> On 11/03/2020, at 4:24 PM, ████████████ > wrote:
>

> Kia ora,
>
> I'm emailing regarding the contract law lecture you had this afternoon, specifically about the discussion around Blackburn's objective test.
>
> I'm just concerned that the way the objective test was described might be confusing, or clash with other ways in which objective tests are taught at the law school.
>
> In other courses, objective tests have been described in terms of "what the person knew or ought to have known." You mentioned this term in the discussion, but the overall framing of the Blackburn test didn't seem to reflect that.
>
> The point you made about the Blackburn test being, (paraphrasing) "that the objective test has the subjective element of assessing actual knowledge, as well as the main objective element what ought to have been known."

> In short, the difference is that most other courses I can think of include "actual knowledge" as part of a normal/"pure" objective test (under the "what the person knew" element), instead of it being a subjective element introduced to an otherwise objective test.
>
> Obviously, I may have misunderstood your explanation, the way contract law treats objective tests may be different, and/or the way other courses have described objective tests is technically wrong, but I think it might have caused some of the confusion in the class.
>
> It could be helpful for the class to know if contract law treats objectivity differently, or if you are describing what would otherwise be considered a "pure objective" test in other classes. As, and if, appropriate of course.
>
> With that said, you've been one of the clearest and most engaging lecturers I've had at university so far and I can't thank you enough for that.
>
> Please let me know if you have any questions, need clarification, or would prefer to talk in person.
>
> Much appreciated,
>
> ██████████████
>

From: ███████████████████████████████████ >
Sent: Friday, 26 June 2020 9:19 AM
To: Law Undergraduate <█@xxx   >
Subject: LAWS 211 Results

Good morning

Can you confirm when grades will be released for Contract law, given a very dire and, frankly, terrifying podcast has been released by the course lecturer saying some of us should consider dropping out, most of us failed and that today is the last day to pull out, meaning time is of the essence?

I am disappointed that this podcast was released (1) in "stress free" hand in week and (2) right on the same day as the last chance to pull out.

Many students will be handing in other assessments and will come across the news that most of us have failed. I would hope the law school would have a long hard look at the test and wonder why so many have failed, rather than just writing us all off as not doing a good enough job. It's frankly made me consider why I have given three years of my life to law school.

yours sincerely

███

From: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ >
Date: Tuesday, 30 June 2020 at 9:08 PM
To: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ >
Subject: Re: Laws 211

Hi ▮▮▮▮▮ ,

Apologies, I didn't realise you were no longer in the position! I hope your research is going well. I loved learning tort law from you last year!

I'm more than happy for you to pass these emails on to anyone who might be interested. I just want to point out this really isn't a case of students being sore losers or a couple of people being upset they got a worse mark than they expected. Quite a few students have reached out to me with their concerns, either privately or on the 2020 Contract Facebook page. I will list some of them below (anonymously). Overall there have been more than 150 individual negative comments on 5 different posts across 2 Facebook groups about this test and the way it was handled. Some comments have received 90+ likes or shares and the posts themselves have been liked by over 300 students (which I think is nearly the entire course).

Thank you so much for your help and for passing the message on, so sorry to bother you at night!

■

1. "Giving straight 0s on questions without giving feedback is unacceptable. He claims this was supposed to be helpful when he has done zero critique on my individual answer."
2. "The fact that he gave us no feedback completely contradicts the reason for this test as a whole. How are we supposed to see where we are at if it's not possible to figure out where we went wrong? Is each and every one of us expected to go and have a one on one with D Mac?"
3. "He literally called it a "feedback assignment" but gave us no feedback that we can actually apply and learn from. The model answer is actually kind of useless when we weren't provided with any kind of marking guideline rubric, and I worry we will run into the same pitfalls in the final exam."
4. "I am extremely unhappy with my result for this exam. I appear to have answered each of the questions correctly, but still failed. This is astonishing to me!"
5. "I thought I had gotten a fairly decent mark based on the feedback provided but only just passed! It was a bit surprising because I seem to have done worse of the questions I thought I had nailed and gotten some marks on the ones I thought I had gotten marked? Very weird marking and so confusing"
6. "How can we emphasise concern that this is content that we are going to be reassessed on at the end of the year, in an exam written by the same person? Other than listening to the podcasts again (which were clearly not effective in the first place), how are we meant to learn this material?"
7. "The nerve of the guy to justify failing half the class because the test was for 'feedback' and then not actually giving any feedback"
8. "imagine not feeling embarrassed to admit that you're giving 90% of the class 0 marks on some questions, when you are the only teacher who could have helped them"
9. "I mean sure, I'd drop it all if it wasn't going to cost me $7k in fees etc plus a year out of the workplace - I don't think any of them quite get that. Not to mention the cost of an extra year of study on your psyche!"
10. "He genuinely needs to go! I'm sick of the implication that everyone who he fails didn't understand the content or is stupid - everyone knows that his entire self worth is tied to failing students and the idea that his course is somehow better because he isn't PC. Some solidarity from law students or faculty would be ideal." - *this comment in particular was liked or shared by 97 other students, including more comments like "this!!" "so true" and "nothing but the truth!"*
11. "with a pass rate like that surely his teaching quality is the common denominator?"
12. "Failing 44% of the class during the pandemic with no reflection on the difficulty of understanding the podcasts and the ad-hoc teaching method to me is unacceptable!"
13. "In his podcast he said something along the lines of "not one of you referred to this case/point X which I expected you to" and kept bringing up points that many missed. In such a big class maybe it indicates it's a bigger problem that the students and their learning capabilities in light of Covid-19? With his chosen time to release feedback I feel like we're headed back to square one pre the investigation that was done last year."
14. "This is now the second time a lecturer has brought up during the Covid pandemic that students should consider dropping out, which I find appalling. It's a complete failure to take into account the circumstances, show compassion and it is completely out of touch with the reality that students will be financially impacted (lose studylink, course fees and have to find full time work during a recession). It flies in the face of the Universities assurances that there are measures in place in lieu of the 5 point grade increase at other

universities. The lack of oversight on the faculty is also concerning. It seems as though D Mac's tenure and academic weight have made him a force unto himself."

15. "It's pretty dusty to have lecturers during these trying times telling us to consider dropping out if we don't meet his standards when he's lectured contract for decades and us 211 students had a test after a few weeks of being introduced to contract all while during a pandemic. How we studied for this was listening to long convoluted podcasts where he talks at a blank screen with no slides. Not ideal."

16. "If so many people failed, did it occur to him that maybe it wasn't our fault? Or Covid-19? A large part of our poor grades across the board can be attributed to Covid. But if all of us are failing, maybe it's because his podcasts were ineffective. Or something else. Not trying to make out that he's no good, but if that many students are failing.... it's not the student's fault."

17. "A lot of people received 0/10 marks for questions where they answered seemingly correctly, and the fact that he didn't provide any actual feedback is sub-par."

18. "I feel like it's so inappropriate for him to be releasing feedback and posting about how many people have failed before actually giving us access to grades. Contract law is not our lives and we have other things going on, why is there a need to cause stress and anxiety like this? It's not like anyone can actually use his feedback constructively!"

19. "Isn't this an example of the traditional torturous style of law school though? I mean I don't blame David for maybe not understanding that that's not healthy anymore but this is just an example of why the attitude needs to go"

20. "There's nothing traditional about the situation that we are all in this year so it's a little bit tone deaf to ignore how additional stress, anxiety and guilt is not really appropriate, given the kind of s*** students have had to put up with this trimester."

21. "The language of the test was atrocious. There were questions which were difficult to understand and if we had written like that in the exam the marker would have taken points off. Double negatives and bizarre phrasing made the entire thing a complete nightmare."

22. "I didn't appreciate him suggesting that a fail grade in the course could affect us applying or enrolling in future law courses... not exactly what you'd call constructive criticism."

23. "Worth noting that almost 50% of the class struggled to learn the content. How much does that reflect on his ability to teach and our ability to learn especially when you don't see these numbers from other 200 level courses"

24. "Especially given the university's commitment to ensuring scaling would be fair and take into account the circumstances. I found the podcasts extremely difficult to understand and follow along with. The fact that David has not reflected on his own ability to deliver good teaching may have impacted the quality of work is so frustrating."

From: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ >
Date: Tuesday, 30 June 2020 at 7:26 PM
To: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ >
Subject: Re: Laws 211

One last thing - many students (myself included) have seen they've been graded 0/10 for answers which were at least partly, if not mostly, correct. This is in accordance with the sparse feedback given by Professor McLauchlan on voice recording/the model answer uploaded to BB. It makes no sense at all why students have been so heavily penalised - if the goal was to get the answer 100% correct or nothing, the marks should have been awarded as true/false instead of on a points scale. Considering there's no actual written feedback on any student scripts nor anything individual available, there's very little students can learn from a 0 or 1 mark. It makes the logic of the marking difficult to understand and reduces the value of the model answer (given that writing something very similar will still get you a 0 mark). Finally, it makes students extremely anxious about the exam, given that the same content will be reassessed and there is no further opportunity to learn or understand where they have gone wrong in their answers.

Thanks

▮▮▮▮▮

On Tue, Jun 30, 2020 at 6:29 PM ████████████████████████████ wrote:

Kia ora ███████ (hope it's okay that I'm using your first name),

I'm writing to you because I'm extremely frustrated and upset over the way that the contract law (211) test, and course content generally, has been handled by Professor McLauchlan. I know academic grievances are normally handled by approaching the course lecturer/co-ordinator directly, but I am no longer confident that this would be helpful and see it as potentially detrimental to my performance in the course. Given Professor McLaughlan is writing and grading the end of year assessment and reassessing the same content from the test, I feel it is imperative the faculty steps in so students can feel confident they will be assessed fairly.

As I'm sure you're aware, the test originally had an extremely high failure rate of 44%, which was made known to students late at night well before the results were actually released. This was not only incredibly unhelpful given students couldn't make use of the feedback without their results, it added a huge amount of unnecessary stress and anxiety to students already busy with other assessments and courses. Posting things late at night like this reinforces to students the mentality that to do well in law school, they need to be constantly working and never take breaks. It's beyond inappropriate and caused many students to lose sleep and energy worrying over something that they couldn't do anything about.

Further than that, the feedback itself was condescending and unhelpful. The first 10 or so minutes were spent berating students on things like their inability to write in English or string sentences together, or suggesting that perhaps some should consider dropping out if their post-COVID circumstances were not going to change and would likely impact their performance in the course. This completely undermines the narrative that both the university as a whole and the law faculty have been perpetuating, which is that they're supposedly here for us as students and able to provide support.

The handling of this feedback was hugely unprofessional and inappropriate - no apology was made to students for this, except just to tell them that the grades were being re-evaluated. Professor McLauchlan himself made an announcement which insinuated students were upset over nothing and he was the victim, that the test was intended as a "learning experience" and students should basically harden up and be grateful to receive this kind of feedback at all. This perspective is completely out of touch with how assessments and grades affect students. Grades are a literally a numerical reflection on a students performance and are viewed as an evaluation on how intelligent and competent they are. They have a huge impact on students' sense of self-worth, let alone their impact on transcripts, scholarship opportunities, honours positions or employment.

Professor McLauchlan appeared to think that since the test was only worth 10% of final grades and double chance, that would mean almost failing half the class wouldn't be such a

big deal. However, if his intention was truly to provide a learning experience, he should have made the assessment an ungraded one, or a tutorial assignment, or possibly even provided comments on the answer scripts for students to view. Instead, he seemed proud to (in his own words) mark 90% of students a 0 for several questions while only providing one generic source of feedback in the voice recording. Students have found this extremely confusing and disheartening as it's incredibly difficult to source any value or feedback from a 0% grade on a question and no personal comments on how they could have done better.

Professor McLauchlan has also taken absolutely no responsibility for his role in this performance. Any other lecturer would probably see a 44% fail rate as a reflection on their inability to teach adequately, albeit in difficult circumstances. Professor McLauchlan instead seems to get some kind of twisted sense of satisfaction from failing his students - this is clear in the well-documented history of student feedback in previous years, including in the LAWS 214 investigation conducted by VUWLSS last year. Frankly, the fact that there was even a need for such an investigation is a disgusting reflection on the course and has made many students believe that they'd be better off studying law elsewhere. At 200 level students are more than competent and should be treated as such. Failing more students than any other paper should not be a source of pride - it should be a sign that something is clearly not working and needs to change.

Despite the faculty intervention in raising the pass rate to 80% (which Professor McLauchlan made clear he did not support), I do not feel confident that I or other students will be given a fair opportunity during the rest of the year to be graded reasonably on our understanding of contract law. It is not enough to simply hope things improve or that scaling/the bell-curve will raise grades for some students. Students need reassurance and proper intervention from the law faculty to feel any confidence in this course. This would look like:

1. Improvements in teaching quality, as there is obviously some serious gaps in students knowledge according to Professor McLauchlan's standards;
2. Assessments going forward will be handled fairly and provide students an actual opportunity for displaying their knowledge and receiving genuine and helpful feedback
3. Real action will be taken to making sure Professor McLauchlan understands the impact his actions and conduct have had on his students and this is seriously considered going forward
4. No more suggesting students drop out or accept poor grades because of the pandemic. This is an extremely privileged perspective as the majority of students do not have the financial means to drop out and stop receiving StudyLink payments. The idea of looking for a full time job in the middle of a recession instead, just to retake the course next year, is a slap in the face.

I personally would like to appeal my grade and know many other students are planning on doing so. If this test is anything to go by, the faculty is clearly not equipped to take care of students following the pandemic and it has made me seriously question whether I have made the right choice studying at Victoria. After almost 3 years studying here and never receiving a grade below a B, let alone a fail, it's hard to see how this is anything but a reflection of the Professor's teaching and attitude.

I look forward to hearing from you.

Sincerely,

█████

Kia ora Mark and ███████,

(I was unable to find confirmation about which of you is now the Associate Dean for Learning and Teaching)

As you may already know, the LAWS211 paper recently released results for our 10% mid-year exam. Based on the raw marks, 44% of our class failed. Our lecturer released this news late at night, without our actual results, and it was accompanied by (in my opinion) insensitive comments saying that if we had been impacted by Covid, we should withdraw from the course, and the due date for this was the next day. The teaching of the course during lockdown was very difficult, with our lecturer releasing only mp4 recordings of his voice with no visual supplement, and these recordings varied in length from 20 minutes to an hour or more, making it impossible to plan study. When visual supplements were provided, they were impossible to edit for me to make readable, and they were not formatted in accordance with my disability requirements, which the lecturer was aware of. I did not complain of this to him due to other personal circumstances that were taking precedence at the time.

Our class complained to VUWSA, VUWLSS and Law Faculty management, and our lecturer was forced to adjust his results in accordance with law faculty policy, to only 20% failure.

Results were released yesterday, and my raw mark was ████, scaled up to ████. I was very surprised by this. When we were informed that the failure rate was 44%, it was accompanied by general feedback to the class, which I went through alongside my test, and I was expecting a much higher grade, as all of my answers were correct except for 2 (20%). When our tests were returned, we were given our marks for each question, with no individual feedback. I was especially confused, since I was given some marks for the questions that I thought I had gotten wrong, and 0/10 for another question that I thought I had gotten correct. I know that it wasn't a perfect test, but I spent an entire day working on it carefully, and it seems to me almost as if marks were randomly assigned without any justification, due to the lack of feedback.

Our lecturer is David McLauchlan, who was investigated by VUWLSS last year, though the results were stopped from being published, and therefore acted upon, because he allegedly threatened a defamation suit. The failure rate for his course is usually 15%, as compared to the other 200 Level LAWS courses which average at 5%.

I feel in general as if an injustice has been done to our entire class in the marking

of this test, as many of my classmates have similar comments. I have contacted my tutor asking if I could meet with her next semester to go over some of the questions I got poor marks on. I have also now appealed my grade to David McLauchlan, who has agreed to meet with me after re-reading my test.

While this addresses my personal concerns about my own test results, I believe that this is symptomatic of a wider systemic issue with the LAWS211 course, which has not been adequately addressed thus far. The way that David McLauchlan has addressed our class, particularly around the circumstances of lockdown, is very concerning to me. In a BlackBoard announcement, he has accused our class of misconstruing his comments, so I have attached the recording for you to have a listen to if you wish. I find the first few minutes most concerning. I also find it very inconsiderate that this recording was released at 9:49 PM, without our actual results. I am sure that you can imagine the anxiety caused by the knowledge that 44% of the class has failed, without knowing your actual results.

This attitude towards students who have had to learn very complicated material through only inconsistent voice recordings during a global pandemic, is worrying to me, particularly going into a 70-80% final exam set by the same lecturer, partially on the same material. I would also like to emphasise that this assessment was intended by David McLauchlan to be a learning exercise, yet no feedback or justification for marks was given. I personally do not believe that it is appropriate to give anyone a 0/10 on a question unless they have not written anything, or given a very incorrect answer.

I appeal to you for wider change, beyond simply the scaling of the results for one assessment. Within these circumstances, it is not enough, and I hope that the law faculty management can share my concerns on the above matters. I am not concerned for my individual results, but more for the collective welfare of my class. The actions of David McLauchlan have had a detrimental impact on the welfare of our class as a whole, and are not in line with the university's policy regarding the circumstances of lockdown and Covid-19. I am deeply concerned that this behaviour will continue throughout the year, so I appeal to you for deeper intervention and supervision of this course.

These are the primary concerns that I have:

- The quality of teaching of the course, particularly during lockdown. If 44% of the class do not understand the content to the lecturer's satisfaction, then that is a symptom of the teaching, rather than the learning.
- The quality of assessment and the marking thereof. Assessment should provide a fair chance to demonstrate learning and be given productive feedback. Genuine effort and understanding of the content should be acknowledged, consistent with other LAWS 200 Level courses.
- The comments and general attitude of David McLauchlan towards the students in his class. He needs to understand the impact that these are having and how they are inappropriate.
- The consideration that this course, and this exam, has occurred in the middle of a global pandemic, where students have been adversely impacted in general, by job losses, change in teaching style and content, and learning in a home environment, which is not always supportive.

I acknowledge that this is a difficult circumstance for the law faculty management, but we as your students appeal for your support and advocacy. We as students do

not have the power to make wider systemic changes, but you as the faculty do.
I appreciate your consideration of this issue. Please let me know if you would like
anything further from me.

Kind regard.

████████

From: ███████████████████
Sent: Thursday, 2 July 2020 6:19 PM
To: Mark Bennett <mark.bennett@vuw.ac.nz>
Subject: LAWS211 Take Home Test

Kia ora Mark,

As I'm sure you are well aware, many students enrolled in LAWS211 this year are extremely frustrated and upset by the way our first test was handled, myself included. As I'm sure you also know, so far we as a class have had little success taking our concerns up with Professor Mclauchlan, which is why I am writing to you.

I'd like to preface this email by saying I do not have any personal grievances with Professor Mclauchlan, and I have great respect for his contribution to the law school. However, I do not think I am alone in having expected more from an academic with so much teaching experience.

I won't go into detail, but I would like to remind you that under Professor Mchlauchlan's original marking scheme, 44% of the class failed the test. Even after some serious scaling to bring the failure rate down to 19% - which our lecturer made clear he did not agree with - the results were heavily skewed towards a low pass, with the average mark being a 57/100. Surely these are not the kind of results one would expect from a course that consists largely of third-year law students, even given the nature of studying through a global pandemic. To me, this must largely be a reflection of the effectiveness of the teacher rather than the competency of the students.

We all understand that the purpose of this first test was to give us an indication of what we know and what we need to work on and for this reason it is double chance, however the nature of the feedback given does not promote the purpose of the test. Professor Mclauchlan told us numerous times that we should consider this first test as a "feedback assignment" of sorts, but has neglected to provide critiques and comments that are actually useful. We were not given our results when the feedback podcast was released (late at night, I might add) and the marking rubric attached to our submissions through Turnitin are simply numerical marks. Professor Mclauchlan admitted that 90% of students received 0 marks in at least one question but for many of us it is very difficult to understand why a 0 mark was given when our answer shared a few or even most of the elements of his 'model answer' on Blackboard. Typically, a student would only receive a 0 if their writing explicitly did not answer the question, or if they failed to provide any answer at all. As this content is being assessed again at the end of year exam, it is a great worry to many of us that we will fall into the same traps then as we have now, without being shown any way to avoid such pitfalls. Every other lecturer I have had in my time at university has made it clear that they want their students to do well, and they always try to give a student as many marks as reasonably possible. Unfortunately, I and others do not currently

feel that same support from Professor Mclauchlan.

This is just one example of the many confusions brought about by the marking of this test, and I personally would like to appeal my grade. I and my fellow classmates would appreciate some more relevant feedback from the marker at the very least. I recognise that Professor Mclauchlan has provided some general critiques already, but his feedback has obviously not settled anyone's mind about their grades.

Once again, this course is largely comprised of third-year law students. Given the nature of studying law at Victoria University and the harsh competition at 100-level, one cannot imagine that students who make it into second year are simply not clever enough to understand contract law. The raw grade of the LAWS211 test and even the scaled grades are not a fair or accurate representation of the intelligence of the cohort, but rather a reflection on the course structure and method of teaching. Regrettably, this is not a new phenomenon in contract law, as students regularly perform 'worse' in LAWS211 than in other 200-level courses at Victoria. I understand the shift to online learning was a challenge for all of us, but as students we look to the faculty and teaching staff for support to ensure we are on the road to success in our studies. With the legal industry being as competitive as it is, instances like this put us at a disadvantage compared to students from other law schools. This can take a great toll on a student's wellbeing, enforcing the perception that studying law is only ever painful and frustrating. Surely, this is not the way you or any of the faculty want Victoria to be viewed.

I look forward to hearing your response on this matter.

Kind regards,

████████

From: ████████████████████████████

Sent: Thursday, 2 July 2020 10:43 PM

To: Mark Bennett <mark.bennett@vuw.ac.nz>

Subject: LAWS211 Concerns

Kia Ora,

I am ████████, a student currently enrolled in LAWS211. I am emailing you to express some of my concerns about the recent test, and the handling of the release of test results. I am sure you have received many emails of this kind, so I will try to keep this brief.

I am sure you are aware of the original 44% failure rate of this test, which after major pushback was scaled to a 20% failure rate. Both of these figures are extremely high, however what I am more concerned about is the handling of the release of the feedback podcast and test results. The podcast was not released until late at night, and the results were not posted until days later. Personally, this caused me a significant amount of stress and anxiety, and meant I spent much of the following day distracted from completing work for my other courses. Releasing such things late at night also reinforces to students that doing well in law necessitates constantly working, without taking a break. This is incredibly inappropriate, considering that there is now a general recognition that constantly working is no way to live your life.

Additionally, the podcast of feedback was condescending and unhelpful. Admittedly, I did only listen to the first 10 minutes, and then a few bits and pieces throughout the recording. In the sections that I did listen to, Professor McLauchlan berated students on their inability to string sentences together and suggested that if people's COVID-related situations would not improve, they should drop out from the course. Statements like this are completely contradictory to the university's message that 'they are here for us' and can 'provide support'. There has been no apology for this recording.

In a statement posted to Blackboard by Professor McLauchlan, it was made out that students were overreacting. I am of the opinion that if so many students enrolled in the course were upset by this, then it cannot be that we are hypersensitive; it must be the case that something seriously wrong occurred. Professor McLauchlan also stated that we would be unlikely to receive such comprehensive feedback on any other similar sized course. However, from the feedback provided, I am completely lost as to how I got such a low grade. The Academic Handbook even outlines that feedback should be provided on all pieces of in-term assessment "in such a way that it facilitates student learning". Clearly, this has not been achieved, as I cannot see how I went wrong in my answers. Although I intend to appeal my grade and seek out additional feedback and clarification, it is frustrating that I have to reach out and do this, rather than it being provided in the first instance. I know many other students are in the same situation.

There are certainly many more things I could say on this, but I am sure that these have been voiced by other concerned students. Ultimately, what I have said could probably be summarised by saying that I am frustrated and disheartened by this situation. Had I known this would be my experience of studying law at Victoria University, I probably would have enrolled in another institution. My hope is that there is an apology issued to the students impacted by this, and a serious reconsideration of teaching methods (especially should the university need to go online again) and the handling of assessments and feedback, particularly within LAWS 211. I hope that it is possible to rectify these issues and provide students with a more positive learning experience within Victoria's Law School.

I look forward to hearing from you,

Ngā mihi

Dear Professor Mark Hickford Pro Vice Chancellor, Dean of Law and Head of School.

I believe that the lecturer and course coordinator of LAWS211 provided unduly critical marking.

Due to the unreasonable marking of the assessment and his already expressed reluctance to scale grades following a poor performance from a significant proportion of the class, I do not feel that I am able to discuss my results with the course coordinator.

No meaningful feedback was provided to students' seemingly correct answers to unnecessarily obscure questions. Students were given inexplicably low or failing marks and in my opinion, it is unacceptable that individual feedback was not given to students who received zero marks on particular questions. This is not conducive to learning.

It is also discouraging that a lecturer would suggest to students within the 30% grade range (which I am) to consider dropping out of the course.

I cannot reconcile the fact that 44% of the class failed a piece of assessment that was said to have been designed primarily to give students feedback as to their performance within the course.

I do not believe that the grade of ████ I have received accurately reflects my understanding of the course material. I was assessed as having less than "some evidence of learning" and my performance considered "well below the standard required" - Assessment Handbook Appendix B.

The outcome of the test appears more greatly to reflect the delivery of the course as opposed to expressing an indication of student performance/competence.

I believe that the answers I provided are akin to those within the marking guide and would like to request that my grade be reassessed by someone other than Professor McLauchlan.
I would appreciate the opportunity for a third party to review the grade I have received so that I can confidently assess my performance within the course.

In light of the model answers, it is my opinion that I have expressed adequate evidence of learning and I was confident of receiving a passing grade without my grade being scaled.

The reason I am writing to you is that I wish to openly express my dissatisfaction and bring to your attention what I (and a significant number of students) perceive to be unduly critical marking.

I am truly unhappy and do not feel comfortable discussing this with the course coordinator for the reasons I have given.

If it is required that I must liaise with the course coordinator I would appreciate the opportunity to contact him directly and rephrase my appeal as I suspect that my letter may offend him.

I would also like to point out that there has been some discussion between law students online which you may already be aware of, but I thought it would be worth bringing to your attention as there appears to be a shared sense of dissatisfaction among students:

"He genuinely needs to go ! I'm sick of the implication that everyone who he fails didnt understand the content or is stupid - everyone knows that his entire self worth is tied to failing students and the idea that his course is somehow better because he isnt PC. Some solidarity from law students would be ideal"

· "Liked" by 98 students 3/7/20

"In his podcast he said something along the lines of "not one of you referred to this case/point X which I expected you to" and kept bringing up points that many missed. In such a big class maybe it indicates it's a bigger problem than the students and their learning capabilities in light of Covid-19? With his chosen time to release feedback I feel like we're headed back to square one pre the investigation that was done last year."

· "Liked" by 24 students 3/7/20

" … I Was planning on writing him a letter. This is now the second time a lecturer has brought up during the Covid pandemic that students should consider dropping out, which I find appalling. It's a complete failure to take into account the circumstances, show compassion and it is completely out of touch with the reality that students will be financially impacted (lose studylink, course fees and have to find full time work during a recession). It flys in the face of the Universities assurances that we would there are measures in place in lieu of the 5 point grade increase at other universities. The lack of oversight on the faculty is also concerning. It seems as though D Mac's tenure and academic weight have made him a force unto himself."

· "Liked" by 46 students 3/7/20

"For those not in Contract this year, who have done it in the past, I want you to imagine learning Contract via DMac podcast. Just… imagine. I actually have no negative opinion of him per se, although I definitely don't understand what I am being taught, but learning this course via podcast is… impossible."

· "Liked" by 19 students 3/7/20

"It was pretty dusty to have lecturer during these trying times telling us to consider dropping out if we don't meet his standards when he's lectured contract for decades and us 211 students had a test after a few weeks of being introduced to contract all while during a pandemic. How we studied for this was listening to luggage convoluted podcasts where he talks at a blank screen with no slides. Not ideal."

· "Liked" by 17 students 3/7/20

I have attached three PDF below containing the original test submission, model answers and a separate document containing the original submission alongside the model answers and my comments.

Kind regards,