



8 July 2024

N Roberts

By email: fyi-request-27173-6f1f62ef@requests.fyi.org.nz

Tēnā koe Nick

Official information request regarding LAWS312 exams

I refer to your request for information under the Official Information Act 1982 (the Act) dated 11 July 2024:

“Regarding the LAWS312 examinations for 2023 and 2024:

Approval Process:

- 1. Please provide a detailed description of the approval process each exam underwent before being administered to students.*
- 2. Please list the names of all organisations and individuals involved in reviewing and approving the exams.*

Feedback and Improvements:

- 3. Was any advice or feedback provided by the reviewers to improve the exams in either year? If so, please provide details of this feedback.*

Exam Standards and Criteria:

- 4. Please provide the criteria and standards that law exams must meet, specifically addressing spelling, grammar, and punctuation of exam questions.*

Complaints and Actions Taken:

- 5. Regarding the 2023 academic year, have any complaints been received by the university regarding the LAWS312 course or the lecturer?*
 - 5a. If so, please detail the nature of these complaints and outline the actions taken by the Faculty of Law to address the issues raised.*

In-Person Examination Policy:

- 6. What is the rationale behind requiring LAWS312 examinations to be conducted in-person, while other courses at the university offer online examination options? Please provide a detailed explanation, including any relevant policies or regulations.”*

Approval Process

- 1. Please provide a detailed description of the approval process each exam underwent before being administered to students.*
- 2. Please list the names of all organisations and individuals involved in reviewing and approving the exams.*

Laws312 - Equity, Trusts and Succession is subject to the New Zealand Council for Legal Education (CLE) requirements for external moderation of examinations (attached). Accordingly, pursuant to CLE requirements, both the 2023 and 2024 examinations were sent to an external moderator nominated by CLE, after being developed by the course teacher and coordinator and being reviewed by academic and professional staff within the Faculty.

The external moderator is appointed by the CLE and typically will be an eminent expert in the relevant area of law. The moderator reviews the examination to ensure that the assessment questions are appropriate and that the relevant prescribed subject matter is covered. The moderator will consult with the course coordinator/ teacher if there are any concerns around the examination.

The assessments for Laws312 in 2023 and 2024 were developed and drafted by the course teacher and coordinator, Professor Geoff McLay. The external moderator was John Greenwood.

The examinations were also reviewed by two other experienced law academics at Te Herenga Waka, one an expert in the subject matter and by Faculty of Law Examinations Senior Administrative staff who reviewed and proofread the examination paper for compliance with examination protocols.

Feedback and Improvements:

- 3. Was any advice or feedback provided by the reviewers to improve the exams in either year? If so, please provide details of this feedback.*

It is normal practice for the CLE appointed moderator to provide feedback to the academic who develops the exam. Moderator feedback for the 2023 and 2024 exams is attached. Please note, some information is withheld in accordance with s9(2)(a) of the Act in order to protect the privacy of natural persons. Additionally, a small amount of information not relevant to your request has been redacted.

Exam Standards and Criteria:

- 4. Please provide the criteria and standards that law exams must meet, specifically addressing spelling, grammar, and punctuation of exam questions.*

Law examinations in courses that are covered by the CLE requirements must include questions with legal issues that cover the prescribed mandatory content for that course. The 'criteria and standards' for such law examinations therefore must comply with this prescription. This process is subject to oversight by the CLE appointed moderator. More generally, law examinations must comply with the [University Assessment Handbook](#) requirements for the setting of assessment.

Law examinations should meet the practices of effective legal pedagogy. That pedagogy will be course and assessment item specific, but typically will include ensuring that examinations cover material that has been set in course readings, which is explained by

the lecturer in class, and where students are given opportunities for participation and feedback etc. Checking of spelling, grammar and punctuation occur as a routine part of the development of examination questions. Despite best efforts, some typographical errors may still arise. Such style considerations do not go towards the substance of whether the examination questions meet the substantive criteria and standards set by the CLE.

Note: Equity is a complex and highly technical area of law. It requires students to draw on their knowledge across many areas of earlier law study in order to understand the complex interactions that are set in an equity assessment item. In class participation is vital to gaining expertise in this area of law. Typically, students may have difficulty in readily answering equity examination questions, notwithstanding, the expertise of the relevant teacher and the quality assurance provided by the external moderation procedure.

Complaints and Actions Taken:

*5. Regarding the 2023 academic year, have any complaints been received by the university regarding the LAWS312 course or the lecturer?
5a. If so, please detail the nature of these complaints and outline the actions taken by the Faculty of Law to address the issues raised.*

The Faculty of Law identified an initial error in the automated marking of an exam for LAWS312 in Trimester 2 2023. That error was remediated, and the correct marks for individual students were ascertained. As is the usual practice a scaling (as provided in the Assessment Handbook) was applied to the marks' distribution for the entire class. At that time, a comprehensive explanation and justification of this process was provided to students in Laws 312. Whilst this error affected a number of students, only one written complaint was received.

In-Person Examination Policy:

6. What is the rationale behind requiring LAWS312 examinations to be conducted in-person, while other courses at the university offer online examination options? Please provide a detailed explanation, including any relevant policies or regulations.

It is a CLE requirement that LAWS312 examinations are conducted in-person. Note: all final examinations in courses covered by CLE regulations are subject to the same stipulation.

You have the right to seek an investigation and review by the Ombudsman of the decisions made regarding this request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me at oiarequests@vuw.ac.nz.

Ngā mihi nui

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