



[e]portfolios for learning *and* as evidence of achievement: Scoping the academic practice development agenda ahead



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ABSTRACT

If we are successfully to harness [e]portfolios for both learning *and* as evidence of achievement, we need to understand the tensions that exist between these uses. In the light of a brief history of the nature and purpose of assessment in academia we consider [e]portfolios as a potentially attractive present day option that assists the integration of discipline-specific learning with important so-called generic capabilities, especially 'learning to learn'. The purpose of this paper is to reflect on our past experiences working with portfolios for teaching development, and working in online legal education, to identify factors which will assist us to make valuable advances, in particular, in [e]portfolio-based legal education. Implications and strategies for success in any change initiative involving [e]portfolios are discussed.

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1. Introduction

Academic practice is concerned with what those of us employed as academics actually do—the acts of planning, review and engagement that make up our educational and research work. The way in which we elect to develop and change what we do reflects the outcomes of our practice-based learning. Practice-based learning can and must be distinguished from our contributions to an academic discipline (cf Trevitt, 2008). A major component of educational academic work concerns the practice of assessment. The practice of assessment in universities includes the ways in which we have come to comprehend and enact judgement and feedback processes to do with claims to particular understandings, dispositions and capabilities.

According to Boud (1990, p. 103) 'the form and nature of assessment often swamps the effect of any other aspect of the curriculum'. In the intervening 20+ years since Boud made this claim, there has, if anything, been a proliferation of assessment tasks and approaches in universities. Indeed, we could be forgiven for thinking that, for all intents and purposes, *the assessment is the curriculum* nowadays. Talking with students increasingly leads us to this conclusion.

In this paper, our focus is on [e]portfolios for both learning *and* assessment. That is, [e]portfolio as a practice that is both formative (or learning-oriented) and summative (achievement-oriented), particularly in undergraduate legal education. We wish, however, to be cautious in using the term 'assessment'. 'Assessment', observes Knight (2006, p. 436), 'is a problematic word' even as he suggests we can

successfully think of it as the 'practice of judgement'. 'Warrant' is preferred as a term denoting high-stakes assessment 'such as certificates and diplomas, that testify to achievement' (Knight, Yorke & Associates, 2008, p. 175). In the text below we use both terms: 'assessment' and 'warrant'. Retaining use of the term 'assessment' ensures continuity with the literature. We refer to 'warrants' or 'warranting' when the focus is unambiguously on high-stakes summative assessment, and providing evidence of achievement.

Formative learning, on the other hand, might be thought of at degree-level as a process of building discipline-based understanding, and what students become able to do in consequence. Accordingly, learning-oriented assessment has been concerned with scaffolding such learning, especially through feedback processes (e.g. Boud & Molloy, 2012; Nicol & Macfarlane-Dick, 2006). Nowadays, we are increasingly concerned that students are equipped to look to a future that to a significant extent is unknown (and unknowable) (Barnett, 2000). Higher education 'should be as concerned that students can transfer what they understand and can do as that they should have the understanding and competence in the first place' (Knight, 2006, p. 445)—an idea known as 'feedforward' (e.g. Knight & Yorke, 2003).

With increasing numbers and competition, and static or reduced financial resources, pressures mount on universities to address inefficiencies and contradictions. There is an increasing impetus to rethink what we do, and why, in the name of assessment practices. Further, there is now an expectation that the 'skills' and 'graduate attributes' dimension of the undergraduate curriculum should be enhanced. The value added by a *higher* education experience is increasingly to be associated with knowing how to deploy the knowledge and information that now swamps our everyday lives. Graduates are increasingly expected to have 'higher' order abilities and be able, independent

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learners, with enhanced capacity to deal with an unknown and unknowable future. [e]portfolios appear to offer one way to address these sorts of demands thereby alleviating at least some of the pressures that, unfortunately, now seem all too common in modern university education.

In this paper, we use the term 'portfolio' to denote a print-based artefact. The term 'e-portfolio', likewise, is used to indicate that the content exists in digital form, and may or may not be able to be printed. The term '[e]portfolio' is used to denote either or both forms. There are three main parts. First, we briefly consider the historical context of assessment purposes and practices in universities. We track the emergence of assessment practices for warranting and selection purposes, and contrast these with the modern pressures to devise assessment practices for learning. Then we consider the potential of [e]portfolio-based approaches to meet that need. More than 10 years of experience working with portfolios and in online legal education in one guise or another inform our deliberations. Lastly, we consider the mounting imperatives for embracing [e]portfolios in a legal education context. In closing, we identify some of the key issues that will need to be addressed if we are to increase the likelihood of being successful.

2. Assessment for selection or for learning?—a historical snapshot

Universities have used assessment in one way or another for a long time. Over the centuries, the context, nature and purpose of assessment practices have changed markedly. A number of commentators have traced the history of formal university assessment, highlighting especially the public, oral examinations of medieval Europe, which took place in the handful of universities then in existence (e.g. see Wilbrink, 1997, and especially his comments on 'The Disputation: A Lost Examination Format', p. 36). Often regarded as a formality, these assessment events were not required to be highly selective '[s]ince access to university was determined by social status' (Delandshere, 2001, p. 116). In a contribution to the multi-volume history of University of Oxford, Brock and Curthoys (1997, p. 339) observed that 'Credentialism was not part of the original thinking/schema. The award of a written certificate or diploma was not part of the way of things'. This broad situation prevailed essentially through to the 18th century. During both the 17th and 18th centuries enrolments were low, and 'in many countries examinations either did not exist anymore, or had become farcical' according to Wilbrink (1997, p. 40).

A series of complex shifts occurred during the latter part of the 18th century and much of the 19th that saw the foundations laid for the approach to and systems of assessment that are still evident today. Examinations for the purpose of selection began to dominate. There was a shift from low to high stakes, from oral to written examinations, and 'from formal ceremonies to competitive events, from small numbers of participants to a number ... far higher than the number of available places' (Wilbrink, 1997, p. 43). Printed question papers were introduced at Cambridge and Oxford in 1828: 'In both cases the sheer numbers of students in the 1820s forced change' (Stray, 2001, p. 46).

Gradually, marking systems replaced the ranking schemes that had once prevailed. That is, the trend was very much to an apparently objective approach to assessment, albeit at the expense of a narrowing of the curriculum in order to reduce the likelihood of contention (Wilbrink, 1997, p. 39–40). Where once there was 'room for initiative' on the part of the proctors, moderators and examiners – 'extensions of the de facto curriculum might be created by the personal preference of an examiner in a single year' – 'this freedom was finally curtailed in the 1840s in Cambridge, when examination boards were set up to "stabilise" examinations' (Stray, 2001, p. 41). Rothblatt (1982, p. 14) suggests there was a 'rather dramatic evolution of the Oxbridge examination system away from vivas to written work, to more technical, less open-ended forms of examining and a greater emphasis on speed and endurance'. Assessment for selection, discipline and knowledge control thus came to

dominate over assessment for learning according to Kvale (2007, p. 61), an argument echoed by Delandshere (2001) and Stiggins (2002), as well as Wilbrink.

Assessment for selection (warranting) creates tensions with other higher educational goals. There is a 'general neglect of the potential of assessment for promoting learning' in the very institutions whose purpose is to promote learning according to Kvale (2007, p. 69). Assessment for learning, at its most successful, implies that the student is centre stage, engaged in a process of scaffolded self-validation. Assessment for selection (warranting), on the other hand, has traditionally implied a paradigm with a more knowledgeable 'assessor', one who validates the adequacy of a performance of a task. Assessing a capacity for 'learning-to-learn' through encouraging self-validation thus critically exposes the hierarchical relationship between the 'assessor' and the 'student', and the traditions associated with these roles (eg Boud & Falchikov, 2006; Delandshere, 2001). Any shift to embrace assessment for learning will therefore need to negotiate these competing paradigms or world views, and associated traditions. In the context of portfolio-based assessment, Brockbank and McGill (2007, p. 194) foreshadow some limitations of traditional assessment practices focussed on selection and identify the potential of assessment practices focussed on learning:

Traditional positivist approaches to assessment have emphasised reliability and to a lesser extent, validity. Reliability in positivist assessment is ensured by objectivity, accuracy and repeatable measures. Their drawback is that the push towards certainty reduces assessment to simplistic measures, unaligned with the complexity of modern higher education programs

Interpretive approaches to assessment start from an understanding of learning and evaluation as constructivist in nature as opposed to objective The fourth generation evaluation principles which include stakeholder involvement have implications for assessing portfolios A constructivist assessment system recognises the learner as an active collaborator, and that learning is a social process.

Against this broad historical review of the purposes of assessment, and associated tensions between traditional selective methods and the new emphasis on preparing for 'life-long learning', there is an emerging interest in the potential of [e]portfolios to realise both learning *and* assessment (viz, warranting), even if exactly what is meant by 'portfolio' in the term '[e] portfolio' varies widely. Portfolios can be developed for many different purposes. A recent literature review by Butler (2006, p. 1), for example, identifies learning; professional development; assessment (i.e. warranting); job applications, and promotions. Accordingly, there are many potential audiences: lecturers; mentors; employers; or the portfolio creator him or herself. One size cannot be expected to fit all, and a capacity to reframe and re-build, as required, is necessary. 'Portfolios contain, and are themselves, artefacts of curricula in the sense that they contain objects made by human beings which are characteristic of a particular classroom culture', suggests Murphy (1994, p. 175). In the context of portfolios for learning about – and as evidence supporting warrants of – the transition to practice, one of us has argued recently that:

... a portfolio should include, minimally, five elements:

- representations of practice;
- engagement with key ideas in [the domain of practice], and/or the [relevant] literature;
- reflective commentary—an autobiographical/autoethnographic aspect that takes an inquiring and critical stance;
- integration or linkage between the first three elements; and
- sufficient breadth to include multiple aspects of ... practice. Trevitt, Stocks, and Quinlan (2012a, p. 164–5).

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