

The context of the assessment task for this 4th Year Final capstone assessment is based on the widely acclaimed 'Dragon's Den' BBC programme that showcases entrepreneurs' business ideas to investors.

The investment for the commercial transaction is reflected in a shareholder's agreement. This authentic assessment is linked to the professional practice of a commercial lawyer. The rationale of this capstone assessment is to engage final year students in the Commercial Law module in the Law and Tax Level 8 programme to draft and negotiate a shareholders' agreement. This real-world problem-based assignment is designed to embed learning outcomes to include teamwork, problem solving, collaboration, communication to deepen learning and evaluate and critically analyse commercial clauses and key concepts. Students collaborate with peers to negotiate the terms of the commercial agreement. Students' adversarial skills are linked to professional practice and develop key law graduate attributes.

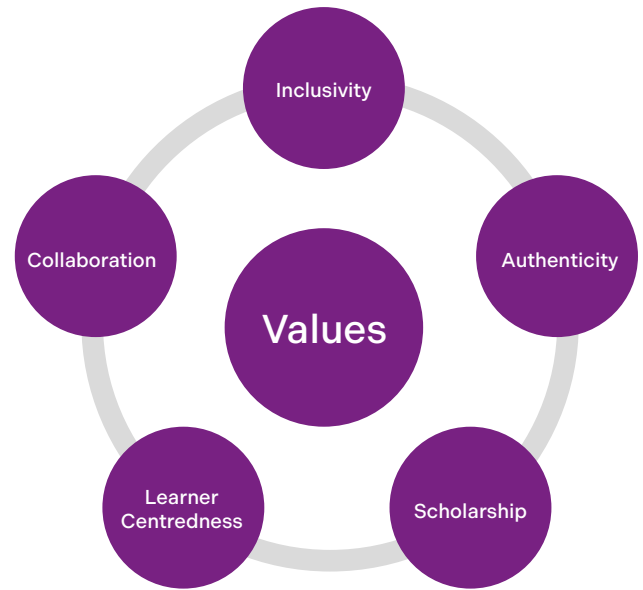


Scaffolding of prior learning and interconnectedness in group assessment

The 'Signature Pedagogy' and mission statement of TUS is based on active learning. This assessment relates to constructivism that 'Learning takes place through the active behaviours of the student: it is what he does that he learns...' Tyler notes 'These educational objectives become the criteria by which materials are selected, content is outlined, instructional procedures are developed and tests and examinations are prepared.'

Values

The National Professional Development Framework (A Conceptual Model for the Professional Development of those who teach in Irish higher Education [2016]) is underpinned by core values such as 'Inclusivity' 'Authenticity', 'Learner-Centredness', Collaboration and Scholarship.



This assessment aims to embed these values drafting, negotiating, collaborating, presenting, comparing frameworks for types of shareholders' agreements, connecting course concepts and commercial law themes with clarity, organisation, structure and format.

In preparation, students are briefed on case analysis that focuses on the practice of writing focused, concise summaries on legal opinion that include "an analysis of facts, the formulation of issues, a study of relevant law, and an analysis of the court's reasoning that supports the decision". Writing a shareholders' agreement requires students to distil the legal rules and write clear concise clauses to clarify the issues. This engages students in deductive reasoning and the final draft of the shareholders' agreement gives students a sense of ownership that an authentic assessment delivers.

Students are instructed in proper citation and reference formats with tips for writing their group and individual assignment to engage actively negotiating and asking and answering questions and to write purposefully and in accordance with set rubric criteria. These include identification of legal issues, rule of law, legal rationale and the formulation of a first and final group commercial shareholders agreement and individual reflection on problem-based learning.

The terms 'assessment' has come to be understood as part of the National Forum's Enhancement Theme 2016-2018 noting three concepts: Assessment OF Learning; Assessment FOR Learning; and Assessment AS Learning (Earl and Katz, 2006).



Feedback

Students are evaluated using a scale with descriptors and grade bands in a rubric harnessing different learning styles and profiles and multiples intelligences. According to Gardner *'People have a wide range of capacities. A person's strength in one area of performance simply does not predict any comparable strengths in other areas.'*

In accordance with the four key best practice principles feedback is:

1. Accessible;
2. Timely;
3. Promotes dialogue; and
4. Self-evaluation skills.

Feedback in this final year capstone assessment is both formative and summative. For the group assignment formative feedback is provided on each of the drafts of the shareholder's commercial agreement. Hattie (2009) suggests that feedback is an interactive two-way process allowing students to provide feedback to teachers and vice versa. Feedback bridges the gap between where they are and what they may have got wrong and how they can improve in 'promoting metacognitive self-monitoring'.

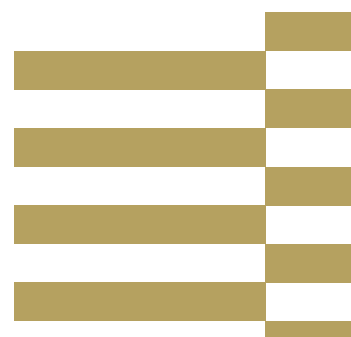
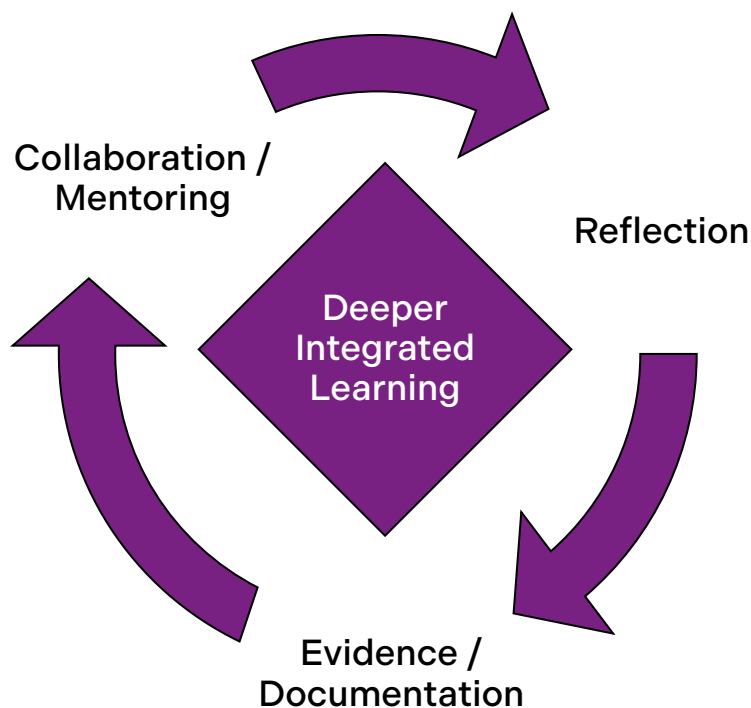
As part of the summative feedback process, individual critical reflection evaluate patterns in students' self-reported learning. The review demonstrates a deep understanding of commercial agreements through analytical perspectives, conceptualising law and recognising the relationship between law and the commercial world.

Reflection

As part of the individual assignment, each student is asked to reflect on the challenges and share with peers what they learned while and after completing the group assignment. Specifically, students are asked "What did you learn from the group element of the assignment? "What did you learn from writing the individual legal analysis?" What did you learn from comparing the two approaches? This reflective process affords students an opportunity to evaluate the counterbalance and challenge of group assessment with the individual aspect of the assignment.

Reflection practice is usually enhanced when there is sharing of reflection with others and a Group Agreement can facilitate the sharing of experiences of group assessment.

Self-evaluation is also included in the assignment rubric to maximise students' awareness of their own knowledge construction. Biggs, in fact refers to monitoring the 'construction site' as a term he uses for those study skills that involve self-management, including self-evaluation.

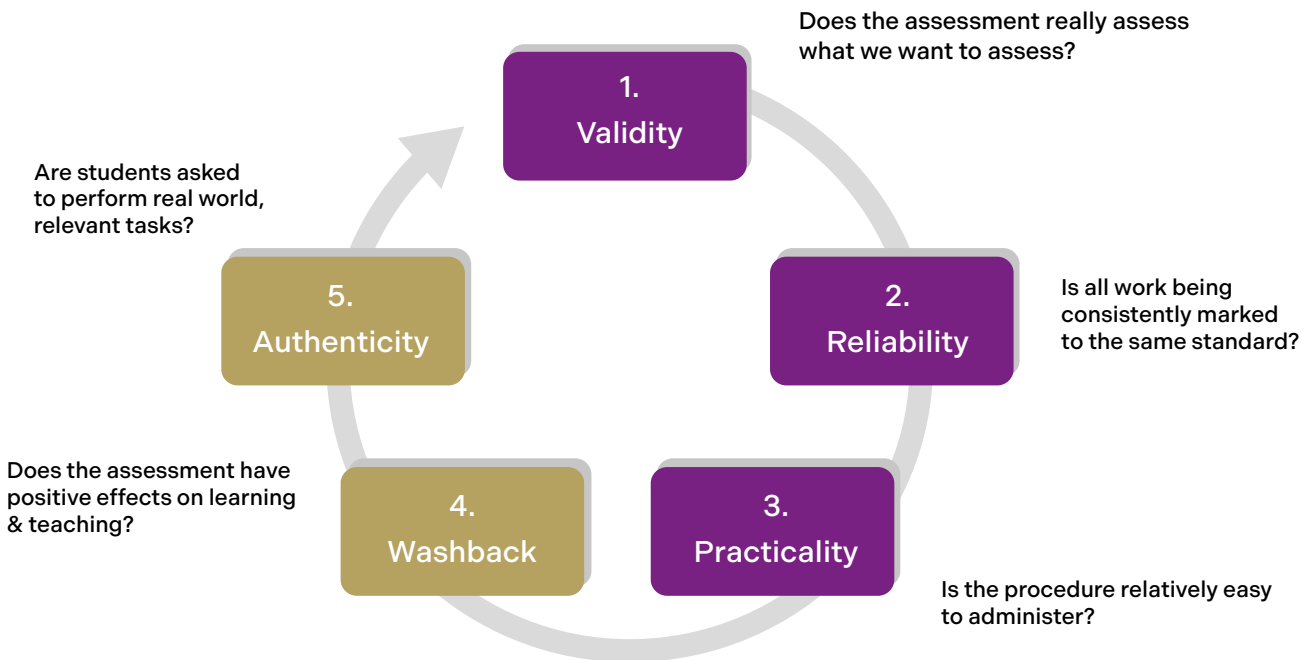


Assessment Framework

Assessment is deemed a vital part of all university studies and the 'Overarching Principles of Assessment Design (VRPWA) Framework certainly demonstrates how assessment is thought to be the *'single biggest influence on how students approach their learning'*.

The 5 key principles of assessment design include:

5 Key Principles of Assessment Design



(VRPWA Framework – Ryan, M. 2021)

According to Biggs in the measurement model for assessment (and Ryan 2021 above), Validity is an important criteria for assessment. Biggs argues that the test needs to be 'validated against some external criterion'. External professional bodies such as the Law Society of Ireland validate the ILAC (Issue Law Application Conclusion) assessment model for legal problem-based learning.

The anticipated washback on the student learning experience is a constructivist view of learning. The learner constructs their own knowledge by interaction with peers in this assessment by creating an authentic legal document and individual reflection problem based learning.

The National Forum Enhancement Theme 2016-2018 referred to Ireland adopting and promoting *"innovative, engaging, collaborative, learner-oriented and integrated"* approaches to assessment.

Such challenges and changes have been identified by the European Commission:

"We must prepare students to cope with the unknown and build their capacity to learn when the props of a course – curriculum, assignments, teachers, academic resources – are withdrawn. What, then, does that imply for what and how we assess?"

In Ulysses, Joyce notes that *'To learn one must be humble. But life is the great teacher'*.

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