following examples confirm this assessment:

- (i) Clinical legal education is provided to students in the compulsory final-year year module, *Legal Practice*. We were told, though, that only around 30 students see “live clients”, whereas the others are exposed to simulated legal practice only. There were a number of reasons for this, we were told. Firstly, many of the Law Clinic clients are from Ikageng. As there was a concern for the safety of the students when entering Ikageng just outside town, the staff of the Law Clinic did not want students to go to this satellite office. Another reason cited was that the staffing resources of the Law Clinic do not allow for more students to see “live clients”. In the view of the panel these reasons are not persuasive. Exposure to the social injustice suffered by the typical client at a Law Clinic for as many final year students as possible would significantly contribute to a sense of responsiveness among law graduates.
- (ii) The programme does not make provision for Street Law, even as an elective. Nor does it provide for an elective in the field of “public interest law”. The module *Socio-Economic Rights* does address issues of social injustice, but no other elective module on “public interest law”, one that focuses on law-in-action studies, is available to the students.
- (iii) Law students are seemingly not exposed to opportunities for active participation in programmes/workshops/centres where real social justice problems are encountered.

It is the view of the panel that the faculty should consider a revision of the curriculum that allows for more active engagement by all law students at PC with social justice issues in the LLB programme. Only then will the LLB programme be adequately responsive to social injustice.

In respect of the **Mafikeng Campus** (“MC”) the panel makes the following comments:

1. The panel is satisfied that the LLB programme offered at MC adequately addresses the values and ethos expressed in the preamble to the *LLB Standard* in respect of *responsiveness to globalization, the inculcation of student awareness of constitutional imperatives and responsiveness to ever-evolving information technology*.
2. Subject to the comments made at 2 above in respect of the LLB programme offered at PC the panel is satisfied that recognition is given to the notion of “transformative constitutionalism” in the LLB programme. The panel is, though, of the view that this notion could be more deeply and more formally entrenched in the programme.
3. In respect of the programme’s responsiveness to social justice, the panel is satisfied that more attention is paid in this programme to this notion than at PC. This is because all final-year students are exposed in the Law Clinic to “live clients”. Also, the socio-economic profile of the majority of the law students at MC suggests that for the most part they have an

instinctive understanding for and empathy with social injustice. This means that they are seemingly well equipped to engage on these issues within the programme than their counterparts at PC. The elective module in Street Law did not attract sufficient students for it to be presented this year. The panel supports the intention of the Faculty to try to make sure that Street Law is still presented within the programme in future.

#### **Institutional alignment ( refer to Criterion 1 (i))**

1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?
2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.

#### **Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

1. The panel is satisfied that at PC and at MC there is full alignment between the LLB programme, the strategic plan of the Faculty and the institutional vision, mission and strategic goals. It is satisfied that the re-design of the LLB programme in 2013 took appropriate account of strategic factors, curriculum design criteria and the needs of the institution and the law profession.
2. NWU adopted a Strategic Plan, *NWU Strategy 2015-2025*, in 2015. In terms of this institutional strategy the current "federal" structure at NWU will be replaced by a unitary model. This means that, as from 2017, the two Faculties of Law at PC and at MC will merge. There will therefore be one Faculty of Law only, with two sites of delivery, at PC and MC (as well as a site of delivery at the Vaal Triangle Campus for BA (Law) and B Com (Law) programmes). The notion of "context-specific alignment" of the LLB programmes at PC and at MC will therefore fall away and be replaced by one fully aligned LLB programme, taught at two sites of delivery. Importantly, summative assessments will be the same from 2017 onwards and parity in all respects will be phased in gradually. The panel noted that in the module *Fundamental Rights*, the same learner material is already being used on both campuses and that the same summative assessment will be set in November 2016.
3. The panel welcomes this new strategic direction in respect of the LLB programme. However, for the reasons discussed below, the panel is concerned at the clear lack of parity between the teaching and learning and assessment approaches adopted in the two LLB programmes. This has been found to be so despite the impression given in the SER ("[t]he LLB programme is designated as a co-owned, context-specific aligned programme", p 31) that there is a large degree of alignment between the two LLB programmes, even though they are not identical (SER, p 31 and see too 196). This might be so as far as formal alignment is concerned but substantive alignment "in practice" hardly exists. As also explained below the panel is of the view that a lot of preparatory work still needs to be undertaken to create substantive alignment in the programmes from 2017 onwards

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?
2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?

**Panel Comment**

1. The panel is satisfied that at both PC and MC the LLB programme appropriately prepares graduates for entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law.
2. There is sufficient evidence that at both campuses formal law modules are taught at the appropriate levels and that they are taught in a manner that students are exposed to process documents and learn to draft legal documents at a basic level. The compulsory year module, *Legal Practice*, in the final year of the programme, further prepares students for legal practice through simulated courtroom practice (trial advocacy), through participation in simulated firms of attorneys, and through clinical legal education where students are exposed to real clients or to simulated clients. In addition, *Moot Court* is an elective available to students. Students interviewed by the panel at both PC and MC expressed the desire that their legal education should incorporate more “practical” or “applied” training (at MC there was a suggestion that students should be required to participate from the first year in mooting practice). The panel, though, is satisfied that the programme itself pays sufficient attention to the preparation of graduates for entry into legal practice.
3. It is the view of the panel that a programme that appropriately educates a graduate to “think like a lawyer” through the provision of a sound knowledge of law, through the inculcation of critical thinking skills, research skills and the teaching of applied competences, adequately prepares a graduate for other careers where application of the law is required. The faculties at PC and MC should be commended for the introduction of six modules, *Language Skills in Legal Context*, spread over the first three years of the curriculum, which seek to address these very skills and competences. Inculcation of these skills and competences occur in other modules, too. It is the stated purpose of the LLB programme that was introduced in 2013 to “enable [graduates] to take their rightful place as jurists (encompassing a notion wider than legal practitioners)” (SER, p 54; see too p 41). The panel’s view is that this purpose has been adequately met. The panel does wish to make the following comment, though. A “broad education that develops well-rounded graduates”, as required by the *LLB Standard*, will be even better met if students who register for the LLB programme without first having completed a BA or a B Com degree (113 of the 173 first-time entrants at PC and all 254 of the first-time entrants at MC), were to be required to complete more non-law modules than is currently the case. Students are not sufficiently exposed to other disciplines to enable them to appreciate the important social and economic contexts within which law operates and which it also influences.

4. Both PC and MC have postgraduate programmes and a number of LLB graduates from PC and MC enter these programmes. The panel is satisfied, and indeed finds it commendable, that a substantial *Research Essay* is a compulsory module in the final year of the programme and that students are adequately prepared, in the third year, for the rigours of independent research in the final year. The panel perused a sample of research essays that had recently been completed and was satisfied with the standard of the essays and of their assessment.
  
5. The panel is satisfied that sufficient evidence exists at both PC and MC that the programme is designed such that teaching and learning in the programme takes place in such a way that: graduates acquire knowledge and appreciation of the values and principles of the Constitution; they acquire a critical understanding of the science, doctrines, methodology and structure of the law; they are provided with the ability apply the law in different contexts; and they are taught to be accountable and to take responsibility in the manner in which they engage with the law in different contexts.
  
6. The panel was told by students at both PC and MC that in their view lecturers in many (but not in all) modules do not adequately educate them to *apply* the law in simulated or real-life contexts, despite the SER's assurance that this is in fact a stated purpose of teaching and learning in the programme. Also, MC alumni were of the view that in too many instances (again, there were exceptions) lecturers in the different modules did not encourage them to think critically about the law and assessed them largely on their rote learning capabilities. They found this approach inhibited them when they first started to practise law. This tendency to assess rote learning often at the expense of assessing critical thinking skills will be commented on below in the section on "Context and Conditions for Assessment". The (unified) Faculty of Law that will come into being in 2017 should take heed of these comments from students and alumni and seek to address them.

**NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

1. *Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
  
2. *With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
  
3. *How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
  
4. *How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
  
5. *To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

***Panel Comment***

1. The panel is satisfied that sufficient – indeed very detailed – attention was paid in the design of the LLB programme that was introduced in 2013 to the appropriate structure of the programme and the sequencing of the modules in each year of study. The colleagues sought

the advice of peers from other institutions and of institutional curriculum design experts in doing so. Indeed, institutional *Academic Advisors* continue to provide advice on curriculum design and teaching, learning and assessment practices at the Faculties of Law at PC and MC.

2. The panel is satisfied that the number of NQF credits for the programme, namely 576 (*pace* a small discrepancy between the programme as offered at PC and at MC) is reasonable, as is the manner in which notional hours are allocated to each of the modules. The panel acknowledges, as does the faculties, that there is room for further engagement on the allocation of notional hours for each of the modules. This is not a novel situation. Despite this, there are no apparent inconsistencies or clear manipulations and the calculations serve as an appropriate base for the allocation of workload in the respective faculties, and in the new unified Faculty.
3. The panel is satisfied that more than enough detail has been provided in the SER to confirm that the LLB programme meets the requirements for NQF exit level 8.

#### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

1. *Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

2. *In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

#### **Panel Comment**

1. The panel has noted the approach adopted at PC and at MC for the recruitment of students for the LLB programme and for the recruitment of students for the BA (Law) and B Com (Law) programmes at PC and at the Vaal Triangle Campus. The panel is satisfied that the requirements and demands listed in criteria 2 and 11 have been met.
2. The panel was informed on more than one occasion by the faculty management at PC that the approach adopted at PC is to treat that campus as a “niche market” for Afrikaans-speaking (predominantly White) students. If this approach indeed reflects institutional policy or

practice, it is cause for concern. It is an approach that is at variance with the goal of the National Plan for Higher Education to widen access to higher education (see *CHE Re-accreditation Criteria*, criterion 1(iii)). This means that a preference for Afrikaans-speaking (mostly White) students over other social groups, in pursuance of a “niche market”, would militate against the NPHE goal. The panel recommends to the unified Faculty of Law that its admission practices not be governed by the notion of a “niche market” on one campus.

3. The panel wishes to express its concern at the low requirement set for admission to the LLB programme. The “APS” score set as a minimum for admission is 26. In the view of the panel this is very low and could militate against the requirements of programme complexity and effectiveness. Furthermore, no requirement is set for a matriculation pass in Mathematics. The panel was informed by the Faculty management that one of the reasons for setting such a low admissions score is to improve the opportunity for students from disadvantaged (mainly Black) schools to qualify for admission.
4. The panel was provided with a table providing details of the APS scores of the first-time entering 2016 cohort of students enrolled for the BA (Law), B Com (Law) and LLB programmes at PC and at MC. Of the 273 students enrolled for these programmes at PC for the first time in 2016, 104 had an APS score of 30 or less. The average APS score of these students is 28. Therefore, some 37% of students has an average APS score of only 28. At MC, of the 254 enrolled for the LLB programme for the first time in 2016, 209 had an APS score of 30 or less. The average APS score of these students is 27. This means that 82% of the MC students has an average APS score of only 27. The enrolment numbers provided in the SER (p 80-93) suggests that among the number of students enrolled in all three programmes around 80% are White. This suggests that not only students from disadvantaged (Black) schools gain admission at PC as a result of the low admissions requirement (37% of the first-time entrants who gained admission had an average APS score of 28).
5. The panel was not provided with statistics of the throughput rates of students in past years who registered with an APS score of 30 or less. The panel has noted that the throughput rates of students in the 2011 cohort was around 34% (up from around 26% in 2009). Although not beyond the norm in the sector, this throughput rate is still low. Admittedly, many reasons exist for the high drop-out rate among law students at NWU and at other institutions and no detailed analysis has been done either at NWU or any other institution to try to explain the high rate of drop-out. It is conceivable, though, that there is a link between students who are admitted with a low APS score and their inability to complete the qualification.
6. The panel is concerned that, in admitting more than 300 students at PC and at MC, with a combined average APS score of 27-28, the faculties of law are in fact setting up many students for failure. The panel urges the unified Faculty of Law to review the minimum admissions score, with particular (but not exclusive) reference to an analysis of the academic performance of students who have an APS score of 30 or less. This should provide clarity on whether or not the low APS admission requirement “sets up students for failure”. The panel also suggests that the Faculty might wish to consider setting a pass mark in Mathematics as an additional admission requirement.
7. The two faculties have an RPL policy in place, but thus far no student has been admitted by means of an RPL process.

8. The panel has noted the arrangements that are in place at PC and at MC to provide academic development support for first-time entrants. These include, at first-year level, two modules in *Academic Literacy*. The module in the first semester is compulsory only for law students whose literacy skills have been unsatisfactory after having written the “TALL” test. The second semester module is compulsory for all law students. According to the SER (p 97) “significant numbers of law students” have been categorized by the results of the TALL test as being “at risk” and therefore in need of academic literacy education in the first module. This statement seems to bear out the view of the panel that those students who have an APS score of 30 or less is at risk of failure.
  
9. Academic development support for first-time entrants also exists in the form of the two modules in the first year devoted to “language skills in legal context”. It is commendable that these modules have been introduced – and continued in the second and third years of study. Some tutorials take place, largely in first-year law modules. “Supplemental Instruction” (voluntary “extra classes” for students taught by senior students) exists and lecturers who identify a student who is struggling, either academically or at the psycho-social level, direct such a student to the institutional support services for counselling. At MC students who are found to have poor academic literacy skills are directed to the institutional Writing Centre, where their skills are improved.
  
10. In the view of the panel the above interventions merit enhancement. In the SER the improvement plan of the (newly united) Faculty of Law acknowledges that more should be done to provide structured, planned and compulsory student support, academic support primarily but also psycho-social support. The panel supports the proposed introduction of a tutorial programme that is carefully planned and underpinned by a teaching and learning methodology that makes a tutorial far more than a mere repetition of large-class teaching. The panel also supports the proposal for an investigation into the feasibility of introducing a law-specific and dedicated Writing Centre for the unified Faculty.

**Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

**a. Knowledge**

1. How does your LLB degree impart to graduates ‘comprehensive and sound knowledge and understanding’ in relation to:

- *South African law and the legal system;*
- *the associated values; and*
- *the historical background?*

2. How, specifically, is ‘comprehensive and sound knowledge and understanding’ achieved in:

- *basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;*
- *the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;*
- *some discipline(s) other than law;*

- *select area(s) or*
- *specialization in one or more areas or*
- *clinical legal education.*

3. *In regard to discipline(s) other than law –*

- (1) *what other discipline(s) may students pursue?; and*
- (2) *are there any restrictions in the discipline(s) students may choose?*

4. *How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver ‘well-rounded’ graduates.*

#### **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

#### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

## **Panel Comment**

### **Knowledge**

1. The panel is satisfied that the LLB programme at PC and at MC appropriately imparts to students a comprehensive and sound knowledge and understanding of South African law and its associated values and of its historical background. It is also satisfied that all of the basic areas of law, as listed in the *LLB Standard*, have been adequately covered.
2. The different modules in the LLB programme are taught in such a fashion that the dynamic relationship of law with a range of contexts is brought home to the students. As stated above, though, the panel is of the view that not enough non-law modules are included in the LLB programme. The result is that students in the four-year LLB programme are not exposed enough to an understanding (however basic) of other disciplines than law and of the nature of law as a social and economic phenomenon and agent. The two first-year modules in Academic Literacy and the two first-year language modules do not, in the opinion of the panel, adequately fulfil this purpose.
3. The programme provides sufficiently for specialization in law by requiring students to choose six elective modules in their final year of study.. Clinical legal education is provided for in the compulsory final-year module, *Legal Practice*. At MC all students are exposed to “live clients” in the Community Law Centre. At the Law Clinic at PC only around 30 students are exposed to “live clients”. It is the view of the panel that this number can and should be significantly enhanced. Although the panel has no reason to doubt the quality of the practical training provided at PC by means of clinical simulations, there is undoubted benefit to students being exposed to actual clients who have real problems that require their intervention.
4. As stated in 2 above, the panel’s view is that not enough non-law modules (excluding modules that are designed to enhance skills) are provided in the curriculum. In the BA (Law) programme half of the credits (212 out of 420) are devoted to non-law modules; in the B Com (Law) programme slightly less than half (184 out of 436) are devoted to non-law modules. This, in the panel’s view, is more than sufficient. The panel appreciates the difficulty involved in a revision of the LLB curriculum to provide for such modules. It nevertheless suggests that this should be carefully investigated.

### **Skills**

1. The panel is satisfied that sufficient attention is paid in teaching and learning and assessment to the inculcation of critical thinking skills in the various modules.
2. The panel commends the two faculties for the introduction of a skills sub-programme, *Language Skills in Legal Context*, which is taught in six semester modules in the first three years of the LLB programme. The panel found, though, that whereas at PC these modules are taught by lecturers within the Faculty of Law and therefore use is often made of legal texts and legal writing to enhance skills, at MC these modules are taught outside of the Faculty. The panel recommends that the unified faculty should investigate the possibility that these modules be taught within the faculty by lecturers educated in law, or otherwise that legal content is provided in these modules that is equivalent to the semesters at PC.
3. The following matters are a source of concern to the panel:
  - (i) As discussed in the “Purpose” section above, the alumni at MC informed the panel that in their view the teaching and learning in the programme does not generally pay

sufficient attention to the inculcation of critical thinking skills. Although there are exceptions, in general students are not encouraged to participate in critical class discussions and in too many assessments students' rote learning skills were largely assessed and not enough attention was paid to an assessment of critical thinking skills. Samples of assessments the panel had sight of at MC seems to bear out this criticism.

(ii) The panel interviewed a lecturer at PC in connection with Public International Law and also interviewed another lecturer on legal skills more generally. It was told that a basic research assignment set in this third-year module in early 2016 had to be abandoned and replaced with a test. The reason for this was that the vast majority of the students were incapable of writing an independent essay and for the most part simply reflected sections from the prescribed textbook. Students, in the view of the lecturers interviewed were used to a system of assessment where a particular mark reflected or referred to a statement of fact provided by the student. When independent reflection was required students by and large struggled to adapt. If the experiences of these colleagues are mirrored elsewhere, it is cause for concern. From statements made in the SER (p 117 and 120) the impression is created that a lack of language proficiency remained a problem, despite all of the time and energy devoted to reading and writing skills in the *Language Skills in Legal Context* modules.

(iii) The panel's scrutiny of the teaching and learning activities at MC suggested that there was a relatively high turnover of academic staff (when compared with PC). One result seems to be that it sometimes happens that lecturers are assigned teaching duties in modules in which they do not have high-level expertise. They then only teach at a relatively basic level and also assess at a basic level. These concerns, if valid, impacts on the quality of the critical thinking and writing skills taught within the LLB programme. The panel recommends that attention be given to the eradication of these concerns within the programme.

4. At both PC and MC a substantial research essay is prescribed for all students in the final year of the programme. In the third year of study the sixth module within *Language Skills in Legal Context* prepares students for the writing and research skills required for the research essay. A sample of research essays scrutinized by the panel at both PC and MC suggested to the panel that the work presented by the students and the manner in which the work is assessed is of the required standard. It is commendable that the LLB programme requires all final-year students to complete a substantial research essay. The conclusion seems to be that students are properly prepared for the research essays and therefore produce work of an acceptable standard; if not adequately prepared for the writing of assignments, their work is not generally of the required standard.

#### **Applied competences**

1. The panel is satisfied that the conceptualization and overall design of the programme sufficiently addresses the areas of applied competence listed in the *LLB Standard*.
2. The panel notes with concern, though, the difficulty experienced by the Faculties to effectively monitor plagiarism (SER, p 119) and that instances of academic integrity are regularly subjected to discipline. One result of the prevalence of plagiarism is that the Faculties do not prescribe often enough assignments in the various modules. This concerns the panel, as much as it does the faculties. Assignments are an important learning tool for

students to acquire research and writing skills. If the experience of the lecturer in Public International Law at the beginning of 2016 and the confirmatory opinions of the lecturer in legal skills, expressed in their interview with the panel (see the discussion in the “Skills” sub-section above) is anything to go by, then the unified Faculty of Law needs to devise an appropriate strategy to curb plagiarism and to set more assignments than is currently the practice.

3. The panel has already commented on the fact that “service to the community” is inhibited at PC because so few students are required to see “live clients”. This is a matter that the Faculty needs to address, as stated earlier.

#### **Staffing resources (refer to Criteria 3 and 4)**

##### **Academic staff resources**

*1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

##### **Panel Comment**

1. The panel is satisfied that at PC the academic staff profile is appropriately aligned with the LLB programme structure and content. The staff are highly qualified (70% have doctoral degrees in law), there is an appropriate number of senior academics, staff turnover is low and most staff have many years of experience. Discipline expertise in all modules is present.
2. This is not the case at MC. Here there are no full professors (the only full professor is the Dean and he does not teach on the programme). The qualifications levels are not as high as at PC (40% of staff have doctorates), there is a higher staff turnover than at PC (as already referred to earlier in the “Graduate Attributes – Skills” section) and the research productivity of the MC staff is nowhere near that of PC. It appears that many of the staff members also practice on a part-time basis. While this may be conducive to imparting practical knowledge to students, it is no substitute for actual scholarship in the discipline that is being taught.
3. The clear differences in academic profile between PC and MC concerns the panel. In the unified Faculty of Law this issue will have to be addressed urgently. The panel appreciates that

it is difficult to attract senior academics to Mafikeng and that those that are appointed do not always remain. Nevertheless, in a unified faculty where all students expect to receive the same legal education, this disparity in scholarly staff profile must receive dedicated attention. This has been recognized in the SER.

4. The panel also noted the equity profiles at PC and at MC. At PC only four out of the 39 permanent staff are not from the White group. These four are all from the Coloured group. There are no African staff members (apart from a Cameroonian). The difficulty in attracting academic staff who are not conversant in Afrikaans is understood. It is the view of the panel, however, that language should not be a barrier to the appointment of staff from a diversity of backgrounds who can impart to students a diversity of perspectives on and approaches to law. At MC there are a number of White lecturers. . Again, this disparity in the equity profile of PC and MC must receive dedicated attention. The need to improve the equity profile at PC has been recognized and certain initiatives are in place to achieve this. The panel urges the Faculty to take definitive corrective steps, rather than adopt the “small steps” approach described in the SER (p 147).
5. The staff: student ratio at PC is 1:27 and at MC it is 1:38. Although the ratio at MC is high, it is not unmanageable. The large difference between PC and MC should be cause for concern, though. This, and other differences in scholarly profile and in equity, discussed above, can only reinforce a perception that the two sites of delivery, at PC and at MC, do not offer an equivalent legal education. From comments made during interviews, the panel was brought under the impression that in the organized legal profession there is a clear bias towards the appointment of graduates from PC rather than from MC. This in itself is a state of affairs that calls for attention, the more so when this apparent bias has race overtones: the vast majority of PC graduates are White and the vast majority of MC graduates are Black. This is recognized in the SER. The panel urges the unified Faculty to take active steps to remedy this state of affairs, the difficulties in addressing these imbalances notwithstanding.
6. The panel noted that induction of new academic staff at NWU is an important and intensive process. New lecturers are fully prepared for the challenges of teaching and learning they will face in the institution.

### **Staffing resources (refer to Criterion 8)**

#### **Administrative and support staff resources**

1. *What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
2. *What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
3. *What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
4. *In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch,*

**Panel Comment**

1. The panel is satisfied that there are sufficient administrative and support staff resources in place at both PC and at MC. The staff is suitably qualified and has sufficient experience to provide appropriate support to the academic project. The staff at PC are predominantly White and at MC they are predominantly Black. This is a state of affairs that the Faculty should also look into. Enough development opportunities also exist for support staff and appropriate induction of new staff takes place.
2. The panel was informed that more than 300 law students at the three campuses receive NSFAS funding, to the value of some R15m. There are no major institutional problems experienced with the process of awarding NSFAS loans (*pace* the national problems). The panel is therefore satisfied that law students who have financial constraints are provided with sufficient institutional support.
3. The panel is satisfied that sufficient attention is paid to the integrity of the academic life-cycle of a student at both PC and at MC. There are adequate processes and policies in place to ensure that the system from registration to certification, both at faculty and at institutional level, is secure as far as is humanly possible.
4. The provision of student support (including support for at-risk students) was discussed above in the section on "Student Recruitment, Selection, Admission and Support".
5. The LLB programme is not offered by means of distance learning.

### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

- 1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
- 2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
- 3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
- 4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
- 5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
- 6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

### **Panel Comment**

1. The panel has noted with appreciation that teaching and learning strategies that are currently in place have been carefully devised, formulated in policy and are being implemented in the modules. In particular, the panel noted the existence of a policy on study guides in the Faculty and its full implementation at PC. At MC, though, the study guide policy does not seem to be implemented with anything approaching the completeness and rigour of PC. This is a concern that needs to be addressed in the new unified Faculty of Law.
2. The dominant mode of teaching and learning is large-class teaching. This is supplemented by some supplemental instruction provided by senior students in selected modules. Some tutorials take place in modules in the first year, but no tutorial programme is in place. The panel urges the Faculty to expedite the proposed introduction of a tutorial programme and to extend the facility of supplemental instruction to many more modules.
3. The panel noted with appreciation the introduction of electronic interactive study guides and also the commitment towards the implementation of ever more "blended learning" in the curriculum. It also noted the high level of training provided by the institution to those lecturers who wish to practice e-learning in their modules. The panel noted the desire to accommodate auditory, linguistic and visual learning modes in different modules and the encouragement of active learning in the classroom. The panel has already commented on the fact that Black students find the interpretation facilities inhibit their participation in active learning in the classroom.
4. A policy is in place in the institution for students to regularly evaluate the teaching effectiveness of lecturers. The Faculty acknowledges that it would be useful if a similar

process of evaluation were to exist in respect of module content and the learning experience within a module.

5. The panel has already commented above (in the section on “Student Recruitment, Selection, Admission and Support”) on the strategies currently in place to provide academic support to students at risk. The panel has already noted that in its view these strategies ought to be reviewed in order to provide planned and structured faculty-specific academic development support to students, support that does not rely as much as is currently the case on the students’ voluntary participation in these support initiatives. In particular, the unified Faculty of Law should consider providing clear and implementable guidelines for the identification of at-risk students by means of a coherent “early warning” system.

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*

5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*

6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates’ learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*

- *an adequate student:staff ratio;*
- *adequate physical resources, such as teaching venues and audio-visual equipment;*
- *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

7. *What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

8. *What evidence is there to show that the assessment system applied in the programme is consistent*

**Panel Comment**

1. The panel is satisfied that considerable care and attention is devoted to the design of appropriate assessment modes and methods and of assessment practices (including the use of student markers). Bloom's taxonomy is used as the point of departure for assessments in each module in each year of study. Although it is stated that a variety of formative assessment modes are used (tests, examinations, group and individual assignments, "take-home" tests, oral tests and so on), the dominant modes of assessment are tests and examinations. This is so at both PC and MC.
2. The panel was concerned to note the following during its site visit:
  - (i) There is a dominance of assessment of rote learning at MC, despite the existence of faculty policy that requires the application of Bloom's taxonomy.
  - (ii) The panel was informed that students are comfortable with an assessment system in terms of which they are "rewarded" with marks for the statement of individual facts or statements in their answers. Any other mode of assessment they find troublesome and a source of disputation. This attitude of the students, if prevalent, militates against the need for independent research and critical thinking to form a core component of assessment strategies in a LLB programme.
  - (iii) Assignments are not often set, because of the prevalence of concerns around student integrity and because of the high workload demanded of lecturers who are expected to mark such assignments.
  - (iv) Constructive feedback is not routinely provided on the answer scripts of individual students. Rather, the memorandum for the assessment is discussed in class (this is routinely done at PC, but not always at MC) and students are encouraged to meet with the lecturers in consultation sessions.

These are examples that indicate that a well-thought out and sincere attempt to introduce a dedicated and method-based assessment system is not being fully implemented on either campus. This lack of full implementation suggests that the requirement that students should be expected to engage in independent research is not being met. The panel propose that the Faculty investigate the extent to which the assessment policies of the Faculty are in fact being fully implemented by lecturers and to address the lack of implementation.

3. Adequate physical resources (and, in the case of the two libraries, e-resources) exist at both PC and at MC for teaching and learning to take place. Students informed the panel at MC that they experience problems because not enough electronic workstations are available for them in the library and because there are not enough short-loan textbook copies available to satisfy the huge demand. The panel recognizes the huge financial resources required to meet these student demands. The panel recognizes that a new Faculty of Law building is being built at MC (the projected date of completion being August 2017), which should alleviate the resource limitations students complained of to the panel.
4. Adequate facilities exist at both PC and MC for the provision of clinical legal education. The

panel was unable to visit the facilities at MC due to student protest action, but the panel has no reason to doubt the assurances given by MC colleagues that the facilities are indeed adequate.

5. The panel is satisfied with the system of internal and external moderation that applies at PC and at MC. The panel did, though, note that in the file for moderator reports provided to the panel at MC, there was no clear evidence (no “paper trail”) that the prescribed system for internal moderation across campuses was being appropriately applied. When some staff members were quizzed on this, the answers given to the panel were unsatisfactory. In at least three instances where panel members scrutinized a sample of answer scripts at MC it was found that the marks were incorrectly tallied and not picked up by the internal moderator. This seems to be yet another instance where policy and practice do not coincide and where the academic practices at PC are more rigorous and more closely aligned to policy than at MC. It suggested to the panel a lack of cooperation between at least some of the colleagues on the two campuses in respect of the presentation of the same modules. In other instances, it has to be said, close cooperation was found to exist.
6. Assessment practices do not coincide across the two campuses. This was not required thus far in terms of the cooperation model adopted by NWU prior to the implementation of the new unitary governance model from 2017 onwards. The panel urges the unified Faculty of Law to make every effort to achieve coincidence of study material and of assessments (summative assessments in particular) as soon as possible.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

1. *What policy and practice apply to the transfer of credits from other institutions or other programmes?*
2. *What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
3. *What vertical articulation (for example, into a master’s programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

***Panel Comment***

1. The panel is satisfied that appropriate and fair policies and practices exist for the transfer of credits from one institution to another or from one campus to another within NWU. The approach is to support as far as possible the national “portability” policy.
2. Determination of the “shelf-life” of credits is determined on a case-by-case basis. The panel is satisfied that due care is taken in the exercise of their discretion by the respective Deans.
3. Sufficient articulation possibilities exist for LLB graduates. Graduates may proceed to the LLM, or, as the SER notes without specific detail, ‘a post-graduate diploma’.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

1. *What measures are in place to promote and monitor student throughput and graduation rates, in*

*terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*

*2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*

*3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. Student throughput and graduation are monitored and institutional targets are in place that need to be met. As is the case nationally, throughput rates for the LLB programme are not high, but they are not beyond the national norm. In fact throughput rates increased fairly substantially from 2009 to 2011. No data was provided on throughput rates per campus. Graduation rates are low, again in line with the national norm. There is a concerning difference between graduation rates at MC (14% in 2015) and at PC (24% in 2015). Pass rates are generally high, but again there is a difference between MC (average pass rate in 2015 was 83%) and PC (average pass rate in 2015 was 86%). There is a similar concerning difference between "on-time" graduation rates: In the 2011 cohort, for example, 50% of White students (predominantly from PC) graduated on time, whereas only 26% of Black students (predominantly from MC) graduated on time (see SER, p 203).
2. Indications are that graduates' employability rate is good, although, as stated earlier, evidence suggests that employers in the legal profession exercise a bias towards PC graduates rather than MC graduates. Some graduate tracking is done at institutional level, but there are not sufficient resources to undertake a definitive study.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

1. The panel was informed at the site visit of the formal steps that have already been undertaken to create one, unified Faculty of Law at NMWU with three sites of delivery (PC, MC and Vaal Triangle Campus). There will be one Executive Dean from 2017 with an approved management structure that will ensure one governance arrangement and one funding base from 2017.

2. The panel is appreciative of the time and energy that has already gone into the construction and initial implementation of the institutional unitary model at NWU and of the uncertainties and insecurities that this major reconfiguration exercise holds for the staff of the institution. The panel also noted the collegiality that exists between management staff at PC and at MC. The panel is of the view, though, that the formal unification process must be complemented by a substantive integration of academic activities at PC and at MC.
3. The panel has been made aware of any number of instances where there are substantial qualitative differences between PC and MC. This is the result of the – admittedly not exhaustive – inquiry conducted by the panel during the site visit. The panel reflects its perception of a substantive difference in quality between the LLB programmes offered at PC and at MC, even though it found the students and graduates of MC it interviewed to be as articulate and confident and a credit to the institution as were the students it interviewed at PC. The instances of inequality we noted have already been documented in this report. Some of these campus inequalities are again highlighted:
  - (i) From a scrutiny of a number of the module guides by the panel, distinct differences in the quality of the study or module guides and of the summative assessments set were found to exist.
  - (ii) Assessment practices are also qualitatively different. At MC mere rote learning was seemingly assessed far more regularly than at PC.
  - (iii) The academic staff profile at PC and at MC differs substantially, in terms of staff seniority, qualifications and average years of teaching experience and scholarly profile. There also seems to be a higher turnover of staff at MC than at PC. Given the differences in staff profiles, the panel expected to see more mentoring of staff at MC by senior staff at PC and more collaboration at module level than actually prevails.
  - (iv) Adherence to policy and prescribe procedures seems to happen more routinely at PC than at MC.
  - (v) The impression gained by the panel was that the academic management at PC was more “hands-on”, more alive to governance and quality assurance concerns than at MC.
  - (vi) Although the physical resources at MC are adequate they are not sufficient for the student numbers in the LLB programme. This problem is not acute at PC.
4. The diversity profiles of PC and of MC are also vastly different. The PC academic staff is predominantly White (with no African staff, except for an international staff member) and the staff at MC is predominantly Black. Some 80% of students in the LLB programme at PC are White, whereas some 95% of students at MC are Black.
5. The faculty has recognized that these inequalities can no longer be allowed to exist. The panel urges it to promote substantive integration of PC and MC, to the extent that sooner rather than later the staff and student profiles and the teaching, learning and assessment practices are of such a nature that the differences between PC and MC are more in style, emphasis and perspective than in quality and scholarship.

## JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA

## **NATIONAL STANDARDS AND REVIEWS COMMITTEE (NSRC) RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB)** programme of **North-West University** be placed on

**Notice of withdrawal** for the following reasons:

<b>Reasons</b>	<b>Relevant criteria</b>
1. There is significant evidence of inequity between the two sites of delivery, in terms of access; provision of curriculum delivery, teaching, learning and assessment; the profiles of staff in respect of seniority, qualifications and scholarly reputation; the quality assurance of the programme; articulation between the sites; infrastructure; and other learning resources.	1 (iii), (vi) 4 (ii), 5 (ii) 10 (i), 11 (ii)
2. There is a lack of substantive integration, in the programme as a whole as well as on the Potchefstroom campus, between students of different racial groups, and a sense of alienation felt by students of particular groups.	10 (i) 11 (ii)
3. Relatively low admission requirements are not, throughout the programme, supplemented with adequate student support.	2 (iv), 11 (ii), (iii), (iv)

## **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

## **FOLLOWING THE INSTITUTION'S REPRESENTATION**

At its meeting held on 16 March 2017, following submission by the institution of its representation in respect of the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above, with an amendment to the first reason given.

<b>Reason</b>	<b>Relevant criteria</b>
There is significant evidence of inequity between the two sites of delivery, in terms of access; provision of curriculum delivery, teaching, learning and assessment; the profiles of staff in respect of seniority, qualifications and scholarly reputation; the quality assurance of the programme; articulation between the sites; infrastructure; and other learning resources. Institutional restructuring aimed at addressing such issues has not yet manifested itself in the Faculty of Law.	1 (iii), (vi) 4 (ii), 5 (ii), 10 (i) 11 (ii)



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws, LLB (four years) LLB part-time (5 years)
<b>Name of Institution</b>	Walter Sisulu University
<b>Mode of Delivery</b>	Contact
<b>If contact, site(s) of delivery</b>	Mthatha Campus, WSU
<b>If distance, administrative centre</b>	n/a
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	480
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	n/a

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education (CHE, 2015);*

- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

The Department of Legal Studies is one of four departments in the Faculty of Humanities, Social Sciences and Law. The panel is not satisfied that the Department of Legal Studies has engaged adequately with the Preamble to the *LLB Standard*. In particular the panel wishes to make the following comments:

1. Transformative constitutionalism

The explanation provided by the Head of the Department of Legal Studies when the panel interviewed her, on the manner in which “transformative constitutionalism” is infused into the curriculum left us with the impression that she did not fully comprehend the distinction between “transformative constitutionalism” and “constitutional imperatives”. The examples she provided

were all references to the Constitution as a primary source of law. The term refers rather to an ethos of “constitutionalism”, an appreciation that the Constitution heralded a new way of thinking about law and of “doing” law. It permeates all law, the administration of justice and the way in which law is taught and practised. Changing legal culture in South Africa, in order to promote the transformative aims of the Constitution, requires a pervasive change of approach at the heart of legal education. We acknowledge that the *LLB Standard*, including its Preamble was only formally introduced to law faculties/schools in 2015. Therefore a full appreciation of the meaning of the term and of the manner in which it should be inserted into the curriculum will not have happened in all faculties/schools. Nevertheless, given the centrality attached to the notion by the *Standard*, we believe that a LLB curriculum should fully accommodate this notion.

2. Responsiveness to social justice

The panel is satisfied that the curriculum provides for an awareness of and responsiveness to social justice among the students. Participation in a Law Clinic is compulsory for all final year law students, which gives them an opportunity to respond to perceived social injustices. Street Law is a final-year elective, which also gives students an opportunity to communicate with members of the public on issues of social concern. The module *Human Rights Law*, which is compulsory, also introduces students to rights-based jurisprudence and the need to redress social and economic injustice, but from the materials we were shown, this module does not go far enough to engage critically with recent developments in a culture of human rights through adjudication in the highest courts.

3. Student awareness of constitutional imperatives

The panel is satisfied that the Constitution as an imperative, primary source of law is taught in all or most modules, and that students are made aware throughout the programme of the primacy of the Constitution. The panel does, though, wish to express its concern that Constitutional Law is presented in the first year of the programme and then as a semester module only. We do not believe that first-year students have the required intellectual maturity to appreciate the importance and complexities of the Constitution. We are also concerned that the subject-matter in the module reflects an approach to the teaching of constitutional law that is dated and attaches importance to constitutional issues that have been superseded by the 1996 Constitution. The paper set for the November 2015 examination, for example, provides evidence of students being taught about and examined on concepts that have no bearing on the modern constitutional democracy in South Africa and that does not test a student’s insight into defining sections of the Constitution and their application in modern South African society.

4. Responsiveness to globalization

A core module of the programme is *Public International Law* and two of the electives are *Conflict of Laws* and *International Trade Law*. This does provide evidence of student engagement with internationalization/globalization. We believe that more can and should be done within a revised curriculum to provide students with a greater awareness of the global ramifications of law and the influence law has across regional and national borders.

5. Responsiveness to ever-evolving information technology

The panel found that, although the institution and therefore also the Department does engage with information technology, the implementation is patchy and can be improved. In the *Legal Skills* module students are taught basic skills with regard to the use of electronic information sources in the library. The department also uses the Blackboard platform (under the nomenclature of *WiSeUp*) and some lecturers (but only a few) require their students to use this

platform when communicating with the lecturer and when handing in assignments. Students are given training in the use of Blackboard by the *Centre for Learning and Teaching Development* (“CLTD”). There are three problems, though. Students told us that many of them come to the university barely computer literate and the skills training provided in the *Legal Skills* module is insufficient. They suggest that a core module on computer literacy, that ensures that all first year students have regular “hands-on” practice in using electronic data bases that are available in the library, should be introduced. The second problem is that very few students (a rough guesstimate from the students we interviewed suggested 20%-30%) have access to computers; the institution is only able to provide about 110 computers on campus for the whole of the campus student population, which is hardly sufficient for the needs of the law students. A new study centre next to the library, due to open in October 2016, will provide, so we were told, an additional 170 computers for the students. The third problem is that there is little Wi-Fi connectivity on the campus. Wi-Fi is available in the library and in some selected office areas, but is not ubiquitous. We were told of plans to provide ubiquitous Wi-Fi by the end of October 2016, which, if this were to happen, would greatly contribute to the enhanced use of IT in the LLB programme.

The LLB programme provides for a core first-year module, *Computers and the Law*. This would have been commendable, were it not for the fact that the module is taught in the first year, rather than in a more senior year, and that it is combined with a basic course on intellectual property law. The depth and range of subject-matter taught is therefore rudimentary at best.

#### **Institutional alignment ( refer to Criterion 1 (i))**

1. *What alignment is there between the LLB programme and your institution’s mission, goals and strategic plans?*
2. *Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution’s mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

#### **Note**

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

#### **Panel Comment**

1. The institution has a vision and mission statement and a strategic plan. There is also evidence of academic planning at faculty level since 2015 (an Annual Academic Plan). The department is expected to participate in this academic planning at departmental level. It is an innovation and has not yet become embedded as an instrument of dedicated strategic planning in the department.

The panel was struck by the fact that most of the student support, student and staff development and quality assurance practices inherent in an LLB programme are “outsourced” to other divisions or centres in the institution. In this regard the Centre for Teaching and Learning Development (CLTD) plays an important and, on the face of it, valuable role in the provision of training, support and developmental opportunities. We were told, though, that there is very little synergy with the lecturers concerned and that the CLTD staff bears the brunt

of the burden. The training and monitoring of Peer Assistance for Learners (“PAL’s”) and student tutors for respectively first and second year students is conducted by CLTD, with lecturers themselves playing a complementary rather than a substantive role. There are no departmental structures that formally deal with teaching and learning and assessment strategies and approaches and with student support. The latter seems to be ad hoc and dependent on individual lecturers only.

The panel was informed by some of the academic staff that there is no clarity on leadership roles and functions between the Dean of the Faculty of Humanities, Social Sciences and Law and the Head of the Department of Legal Studies. In fact, it became clear to us during interviews that leadership, both academic leadership and managerial leadership, is lacking for the Department. Apart from an *Admissions and Selection Committee* and a Departmental Board that meets four times per year, there are no other formal structures in the department. The appointment, role, authority and accountability of the unelected Level Coordinators is not clearly defined or understood by lecturers.

2. There is no formal outsourcing of delivery of the programme.

**Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

1. *How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*

2. *What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. In interviews the panel was told (by management and by students) that the WSU LLB programme provides students with practical skills that give them an advantage when entering the legal profession. They based this on the fact that many of the lecturers are practitioners (11 out of the 18 lecturers practise law on a regular basis) and transfer their experience in the practice of law and in drafting legal documents to the students. This might well be so, but research-informed education (as opposed to *training*) in the principles, doctrines and structures of the law should underpin what is taught in an academic law programme. As we will discuss later, this in our view does not happen, or does not happen to a sufficient degree to satisfy the graduate attributes stated in the LLB Standard.

It is commendable that the LLB programme provides for a compulsory *Research Essay* in the final year. A *Research Methodology* module is also taught in the third year. Basic research, writing and reading skills are also taught to first years. The problem, though, is that there is no formal postgraduate programme in the Law Department (one such programme is being mooted for 2017) and in fact, given the lack of a research culture in the department, there is very little encouragement for students to pursue postgraduate studies. The samples of mini-dissertations produced by the students and provided to the panel did not leave an impression of elevated thinking and confirmed rather that the students had not yet mastered basic research methodology such as referencing techniques and reference to the most recent sources of law. Poor grammar usage, and little application of the conventions of legal writing are apparent

throughout the essays.

The panel is of the view that the pursuit by law graduates of other careers where the application of law is required, is provided for in a well-balanced LLB programme where knowledge of the law, skills and applied competences are inculcated in the students. This, in our view, presupposes that the LLB programme also requires students to pass a number of non-law modules. This enables them to appreciate that law is embedded in, and is influenced by, the socio-economic context within which it functions. This appreciation contributes to the “well-roundedness” that the *LLB Standard* expects from students. The WSU LLB programme does not require a student to pass any non-law module apart from a module on English for Academic Purposes. This latter module, we suggest, is in any event not fit for purpose, as it does not embed English writing and reading skills within a proper legal context.

2. The panel has articulated its concerns on the extent to which the curriculum addresses the purpose of the LLB programme in the sections below that deal with “Graduate Attributes”, “Teaching and Learning Strategy” and “Context and Conditions for Assessment”.

#### **NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.
2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.
3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?
4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?
5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?

#### **Panel Comment**

1. The panel is not satisfied that the department has given sufficient attention to an appropriate design of the LLB programme in order to ensure appropriate progression through ascending levels of competency. The SER provided information on which modules had to be completed first before a next level of study could be attempted – so-called progression rules. This, however, does not address the design requirement. The panel picked up on a number of discrepancies in the way in which the programme is designed. Examples are the following:
  - (i) *Constitutional Law* is a second semester module in the first year of study. In the final year of study a further module on Constitutional Law is taught, but only as an elective. To be sure, the *Human Rights* module is taught in the second semester of the fourth year as a core module, but this module addresses only a component (albeit it very important component) of Constitutional law. No progression in Constitutional law is thus provided for. This raises a further concern as to whether there is a thorough-going and pervasive thread of the notion of transformative constitutionalism in each year of study.
  - (ii) *Computers and the Law* is taught as a first-year, second semester module. Because it is taught as a first-year module and because it is taught together with Intellectual Property

Law, it is necessarily taught at a rudimentary level. Most students are not computer literate in their first year and lack the intellectual maturity to fully grasp Intellectual Property concepts. Again, little thought seems to have gone into a design that takes account of ascending levels of competency.

- (iii) The law of contract and the law of delict, which together form the foundation of the legal regulation of most inter-personal relationships in society, is taught, appropriately so, in the third year of the programme. Yet modules which presuppose a knowledge of both the law of contract and delict are taught in the second year. These are *Mercantile Law (Cession, Pledge and Mortgage, Lien and Suretyship)*, *Law of Negotiable Instruments* and *Law of Insolvency*. None of these modules can appropriately be taught until a student has mastered the basic principles of contract law (and the law of delict). Again, there appears to be little logic in the design of the curriculum.
  - (iv) It is at the least debatable whether modules such as *Consumer Protection Law* and *Income Tax Law*, given the centrality of legal regulation in the lives of citizens (almost) all of whom are consumers and tax-payers, should be electives only and not core modules.
  - (v) It is incongruous that the clinical legal training should be presented in a module entitled *Ethics*. We appreciate that ethics forms an important part of such a module, but it is certainly not central to it. We were told that the name of the module is an historical anomaly. If this is so, it begs the question why it has not yet been changed.
2. In light of the comments made in 1 above, the panel is not satisfied that the LLB programme meets the requirements of the NQF exit level 8.
  3. The panel did not interrogate the manner in which credit values were attached to the various modules, nor did we inquire into the manner in which notional hours were calculated for each module. Credit ratings are allocated to each module (the ratings vary between 8 (the majority), 10, 12 and 14 and 30 for the *Research Essay*). An explanation is provided in the SER on how credit ratings were determined. The SER states that “credits have been allocated based on the societal demand and have taken into account the range of competency” (SER, p. 17). This is not an adequate explanation. The reason why the panel did not investigate this matter further is because of the more fundamental concerns we have with the programme design, the modular content and the assessment practices of the LLB curriculum, as will become apparent in our discussion below.
  4. The total credits for the programme amount to 480, which is the minimum number of credits prescribed by the NQF for an exit level 8 qualification. In this sense it does formally meet the intended purpose and outcomes of the qualification. As will become clear below, we are concerned that the qualification does not *substantively* meet the expected outcomes and intended purpose.

#### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*

- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)

**Panel Comment**

1. Admission into the LLB programme requires an APS score of 34 (which includes a score for Life Orientation) and a score of at least 4 for English. The institution allows the department to register no more than 130 students annually into the LLB programme, based on institutional capacity and subsidy contribution. (We were informed that in 2015 the institution under pressure from students required some 170 students to be registered for the programme.) Prospective students are finally selected by an *Admissions and Selections Committee* in the Department, based on applications data provided to it by the institution. From data provided to us on admissions in 2015 and 2016 (provided to us, it has to be said, in handwritten format) it would appear that only around 50 students are admitted annually on the basis of having achieved the minimum APS score of 34 or higher. The rest of the students admitted do not meet the minimum admission score requirement (their APS scores seems to vary from 30-33), or they are admitted on the basis of mature age. Provision is made for RPL as a means of admission, but no such students have been admitted in recent times.

It is concerning to the panel that only some 40% of the students who register for the programme comply with the minimum admission requirements, which are in any event lower than one would find in most other law faculties and which also does not include the requirement of a pass mark for Mathematics.

The students admitted into the programme are all African. There is therefore no diversity in the student profile. This is not unexpected, given the regional demographics. No evidence exists of attempts made by the Department or the institution to recruit students who are not African or who reside outside the area. The majority of the students are female, which is in line with the gender profile at most other law faculties, where female students make up the majority of the students.

2. The programme presents a *Legal Skills* module which seeks to provide first year students with basic reading, writing and research skills. "PAL's" (senior students) are appointed to provide tutor and social assistance to students. We were provided with information on the support – both academic and psycho-social – provided by the CLTD to students and to staff in e-learning. The problem we identified, as stated earlier, is that there appears to be a lack of synergy between the CLTD and the Department, with the result that the support provided to students to supplement their assumed competence at first year level is undertaken primarily outside the direct sphere of influence of the

Department. It must also be borne in mind that if only around 40% of the students admitted comply with the (relatively low) admission requirements, it means that the majority of students are by definition academically at risk. The Department, nor indeed the Faculty within which it functions, has not assumed the burden of providing these students with academic support. It is a burden which the CLTD must bear – and it is a heavy burden. Where students are referred to CLTD, based on their poor performance in any module, there is no follow-up by lecturers as to whether they do in fact go for academic support.

### **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

#### **a. Knowledge**

1. How does your LLB degree impart to graduates ‘comprehensive and sound knowledge and understanding’ in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is ‘comprehensive and sound knowledge and understanding’ achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

(1) what other discipline(s) may students pursue?; and

(2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver ‘well-rounded’ graduates.

#### **b. Skills**

How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

### ***Panel Comment***

The panel wishes to express its real concern that the LLB programme does not impart to the students the required critical mass of knowledge, skills and applied competence required by the LLB Standard. In this respect the panel wishes to comment as follows:

#### **Knowledge**

The LLB programme does provide students with a knowledge and understanding of South African law, the legal system, its associated values and historical background. From the evidence provided to the panel it was not clear that this knowledge is “comprehensive and sound”. The distinct impression we gained is that the learner guides are not regularly updated with references to the latest sources of law (e.g., cases, latest journal articles, latest editions of textbooks, new legislation, etc.). There is no managerial system in place to ensure such regular updates. This was apparent in the learner guides consulted at all levels of the curriculum.

In the *Human Rights* module presented in the final year, for example, an assignment on equality and transformation, set in 2016, required the students to interrogate a judgment from 1998. There also seems to be no references to case law more recent than that of 2005. In the first year module, *Legal History*, for example, only the *external* history of the Roman and Roman-Dutch law is taught and

assessed. This external history has little or no relevance to modern South African jurisprudence unless its influence on the internal development of the rules and principles of the Roman law are explained and its relevance for modern South African jurisprudence explained.

Because most of the modules are not regularly updated (the *Environmental Law* module was one of the exceptions) and therefore the most recent jurisprudence is not taught, students are not adequately educated on the dynamic nature of law and its evolving, ever-changing relationship with the economic, political, commercial and cultural contexts within which law is practised and developed. This failure to include critical analysis of most recent judgments was confirmed by alumni. Lecturer-practitioners do share with the students their experiences in the practice of the law. This, interesting and useful though it might be to the students, cannot serve as a substitute for a proper interrogation of precedent-producing judgments and an analysis of recent legislation and of debates on legal developments nationally.

The curriculum does not provide for non-law modules, apart from a first-year module, *English for Academic Purposes*. This is a concern, as students are not exposed to other disciplines and the different ways of thinking about society inherent in such disciplines. They therefore cannot appreciate how such different perspectives can and do influence how and when laws are made and applied.

The LLB curriculum does allow for some specialization in the final year. Students are allowed to choose two electives which provide an opportunity for specialization. Given the lack of academic depth in the department it is doubtful, however, whether the students gain much in-depth and specialized knowledge of the fields of law covered in the modules they choose.

The panel visited the Law Clinic on campus. It is an adequate facility for clinical legal education. All final year students attend the Law Clinic. It is staffed by a fulltime staff member who is a practising attorney and by three candidate attorneys. We were told that around 4-5 clients come to the Clinic every week. This is a surprisingly low number for a community such as Mthatha which has a large indigent population. We did not get the impression that much was being done to promote the services of the Law Clinic to the community in order to increase the number of clients who visit it. The result is that the students and clinic staff are not over-burdened with clinical work.

### Skills

In the *Legal Skills* module first year-students are taught basic reading, writing and research skills. In the *Research Methodology* module third year students are taught research methodology, in preparation for the compulsory *Research Essay* they write in their final year. In many other modules we were told that students are often expected to do class presentations, to engage in legal drafting and to submit assignments where their critical thinking skills are promoted. From the student work that we were shown there is little evidence that the lecturers engage with the students in providing constructive feedback on their written work. There is also no evidence of a structured approach to the gradual inculcation of ever-more advanced thinking and writing skills, as the learning materials in the modules become more complex and the students attain higher levels of intellectual maturity.

Learning outcomes for each module are provided in learner guides as are the assessment criteria against which the achievement of such outcomes are to be measured. Our impression, however, is that these outcomes are not actively pursued in the modules. Each lecturer seems to adopt his/her own approach to teaching and assessment (we were provided with a document in which one of the lecturers explained his approach to teaching, but the panel found no other examples of reflection on

teaching by the lecturers in the Department). For the most part it appears that lecturers simply impart basic knowledge and information on a particular field of law through large group lectures. There is no apparent conceptualization or design to structure the programme in such a way that critical thinking skills and research and writing skills such as are required in legal practice, in postgraduate studies and in careers where knowledge of the law is required, are developed in a considered manner.

### Applied competence

There is evidence in the modules that applied competences as listed and described in the *LLB Standard* are addressed. So, for example, the *Legal Accounting* module addresses numeracy; the *Street Law and Ethics (Law Clinic)* modules address service to the community; the procedure modules address the transfer of acquired knowledge; anecdotal evidence was provided that in a number of modules collaboration through group assignments is promoted, although there is no documented evidence to support this; the *Research Essay* in particular promotes self-management; there is evidence in the assessment practices of many modules that problem-solving competences are addressed; most modules stress in the learner guides that students should study and behave with integrity, although the facility in the institution for the detection of plagiarism that is available (Turnitin) is not being utilised by most law academics. Four lecturers have received Blackboard (*WiSe-Up*) training and require their students to use Blackboard when submitting work to the lecturer or communicating with the lecturer.

The problem for the panel, however, is that there is no evidence of a department-driven reflective approach in developing these competences. There is nothing in the department to suggest a planned and structured engagement with teaching and learning approaches that identify competences that need to be taught. We did not see evidence that the academic staff adopt a purposive approach to achieving a stated aim. The applied competences that students gain are rather the result of secondary benefits acquired from the study material.

The panel was concerned to note that in instances where student plagiarism is detected the approach seems to be that the student is awarded no mark for the assignment or test, but is still allowed to continue with her or his studies. We were told that dishonest students are sometimes subjected to a disciplinary enquiry, but the practice seems to be to allow the student to continue with the module.

### **Staffing resources (refer to Criteria 3 and 4)**

#### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote*

demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?

**Panel Comment**

1. The current academic staff profile is as follows: 18 permanent staff and 4 contract staff. Of these, 3 are Senior Lecturers and 14 are Lecturers. There are no Professors or Associate Professors in the Department. The Dean of the Faculty of Humanities, Social Sciences and Law is an Associate Professor of Law, but he has no teaching responsibilities in the Department. Only one staff member has a doctoral degree and one other is pursuing doctoral studies. Some academic staff have relatively little teaching experience, but the majority have many years of teaching experience. Of the 18 staff members, 11 are practising lawyers. No research has been produced by a current staff member in the last five years or so. Eleven of the academic staff have an LLB qualification only – this is an unacceptably high number.

Teaching responsibilities are allocated by a committee comprising the HoD and the four level coordinators. The committee makes recommendations to the Departmental Board, which then approves the workload allocation for a particular semester. Staff informed us that it has happened that they are allocated teaching duties for a particular semester without them having been consulted on their teaching preferences. The HoD explained that a probable reason for this was the fact that many staff do not attend Board meetings and are therefore not present to discuss the teaching allocations. Whatever the true explanation, it is clear that there is a lack of communication between staff in the Department. There is evidence that the lack of communication has to some extent resulted in a lack of trust.

Since many lecturers are also practitioners, it has happened, so we were informed by the students, that a lecturer is unable to give a lecture in the allocated time-slot on the timetable. The lecturers would then make alternate arrangements for the lecture to take place later. This practice cannot be conducive to the maintenance of regularity and routine in the presentation of lectures and in the assessment of student's work. It is not clear whether such re-scheduling of lectures is communicated to or approved by management in the Faculty.

2. Although more than one staff: student ratio was provided in the SER, it seems that the staff: student ratio is around 1:35. This is a manageable ratio. Students did not complain that they were unable to consult with their lecturers and in fact indicated that the lecturers were generally more than willing to assist students with issues and concerns they had. As stated above, it appears that staff workloads are at times determined not so much by a staff member's expertise as by the demands for an even spread of the teaching workload. This means that sometimes staff members are expected to teach a module which is not within their field of expertise, sometimes at very short notice
3. We were told that there have been no staff promotions in the Department for many years now, ostensibly due to financial constraints in the university. With one exception, no doctoral studies have been completed by staff members in recent years. One staff member is currently engaged in doctoral studies. It therefore comes as no surprise that this staff member's learner guide for *Environmental Law*, the field of his doctoral study, is commendably up to date with the most recent case law and other relevant sources. Staff development opportunities seem to be limited to some training on the use of e-learning tools by CLTD. Only four staff members availed themselves of the opportunity to be trained on the Blackboard (*WiSeUp*) system. Little encouragement or incentivisation for staff to improve their teaching skills seems to exist. Mentoring of staff by more

senior or experienced academics does not occur.

The panel gained the clear impression that there was a lack of motivation among staff to engage in academic research or to engage in any form of academic activity, beyond their allocated teaching commitments and the occasional attendance of conferences (most of which seem to be local or WSU conferences). There is a sense of academic stagnation, beyond the interest generated by practitioners who share with their students their practical skills and insight into professional practice. There is no academic who serves as an academic role-model for students, as an active participant in and contributor to a national engagement on recent developments in and changes to the law. There is also no evidence of any active engagement with the scholarship of teaching and learning. One exception is the *Research Methodology* module, which in 2014 and 2015 was taught by a lecturer who was trained in educational research methodologies. However, this year she was not allocated this module to teach, and no reason was provided to her.

Beyond one white academic all the academic staff members are African. No evidence was provided to the panel that a plan exists to recruit staff from more diverse backgrounds. The reality seems to be that the Department of Legal Studies is not a high-profile destination for academics from beyond the region. There are four female staff members. The panel gained a sense that their voices were not heard with sufficient clarity in a male-dominated environment.

The panel was left with the distinct impression that the current staff complement, with its junior profile, its lack of scholarly gravitas and a predominance of law practitioners, is not suited to the inculcation of the graduate attributes and values contained within the LLB Standard and that the quality of the programme as a result leaves much to be desired.

#### **Staffing resources (refer to Criterion 8)**

##### **Administrative and support staff resources**

- 1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*
- 2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*
- 3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*
- 4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

##### **Panel Comment**

1. The panel is satisfied that the administrative staff complement of four (three administrative officers and one secretary), as stated in the SER, is sufficient to fulfil the administrative needs of the department. Administrative staff, in the Faculty and in the institution, complement the administrative functions of the departmental staff by undertaking tasks such as registrations, examinations and certification. Although there is no diversity in the staff profile (all are African females) the profile is to be expected given the regional demographics. The SER (p 26) stated that

the lecturers do not capture their own marks. This statement is in fact misleading. The lecturers do capture marks, which are then loaded onto the ITS system by the administrative staff. Lecturers finally sign off on all marks captured before they are presented for final approval.

The administrators complained that the printer in the Dean's office is not functioning and has not been repaired despite many requests to attend to this. The detrimental effect this has on their productivity and on the confidentiality of management documents having to be printed elsewhere is noted with concern.

2. We were told that induction opportunities do exist in the institution. However, there seem to be few development opportunities and little incentive for staff members to take advantage of those that do exist.
3. The panel is satisfied that the administrative staff understand the importance of maintaining the integrity of the academic life-cycle of the student, from first registration to final certification. Checks and balances exist within the system to ensure its integrity. We were told by the Quality Assurance Officer that an institutional audit was conducted in the institution and the results published at the beginning of the year. An improvement plan was implemented in July to further tighten up on the system and ensure enhanced integrity. One recommendation was that passwords for access to the ITS system need to be changed every three months. We were told that this proposal had not yet been implemented, although it was being attended to.
4. We interviewed two members of the information technology division. We were told that sufficient attention was being paid to the maintenance of the computers in the student computer labs and that all or most were functional. Some delays were experienced with suppliers when these were big problems. A plan to have ubiquitous Wi-Fi for the whole campus (including the residences) was in place and that the date of completion would be the end of October. The other campuses of WSU have ubiquitous Wi-Fi and this campus was the last to be thus supported.
5. The panel interviewed a senior manager within the facilities division. The panel had inspected the lecture venues used by the law students and found them generally to be in an "appalling" state (to quote one of the alumni interviewed). There was clearly a general lack of basic maintenance in respect of such matters as lighting, ceiling repair, broken chairs, unpainted walls and ventilation. The same lack of basic maintenance was evident in the academic staff offices we visited. The manager informed us that a maintenance plan was being implemented in respect of electrical maintenance and that the completion of the plan received his dedicated attention. Since the university had been shut down after student protest action in May, little work had been done as the staff were not comfortable coming to the campus in the generally unsafe conditions that prevailed.
6. The Department does not offer distance learning programmes.

#### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

1. *How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*
2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the*

*purpose, are addressed and met?*

*3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*

*4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*

*5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*

*6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

1. The panel was disturbed by the poor state of most of the lecture venues where law students are taught. As stated above, no basic maintenance of the lecture venues has taken place for some time. The state of the venues is certainly not conducive to the creation of an environment of higher learning in law when teaching and learning takes place in such poorly-maintained facilities. The absence of basic teaching equipment, such as blackboards in some lecture theatres, and overhead projectors, impacts on the quality of teaching that can take place. The same comment relating to basic maintenance holds for the state of disrepair of the academic offices. Such offices do not create an atmosphere conducive to the promotion of scholarship.

The panel also noted with concern statements made by staff and students that it often happened that a venue allocated for teaching in a particular module by the timetabling office was too small for the large class registered for the module. Students were then either forced to sit on the floor or the lecturers had to search for alternative venues on an ad hoc basis.

2. There are 40 computers available in the library for use by all students. There are also 70 available at CLTD for all students. As the campus has some 11 000 students this is an inadequate provision for law students, most of whom do not have their own devices, who need to be able to source electronic information on Law on a regular basis. We were told that by the end of October the library hopes to have another 170 computers available for use by the students in the new Study Centre being built next to the library.

3. Tutorials are provided in first year modules and in those second year modules that have a high failure rate. The tutors are senior students who are trained and monitored by CLTD staff. Although students told us that they found the tutorials useful, we did not get the impression that the tutorials were anything other than a mini lecture where the work discussed in the lecture was again explained to the students. This apparent lack of a strategic approach to the learning development opportunities presented by properly-structured tutorials appears to be a missed opportunity for developing students' critical thinking skills. The lecturers themselves do not appear to be directly involved in the tutorial programme and have little contribution to make to the design of the tutorials which, in any event, do not count towards a final mark in the module. Attendance is compulsory for the students, but no consequence attaches to non-attendance. There are no tutorials in the third and fourth year of study and lecturers do not themselves present tutorials.

4. A system of student evaluations, conducted by electronic means, was only recently introduced into the institution. It has not yet become embedded and therefore formal student evaluations do not play an important part in teaching and learning. The HoD confirmed that reviews of teaching materials and lecturer performance do not take place.
5. There is no system within the department for the identification of at-risk students. The CLTD has the primary responsibility for the provision of student support – both academic support and psycho-social support. The panel was impressed with the work done by the CLTD, by the facilities at the CLTD and by the commitment and dedication of the CLTD staff. They, however, provide support services to the entire campus (some 11 000 students) and struggle to cope with the huge demand for student (and staff) support. The Department does not provide any formal student support. There is no Teaching and Learning Committee in the Department, even though the HoD stated that there should be such a committee. It is disturbing that in 2015 and in 2016 around 60% of the first-year intake comprised students who did not meet the minimum prescribed admission requirements – and are therefore by definition “at risk” – and yet no formal structures exist within the department to monitor the performance of these students. The support that is provided is ad hoc and driven by the personal dispositions of the lecturers. Even when students are referred by law lecturers to CLTD there is no follow-up on whether the students have sought assistance or, if they have, whether they benefited from the experience.

**Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*
4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*
5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*
6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates’ learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*
  - *an adequate student:staff ratio;*
  - *adequate physical resources, such as teaching venues and audio-visual equipment;*
  - *adequate access to library and e-resources (taking into account the mode(s) of tuition and*

*institutional policy for access to resources);*

- *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*

*7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*

*8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

#### **Panel Comment**

1. In all modules an assignment and a test are set that make up 50% of the module mark; an exam makes up the other 50%. It was not evident from samples provided to the panel that constructive and regular feedback on the work submitted by the students is given by the lecturers.
2. Assessment methods are limited to tests, assignments and examinations. Assignments, by and large, are writing tasks rather than critical thinking exercises. Concerning is that in a number of modules the same assignments seem to be set on a regular basis. This same concern holds true for many of the examinations that are set. From the tests and exams that were sampled, the impression was gained that a preponderance of the questions posed tested the students' rote learning abilities. An insufficient proportion of the questions set required the students to engage critically with the work or to analyse or critique judgments or legislative provisions or points of view posed in academic writing. Examples of examination papers provided to the panel were poorly drafted and were editorially shabby.
3. Mention has already been made of the poor state of the lecture venues. Audio-visual equipment is absent from most of the lecture venues and lecturers routinely make use of the chalk-and-talk method of teaching, where boards are in a suitable condition for use. As stated, some lecturers do make use of e-learning, but this is the exception rather than the rule.
4. The facilities of the Law Clinic are fit for purpose.
5. Provision is made for the external moderation of third and fourth year modules. All other modules are internally moderated. Our scrutiny of many of the examination papers left us with the impression that not much moderation was in fact done to ensure that the papers complied with minimum quality requirements.
6. The panel visited the law library. The library has good facilities, including computer facilities, in comparison with other learning facilities on the campus. The short-loan section is used for the most part by law students. The law librarian told us that they try to provide sufficient copies of prescribed materials for students to use. The students we interviewed informed us, however, that there were insufficient copies available in the short-loan section and that this was a source of frustration for the many students who were unable to purchase their own textbooks. They told us that there are, for example, only two copies of the prescribed textbook for the *Law of Evidence* module available in the library, even though there are far in excess of 100 students registered for the module.

The electronic databases are all current. We found the library staff to be committed and helpful, by offering both training and support to students and staff, and trying to do the best they can under severe financial constraints.

**Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

**Panel Comment**

1. No evidence was provided of a policy or practice in respect of the transfer of credits from other institutions or other programmes, nor for a determination of the “shelf-life” of credits.
2. There are currently no master's programmes in the department nor any other postgraduate programme into which a graduate can articulate.

**Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. There is currently no system in place to monitor throughput and graduation rates in the Department to achieve institutional targets or to ensure that the entrance and graduate cohort profiles match. The SER states (p 34) that there is a plan to monitor throughput and graduation rates in conjunction with CLTD, but the nature and implementation date for this was not provided to the panel.
2. Data provided to us shows that the graduation rate in 2013 was 16%, in 2014 it was 21% and in 2015 it was 20%. This is some way below the national average and is of serious concern to the panel. If some 60% of the students who register for the programme do not comply with the

minimum admission requirements and if there is no formal programme in place to identify and monitor at-risk students and provide them with structured support, this graduation profile should not be surprising. There is no extended curriculum programme offered in the Department, in which students can receive additional academic support over a five-year study period.

3. The panel was informed that most of the law graduates find employment, either within the legal profession or in other careers. We were also told that many find employment beyond the region. There was, however, no evidence provided to us of a structured approach by the Department to providing assistance to graduates to secure employment.
4. As in most other law faculties/schools, graduate tracking is not done in a purposeful fashion and there is strong reliance on anecdotal evidence in support of statements that graduates for the most part find employment.

### **Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

### ***Panel Comment***

1. The Department is one of four academic departments within the Faculty of Humanities, Social Sciences and Law. This structural arrangement was approved in 2014 and implemented in 2015. The Head of the Department is Ms N Ludidi, a Lecturer, who was appointed in 2015 after having applied for the position. Her appointment is for a five-year period. There are four level coordinators who are appointed from within the Department on an annual basis. The coordinator role has no remuneration attached to it. A Departmental Board, comprising all of the academic staff of the Department, meets once every quarter. The management of the Department is conducted by the HoD and the four level coordinators who together serve as an executive committee of the Departmental Board.

*An Admissions and Selections Committee exists for the selection of first-time entering students. There are as yet no other formal committee structures in the department. The reason for this, so we were informed is the constant disruptions to the academic work of the Department by student protest and the closing of the university from time to time. This impacts on the ability of the Department to manage itself effectively and to institute the structures required for efficient academic activity.*

2. The panel wishes to express its concern at the lack of academic leadership in the Department. Some staff indicated during interviews that the non-consultative manner in which the HoD was appointed was a source of frustration. There was also a sense among some academic staff that they did not know who provided the real leadership to the Department, the Dean or the Head. The allocation of workload for each semester also seems to take place without sufficient consultation with the lecturing staff. The poor quality of the SER submitted to the CHE is also indicative of a lack of committed and dedicated leadership within the Department and the Faculty. We were informed by the HoD that the SER was drafted by a team within the Department

and, as she was on maternity leave, she had little input into the final product. The manner in which the SER was compiled and its lack of attention to detail and insight into what was required is a prime example of the lack of coordination and leadership within the department.

- The panel is concerned that there seems to be low staff morale, a sense that there is no incentive to move beyond the immediate confines of teaching and assessment. The HoD in fact confirmed to the panel that staff were demoralized and lacked the desire to innovate and commit to renewal and revision. Some of the staff we interviewed did show signs of enthusiasm and dedication, but the general sense was of a disaffected and disillusioned staff complement with no desire to enhance their academic profiles. There was also some evidence of gender bias in the department and of “office politics” (though this of course is endemic to all faculties/schools of law). This is also evident in the lack of innovation and renewal of the study materials in the learner guides. Again, there are exceptions, but as a general rule, the guides presented little evidence of regular update and engagement with the latest sources of the law.

We were told that the LLB programme would soon be reviewed, but we were not given an indication of any preparatory thinking that might already have taken place. The general sense is that the academic leadership in the Faculty is satisfied for the Department to be managed on a day-to-day basis, under difficult conditions caused by constant academic disruptions, rather than for it to develop a strategic and committed focus on renewal and revision.

## JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA

### NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB)** programme of **Walter Sisulu University** be placed on

**Notice of withdrawal of accreditation** for the following reasons.

Reasons	Relevant criteria
1. The programme fails to demonstrate adequate vertical alignment across years of study, or progression through advancing levels of complexity. The content of many modules is not fit for the purpose of educating a well-rounded law graduate, and there is little evidence of any recent updating of content and related case law.	1 (ii), (iii), (iv), (vi), (viii), (ix)
2. There is a lack in the programme of adequate senior staff members to provide it with academic leadership and ensure quality. The majority of staff members have the LLB as highest qualification. The programme lacks an adequate workload model to ensure equitable and effective teaching and assessment across the programme.	3 (i), (ii), (iii), (iv)
3. There are few development opportunities available for administrative staff in the Faculty.	4 (vi)
4. Teaching and learning resources are inadequate, impacting	5 (ii)

negatively on the achievement of the intended outcomes of the qualification.	11 (ii) 12 (i), (iii), (vi)
5. There is inadequate alignment between the curriculum, teaching, learning and assessment. Evidence of assessment provides little indication of attention to the development of critical engagement, analysis and problem-solving skills. Formative assessment feedback is irregular, and student course evaluations are not done consistently.	5 (ii) 11 (v) 12 (i), (vi)
6. The programme lacks formal structures that would enable effective programme coordination and leadership. There is little evidence of collaboration in the development and delivery of the programme. This affects staff morale, indicated by non-delivery or re-scheduling of lectures that disrupts students' planning and organisation.	10 (i), (ii)
7. Student attrition rate is high, and the on-time graduation rate is low, yet there is little evidence of formal tracking and monitoring of student performance with a view to improvement.	12 (vi) 17 (i) 19 (iii)

#### **NSRC comment**

The institutional self-evaluation report (SER) was poorly prepared, and did not provide sufficient evidence in critical areas. It is clear that there are serious problems with the programme. It will take concerted effort by the Faculty to transform the quality of the LLB programme.

#### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

#### **FOLLOWING THE INSTITUTION'S REPRESENTATION**

At its meeting held on 16 March 2017, following submission by the institution of its representation in respect of the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	Bachelor of Laws (LLB)
<b>Name of Institution</b>	University of South Africa
<b>Mode of Delivery</b>	Distance
<b>If contact, site(s) of delivery</b>	n/a
<b>If distance, administrative centre</b>	Muckleneuk, Pretoria
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	480
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	Unisa has nine licence agreements with other bodies or institutions to offer contact support for students. Varsity College is one such licensee.

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);

- *Criteria for Programme Accreditation (CHE, 2004);*
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme’s compliance with the national qualification standard;
- Comments on the programme’s meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme’s re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***A. Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

The LLB addresses the values and ethos expressed in the preamble of the LLB Standard. The Transformation Charter of Unisa endorses the Constitution’s societal aspirations for a just, prosperous society and the visions of Unisa and the College of Law (CLAW) draw on aspects of transformative constitutionalism and a responsiveness to social justice.

It is clear from the responses of academic members of staff in the “Questionnaire for modules” that there is not a uniform understanding of transformative constitutionalism and a clear distinction between transformative constitutionalism and constitutional imperatives. Some of the lecturers acknowledge that transformative constitutionalism is not addressed in their modules, while others are of the opinion that they address aspects of transformative constitutionalism when teaching LLB students that “all law and not only legislation, is always subject to the Constitution of

the Republic of South Africa". Other lecturers seem to have a "broader" understanding of transformative constitutionalism that is more in line with the views of Karl Klare and Pius Langa. The management of CLAW concurred that the infusion of transformative constitutionalism across LLB modules is a work in progress and that some lecturers are slowly incorporating aspects of transformative constitutionalism in their modules.

A clear link between social justice and constitutional imperatives is created in the module Dimension of Social Justice.

Aspects of globalization are evident in a limited number of modules and are not embedded in the curriculum. Examples of modules that include aspects of globalization include Specific Crimes, Selected Topics of Criminal Law, Media Law, Selected Private and Criminal Law Principles of the Internet, Law of Competition and Trademarks and Company Law and Environmental Law.

Responsiveness to ever-evolving information technology mainly deals with students' ability to use myUnisa, discussion forums on myUnisa, sending email, typing assignments, using the e-tutor site and finding electronic resources on the data bases for research purposes. The impact of information technology on the legal discipline seems to be addressed mainly in elective modules such as Conveyancing, Notarial Practice, Legal Transactions in International Law, International Transport Law, World Trade Laws, Company Law, Insurance Law, Selected Private and Criminal Law Principles of the Internet, and Selected Topics of Criminal Law. The compulsory modules Family Law, Law of Contract and Labour Law touch on aspects of information technology.

Recommendation:

- (i) CLAW could reflect on the meaning of transformative constitutionalism, its impact and embedding it throughout the curriculum.
- (ii) Investigate the infusion of globalization in appropriate LLB modules where relevant.
- (iii) Consider making transformative constitutionalism, constitutional imperatives and globalization more explicit/apparent in LLB modules.

Conclusion

The standard is adequately met.

### **B. Institutional alignment ( refer to Criterion 1 (i))**

*1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*

*2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

Note

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

**Panel Comment**

1. The alignment between the LLB programme and the mission, goals and strategic plans of CLAW is evident in the “LLB Self Evaluation Report Desktop Evaluation Response”. The discussion with CLAW management confirmed the institutional alignment.

2. Although a range of licensee agreements were in place with other bodies and/or institutions to offer contact support for Unisa students, such agreements have not been renewed. The final agreement with Varsity College expired in 2015 and was extended for a final year. It is indicated that no such agreements will be in place as from 2017. However there is no evidence of a teach-out plan for these agreements. There is no indication of how student who fail modules, for example, will be dealt with or when the cut-off date will be for complete withdrawal of services.

**Conclusion**

The College is required to provide a teach-out plans for pipe-line students for all its licensee agreements.

**C. Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

*1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*

*2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

**Panel Comment**

1. In the response of Unisa to the self-evaluation desktop evaluation it is claimed that the LLB prepares graduates for the three career paths mentioned in the LLB Standard.

2. The emphasis of the Unisa LLB curriculum seems to be on the training of graduates for the first career path, namely legal practitioners. This perception was supported during the interviews with lecturers who described the purpose of the LLB as to “train graduates to become attorneys and advocates”. (One lecturer pointed out that it is also the purpose of the LLB to develop socially responsible citizens.) No evidence could be provided of the number of graduates who enter legal practice since a formal tracking system does not seem to exist in the College for Law.

The Grow your Own Timber project supports the effort of the Unisa LLB to prepare graduates for postgraduate studies and a career in academia. A substantial number of LLB graduates act as departmental assistants and research assistants. The interviews conducted with alumni confirmed the claim that CLAW aims to prepare graduates for postgraduate studies and a career as law academics. With the exception of one graduate, all alumni interviewed were post-graduates who held positions as departmental and research assistants.

The claim that the Unisa LLB prepares graduates for careers that requires the application of law is not well supported by the composition of modules in the four-year LLB that does not include any modules from other disciplines. The response to the desktop evaluation also acknowledges that the LLB that is preceded by a BCom or BPol ideally prepares graduates for careers that

require the application of law and for careers in the public service. .

Conclusion

The criteria are met, with a need to improve: it must include an appropriate range of non-law modules in its degree.

**D. NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

*1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*

*2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*

*3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*

*4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*

*5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

**Panel Comment**

1.&2. The SER refers to a project that CLAW embarked upon in 2015 with the aim to review all LLB modules in terms of assessment and compliance to NQF level descriptors. The report mentions that some recommendations were made, but is silent about the implementation of the findings and quality measures taken to ensure that the recommendations or interventions were in fact implemented.

The SER acknowledges that the voluntary sequencing of the modules and absence of pre-requisites and co-requisites could have a negative impact on the logical sequencing and increasing complexity of modules. The response to the desktop evaluation confirms that CLAW is in the process of requesting the state of affairs to be corrected. An implementation has been developed in this regard during July 2016 and will be implemented in the near future.

3.&4. Although both the desktop evaluator and external review panel requested a comprehensive credit mapping of the modules in the Unisa LLB to demonstrate how the credits reflect an accurate indication of the workload students should expect in each module, limited information was provided. Notional study hours were not provided as a number of hours and as a percentage of the total number allocated to the modules. It is not clear if the LLB modules comply with the recommendations in the document entitled 'Review of the credits, notional hours and workload' by Dr Azwy C Tshivhase. This document aims to ensure that modules meet the 12 credit requirement. However, it is clear from the information provided that students are generally required to spend many hours per week on self-study. Although faculty management focused on the important role that online tutorials play, no notional hours were allocated towards this learning/teaching activity.

Conclusion

Improvements need to be made in this area.

Recommendations:

(i) Obtaining the required approval to rectify the voluntary sequencing of and prerequisites for modules in order to ensure the logical sequencing and increasing complexity of module content and assessment. CLAW could develop a policy in this regard and/or include such rules in

the Faculty Prospectus.

- (ii) Operationalize the Implementation Plan July 2016 related to the NQF Level Descriptors Review to ensure that the LLB degree meets the requirements of NQF exit level 8.
- (iii) Audit LLB modules to ensure that modules meet the 12 credit requirement.

**E. Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*
- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

*2. In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

**Panel Comment**

1. Unisa in general and the College of Law in particular implements a carefully managed registration and enrolment system that is in line with the legislative and policy requirements. The Unisa Enrolment Plan and the Management System (both documents made available to the site visit panel) comply with the Ministerial Statement of Student Enrolment Planning for 2014/15 to 2019/20 and the Education White Paper 3: Programme for the Transformation of Higher Education, 1997. In particular, the College of Law Enrolment Plan 2013-2016 (document also made available to the site visit panel) takes into account the various legislative and institutional imperatives. The Plan takes into account the fact that the Education White Paper 3 proposed, amongst other matters, a higher education system that is planned and governed properly. Part of the planning in the White Paper is the need to respond to the national development agenda in terms of access, redress and human resource development needs, and co-ordinated institutional decisions on student enrolments and programme offerings.

The College Enrolment Plan is certainly in line with the national development agenda. A good number of students interviewed by the site visit panel testified that they applied to Unisa when they had failed to secure entry at other public universities because they couldn't meet the more stringent entry requirements. The fact that Unisa accommodated them and has managed to make them experience academic success and gain more confidence over the years they have been studying is evidence of the commitment of the institution to meeting the goals of access and redress espoused in the Education White Paper 3.

College-specific admission requirements and criteria take into account issues of access, equity,

redress and human resource development needs of the country. The College has over 60% of its students coming from disadvantaged backgrounds and the majority of the students consists of students of colour. Clearly, Unisa's flexible admission requirements enhance access for students with lower grade passes and those from poor socio-economic backgrounds who cannot afford the higher fees in other public institutions. According to the SER, as of March 2016, the final year College of Law students consisted of 48.4% females as compared to 51.6% males, and 64.6% Blacks. These Black students were from Gauteng, Limpopo, Mpumalanga and North West provinces, thus including predominantly rural provinces. Also, the student group interviewed by the panel consisted mainly of students of colour.

The College of Law applies the Unisa Transformation Charter at the curriculum level. The College's Curriculum Transformation Statement demonstrates commitment to the transformation project in Law. The College tries to do this by adopting innovative ways of enriching the student experience, elaborating and building upon African epistemologies and philosophies, developing alternative knowledge canons, and by advancing indigenous knowledge systems that are grounded on the African continent. The College management team explained that this is done without underplaying the importance of global trends.

Statistical data provided on the College of Law Final Year students by race, gender and province is a good example of how the College is addressing equity, diversity and transformation issues (See Table 4 in Self Evaluation Report).

In the College of Law, academic staff acknowledged that their workloads are generally comfortable, although these vary according to modules. The engagement of up to 2140 e-tutors whose activities are monitored on a regular basis also helps boost the university's capacity to provide support to students. Engagement of this large number of e-tutors helps the institution achieve a comfortable e-tutor-student ratio of 1:40.

2. The University in general and the College of Law in particular has a focus on the first year experience and on modules at risk through the newly established First Year Experience Forum. The aim of the Forum is to track performance by students in the modules at risk as a strategy for enhancing both student retention and completion rates. There is a system of tracking performance of students in the first assignment in order to identify students at risk and provide support. This support is reportedly provided through the large network of e-tutors engaged by the university. Whilst the practice of identifying at-risk students at an early stage in their studies is commendable, reports from students interviewed show that the College system is generally slow in so far as sending assignment feedback to students is concerned. Feedback on assignments is an integral aspect of supporting weak students as the individual student also needs to identify his/her weaknesses in order to improve on them.

In so far as the College meets the criterion on bridging the gap between assumed and actual competence by putting in place a system of tracking students' performance in first assignments and providing them with support, there is a need to address the critical aspect of timely feedback to students as a matter of urgency.

The College admits students through the RPL route in accordance with the principles laid down in the Unisa RPL Policy. The College has specific guidelines regarding the percentage of students who can be admitted through RPL in a given intake. The College calls for RPL evidence in a variety of forms, including international or previous local qualifications, reports, testimonials mentioning functions performed, work records, portfolios, videos of practice and performance

records in support of the RPL application. See general Unisa Admission Policy, approved by Council on 23-09-2011, Chapter 5. (Also the Unisa RPL Policy)

### Conclusion

Although improvements need to be made, particularly regarding the turn-around of assignment feedback, these criteria are satisfactorily met.

Although the admission criteria are addressed, it is not clear from the SER whether applicants need to obtain the required mark in the Home Language or First Additional Language matric subject to be accepted for the LLB.

The SER states that no student has gained access to the LLB through RPL. Such a statement raises the question why no students have gained access. The SER is silent on this issue.

## **F. Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

### **a. Knowledge**

1. How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:

- South African law and the legal system;
- the associated values; and
- the historical background?

2. How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:

- basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;
- the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;
- some discipline(s) other than law;
- select area(s) or
- specialization in one or more areas or
- clinical legal education.

3. In regard to discipline(s) other than law –

- (1) what other discipline(s) may students pursue?; and
- (2) are there any restrictions in the discipline(s) students may choose?

4. How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

## **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

## **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*
- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

## **Panel Comment**

### **Knowledge**

1. The programme requires students to undertake compulsory modules in The Origins of South African Law; Foundations of Law and Introduction to Law, which meets the standard to impart to graduates 'comprehensive and sound knowledge and understanding' in relation to the South African legal system, its associated values and its historical background.

2. The programme requires students to study core courses in private, public, mercantile and formal law which include Law of Property; Administrative law; Labour law and General Principles of Civil Procedure; and International law.

The content of some of the modules reveal that students are exposed to the dynamic nature of law and its relationship with relevant contexts (political, economic, commercial, social and cultural). These include compulsory modules: Constitutional Law, African Customary Law, Legal Philosophy and Family Law.

There are 26 elective modules in 4<sup>th</sup> year of study which allow for specialization in one or more areas. Some of these include Medical law; Advanced Indigenous Law; Tax Law and Advanced Constitutional law.

3.&4. The LLB degree does not include non-law modules to produce 'well rounded' graduates. This aspect is acknowledged by the College. After discussion with management, there was agreement that at least 3 non-law modules needed to be incorporated into the degree. The

College has made plans to address this aspect in its LLB Review Action Plan. At page 3 of the Plan it reads: 'LLB curriculum to be set in such a way that the optional modules from which 5 should be taken to complete the 40 modules requirement are mainly or only non-law modules. Alternatively, that 3 of the 5 optional modules are non-law modules – which should include modules such as criminology and penology.'

#### b. Skills

The development of critical thinking skills is evident in most of the modules in their assessments and examinations. Students and alumni interviewed confirmed that they were expected to adopt critical thinking in their study of materials from the 1<sup>st</sup> year in Introduction to Law, Social Dimension Justice and Family Law.

Research Literacy for Law is taught at 1<sup>st</sup> year and Research Methodology at 4<sup>th</sup> year level. These compulsory modules are designed by the College to specifically focus on research skills. Students are also required to conduct research in most of the other modules in the degree.

The development of writing skills is achieved in various ways, including the writing of assignments, correspondence and the drafting of documents, particularly in The Law of Criminal Procedure and General Principles of Civil Procedure (compulsory 2<sup>nd</sup> year modules).

#### c. Applied Competencies

Ethics and integrity are reflected in the compulsory Legal Ethics module in the 4<sup>th</sup> year of the degree.

Communication skills and literacy are evident from the compulsory Skills Course for Law Students in the 1<sup>st</sup> year of the degree. A small number of students may further acquire these skills in the voluntary activities such as the Moot Court and Street Law project which are offered by the Law Clinic, which is non-credit bearing.

Numeracy skills are developed in Financial Accounting: Principles for Law Practitioners and the Skills Course for Law Students offered in the 1<sup>st</sup> year of the LLB.

Students are required to access material and correspondence with staff and tutors through the online platform myUNISA which fosters strong information technology skills throughout the degree. At first year level, they are required to complete the module Social Dimensions in Justice, in which all the materials are online. There is an elective module offered in the 4<sup>th</sup> year of study which deals with the legal issues of internet use (Selected Private and Criminal Law Principles of the Internet).

There is also evidence, from the examination questions from most of the modules, that students are expected to engage in problem solving in most of their studies.

Given the nature of the open and distant learning model, students reported that a significant skill gained in their studies was that they were forced to learn self-management and self-discipline in order to complete the study material. They also learned to work in groups and the 'myUNISA' system is designed to allow collaboration with other students through group forums established in most of the modules. This forum is strongly encouraged and supported by staff and contributes to students developing skills to enable them to transfer acquired knowledge (for example, in the compulsory module the Law of Negotiable Instruments and the elective modules the Law of Damages and Banking Law and Usage, assessment is based on group activities).

Students are made aware of issues of agency and accountability and service to the community in the Legal Philosophy and Legal Ethics modules and Social Dimensions Justice.

## Conclusion

Whilst the standard is largely met, there needs to be an improvement in regard to the inclusion on non-law modules in the curriculum.

## **G. Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

- 1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*
- 2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum? What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*
- 3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

### **Panel Comment**

1. CLAW's academic staff responsible for undergraduate programmes are suitably qualified and have relevant academic qualifications which were awarded by recognised higher education institutions - 69% of all staff members obtained doctoral degrees and 66% LLM degrees (SER page 64). The majority of full-time academic staff has two or more years of teaching experience in areas pertinent to the programme and their research profiles are adequate for the nature and level of the programme. The staff profile is of such a nature that it could teach modules pertaining to a diverse number of disciplines as appears from the *curriculum template* (supporting document 2.3.1A) and the wide variety of electives. Furthermore, the *CV's of Academic Staff* (supporting documents 2.6.1A and 10.1(a)-(e)) provide proof that the academic staff complement has sufficient research experience and that the research areas are relevant to the subject areas of the programme. 31 Staff members are NRF-rated researchers. Furthermore, it should be clear from these documents that students are exposed to a diversity of ideas, styles and approaches.

A sufficient number of academic staff members also have relevant professional experience. See the Staff Profile per Department (supporting documents 10.1(a)-(e)). However, a trend can be detected that this component is on the decrease, which is common to almost all academic institutions.

2. The SER (p 69) reports a staff:student ratio of 1:77 in 2013 which is very high when compared to the benchmark in the sector and which, obviously, should have an impact on aspects such as the workload of staff and the quality of teaching. This ratio may even be higher since it is not

clear how it was calculated (were only lecturing staff and students of the School of Law taken into account?). However, it should be taken into account that there is no prescribed staff:student ratio in the sector. Furthermore, when taking into account the nature of the institution as well as the factors mentioned below, it appears that CLAW's academic staff complement is of sufficient size and seniority for the nature and field of the programme, and the size of the student body, to ensure that all activities related to the programme can be carried out effectively. The factors are: a blended learning environment; more than one lecturer for modules to assist each other; the appointment of tutors and markers eases the workloads of academics. The indications are that the staff is coping and that the work is being done on an acceptable level, although there are indications of dissatisfaction amongst academic staff in certain modules/departments (SER on p 65-66) regarding their workload and increasing administrative functions due to the high staff:student ratio.

3. Performance agreements are concluded and personal development plans exist. (See SER p 72 and UNISA *IPMS Policy* (document 2.6.3C).) CLAW has a workload model which sets out general principles on which work allocation is to be done. The model is flexible and takes into account all relevant factors, such as the teaching and learning responsibilities of departments, research responsibilities, personal development needs of academic staff and community engagement. (See *Framework for Academic Workload Allocation* (document 2.6.3A) and *Department Work Division Plans* (document 2.6.3).) It should also be highlighted that part time staff are employed from time to time to assist if there is a need for that. CLAW also appoints markers and tutors which eases the workload of academic staff.

Tutors play a very important role in UNISA's teaching and learning strategy, and there are procedures and processes in place regarding the recruitment, selection and appointment of tutors (see *UNISA Tuition Policy* document 1.1B; *Integrated Tutor Model* document 2.4.7F and supporting documents 15.3(a)-(e)). Notwithstanding, there appear to be some challenges in this regard, such as the fact that there are not enough legally qualified persons who are interested in becoming tutors, and the fact that not all modules have tutors. In terms of the *UNISA Integrated Tutor Model* (document 2.4.7F), tutors should have been appointed for all modules in 2016. It was established in the interviews with academic staff that this is not the case yet. Furthermore, it should be pointed out that very few lecturers has meaningful interaction with tutors. This should be improved and lecturers should be encouraged to establish better relationships with tutors, since this is vital for the success of the model. There was also no evidence to the effect that academics responsible for the relevant disciplines are involved in the training and qualitative monitoring of tutors. This is required in terms of the *Tutor Recruitment and Retention Strategy* (document 2.6.5F). Refer also to criterion 4 (ii) of the *CHE Accreditation Criteria*.

4. The recruitment and employment of staff follows relevant legislation and appropriate administrative procedures, including redress and equity considerations. The following policies and practices are applicable and being applied by CLAW in respect of recruitment, selection, induction and promotion (see SER page 73-81): *UNISA Employment Equity Policy* (document 2.6.5A); *CLAW Employment Equity and Talent Management Plan* (document 2.6.5B); *Policy on the Induction of New Employees* (doc 2.6.5C); *UNISA Appointment and Promotions Policy* (document 2.6.5D); *CLAW specific Appointment and Promotions Guidelines* (document 2.6.5E); *Tutor Recruitment and Retention Strategy* (document 2.6.5F). From these documents it was clear that there are appropriate administrative procedures for the selection, appointment and payment of staff members and tutors.

The SER mentions that employment equity targets are not being met. It is nevertheless clear

that CLAW has action plans in place in order to increase the number of employees from the designated groups and that it has gone a long way to rectify the imbalances of the past. From the discussion in the SER on pp75-80 it is clear that redress and equity considerations are a high priority and receive due attention in the appointment of staff (see also the *TM* and *EE plan* 2016-2020 – supporting document 10.2(a)). In fact, there are more black than white staff members.

The following policies and practices are applicable in respect of professional development of academic staff (see SER 44 and 74): *Academic Qualification Improvement Programme* (document 2.6.5G); *Postgraduate RA* (document 2.6.5H); *Emerging Researcher's Programme* (document 2.6.5L); *Masters and Doctoral Support Programme* (document 2.6.5J); *Framework for Professional Development* (document 2.4.7A); *Human Resources Development* (document 2.4.7C). The intervention strategies mentioned in the SER on page 74 in order to ensure that staff complete post-graduate degrees, such as staff being given time off for some weeks and participation in the AQIIP-program, can be commended. This seems to be fruitful.

In terms of the SER on page 73 UNISA does have induction programmes for new employees which are conducted by the *Centre for Professional Development* (see document 2.5.6C). The SER on p44 also refers to various development opportunities in which academic staff may participate in order for them to enhance their competences and to support their professional growth and development in areas such as *inter alia*, online teaching, the effective use of various technologies and assessment. However, it is also mentioned in the SER (see for example pages 95-96; 97-98) that CLAW has experienced some serious issues regarding the quality of assessment instruments and study guides (as far as some modules are concerned), and that only 10% of all modules are being offered fully online. This raises some doubt as to whether all academic staff are competent to apply the assessment and other policies of the institution (as is required by criterion 6). It is recommended that staff who are lacking competence in this regard (and especially those who are newly appointed or those in the Grow Your Own Timber Programme) should attend relevant training sessions in order to better their competence (as is provided for in *Operational Tuition and Quality Assurance Plan* (objective 8.2: Ensure quality assessment). Furthermore, all staff should be encouraged to use available opportunities to regularly upgrade their knowledge and skills as far as teaching and learning activities are concerned, especially regarding the effective use of new technologies. CLAW should be complimented for the fact that some actions have been undertaken in order to address shortcomings, such as the workshops aimed at the improvement of assessment instruments and practices (SER page 96) and the review of study guides. This is also discussed below.

#### Conclusion:

Notwithstanding a few issues which have been highlighted in the discussion above, the panel is of the view that CLAW meets the criteria so far as academic staff resources are concerned.

## **H. Staffing resources (refer to Criterion 8)**

### **Administrative and support staff resources**

1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including

*qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

#### **Panel Comment**

1. From the discussion in the SER (p 81 to 84), the interviews during the site visit with management, the lecturers and the support staff, and the supporting documents (see 10.1 (a)-(e) which contains the staff profile), it appears that sufficient support staff dedicated to the LLB programme is available.

2. It furthermore appears that support staff are subjected to induction courses and that they are suitably qualified and experienced to meet the needs of the LLB programme, the lecturers and students. It should be mentioned, however, that some of the support staff indicated that they find it difficult to cope with the large volume of work, especially during peak times or when other staff members are absent from work. The problem appears to be limited to only one or two departments. Furthermore, the effective use of online systems, especially *myUNISA*, eases the workload of administrative staff.

3. In the SER (p 81) it is mentioned that CLAW relies on other institutional administrative structures with regard to administrative steps, such as admission, registration and recording of results. It therefore appears that there is in fact a separation of tasks. Problems have been experienced in the past regarding the support that they receive from these departments. It was said that there are always backlogs at the institutional administration. This in turn, puts a strain on academic staff. Challenges regarding registration procedures, crash of IT-systems and late delivery of study materials have been reported. Solutions for these issues are beyond the control of CLAW.

#### **Conclusion**

The criterion is adequately met.

#### **I. Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

*1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

*2. What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*

3. How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?

4. Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?

5. What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?

6. How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?

#### **Panel Comment**

1. The SER (p83) lists the following UNISA policies which are designed to identify and inform the teaching and learning needs of the academic programme: *UNISA Tuition Policy*; the *Assessment Policy (document 2.7.1A)*, and the *UNISA ACHRAM Cost Unit Model 2014*. These institutional policies are implemented by CLAW through the *Consolidated Operational Tuition and Quality Assurance Plan (document 2.7.1B/12.1 (a))*, the *Teaching and Learning (Pedagogical) Framework (document 2.7.1C/12.1(b))* and the *CLAW Appointment and Promotions Guidelines (document 2.6.5B)*. However, the SER does not supply the reader with a narrative indicating how the teaching and learning needs of the LLB programme are reflected in these documents. In response to the DER, it is merely stated that all programmes at UNISA are offered within the parameters provided for in the institution's policies and procedures, and that the *Framework for a Team Approach (document 3.1(e))* ensures that the purpose and standards of the LLB are accomplished. Although no proper narrative is provided, it is suggested that the teaching and learning needs of the programme are in fact reflected in the instruments referred to. It should be noted, however, that no certificate of due diligence by the Education Consultant from the Directorate of Curriculum and Learning Development, as is required by the framework, was presented to confirm that it has been implemented.

2. CLAW has a variety teaching and learning approaches, strategies and methods as provided for in the *Teaching and Learning (Pedagogical) Framework (document 2.7.1C)* and the *Active Learning Framework (document 2.5.5A)*, which are not merely aimed at the facilitation and acquisition of knowledge and skills specified in the programme outcomes, but also the application of knowledge to factual situations. The main strategy is one of active learning in a blended learning environment with a strong emphasis on e-learning. This strategy is built on an integrated learning management platform, called *myUnisa*, complemented by the appointment of e-tutors and tutors who facilitate learning in the regional centres. Various teaching and learning methods are applied, such as: active learning, experiential learning, problem solving and critical thinking, which are supported by study guides, study letters, tutoring, you tube videos, podcasts, video conferencing, etcetera. See SER pages 15-18; *CLAW Teaching and Learning (Pedagogical) Framework (document 2.7.1C)*, and the *CLAW Consolidated Operational Tuition and Quality Assurance Plan (document 2.7.1B)*. One of the goals specifically mentioned in the last-mentioned document is to promote the use of technology in teaching and learning.

3. The following aspects mentioned in criterion 11 have been dealt with elsewhere in this report:  
(1) qualifications, experience and development of academic staff (see staffing resources above);  
(2) student development initiatives such as foundational and skills-oriented provision (see the

discussion of graduate attributes above and the discussion regarding student support below); (3) strategies for language skills development, numeracy and cognitive skills (see the discussion of graduate attributes above).

4. The SER (p 98/99) acknowledges that some study guides are poorly written, factually incorrect or outdated. However, it did not mention the policies and procedures relating to the development and evaluation of non-contact materials. It also did not refer to training and development opportunities for academic staff. Further information was requested in the desktop review (DER). In the response on p 28 it was indicated that modules undergo revision in terms of a seven-year cycle pursuant to the *Framework for a Team Approach* (document 3.1(e)). The response also referred to training opportunities by various institutional support departments. However, no evidence was supplied to indicate that academic staff did in fact attend training sessions to develop learning materials. See also the discussion under *Staffing Resources* above in this regard. Nevertheless, it should be pointed out that in the SER on p 99 it is indicated that a task team was established to investigate the causes of the situation and to come up with intervention strategies. Management of CLAW also undertook to review some study guides as a matter of urgency. It is recommended that management should also ensure that all staff responsible for the development of study materials receive training in this regard, or upgrade their skills.

5. The SER (p 84) and the response to the DER (p 29) merely refer to student surveys which were conducted at institutional level by the Department Strategy, Planning and Quality Assurance as well as the Bureau for Market Research. The results of these surveys are used by departments in order to bring about improvements where necessary. The SER lists a few modules as examples. Furthermore, in terms of the response to the DER, so-called modules at risk are identified and students are expected to evaluate these modules. Although it should be clear that the effectiveness of teaching and learning interactions are monitored in some way, it is recommended that more should be done in this regard and that all modules should be evaluated regularly (on a yearly basis), and that the results should be used for improvement. Although the *UNISA Quality Evaluation Instrument for Teaching and Learning* provides for the development of a comprehensive technologically-enhanced quality evaluation instrument, the panel could not find evidence that it was in fact implemented.

6. There are currently no procedures in place in order to identify and monitor students at risk. The SER (p 85 to 86 and 88) merely refers to a process to identify modules at risk and interventions taken in order to assist students who are enrolled for these modules (see also the *Viability Analysis Improvement Report*, document 2.5.3B, in this regard). Although these practices are to be commended, they do not necessarily identify and assist students at risk. It should be noted though, that many tertiary institutions struggle to find suitable systems to identify students at risk and suitable ways to assist those students. There is currently a proposal that UNISA should establish procedures in order to identify students at risk. See *Proposal to Identify Students at Risk* document 12.4(a). Hopefully, there will be such a system in the near future.

#### Conclusion

The criteria are adequately met in some aspects, but there is a need for improvement. The College must re-dress the poorly written study guides and provide a formal procedure on how students at risk are to be identified and monitored.

**J. Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and**

14)

1. *What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*
2. *How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*
3. *How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*
4. *Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?*
5. *What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?*
6. *Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):*
  - *an adequate student:staff ratio;*
  - *adequate physical resources, such as teaching venues and audio-visual equipment;*
  - *adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);*
  - *in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.*
7. *What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?*
8. *What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?*

**Panel Comment**

1. Assessment of students' learning achievements is an integral part of the teaching and learning process and is conducted in accordance with appropriate policies and procedures. Learning outcomes are clearly stated and communicated to students, while learning activities and assessment practices are aligned with module outcomes and measure student attainment thereof (challenges with regard to alignment with the NQF level descriptors are discussed elsewhere in this report). Academic staff who teach modules are also responsible for designing, implementing and marking both formative and summative assessments, but they are assisted by markers (see the discussion below). See the UNISA *Assessment Policy* (document 2.7.1A); CLAW

*Consolidated Operational Tuition and Quality Assurance Plan* (document 2.7.1B); *UNISA Quality Evaluation Instrument for Teaching and Learning* (document 2.8.9C); *Assessment Procedure Manual* (document 13.1(a)); module files presented at the site visit; the *myUnisa* platform.

A variety of appropriate assessment methods and tasks are used in measuring student attainment of the intended learning outcomes, such as written assignments, group work (formative), written and oral examinations, open-book examinations, take away examinations and e-portfolios. Marks obtained for formative assessments are taken into account in order for students to qualify for the examinations, and also contribute to the final mark. (See SER p 89, *Assessment Policy* document 2.7.1A par 4.6; *Assessment Procedures Manual* (document 13.1(a) paragraphs 5 and 6), *Academic Questionnaires* question 11 (attached to the DER response) and the module files presented at the site visit (including study guides and tutorial letters). During interviews it appeared that an insight-and-remark process is followed even though it is not recorded in any document.

2. Students are expected to complete written assignments as part of formative assessment in most modules (which require limited research). Refer to SER page 90. Furthermore, the modules *Research Literacy for Law Students*, *Social Dimensions of Justice*, and *Skills Course for Law Students* are, inter alia, aimed at teaching students basic research skills. In their final year of study, students are also expected to write a mini-dissertation in the module *Research Methodology*, which serves as an integrated assessment of the key purposes of the programme (as demonstrated in the module files which were available at the site visit). Students are assisted by way of tutorial letters and they should complete their dissertations under the guidance of supervisors. Three assignments must be submitted as part of formative assessment and students receive feedback from their study leaders. See SER p 90 for assessment criteria. See also tutorial letters and *My Studies@Unisa* (part of the module file). CLAW intends to restructure all existing modules containing a research component in order to ensure that learning content is aligned and that students progress gradually from 1<sup>st</sup> year level towards the 3<sup>rd</sup> and 4<sup>th</sup> years. See SER on p 4. This initiative is commended.

3. There are lots of courses (from the 1<sup>st</sup> to the 4<sup>th</sup> fourth year) which require of students to engage in authentic problem-solving, such as: *Skills Course for Law Students*, *Social Dimensions of Justice*, *Criminal Procedure*, *Family Law*, *Evidence*, *Law of Property*, *Negotiable Instruments*, *Company Law*, and *Law of Damages*. See SER p 30-33; 56-57; 61; 91. These activities take place mainly in simulated environments, but a limited number of students who partake in the activities of the Law Clinic are exposed to real-life work contexts.

Problem solving activities are assessed by academic staff who are assisted by markers appointed in terms of a prescribed procedure. Most of the markers are legal practitioners and have practical experience. They are therefore qualified to assess assignments and exam questions that involve problem solving, but it is stressed that they should receive clear instructions from the primary lecturers and that their work should be moderated. See the response to the DER p 25/30; staff profile in documents 10.1(a)-(e) and the profile of markers in document 13.3(a)-(e). The criteria for the appointment of markers and the process that is followed regarding the appointment, monitoring and moderation of the work of markers are discussed in the response to the DER on page 30.

4. UNISA is an open distance learning institution (SER p 15; *UNISA Tuition Policy* 2013 supporting document 1.1B). Therefore, its strategies are focused on technologically-enhanced e-learning, which involves a blended teaching and learning approach and which implies a proper IT

infrastructure (the traditional approach is not done away with, though, since face-to-face interactions and other characteristics associated with distance education are kept alive). The SER at page 92 mentions several IT technologies, resources and software which are available to lecturers and students alike, such as: SMS infrastructure; Wi-Fi access on campus and at regional centers; computer labs; electronic library; e-resources in the library; *myUnisa* (online platform to interact with students); video conference facilities; audio-visual equipment; podcasts; student digi-bands and J-Router.

It is mentioned in the SER (see for instance pages 81/92-93) that UNISA experiences several systemic challenges from time to time regarding the efficiency of ICT infrastructure mainly caused by the huge volume of stakeholders that it needs to serve. CLAW cannot be blamed for shortcomings in this regard. It should furthermore be pointed out that only 10% of modules are currently offered fully online (SER p 6) and it is hoped that this will increase drastically in the near future. However, this presupposes that all lecturers buy-in on this mode of delivery, the benefits of the relevant technologies, and that they should attend applicable training sessions in order to increase their skills in the use of the relevant technologies.

In terms of *CLAW Teaching and Learning (Pedagogical) Framework* and the *Operational Tuition and Quality Assurance Plan* a college plan to promote the use of technology in teaching and learning should have been implemented by the end of 2015. Also, 99% of all academic staff should have received training by the end of 2015 regarding blended learning approaches in teaching and learning. No evidence could be found that such a plan exists nor that it was implemented, also not that any staff received training in so far as blended learning is concerned. It therefore appears that very few lecturers make optimal use of the relevant technologies, and it is also unclear how the blended mode of teaching and learning is operationalized. Management should take responsibility in this regard. The fact that not all students necessarily have access to IT technologies and infrastructure may dampen enthusiasm, though.

5. In the SER (p 93) it is stated that regular feedback regarding assignments (formative assessment) is given to students and that tutorial letters are sent to all students discussing common and general issues that were identified in the assessment process. The purpose is to assist/guide students with their preparation for the exams. (See the *Assessment Procedure Manual* document 13.1(a); *Departmental Academic Questionnaires* questions 15&16 contained in DER files A&B). Students may also communicate with the primary lecturer via telephone, e-mail or group discussions on *myUnisa*. However, it should be pointed out that during interviews with students, it was indicated that timeous and individualised feedback is an issue (also as far as the research report is concerned), especially regarding assignments which were submitted online. Students said that they sometimes only receive feedback after the examination has taken place. Furthermore, feedback was also identified as a challenge in the response to the DER (see page 31). Although it is realised that a lack in timeous feedback may relate to the individual lecturer or marker, it is recommended that CLAW should review, sharpen and record its processes in this regard. Students also indicated that they sometimes find it difficult to get hold of lecturers telephonically, that they do not get any response to their e-mails and that they do not find the call centre very helpful (note that the centre has been discontinued).

6. As far as the student:staff ratio is concerned, refer to the discussion above where it was pointed out that although the ratio is high, lecturers' workload is eased by the fact that markers and tutors are appointed to assist them.

Physical resources, access to the library, e-resources and resources regarding the Law Clinic appear to be sufficient and are dealt with elsewhere in this report. As far as the Law Clinic and clinical legal education is concerned, it should be mentioned that since the available resources

cannot accommodate all students, there is no credit-bearing module at the moment and that activities in this regard do not form part of the curriculum.

7. From the discussion in the SER (p 94) it is clear that the summative assessment instruments of all modules are moderated internally and externally. The SER also describes the moderation process which is followed internally in order to ensure the quality of the marker's work. It furthermore appears that the Deputy Executive Dean is involved in a process where the quality of all exam papers and memoranda are assessed and reviewed. Although not all module files containing test and examination papers could be inspected during the site visit, those papers that were looked at appeared to be up to standard (it varied from good to excellent). The SER page 98-101 contains certain recommendations regarding the way in which the challenges referred to above regarding assessment instruments should be attended to. It is recommended that management ensures that they are implemented.

As appears from the SER (p 95), internal moderation checks regarding the work of markers during summative assessments are undertaken in order to ensure the reliability of the assessment procedures. Moderation of the work of markers contributes to uniformity, quality assurance and the adaptation of memoranda and marking instructions. This procedure was confirmed during interviews with lecturers.

The moderation processes are to be commended, but no document could be found where they are recorded. It is recommended that this should be done. However, there is no doubt that processes exist and are in fact followed, since it was confirmed in the interviews with management and academic staff.

The learning achievements of students on the exit level are moderated by external moderators who are independent experts in their fields, and who are recommended by the academic departments (SER p 94 to-95). It should be pointed out, however, that the SER is silent regarding the criteria and procedures for the appointment of external moderators and no other document which records the process could be found. There are also no guidelines regarding their responsibilities. However, the SER on p 95 explains the process which is applicable to the marking and moderation process for the Professional Ethics module. It is taken for granted by the panel that this process applies to all modules.

In terms of criterion 13, external moderators should mark fully at the exit level of the programme at least 10 percent of the examination scripts for each paper written and do random checks of at least 20 percent of examination scripts for each paper. As appears from the SER (page 94), CLAW does not meet this requirement, since only 10% of all exam papers are sent to the external moderator. The SER does not discuss the impact of external moderation, but this was covered during the interviews with management and academic staff from which it appeared that comments of external moderators are returned to the primary lecturers and the chairs of departments. Problems are discussed with the lecturer concerned and the programme coordinator monitors the implementation of agreed improvements.

As far as the moderators' reports are concerned (see document 2.8.7A), it should be noted that although external moderators are expected to comment on the validity of the assessment instruments, the reports are not very detailed and do not cover all relevant aspects. It is therefore recommended that CLAW should consider reviewing the report so as to include a more detailed assessment.

8. For an exposition of administrative processes and procedures regarding the assessment system in general, see the *UNISA Assessment Policy (2.7.1A)*, the *UNISA Quality Evaluation Instrument for Teaching and Learning (2.8.9C)* and the *CLAW Consolidated Operational Tuition*

*and Quality Assurance Plan (12.1(a); UNISA Rules for Students (document 6.3(b)). From these documents it appears that assessment practices which are applied in the LLB programme are rigorous, accurate, reliable and secure as is required by criterion 14. It should be noted, however, that the SER did not discuss or refer to administrative processes and procedures regarding the assessment system in general. This was also highlighted in the DER 13.4, but no information or CLAW documents were provided in this regard in the response to the DER. This is probably due to the fact that examination sessions are organised at an institutional level. Policies and procedures for RPL are discussed in the SER on page 41 and in CLAW RPL Process Manual (document 2.4.6D1); they appear to be fair and transparent.*

### Conclusion

The above discussion revealed some gaps as far as the contexts and conditions for assessment are concerned. Most important is the non-alignment with institutional policies and procedures. Although there are institutional policies in place, there is no evidence that they have been recorded (operationalized) in the College of Law (but it was established in the interviews that most processes do in fact exist). It is suggested that a manual should be compiled which contains all relevant policies, processes and procedures as far as teaching and learning activities are concerned. It will assist newly-appointed lecturers to find their way and to ensure that they comply.

Also see the SER 97-101 for a long list of challenges identified by CLAW itself and recommendations.

The criteria are largely met, but, as indicated above, there are areas in need of some improvement.

### **K. Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

### **Panel Comment**

1. The College applies the University-wide policy "Rules and Procedures for Processing Applications for Exemptions' (p 101 of the SER).
2. In terms of the above policy, modules have a shelf life of 10 years. However, given the dynamic nature of law and fluid nature of amendments, this long period is questionable. It is recommended that the College consider a shorter shelf-life for its modules.
3. Articulation in the degree is guided by the University-wide UNISA Tuition Policy. Students may transfer some credits from the Diploma in Law to undertake study in the B.Com (Law) and LLB degree. Thereafter they may proceed to a LLM degree or Postgraduate Diploma in Law (p102-103 of the SER).

### Conclusion

The programme meets the standard and criterion in this regard.

### **L. Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

*1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*

*2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*

*3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

### **Panel Comment**

1. Although the review panel requested CLAW to provide written feedback about the measures that are in place to promote and monitor student throughput and graduation rates, feedback was not provided. No actual graduate rates available.

2. The CLAW Student Indaba Project and Career Information Session inform students of the career pathways that are available to them upon graduation. For example, presenters at the Pretoria Career day included representatives from attorney firms, National Prosecuting Authority, Department of Justice and the Gender Directorate.

3. Graduate attribute tracking is performed at institutional level. A Graduate Exit Survey was conducted in 2015. Only 40 LLB graduates (10% of graduates) participated in the survey and the report clearly indicates that the results should be interpreted with caution. Seventy three percent of the graduates reported that they maintained or secured permanent employment after graduation, while 5% of respondents reported that they maintained or secured part-time employment.

### Conclusion

The criteria are not adequately met. The College needs to provide written feedback about the measures that are in place to promote and monitor student throughput and graduation rates, accompanied by actual graduate rates.

### **M. Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

#### **Panel Comment**

The College is led by the Executive Dean of the College, who oversees the management of the LLB programme and its staff. The Deputy Executive Dean supports this function. The Director of the School of Law, who reports to the Executive Dean, performs the function of co-ordination of the 5 subject departments within the School of Law. These departments are managed by Chairs of Department. The Head: Office for Tuition and Learning support plays a meaningful role in quality assurance in the programme (p 110 of the SER). Overall, the College has systems and policies in place to ensure effective co-ordination of the LLB degree.

#### **Conclusion**

The programme meets the criterion in this regard.

## **JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

### **NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB)** programme of **University of South Africa** be placed on

**Notice of withdrawal of accreditation** for the following reasons.

<b>Reason</b>	<b>Relevant criteria</b>
1. There are significant weaknesses in the curriculum, in terms of modular sequence, its alignment with the required vertical progression and logical increase in complexity in terms of the NQF levels, the credit allocation, the distinctive demands of a distance mode of tuition, and the purpose of the qualification and required graduate attributes as set out in the LLB Standard (including the need for inclusion of sufficient non-law modules).	1 (i), (ii), (iii), (iv), (vi), (ix)
2. There is a lack of clarity on how policies for teaching, learning and assessment are aligned with the distance mode of tuition, and what mechanisms exist for quality assurance of assessment and feedback to students.	1 (vii) 5 (ii), 6 (i) 12 (i), (ii), (iv) , 13 (i)
3. There are instances of study guides that are poorly composed, and do not adequately meet the needs of students and the expected level of the modules.	1 (vii) 5 (ii) , 12 (iii), (v)
The flexible admission policy is not augmented by adequate student	2 (iv) , 11

support, and identification and monitoring of at-risk students.	12 (iii)
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### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

### **FOLLOWING INSTITUTION'S REPRESENTATION**

At its meeting held on 16 March 2017, following the submission by the institution of its representation, the NSRC confirmed its recommendation as set out above, with an amendment to the first reason stated.

<b>Reason</b>	<b>Relevant criteria</b>
There are fundamental flaws in curriculum design. The flaws include problems relating to modular sequence, its alignment with the required vertical progression and logical increase in complexity in terms of the NQF levels, the credit allocation, the distinctive demands of a distance mode of tuition, and the purpose of the qualification and required graduate attributes as set out in the LLB Standard (including the need for inclusion of sufficient non-law modules).	1 (i), (ii), (iii), (iv), (vi), (ix)



**THE NATIONAL REVIEW OF  
BACHELOR OF LAW (LLB) PROGRAMMES  
2016 -2017  
HEQC DRAFT REPORT**

<b>Name of Programme(s)*</b>	LLB (4-year programme) Extended LLB (5-year programme)
<b>Name of Institution</b>	University of Free State
<b>Mode of Delivery</b>	Contact & distance learning
<b>If contact, site(s) of delivery</b>	Faculty of Law, Bloemfontein
<b>If distance, administrative centre</b>	Bloemfontein
<b>Exit level on the NQF</b>	8
<b>Total number of credits</b>	768 credits (LLB) and 904 (LLB Extended)
<b>If the programme is offered on behalf of the awarding institution by any other institution(s), name the other institution(s), site(s) of delivery, and mode(s) of delivery</b>	Varsity College (Independent Institute) which has 7 centres. The UFS LLB degree is presented at these centres. These students are registered at the UFS as distance learning students.

This report provides an evaluation made by the site visit Review Panel and forms part of the HEQC's National Review of the Bachelor of Laws programme.

Review Panel members have access to, and base their collective judgement on, the following core documentation and sources:

- *Framework for National Review of Programmes in Higher Education* (CHE, 2015);
- *National Review Manual: Bachelor of Laws* (CHE, 2015);
- *Criteria for Programme Accreditation* (CHE, 2004);
- Institutional Self-Evaluation Report (SER);
- SER desktop evaluation report;
- Desktop evaluation moderating panel report;
- Any additional information submitted by the institution prior to the site visit;
- Supporting documentation made available during the site visit;
- Any further documentary evidence requested by the Panel Chair during the site visit;
- Interviews conducted during the site visit.

The Review Panel report:

- Investigates claims made by the institution in the SER;
- Identifies areas of commendable practice, and shortcomings, in the programme;
- Comments on the programme's compliance with the national qualification standard;
- Comments on the programme's meeting the related criteria for re-accreditation;
- Makes a recommendation to the Higher Education Quality Committee in respect of the programme's re-accreditation.

The structure of the Review Panel report follows that of the institutional SER, in respect of the sections and the questions to which the institution responded.

***Preamble (refer to the LLB standard)***

*How does your LLB degree address the values and ethos expressed in the preamble? Your response should have particular reference, but is not limited, to the following aspects:*

- *transformative constitutionalism;*
- *responsiveness to social justice;*
- *inculcating student awareness of constitutional imperatives;*
- *responsiveness to globalization;*
- *responsiveness to ever-evolving information technology.*

***Review Panel comment***

It is apparent that the LLB degree seeks to address matters of transformative constitutionalism through the three courses in Public Law and it is touched upon in numerous other courses, as set out in the Self Evaluation Report (p 5 to 8). However, with students having to take Roman Law, Foundations of South African Law and Historical Foundations of South African Law, the panel is of the view that there is an unnecessarily high emphasis on legal history while more exposure to

legal pluralism would be in keeping with our transformative constitutional values.

The social justice component is addressed via the Law Clinic which lost its funding in 2007 (pages 44 and 53 of the SER), and now runs independently as a Faculty Centre. The panel is of the view that the clinical legal education programme can be greatly expanded as a possible capstone course for all students intending to practice law. It is an elective with some students unaware of its existence, or having the opportunity to take the elective. It appears that the Clinic does some work that could be seen as a part of the social justice contribution of the Law Faculty but it was informed that the work has been greatly diminished since the Legal Aid Board funding ended. Keeping in mind the need for more experiential learning in the LLB, there is room for improvement in this respect.

On the responsiveness to globalization, the LL B graduate is prepared for practice in a local jurisdiction and not in response to globalization (SER page10). There is exposure to Public International Law, Private International Law and Business Law to the extent that is necessary. However, it is clear that the Faculty educates lawyers primarily to enter the profession in South Africa, as evidenced in our interviews with management and alumni.

On Information Technology skills, interviews with students and alumni revealed that UFS has responded to the developing information technology and the use of Blackboard is commendable in dissemination of the substantive material to students. The efforts of the Centre for Teaching and Learning and the Learning Designer were impressive in their description, although we did not have the opportunity of visiting them on campus. While there is a fourth-year elective module in Electronic and Internet Law, the Faculty acknowledges (SER, p 12) that incorporation of IT, cyber or internet law in the doctrinal (core) curriculum could be improved upon.

### Conclusion

The standard is largely met, but there is a need for some improvement in the responsiveness to social justice and globalization aspects.

### **Institutional alignment (refer to Criterion 1 (i))**

- 1. What alignment is there between the LLB programme and your institution's mission, goals and strategic plans?*
- 2. Is there any outsourcing of delivery of the programme, or any other form of allocation of teaching and assessment to another institution or body? If so, describe the arrangements, how they are aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements.*

### Note

*With regards to outsourcing, refer also to Criteria for Programme Accreditation, Criterion 1(vi).*

### **Panel Comment**

1. The academic project is linked to the human project in the institution's mission and is delivered in a generic skills course (UFS101) where there is a challenge to existing knowledge and ways of thinking (SER p 12 to 13). The interviews did not always highlight this linkage except

that e-learning students were not expected to take UFS101. The academic project is directed at providing comprehensive education on all aspects of practice of law, with the opportunity for postgraduate study for qualified students (SER p 13 to 15).

The Faculty plans, in the second semester of 2016, to revise its strategic plan to align it with the UFS Strategic Plan 2015-20.

2. The outsourcing to Varsity College has presented the institution with fundamental questions which has led to a termination agreement, effective at the end of 2016. This is well set-out in the documentation. The task of combining the institutional ethos of a state institution with a private institution has proven to be a step too far, even from the interviews of staff and management. Interviews revealed that the Faculty has agreed to a teach-out plan in relation to Varsity College students. Because of the termination plan, the panel did not conduct site visits to any of the Varsity College delivery sites. A teach-out plan must be provided for the Varsity College students currently registered.

#### Conclusion

The criterion is met, with some improvement. A teach-out plan must be provided for students currently registered with Varsity College.

#### **Purpose (refer to the LLB standard, and Criterion 1 (ii) and (viii))**

*1. How does your LLB prepare well-rounded graduates for the three career pathways stated, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law?*

*2. What evidence do you have to show that the LLB degree attempts to address the stated purpose of the qualification?*

#### **Panel Comment**

1. The purpose of the degree is to prepare 'students for entry into the legal professions, for a wide range of careers which require the application of law, and for post-graduate studies in law' (p14 of the SER). A perusal of the modules offered indicates that all core areas of law are adequately dealt with to meet this purpose. These modules include Legal Practice modules; Criminal Law; Law of Persons; Labour Law, etc.

2. The Legal Practice modules focus specifically on the development of skills and knowledge suitable for a career in legal practice, while the Research Report prepares students for postgraduate studies (and possibly academics). There are also modules dealing with specialised areas (e.g. Law of Succession and Administration of Estates, which are grounded for a career in the financial world or at the Master's Office).

#### Conclusion

The Standard and criteria are adequately met.

#### **NQF level and Credits (refer to the LLB standard, and Criterion 1 (iii) and (vi))**

- 1. Explain how your LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) in order to ensure appropriate progression through ascending levels of competency.*
- 2. With reference to the NQF level descriptors in annexure A, explain how your LLB degree meets the requirements of NQF exit level 8.*
- 3. How is the credit rating of the modules constructed in terms of the student workload and the variety of teaching activities offered and learning activities expected?*
- 4. How does this credit rating relate to the notional study hours undertaken in the LLB degree?*
- 5. To what extent does the total allocation of credits in the LLB degree adequately meet the purpose, content and intended outcomes of the qualification?*

#### **Panel Comment**

1. This is well documented in the SER (p 15 to 24) although the sequencing and levels could be re-assessed. There is sufficient documentation in the SER which reveals that 768 credit are required for the completion of the four-year programme. For the extended LLB the credit requirement is 904 (SER p 15). In their own review, there is a recognition that the number of credits is excessive and that the Faculty is alive to this concern and plans to reduce them to a more realistic level. In our interviews, it was observed that the credits for the LLB degree were unnecessarily high probably due to offering modules in which there was existing staff experience and expertise. The number of modules in the history of South African law, for example, reflects this.
2. and 3. In the interviews it was not always clear that each module was progressively more difficult from NQF 5 to 8. On p 17 there is an admission that there is a disconnect between the stated credit values for some of the modules and the actual amount of work. The SER (p 17) admits that there is a credit over-loading in the curriculum (SER p 18) as a result of historical departmental/individual perceptions of what course should be taught in the LLB.
4. It is apparent, in their own internal review that the NQF levels and credits will have to be changed to bring it closer to 480.
5. The total credit allocation in the degree as a whole, although excessive, meets the purpose and intended outcome of the LLB degree to prepare students for the three career pathways (as discussed under the purpose).

#### **Conclusion**

The criterion is not adequately met. There is a need to reduce the credit overload and aligning the content of the modules with their NQF level.

#### **Student recruitment, selection, admission and support (refer to Criteria 2 and 11 (iv) and (v))**

*1. Taking into account the NQF levels and the particular demands of the LLB, how do your policies and procedures for recruitment, selection and admission of students address issues including, but not limited to:*

- *legislative requirements*
- *equity*

- *diversity and transformation*
- *transparency*
- *institutional capacity*
- *demonstrated or assumed competence (as reflected in admission requirements)*
- *admission via RPL.*

2. *In cases of gaps between assumed competence at entrance level and assessed competence at (or shortly after) the commencement of the LLB programme, what policies, procedures and resources are in place to ensure adequate academic development support for students, and adequate training for staff members involved in such support activities? (This includes support in respect of language, numeracy, cognitive and referential skills.)*

### ***Panel Comment***

1. Students admitted into the mainstream LLB and the E-learning programme must have a minimum of 33 Matric points; and 28 points for admission to the extended LLB programme. There is also a requirement of language proficiency (page 24 of the SER). All applications are processed in the university-wide admissions process. Students who meet the criteria are provisionally accepted in the degree, and registration is done on a 'first come first served basis'. There is sufficient racial diversity in the student population with the number of blacks students progressively on the increase (a table of student enrolment for the last 7 years is contained on page 28 and 29 of the SER). Staff interviewed indicated that there is no plan actively to improve its demographic profile, as there is a natural shift in the student demographic.

The Faculty employs the university-wide RPL policy, which makes provision for a coherent set of criteria to use be used for such admissions.

2. All entrants into the Faculty are required to take a language competency test. Those who fail are required to enrol for English/Afrikaans Academic Literacy for Law.

There are also tutorials available for entry level modules. All students in the university are also required to take a generic skills course (UFS 101), which runs throughout the 1<sup>st</sup> year. Support is not available in all courses. In the interviews with colleagues on the issue of tutorial support, it was revealed that tutor support needed more attention.

### **Conclusion**

The criteria are adequately met in this regard.

### **Graduate Attributes (refer to the LLB standard, and Criterion 1 (iii), (iv), (ix) and (x))**

#### **a. Knowledge**

1. *How does your LLB degree impart to graduates 'comprehensive and sound knowledge and understanding' in relation to:*

- *South African law and the legal system;*
- *the associated values; and*

- *the historical background?*

2. *How, specifically, is 'comprehensive and sound knowledge and understanding' achieved in:*

- *basic areas of law – i.e., private, public, mercantile and formal law; international and comparative aspects of law; perspectives on law and the legal profession;*
- *the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts;*
- *some discipline(s) other than law;*
- *select area(s) or*
- *specialization in one or more areas or*
- *clinical legal education.*

3. *In regard to discipline(s) other than law –*

- (1) *what other discipline(s) may students pursue?; and*
- (2) *are there any restrictions in the discipline(s) students may choose?*

4. *How many credits (if it applies, minimum and maximum number) are allocated, in (i) the LLB programme and (ii) in a first degree leading to the LLB, to discipline(s) other than law? Justify the ratio of these credits to the total number of credits as providing for an appropriate balance with law-related credits to deliver 'well-rounded' graduates.*

### **b. Skills**

*How does your LLB degree, in conceptualisation and overall design, meet the multiple career pathways referred to in the purpose statement in terms of*

- *the development of critical thinking skills?*
- *the development of research skills?*
- *the development of writing skills?*

### **c. Applied Competence**

*How does the conceptualisation and overall design of your LLB degree address the following areas of applied competence? (Show in detail how each of these areas of competence are taught and assessed in the LLB programme. In cases of the LLB as a second degree where one or more of the applied competences are taught in a first degree, evidence should be provided to show that the teaching and assessment are appropriate for and relevant to fields of law.) Elaboration of each competence is contained in the qualification standard.*

- *Ethics and integrity;*
- *Communication skills and literacy;*
- *Numeracy;*

- *Information technology;*
- *Problem solving;*
- *Self-management and collaboration;*
- *Transfer of acquired knowledge;*
- *Agency and accountability;*
- *Service to the community.*

### **Panel Comment**

#### **(a) Knowledge**

1. Students are required to study 2 modules in Legal Sciences; Roman Law; and Roman Private Law which provide a 'comprehensive and sound knowledge and understanding' in relation to the South African law, the legal system, the associated values, and the historical background.

2. Students are exposed to basic areas of law in a host of compulsory modules. For example, Family Law and Law of Delict (private); Public law and Criminal law (public), Labour Law and Instruments of Payment (mercantile) and Law of Evidence and Civil Procedure (formal law). International and comparative aspects of law are covered in the compulsory International Law module and perspectives on law is dealt with in the Jurisprudence and Roman Law modules. Exposure to aspects of the legal profession is dealt with in the Legal Practice modules. The dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts is dealt with in the Public Law and Jurisprudence modules.

Students may choose 2 of the 13 elective modules in their 4<sup>th</sup> level of study. These include Financial Planning Law; International Economic Law; and Environmental Law (page 43 of the SER). Clinical legal education is provided in the form of voluntary participation by students in the Law Clinic.

3. & 4. Non-law modules are limited to a language module in the first year and a choice between Criminology or Accounting in the second year of study. Students may only take a language or Criminology or Accounting as non-law modules. This accounts for about 10% of the mainstream LLB and about 20% of the extended programme. In this regard, the LLB degree does not adequately address the criteria to deliver 'well-rounded' graduates.

#### **Conclusion**

The criteria are met, but it is recommended that there is room for improvement in the offering of non-law modules.

#### **(b) Skills**

There is little evidence of the development of critical thinking skills. This is acknowledged in the SER (p 45). Students do engage in the moot court practice and all students are required to complete the UFS101 module which is designed to challenge students' 'existing knowledge and ways of thinking'. Students interviewed indicated that they had little exposure to critical thinking, but found the Jurisprudence module very helpful in this regard. The LLB degree is designed to develop research and writing skills in the Legal Practice modules which require students to write an essay on a specified topic (at 1<sup>st</sup> year level), to write 2 assignments (at 2<sup>nd</sup> year level) and to draft legal documents and the writing of a 20-page research report (at 4<sup>th</sup> year level). Alumni and

students interviewed indicating that they found the Legal Practice modules helpful in helping them develop writing and research skills.

### Conclusion

The criteria are not met. There is a need to enhance critical thinking skills in the modules.

### (c) Applied Competencies

Professional legal ethics and integrity are taught in Legal Practice, the Law of Evidence, Civil Procedure, Criminal Procedure and Jurisprudence.

Communication skills and literacy competencies are not a focal aspect in the LLB curriculum, but students are required to participate in Moot Court in their first and final years. The reason given for this is the large class sizes (p 51 of the SER).

Numeracy is assumed for mainstream LLB students, whilst students who are on the extended programme receive basic numeracy training. All students are expected to handle basic calculations in Family Law; Third Party Claims and the Law of Delict.

Information technology competency is evident from the use of the 'Blackboard' online system where students access materials, tests and audio lectures.

Problem solving competency is evident from the tests and examinations in most modules where students are presented with a set of 'facts' and required to provide a legal answer.

There is little collaboration in the modules, except in the elective Sectional Titles, in which students are given a group assignment. Students are expected to self-manage their time and are penalised for late submission of assessments (p 52 of the SER).

Transfer of acquired knowledge is encouraged through the tutorial system in which students (from 2<sup>nd</sup> year) are trained and appointed as tutors for 1<sup>st</sup> year level modules. Alumni interviewed indicated that they found their experiences as tutors rewarding and helpful in building their oral skills. Not all students are selected as tutors. Senior students also assist 1<sup>st</sup> year students with the preparing for moot court competitions.

Agency and accountability competency is dealt with in the Legal Practice Module but there is no evidence that students have opportunities to develop a competency in service to the community.

It is suggested that the Faculty could improve the functioning of the Legal Aid Clinic where students participate in dealing with clients or running community outreach programmes such as Street Law to improve these applied competencies.

### Conclusion

There is a need for improvement in developing communication skills and service to the community competencies.

## **Staffing resources (refer to Criteria 3 and 4)**

### **Academic staff resources**

*1. How is the academic staff profile, in terms of qualification, experience and levels of appointment, aligned with the programme structure and content to ensure that students are exposed to a diversity of expertise, ideas, styles and approaches, as well as the achievement of all the graduate attributes?*

*2. Taking into account what you consider to be an appropriate staff: student ratio to address all the graduate attributes, what measures are in place to ensure that academic staffing resources are compatible with the number of students registered for the degree and the needs of the curriculum?*

*What is in place to ensure that there is an appropriate ratio of full-time and part-time staff? How are academic staff workloads designed and controlled to ensure a suitable balance between teaching, assessment, consultation, research and other activities? If there are shortcomings in the academic staff profile, what steps are being taken to address them?*

*3. What policies and practice apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the programme?*

**Panel Comment**

1. The staff profile in terms of qualification, experience and levels of appointment is generally aligned to the programme structure. All staff have at least a LLM degree (SER p 54). There is a high student/staff ratio. The number of students increased substantially in 2010 with the Varsity College intake. This has affected the FTEs. Thus the high student/staff ratio might decrease when the UFS relationship with Varsity College is terminated at the end of 2016.

2. There is some form of a work load model but its utility was not quite clear to the panel. During interviews, staff also acknowledged that the work load and performance management systems do exist. However, most of them viewed these instruments as ineffective. In fact staff observed that they fill out the necessary forms, with no action or outcome arising from this. In their view, the performance management system was not in any way linked to the work load model. Also, there was a general feeling among staff that they do a lot of teaching and this impacts on their research and other responsibilities. Despite the above the academic staff exhibited much enthusiasm in the work that they do.

3. There is a range of programmes that help staff improve their qualifications. New staff have induction programmes that are helpful (SER p 63). In teaching and learning, staff appreciated the effort that goes into training them for use of internet teaching platforms such as Blackboard, the "Learning Law Project" and the support they get from Centre for Teaching and Learning (CTL). Staff appreciated the work being done by the Faculty teaching and learning coordinator. However these programmes are mostly voluntary.

The Faculty has a problem recruiting and retaining African, Asian and Coloured academics and this is clearly acknowledged (SER p 56). It was clear from the interviews and the SER that the Faculty appreciates the magnitude of the problem and has reflected on it (p 57). It was unclear if there was anything that the Faculty might wish to do differently to attract and retain staff from designated groups other than what is being done already. There was understanding of the usefulness of diversity and how this might impact on the LLB programme and a clear desire to change things. Staff were very forthcoming in discussing the problems and suggested that perhaps the university should consider revising its retirement policy as well as the promotions criteria. There are some plans for the future and these were clearly articulated in the SER and also elaborated in interviews with management.

Staff expressed dissatisfaction with the current appointment and promotions framework, especially the criteria and the remuneration packages. Requiring associate and full professors to have NRF rating of the level indicated may be desirable but unrealistic in the context of law.

#### Conclusion

The criteria are largely met.

#### **Staffing resources (refer to Criterion 8)**

##### **Administrative and support staff resources**

*1. What evidence is there that the support staff resources available to the LLB programme (administrative, technical and academic support) are sufficient for its needs, including qualification, experience, and the needs of students, in terms of number and demographic profile?*

*2. What steps are in place to provide for induction of new support staff and development opportunities for all support staff members?*

*3. What measures are taken to ensure that administrative steps, such as admission, registration, recording of results, identification of students at risk, and certification are in line with institutional policy and LLB rules, and are consistent, transparent, equitable and reliable?*

*4. In the case of distance learning programmes: what evidence is there of sufficient administrative and technical staff resources available for effective achievement of specialised tasks of registry, dispatch, management of assignments, record-keeping and other tasks related to students' needs?*

#### **Panel Comment**

There is insufficient administrative support for the departments (SER p 65). Heads of Departments expressed this concern during interviews. The E-learning Unit staff also expressed the concern of them being overworked. This mainly occurs during admission and examination periods for all staff. There was no clear indication when these concerns are likely to be resolved. During interviews with the support staff, they affirmed these concerns. Staff interviewed also expressed concern that there are no promotion opportunities for them. And this impacted negatively on their morale. But they were quite appreciative of the Dean's efforts in resolving their problems and her attention to students' concerns. It was not clear to the panel if there was any input from students regarding the performance of the administrative staff or how the students viewed their work.

#### Conclusion

The criteria is not met. The number of administrative staff available must be increased.

#### **Teaching and learning strategy (refer to Criteria 1 (iii) and (vii), 11 and 12)**

*1. How are the teaching and learning needs of the programme reflected in the institution's central operating policies and procedures, including resource allocation, mode(s) of tuition, as well as staff appointments and promotion?*

2. *What teaching and learning approaches, strategies and methods are applied in the programme, in order to ensure that the purpose of the LLB, and all the graduate attributes associated with the purpose, are addressed and met?*
3. *How are the teaching and learning strategies aligned with the mode(s) of delivery# and the resources required for effective teaching and learning through the tuition mode(s)?*
4. *Where learning in a programme is wholly or partially dependent on the production of non-contact learning materials, what policy and procedures are in place to ensure quality in the conceptualisation, development, and regular evaluation of the materials, as well as the training and development of academic staff responsible for the materials?*
5. *What provision is made for student/graduate evaluation of teaching and assessment in the programme, and input in terms of programme review?*
6. *How does the programme cater for the identification and monitoring of students at risk, and for appropriate support for such students?*

**Panel Comment**

1. As noted in the Desktop Evaluation, there is alignment between the institutional teaching and learning related policies and procedures, strategy and the teaching and learning needs of the LLB programme (p 9).
2. The Faculty uses traditional lecture-style method of lecturing. The Faculty operates within the university's Teaching and Learning Policy which aims to promote a learning-centred culture and that recognises that effective learning entails 'the engagement of students as active participants in the learning process, while acknowledging that all learning must involve a complex interplay of active and receptive processes, the constructing of meaning by the student, and learning with and from others' (p 66 of the SER). Students are provided with a study guide for each module, which outline the content of the course and materials to be studied. There is also material on each module on Blackboard. Tutorials are presented to all 1<sup>st</sup> year modules and on selected basis to the other levels of study.
3. The teaching strategies are aligned with the mode of delivery. There was little evidence that staff have made use of available resources at the Centre for Teaching and Learning to develop their own teaching methods. The Faculty may need to think of ways of encouraging lecturers to be more reflective of their teaching and to be able to document it. Development of teaching portfolios should be encouraged.
4. The use of Blackboard and the availability of audio recordings of all lectures to students must be commended. The blended learning approach was highly appreciated by students whom the panel interviewed. The SER talks about focus on active learning and student engagement (p 67). These are well supported by the evidence the panel obtained from the various modules that were available. It is hoped that when the faculty develops its teaching and learning strategic plan, it will be modelled around the institutional policies and that it will answer to the needs identified above.
5. Student evaluations of the contact modules are done on three-year cycles (SER p 72). There was no evidence that e-learning students had opportunity to evaluate their modules. Student evaluations are professionally handled, which is commendable. Despite the foregoing, the panel

got the impression that there was a lot of module and programme evaluation but not the evaluation of teaching approaches and methods. However, this does not mean that there is no effective teaching in the Faculty. The interview with students suggested that the Faculty has good lecturers and that methods of delivery of content were satisfactory. All lectures are presented in both Afrikaans and English and this increases the work load for lecturers. During interviews students observed that, apart from some suspicion that the Afrikaans groups was being treated better and they get more support, there was really no difference. They were satisfied that the lecturers do their utmost in treating both sets of students equally.

The materials for contact modules are available to e-learning students. There was no evidence of the development of e-learning materials separate from contact course materials. The Faculty may need to look into ways of developing materials specially designed for e-learning students. It is commendable that e-learning students have access to all materials through Blackboard (including audio recording of lectures) and other on-line teaching platforms. They also have access to electronic and other library resources.

6. Support for students at risk is commendable (SER p 74). The tutorial support programme is impressive. The majority (60%) of tutors are fourth- and fifth-year students; the rest are mainly third- and second-year students. There was evidence that tutors are trained and given support through the Centre for Teaching and Learning (SER page 70). The A-STEP manual offers guidelines that are blended into the LLB programme. Tutor support is available for all first year modules and for selected modules in the second, third and fourth years. The manual provides guidelines on how at-risk modules are chosen. During the interviews lecturers did not seem to have engaged with the A-STEP manual but follow the tradition that they found in the Faculty. So it appears that modules are not reviewed on a yearly or two-yearly basis to determine their suitability for such support. It is commendable that the University is continually exploring ways of improving tutorial services.

#### Conclusion

The criteria are met. The use of the Blackboard platform and audio files of lectures is commended.

#### **Contexts and conditions for assessment (refer to the LLB standard, and Criteria 6, 7, 13 and 14)**

*1. What variety of assessment methods, including formative and summative assessment, is used in the programme, and what evidence is there to show that they occur regularly throughout the course of study?*

*2. How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed? List the modules in which independent research is required, and provide examples of the tasks set.*

*3. How does the programme ensure that students engage in authentic problem-solving either in real-life work contexts or simulated teaching and learning activities, and that such activities are assessed by staff suitably qualified to effect meaningful assessment? List the modules in which problem-solving activities are assessed, and provide examples of tasks that are required of students.*

4. Taking into account the mode(s) of tuition provided, what IT resources are available to students to enable them to achieve the purpose of the qualification? What provision is there for the maintenance of these resources to keep abreast of ever-evolving technology?

5. What provision is there in the programme for regular and constructive feedback to enable graduates to have achieved all the attributes required by the qualification standard?

6. Taking your responses above to teaching, learning and assessment into account, what evidence is there to show that adequate resources are available so graduates' learning, research and problem-solving attributes of the qualification are demonstrably achieved? These resources include (but are not limited to):

- an adequate student:staff ratio;
- adequate physical resources, such as teaching venues and audio-visual equipment;
- adequate access to library and e-resources (taking into account the mode(s) of tuition and institutional policy for access to resources);
- in cases where clinical legal education is a credit-bearing part of the programme, adequate resources for quality clinical practice and assessment.

7. What steps are in place for internal and external moderation/examination of the programme, and what role do these activities play in the quality assurance and review of the programme?

8. What evidence is there to show that the assessment system applied in the programme is consistent with institutional policies and rules, and is rigorous, reliable and secure?

**Panel Comment**

1. Formative and summative assessment methods are effectively used (SER p 75 to76). These methods are aligned to the institutions assessment policy. Various forms of assessment are used including tests, blackboard quizzes, written assignments and multiple choice questions.

2. Students are required to conduct independent research in the form of assignments in at least 13 of the modules. These include the Legal Practice modules.

3. Students are engaged in problem solving in form of assessment in tests and examinations.

4. There was no site visit conduct due to student protest action. However, students interviewed indicated that most of them had their own computers and that there were sufficient computers on campus for their use. *[Subsequent to the site visit, a member of the panel visited the site, and confirmed that infrastructural and IT resources were adequate.]*

5. Evaluation is done on a three-year cycle and from the perusal of documents, these are conducted regularly.

6. Students and alumni interviewed indicated that the library resources and IT resources were sufficient for their studies. There was also a general satisfaction with the lecture venues by interviewed.

7. Exit level courses are subject to external moderation while all other modules are moderated internally. All reports are checked by the academic leader and problems and concerns are discussed with the lecturer. The forms submitted to the external examiner are sufficiently detailed to provide a proper assessment of the examination paper and the results.

### Conclusion

This criterion is adequately met.

### **Progression ( refer to the LLB standard, and Criterion 1 (v))**

- 1. What policy and practice apply to the transfer of credits from other institutions or other programmes?*
- 2. What policy and practice apply to the duration (shelf-life) of credits that may be awarded towards the LLB?*
- 3. What vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a post-graduate diploma) options are available to the graduate?*

### **Panel Comment**

1. There is sufficient evidence of detailed progression rules on transfer of credits, duration and vertical articulation (SER p80 to83) that are used to evaluate each application on a case by case basis. Transfer of credit to a maximum of 50% of the programme, with a maximum of 25% at the highest NQF level; and at least 50% of credit must be achieved at UFS. In respect of incomplete other qualifications, all credits achieved at UFS are applicable; for credits achieved elsewhere, the rule above applies
2. The shelf-life of credits is normally seven years.
3. Graduates may progress to a Post-Graduate Diploma in Financial Planning or Labour Law, or to the LLM, while some are allowed to register for the MBA or Masters in Higher Education Studies.

### Conclusion

The criteria are met.

### **Programme effectiveness and impact (refer to LLB standard: Purpose, and Criteria 17, 18 and 19)**

- 1. What measures are in place to promote and monitor student throughput and graduation rates, in terms of faculty and institutional targets, and with a view to aiming for a graduate profile that resembles the entrant cohort profile?*
- 2. What steps are taken in the programme to ensure, with a view to enhanced employability and in the light of the purpose of the qualification as described in the qualification standard, that graduates have been made aware of the career pathways made available to them through the award of the LLB?*
- 3. Given a distinction between graduates' employability and actual employment, and the purpose of the qualification as set out in the LLB standard, to what extent does the institution promote and practise graduate tracking? How does the institution make use of surveys, impact studies, alumnus tracking, or other means to gauge the status of the programme in the interests of graduates, the profession and other employer bodies? If such measures are taken, how do they influence reviews of the programme itself? Where there are constraints or limitations on*

*the institution's capacity to track its graduates' career pathways, what are the constraints, and what measures could be introduced to address them? To what extent does the institution regard graduate career tracking as a responsibility of the profession rather than the institution? How does it know that the purpose of the qualification has been achieved in its graduates?*

**Panel Comment**

1. The Faculty has adequate measures in place to monitor student throughput and graduation rates. A detailed narrative is contained on p 81 to 87 of the SER. The narrative for the graduation rates indicates that that for the mainstream degree more female than male students completed the mainstream LLB (female = 60.47%); and extended LLB curriculum programme (female = 56.89%). The overall percentage of White graduates (70.66%) is more than the overall percentage of African graduates (21.82%) in the mainstream LLB. There is no commentary on this aspect, save to indicate that the overall percentage of African graduates (49.33%) exceeds the overall percentage of White students (37.78%) who completed the extended LLB curriculum (p 82 of the SER). There is an indication that the number of African students graduating on-time is steadily increasing (from 27 in 2009 to 73 in 2015).

2. Students interviewed indicated that there were aware of various career pathways and this is evident in the Response to the SER (p 9) where the Faculty has presented a table of 2015 graduates and their different career paths.

3. There is no formal graduate tracking system in place, but the Faculty keeps in contact with its alumni through its Facebook page.

Conclusion

The criteria are adequately met.

**Programme coordination ( refer to Criterion 10)**

*Programme coordination requires an effective combination of academic leadership, curricular coordination, programme administration controlling teaching, learning and assessment aspects of the programme, and provision for programme review based on internal and external evaluation. What systems and procedures are in place to provide for effective and long-term coordination of your LLB programme(s)?*

**Panel Comment**

The Faculty Programme Director is largely responsible for the curricular coordination, programme administration, controlling teaching and learning assessments and reviewing the curriculum. The Dean and the three heads of department are responsible for quality assurance. The reporting structures and responsibilities are outlined in detail in the SER (page 87 -89).

Conclusion

The Criterion is adequately met.

**JUDGEMENT IN RESPECT OF RE-ACCREDITATION CRITERIA**

**NATIONAL STANDARDS AND REVIEWS COMMITTEE RECOMMENDATION**

At its meeting held on 17 – 18 January 2017, the NSRC recommended that the

**Bachelor of Laws (LLB) programmes (both contact and distance modes) of University of the Free State** be placed on **Notice of withdrawal** for the following reason.

Reason	Relevant criteria
During the HEQSF alignment process, the institution wrote to the CHE (21 April 2015) that, based on a decision to review all current Law offerings and on the view that “a better aligned and more coherent [LLB] curriculum is needed”, it wanted to “re-categorise the qualification ... to C, to be phased out by the date to be determined by the Minister of Higher Education and Training....” This implies that an application for accreditation of a new programme needs to be submitted.	1 (ii)

In addition, the NSRC noted the following **concerns** in respect of the programme currently offered.

Concern	Relevant criteria
There needs to be evidence indicating how the curriculum will be modified to ensure coherence, adequate vertical progression, achievement of the NQF exit level, and alignment with the principles and graduate attributes established in the LLB Standard. At the same time, the number and allocation of credits need to be reviewed.	1 (ii), (iv), (v), (vi)
The Faculty needs a strategic plan, aligned with the institutional plan, that includes its relationship with a teaching and learning plan that is aligned with the aim of achieving the graduate attributes.	1 (i), (viii), (ix)
A staff development plan is required that addresses the need for greater staff diversity. There should also be plan for adequate allocation of administrative staffing resources.	3 (i), (iii), (iv), (vi) 8 (ii)
Systems need to be in place to ensure effective academic, as opposed or in addition to administrative, leadership and coordination of the programme.	10 (i), (ii)
The Faculty should provide evidence of equitable provision of teaching, learning and assessment for students enrolled for the distance mode of tuition.	1 (iii) 5 (ii) 12 (ii), (iv), (vi)
The Faculty must produce a teach-out plan for students enrolled with Varsity College. It should include the institution’s plan for supervision of quality assurance as it affects those students.	1 (vi) - outsourcing

The NRC **recommends** that the following matters should be addressed in the programme:

A review of the programme should take into account the Preamble of the LLB Standard, for example, the need to include provision for the matter of globalisation.

Teaching, learning and assessment should ensure equitable provision for students enrolled for the distance mode of tuition.

### **HIGHER EDUCATION QUALITY COMMITTEE ENDORSEMENT**

At its meeting held on 9 February 2017, the HEQC **endorsed** the recommendation of the NSRC.

**FOLLOWING THE INSTITUTION'S RESPONSE**

At its meeting held on 16 March 2017, following submission by the institution of its response to the HEQC recommendation, the NSRC **confirmed its recommendation** as set out above.