The State of the Provision of the Bachelor of Laws (LLB) Qualification in South Africa

REPORT

Report on the
National Review of LLB
Programmes in South Africa

NOVEMBER 2018

THE STATE OF THE PROVISION OF THE BACHELOR OF LAWS (LLB) QUALIFICATION IN SOUTH AFRICA

This report was written by a report writing team under the coordination of Olivia Mokgatle. The report writing team members were Professors Brenda Grant, Derek van der Merwe, Managay Reddi and Danie Visser.
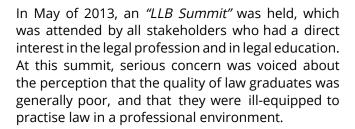
The Council on Higher Education (CHE) is an independent statutory body established by the Higher Education Act, no. 101 of 1997 (amended). The CHE is the Quality Council for Higher Education, and advises the Minister of Higher Education and Training on all higher education issues and is responsible for quality assurance and promotion through the Higher Quality Committee.

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FOREWORD

This National Report is the culmination of a process that started in 2012. Then, the *South African Law Deans' Association* (SALDA) reached an agreement with the Council on Higher Education that a national review of the LLB programmes presented at 17 universities in South Africa, should be conducted.

In May of 2013, an *"LLB Summit"* was held, which was attended by all stakeholders who had a direct interest in the legal profession and in legal education. At this summit, serious concern was voiced about the perception that the quality of law graduates was generally poor, and that they were ill-equipped to practise law in a professional environment.

One solution mooted was that a standard-setting process should be developed in conjunction with the CHE, to develop a standard-setting process for the LLB qualification. This, the CHE proceeded to do. A Qualification Standard for the Bachelor of Laws (LLB Standard Appendix A) was developed in the period 2013-2015 by a group of law academics. The group was convened and advised by the CHE and based on recommendations received from all stakeholders. The LLB Standard was endorsed by all universities in 2015.

A national review of the LLB qualification commenced in 2015, in accordance with an approved schedule. This review was conducted within the context of the *2015 CHE National Review Framework,* and against the background of the LLB Standard. Its ultimate purpose was to make recommendations on the re-accreditation of the existing LLB programmes (or the accreditation of new LLB programmes). Each institution offering the LLB qualification submitted a self-evaluation report, each of which was in turn subjected to a desktop evaluation. During August to October 2016, this was followed by site-based evaluations conducted by panels of academic peers. Each panel provided a panel report based on the site visit and on the self-evaluation report. Each report contained recommendations for improvement, commendations in respect of above-the-norm instances of best practice, and recommendations on the re-accreditation of the programmes. Each institution was provided with opportunities to comment on the site visit reports.

After an iterative engagement with the institutions, on 07 April 2017, the *Higher Education Quality Committee* (HEQC) provided each institution with its decision in respect of re-accreditation of its LLB programme. No programmes received unconditional re-accreditation. Thirteen programmes were conditionally accredited, and four were placed on notice of withdrawal. The CHE engaged with all institutions separately, and provided each with an opportunity to present an improvement plan to the CHE, within a six-month period. The HEQC met on 07 November 2017 to consider the improvement plans and to decide on the accreditation status of each LLB qualification. Four LLB qualifications were accredited, ten received accreditation subject to meeting specified conditions, three were placed on notice of withdrawal, and one LLB qualification had its accreditation withdrawn.

Those institutions whose accreditation of their LLB qualification was made subject to meeting specified conditions, and those whose qualification was placed on notice of withdrawal, were given a further opportunity to submit improvement plans. The HEQC will evaluate these improvement plans in the second half of 2018, and will decide on the accreditation of the LLB qualifications upon consideration of the viability of the improvement plans.

Section C of this Report reflects the findings of the HEQC panels in respect of each of the review criteria for the LLB qualification. Section D contains the recommendations of the CHE based on the review findings. Much was at stake in this national review process, and this was often clear from the nature, extent and levels of engagement between the institutions, site panels and the CHE. Undoubtedly, the review process was a worthwhile exercise. This is evident from the improvement plans and progress reports submitted by each institution. Reflection on, and practical steps to address issues as diverse

as demographic and curriculum transformation; teaching and learning methods; and the inculcation of graduate attributes, are present in all such plans. The recommendations contained in this report, too, reflect informed and considered proposals for the improvement and enhancement of university legal education in South Africa.

There is every reason to be confident that the review process and fruits of the process will contribute significantly to addressing the serious problems in legal education, identified as long ago as 2012 and 2013. I hope that the thoughts and recommendations presented in the report will bring about further discussion among the law schools/faculties, and the legal profession.

Professor N Themba Mosia
Chairperson
Council on Higher Education

ACKNOWLEDGEMENTS

This report on The State of the Provision of the Bachelor of Laws (LLB) Qualifications in South Africa, ends the review of LLB programmes in South Africa which was carried out by the Council on Higher Education (CHE).

The report is a product of a collaborative effort of many academics and the South African Law Deans' Association (SALDA). They provided invaluable contributions throughout the review process, including defining and clarifying the scope of the review, and conceptualisation and implementation of processes and procedures used to conduct the evaluations that resulted in judgements about the quality of the different programmes. SALDA also served as a sounding board for this review that encompassed a number of steps, culminating in this report.

Special acknowledgements and sincere gratitude must be made to the former Justice of the Constitutional Court of South Africa, Justice Zakeria Mohammed "Zak" Yacoob for his insightful and valuable contribution. Justice Yacoob was co-opted into the National Standards and Reviews Committee of the HEQC to represent the interest and voice of the legal profession in the review process.

I would also like to express my sincere thanks to the report writing team for the endless hours dedicated to getting this report completed on time.

The review of the LLB programmes was an intensive, time-consuming process, and involved a great deal of paperwork, preparation, collegial engagement and thought. Our sincere gratitude goes to all the 17 universities that participated in the review for availing their staff to the CHE for extensive periods of time to serve in different capacities, including, as review panel members and institutional coordinators.

A special word of appreciation goes to the following staff in the National Standards and Reviews Directorate who worked beyond the call of duty to ensure the success of the LLB national review:

• Ms Olivia Mokgatle: Director
• Dr Siyanda Makaula: Senior Manager
• Ms Fundiswa Kanise: Manager
• Ms Stella Shikweni: Executive Administrator

Narend Baijnath
Chief Executive Officer
Council on Higher Education

TABLE OF CONTENTS

LIST OF ACRONYMS

B.Juris	Bachelor of Jurisprudence
B.Proc	Baccalaureus Procurationis
CESM	Classification of Educational Subject Matt
CHE	Council on Higher Education
DER	Desktop Evaluation Report
DHET	Department of Higher Education and Training
DOJ	Department of Justice
GCB	General Council of the Bar
HEMIS	Higher Education Management Information System
HEQC	Higher Education Quality Committee
ICT	Information Communication Technology
LLB	Bachelor of Laws
LLB Standard	Qualification Standard for Bachelor of Laws (LLB)
LSSA	Law Society of South Africa
NQF	National Qualifications Framework
NMU	Nelson Mandela University
NSRC	National Standards and Review Committee
NWU	North-West University (Potchefstroom and Mafikeng Campuses)
RPL	Recognition of Prior Learning
RU	Rhodes University
SALDA	South African Law Deans' Association
SER	Self-Evaluation Report
SLTSA	Society of Law Teachers of Southern Africa
UCT	University of Cape Town
UFH	University of Fort Hare
UFS	University of the Free State
UJ	University of Johannesburg
UKZN	University of KwaZulu-Natal
UL	University of Limpopo
UNISA	University of South Africa
UNIVEN	University of Venda
UNIZULU	University of Zululand
UP	University of Pretoria
SU	University of Stellenbosch
UWC	University of the Western Cape
Wits	University of the Witwatersrand
WSU	Walter Sisulu University

A. Background

This is a report based on the national review of the *Bachelor of Laws* (LLB) qualification that was conducted in 2015-2016 under the auspices of the Council on Higher Education (CHE).

The report has been prepared on the basis of the requirements set for such a report in the *Framework for National Review of Programmes in Higher Education* (National Review Framework) (pp. 20-21), which was adopted by the CHE in 2015[1].

The *South African Law Deans' Association* (SALDA) engaged with representatives of the CHE in 2012. An agreement was reached that the CHE, through the *Higher Education Quality Committee* (HEQC), should begin a process for the national review of the LLB programme – as presented at 17 universities in South Africa.

At the time, serious and repeated concerns were being publicly expressed by members of the legal profession about what they perceived to be the generally poor quality of law graduates and their seeming lack of readiness to practise law in a professional capacity and environment.

On 29 May 2013, an "LLB Summit" took place at OR Tambo International Airport. This summit, entitled *"Legal Education in a Crisis"*, brought together all stakeholders who had a direct interest in the legal profession and legal education in South Africa. The purpose of the summit was to:

(i) Develop recommendations and solutions to improve the LLB qualification; and

(ii) Strengthen existing networks and facilitate the improvement of students' professional development.

Delegates to the summit adopted three proposals on the way forward:

1. The CHE was requested to conduct a standard setting process for the LLB qualification – as a precursor to a national review of the LLB programme.

2. An *LLB National Task Team* (LLB Task Team) was established, comprising representatives of the following stakeholders: SALDA; General Council of the Bar (GCB); Law Society of South Africa (LSSA); Department of Justice (DOJ); Department of Higher Education and Training (DHET); and the Society of Law Teachers of Southern Africa (SLTSA).

3. Law faculties/schools and the professional bodies (GCB and LSSA) would take active steps to counter concerns raised at the summit, and report on the steps taken to the LLB Task Team.

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[1] Framework for National Review of Programmes in Higher Education

Soon after the summit, the CHE assumed responsibility for the drafting of a Qualification Standard for the Bachelor of Laws (LLB) (LLB Standard, Appendix A). CHE assumed this responsibility, because, in terms of the National Qualifications Framework Act (67 of 2008), it is the Quality Council for Higher Education in South Africa, and, as such, has a statutory mandate relating to the quality assurance of higher education qualifications. In terms of Act 67 of 2008, a National Qualifications Framework exists for the "classification, registration, publication and articulation of quality-assured national qualifications". It comprises three sub-frameworks – one of which is the Higher Education Qualifications Sub-Framework (HEQSF). The HEQSF was published as official policy in the Government Gazette, in August 2013.

Part of the implementation of the HEQSF is the development of qualification standards for each qualification by the CHE – as the Quality Council for Higher Education. The CHE develops qualification standards within the context of the *Framework for Qualification Standards in Higher Education* (Standards Framework), which was adopted by the CHE in March 2013[2]. In accordance with the Standards Framework, page 3 states that "standards are envisaged as developmental guides for programme design and delivery, rather than as rigid instruments for regulating compliance".

The LLB Standard was developed in the period 2013-2015, by an 11-person *Standards Development Working Group* of academics, who were convened and advised by the CHE. The LLB Standard that was finally approved, considered comments and recommendations made by all stakeholders (including the GCB and the LSSA), and has been endorsed by all universities that offer the LLB qualification.

The national review of the LLB qualification commenced in 2015, within the context of the 2015 National Review Framework. The purpose of a national review was to evaluate a programme against specific quality criteria and to make recommendations on whether a programme should be re-accredited (or, in the case of a new programme, accredited).

The criteria on which the national review was conducted were based on the LLB Standard and section 3 of the HEQC's Criteria for Programme Accreditation[3], Appendix B. The CHE agreed

that, since the LLB Standard was adopted long after the LLB programmes at the 17 institutions were initially approved and accredited, the LLB Standard would serve largely as an instrument for programme development – rather than as a primary benchmark for re-accreditation.

As prescribed in the National Review Framework[4], the process for the national review of the LLB in 2015-2016, followed the following schedule – as detailed in the *National Review Manual: Bachelor of Laws* (LLB), approved by the CHE in August 2015[5]:

1. *The National Standards and Review Committee* (NSRC) of the HEQC recommended that a national review of the LLB programme be conducted and developed, and approved a proposal for the nature and scope of the review.

2. Each of the 17 institutions offering an LLB qualification would compile a *Self-Evaluation Report* (SER) based on a template designed by a group of law academics convened by the CHE.

3. Each SER was subjected to a *Desktop Evaluation* (DER) by a panel of law academics, to ensure that all criteria had been covered in the SER, and also, to identify areas of good practice as well as shortcomings. The reports on the DER were moderated by a separate panel of law academics, in order to ensure consistency of style and content. The DER of each SER was then sent to the relevant institution, which then had an opportunity to respond to the comments made in the DER.

4. A site-based peer evaluation of the programme presented at each of the 17 institutions, was conducted in the period August to October 2016. Each site was visited by a panel that comprised two or three law academics, an independent chairperson of the panel (two individuals served as chairperson for respectively nine and eight of the panels), and a representative of the CHE. Each panel was appointed by the CHE and conducted itself in accordance with criteria set by the CHE. The site visits were conducted in accordance with, and in strict adherence to, a pre-arranged schedule.

5. After each site visit, the panel prepared a site visit report. The report was based on both the institutional SER and evidence gathered during the site visit. The report set out the extent to

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[2] Framework for Qualification Standards in Higher Education
[3] Adapted from the HEQC Criteria for Programme Accreditation, November 2004
[4] National Reviews Framework
[5] National Review Manual: Bachelor of Laws (LLB)

which each institution complied with both the criteria for re-accreditation and the criteria set by the LLB Standard. In the report, the panel made recommendations on areas in which the institution could improve, and also commended an institution on instances of best practice. The report also contained the panel's recommendation on the re-accreditation of the institution to offer the LLB programme. Where deemed necessary, the reports also proposed improvement plans (often in conjunction with the institution concerned), to correct any shortcomings in the LLB programme presentation. All of the site visit reports were finalised by the end of November 2016.

6. The NSRC of the HEQC assessed each site visit report, together with each SER. It then recommended an accreditation outcome to the HEQC. In February 2017, the HEQC provided each institution with its proposed re-accreditation recommendation, and also the report on which it was based. It gave each institution 21 days to comment on any factual inaccuracies in the report, and, where required, to provide additional evidence in respect of statements made in the SER.

7. The HEQC made its final decision in respect of the re-accreditation of the LLB programme offered at each of the 17 higher education institutions on 30 March 2017, and then conveyed this decision to each institution on 07 April 2017. The re-accreditation outcomes were published on the CHE website (as reflected in Appendix C).

8. No programme received unconditional re-accreditation. Thirteen of the programmes received re-accreditation subject to the institutions meeting certain conditions. Four programmes were placed on notice of withdrawal of accreditation.

9. Since no LLB programme was given unconditional re-accreditation, the CHE then engaged with all 17 institutions separately. The purpose of the engagement was to inform them of the opportunity they had to present improvement plans to the CHE within a six-month time period. Upon receipt of these improvement plans, the CHE would evaluate the plans and decide on the accreditation status of each LLB programme.

10. The HEQC met on 07 November 2017 to consider the improvement plans for the LLB programme of each of the 17 institutions. The decision of the HEQC on the accreditation status of each LLB programme, after evaluation of the improvement plans, is reflected in Appendix C. Those institutions whose programmes did not receive unconditional re-accreditation, are required to meet certain conditions within a stipulated timeframe (as reflected in Appendix C), in order for the CHE to consider awarding their LLB programme re-accreditation. The accreditation of the LLB programme of WSU has been withdrawn, and the institution has been advised to design a new LLB programme that must be submitted for accreditation in due course.

11. The HEQC met on 07 June 2018 to consider the improvement plans for the LLB programme of each of the institutions. The decision of the HEQC on the accreditation status of each LLB programme, after evaluation of the improvement plans, is reflected in Appendix C. Those institutions whose programmes did not receive unconditional re-accreditation, are required to meet certain conditions within a stipulated timeframe.

B. Summary of Outcomes

1. Accreditation status of LLB programmes as at June 2018: see Appendix C.

2. *HEQC* conditions for re-accreditation or the removal of a notice of withdrawal in respect of each institution, as at December 2016: see Appendix D.

3. *HEQC* re-accreditation conditions and accreditation withdrawal criteria as at December 2016: see Appendix E.

4. *HEQC* commendations/recommendations: see Appendix F.

C. FINDINGS OF *HEQC* REVIEW PANELS

C. Findings of *HEQC* Review Panels

The 12 individual sections that comprised the *HEQC* review panel report form the structure of the report on the *HEQC* review panel findings below.

1. Preamble

How does the LLB degree programme address the values and ethos expressed in the preamble of the LLB Standard document? In particular, to what extent are the following aspects addressed:

• Transformative constitutionalism;

• Responsiveness to social justice;

• Responsiveness to globalisation; and

• Responsiveness to ever-evolving information technology?

(Reference: programme accreditation criteria 1 (iii) and (vii), 11 and 12)

1.1.   Although there is no scholarly consistency in defining what is meant by *transformative constitutionalism,* there is widespread acknowledgement that, at the very least, the 1996 Constitution is the fountainhead of the approach that the law is an active agent of social and economic change in a society that had, until 1994, been premised on institutionalised inequality. The Constitution serves as the primary instrument of transformation – from an unjust to a just society. Its provisions, values and aspirations permeate all of society and all of the law. To teach and to study law "constitutionally", means a completely different way of teaching and studying law than previously. Every law module of the LLB curriculum will alert students to the fact that the Constitution is the supreme law of the country and that all other sources of law are subvervient to it; that the Constitution and the values it embodies and the spirit it exudes demand that law (whether common law, statutory law, customary law or international law) be an active agent for change; and that all law must be measured against the demand that law must be interpreted and applied in light of the values that underlie an open and democratic society based on human dignity, equality and freedom. All of this, demands from the teaching and learning process, a re-interpretation of what constitutes sources of law in an open and democratic society, and an interactive engagement with students on the foundational concepts of human dignity, equality and freedom within the legal system.

Therefore, the LLB Standard requires that "transformative constitutionalism" and its core philosophy are suitably understood by law faculties, appropriately embedded in curricula at all levels of the LLB programme, and internalised by law students.

1.2.   While the LLB curricula of most of the faculties/ schools address "constitutionalism" to some extent, at least four (UL, NWU, WSU and UNIZULU) do not adequately address the concept of "transformative constitutionalism". This may be as a result of the inability to appreciate the difference between "transformative constitutionalism" and "constitutional imperatives". Some institutions address the concept of "transformative constitutionalism" more expansively and systematically than others (UP, SU and Wits). Moreover, although most institutions offer two or more modules in constitutional law and human rights, which nominally may cover aspects of transformative constitutionalism, not all faculties/schools could demonstrate that transformative constitutionalism is a dominant principle embedded in their LLB programmes.

1.3.   In some instances, even where the faculties/ schools could address and incorporate aspects

of "transformative constitutionalism" into the LLB curriculum, the conduct of some of their staff and students seem to demonstrate that they may not have explicitly internalised an understanding of the transformative nature of the Constitution, and how this translates into the teaching and learning practices and experiences of their students (NWU and UP). Some students at these institutions reported a sense of social disconnect and alienation from the larger body of students – as a result of being "accommodated" rather than being accepted and integrated into the academic environment of the faculty concerned. Some students also reported on a sense of distinct segregation between Black and White students, with the prevalent view being that, as a rule, White students display an attitude of superiority towards their Black counterparts. In these institutions, cultural differences appear to be deeply entrenched, with little general willingness to break down social barriers. At one of the institutions, students considered that although the faculty had recently embarked on a transformation drive, including curriculum transformation, much more still needs to be done (UCT).

1.4. The LLB curricula of most faculties/schools devote adequate attention to matters of *social justice* by offering programmes that inculcate in their students, an awareness of the widespread social injustice in society, and the need for legal practitioners to be responsive to such injustice. In these faculties/schools, the clinical legal education modules offered in their law clinics, are the primary vehicles for inculcating this awareness. However, other modules that also perform this role include: *Community Service, Legal Practice, Street Law, Alternate Dispute Resolution, Consumer Protection and Credit Law, Legal Practice, Law and Community, Practical Legal Training, Child Justice, and Social Security Law.*

1.5. Some faculties/schools have adopted additional activities as part of their ethos – to inculcate the values of social accountability and social justice in their students. These activities include donating food parcels to less privileged fellow students, and supporting the homeless and other vulnerable sections of society (UJ). Students at some faculties/schools also voluntarily participate in the social responsiveness activities of student organisations like *Students for Law and Social Justice* (UKZN, SU and UFH), and other organisations such as the *Legal Welfare Community Organisation* and the *SA Constitutional Literacy and Service Initiative* (UCT and UFH).

1.6. The faculties that fall short of the LLB Standard's requirement for social responsiveness do so primarily because their curricula do not expose all their students to "live clients" and "law-in-action" studies. This is mainly because the modules that lend themselves to these activities are electives (UFS, UL and SU) or comprise, for logistical reasons, only simulated practical legal experiences for most students taking the module (NWU). As a result, the students are denied the opportunity of being exposed and responsive to the experiences of large sections of South African society, whose lives and living conditions reflect a range of social injustices arising from historically institutionalised and culturally endorsed forms of inequality.

1.7. In the framework of the LLB Standard, the requirement that LLB programmes must be responsive to *globalisation*, is intended to ensure that students are provided with sufficient learning content and materials, to inculcate in them an awareness of the global reach of law and the duty of legal practitioners to understand law in a transnational, globalised context. Students therefore need to be alerted to the reality that South Africa is an integral part of a global community, and that its laws have an impact beyond its national borders. Likewise, law, treaties and conventions passed outside of South Africa's borders, may impact on the country and its legal system.

1.8. The requirement of globalisation in the LLB Standard seems to have been adequately met by most faculties/schools, with their various LLB programmes offering suites of modules, both core and elective, which address globalisation. However, in some faculties, although students are exposed to modules like *Public International Law, Private International Law and Business Law*, these modules are focused on preparing students for practising law in South Africa – and not as a response to globalisation (UFS and WSU). At UNISA, while

aspects of globalisation may be evident in a limited number of modules, this concept is not well embedded in the LLB curriculum of the faculty. By contrast, some faculties have sought to reinforce the "globalisation" of their LLB programme, by revising the curriculum to more deeply infuse regional, continental and global developments in the law (Wits) – or they plan to do so (NMU).

1.9. The LLB Standard's requirement that LLB curricula need to be responsive to ever-revolving *information technology*, is twofold. Institutions need to show: (i) how their LLB programmes have embraced and are using information and communication technology (ICT) as a pedagogical tool for the study of law; and (ii) whether the LLB curriculum incorporates law that governs the use of the internet and ICT.

1.10. The extent to which ICT can be used as a pedagogical tool – rather than an as an information-sharing tool only – for teaching and learning, largely depends on the availability of ICT resources to inform and support this method of study. The provision and availability of ICT facilities varied across institutions, with some having no or few challenges in this regard – while others had insufficient numbers of computers, or slow Wi-Fi connectivity, or a lack of widespread Wi-Fi connectivity for students to be meaningfully engaged with e-learning platform (UL, UNIVEN, WSU and Wits).

1.11. Despite the above problems relating to ICT, all institutions have incorporated some aspects of ICT into their programmes by providing e-learning platforms for the study of law subjects. However, even in faculties/schools with good ICT resources, there is inconsistency in the pedagogic use of this resource. Some modules show evidence of having embraced this methodology extensively and effectively, but others only cursorily so. In many instances, the platforms serve more as an information and materials hub, rather than as a vehicle for active learning. Furthermore, the use of the e-learning platforms has not been taken up by every law module in the LLB programmes at some institutions. However, this may be in line with individual institutional directives, as this teaching and learning methodology is resource-dependent, and not all institutions can afford a concurrent, blanket rollout for all programmes or modules.

1.12. Only one faculty offers a dedicated module in cyber law/internet law as a core component of the LLB curriculum (WSU). However, as this is a first-year module taught in combination with a basic course on intellectual property law, the complexity and scope of the subject matter taught are highly inadequate. A few other faculties offer only an elective module in this area (UFS, NMU, UP, US and UWC). Other faculties/schools have acknowledged the benefit of the inclusion in their LLB curricula of either a dedicated, compulsory cyber law module or some core cyber law content in the core modules (UCT, UJ, UKZN, UFH, NWU, UNIVEN, Wits, and UNIZULU). Without exception, the faculties/schools that currently have no cyber law content in their curricula, have all indicated that they intend to include this in their programmes as part of their re-curriculation plans.

2. Institutional Alignment

• What alignment is there between the LLB programme and the institution's mission, goals and strategic plans?

• 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, what are the arrangements, how are they aligned with the institution's mission, goals and strategic plan, and what measures are in place to ensure comparable quality under those arrangements?

(Reference: programme accreditation criterion 1(i))

2.1. Most of the institutions demonstrated a clear alignment between the LLB programme and the institution's strategic plan and its vision and mission statements. A general theme in all the institutions, is the vision to provide excellence in teaching and learning, as well as in research. Many faculties/schools have developed their own vision and mission statements that focus specifically on the goals of excellent teaching/learning and research in law. The institutions were aware of the need to review their missions and strategic plans within a transforming society with emerging challenges and opportunities in higher education. Some of the institutions (UCT and UFS) are in the process of reviewing their mission and vision statements, with the objective being to transform institutional culture or curricula.

2.2. Some institutions (UFH, UNIVEN, and WSU) could not sufficiently demonstrate how the LLB programme resonated with the institutional strategic plan or mission. While most institutions sought to create an African or international profile or presence, a few universities – due mainly to their remote geographical location – in practice, limited themselves to providing excellence in teaching and learning to local, rural communities (UNIZULU and UNIVEN), although their vision and mission statements foresee a broader engagement. One Faculty (SU) displayed sufficient alignment between the institution's vision and mission statement and its strategic planning, but acknowledged 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 realised.

2.3. Only two universities were involved in the outsourcing of the delivery of the programme (UFS and UNISA) to private institutions. Both institutions have however been obliged to terminate licence agreements with these private institutions – largely because of the challenges of combining the institutional ethos of the universities as state institutions with private institutions.

3. Purpose

• The LLB degree prepares well-rounded graduates for the three career pathways, namely entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law.

• There is evidence that demonstrates that the LLB degree attempts to address the stated purpose of the qualification.

(Reference: LLB standard and programme accreditation criterion 1 (ii) and (viii))

3.1. In the CHE's Higher Education Qualifications Sub-Framework: Qualification Standard for Bachelor of Laws (LLB), it is stated that "legal education as a public good should be responsive to the needs of the economy, the legal profession and broader society [and] it must produce skilled graduates who are critical thinkers and enlightened citizens with a profound understanding of the impact of the Constitution on the development of the law, and advancing the course of social justice in South Africa". If university legal education indeed succeeds in doing all of this, law graduates will be produced who can contribute meaningfully to society – not only through the traditional practising professions, but also in other ways. Hence, it was natural and appropriate for the purpose of the degree to be formulated in this broad manner. In considering whether all three elements of the purpose have been met, the central question is how, and how well, the curriculum in each university is geared to inculcate the necessary generic approaches, skills, and knowledge.

3.2. The issues considered in this section cannot be wholly divorced from those discussed below in the section Graduate Attributes. A loose distinction is that in the present section consideration is given to whether the general tenor and thrust of the LLB degree is geared to produce the kinds of graduates foreseen in the formulation of the purpose of the degree – whereas the section on graduate attributes focuses in greater detail on the specifics of producing the desired type of graduate.

3.3. With the exception of WSU, the curricula of all faculties/schools were found by the panels to be designed to prepare students for legal practice, other careers involving law, and postgraduate study. However, in some instances, the approval recorded by a panel was only a qualified one, as will be set out in more detail below.

3.4. It is clear that all the faculties/schools prepare their graduates in the first place for a career as a practising lawyer. In this regard, it is important to note a salient feature of legal education in South Africa over the last 20 years or so: formal classroom instruction has increasingly been supplemented by clinical legal education, which fulfils the dual role of giving students some notion of the "law in action" and provides an important social service. As stated below, most faculties/ schools now have well-functioning law clinics where students experience "law in action". In many instances there are also modules devoted to legal practice, moot courts and other innovative ideas (e.g. "hubs" of students at NMU meet regularly with practising lawyers during their training), which combine to ensure that students experience law beyond the books before they enter practice (also see the modules listed at 1.4, above). An important point that emerged from the various reports, is that the opportunity to attend a law clinic varies greatly between faculties/schools. Thus, on the one hand there are clinics that accommodate all or most students, while on the other hand many law faculties/schools provide clinical training to only a percentage of their students – and sometimes only a small percentage. Again, some faculties/schools provide clinical training to their students, but with limited (or even, in one case – UL – no) access to live clients. Obviously, clinical training is costly, which also explains the big differences in the way that clinical legal education is conducted across the faculties/ schools. Its benefit both to the students and society are so obvious, however, it is imperative that each law faculty/school consider afresh how it may provide full access to clinical training. This is a process in which those faculties/schools that currently provide limited access, can learn from those who have found ways to do more with less in this regard.

3.5. The fact that faculties/schools see training for the practising professions as the main aim of the LLB degree, does not militate against training for the other career pathways foreseen for LLB graduates. This is so, since, as the HEQC's NWU report expressed it: "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". In other words, to quote from the NMU report: "an 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".

This sentiment was also expressed in the Wits and UKZN reports, with the latter also raising (for discussion among faculties/schools) the question of "whether an LLB programme can indeed be designed to directly prepare a student for a non-professional career".

3.6. In stating that the legal education in most faculties/schools met the three-fold objective of the LLB degree – many of the reports expressed reservations about the adequacy of the programmes to prepare students for careers other than legal practice (UJ, UL, UNISA, UNIVEN, UNIZULU and WSU). In addition, the UL report highlighted a particular concern in respect of the UL programme: there is a particularly heavy emphasis on criminal law, to the extent 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".

3.7. The effectiveness of a curriculum aimed at preparing students for both professional practice and other law-related careers, largely depends on how well generic skills (e.g. reading and writing skills, analytical skills, and research skills) are transferred – and clearly the number of non-law subjects woven into legal training also plays an important role. Thus, in evaluating the programmes at the various universities, the panels drew attention to instances where the programmes (or some of the core modules within the programmes) were considered (sometimes by students and/or alumni) to provide inadequately for: (a) reading and writing skills (NMU, UKZN, UL, UP and UNIZULU); (b) analytical skills (NWU, UL and UP); (c) research skills (UJ, UNIZULU and WSU); or (d) access to sufficient non-law modules (NWU, UL, UNISA, UNIZULU and WSU). However, even though there is room for improvement with regard to one or more of the listed generic skills in some faculties/schools, it must be stressed that a reading of the individual SER demonstrates much activity across the system to improve these skills through: (i) modules or sections within modules, aimed at improving language proficiency, writing ability, and research techniques; (ii) strategies within modules to enhance analytical and communication skills; and (iii) compulsory or elective research essays or assignments.

4. NQF Level and Credits

- The LLB degree is designed (through logical sequencing and increasing complexity of module content and assessment) to ensure appropriate progression through ascending levels of competency.

- The LLB degree meets the requirements of NQF exit level 8.

- Credit rating of the modules is constructed in terms of student workload, variety of teaching activities offered, and learning activities expected.

- Credit ratings relate to notional study hours undertaken in the LLB qualification.

- The total allocation of credits in the LLB degree adequately meets the purpose, content and intended outcomes of the qualification.

(Reference: LLB Standard and programme accreditation criterion 1 (iii) and (vi))

4.1. The NQF exit level for the LLB qualification – conceived as an integrated, professional bachelor's degree offered over a minimum of four years – is *eight*. The descriptors for NQF level 8 are contained in the document *Level Descriptors for the South African National Qualifications Framework.*

4.2. The *Higher Education Qualifications Sub-Framework* (2013) (HEQSF) prescribes credits as a measure of the volume of learning required for a qualification and of the purpose of the qualification (see paragraphs 27-30 of HEQSF). Credits, again, are determined with reference to the number of *notional study hours* required to achieve the specified learning outcomes. Ten notional study hours are deemed to be equivalent to one credit. Included in notional study hours, are all learning activities engaged in by the student.

4.3. The total minimum number of credits required for the LLB qualification as a professional four-year bachelor's degree is *480* (i.e. 120 credits per year). For a two-year second degree the total minimum number of credits is 240, and for a three-year second degree it is *360*. This is based on a set of assumptions: a full-time academic year comprises 30 weeks; and an average full-time student is expected to study for 40 hours per week for all their registered modules. In many faculties/schools, these

assumptions translated into the awarding of either 8 or 12 or 16 credits for a module – with little analysis of degree of complexity, learner volume, and assessment strategies. In some cases, credit values as low as 6 and as high as 32 were assigned to individual modules.

4.4. The *South African Law Deans' Association* (SALDA) has recommended that the number of credits for the LLB qualification should range from 480 (minimum) to 540 (maximum).

4.5. All curricula for the LLB qualification meet NQF level 8 requirements – with two exceptions. At WSU, the review panel was unable to conclude that the curriculum fulfilled the requirements of level 8. Two LLB programmes are offered at UFH, which do not meet this requirement: the LLB degree awarded after completion of a one-year LLB following upon a B.Proc. degree (which therefore only has a total of 160 credits); and the two-year LLB degree awarded after the B.Juris degree (which therefore only has a total of 208 credits). The requirement that a student must pass at least 50% of the credits toward the LLB degree (544 for a four-year LLB and 460 for a three-year LLB) while registered for the LLB qualification, has therefore not been met. Also, since the B.Proc and B.Juris degrees were phased out many years ago, it is also questionable whether there is due regard for the "shelf-life" of modules passed for these phased-out qualifications. Clearly then, the LLB qualification awarded under these circumstances is merely an "add-on" degree and not a substantive stand-alone NQF level 8 qualification – and therefore cannot pass muster.

4.6. Most of the LLB curricula pay sufficient attention to logical sequencing and increasing complexity of module content to ensure appropriate progression through ascending levels of competency – as well as meeting the purpose, content and intended outcomes of the qualification. Some of the faculties/schools use *Bloom's taxonomy* of descriptors to guide them in this regard. A valuable concept that has been used in this context, is that of *strategic scaffolding* of the learning process. Most faculties/schools pay attention to strategic scaffolding of the learning process; indeed, some went to considerable trouble to make this apparent to the HEQC – as is evident

from their respective SER. In some cases (UJ, UNIVEN and Wits), given that the nature of assessments in some final-year modules did not differ significantly from first-year modules, and that the level of student dependence on their lecturers did not significantly decrease in succeeding years of study, there is doubt about whether the criterion of increasing complexity of module content through increasing complexity of assessments, was adequately met. In another case, the absence of co- and pre-requisites has a deleterious effect on the demand for logical sequencing, increased complexity of module content, and appropriate progression. At Wits, students have been expected, since 2015, to register for the LLB degree as a second degree. This has caused some confusion as to what level of complexity some of the modules are being taught at – since the curriculum was first designed as a four-year degree. The HEQC has set conditions for re-accreditation of those modules that no longer conform to the set requirements.

4.7. Some of the curricula were found to have certain anomalies. In the curricula of NMU and WSU, *Constitutional Law* is placed in the first year of study, which, given the overriding importance of constitutional jurisprudence, appears to be inappropriate. At UL, only one core module is devoted to constitutional law, too few core modules are devoted to mercantile law, and no core module is devoted to jurisprudence. In the UP curriculum, *Criminal Law: General Principles* is taught in the final year which seems incongruous, while at SU it is taught in the first year which also seems incongruous. Intellectual property law is taught to first-year students at WSU.

4.8. Concerns were also expressed at some faculties/schools – by students in particular – that the transition from one study year to the next (typically, from first to second year (at NMU and UKZN), but also from second to third year (UCT) and from third to fourth year (UJ)), was problematic given the volume and level of complexity of learning material required in the higher year of study compared to the previous year. This comment also holds true in respect of students who register for a particular module or year of study within the "two-year", "three-year" or "four-year" stream (e.g. UCT). One explanation for the widespread concerns

that students have about the big difference in level of complexity between one study year and another, is that faculties/schools struggle to determine the appropriate "mix" – especially at first and second-year levels – between law modules, non-law modules, and skills-based modules.

4.9. It is clear that faculties/schools – as they review their LLB curricula in light of the *HEQC National Review* of the LLB – should seek to gain a common understanding among themselves about how credit values for modules are determined and how a "notional hour" is conceptualised. The HEQC reports reflect a wide divergence in approaches adopted, and also in the manner in which core concepts are understood and applied. The most common concerns raised in the reports are:

(i) The same module is awarded different credit values, depending on whether it features in the four-year undergraduate curriculum, an extended degree curriculum, or a second-degree curriculum.

(ii) In several cases, a clear impression was gained that credit values are awarded, not on the basis of calculated notional hours (and the learner activities that make up those notional hours) for each module – but on the basis of an accounting exercise to ensure that the total number of credits for each year of study does not exceed a desired maximum (or minimum).

(iii) There is wide divergence between faculties/schools with respect to the total number of credits allocated toward the four-year, three-year, two-year and extended LLB programme. In many of the curricula, the total number of credits is within the 480-540 range recommended by SALDA (see 4.4, above). However, six curricula (NWU, UCT, UFH, UFS, SU and Wits) allocate in excess of this range: UFS allocates 768 credits and UCT 678. This reflects a broad lack of appreciation of the importance of credits and notional hours as essential building blocks in the design of a curriculum. Credit values which are properly allocated on the basis of substantive application of the concept of notional hours, should produce a well-structured and pedagogically sound

curriculum in the manner in which it takes account of student workload and the purpose and learning outcomes of each module and the qualification as a whole. In this regard, SALDA's recommendation that total credits for the LLB qualification should be 480 to 540 credits, has much value.

iv) There is little unanimity about what constitutes a "notional hour" in general – and also with particular reference to separate module-based learning as well as learning that takes place in different years of study. For some, the notion of a "notional hour" is a blunt instrument. This is so, because the notion references only the nature and learning content of a particular module, and does not reference the highly individual approaches adopted by different lecturers to the same body of learning, and the high/low expectations that individuals have of students in a module.

(v) In some faculties/schools, credit values per module were directly related to individual staff workloads, while in others workloads took no cognisance of modular credit values.

(vi) Some faculties/schools had difficulties calculating total credit values because of the "add-on effect" which non-law modules in the curriculum have on these calculations, and because of the lack of a general consensus among faculties/ schools on what percentage of modules in the curriculum should be non-law modules.

(vii) Some faculties/schools also struggled to appropriately reflect the value, nature and complexity of formative/summative assessments in their calculations of notional hours, and therefore of modular credit values.

5. Student Recruitment, Selection, Admission and Support

• Considering the NQF levels and the particular demands of the LLB, how do the 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); and
- Admission via RPL?

- 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.)

(Reference: programme accreditation criteria 2 and 11 (iv) and (v))

Student Recruitment, Selection and Admission

5.1. All the faculties/schools reviewed meet the legislative requirements for the admission of students to the LLB programmes in the different institutions. Just over a third of the faculties have elected to offer the LLB programme both as a mainstream offering (minimum duration of four years) and as an extended curriculum programme (minimum duration of five years). These institutions are: UCT, UFS, UL, NMU, UFH and UWC.

5.2. Not all the institutions that offer the extended curriculum programme have advanced reasons for their decision. For those that have, the following serve as their justification: to enable *"students from previously disadvantaged groups whose educational background has not prepared them adequately for their LLB studies"*, but who are considered by the faculty *"to have the potential to succeed in LLB studies with the provision of additional educational support"* (UCT); and *"advancing social justice by creating multiple opportunities for disadvantaged students to access the [university] via the extended LLB curriculum programme..."* (UFS). It is trite that in all cases,

the extended curriculum programmes are intended to allow access to LLB studies for students who do not meet the mainstream admission requirements. Therefore, based on ongoing racial prejudice still prevalent in South African society, the wisdom of restricting admission to the extended curriculum stream to Black students in faculties/schools where most students in the mainstream programmes are White, is in fact questionable.

5.3. In institutions with significant numbers of White students, students perceived the extended LLB programme as the "Black" and slower LLB programme. Students in this stream also reported feeling stigmatised by faculty staff and the students in the mainstream programme (e.g. UCT). This feeling of being stigmatised and of "otherness", was also reported in respect of students identified as being at-risk (SU). The catalyst for these feelings in the latter group was reported to be the interventions implemented to assist at-risk students, which, since 2015, have faced resistance – despite having worked well in the past. All of these issues point to the need by faculties/schools to have greater awareness and a more mindful approach to the complex matter of determining criteria for admission to LLB studies.

5.4. Some faculties/schools have elected not to implement an extended LLB programme, based on the intensity and extent of support they can give to their students (UKZN, UP and UNIZULU).

5.5. Different admission criteria apply to the different streams of LLB study. The minimum admission criteria of the mainstream LLB programmes differ quite markedly from faculty to faculty. For those working with a composite matric point score ("APS"), admission to the mainstream programme at the lowest end of the range requires a minimum APS score of *26* (including Life Orientation) (UL and NWU), while at the highest end a minimum APS score of *37* (excluding Life Orientation) or *43* (including Life Orientation) is required (UNIVEN and Wits). At UNISA, in line with the dictates of their Enrolment Plan and Management System – any student with a National Senior Certificate and 50% in English, or a matric exemption with either a 'D' higher grade symbol or a 'C'

lower grade symbol, can be admitted into the LLB programme. It is acknowledged that institutions use different factors to compute the APS, but the very big differences in APS scores between institutions is nevertheless remarkable.

5.6. It is noteworthy that, despite significant differences in admission criteria in the different faculties, these differences have largely not translated into significant differences in throughput and graduation rates.

The data below, extracted from the most recent audited HEMIS data available, reflect the graduation rates for the 2008-2013 cohort and the 2010-2015 cohort registered for the four-year LLB qualification in each of the 17 law faculties/schools. The cohort includes all students who registered for the LLB degree for the first time in 2008 and again in 2010 – and therefore, comprises both students who are first-time entrants and those who have a prior degree. Rhodes University data have not been included, as students at RU do not enter the four-year LLB programme in the first year of study, but rather in the second and sometimes in the third years of study – and so cannot be counted with the first-year cohort of the other universities.

The following statistics are highlighted:

(i) National graduation rates for the 2008-2013 and 2010-2015 cohorts (excluding UNISA):

	2008	2010
Number of students registered	2 661	3 078
Percentage graduating within 4 years	31%	34%
Percentage graduating within 6 years	53%	55%

(ii) National graduation rates for 2008/2010 cohorts (including UNISA)[6]

	2008	2010
Number of students registered	2904	5540
Percentage graduating within 4 years	28%	19%
Percentage graduating within 6 years	50%	35%

(iii) Institutional graduation rates (excluding UNISA and RU):

2008-2013 cohort:	
Graduation after four years:	
< 30% graduation rate:	**7/15**
30%-40% graduation rate:	**5/15**
> 60% graduation rate:	**3/15**
The lowest graduation rates after *four* years were at WSU, NMU and UJ (13%, 18% and 19% respectively), while the highest graduation rates were at UFH and UNIZULU (47% and 44% respectively).	

Graduation after six years:	
< 50% graduation rate:	**7/15**
50%-60% graduation rate:	**4/15**
> 60% graduation rate:	**4/15**
The lowest graduation rates after *six* years were at Wits and UCT (both 39%), while the highest graduation rates were at UNIVEN and UL (69% and 66% respectively).	

2010-2015 cohort:	
Graduation after four years:	
< 30% graduation rate:	**4/15**
30%-40% graduation rate:	**7/15**
> 40% graduation rate:	**4/15**
The lowest graduation rates after *four* years were at UJ, NMU and WSU (21%, 23% and 23% respectively), while the highest graduation rates were at UP and SU (both 45%).	

Graduation after six years:	
> 50% graduation rate:	**3/15**
50%-60% graduation rate:	**10/15**
> 60% graduation rate:	**2/15**
The lowest graduation rates after *six* years were at NMU and UWC (41% and 44% respectively), while the highest graduation rates were at UNIVEN and UP (66% and 65% respectively).	

[6]Unisa data skew the national data in two ways. First, there is clearly an anomaly in the Unisa data: in 2008 HEMIS indicates that only 243 students registered for the LLB degree, as opposed to the (far more likely) 2462 students in 2010. Second, Unisa students are part-time students who naturally extend their studies beyond the minimum of four years for full-time students. This said, the graduation rates for Unisa remain very concerning: only 16% graduated after 6 years in the 2008 cohort (bearing in mind, however, the dubious nature of the 2008 statistics), and only *10.5% graduated after 6 years in the 2010 cohort.*

(iv)   National graduation rates by race (excluding UNISA and RU):

2008-2013 cohort (graduation after four years/six years):		
Race Group	**Graduation after 4 years**	**Graduation after 6 years**
African	28%	49%
Coloured	18%	44%
Indian	40%	62%
White	39%	61%

2010-2015 cohort (graduation after four years/six years):		
Race Group	**Graduation after 4 years**	**Graduation after 6 years**
African	33%	54%
Coloured	23%	43%
Indian	41%	70%
White	41%	58%

(v) National graduation rates by gender (excluding UNISA and RU):

2008-2013 cohort (graduation after four years/six years):		
Gender	**Graduation after 4 years**	**Graduation after 6 years**
Female	35%	56%
Male	26%	48%

2010-2015 cohort (graduation after four years/six years):		
Gender	**Graduation after 4 years**	**Graduation after 6 years**
Female	35%	57%
Male	33%	52%

(vi) Graduation rates for extended LLB programmes:

HEMIS data for only three extended LLB programmes (UFS, NMU and UWC) are available, and then only for the 2010 cohort. These limited data suggest that, on average, only 28% of students graduated from these programmes after six years.

The following sobering conclusions can be drawn from the above data (even while admitting that a statistical analysis of such data is a blunt instrument in respect of fully understanding national and institutional graduation trends):

• Although there are significant differences between the admissions criteria of the different institutions (UNISA excluded), the graduation rates (of the 2010 cohort in particular) reflect a far greater level of uniformity between institutions (two-thirds of the institutions have six-year graduation rates of 50-60%) – and this suggests a clear disconnect between admissions criteria and graduation demands.

• Only about one-third of students nationally completed their LLB studies within the minimum four-year period, and only slightly more than half completed within a six-year period (there was a slight improvement of 2-3% in the graduation rates between the 2008 and 2010 cohorts).

• Conversely, as much as 45% of students fail to graduate after six years of LLB study.

- There are significant differences in graduation rates between the lowest-performing and highest-performing institutions, in respect of both four-year and six-year graduations (13% and 47% for four-year graduations and 39% and 69% for six-year graduations).

- Although there is an improvement in the graduation rates of African (SA) and Coloured students between the 2008 and 2010 cohorts, students from these groups continue to be outperformed by Indian and White students.

- The graduation rates of African (SA) and Coloured students improved substantially (and were more closely aligned to the graduation rates of Indian and White students) when their periods of study were lengthened.

- Female students outperform male students – although the gap narrowed between the 2008 and 2010 cohorts.

5.7. Equity, diversity and transformation are imperatives that apply to student recruitment, selection and admission in all faculties/schools. It is evident, however, that a few institutions are struggling to meet the imperative of diversity, in particular. While achieving gender equity has not been a problem for any of the faculties, the same does not hold true for racial diversity. The racial composition of the student cohort in several faculties/ schools (UL, SU, UNIVEN, WSU and UNIZULU) bears little resemblance to South African race demographics; in other faculties (UCT, UFS, UJ, NWU and UP), although there has been a big shift in race demographics when compared to a number of years ago, the demographic profile does not yet approximate the national demographic. Based on the geographical location of some faculties, any attempts to diversify the homogenous nature of their student cohort are unlikely to easily succeed (UL, UNIVEN, WSU and UNIZULU). Some institutions also have a long-standing practice of encouraging a public view that they have carved for themselves a particular "niche" in the student market (e.g. UL and NWU (Potchefstroom Campus)) – which impacts on the diversity profile of their law faculty/school.

The benefits of a diverse student population in terms of enhancing the academic experience of students are trite. It therefore behoves these faculties, in collaboration with their institutions, to consider the adoption of specific measures to attract a more diverse range of students to their LLB programmes.

5.8. The institutional policy at two universities (UWC and WSU) of over-registration of students has impacted negatively on the faculties' service delivery capacity – due to the resultant high student: staff ratios, overcrowded classrooms, limited assessment methods, and stress on staff struggling to research and introduce innovative teaching methods in such an environment. In all other instances, with the exception of UL, institutional capacity in terms of well-maintained physical infrastructure to accommodate the cohort of LLB students, seems to be adequate. However, not all institutions have the same capacity for providing required teaching and learning resources such as adequate computer laboratories, high-speed Wi-Fi and low student: staff ratios. The strained resource capacity of several institutions has also impacted negatively on the ability of some faculties/ schools to make it compulsory for all LLB students to register for important law modules in clinical and practical legal education.

5.9. Very few faculties/schools have their own specific recognition of prior learning (RPL) policy for admission (UL, NWU and UKZN) – and subscribe instead to their own university-wide policy (UCT, UJ, UFH, UV and UNIZULU). In some instances, faculties/schools have chosen not to admit students through RPL (NMU, SU and UNISA).

5.10. It is evident, barring one exception (WSU) that all faculties/schools are careful to ensure compliance with the admission requirements of their LLB programmes.

Support

5.11. In most faculties/schools (WSU excluded), students in the first year of study have sufficient opportunities for support and development and for bridging any gaps that may exist between students' assumed and assessed competence.

5.12. The array of support provided, includes language and writing skills' support, small group tutorials, supplemental instruction computer literacy, numeracy, advocacy, legal

skills, structured academic development support for at-risk students, mentorships, and psycho-social support.

5.13. While the provision of in-house additional support is the norm for most faculties/ schools, a few (WSU, UL, UFH and UNIVEN) rely on their institutional support services for the provision of these services, while others use a combination of both (e.g. NMU and UWC).

6. Graduate Attributes

Knowledge

(i) The LLB degree imparts to graduates 'comprehensive and sound knowledge and understanding' in relation to the South African law and the legal system; the values associated with it; and its historical background.

(ii) The LLB degree achieves 'comprehensive and sound knowledge and understanding' 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 specialisation in one or more areas or clinical legal education.

(iii) In the process of gaining the LLB degree, students may pursue to some extent discipline(s) other than law; any restrictions placed on the discipline(s) that the students may so pursue are appropriate to the circumstances; and the number of credits allocated in (i) the LLB programme and (ii) in a first degree leading to the LLB in discipline(s) other than law compared to the total number of credits, ensures an appropriate balance with law-related credits to deliver 'well-rounded' graduates.

Skills

(i) The LLB degree meets, in conceptualisation and overall design, the objective of preparing students for the multiple career pathways referred to in the purpose statement, in terms of the development of critical thinking skills; the development of research skills; and the development of writing skills.

(ii) The LLB degree ensures that graduates acquire appropriate applied competencies, such as knowledge of relevant ethical considerations, proficiency in communication, literacy, numeracy, information technology, problem-solving, self-management, ability to collaborate, and the ability to recognise, reflect and apply social justice imperatives.

Applied Competences

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; and
- Service to the community.

(Reference: LLB Standard)

6.1. The SER revealed a serious engagement in most faculties/schools with what kind of well-rounded graduate the LLB programme should deliver. This makes the few instances in which a lack of reflection is evident, stand out all the more.

Knowledge

6.2. With regard to the overwhelming majority of faculties/schools, the panels found that as far as content is concerned, the "degree provides sound and comprehensive knowledge of the South Africa legal system, its associated values and historical background". In most cases, the panels were also able to certify that the content covers all or most of what is generally thought to be the "basic areas" of law; that the curriculum is taught in such a way that it adequately exposes students to "the dynamic nature of law and the manner in which law is influenced by social and economic context"; that a good or at least satisfactory range of optional modules that allow students some measure of specialisation, is available; and that an appropriate number of non-law modules is also available.

6.3. However, there were some negative notes signifying problems of varying severity:

(i) Most prominently, the panel reviewing WSU stated that it wanted 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" – and set out in detail the evidence on which it based this judgement.

(ii) In the case of UL, although declaring 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", the panel, following up on its comments in a similar vein in the section on **Purpose** (see section 3, above), qualified this statement by indicating that the neglect of mercantile law in the current and proposed curriculum exposes UL to "the risk of falling foul of the requirements in the LLB Standard", which specifically decrees, among other things, "a comprehensive and sound knowledge and understanding of … mercantile law". The panel also strongly criticised the content of the first-year modules Historical Foundations of South African Law A and B, and commented that the exclusive focus in these modules on the external history of Roman and Roman-Dutch law, greatly limited their relevance or purpose.

(iii) With regard to Wits, the panel expressed the view that the LLB programme *"has a bias or slant towards public law at the expense of private law and mercantile law"*. It singled out Business Entities as the only core mercantile law module in the programme. It agreed with the SER view that more of the currently elective mercantile law modules should become core modules in a revised curriculum, since one core semester module of mercantile law does not, in its view, meet the requirements of the *LLB Standard.* The panel also recommended that the law of succession be made a compulsory module, and that a module in customary law be introduced. (All other faculties/schools have compulsory modules in the law of succession and also offer either compulsory or elective education in customary law.)

(iv) A sustained critique across the system, was that insufficient non-law modules were included in the curriculum to secure "well-rounded" law graduates, with at least a basic understanding of the wider socio-economic context of law. The panels acknowledged that the *LLB Standard* did not prescribe a set or minimum number of non-law modules, and recognised that a proper balance between law and non-law courses in already full curricula called for careful thought. The panels nevertheless firmly indicated that they did not regard the inclusion of non-law modules as sufficient in the programmes of NMU, NWU, UFH, UFS, UJ, UL, UNISA, UNIZULU, and WSU. (In this context, UKZN was an outlier, in that it was held that it made *too much* provision for non-law modules.) The panels drew a distinction between non-law modules that were skills-based and those that gave students

a disciplinary perspective beyond law – indicating that it was imperative that non-law modules should not be restricted to the former category. (A number of the faculties/schools whose curricula were identified as deficient in this respect, already have plans to correct the imbalance between law and non-law modules.)

(v)   In all the combined curricula of BCom/BA and LLB degrees, non-law subjects were, unsurprisingly, found to be appropriately catered for. This raises the question of whether the limited number of non-law modules (some skills-based rather than discipline-based) that can be accommodated in the four-year programme, can ever really achieve the objective of producing well-rounded graduates. The demands of lawyering in the constitutional era, with the acknowledgment that individual and collective rights and responsibilities are deeply embedded in the social and economic realities of graduates, surely requires a first degree to precede the LLB programme, or alternately, that the current four-year programme be extended to five years.

(vi)   The provision of elective law modules was examined across the system to determine whether an appropriate measure of specialisation is built into each curriculum. In a few instances the provision was held not to be ideal, and recommendations were made to increase the number of electives or to introduce electives of a certain kind. Both NMU and UJ, for example, provide for a broad range of electives, but there is a bias towards commercial law – prompting proposals that modules in public-interest law or in broadly non-commercial law should be considered. At SU, some specialisation was provided through the medium of final-year elective modules, but it was recommended that the absence of public interest law electives be reflected on.

(vii)   As indicated in the section on *Purpose* (section 3, above), clinical legal education has made great progress in South Africa, but there are still large differences

between faculties/schools with regard to student access to clinical legal training. The best examples in terms of student access are:

- Wits (where all final-year students must attend the clinic);

- NMU (where *Clinical Legal Education* through the medium of the Law Clinic is compulsory for all final-year students, as part of the course *Legal Practice*);

- RU (where all students are required to participate in the Law Clinic for one semester);

- UJ (where it is compulsory for final-year students to participate in the three Law Clinics run by the Faculty);

- UFH (where all final-year students must participate in a Legal Aid Clinic Internship);

- UNIVEN (where all final-year law students must take two semester modules of Legal Practice, which obliges them to attend practical sessions and gain work-integrated learning in the Law Clinic throughout the final year – and their admission to examinations depend on completion of the Law Clinic work).

(viii) In most of these faculties/schools, the relevant panel also signalled the excellence of the clinic in question, in terms of quality of education and service delivery.

(ix)   Also doing well in terms of the quality of education and service delivery, but not offering clinical education to all students, are:

- NWU (where *Legal Practice* is a compulsory module in which all Mafikeng Campus students are exposed to "live clients" in the Community Law Centre, while only about 30 students at Potchefstroom Campus have this benefit – with the remainder receiving training through clinical simulations);

- UKZN (where 220 students are accommodated through the Howard College and Pietermaritzburg clinics);

- UCT, UWC, UP and SU, where clinical education is delivered through the Law Clinic in elective courses termed *Legal Practice, Practical Law,* and *Practical Legal Training* – to a certain percentage of students;

- UFS has a *Legal Practice* module as well as a Law Clinic, but the Clinic's activities are not yet integrated into this module;

- In several cases where a faculty/school has been unable to expose some or all of its students to live clients, the panel has urged that attempts be made to learn from those faculties/schools that make the most of their resources and expose all their students to live clients, without sacrificing quality. The crux of the matter is this: how can a faculty/school best provide universal access to an opportunity to be *"exposed to lived realities outside of the university"* (as one SER put it) – given the highly resource-intensive nature of clinical training and the heavy fiduciary burden of proper oversight to protect the interests of clients?

Skills

6.4. The essential skills of a lawyer are the ability to uncover the relevant facts and the applicable law, to analyse the issues dispassionately, to bring sound judgement to bear on the situation, and to articulate the solution clearly and coherently. These skills lie at the heart of the lawyering job, and how well a faculty/school is able to develop them in its students must be a central factor in judging how well it is acquitting itself of its educational task. Therefore, the reviews took particular care to interrogate the evidence in respect of the inculcation in students of the ability to do research, engage in critical thinking, and write well – in each of the faculties/schools. The SER of, and the reports on, each faculty/school revealed a broad spectrum of levels of engagement with this task. On the one side of the spectrum there are faculties/schools where fostering these skills is simply part of their DNA, and consequently they consistently bring serious effort and resources to bear on the development of the central lawyerly skills. On the other side, however, there are faculties/schools in which the skills

component is to a greater or lesser extent neglected, and in several faculties/schools one or more of the skills can and should be given greater attention.

Research and Writing Skills

6.5. Ensuring appropriate research and writing skills in LLB graduates is not only central to all the lawyerly work they will do, but is also vital for ensuring an adequate pipeline to postgraduate studies. An irreplaceable component of research-skill development is to require students to do actual research. Indeed, a substantial research project is a feature of most of the LLB programmes, while many also contain further opportunities to hone research skills. In some cases, a large research project is not included in the curriculum – but other interventions ensure that the ability to do research is adequately developed. In still other cases, the programmes exhibit smaller or greater shortcomings that inhibit the acquisition of the necessary research skills by students.

6.6. To make the most of the training opportunity that undertaking a research project provides, some training on how to do research should ideally precede the research project. The reports revealed that many interventions of this kind exist – and often, because of the importance of effective communication to research, these interventions are combined with wider writing-skills interventions, with varying levels of success.

6.7. Examples of formal interventions at faculties/schools that are designed to instil research skills – including reading and writing skills – are:

- NWU: *Language Skills in Legal Context* (six semester modules in the first three years of the LLB programme).

- RU: The *Legal Skills* course and the university-wide *Writing Intensive* project, which obliges each student to submit 10 written pieces per year.

- UCT: The *Research Seminar,* which obliges each final-year student to register for a research seminar, provides an intense research experience in a particularly rich or controversial area of the law, coupled with a Methods Advisor and access to the University *Writing Centre.*

- UFH: *Legal Research and Writing* (second year) and *Advanced Legal Writing* (fourth year, which requires, among other things, that the students write an article for publication).

- UFS: Various *Legal Practice* modules, which include different research and writing tasks – including the writing of a 20-page research report at fourth-year level.

- UKZN: Legal Research, Writing and Reasoning (second year).

- UL: *Legal Communication* (two first-year modules) and the planned core third-year module *Research Methodology* – to prepare students for a compulsory research essay or portfolio in the final year.

- UNISA: *Research Methodology* at first-year level.

- UNIVEN: Legal Research and Writing Skills (second year) and the compulsory Legal Research and Methodology (fourth year).

- UP: Research Methodology (third year).

- SU: The "writing across the curriculum" strategy, coupled with two faculty-employed writing consultants and a *Legal Skills* module (fourth year).

- Wits: The faculty-specific *Writing Centre*.

6.8. Not all of the interventions are equally successful. The panel reviewing NWU noted that although the *Language Skills in Legal Context* modules had a positive effect on the quality of the compulsory final-year research essay, it had not eliminated pervasive writing problems. The panel reviewing UKZN concluded that, despite the best intentions of the School, the *Legal Research, Writing and Reasoning* module did not adequately address the research and legal writing training needs of students. In the end, the efficacy of research and legal writing training depends on how embedded it is in the individual modules making up the degree – that is to say, the extent to which students are expected, in modules, to identify the relevant information on their own, to evaluate, select and organise that material, and then apply it to problems that do not have an obvious answer. The various reports and the SER themselves revealed a committed and sophisticated approach to research training in the vast majority of faculties/schools. Nevertheless, the panels did register concern that not

enough is done to develop research and legal writing capacity in some faculties/ schools, and recommended improvements in this sphere for NMU, UJ, UKZN, UL, UNIZULU, UWC and WSU. The recommendations range from instituting compulsory substantive research essays where these currently do not exist, through re-evaluating the efficacy of current research support programmes, to fundamentally ramping up research skills' training.

Critical Thinking Skills

6.9. Closely aligned to and as important as research and writing skills, is the ability to engage critically with law produced by the legislature and the courts, and to be able to form a view on its efficacy, justice and wisdom, and to determine what alternatives might be available. Of all the headings under the general rubric of "graduate attributes", the evaluation of the delivery by the different faculties/schools in respect of "critical thinking skills", presents the sharpest divide in the country's legal education system. There is essentially a 50/50 split between the faculties/ schools found to be doing a good or sufficient job in inculcating critical thinking skills, and those found to be, in one way or another, deficient in this regard.

6.10. The following faculties/schools are where the panels believe that specific improvements in critical thinking skills are necessary: NMU, UFS, UJ, UL, UNIVEN, UP and WSU. This does not signify, however, that the others are without blemish. Indeed, as was evident from the SER, there is considerable variation in the commitment to, and the strategies for, the delivery of critical thinking skills in the different faculties/schools. The deficiencies recorded in the panel reports include:

- Lecturers not encouraging students to participate in critical class discussions.

- Unresolved issues of students struggling to adapt to robust class participation.

- Examinations and other assessments being weighted toward the testing of rote learning – rather than independent thinking and the critical analysis of legal knowledge.

- Modules that are focused exclusively on content, at the expense of a critical examination of the law.

The efficacy of inculcating these skills cannot depend solely on special initiatives and modules (although such measures can play a valuable role) – but on critical thinking being imbricated in the fibre of every module.

6.11. The essence of the LLB degree is so closely interwoven with independent critical thinking that remedying lacunae in this respect must be given priority.

Applied Competences

6.12. It is crucial that law faculties/schools should produce graduates who fully appreciate the absolute necessity for ethical conduct at all times. It is gratifying that instruction in ethics is dealt with satisfactorily in a number of different modules in each of the faculties/ schools. This is sometimes done by way of free-standing ethics modules (e.g. UNISA) – but mostly through the medium of modules that deal in some way with issues of legal practice.

6.13. Mounting a law clinic is the most important way in which faculties/schools deliver community service, which is another reason why faculties/ schools that do not give all their students an opportunity to see live clients in a law clinic (see 6.3 (vii), above), should consider avenues that make this possible. At UCT the LLB degree is only awarded to a student who has completed a certain number of hours of community service. The *Street Law* programmes at, for example, NMU, UKZN, UNISA and UWC are good examples of how community service can be rolled out to large numbers of students. Panels flagged the need for greater attention to community service at NMU, NWU, UFS, and SU. It is important that faculties/schools that do not have a dedicated and focused approach to community service, should make efforts to develop such an approach. A service-oriented approach and concern for others is core to educating graduates with a developed sense of social-justice awareness and ethics.

6.14. The other applied competences listed in the *LLB Standard* (the ability to communicate effectively, literacy, numeracy, the ability to use information technology, as well as competency in problem-solving, self-management, the ability to collaborate, and an awareness of social-justice imperatives) are also addressed in the

different LLB programmes – albeit to different degrees and with different levels of success. Oral communication and other important attributes such as the ability to "think on one's feet", collaborating with others, and problem-solving, are promoted in some faculties/schools through moot-court programmes.

6.15. Numeracy is attended to in dedicated modules in some faculties/schools:

- NMU – in Accounting for Professionals and Legal Practice;
- UCT – Law that Counts;
- UFH – in Numeracy Skills for Lawyers and Accounting for Lawyers;
- UKZN – Accounting for Legal Practice;
- UNISA – in Financial Accounting: Principles for Law Practitioners; and
- UNIVEN – Accounting for Lawyers.

Numeracy is also attended to through the medium of specific courses where numeracy is particularly important – e.g. at UFS and UKZN.

6.16. Few faculties/schools have modules dedicated to computer literacy (UP, however, sets a good example). The SER and the panel reports create a clear impression that the use of information and communication technology is sufficiently embedded at all the law faculties/ schools for a conclusion to be drawn that the empowerment of students in this regard is adequate across the system.

6.17. The reports indicate that the ability to collaborate efficiently is a competence fostered only incidentally through instruments like moot courts and legal practice modules. There are, however, exceptions: UNIZULU's *Legal Practice* module and UNISA's *myUNISA* online system fosters collaborative work among students in different ways, while at UCT there is the *Integrated Assessment Project*, in which teams of students are given complex sets of facts, are required to work together to prepare legal solutions, and are then evaluated as a team. It is important that faculties/schools deliberate on how to make this a conscious focus of the LLB degree.

7. Staffing Resources

Academic Staff Resources

- 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?

- 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?

- 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?

Administrative and Support Staff Resources

- 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 numbers and demographic profile?

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

- 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?

- 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?

(Reference: programme accreditation criteria 3, 4 and 8)

Academic Staff Resources

7.1. With the exception of WSU where there are no associate professors or professors, all faculties/schools have varying numbers of senior academics. The number of years of teaching experience among the staff also reflects an appropriate mix of more experienced teachers of law and less-experienced staff. Most faculties/schools have a range of expertise across the various disciplines in law. However, some faculties/schools clearly lack the senior academics needed to drive postgraduate studies (e.g. UNIVEN and UL).

7.2. All faculties/schools have academic staff that hold at least an LLB degree and have some practical experience of teaching. The approach of faculties/schools to the requirement of minimum qualifications for academic staff varies: some have a strong focus on formal qualifications (e.g. UNISA, UP, UWC, SU and NWU), while others only require staff to have the minimum qualification of the LLB degree (e.g. NMU, RU, Wits, UCT, UNIVEN, UFH and WSU). Some faculties/schools require a minimum of an LLM degree: UKZN, UJ, UNIZULU, UFS and UL. The latter also have measures in place to support and encourage staff to achieve a PhD degree. UFH encourages staff to register for a Postgraduate Diploma in Higher Education – as there are few avenues for postgraduate studies in law at this institution.

7.3. Section 13 of the Employment Equity Act (55 of 1998) requires that all "designated employers" (such as universities) must implement affirmative action measures for people from designated groups (African South Africans, women, and people with disabilities). The purpose of this duty is to redress previous disadvantage and to achieve a diverse workforce broadly representative of the national demographic. Universities must therefore have a staff profile that reflects

the national demographic in terms of gender, race and people with disabilities. All faculties/schools, except for WSU, have a fair distribution of female and male staff at all levels of academia.

7.4. The racial profile of almost all faculties/ schools is not representative of the national demographic. All faculties/schools indicated an awareness of this challenge, and also a willingness to address it. However, they also indicated they had made various attempts to improve their racial demographic, but had had little success in attracting a sufficient number of African South African staff, or that they had difficulty in retaining African South African staff once they are appointed. The view generally expressed was that faculties/schools experienced greater difficulty in attracting senior level staff from the designated groups – than junior level staff. Equally, those who had mostly African Black staff found it difficult to attract other race groups to the institution (e.g. UFH and WSU). The starkness of the challenge is reflected at NWU, which, although a merged institution, has a "White" campus (Potchefstroom Campus) and a "Black" campus (Mafikeng Campus).

7.5. People with disabilities are poorly represented in faculties/schools. Despite this, all the institutions had basic facilities to accommodate staff with disabilities. More can and should be done by institutions to improve the disability profile of law faculty/school staff.

7.6. Several barriers to achieving employment equity were identified. These include:

- Senior academics are unwilling to move from their existing institutions unless provided with substantial incentives. If these incentives are offered to incoming staff, existing staff receive lower salaries for the same work.

- Some universities that are located in rural areas and small towns (e.g. UNIVEN, UNIZULU and RU), are unattractive to relocate to for many academics.

- Stringent criteria for new appointments also limit the pool of applicants for posts. The requirement of a PhD or an NRF rating for Associate Professor and Professor level appointments does not assist in reaching the greatest number of potential staff members.

- A further barrier identified by some staff was language (Afrikaans), which appears to create a culturally aloof and alien environment for Black staff (e.g. UFS, SU and UP). Their concern was that in a faculty where most staff were Afrikaans-speaking, staff who do not speak or understand Afrikaans feel excluded from collegial conversations and even, at times, from more formal decision-making. This leads to a sense of alienation.

7.7. All faculties/schools have a large proportion of their permanent staff teaching in the LLB programme. Some rely on contract staff for a few of their modules (e.g. RU, UNISA, UNIVEN, UWC and Wits). While there are staff who also engage in legal practice, this is a real concern in one institution only: at WSU around 50% of the teaching staff were also practitioners, which impacts heavily on the academic project.

7.8. Very few institutions have formal workload policies (UJ, UKZN and UNISA do have such policies). Most institutions rely on informal policies to distribute the annual lecturing allocation to staff. The allocations appear to be rational in relation to the expertise and skill of staff. At one institution (WSU), however, there is not always a link between the individual staff member's expertise and the modules allocated.

7.9. Many faculties/schools reported that staff had heavy teaching loads (UFH, UJ, UNIVEN, UNIZULU, UP, SU, UWC, Wits and UL), which impacted negatively on their ability to conduct research and to service students adequately. This is largely attributed to the increase in student numbers due to the aspirations of universities to increase access to higher education. The staff: student ratios provided in the respective SER are:

- RU 1:22;

- NWU: Potchefstroom Campus 1:27, and Mafikeng Campus 1:38;

- SU 1:31;

- WSU 1:35;

- UKZN 1:37;

- UP 1:44;

- UL 1:44;

- Wits 1:45;

- UFH 1:57;

- NMU 1:59;

- UNIVEN 1:60; and

- UNISA 1:77.

The accuracy of the ratio provided by UNIZULU (1:300) is doubtful. No overall figures were provided for UCT, UWC, UFS, and UJ.

7.10. The accurate determination of staff: student ratios is a complex and fraught exercise. It is also difficult to determine what a pedagogically acceptable staff: student ratio is for law faculties/schools (the DHET guideline for all disciplines is 1:20). Given the high demand placed by the LLB Standard on the proper inculcation of the graduate attributes detailed in the Standard, and the "deep learning" required of law students to meet the demands of the Standard, an FTE-based staff: student ratio of 1:30 and (much) higher, which appears to be the norm at most faculties/schools, is far too high.

7.11. Most of the faculties/schools practise induction policies which are approved and implemented by their respective institutions. Some provide formal induction into the university system (NWU, UJ and UNISA). Most have a mentor system, where new staff are assisted by senior staff to integrate into the institution.

All institutions have a probationary period of two or three years, after which staff that perform satisfactorily are confirmed for appointment. One institution requires probationary staff to submit a teaching portfolio before confirmation (RU).

7.12. Promotions are governed by applicable policies in each institution. Most require staff to meet criteria in teaching/learning and research excellence, in order to move up in the academic ranks. One exception (RU) does not require research as a promotion criterion, with the focus being on teaching and learning. In one instance, there is no formal promotion policy for the School (Wits), and in another there have been no promotions for some time because the university has financial constraints (WSU).

7.13. There is generally a strong focus on research; one faculty (UFS) stated that it requires an NRF rating for promotion to professorial level. Overall, most academics are in a position to be promoted where they meet the selection criteria. Staff with large classes or heavy teaching loads complained to the panels that increased student numbers curtailed their ability to engage in research and to secure promotion.

Administrative and Support Staff Resources

7.14. In most faculties/schools there are sufficient administrative and support staff (inclusive of library staff) resources, which are suitably qualified and with sufficient experience to provide appropriate support to the LLB programme. There is an even racial distribution of administrative and support staff. Most administrative staff are female; there were few administrative staff with disabilities.

7.15. At some faculties/schools (NMU, UFH, UFS, UNIVEN and UNIZULU) there are not enough administrative staff, because of the increase in student numbers. A consequence of the limited number of administrative staff is that academic staff are required to perform some administrative functions such as inputting their assessment marks and administering assessments and assignments. The problem is more prominent during periods of registration, assessment, and the finalisation of examinations.

7.16. All faculties/schools provide basic induction into the university, and specific induction for job functions is conducted by existing staff or current staff at departmental level. There is little room for the promotion of administrative staff within a faculty/school (traditionally, administrative positions have no *ad personam* promotions attached to them). Staff wishing to be promoted indicated to the site visit panels that they would have to leave their department in order to advance in their careers.

7.17. There are adequate processes and policies in place in all faculties/schools to ensure that the system processes, from registration to certification, operate efficiently. Most institutions provided for student support (including support for at-risk students). In one faculty (UJ), the identification of students at risk is done informally by academic staff.

7.18. Staff at one faculty only (UFS) reported that there were not enough staff to deal with their distant-learning facilities, but indicated that the problem would be reduced once the faculty ceased its licence agreements with private institutions.

8. Teaching and Learning Strategy

• 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?

• 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?

• 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)?

• Where learning in a programme is wholly or partially dependent on the production of noncontact 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?

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

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

(Reference: programme accreditation criteria 1 (iii) and (vii), 11 and 12)

8.1. The teaching and learning strategy of most faculties/schools is closely aligned to and dependent on institutional teaching and learning policies (that include e-learning policies/strategies). Such policies also determine the resources that are made available by each institution annually for teaching and learning initiatives, what central support is provided (e.g. tutor training and e-learning training), and what is devolved to the faculties/schools).

8.2. Some faculties/schools (most notably UFS, UNISA and SU) have adopted an "active learning" strategy – meaning that the student is an active participant in the learning/teaching process. This means that a range of non-traditional teaching/learning methods (so-called "flexible learning") are used to enable the student to guide and facilitate their own learning. Examples are: podcasts; video clips; flipped classrooms; and group discussions in class. Students expressed themselves satisfied with this approach, although faculty/school-wide coordination of active learning in all or many modules has yet to take place and a positive impact on throughput rates is not yet discernible.

8.3. In many faculties/schools, Teaching and Learning Committees have been established to formulate teaching and learning policy and to oversee its implementation (in many cases formulated policy is not reflected in teaching practice – or inadequately). Well-functioning teaching and learning committees play an increasingly important role within each faculty/school, to provide innovative approaches to teaching and learning in a resource-strapped environment where high staff: student ratios are the norm. Some faculties/schools have both Teaching and Learning Committees and "academic leaders" (e.g. UKZN), whose responsibility is to ensure that teaching and learning policies and initiatives are implemented. At UJ, a First Year Experience Committee coordinates teaching and learning activities at first-year level.

8.4. With the obvious exception of UNISA, in all faculties/schools large-class teaching is the norm. The size and frequency of these classes are governed by institutional policy considerations, staff availability, and infrastructural capacity. In some cases (UFH, UL and WSU), the lecture venues were found to be sub-standard and in serious need of maintenance and upgrade (the same comments hold for staff offices and facilities – UNIVEN and WSU). In other cases, there were simply not enough lecture venues available. Most had appropriate audio-visual equipment, and, increasingly, Wi-Fi connectivity is being made available in all lecture venues. Some institutions (UFH, UKZN and SU) expect their academic staff to undergo training in teaching or at the least in assessment practices.

8.5. In all faculties/schools, large-class teaching and learning is supplemented by additional teaching and learning. These can take a variety of forms:

(i) *Tutorials.* Institutional and/or faculty/school teaching and learning policy prescribes the nature and frequency of tutorials in each year of study, for which modules, and for which students (often "at risk" students are provided with additional tutorials). Tutorials are usually provided in first-year modules and thereafter selectively in succeeding years of study (e.g. NMU, NWU, UFS, UKZN, UL, UP, SU, UWC and Wits). In most cases, though, there is an absence of a programmatic approach to tutorials – i.e. an approach that carefully delineates which modules should be supplemented with tutorials, who should teach them, how big the groups should be, and with what intended outcomes in mind. (Often tutorials are mere "prepping exercises" for students preparing for assessments –rather than small-group, inquiry-led critical engagements with work already covered in the lectures). Tutorials are usually presented by senior law students or by students who are engaged in postgraduate studies.

(ii) *"Blended learning" or "e-learning",* where information technology resources are used to supplement face-to-face teaching with online learning – using institution-specific integrated learning management platforms. A wide divergence of approaches is discernible among faculties/schools, and no standard approach has yet been adopted. Most use these learning platforms to merely disseminate information, but some (e.g. NMU, NWU, UFS, UNISA and UNIZULU) manage to use them for actual knowledge transfer. This has much to do with the level of information-technology expertise among staff and students, and the availability of resources in each institution. A small number of faculties/schools require their students to each have a tablet (UJ and UNIVEN), which also provides them with access to e-textbooks. One faculty (UP) has successfully piloted the use of "clickers" in the classroom, to improve class attendance by students and to encourage class participation.

(iii) In several faculties/schools (e.g. NMU, NWU, UKZN and UL), senior law students are trained to provide first- and second-year students with *"supplemental instruction"* (SI). These are additional teaching opportunities provided by such students on a voluntary basis. Students across the board expressed themselves satisfied with this voluntary form of additional instruction by senior students, and called for its expansion to many more modules.

(iv) Some faculties/schools (e.g. UCT), in addition to tutorials, also offer *mentoring* of junior students by senior students.

(v) In the case of one school (Wits), a module from each year of study has been identified as a "skills-based module". These modules are treated as *writing-intensive modules,* which means that students – with the support of the School's Writing Centre – are expected to complete more writing-based assignments than would be expected in other modules.

8.6. Institutional teaching and learning policies also determine what written study guidance needs to be provided to students in each module. These can take many forms: "module outlines" (at, e.g., NMU) that provide information on teaching and learning outcomes (including graduate attributes enhanced), assessment criteria and self-study exercises; "study guides" or "learning guides" (UFH and UFS) that provide virtually comprehensive guidance on course content, and in some cases (NWU) such study guides are available electronically and are employed in an interactive fashion. To encourage a consistency of approach, several faculties/ schools have adopted "module templates", on the basis of which such guides or outlines are developed for each module. At UKZN there are not only module templates, but also a "programme template", as well as "module moderator panels" to enhance consistency. In some cases, glaring inconsistencies were found between policy prescripts in respect of such outlines or guides and the actual practice among individual lecturers (e.g. at UL, UNISA and UNIVEN).

8.7. With two exceptions (UL and WSU), all faculties/schools conduct regular student evaluations of lecturers (either hardcopy or online). From 2017 there will be no exceptions in this regard. The value of such evaluations – given the preponderance of "evaluation fatigue" in institutions – is questionable, and a different approach to student evaluations is called for. Such a different approach should take cognisance of the:

(i) Need for regular evaluations of modules and modular content and not only of the lecturers;

(ii) Increasing need for lecturers to develop teaching portfolios to reflect on teaching approaches and the manner in which students have been made to engage in active learning (the so-called "scholarship of teaching and learning"), and such portfolios in turn assist with staff development and promotion;

(iii) Benefit of having regular peer moderation of modules, conducted by colleagues within the faculty/school; and

(iv) Need to develop module-specific or discipline-specific survey instruments.

9. Contexts and Conditions for Assessment

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

• How are students provided with tasks requiring independent research; how are students supported in these tasks; and how are they assessed?

• 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?

• Considering 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?

• 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?

• What evidence is there to show that adequate resources are available so that 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 (considering the mode(s) of tuition and institutional policy for access to resources); and

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

• 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?

(Reference: programme accreditation criteria 6, 7, 13 and 14)

9.1. Faculties/schools use both formative and summative assessment modes in their LLB programmes. These assessments take the form of individual and group assignments, tests, examinations, blackboard quizzes, competitions, multiple-choice questions, oral presentations, portfolios of evidence, tutorials, community-based tasks, and moot court/mock trials. Taken together, these assessment methods, if used throughout any individual LLB programme, would ensure that the programme exposes the students to a range of activities that develop critical thinking skills, writing skills, and the ability to do independent research. However, without exception, the dominant modes of assessment in most faculties/schools are tests and examinations – with varying degrees of inclusion of the other methods of assessment.

9.2. There is evidence that the LLB programmes in most faculties/schools present students with tasks requiring some independent research. These tasks take different forms: moot preparation and drafting heads of argument, drafting legal opinions, writing research papers on selected topics, and written assignments.

However, in some faculties/schools, not enough research-based assignments are set, nor is there adequate coordination of the assignments within the programme (e.g. NMU, UKZN and UP). The challenge seems to be the large class sizes, which make it hard to properly assess the independent research and thinking skills of the students, by means of research-based assignments and the provision of detailed individual feedback on the assignments.

9.3. The assessments in the independent research activities either form part of the assessments of the skills modules, such as Professional Legal Training, Professional Skills, Advanced Writing Skills, Legal Practice, Legal Research Reasoning and Writing and Research Report, or are assessed as written assignments in the context of the modules in which this form of assessment is conducted, or both.

9.4. One school (Wits) has been commended for the independent work that its students are expected to do to enhance their writing, research and reading skills. They conduct the relevant tasks and exercises with the support and close collaboration of the school's Writing Centre – with no small benefit to the students.

9.5. With the exception of the programmes of the faculties/schools mentioned in 9.20, below, most LLB programmes require students to answer problem-type questions in the tests and examinations for all their modules. Some faculties/schools also engage their students in actual real-life problem-solving situations during their clinical work, in modules such as *Legal Practice* and *Clinical Legal Education* (UKZN, NMU, UFS, UP, RU, WSU, UWC and Wits). Other faculties/schools use simulated situations to engage their students in problem-solving scenarios (NWU and SU).

9.6. The clinical work performed by the students in the real-life problem-solving situations is assessed by staff who are qualified legal practitioners. As also discussed above (at 6.3 (vii)), however, as this method of teaching and assessing requires a significant amount of financial and staff resources, many of the faculties/schools that offer clinical legal education are only able to offer this module as an elective module to a limited number of students (UCT, UFS, UKZN, NWU, UP, SU and UNIZULU). Only seven faculties/schools are able to offer clinical legal education as a compulsory module (UJ, NMU, UFH, RU, WSU, UWC and Wits).

9.7. Without exception, all faculties/schools offer IT resources – ranging from fairly basic to quite extensive – in support of their LLB programmes. Most have online learning platforms on which core materials in the various modules can be accessed. However, the uptake of e-learning by staff is slow in some instances (e.g. UNIVEN and WSU) – with the result that these platforms are not being used optimally.

9.8. A number of faculties/schools have dedicated computer LANs for their law students. In others, LLB students share the use of the institutional computer LAN facilities with other students. In most such instances, the computer facilities are inadequate for the numbers of students needing to access them (UJ, UL, UV, NWU (Mafikeng Campus) and WSU).

9.9. In a few institutions, the institutional policy is for all students in the first two years of study to have their own laptop computers or tablets (UJ, UKZN, UNIVEN and UNIZULU). NSFAS funding covers the costs of these computers for a number of the students at these institutions.

9.10. The maintenance and upkeep of the IT resources is largely done by the IT divisions in most institutions. However, not all faculties/schools receive adequate IT support and maintenance of their IT infrastructure (UL and UNISA). As a result, their IT facilities are found to be wanting or unable to cope with the volume of stakeholders using the facilities at times – with an adverse impact on students' academic experience of their LLB studies.

9.11. Feedback given to students after assessments ranges from perfunctory (UNIVEN, UWC and Wits), if at all (NWU (Mafikeng Campus) and WSU), to delayed (UNISA), to fairly detailed. Some lecturers provide regular and constructive feedback to their students through the online platforms, at lectures, during tutorials, and during formal and informal student consultations (NMU, UKZN and UNIZULU). Where individual, detailed feedback is given on assignments, moots and tutorials, this may not

happen uniformly throughout the programme (UCT). Although general constructive feedback is given in certain faculties/schools, high student: staff ratios have resulted in limited opportunities for detailed individual feedback to students (UJ and UP).

9.12. As discussed above (see 7.9 and 7.10), FTE-based staff: student ratios range from high at 1:59 (NMU) to a very favourable 1:22 (RU) – with most faculties/schools having ratios in the mid to upper 30s. As is evidenced elsewhere (see 9.11 and 6.3 (vii)), these high ratios have impacted on the levels of constructive and detailed feedback to students, and on the ability of many faculties/schools to offer clinical legal education as a compulsory component of their LLB programmes, although this is not true for NMU.

9.13. Most faculties/schools have adequate physical resources such as teaching venues and audio-visual equipment. However, two faculties/ schools deserve mention for falling far short in the provision of properly maintained and habitable lecture venues, and for no proper maintenance of audio-visual facilities (WSU and UL). Two other faculties/schools warrant mention for not being able to accommodate all their students in their lecture venues – with the result that some students have to sit on the floor during lectures (UWC and UNIZULU). In another instance, the limited availability of lecture venues has meant that the teaching and assessing of full-time students has to occur in the evenings. This has negatively impacted on the students' learning experience, as those that live off-campus face security risks and transport difficulties in the evenings.

9.14. It is commendable that all institutions have been able to provide their LLB programmes with adequate library and electronic resources.

9.15. Clinical legal education is a compulsory credit-bearing module in only seven of the 17 law faculties/schools. Seven of the remaining 10 faculties/schools also offer clinical legal education, but as a credit-bearing elective module to a limited number of students – due to funding resource constraints. The remaining three faculties/schools (UNISA, UL and UNIVEN) offer clinical legal education, but either not as part of their LLB programmes, or else not in a fully-functional law clinic.

9.16. It is a considerable weakness in the higher education and training sector that a critically important applied competence module like clinical legal education is not a core component of the LLB programmes in 10 faculties/schools nationally. However, as has already been mentioned, the shortage of adequate resources makes it practically impossible for faculties/schools to remedy this problem in the short term. Unless the funding of LLB studies is drastically increased, it is unlikely that clinical legal education can be made a compulsory component of the LLB curriculum.

9.17. The examination moderation process is critical to the quality assurance of the programme, as the process is intended to ensure that the content of the assessment meets the requisite NQF standard or outcome level. Thus, while a faculty/school may use a variety of assessment methods, these different methods alone are no guarantee that the assessment is of the requisite NQF standard. Of especial importance in this context is the need to ensure that the rigour of the examination is commensurate with the NQF level of the module. The process of moderation – in respect of both accuracy and consistency of marks awarded and course content and assessment rigour – is meant to perform this function.

9.18. It would however seem that, in practice, although some faculties/schools may have an examination moderation "plan" in place – the moderation process is conducted cursorily, if at all. As a result, there is no proper oversight of the examination paper to ensure that the standard complies with the NQF level of the module or the programme (UNIVEN and WSU). Another outcome of an inadequate or ineffective system of moderation is that students have had to contend with sitting for examinations in which they were presented with poorly drafted and shabbily edited examination papers, which failed to comply with minimum quality requirements (WSU). Incorrect mark calculations or additions are also a serious consequence of poor moderations (NWU (Mafikeng Campus)).

9.19. Certain assessment practices (and not necessarily the modes of assessment) are matters of serious concern in a few faculties/schools. In some (UL and WSU), the same

or substantially the same questions are set year-after-year, and on occasion in one assessment opportunity to the next in the same module and in the same year. The memoranda for these repeated questions are also made available on the e-learning platform of the faculty (UL). In some instances, the examination assessments do not cover all the work prescribed for the module (UL and RU). These practices put into question the rigour of the assessments conducted in the programme.

9.20. Also impacting adversely on the rigour of the programme is the practice of regularly posing – from first to fourth level – assessment questions/tasks that require students to "describe', "define", "name", "list", "mention" and "tabulate", in preference to using problem-solving, critiquing-type questions (UL). Evidently, this form of assessing finds favour with some students who are comfortable with modes of assessment, in terms of which students are awarded marks for the statement of individual facts or statements in their answers (NWU).

9.21. While most faculties/schools claimed to be compliant with institutional or even faculty policies on assessments, this is not always true. At UP, for instance, although there is a faculty policy that prohibits the use of previous test papers and questions, it would seem that the policy is not implemented in practice. The dominance of rote learning was also evident (WSU and NWU (Mafikeng Campus)) – despite the existence of a faculty policy that requires the application of Bloom's taxonomy (NWU (Mafikeng Campus)).

10. Progression

• Appropriate and clear policies and practices apply to the transfer of credits from other institutions or other programmes.

• Appropriate and clear policies and practices apply to the duration (shelf-life) of credits that may be awarded towards the LLB.

• Vertical articulation (for example, into a master's programme) and horizontal articulation (for example, into a postgraduate diploma) options are available to the graduate.

(Reference: LLB Standard and programme accreditation criterion 1 (v))

10.1. The question about the measure of articulation available in connection with the LLB degree, is one that asks both:

• "What flexibility is available to a student who is currently engaged in obtaining the LLB degree, or is currently engaged in obtaining another degree and wants to switch to the LLB degree or enrol for the LLB degree after obtaining the degree for which he or she is currently registered?"; and

• "What flexibility does the degree allow someone, who has already attained the qualification?"

In the first question, the issue is mainly one of horizontal articulation – i.e. how easily can a student use the credits that he or she has obtained to: (i) move to another degree at the same university, or (ii) move to another university to complete the degree. With regard to the second question, there arises both the issue of horizontal articulation (i.e. what complementary qualifications at the same level are unlocked by attaining the degree), and vertical articulation (i.e. what avenues for qualifications at higher NQF levels are made possible by attaining the degree).

These questions are of central importance, since a greater choice of, and mobility between, programmes can only enhance the speed with which South Africa builds the necessary human capital to make it truly competitive and successful.

10.2. Generally speaking, the various reports expressed satisfaction with the articulation possibilities, both horizontally and vertically, in respect of the LLB degree. However, there were a few concerns in the reports that require comment. In addition, it is important to flag some opportunities that emerge from a combined reading of the individual reports.

Horizontal Articulation

10.3. First, although it was not specifically posed in the review exercise, the question as to the ease with which students can move *into the LLB from another degree*, both within the same university or from another university, is of significant importance. This question is implicitly answered by the fact that it appears

that 10 of the 17 faculties/schools offer – in addition to the four-year post-matric LLB – combined curricula that allow the LLB to be obtained two years after obtaining a BA or B. Com degree, or special curricula that make it possible to obtain the LLB three years after obtaining any other degree. (Those that do not offer this possibility are UFS, UJ, UL, UNISA, UNIVEN, UNIZULU and WSU.) These tailored curricula create several opportunities:

• Students who have embarked on a combined B. Com LLB or BA LLB degree achieve the two in an efficient five years (and have the opportunity, if at the end of their first degree they do not want to pursue a law degree after all, to rather opt for further studies in commerce or the humanities and social sciences); and

• Students who have completed any degree that has subsequently turned out not to be what they had wanted to do, have the opportunity (in at least seven universities: RU, UCT, UFH, UKZN, UP, SU and Wits) to complete the LLB degree in three years. This option is available at these universities, not only for their own students – but also for students who have completed degrees without law subjects at other universities.

10.4. Second, appropriate policies with regard to credit transfers and credit recognition from beyond the LLB and between universities, are essential for facilitating horizontal articulation. With the exception of WSU, all faculties/schools have adequate credit-transfer and recognition policies and procedures – which often amount to the application of the general rules applicable to credit recognition and transfer prescribed for the particular university as a whole. The policies typically limit the number of credits that can be recognised/transferred, either by specifying a numerical limit or a percentage of modules, and in some cases the requirements of the final or pre-final year cannot be fulfilled through the recognition of modules passed elsewhere. In several faculties/schools, applications in respect of the recognition and transfer of credits are considered on a case-by-case basis – which is the ideal approach given the many different factors that may be relevant to determining whether a particular module is functionally equivalent to the one in the programme where recognition is sought. In some instances, improvements were recommended; for example, that UFH should apply its credit-recognition policy consistently and UJ should formulate a formal policy on the transfer of credits.

10.5. On the whole, therefore, horizontal articulation within and between universities clearly functions well in the context of the LLB degree. However, although there is no articulation gap between universities, the situation would be enhanced if the deans and heads of the different faculties/schools were to confer on how to streamline the recognition and transfer of credits. This could be done, for example, by publishing the considerations that apply to credit transfer and recognition in the various faculties/schools more widely, and, perhaps, as is often done internationally, by developing articulation agreements that usually spell out the broad criteria in terms of which courses will be recognised between the contracting institutions – to help provide greater mobility to students. Furthermore, when modules are taught at different levels in different universities, articulation possibilities are lessened, and perhaps this problem could also to some extent be managed by ongoing discussions between faculties/schools.

10.6. Third, the shelf-life of credits is an issue that affects articulation possibilities. The life span of the creditworthiness of modules varies greatly between the different faculties/schools – from as short as "normally" three years (UCT) to as long as ten years (UNISA, UNIVEN and UP). A perusal of the reports revealed that the panels consider three years to be perhaps too short and ten years perhaps too long. In the case of UCT, a longer period was not recommended, but rather that guidelines should be published in respect of credit shelf-life to prevent the possibility of inconsistent application. For UNISA, it was recommended that a shorter period be considered, and in the case of UNIVEN the comment was that ten years is a long period for most law modules. This issue goes to the heart of what teaching in law modules seeks to achieve. On the one hand, teaching a module must convey the necessary content, and in some modules the content may remain relevant and unchanged for a long time (e.g. a module on Roman law), while in others the content may change

significantly from year-to-year (e.g. in tax law). Therefore, the nature of the subject should be a significant consideration when determining shelf-life. However, modules must also convey the way of thinking in, and the overall approach of, the subject concerned. This is mostly a more durable aspect of any module, and therefore the mere fact that the details of the law have moved on, should not necessarily be the final determinant of the sell-by date of the product. All of this points to flexibility as being a key value in the determination of shelf-life. Indeed, it was indicated in several reports that the panel was comfortable with the absence of hard and fast rules – as long as the discretion allowed by any policy is consistently applied (inconsistencies were found in the application of the shelf-life policy of UFH). In instances where no policy on shelf-life existed, it was recommended that a policy or guidelines be established (UJ, UNIZULU and WSU).

10.7. Last, horizontal articulation also concerns the question of whether a qualification – in this case the LLB degree – opens the possibility of enrolling for ancillary or complementary qualifications at the same level. Cursory reference is made in the various reports to postgraduate diplomas available in the faculty/school concerned, but if the LLB degree is meant to be a qualification preparing students for a wide variety of professions, the issue of additional training in other disciplines must also be taken seriously. (Only in the case of US is it mentioned that the BAccLLB gives access to qualifications in the Faculty of Economic and Management Sciences.) It could only benefit students, if faculties/schools investigated the full range of possibilities that exist in this regard and publicise it to their students.

Vertical Articulation

10.8. Most of the faculties/schools offer specialist/professional (as opposed to "general") LLM degrees in one or more variations (by dissertation, coursework and dissertation, coursework and research projects) that allow LLB graduates to deepen their knowledge of the law in specific areas. The overall tenor of the reports reflect a view that vertical articulation from the LLB degree is satisfactorily catered for. With regard to faculties/schools where there are few (or no) LLM courses, the introduction

of programmes (or additional programmes) at this level has been recommended. This is a good recommendation if the person-power to deliver the additional programmes is available – but it should not be forgotten that the articulation from an LLB degree at one university to an LLM degree at another university is generally well-organised and this kind of mobility is common. This means that the LLB degree also offers vertical articulation to students who obtained the degree at universities where there is no or little provision for study at master's level. (Most universities set a certain level of performance in the LLB degree for admission to the LLM degree (usually 60% or more), and it is clear from the reports that there is general satisfaction with these requirements. However, the UKZN report commented that its minimum requirement of 55% in the LLB degree is at odds with the position in other universities.)

11. Programme Effectiveness and Impact

- 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?

- 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?

- 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 of the institution? How does it know that the purpose of the qualification has been achieved in its graduates?

(Reference: LLB Standard and programme accreditation criteria 17, 18 and 19)

11.1. All institutions, except UNISA and WSU, were able to provide some data on throughput and graduation rates, which are monitored at an institutional level.

11.2. All institutions provide students with information during the LLB programme, on the different career options available to them. Most institutions also provide for career-focussed marketing by the legal profession and state institutions, in the form of a "careers day" or "careers week".

11.3. Graduate tracking is not adequately conducted in most institutions, and usually occurs at institutional level through the alumni office/ centre. No faculties or schools were actively engaged in a formal system of graduate tracking that was law-specific.

12. Programme Coordination

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)?

(Reference: programme accreditation criterion 10)

12.1. With a few exceptions only (see 12.4, below), all faculties/schools manage their programmes well. Sufficient oversight and leadership ensure appropriate administration and coordination of the teaching and learning activities of the programme. There is a sound working relationship between the faculty/ school and the relevant institution to enable proper quality assurance, strategic planning and programme review to take place, and for appropriate student and ICT support to be provided.

12.2. In most cases, programme coordination takes place by means of a formally-constituted Teaching and Learning Committee, which has stated responsibilities and clear reporting lines. In other cases, one or more individuals (often a deputy dean) are tasked with these duties, and such individuals report to a dean or a faculty/school executive. They are variously called "programme coordinators" or "programme directors" or "academic leaders". These committees or individuals devolve their functions to sub-committees, sub-coordinators, or level coordinators. In some cases (UJ, UL, UNIVEN, UWC and Wits) there are no teaching and learning committees or programme coordinators, with these functions being fulfilled by heads of department or in two instances by the school executive committee (Wits and UJ).

12.3. One consequence of the increasingly important role played by teaching and learning coordinators/committees, is that there is some degree of overlap between the duties and responsibilities of heads of department and of programme coordinators. In fact, in no small number of faculties/ schools, organisational structure is an issue that needs to be seriously grappled with. Clear lines of demarcation between the roles, responsibilities and decision-making powers of a dean/director, a deputy dean/ deputy director, heads of department and programme coordinators, are not always apparent. This causes problems when, for example, students wish to make substantive contributions to course or programme design and coordination. Student participation in decisions that affect the design and quality of the programme, is a matter that should receive dedicated attention at faculties/ schools.

12.4. In two cases (Wits and WSU), very little evidence was provided of much more than a *laissez faire* approach to governance in the faculty/school, and therefore, to programme coordination in particular. Few policy prescripts existed or were implemented. In another case (NWU), a glaring disparity was picked up in the high quality and commitment to governance and programme coordination at one site of delivery, and the relative absence of sound governance and programme coordination at the other site of delivery.

D. RECOMMENDATIONS

D. Recommendations

These recommendations are based on information extracted from the HEQC reports in respect of each institution, and summarised in this Report under Section *C: Findings of HEQC Review Panels*. They are also based on the most recent HEMIS data in respect of the graduation rates of LLB students at the 17 institutions reviewed.

The recommendations have been divided into four broad themes, for ease of reference: *curriculum reform; graduate attributes; social sensitivity;* and *resources*. The recommendations are in no particular order of importance or preference.

1. Curriculum Reform

The findings indicate that there is a wide diversity of LLB curricula in South Africa. There are commonalities among the curricula, but no one curriculum closely approximates another. For reasons listed below, it is recommended that all law faculties/schools undertake a curriculum reform exercise (many, in fact, are already engaged in such an exercise). Such exercises should, ideally, be conducted within a context of information-sharing, cooperation and collaboration between the law faculties/schools. Such cooperation should not compromise the institutional autonomy of each faculty/school.

The following concerns dictate the need for wide-ranging curriculum reform:

1.1. Sufficiency of four-year first degree LLB programme

In terms of current legislation, all law faculties/schools are obliged to offer a four-year first degree LLB programme. Based on the evidence gathered during the LLB review process, it is doubtful whether the four-year first degree LLB programme is fit-for-purpose – to substantively meet the requirements set for legal education in the LLB Standard. The following factors, based on evidence in the SERs and produced by the review panels, support this statement:

i. The sheer amount of work that needs to be covered in a modern law curriculum;

ii. The complexity of the work;

iii. The bias found in some curricula toward one or more areas of law at the expense of others, due to lack of curriculum space;

iv. The need for the constant and substantive inculcation of the graduate attributes listed in the LLB Standard;

v. The lack of curriculum space for *discipline-based* (rather than skills-based) non-law modules, a concern all the more serious in the post-1996 constitutional era in South Africa, because of the crucial need for students to appreciate the social, economic and political realities within which law and its underlying constitutional jurisprudence is embedded;

vi. Evidence that students who register for the LLB degree after having completed a first degree, are far more successful than those who register for the LLB degree as a first-time entering student;

vii. Cohort studies indicate (see 5.6 above and *Appendices E and F*) that African (SA) and Coloured students have improved opportunities to graduate if their periods of study are longer than the minimum four-year period; and

viii. Lack of preparedness of large numbers of grade 12 learners for higher education studies focussed on the achievement of a professional qualification like law, in which an understanding of societal forces is imperative for an understanding of the role and practice of law.

Recommendation:

In light of the above reflections, serious consideration should be given by the DHET, in consultation with all relevant stakeholders, to extend the duration for the attainment of an LLB qualification from the current minimum of four years of study to a minimum of *five* years of study. This can be achieved in two ways: By

i. The introduction (or, in many cases, retention) of the option for students to graduate with a first Bachelor's degree (typically in arts/humanities or commerce, with some law modules included) and thereafter to register for a second Bachelor's degree in law (LLB) that can be completed in a minimum period of two years.

ii. The extension of the current four-year LLB programme to five years. This will allow for the LLB curriculum to incorporate (more) discipline-based non-law modules than is currently provided for in most four-year curricula, and for teaching and learning to have more time available to inculcate in students the graduate attributes described in the LLB Standard.

The intention of the second recommendation is not that the LLB curriculum be extended to provide for an "extended" year of study where, typically, the first year of study is presented over a two-year period. Nor is the intention that the curriculum be extended by one year to accommodate extensive exposure for law students to clinical legal training or some other form of "practical" legal training. Instead, the intention is primarily to create space for the incorporation of more discipline-based non-law modules into the LLB programme.

1.2. NQF levels and credits

There is no uniform approach to calculating NQF levels and credits for the respective LLB programmes. This is apparent, not only in respect of the huge variations in allocation of credits between the faculties/schools (and the concomitant lack of uniformity in the respective understandings of what constitutes a "notional hour"), but also in the wide variety in placement levels of certain core modules (e.g. Criminal Law and Constitutional Law) in the curriculum and the discontent expressed by different groups of students about the big "jump" from one year of study to the next.

An approach is required that enables each faculty/school to "strategically scaffold" their LLB programme so that a logical sequencing of the curriculum takes place, and a student progresses from one year of study to the next to increasing complexity and volume of modular content. Such strategic scaffolding is best achieved in the context of a dedicated exercise conducted by each faculty/school to allocate NQF credits to each module and to the programme as a whole, in a manner described by the NQF.

Recommendation:

All faculties/schools must engage in an exercise – facilitated by experts within each institution or by the CHE – to gain a uniform understanding (both within and among faculties/schools) of how NQF credits are allocated, and to apply this knowledge to the modules in the LLB programme and to the programme as a whole. The exercise is best undertaken by means of inter-institutional workshops that interrogate module sequencing and module content in accordance with notional hours and NQF levels.

The end result of such an exercise should be that each curriculum provides for no less than 480 and no more than 540 NQF credits, as proposed by SALDA, or, if recommendation 1.1 above in respect of a five-year curriculum were to be implemented, no less than 600 and no more than 640 credits.

1.3. Transformative constitutionalism

With one or two possible exceptions, faculties/schools have not yet fully internalised the notion of "transformative constitutionalism" (as opposed to, for example, an awareness of constitutional imperatives) – either in their curricula or among the entire corpus of staff and students. Given that this is an important principle that underpins the LLB Standard, faculties/schools need to begin a process of internalisation of this concept.

Recommendation:

All faculties/schools must, after receiving institutional support, present to the CHE a detailed plan, at a date to be determined after consultation with SALDA. This plan should be on how "transformative constitutionalism" is incorporated throughout the LLB curriculum and how staff and students are brought to an internalisation – respectively in their teaching and learning and socialisation activities – of this foundational principle in modern South African jurisprudence.

1.4. Admission requirements

Admission requirements to faculties/schools reflect yet another wide range. At the bottom end an APS of 26 (with Life Orientation included) secures admission to LLB studies, while at the top end an APS of 37 (without Life Orientation) or even 43 (with Life Orientation) secures admission. Those institutions that provide for an extended curriculum LLB programme also set lower APS scores for students to be admitted to the extended programme. Given the differences in socio-economic background and educational preparedness prevalent in the country, there is very little uniformity in the requirements for admission set by the 17 faculties/schools. Paradoxically, graduation and throughput rates at the 17 faculties/schools are much more similar across the faculties/schools than the admission requirements. This is a cause for more concern.

There is a need for all faculties/schools to reflect on the admission requirements set by their respective institutions for admission to LLB studies. With the exception of RU, all faculties/schools complained about

the very large numbers of law students in classes and the difficulties this brought about in terms of providing proper teaching and learning to all of them. Concern was also expressed about the slim chance that many graduates had of securing appropriate employment as legal practitioners.

Recommendation:

All faculties/schools should seriously reflect, preferably in collaboration with one another, on what an appropriate APS is for admission to LLB studies. Evidence gathered during the different site visits points to a big discrepancy between APS-based admission requirements to the different law faculties/schools, and also to a disconnect between admission requirements and graduation/throughput rates in the system.

Serious consideration should also be given to the introduction at all law faculties/schools of an *entrance evaluation* (complementary to secondary school results), which is designed to evaluate a prospective student's ability to master the graduate attributes expected in the LLB Standard during their LLB studies. Such an entrance evaluation could be an adaptation of the *National Benchmark Test* – targeted specifically at law entrants. The development of such an entrance evaluation could be facilitated by the CHE, and could result from a collaborative project participated in by all stakeholders in legal education.

1.5. Extended programme

Generally, students who were registered for the extended curriculum LLB programme were critical of its value. Three main reasons emerged from the interviews conducted by the panels with the students: first, they doubted whether the additional modules they were expected to complete (mostly skills-based) added significant value to their education; second, they felt themselves alienated from the mainstream students, and to be "lesser" students; and third, students on extended programmes are almost without exception Black students, which creates a racially-divisive atmosphere between them and mainstream students.

Recommendation:

In light of the recommendation made at 1.1 above, consideration should be given by institutions to the continued efficacy of extended curriculum LLB programmes and to the possibility of phasing them out. In all faculties/schools, additional support is provided to mainstream students; conceivably, therefore, the need for an "extended support" programme is not required. Alternatively, institutions that wish to retain the extended LLB programme, should reflect on the nature of the support provided to extended-programme students.

1.6. Non-law modules

The number of non-law modules that can or should be included in a four-year LLB programme, and the nature of such modules (skills-based or discipline-based) is a matter of some contention within and between faculties/schools. It is proposed that the graduate attributes determined by the LLB Standard (and the "Guidelines" to the Standard) should guide the discussions and debates on this matter. It is difficult to determine what is too much and what is too little, what is skills-based and what is purely disciplinary, what is "relevant to" law and what not, and also what the appropriate mix should be. However, these are important matters and they should be resolved head-on.

Recommendation:
All faculties/schools should reflect on the nature and number of the non-law modules prescribed in their respective LLB curricula – with an emphasis on discipline-based modules. This recommendation should be read in light of the recommendation contained in 1.1 above, and the guidance provided by the LLB Standard.

1.7. Credit transfers and articulation

Student mobility is not only a reality in South African higher education – it is also, at least for the good students, a desired state of affairs. Against this background, and as stated above (see *Section 10: Progression*), law faculties/schools should seek to facilitate, rather than to hinder, such mobility. The transfer of credits should, for the reasons stated above, remain a discretionary matter, conducted within a paradigm that is acknowledged by all faculties/schools and which is clearly communicated to transferring students.

Recommendation:

All faculties/schools should re-visit their policies in respect of credit transfers and articulation, in order to ensure that the policies facilitate student mobility, rather than being prohibitive. The exercise recommended in 1.2 above to design a "strategically-scaffolded" LLB programme using NQF credits as building blocks, will conceivably facilitate the development of a credit-transfer paradigm across the system.

1.8. ICT law

The preamble to the LLB Standard enjoins law faculties/schools to be *"responsive to … ever evolving information technology".* This means that a law graduate should also be conversant with the law that governs the ubiquitous use of information and communication technology. Some faculties/schools already teach ICT law – either as a stand-alone module or integrated within modules that focus on other disciplines.

Recommendation:

Faculties/schools should consider the introduction of learning material into the LLB programme that focuses on "ICT law/cyber law", either as a lone-standing module or as an integral part of an existing module – in order to comply with the expectations of the LLB Standard. In this regard, the report on a workshop, *"The Integration of IT and ICT Law into the LLB curriculum"*, dated 11-12 February 2016 and co-facilitated by the South African Law Deans Association and the Law Society of South Africa, should serve as a good reference document.

1.9. Decolonisation

The national imperative to "decolonise" higher education curricula – an exercise that is currently underway at higher education institutions – is closely related to the imperative articulated in the LLB Standard, that *transformative constitutionalism* be embedded in LLB curricula and internalised by staff and students. Decolonisation speaks to the need to transform the LLB curriculum and the teaching and learning content of applicable modules in a manner that, while mindful of constitutional norms and principles, steers a clear path between the need to "Africanise" the curriculum and the need to educate students on the *globalised* environment within which law is practised. African-based themes and an African context must permeate law teaching far more than is currently the case – but in a way that does not neglect the importance of maintaining a global perspective on national and international law.

Recommendation:

SALDA currently plays a facilitative role in discussions on and designs of decolonised LLB curricula within the respective law faculties/schools. SALDA should continue to play this role, and faculties/schools should be encouraged to pay dedicated attention to this important component of LLB re-curriculation – within the context of the framework articulated in the above paragraph.

2. Graduate Attributes

The LLB Standard has listed in detail the attributes expected of a law graduate. These attributes – knowledge, skills and applied competences – are a valuable and comprehensive guide for law faculties/schools to follow as they review their programmes to comply with the expectations, in respect of cultivating graduate attributes discussed in the LLB Standard. The HEQC review has made it possible to make information available that will assist faculties/schools in this important endeavour.

2.1. Clinical legal education

Although clinical legal education is not the only way in which law students can be educated in the skills and applied competences that will be required of them as law practitioners, it is generally acknowledged to be the best vehicle for the transfer of such skills and competences. Clinical legal education has been an integral part of LLB curricula for many years, but there are numerous differences in its presentation. In some faculties/schools, a module that incorporates clinical legal education is compulsory for all law students, but in others it is not; in most law clinics all students see "live clients", while in others many students are trained through simulations; some law clinics provide students with a broad spread of legal problems to deal with, while in others students are confined to dealing with labour law and/or criminal law and/or family law matters; and some clinics are well appointed and well-staffed, but others far less so; finally, some faculties/schools are able to generate additional (third-stream) income to help off-set the not inconsiderable costs associated with running a law clinic, although most cannot do so.

It is impossible to underestimate the difficulties involved in providing meaningful clinical legal education to all students in an LLB programme of study. Nevertheless, every effort should be made to make this form of education meaningful and compulsory.

> **Recommendation:**
>
> All stakeholders in legal education should convene in order to devise a strategy that will make it possible for all law faculties/schools to make clinical legal education compulsory for all law graduates. An important component of the strategy would be the provision of sufficient recurrent resources for properly functioning law clinics. The source of such recurrent funding must be determined through a consultative process involving faculties/schools, law practitioners and the national departments of higher education and training and of justice.

2.2. Practical legal training

"Practical legal training" is a convenient short-hand for exercises/modules/events that are designed to educate or train students in the skills and competences required of a law graduate – as listed in the LLB Standard. The HEQC review has highlighted the many examples of practical legal training (beyond clinical legal education) that students in the different faculties/schools are expected to engage in. These range from moot courts to community service projects, small claims court participation, to visits to courts (lower and higher), and also drafting exercises. These varied activities should be continued and, where possible, expanded. A refrain among students and alumni interviewed by the different panels was that, in their view, their particular LLB programme did not provide for enough "practical training".

> **Recommendation:**
>
> Faculties/schools should constantly seek opportunities for students to engage in "law-in-action" activities (e.g. moots, drafting, community projects, court visits) throughout their studies, apart from clinical legal education, as discussed in 2.1 above. Such activities should be designed and implemented such that students engage in them in every year of study, and address one or other of the skills and competences described in the LLB Standard.

2.3. Research and writing skills

Without exception, panels visiting each of the faculties/schools were confronted with the lament (from staff and often enough from students and alumni) that students' writing and research skills were sub-par. This was the case – even though in many cases curricula were designed to promote writing and research skills.

The centrality of research and writing skills to the practice of law is trite. There are many reasons why students generally have inferior writing and research (and broadly communication) skills. Most mentioned are the poor quality of schooling they generally receive, the devaluation of reading and writing skills in the modern social milieu, and the large classes that make it difficult to provide the required, dedicated attention to the writing and research skills of individual students.

These reasons are cogent, and an easy fix to the problem is not apparent. However, it is incumbent on faculties/schools to do everything in their power to significantly improve the writing and research competences of their students.

Recommendation:

When reviewing their curricula, faculties/schools must focus on reading, writing and research as modes of assessment beyond "standard" formative and summative assessments. *The development of research and writing skills must be fundamental to teaching and learning throughout the curriculum*– i.e. compulsory for all law students and diffused through all levels of the curriculum. This means the setting of regular written assignments in modules that involve independent (library or electronic-based) research, either individually or in groups. These assignments should be programmatic in nature – in other words, they should be set for every year of study in dedicated modules and should seek to inculcate various skills and competences appropriate to the year/level of study, and should increase in complexity in succeeding years of study. The range and number of these written assignments should also increase with succeeding years of study, so that in the final year of study a student should be expected to complete a substantial research essay in which language proficiency should count as much as substantive content.

2.4. Tutorials

All faculties/schools provided for some form of tutorials or small-group teaching in the LLB programme. The HEQC reviews, however, found a wide divergence in the format and nature of tutorials. Students, too, although generally in favour of tutorials, mostly viewed them as occasions for "prepping" for an upcoming test or examination. Tutorials are meant to be an important ancillary pedagogical tool employed by lecturers to embed deep learning of a given topic into a student. Too often, tutorials are merely repetitions of the lecture itself and an opportunity for students to narrow their scope of learning for an upcoming assessment. Tutorials are usually deployed in the first and second years of study, even though senior students probably have as much need of them as junior students (perhaps even more so, given the complexity of the subject matter of many senior modules).

Law faculties/schools have seemingly not fully embraced the pedagogic nature and value of tutorials as a learning tool. Usually this is because the lecturers themselves are overburdened with teaching and assessment duties and have no time to engage appropriately with tutorials. They would do well to learn from other faculties/schools (in their own institution or at others) that also grapple with large class numbers and the need for appropriate small-group tutorial instruction.

Recommendation:

Faculties/schools should reflect on the nature and purpose of tutorials, and design an appropriate tutoring programme/strategy for all levels of study. The smaller the groups into which students can be divided to achieve optimum learning opportunities, and the greater the regularity with which this can be done – the better. On the complementary use of e-learning platforms for tutorials, see 2.5 below.

2.5.   E-learning

All faculties/schools have e-learning platforms, with some more sophisticated and ubiquitous than others. All recognise the value of these platforms and all have plans to enhance their value so that they become pedagogical tools rather than mere repositories of information. Fully and appropriately utilised for "blended learning", these platforms can add much value to teaching and learning, and also lessen the teaching load of overburdened lecturers.

Recommendation:

Faculties/schools should cooperate closely with one another to determine what the best technology for e-learning platforms is, and how best to source them and use such platforms to extract maximum pedagogic value (e.g. by using shared podcasts, video, and conferencing). Appropriate use of e-learning can complement large-class teaching and tutorials; conceivably, it could enhance the efficacy of tutorials generally and replace those tutorials that currently do no more than repeat the lecture (see 2.4, above). Such an approach could ease the teaching loads of lecturing staff.

2.6.   Critical thinking skills and assessment practices

As discussed at 6.9 to 6.11 above *(Section C: Point 6: Graduate Attributes)* there is a serious lacuna in the legal education system with regard to the inculcation in students of critical thinking skills. Almost half of the faculties/schools were found to pay insufficient attention to this important skill, and even among those that were giving this skill due attention, there was room for improvement. It is suggested that critical thinking skills, as described in the LLB Standard, are the most important of the skills listed in the Standard, as they encapsulate all the other skills. The most serious inhibiting factors to the promotion of critical thinking among law students were large-class teaching and (most importantly) the manner in which students are assessed. Too often, students were assessed, either wholly or substantially, on their rote learning ability – and too seldom were students assessed on their ability to *"analyse, synthesise, judge critically and evaluate problems and situations"* (see LLB Standard). To be able to assess students on their critical thinking skills, lecturers must prepare students in their modular learning to regularly engage with the law in this fashion, and lecturers must prepare appropriately and consistently to engage with their students at this elevated level of discourse.

Evidence also emerged from the HEQC review that moderation practices at most faculties/schools left much to be desired. Formal acquiescence in moderation existed, but substantive moderation seemed to be the exception rather than the rule. This also seems to be a function of an overburdened staff corps nationally. While this is acknowledged, the crucial role to be played by substantive and regular moderation cannot be overemphasised.

The HEMIS data in respect of graduation rates furthermore point to a problem with assessment practices nationwide. This is apparent from the fact that there is a wide divergence in the admissions criteria of the different faculties/schools, and yet far more uniformity in graduation rates after six years. This suggests that, in general, students admitted on the basis of low admissions criteria, pass as much or as little as students admitted on the basis of high admissions criteria. Also, and perhaps contrariwise, the big difference between the "poorest" six-year graduation rates and the "best" six-year graduation rates in the 2008 and 2010 cohorts, suggests that assessment practices differ markedly among at least these outlying institutions.

Recommendation:

As faculties/schools review their curricula, they must prioritise a review of their assessment and moderation practices. Such a review should focus on how students are being taught, what they are being taught, and how they should be assessed. They should be guided by the graduate attributes formulated in the LLB Standard and ensure, through policy formulation and implementation, that students are appropriately assessed at every level of study and that all assessments are properly moderated. Staff who do not assess properly or ensure proper moderation, should be held accountable.

2.7. Teamwork among students

An important attribute of a law practitioner, also recognised in the LLB Standard, is the ability to work in a team. The large classes that faculties/schools generally have to cope with make it difficult to encourage, monitor and evaluate group projects/assignments. Nevertheless, these are important means to develop teamwork skills in law students.

Recommendation:

Faculties/schools should consider ways in which assignments can be set that demand teamwork or projects that are structured such that they can only be accomplished through sets of students working in groups.

General Recommendation:

Given the law-specific nature of the graduate attributes reflected in the LLB Standard and the important role that these attributes will play in legal education in future, law faculties/schools should, in collaboration with education experts, consider the introduction at national level, of a national programme for curriculum support. Such a programme could serve as a forum for the development and refinement of best-practice models for the inculcation of graduate attributes in law students, and also contribute to lessening the current wide gap in teaching and learning practices that exists among the institutions.

3. Social Sensitivity

The HEQC highlighted many instances of practices at faculties/schools that were insensitive to the social and economic realities in which they functioned. These practices – often indulged in subconsciously by staff or students – need to be addressed as a matter of priority, as the academic project of producing law graduates able to fulfil a meaningful role in society cannot thrive in an atmosphere of social insensitivity.

3.1. Staff profiles

As highlighted above at *(Section C: Point 7: Staff Resources)*, no faculty/school academic staff profile, with the exception of UWC, is representative of the national demographics. Faculties/schools are aware of this and most (especially those who have too few African South African staff rather than too few White staff) have plans in place to improve their diversity profiles. These faculties/schools have all reported that it is difficult to attract (and retain) African South African academic staff, especially senior African South African staff. These are weighty concerns, but it is imperative that ways and means be found to ensure diversity and a more representative race profile at law faculties/schools.

It is also important that the current dearth of staff with disabilities at all faculties/schools should be addressed at institutional level.

Recommendation:

Faculties/schools must employ all means at their disposal – including innovations such as co-appointments, part-time appointments and special dispensation appointments – to improve the diversity, racial and disability profiles of their academic staff.

3.2. Student profiles

Although considerable progress has been made to ensure that the race profile of students in law faculties/schools is more representative of the national demographic, much work still needs to be done. This is important, not so much in order to attract ever larger numbers of Black students to "historically White institutions" (although in one or two cases this is indeed the case) – but also to ensure that one race group

does not feel alienated from a dominant race group. Furthermore, a demographically-diverse student corps promotes intellectual and social diversity, which is pedagogically important.

Much work also still needs to be done to ensure that students with disabilities register in larger numbers for law studies.

> **Recommendation:**
>
> Faculties/schools must actively promote social cohesion among their students by being alive to situations that can (consciously or otherwise) create division along race lines among them. Faculties/schools must also actively encourage their institutions not to create an impression among students or the broader public that the institution provides a "niche" for a particular race or ethnic group.

3.3. Extended programmes

Admission requirements for extended curriculum LLB programmes are lower than for the mainstream programme. Many institutions focus on learners from quintiles one and two schools, in order to attract students to the extended programme. The result is that extended programmes have an almost exclusively Black profile. This generates division and a sense of inferiority.

> **Recommendation:**
>
> Faculties/schools who present extended curriculum LLB programmes should consider whether the need for such programmes truly exists, and, if so, they should be especially alert to the reality that such programmes – for which predominantly poor Black students can register – do not create unintended resentment and divisiveness among the broad student cohort.

3.4. Transformative constitutionalism

A recommendation has already been made on this concern (see 1.3, above). It needs to be emphasised that a failure to adopt a conscious approach in a faculty/school to internalise "transformative constitutionalism" – both in the curriculum and in the attitudes and mind-set of staff and students – can have consequences that impact on social cohesion among staff and students, which can cause divisiveness in the faculty/school. Faculties/schools should be mindful of this very real possibility.

3.5. Teamwork

A recommendation has already been made in this regard (see 2.7 above). It also needs to be noted that one benefit of encouraging academic teamwork among students, is that students must work closely together with students from different races, genders and religious persuasions. This can only enhance social sensitivity among students and break down barriers to social cohesion.

4. Resources

The recommendations made above require the investment of considerable additional resources into the academic project of legal education. Primarily, such resources will be required for the following:

4.1.   Facilities and staffing of fully functional Law Clinics.

4.2.   Improvement to and the provision of additional physical infrastructure (lecture venues, offices, e-learning facilities).

4.3.   Additional teaching staff to improve the beyond-the-norm staff:student ratios at all but one or two faculties/schools, and to improve the capacity of faculties/schools to provide the required student support to promote the graduate attributes of law students – as detailed in the LLB Standard.

One way in which additional resources could be made available, is for the current placement in the national funding formula for universities to be revised – so that the LLB qualification is funded not at the lowest CESM category (namely, one), but at least at CESM level two. Such additional CESM-based funding should be earmarked for legal education. This recommendation is made in the context of the additional resources that will be required by all law faculties/schools, to give proper effect to the (onerous) requirements for legal education set by the LLB Standard. The following factors should be considered when such a proposed revision is discussed with the DHET:

(i)   To properly attend to the graduate attributes required by the LLB Standard, a law library is far more than a mere repository of learning materials. It is the "learning laboratory" for law students, where they go to acquire not only knowledge found in books, but also skills and competences required for reading, writing, communication and research skills and for the inculcation of critical thinking skills.

(ii)   The reality of large classes demands that teaching and learning innovation becomes a matter of crucial importance if the graduate attributes required by the LLB Standard are to be properly taught and learnt, in and beyond the classroom. This demands, primarily, the ubiquitous and elevated use of ICT. The technology itself is expensive, and its use by teaching staff and students and maintenance by technical staff is also expensive.

(iii) Graduate attributes are best inculcated if, beyond large-class teaching, beyond the proper use of a law library, and beyond proper use of ICT – dedicated and structured small-class teaching also takes place across the entire LLB curriculum. This involves the appointment, training and monitoring of teaching assistants that complement the work done by lead lecturer(s) for each module taught.

(iv)   Each law student must be exposed to clinical legal education. Establishing and maintaining such clinics at a high level of quality, at each faculty/school, is very expensive. Although the provision of law clinics should be the province of all involved in the legal profession, institutions carry a heavy financial burden in respect of law clinics. Funding for these core components of a legal education is essential.

Another conceivable source of funding for Law Clinics and law-in-action training, is relevant Sectoral Education and Training Authorities (SETAs). A case could be made that clinical legal education and other law-in-action training qualify as work-integrated learning, for which funding could be made available to faculties/schools.

There was also a general sense among academic staff interviewed by the HEQC panels, that there are too many law students in the higher education system. This is apparent from the following:

(i)   The drop-out rate of students is disconcertingly high (around 45% over a six-year period for the 2010 cohort). This speaks to a problem of initial admission and an inability of the faculty/school to provide the support required to enable such students to qualify within a reasonable time. This is apart from the very real socio-economic problems that many law students face during their studies.

(ii)   The large classes in most faculties/schools make it very difficult for teaching staff to adequately inculcate the graduate attributes in the students that are required by the LLB Standard. It is impossible to give dedicated attention to the development of critical thinking skills and of research and writing skills – if teaching staff are constantly confronted by hundreds of students registered for a particular module, despite the teaching and learning support many faculties/schools can offer. The large numbers militate against "deep learning".

(iii)   Anecdotal evidence provided by most faculties/schools suggests that many graduates struggle to find employment in mainstream legal practice. Many graduates, though they eventually find employment, are employed outside of the mainstream, and in less than ideal circumstances (the problem is particularly acute for graduates of the rural institutions). A large percentage of graduates cannot be absorbed into mainstream legal practice, either because there are not enough opportunities available for the large number of graduates produced annually, or because they do not meet the knowledge/skills requirements set by prospective employers. Either way, the large numbers of law students in the system decisively influence this situation.

Recommendation:

The number of law students in the system needs to be sharply reduced, so that law faculties/schools can provide substantively for the legal education required by the LLB Standard, and the demands of a professional qualification at NQF level eight. This is a recommendation that can only be attended to within the context of institutional planning – an avowedly fraught and long-term exercise, but an essential exercise nonetheless.

No recommendation is made on whether consideration should be given to a reduction in the number of law faculties/schools. It needs to be stated, though, that the gap between well-resourced and poorly-resourced faculties/schools is wide. Serious attention needs to be given to means to reduce this gap in resources.

The gap in resources is present because institutional infrastructure in some of the poorer-resourced faculties/schools is either seriously deficient or badly maintained. The gap is also present because of human resource deficiencies, measured in terms of postgraduate qualifications, research profiles, number of NRF-rated researchers, and numbers of senior, highly-qualified teaching staff. These deficiencies mean that poorer-resourced faculties/schools are not competitive relative to better-resourced faculties/schools in terms of attracting sufficient numbers of high-quality academics.

APPENDIX A

Qualification Standard for the Bachelor of Laws (LLB) (LLB Standard)

Higher Education Qualifications Sub-Framework

Qualification Standard

for

Bachelor of Laws (LLB)

The process of drafting this standard is described in the Introduction.

May 2015

HIGHER EDUCATION QUALIFICATIONS SUB-FRAMEWORK
STANDARDS DEVELOPMENT: POLICY AND PROCESS

Introduction

National policy and legislative context

In terms of the National Qualifications Framework (NQF) Act, 67 of 2008, the Council on Higher Education (CHE) is the Quality Council (QC) for Higher Education. The CHE is responsible for quality assurance of higher education qualifications.

Part of the implementation of the Higher Education Qualifications Sub-Framework (HEQSF) is the development of qualification standards. Standards development is aligned with the *nested approach* incorporated in the HEQSF. In this approach, the outer layer providing the context for qualification standards are the NQF level descriptors developed by the South African Qualifications Authority (SAQA) in agreement with the relevant QC. One of the functions of the QC (in the case of higher education, the CHE) is to ensure that the NQF level descriptors 'remain current and appropriate'. The development of qualification standards for higher education therefore, needs to take the NQF level descriptors, as the outer layer in the *nested approach*, into account. An ancillary function is to ensure that they 'remain current and appropriate' in respect of qualifications awarded by higher education institutions. This means that they need to be responsive to the distinctive features of each field of study.

A secondary layer for the context in which qualification standards are developed is the HEQSF. This framework specifies the types of qualification that may be awarded and, in some cases, the allowable variants of the qualification type. An example of variants is the provision for two variants of the Master's degree (including the 'professional' variant). Another example is the distinction, in the Bachelor's degree type, between the 'general' and 'professionally-oriented' variants. The HEQSF also specifies the purpose and characteristics of each qualification type. However, as indicated in the *Framework for Qualification Standards in Higher Education* (CHE, 2013), neither NQF level descriptors nor the HEQSF is intended fully to address, or indeed, capable of addressing, the relationship between generic qualification-type purpose and

the specific characteristics of that qualification type in a particular field of study. One of the tasks of standards development is to reconcile the broad, generic description of a qualification type according to the HEQSF and the particular characteristics of qualifications awarded in diverse fields of study and disciplines, as defined by various descriptors and qualifiers.

Framework for standards development

Development of qualification standards is guided by the principles, protocols and methodology outlined in the Framework, approved by the Council in March 2013. The focus of a standards statement is the relationship between the purpose of the qualification, the attributes of a graduate that manifest the purpose, and the contexts and conditions for assessment of those attributes. A standard establishes a threshold. However, on the grounds that a standard also plays a developmental role, the statement may include, as appropriate, elaboration of terms specific to the statement, guidelines for achievement of the graduate attributes, and recommendations for above-threshold practice.

A qualification standard is a statement that indicates how the purpose of the qualification, and the level on the NQF at which it is awarded, are represented in the learning domains, assessment contexts, and graduate attributes that are typical for the award of the qualification. Qualification standards are not the same, in either scope or effect, as other modalities used for the establishment of standards in higher education, for example, resource allocation standards, teaching and learning standards, or standards used for the grading of individual students. Matters such as actual curriculum design, tuition standards and standards for resource allocation for a programme are the responsibility of the institution awarding the qualification. Nor does the standard prescribe the duration of study for the qualification. It establishes the level on the NQF on which it is awarded, and confirms the minimum number of credits as set by the HEQSF. The standard relates to all programmes leading to the qualification, irrespective of the mode of delivery, the curriculum structure, and whether or not a prior qualification at a lower or the same level on the NQF is a prerequisite.

The process of development

The CHE is engaged in a pilot study, involving a selection of qualification types, offered in various fields of study. The aim of the study is to explore the extent to which the principles, procedures, content and methodology of standards development meet the requirements of all relevant parties: the institutions awarding the qualifications, the CHE as quality assurer of the qualifications, the graduates of those qualifications, and their prospective employers.

The drafting of this standards statement is the work of a group of academic experts in the field of study, convened by the CHE. They were invited after consultation with the South African Law Deans Association (SALDA). Members of the Standards Development Working Group participate in their individual capacity, not as representatives of any institutions or organisations. Members of the Group are listed in Annexure B.

The Group met on a number of occasions during the period 2013-15, and the standard statement has been through a number of iterations and revisions. In late 2014 a draft version was presented at regional meetings, to which all higher education institutions and, by invitation, the Law Society of South Africa and its affiliates, and the General Bar Council of South Africa, were invited. The working group has considered comments and recommendations from those meetings, as well as from written submissions received subsequently. The standard, therefore, is cognisant of both academic and professional interests. It has been endorsed, in revised form, by the Group. It has also been sent to higher education institutions offering the qualification, for comment. All comments submitted have endorsed the statement.

QUALIFICATION TITLE
BACHELOR OF LAWS
QUALIFICATION TYPE AND VARIANT
BACHELOR'S DEGREE (PROFESSIONAL)
BACHELOR'S DEGREE (PROFESSIONAL): GENERAL CHARACTERISITCS

[1] Henceforth referred to as the "LLB".

There are two types of Bachelor's Degrees, namely general and professionally-oriented Bachelor's Degrees. Both types of degree may be structured as a 360-credit qualification with an exit at level 7 or as a 480-credit qualification with an exit at level 8 on the National Qualifications Framework. The 480-credit Bachelor's Degree at NQF level 8 has both a higher volume of learning and a greater cognitive demand than the 360-credit degree at level 7 and should prepare students to be able to undertake Master's level study by providing them with research capacity in the methodology and research techniques of the discipline.

The primary purpose of both the general and the professional Bachelor's Degree is to provide a well-rounded, broad education that equips graduates with the knowledge base, theory and methodology of disciplines and fields of study, and to enable them to demonstrate initiative and responsibility in an academic or professional context. Both the 360- and 480-credit Bachelor's Degrees may require students to undertake research in a manner that is appropriate to the discipline or field of study in order to prepare them for postgraduate study.

The professional Bachelor's Degree prepares students for professional training, post- graduate studies or professional practice in a wide range of careers. Therefore, it emphasises general principles and theory in conjunction with procedural knowledge in order to provide students with a thorough grounding in the knowledge, theory, principles and skills of the profession or career concerned and the ability to apply these to professional or career contexts. The degree programme may contain a component of work-integrated learning.

(The Higher Education Qualifications Sub-Framework, CHE, 2013)

STANDARD FOR BACHELOR OF LAWS (LLB)[1]

PREAMBLE

In light of South Africa's history and the material conditions of her people, law is fundamental to the consolidation of the constitutional democratic project. Law has played a critical role in the country's transition to democracy and remains key to entrenching and consolidating the constitutional democratic project.

The interstitial manner in which law operates means that it is fundamental to the infrastructure of nation building. Law is central to creating a cohesive and successful society, it plays a significant role in facilitating economic development and most importantly, it is pivotal to entrenching the ethos and values of the country's constitutional democracy. "There is only one system of law. It is shaped by the Constitution which is the supreme law and all law, including the common law [and customary law], derives its force from the Constitution and is subject to constitutional control."[2]

The South African constitution is transformative in nature. "Our constitutional democracy seeks to transform our legal system. Its foundational values of human dignity, the achievement of equality and the advancement of human rights and freedoms, introduce a new ethos that should permeate our legal system."[3] Therefore, legal education cannot be divorced from transformative constitutionalism.[4] "It is when adherence to the word is taken too far, when the upholding of a law obscures or ignores that law exists to try, however difficult, to ensure justice, that formalism becomes dangerous. It is this type of conservative or formalist approach to law that is inconsistent with a transformative Constitution. At the heart of a transformative Constitution is a commitment to substantive reasoning, to examining the underlying principles that inform laws themselves and judicial reaction to those laws".[5]

These sentiments are unachievable without appropriate legal education as the foundation to foster the ideals of transformative constitutionalism. Legal education as a public good should be responsive to the needs of the economy, the legal profession and broader society. It must produce skilled graduates who are critical thinkers and enlightened citizens with a profound understanding of the impact of the Constitution on the development of the law, and advancing the course of social justice in South Africa. Moreover, the law graduate must be equipped to discharge his or her social and professional duties ethically and efficaciously. Therefore, higher education must also be responsive to globalisation and the ever-evolving information-technology.

PURPOSE

The LLB degree prepares students for entry into legal practice, into a wide range of other careers which require the application of law, and for postgraduate studies in law.

- The purpose of the LLB is to offer a broad education that develops well-rounded graduates with

- a knowledge and appreciation of the values and principles enshrined in the Constitution;

- a critical understanding of theories, concepts, principles, ethics, perspectives, methodologies and procedures of the discipline of law;

- ability to apply the above appropriately to academic, professional and career contexts; and

- capacity to be accountable and take responsibility in academic, professional, and relevant societal contexts.

NQF LEVEL AND CREDITS

The exit level of the qualification is NQF level 8. The minimum number of credits allocated to the qualification is 480 credits if awarded as a self-standing qualification, or 240 credits if awarded as a follow-up to a first general bachelor's degree.

STANDARD FOR THE AWARD OF THE QUALIFICATION

The qualification may be awarded when the qualification standard has been met or exceeded. The *purpose* and *level* of the qualification will have been achieved when the following attributes are evident.

KNOWLEDGE

The graduate has a comprehensive and sound knowledge and understanding of the South African Constitution and basic areas[6] or fields of law. This relates to the body of South African law and the South African legal system, its values and historical background. Basic areas must include:

(a) aspects of private, public, mercantile and formal law;

2 *Pharmaceutical Manufacturers Association of SA and Another in re Ex Parte President of the Republic of South Africa and Others 2000 (2) SA 674 (CC) [44].*

3 *Director of Public Prosecutions, Transvaal v Minister of Justice and Constitutional Development, and Others* 2009 (4) SA 222 (CC).

4 Karl Klare has defined "transformative constitutionalism" under the South African Constitution as "a long-term project of constitutional enactment, interpretation, and enforcement committed (not in isolation, of course, but in a historical context of conducive political developments) to transforming a country's political and social institutions and power relationships in a democratic, participatory, and egalitarian direction. Transformative constitutionalism connotes an enterprise of inducing large-scale social change through nonviolent political processes grounded in law." K Klare "Legal Culture and Transformative Constitutionalism" (1998) 14 *South African Journal on Human Rights* 146 at 150.

5 P Langa. "Transformative constitutionalism" (2006) 17 Stell LR 351 at 357.

6 'Basic areas or fields of law' are informed by the second-order categories of the Classification of Educational Subject Matter (CESM 12).

(b) international and comparative aspects of law, perspectives on law and the legal profession; and

(c) the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.

The graduate also has:

(d) some knowledge[7] of a discipline other than law; and

(e) advanced knowledge of select area(s) of the law or specialisation in one or more area(s) of the law[8] or in clinical legal education.

SKILLS

1. Critical thinking skills

The graduate is able to:

(a) Recognise and reflect on the role and place of law in South African society and beyond;

(b) Analyse a text and/or scenario to find the key issues, i.e., distinguish between relevant and irrelevant information and distinguish between legal and non-legal issues;

(c) Address the issues presented in a text or scenario and generate appropriate responses to the legal issues contained in a text and/ or scenario;

(d) Make critical judgements on the merits of particular arguments and make and present reasoned choices between alternative solutions;

(e) Analyse, synthesise, judge critically and evaluate problems and situations; and

(f) Demonstrate familiarity with legal discourse – knowledge of the conventions (and terminology) of legal discourse and the ability to use them appropriately.

2. Research skills

In theoretical and applied research-based contexts, the graduate is able to:

(a) find, select, organise, use, analyse, synthesise and evaluate a variety of relevant information sources;

(b) determine the relative authority of relevant information sources;

(c) read, interpret and summarise information sources;

(d) present and make a reasoned choice between alternative solutions;

(e) use techniques of legal reasoning, methodology and argumentation to reach a plausible conclusion;

(f) use appropriate referencing style guidelines; and

(g) demonstrate academic integrity in research.

APPLIED COMPETENCE

1. Ethics and integrity

The graduate has knowledge of relevant ethical considerations in law and is able to conduct her/himself ethically and with integrity in her/his relations within the university and beyond, with clients, the courts, other lawyers and members of the public.

2. Communication skills and literacy

The graduate is proficient[9] in reading, writing, comprehension and speaking in a professional capacity, to specialist and non-specialist alike, and is therefore, able to:

(a) communicate effectively by choosing appropriate means of communication for a variety of contexts;

(b) demonstrate effective oral, written, listening and non-verbal communication skills;

(c) apply communication skills to situations and genres relevant to professional practice; and

(d) engage with diverse audiences as identified by culture, language[10] and gender.

3. Numeracy

The graduate is able to perform basic numeracy tasks related to the fields of law.

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[7] "Some knowledge of a discipline other than law" is explained in Guideline no. 1 below.
[8] "Select areas" refers to fields already covered and where in-depth study is required. "Specialisation" refers to niche areas of law. See Guideline no. 2 below.
[9] See Guideline no. 3 below.
[10] See Guideline no. 4 below.

4. Information technology

The graduate is able to:

(a) access information efficiently and effectively; and

(b) use technology as a tool to research, organise, evaluate and communicate information.

5. Problem solving

The graduate is able to identify and define the relevant issues in legal problems; identify and select the most relevant sources and research methods (including electronic databases) likely to assist in solving such legal problems and generate reasoned solutions.

6. Self-management and collaboration

The graduate is able to:

(a) function effectively in independent and collaborative settings;

(b) make meaningful contributions to work efforts in a group context, including problem solving;

(c) address a particular aspect of a problem or project and integrate her/his own efforts into a collaborative effort; and

(d) critically reflect on and assess her/his own work and critique the work of others in a reasoned and formative manner.

7. Transfer of acquired knowledge

The graduate is able to:

(a) apply knowledge to different, new and unfamiliar fields of law;

(b) deal with the development of the law on a continuous basis[11]; and

(c) transfer legal knowledge to others.[12]

8. Agency, accountability and service to the community

The graduate is able to recognise, reflect and apply social justice imperatives:

(a) acknowledging the capacity, agency and accountability of the legal practitioner in shaping and transforming the legal system, promote

social justice goals of fairness, legitimacy, efficacy and equity in the legal system; and

(b) understand the professional responsibilities of the legal practitioner in service to the community.

CONTEXTS AND CONDITIONS FOR ASSESSMENT

Appropriate assessment of graduate attributes is informed by the following assumptions.

1. A variety of assessment methods and types, including summative and formative assessment, is used.[13] Assessment opportunities occur regularly throughout the course of study.

2. Students engage in some independent research that is assessed.

3. Assessment includes authentic problem solving either in real life work contexts or simulated teaching and learning activities by staff appropriately qualified to effect meaningful assessment.[14]

4. Adequate teaching and learning and physical resources are available to implement effective assessment activities, which, in order to achieve the particular purpose of the qualification, include:

   a. an adequate student:staff ratio[15];

   b. adequate access to resources such as library and e-resources in order to meet the problem-solving and research attributes of the qualification.

5. IT resources are available to enable graduates to achieve the purposes of the qualification.

6. Regular and constructive feedback is given to enable graduates to achieve the problem-solving, research, literacy and communication skills for the attainment of the qualification.

PROGRESSION

A Bachelor's Degree is the minimum entry requirement for admission to a Bachelor Honours Degree or Postgraduate Diploma. A level 8 Bachelor's Degree with 480 credits may also meet the minimum requirement for admission to a cognate Master's Degree. Entry into these qualifications is usually in the area of specialisation or in the discipline taken as a major in the Bachelor's Degree.

(Higher Education Qualifications Sub-Framework)

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[11] See Guideline no. 5 below.
[12] See Guideline no. 6 below.
[13] See Guideline no. 7.
[14] See Guideline no. 8.
[15] See Guideline no. 9.

GUIDELINES

1. 'Some knowledge of a discipline other than law'

The qualification is premised on the notion of a broad societal context. The study of 'a discipline other than law' provides the graduate with a satellite disciplinary knowledge base and methodology which can enhance appreciation and understanding of 'the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.' This broad contextual scope allows for a wide range of disciplines beyond law. 'Some knowledge' implies sufficient breadth and depth to provide understanding of a coherent range of fundamental concepts in the discipline and competence to perform basic tasks involving relevant knowledge and skills.

2. 'Advanced knowledge of select area(s) of the law or specialisation in one or more area(s) of the law'

(a) ' Select area(s) of the law' refers to a field or fields already covered in the preceding curriculum, but in which further study is pursued. Examples could be a module in advanced constitutional law following a first module in constitutional law or a module in specific delicts following a first module in delict.

(b) 'Specialisation in one or more area(s) of the law' refers to a study of a niche area or areas not distinctly covered in the preceding curriculum. Examples could be modules in environmental law, sports law or public procurement law.

3. 'Proficiency'

To be proficient in something is to show ability or skill at it. Abilities or skills in the context of the LLB are developed by regularly exposing law students to problem-solving and research problems and by expecting them to produce well-written, coherent answers or research reports. Language proficiency would include formal and substantive components. The formal component would include aspects such as style (consistency, e.g., use of italics for case names, consistent bibliography (alphabetical, complete), subdivision for primary sources (legislation, case law) and secondary sources (books, journal articles, etc.)), language (grammar, appropriate word choice), and appropriate diction. The substantive component would include aspects such as topic (relevance, clarity, precision), scope of the research undertaken (comprehensive, most important sources consulted), systematic and clearly structured treatment of the topic, logic and persuasiveness of arguments, and correct use of authority.

Proficiency in speaking would ordinarily be assessed in a moot court, or debating setting, or in the oral presentation or defense of a research project. Proficiency in this context would include aspects such as providing a clear and concise description of the anticipated presentation, effectively responding to any questions posed, demonstrating a clear understanding of trial/debate procedures, presentation containing elements of spontaneity not based entirely on a prepared text, organised and well-reasoned presentation, setting out the most important facts and most important legal principles, and applying the legal principles to the facts of the case.

4. 'Language'

South Africa is a multilingual society with eleven official languages. The use and development of these languages are protected and promoted in the Constitution.

Language is the most important tool of a lawyer. In all instances a lawyer must be able to find and understand the sources of the law before s/he can convey her/his message to her/his clients, opponents and the court. The same applies to the person sitting on the bench in court as a result of the underlying guidelines contained in section 174 of the Constitution. This implies sensitivity to the language(s) of all concerned parties.

Sources of South African law, especially when one works and researches in private law, are written in Latin, Dutch, Afrikaans and English and if comparative work is to be done, German, Dutch and French law often provide insights since they are comparable systems of law. The commercial world in South Africa is dominated by English and a student wishing to embark on a career in the business and commercial world especially in the urban areas of the country would have to be proficient in English. In the more rural parts of the country, law is practiced in Zulu, Xhosa, Afrikaans and the other indigenous languages. International trade takes place in a number of foreign languages.

Graduates should thus be able to acknowledge and appreciate linguistic diversity, and programmes leading to the LLB ought to take this need into account, in order to prepare graduates to practice law competently in a context of such diversity.

5. 'Continuous basis'

Graduates have the requisite knowledge-base and skills to be able keep up to date continuously with the ever-changing body of substantive law, including new precedent- setting judgements, amendments to legislation and new legislation. Life-long learning is a pursuit that is essential for every law graduate to maintain throughout their careers.

6. 'Transfer legal knowledge to others'

The graduate is able to apply knowledge to different, new and unfamiliar fields of law. For example, in new fields such as IT law or energy law, the graduate will apply existing legal principles to these new fields as they develop. Sometimes the graduate first needs to understand how the common law developed and apply new legislation, read with the common law, to these new or unfamiliar fields.

The graduate is also able to understand and explain the law to lay persons, to colleagues, clients and members of the public, including community members who have had very little exposure to the law.

7. Examples of assessment methods or types

The standard does not prescribe assessment methods or types. The following are provided as examples: written and oral assignments, tutorials, collaborative work, small group work through seminars, projects, case studies, portfolios, dissertations, directed research, presentations, independent study without supervision, moot courts, examinations and tests including short or long problem-solving questions, essays and/or multiple-choice questions, role plays, mock trials, client counselling exercises, reflective journals, observation of real work in live client clinics, work done in live client clinics appropriately supervised, observation of real or simulated legal tasks, and other compulsory and voluntary activities.

8. 'Appropriately qualified to effect meaningful assessment'

'Appropriately qualified to effect meaningful assessment' refers to the knowledge, skills and applied competence of the lecturer/assessor in assessment practices. It is acknowledged that most academics in South Africa are appointed on the basis of their knowledge and research expertise in a particular field or discipline and not necessarily for their knowledge about effective assessment practices. However, in order to be suitably qualified, lecturers/assessors should not only have relevant subject knowledge, but should also be knowledgeable and competent in student assessment.

9. Student:Staff ratio:

A specific student:staff ratio is not prescribed. However sufficient resources should be allocated to a programme leading to the LLB to enable assessment models consistent with the 'Contexts and Conditions for Assessment' as set out above and in Guideline number two, according to which law students receive regular and constructive feedback on comprehensive research-and problem-based assignments. The same principle applies to clinical legal education.

NQF LEVEL DESCRIPTORS

The qualification is awarded at level 8 on the National Qualifications Framework (NQF) and therefore meets the following level descriptors:

a. Scope of knowledge, in respect of which a learner is able to demonstrate knowledge of and engagement in an area at the forefront of a field, discipline or practice; an understanding of the theories, research methodologies, methods and techniques relevant to the field, discipline or practice; and an understanding of how to apply such knowledge in a particular context.

b. Knowledge literacy, in respect of which a learner is able to demonstrate the ability to interrogate multiple sources of knowledge in an area of specialisation and to evaluate knowledge and processes of knowledge production.

c. Method and procedure, in respect of which a learner is able to demonstrate an understanding of the complexities and uncertainties of selecting, applying or transferring appropriate standard procedures, processes or techniques to unfamiliar problems in a specialised field, discipline or practice.

d. Problem solving, in respect of which a learner is able to demonstrate the ability to use a range of specialised skills to identify, analyse and address complex or abstract problems drawing systematically on the body of knowledge and methods appropriate to a field, discipline or practice.

e. Ethics and professional practice, in respect of which a learner is able to demonstrate the ability to identify and address ethical issues based on critical reflection on the suitability of different ethical value systems to specific contexts.

f. Accessing, processing and managing information, in respect of which a learner is able to demonstrate the ability to critically review information gathering, synthesis of data, evaluation and management processes in specialised contexts in order to develop creative responses to problems and issues.

g. Producing and communicating information, in respect of which a learner is able to demonstrate the ability to present and communicate academic, professional or occupational ideas and texts effectively to a range of audiences, offering creative insights, rigorous interpretations and solutions to problems and issues appropriate to the context.

h. Context and systems, in respect of which a learner is able to demonstrate the ability to operate effectively within a system, or manage a system based on an understanding of the roles and relationships between elements within the system.

i. Management of learning, in respect of which a learner is able to demonstrate the ability to apply, in a self-critical manner, learning strategies which effectively address his or her professional and ongoing learning needs and the professional and ongoing learning needs of others.

j. Accountability, in respect of which a learner is able to demonstrate the ability to take full responsibility for his or her work, decision-making and use of resources, and full accountability for the decisions and actions of others where appropriate.

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APPENDIX B

Section 3 of the HEQC Criteria for Programme Accreditation
(adapted from the HEQC Programme Accreditation Criteria, November 2004)

PROGRAMME DESIGN

CRITERION 1:

The programme is consonant with the institution's mission, forms part of institutional planning and resource allocation, meets national requirements, the needs of students and other stakeholders, and is intellectually credible. It is designed coherently and articulates well with other relevant programmes, where possible.

In order to meet the criterion, the following is required at minimum:

(i) The programme is consonant with the institution's mission and goals and was approved by the appropriate institutional structures, including Senate/equivalent structure. Provision is made for the programme in the institution's planning and resource allocation processes.

(ii) The programme meets the national requirements pertaining to programmes which are at present being developed within the context of the NQF.

(iii) Learning outcomes, degree of curriculum choice, teaching and learning methods, modes of delivery, learning materials and expected completion time cater for the learning needs of its target student intake. Competences expected of students who successfully complete the programme are made explicit.

(iv) The design maintains an appropriate balance of theoretical, practical and experiential knowledge and skills. It has sufficient disciplinary content and theoretical depth, at the appropriate level, to serve its educational purposes.

(v) The design offers students learning and career pathways with opportunities for articulation with other programmes within and across institutions, where possible.

(vi) Modules and/or courses in the programme are coherently planned with regard to content, level, credits, purpose, outcomes, rules of combination, relative weight and delivery. Outsourcing of delivery is not permitted.

(vii) There is a policy and/or procedure for developing and evaluating learning materials and ensuring their alignment with the programme goals and underpinning philosophy. Where necessary, members of the academic staff are trained to develop learning materials.

(viii) Programme outcomes meet national and/or regional labour market, knowledge or other socio-cultural needs. The requirements of professional bodies are taken into consideration, where applicable. Relevant stakeholders, including academic peers from outside the institution, and employers and professional bodies where applicable, are involved in the development of the programme.

(ix) The characteristics and needs of professional and vocational education are catered for in the design of the programme, where applicable. This includes the following, in addition to (i) – (vii) above:

• The programme promotes the students' understanding of the specific occupation for which they are being trained.

• Students master techniques and skills required for a specific profession or occupation.

• Work-based learning and placement in a work-based environment form an integral part of the curriculum, where possible.

(x)   In the case of institutions with service learning as part of their mission:

- Service learning programmes are integrated into institutional and academic planning, as part of the institution's mission and strategic goals.

- Enabling mechanisms (which may include incentives) are in place to support the implementation of service learning, including staff and student capacity development.

STUDENT RECRUITMENT, ADMISSION AND SELECTION

CRITERION 2:

Recruitment documentation informs potential students of the programme accurately and sufficiently, and admission adheres to current legislation. Admission and selection of students are commensurate with the programme's academic requirements, within a framework of widened access and equity. The number of students selected considers the programme's intended learning outcomes, its capacity to offer good quality education and the needs of the particular profession (in the case of professional and vocational programmes).

In order to meet the criterion, the following is required at minimum:

(i)   Advertising and promotional materials contain accurate and sufficient information about the programme with regard to admission policies, completion requirements and academic standards. Marketing and advertising are done according to DoE and SAQA regulations and accurate information is provided about the NQF level and the accreditation status of the programme.

(ii)   Admission, matriculation exemption, age exemption, etc. adhere to current legislation.

(iii)   The programme's admission criteria are in line with the National Plan for Higher Education's (NPHE's) goal of widening access to higher education. Equity targets are clearly stated, as are the plans for attaining them. Provision is made, where possible, for flexible entry routes, which includes RPL with regard to general admission requirements, as well as additional requirements for the programme, where applicable. Admission of students through an RPL route should not constitute more than 10 percent of the student intake for the programme.

(iv)   Admission requirements are in line with the degree of complexity of learning required in the programme, within the context of widening access and promoting equity.

(v)   Selection criteria are explicit and indicate how they contribute to institutional plans for diversity. The number of students selected for the programme does not exceed the capacity available for offering good quality education. The number of students is balanced against the intended learning outcomes of the programme and considers the mode(s) of delivery and the programme's components (modules/courses).

(vi)   In the case of professional and vocational programmes, the quality and number of students admitted considers the needs of the particular profession, consonant with the appropriate equity considerations.

STAFFING

CRITERION 3:

Academic staff responsible for the programme are suitably qualified and have sufficient relevant experience and teaching competence, and their assessment competence and research profile are adequate for the nature and level of the programme. The institution and/or other recognised agencies contracted by the institution provide opportunities for academic staff to enhance their competences and to support their professional growth and development.

In order to meet the criterion, the following is required at minimum:

(i)   Academic staff for undergraduate programmes has relevant academic qualifications higher than the exit level of the programme, but at minimum a degree. Academic staff for postgraduate programmes has relevant academic qualifications at least on the same level as the exit level of the programme. At least 50

percent of the academic staff for postgraduate programmes have relevant academic qualifications higher than the exit level of the programme.

The qualifications of academic staff were awarded by recognised higher education institutions.

(ii) The majority of full-time academic staff has two or more years of teaching experience in a recognised higher education institution, and in areas pertinent to the programme. In the case of professional programmes, a sufficient number of academic staff members also have relevant professional experience. Qualified and experienced academic staff design the learning programme, although junior or part-time tutors may act as facilitators of learning.

(iii) Academic staff are competent to apply the assessment policies of the institution. Some of the academic staff responsible for the programme have at least two years' experience of student assessment at the exit level of the programme. There is ongoing professional development and training of staff as assessors in line with SAQA requirements.

(iv) Academic staff members have research experience through their own research and/or studies toward higher education qualifications. The research area(s) of some of the academic staff members are relevant to the subject areas of the programme. In the case of postgraduate programmes, the research profile of the staff includes recognised research outputs.

(v) The institution and/or other recognised agencies contracted by the institution provide orientation and induction opportunities in which new academic staff members participate. Provision is made for regular staff development opportunities in which relevant academic staff participate.

CRITERION 4:

The academic and support 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 ratio of full-time to part-time staff is appropriate. The recruitment and employment of staff follows relevant legislation and appropriate administrative procedures, including redress and equity considerations. Support staff are adequately qualified and their knowledge and skills are regularly updated. In order to meet the criterion, the following is required at minimum:

(i) The staff:student ratio expressed as full-time equivalents is suitable for the nature and field of the programme and number of enrolled students. Sufficient support staff dedicated to the programme are available, where appropriate.

(ii) The programme has an appropriate full-time:part-time staff ratio to ensure working conditions conducive to teaching and learning and research. Part-time and junior staff and tutors are trained, where necessary, and monitored by full-time staff.

(iii) Recruitment and employment of staff adhere to the stipulations of the Labour Relations Act and to conditions of service, and there are appropriate administrative procedures for the selection, appointment, induction and payment of staff members and tutors.

Redress and equity considerations receive due attention in the appointment of staff.

(iv) The academic staff complement is such that it ensures that students are exposed to a diversity of ideas, styles and approaches.

(v) Contractual arrangements relating to the hours and workload of staff ensure that all programme quality assurance, teaching, research, learning support, materials development, assessment, monitoring of part-time staff (where applicable), counselling and administrative activities take place.

(vi) Administrative, technical and academic development support staff are adequately qualified for their duties, and opportunities exist for staff development.

(vii) For distance learning programmes, sufficient administrative and technical staff are employed to handle the specialised tasks of registry, dispatch, management of assignments, record-keeping, and other issues in relation to student needs.

TEACHING AND LEARNING STRATEGY

CRITERION 5:

The institution gives recognition to the importance of promoting student learning. The teaching and learning strategy is appropriate for the institutional type (as reflected in its mission), mode(s) of delivery and student composition, contains mechanisms to ensure the appropriateness of teaching and learning methods, and makes provision for staff to upgrade their teaching methods. The strategy sets targets, plans for implementation, and mechanisms to monitor progress, evaluate impact and effect improvement.

In order to meet the criterion, the following is required at minimum:

(i)   Recognition of the importance of the promotion of student learning is reflected in the institution's central operating policies and procedures, including resource allocation, provision of support services, marketing, appointments and promotions.

(ii)   A teaching and learning strategy is in place which:

- Is appropriate for the institutional type as reflected in its mission (programme types, research, teaching), mode(s) of delivery (contact/distance/e-learning), and its student composition (age, fulltime/part-time, advantaged/disadvantaged), etc.

- Has mechanisms to ensure that teaching and learning methods are appropriate for the design and use of learning materials and instructional and learning technology.

- Provides for staff development opportunities where staff can upgrade their teaching methods.

- Contains targets, plans for implementation, ways of monitoring progress and evaluating impact, and mechanisms for feedback and improvement.

STUDENT ASSESSMENT POLICIES AND PROCEDURES

CRITERION 6:

The different modes of delivery of the programme have appropriate policies and procedures for internal assessment; internal and external moderation; monitoring of student progress; explicitness, validity and reliability of assessment practices; recording of assessment results; settling of disputes; the rigour and security of the assessment system; RPL; and for the development of staff competence in assessment.

In order to meet the criterion, the following is required at minimum:

(i)   The programme has appropriate policies and procedures in all modes of delivery for:

- Internal assessment of student learning achievements by academic staff responsible for teaching a course/module of the programme in a system that includes internal moderation.

- External moderation of students' learning achievements by appropriately qualified personnel. Moderators are appointed in terms of clear criteria and procedures and conduct their responsibilities in terms of clear guidelines.

- Monitoring student progress in the course of the programme.

- Ensuring the validity and reliability of assessment practices.

- Secure and reliable recording of assessment results.

- Settling of student disputes regarding assessment results.

- Ensuring the security of the assessment system, especially with regard to plagiarism and other misdemeanours.

- Development of staff competence in assessment.

(ii)   There are appropriate policies and procedures for RPL, including the identification, documentation, assessment, evaluation and transcription of prior learning against specified learning outcomes, so that it can articulate with current programmes and qualifications. Assessment instruments are designed for RPL in accordance with the institution's policies on fair and transparent assessment.

INFRASTRUCTURE AND LIBRARY RESOURCES

CRITERION 7:

Suitable and sufficient venues, IT infrastructure and library resources are available for students and staff in the programme. Policies ensure the proper management and maintenance of library resources, including support and access for students and staff. Staff development for library personnel takes place on a regular basis.

In order to meet the criterion, the following is required at minimum:

(i)   Suitable and sufficient venues are available at all official sites of learning where the programme is offered, including teaching and learning venues, laboratories and clinical facilities, where appropriate. There are codes for clinical conduct, laboratory practice and safety, where appropriate. Venue allocation and timetabling are carefully planned to accommodate the needs of students.

(ii)   Suitable and sufficient IT infrastructure, as determined by the nature of the programme, is available at all sites of learning. This includes functionally appropriate hardware (computers and printers), software (programmes) and databases. The infrastructure is properly maintained and continuously upgraded and adequate funds are available for this purpose.

    Students and staff are trained in the use of technology required for the programme.

(iii)   Suitable and sufficient library resources exist which:

    • Complement the curriculum.

    • Provide incentives for students to learn according to their own needs, capacity and pace.

    • Support appropriate professional and scholarly activities of students and staff involved in the programme.

(iv)   Policies exist for the proper management and maintenance of library resources, and for their continuous renewal and expansion. These policies are integrated into the institution's financial plan.

(v)   On- and off-campus students have adequate library support and adequate access to library research and computing facilities.

(vi)   Staff development takes place on a regular basis to update the library staff's knowledge and skills.

PROGRAMME ADMINISTRATIVE SERVICES

CRITERION 8:

The programme has effective administrative services for providing information, managing the programme information system, dealing with a diverse student population, and ensuring the integrity of processes leading to certification of the qualification obtained through the programme.

In order to meet the criterion, the following is required at minimum:

(i)   The programme information system is managed effectively in order to provide reliable information on the following:

- Venues, timetables, access to library and IT facilities, availability of academic and support staff for student consultations, and student support services. Information and communication needs of students in remote (rural) areas receive due attention.

- Records of the students in the programme, including admission, progression, grades/marks, fees and graduation.

- Records of students in the programme for the National Learner Records Database (NLRD) of SAQA.

(ii)   Effective administrative systems are in place for:

- Identifying academically non-active students, particularly in distance education programmes.

- Monitoring student performance in order to ensure timely identification of at-risk students. There are strategies for advising students on improving their chances of success and for referral to appropriate academic development programmes. Rules for re-admission to programmes are clear and are sensitively applied.

- Dealing with the needs of a diverse student population.

(iii) Clear and efficient arrangements are in place for ensuring that the integrity of certification processes for the qualification obtained through the programme is not compromised. These include:

- Effective mechanisms to quality assure the processing and issuing of certificates.

- Effective security measures to prevent fraud or the illegal issuing of certificates.

PROGRAMME COORDINATION

CRITERION 10:

The programme is effectively coordinated in order to facilitate the attainment of its intended purposes and outcomes.

In order to meet the criterion, the following is required at minimum:

(i)   An academic is identified as programme coordinator and operates within the framework of an agreed upon mandate and defined procedures and responsibilities. This includes responsibility for:

- Ensuring the academic coherence and integrity of the programme and that all conditions for the delivery of the programme are met.

- Coordination of logistical and other issues regarding:
    - The day-to-day delivery of the programme.
    - All aspects of the programme quality management system, including the provision of resources.
    - The review of the programme and feedback with a view to improvement.
    - Monitoring of expenditure.

(ii)   Opportunities exist for student input and participation in relevant aspects of programme coordination.

(iii) Policies for ensuring the integrity of certification processes for the qualification obtained through the programme are effectively implemented. These include:
   • Mechanisms for monitoring the eligibility of candidates for the award of certificates.
   • Mechanisms for quality assuring the processing and issuing of certificates.
   • Security measures for preventing fraud or the illegal issuing of certificates.

ACADEMIC DEVELOPMENT FOR STUDENT SUCCESS

CRITERION 11:

Academic development initiatives promote student, staff and curriculum development and offer academic support for students, where necessary.

In order to meet the criterion, the following is required at minimum:

(i)   Staff responsible for academic development are adequately qualified and experienced for their task, and their knowledge and skills are regularly updated.

(ii)   Student and staff development initiatives are responsive to the needs of the students and staff. This includes foundational and skills-oriented provision for students.

(iii) Curriculum development at programme and course/module levels includes strategies for language skills development, numeracy and cognitive skills which enhance the use of disciplinary discourse and skills by students.

(iv)   Additional student academic support is offered where necessary.

(v)   The effectiveness of academic development initiatives is regularly monitored and feedback is used for improvement.

TEACHING AND LEARNING INTERACTIONS

CRITERION 12:

Effective teaching and learning methods and suitable learning materials and learning opportunities facilitate the achievement of the purposes and outcomes of the programme.

In order to meet the criterion, the following is required at minimum:

(i)   Students are provided with guidance on how the different components of the programme (for example, subjects, courses and/or modules) contribute to the learning outcomes of the programme.

(ii)   There is an appropriate balance between, and mix of, different teaching and learning methods. Teaching and learning methods are appropriate to the design and use of the learning materials and instructional and learning technology.

(iii) Suitable learning opportunities are provided to facilitate the acquisition of the knowledge and skills specified in the programme outcomes, and within the stipulated time.

(iv)   Students actively participate in the teaching and learning process.

(v)   The staff have opportunities to upgrade their teaching methods and there is facilitation of suitable learning opportunities.

(vi)   The effectiveness of teaching and learning interactions is regularly monitored and the results are used for improvement.

STUDENT ASSESSMENT PRACTICES

CRITERION 13:

The programme has effective assessment practices which include internal (or external) assessment, as well as internal and external moderation.

In order to meet the criterion, the following is required at minimum:

(i) Assessment is an integral part of the teaching and learning process and is systematically and purposefully used to generate data for grading, ranking, selecting and predicting, and for providing timely feedback to inform teaching and learning and to improve the curriculum.

(ii) The learning achievements of students are internally assessed by the academic staff responsible for teaching a course/module in terms of a system that includes internal moderation. This includes:

• Academic staff who teach a course/module are responsible for designing, implementing and marking both formative and summative student assessments, for recording results and for feedback to students.

• For summative assessment, especially where more than one marker is involved, internal moderation checks are undertaken to ensure the reliability of the assessment procedures.

• Procedures are in place and are followed to receive, record, process, and turn around assignments within a time frame that allows students to benefit from feedback prior to the submission of further assessment tasks.

(iii) The learning achievements of students on the exit level of a qualification are externally moderated by appropriately qualified people who have been appointed according to clear criteria and procedures and who conduct their responsibilities in terms of clear guidelines. External moderation includes the following:

• External moderators are recommended by the examining academic department, are independent experts in their fields, have qualifications at least on the same level as the qualification being examined, are changed regularly, are not appointed as part of reciprocal arrangements (where possible), and are approved by and responsible to Senate/equivalent body.

• The institution provides information on the curriculum and on continuous assessment, and guidelines to assist external moderators in the completion of their reports.

• External moderators 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.

• Completed external moderator reports are returned to the lecturer concerned and also to the programme coordinator or head of department/school. Problems are discussed with the lecturer concerned and the programme coordinator monitors the implementation of agreed improvements. External moderators approve the final marks list for the qualification concerned.

• External moderators are expected to comment on the validity of the assessment instruments, the quality of student performance and the standard of student attainment, the reliability of the marking process, and any concerns or irregularities with respect to the observation of institutional/professional regulations.

(iv) Assessment practices are effective and reliable in measuring and recording student attainment of the intended learning outcomes. This includes the following:

• Assessment criteria are commensurate with the level of the qualification, the requirements of SAQA and, where appropriate, professional bodies, and are made explicit to staff and students.

• Learning activities and the required assessment performances are both aligned with learning outcomes at the programme and modular level.

- Learning outcomes for a programme/module and their link to assessment criteria and judgements are clearly stated and communicated to students. A range of appropriate assessment tasks is effective in measuring student attainment of the intended learning outcomes. There is at least one integrated assessment procedure for each qualification which is a valid test of the key purposes of the programme.
- A system is in operation for maximising the accuracy, consistency and credibility of results, including consistency of marking and concurrence between assessors and external examiners on the nature and quality of the evidence which indicates achievement of learning outcomes.
- Students' assessment records are reliable and secure. Assessment data is accessible to academic coordinators, administrators, teaching staff and students, as appropriate.

(v)   RPL is done in an effective, reliable and consistent manner.

CRITERION 14:

The programme has taken measures to ensure the reliability, rigour and security of the assessment system.

In order to meet the criterion, the following is required at minimum:

The assessment system is rigorous and secure. This includes:
- Institutional/faculty/professional rules governing assessment are published and clearly communicated to students and relevant stakeholders.
- Evidence is provided to demonstrate that these rules are widely adhered to.
- Breaches of assessment regulations are dealt with effectively and timeously.
- Students are provided with information and guidance on their rights and responsibilities regarding assessment processes (for example, definitions of and regulations on plagiarism, penalties, terms of appeal, supplementary examinations, etc.)
- Student appeals procedures are explicit, fair and effective.
- There are clear and consistent published guidelines/regulations for:
    - Marking and grading of results.
    - Aggregation of marks and grades.
    - Progression and final awards.
    - Credit allocation and articulation.

STUDENT RETENTION AND THROUGHPUT RATES

CRITERION 17:

Student retention and throughput rates in the programme are monitored, especially in terms of race and gender equity, and remedial measures are taken, where necessary.

In order to meet the criterion, the following is required at minimum:

(i)   The programme coordinator has access to and monitors information on retention and throughput rates for the programme, also in terms of national benchmarks. Appropriate remedial action is taken where necessary.

(ii)   The race and gender profile of the qualifying class increasingly resembles that of the entering class.

PROGRAMME IMPACT

CRITERION 18:

The programme has taken steps to enhance the employability of students and to alleviate shortages of expertise in relevant fields, in cases where these are the desired outcomes of the programme.

In order to meet the criterion, the following is expected at minimum:

(i) There is evidence that the programme attempted to have an impact on the employability of students, where these are the desired outcomes of the programme.

(ii) Conscious efforts are made to get the programme acknowledged in the workplace/community and by other institutions. An improvement plan is put into operation, where necessary.

PROGRAMME REVIEW

CRITERION 19:

User surveys, reviews and impact studies on the effectiveness of the programme are undertaken at regular intervals. Results are used to improve the programme's design, delivery and resourcing, and for staff development and student support, where necessary.

In order to meet the criterion, the following is required at minimum:

(i) User surveys are undertaken at regular intervals for feedback from academics involved in the programme, graduates, peers, external moderators, professional bodies and employers, where applicable, to ascertain whether the programme is attaining its intended outcomes.

(ii) There are regular reviews of the effectiveness of benchmarking in the programme against equivalent national and international reference points, with a view to goalsetting and continuous self-improvement in the programme.

(iii) Student throughput and retention rates are regularly reviewed, also with regard to national requirements.

(iv) Impact studies are regularly undertaken to measure and evaluate the impact of the programme and its graduates on the employability of students and in alleviating shortages of expertise in relevant fields, where these are the desired outcomes of the programme. Impact studies could also ascertain the degree of acknowledgement of the programme in the community, by other institutions, and in the workplace, where applicable.

(v) Results of user surveys, reviews and impact studies are used in a regular evaluation of all programme aspects and to develop improvement plans.

APPENDIX C

SUMMARY
ACCREDITATION STATUS OF LLB PROGRAMMES

Accreditation Status	April 2017	November 2017	June 2018	August 2018
Accreditation confirmed	0	3	11	12
Accreditation subject to meeting specified conditions	13	10	5	4
Notice of withdrawal of accreditation	4	3	0	0
Accreditation withdrawn	0	1	1	1

APPENDIX D

SUMMARY
HEQC CONDITIONS FOR RE-ACCREDITATION/REMOVAL OF NOTICE OF WITHDRAWAL IRO EACH INSTITUTION AS AT APRIL 2017

INSTITUTION	ACCREDITATION CRITERIA NOT MET
NMU	1 (iv), (vi) 4 (iii), (iv)
NWU	1 (iii), (vi) 2 (iv) 4 (ii) 5 (ii) 10 (i) (X2) 11 (ii) (X3), (iii), (iv)
RU	1 (ii) 2 (iii), (iv) 3 (i) 4 (iii), (iv)
UCT	1 (iv), (vi) 10 (i) 17 (i), (ii) 19 (iii)
UFH	1 (i), (ii), (iii), (iv) (X3), (v), (vi) (X3), (viii) 8 (iii) 14 (6th bullet point)
UFS	1 (ii)
UJ	1 (iii), (v), (vi), (viii), (ix) 11 (iii), (iv), (v) 12 (i), (ii) 13 (iv)
UKZN	4 (iii), (iv)
UL	1(i), (ii), (iv), (viii), (ix) 5 (ii) 6 (i) 7 (i), (ii) 12 (i), (ii), (iii), (vi) 13 (i), (ii), (iii), (iv)
UNISA	1(i), (ii), (iii), (iv), (vi), (vii) (X2), (ix) 2 (iv) 5 (i), (ii) (X2) 6 (i) 11 12 (i), (ii), (iii) (X2), (iv), (v) 13 (i)

INSTITUTION	ACCREDITATION CRITERIA NOT MET
UNIVEN	1 (ii)(X2), (iv)(X2), (v)(X2), (vi)(X2), (viii)(X2), (ix)(X2) 6 (i), (i – bullet point 3) 7 (i) 10 (i) 11 (ii), (iv), (v) 12 (i), (iii), (iv)(X2), (vi) 13 (i), (ii), (iii), (iv)(X2)
UNIZULU	1 (ii), (iv), (v), (vi) 4 (i)(X2), (ii)(X2) 8 (i), (ii) 11 (iv) 12 (iii), (vi) 13 (i)
UP	4 (iii), (iv) 5 (ii) 12 (ii), (iii)
SU	2 (iii), (iv), (v), (vi) 4 (iii), (iv)
UWC	1 (i), (ii), (iv), (vi) 10 (i)
Wits	1 (ii), (vi) 2 (iii), (iv) 10 (i), (ii) 12 (iv)
WSU	1 (ii), (iii), (iv), (vi), (viii), (ix) 3 (i), (ii), (iii), (iv) 4 (vi) 5 (ii)(X2) 11 (ii) 12 (i), (iii), (vi)

APPENDIX E

HEQC RE-ACCREDITATION CONDITIONS AND ACCREDITATION WITHDRAWAL CRITERIA AS AT APRIL 2017

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 1 (Programme Design) *The programme is consonant with the institution's mission, forms part of institutional planning and resource allocation, meets national requirements, the needs of students and other stakeholders, and is intellectually credible. It is designed coherently and articulates well with other relevant programmes, where possible.*	
1(i) Full institutional alignment.	UFH, UL, UNISA, UWC **(4)**
1 (ii) Meets national NQF programme requirements.	RU, UFH, UFS, UL, UNISA, UNIVEN (X2) UNIZULU, UWC, Wits, WSU **(11)**
1 (iii) Student learning needs are fully accommodated.	NWU, UFH, UJ, UNISA, WSU **(5)**
1 (iv) Programme design maintains appropriate balance of theoretical, practical and experiential knowledge and skills.	NMU, UCT, UFH (X3), UL, UNISA, UNIVEN, UNIZULU, UWC, WSU **(11)**
1 (v) Programme design offers learning and career pathways and opportunities for articulation.	UFH, UJ, UNIVEN (X2), UNIZULU **(5)**
1 (vi) Modules programme coherently planned with regard to content, level, credits, purpose, outcomes, rules of combination, relative weight and delivery; no outsourcing.	NMU, NWU, UCT, UFH (X3), UJ, UNISA, UNIVEN (X2), UNIZULU, UWC, Wits, WSU **(14)**
1 (vii) Policy and procedures exist for developing and evaluating learning materials; alignment ensured with the programme goals/philosophy; staff training done.	UNISA (X2) **(2)**
1 (viii) Programme outcomes meet national/regional labour market, knowledge, and socio-cultural needs; requirements of professional bodies considered; stakeholders, external academic peers, and employers and professional bodies involved in programme development.	UFH, UJ, UL, UNIVEN (X2), WSU **(6)**
1 (ix) Characteristics and needs of professional legal education catered for in programme design.	UJ, UL, UNISA, UNIVEN (X2), WSU **(6)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 2 (Student Recruitment, Admission and Selection) *Recruitment documentation informs potential students of the programme accurately and sufficiently, and admission adheres to current legislation. Admission and selection of students are commensurate with the programme's academic requirements, within a framework of widened access and equity. The number of students selected considers the programme's intended learning outcomes, its capacity to offer good quality education, and the needs of the particular profession.*	
2 (iii) Admission criteria in line with NPHE's goal of widening access; equity targets clearly stated, as are plans for attaining them.	RU, SU, Wits **(3)**
2 (iv) Admission requirements in line with the degree of complexity of learning required in the programme, within the context of widening access and promoting equity.	NWU, RU, UNISA, SU, Wits **(5)**
2 (v) Selection criteria explicit, indicate institutional contribution to diversity; number of students selected does not exceed capacity available for offering good quality education; number of students balanced against intended learning outcomes; considers mode(s) of delivery and programme components (modules).	SU **(1)**
2 (vi) In case of professional programme, quality and number of students admitted considers needs of the particular profession, consonant with appropriate equity considerations.	SU **(1)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 3 (Staffing) *Academic staff responsible for the programme are suitably qualified and have sufficient relevant experience and teaching competence, and their assessment competence and research profile are adequate for the nature and level of the programme. The institution and/ or other recognised agencies contracted by the institution provide opportunities for academic staff to enhance their competences and to support their professional growth and development.*	
3 (i) Academic staff for undergraduate programmes have relevant academic qualifications higher than the exit level of the programme, but at minimum a degree. Qualifications of academic staff were awarded by recognised higher education institutions.	RU, WSU **(2)**
3 (ii) Most full-time academic staff have two or more years of teaching experience in a recognised higher education institution, and in areas pertinent to the programme; for professional programmes, sufficient numbers of academic staff members also have relevant professional experience. Qualified and experienced academic staff design the learning programme.	WSU **(1)**

Criterion 3 (Staffing) *contd.*	
CONDITIONS/CRITERIA	**INSTITUTIONS**
3 (iii) Academic staff competent to apply institutional assessment policies; some academic staff have at least two years' experience of student assessment at the exit level of the programme; ongoing professional development and training of staff as assessors.	WSU **(1)**
3 (iv) Academic staff has research experience through own research and/or studies toward higher education qualifications; research area(s) of some are relevant to the subject areas of the programme.	WSU **(1)**

CONDITIONS/CRITERIA	**INSTITUTIONS**
Criterion 4 (Staffing) *Academic and support staff complement of sufficient size and seniority for the nature and field of the programme and the size of the student body, so that all activities related to the programme are effectively carried out. The ratio of full-time to part-time staff is appropriate. The recruitment and employment of staff follows relevant legislation and appropriate administrative procedures, including redress and equity considerations. Support staff are adequately qualified and their knowledge and skills are regularly updated.*	
4 (i) Staff:student ratio expressed as FTEs suitable for nature and field of programme and number of enrolled students; sufficient support staff dedicated to the programme.	UNIZULU (X2) **(2)**
4 (ii) Programme has appropriate full-time:part-time staff ratio to ensure working conditions are conducive to teaching and learning and research; part-time and junior staff and tutors are trained and monitored by full-time staff.	NWU, UNIZULU (X2) **(3)**
4 (iii) Recruitment and employment of staff adhere to LRA and to conditions of service; appropriate administrative procedures exist for the selection, appointment, induction and payment of staff members and tutors; redress and equity considerations receive due attention.	NMU, RU, UKZN, UP, SU **(5)**
4 (iv) Academic staff complement ensures that students are exposed to diversity of ideas, styles and approaches.	NMU, RU, UKZN, UP, SU **(5)**
4 (vi) Administrative and ADS staff adequately qualified; opportunities exist for staff development.	WSU **(1)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 5 (Teaching and Learning Strategy) *The institution gives recognition to the importance of promoting student learning. The teaching and learning strategy is appropriate for the institutional type (as reflected in its mission), mode(s) of delivery and student composition, contains mechanisms to ensure the appropriateness of teaching and learning methods, and makes provision for staff to upgrade their teaching methods. The strategy sets targets, plans for implementation, and mechanisms to monitor progress, evaluate impact, and effect improvement.*	
5 (i) Promotion of student learning reflected in institution's central operating policies and procedures, resource allocation, support services, marketing, appointments, promotions.	RUNISA **(1)**
5 (ii) An appropriate institution-, student profile- and staff development-specific teaching and learning strategy is in place.	NWU, UL, UNISA (X2), UP, WSU (X2) **(7)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 6 (Student Assessment Policies and Procedures) *The different modes of delivery of the programme have appropriate policies and procedures for internal assessment; internal and external moderation; monitoring of student progress; explicitness, validity and reliability of assessment practices; recording of assessment results; settling of disputes; the rigour and security of the assessment system; RPL; and for the development of staff competence in assessment.*	
6 (i) Programme has appropriate policies and procedures in all modes of delivery for: • Internal assessment (and moderation) of student learning; • External moderation of students' learning achievements by appropriately qualified moderators (appointed in terms of clear criteria and procedures and guidelines); • Monitoring student progress; • Ensuring validity and reliability of assessment practices; • Secure and reliable recording of assessment results; • Settling student disputes regarding assessment results; • Ensuring security of the assessment system, especially with regard to plagiarism and other misdemeanours; and • Development of staff competence in assessment.	UL, UNISA, UNIVEN (X4) **(6)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 7 (Infrastructure and Library Resources) *Suitable and sufficient venues, IT infrastructure and library resources are available for students and staff in the programme. Policies ensure the proper management and maintenance of library resources, including support and access for students and staff. Staff development for library personnel takes place on a regular basis.*	
7 (i) Suitable and sufficient T and L venues available at all official sites of learning where programme is offered; venue allocation and time-tabling carefully planned.	UL, UNIVEN (X2) **(3)**
7 (ii) Suitable and sufficient IT infrastructure available at all sites of learning, inclusive of hardware (computers and printers), software (programs) and databases; infrastructure properly maintained and continuously upgraded, and adequate funds available; students and staff properly technology-trained.	UL **(1)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 8 (Programme Administrative Services) *The programme has effective administrative services for providing information, managing the programme information system, dealing with a diverse student population, and ensuring the integrity of processes leading to certification of the qualification obtained through the programme.*	
8 (i) Programme information system managed effectively in order to provide reliable information on: • Venues, timetables, access to library and IT facilities, availability of academic and support staff for student consultations, and student support services; and • Records of the students in the programme, including admission, progression, grades/marks, fees and graduation.	UNIZULU **(1)**
8 (ii) Effective administrative systems in place for: • Identifying academically non-active students; • Monitoring student performance in order to ensure timely identification of at-risk students, and for referral to appropriate academic development programmes; rules for re-admission to programmes clear and sensitively applied; and • Dealing with the needs of a diverse student population.	UNIZULU **(1)**
8 (iii) Clear and efficient arrangements in place for the integrity of certification processes for the qualification include: • Effective mechanisms to quality assure the processing and issuing of certificates; and • Effective security measures to prevent fraud or the illegal issuing of certificates.	UFH **(1)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 10 (Programme Coordination) *The programme is effectively coordinated in order to facilitate the attainment of its intended purposes and outcomes.*	
10 (i) An academic identified as programme coordinator operates within the framework of a mandate and defined procedures and responsibilities; includes ensuring academic coherence and integrity of the programme and that all conditions for the delivery of the programme are met; coordination of logistical and other issues regarding programme delivery, quality management, programme review, expenditure monitoring.	NWU (X2), UCT, UNIVEN, UWC, Wits **(6)**
10 (ii) Opportunities exist for student input and participation in relevant programme coordination.	Wits **(1)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 11 (Academic Development for Student Success) *Academic development initiatives promote student, staff and curriculum development and offer academic support for students.*	
11 (ii) Student and staff development initiatives are responsive to the needs of the students and staff; they include foundational and skills provision for students.	NWU (X3), UNIVEN **(4)**
11 (iii) Curriculum development at programme and module levels includes strategies for language skills' development, numeracy, and cognitive skills that enhance the use of disciplinary discourse and skills by students.	NWU, UJ, WSU **(3)**
11 (iv) Additional student academic support is offered.	NWU, UJ, UNIVEN, UNIZULU **(4)**
11 (v) Effectiveness of academic development initiatives regularly monitored and feedback used for improvement.	UJ, UNISA, UNIVEN **(3)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 12 (Teaching and Learning Interactions) *Effective teaching and learning methods and suitable learning materials and learning opportunities facilitate the achievement of the purposes and outcomes of the programme.*	
12 (i) Students provided with guidance on how components of the programme contribute to its learning outcomes.	UJ, UL, UNISA, UNIVEN, WSU **(5)**
12 (ii) There is an appropriate balance/mix between different T and L methods; T and L methods appropriate to design and use of the learning materials and instructional and learning technology.	UJ, UL, UNISA, UP **(4)**
12 (iii) Suitable learning opportunities provided to facilitate acquisition of knowledge and skills specified in programme outcomes, and within a stipulated time.	UL, UNISA (X2), UNIVEN, UNIZULU, UP, WSU **(7)**
12 (iv) Students actively participate in teaching and learning process.	UNISA, UNIVEN (X2), Wits **(4)**
12 (v) Staff have opportunities to upgrade their teaching methods and there is facilitation of suitable learning opportunities.	UNISA **(1)**
12 (vi) Effectiveness of teaching and learning interactions regularly monitored and results used for improvement.	UL, UNIVEN, UNIZULU, WSU **(4)**

CONDITIONS/CRITERIA	INSTITUTIONS
Criterion 13 (Student Assessment Practices) *The programme has effective assessment practices that include internal (or external) assessment, as well as internal and external moderation.*	
13 (i) Assessment is an integral part of the T and L process and is systematically and purposefully used to generate data for grading, ranking, selecting and predicting, and providing timely feedback to inform T and L and to improve the curriculum.	UL, UNISA, UNIVEN, UNIZULU **(4)**
13 (ii) Learning achievements of students internally assessed/moderated by academic staff responsible for teaching module; includes responsibility for designing, implementing, and marking formative and summative assessments, and recording results and feedback to students; procedures in place and followed to receive, record, process, and turn around assignments within an appropriate time-frame.	UL, UNIVEN **(2)**

Criterion 13 (Student Assessment Practices) *contd.*	
CONDITIONS/CRITERIA	**INSTITUTIONS**
13 (iii) Learning achievements of students at exit level of qualification externally moderated by appropriately qualified people who are appointed according to clear criteria and procedures and who conduct their responsibilities in terms of clear guidelines; external moderators are expected to comment on the validity of assessment instruments, quality of student performance, standard of student attainment, reliability of the marking process, and any concerns or irregularities with respect to the observation of institutional/professional regulations.	UL, UNIVEN **(2)**
13 (iv) Assessment practices are effective, reliable, appropriate and aligned to learning activities and outcomes, are made explicit to students, and are commensurate with level of learning.	UJ, UL, UNIVEN (X2) **(4)**

CONDITIONS/CRITERIA	**INSTITUTIONS**
Criterion 14 (Student Assessment Practices) *The programme has taken measures to ensure the reliability, rigour and security of the assessment system.*	
6 There are clear and consistent published guidelines/regulations for marking and grading of results, aggregation of marks/grades, progression and final awards, and credit allocation and articulation.	UFH **(1)**

CONDITIONS/CRITERIA	**INSTITUTIONS**
Criterion 17 (Programme Output and Impact) *Student retention and throughput rates in the programme are monitored, especially in terms of race and gender equity, and remedial measures are taken where necessary.*	
17 (i) Programme coordinator has access to and monitors information on retention and throughput rates, and also in terms of national benchmarks; appropriate remedial action is taken.	UCT **(1)**
17 (ii) Race and gender profile of qualifying class increasingly resembles that of entering class.	UCT **(1)**

CONDITIONS/CRITERIA	**INSTITUTIONS**
Criterion 19 (Programme Review) *User surveys, reviews and impact studies on the effectiveness of the programme are undertaken at regular intervals. Results are used to improve the programme's design, delivery and resourcing, and for staff development and student support, where necessary.*	UCT **(1)**

APPENDIX F

**SUMMARY
HEQC COMMENDATIONS/RECOMMENDATIONS***
***This Table reflects only the *HEQC* commendations specifically listed in each individual report. It does not list the instances of good practice identified for each institution by the respective site panels.**

COMMENDATIONS	INSTITUTION
The extent and nature of substantive engagement with the different branches of the organised legal profession.	NMU
Law Clinic (including infrastructure, resources and integration with the curriculum).	NMU, RU, UFH, UP, UWC, Wits
Curriculum-wide development of students' writing and research skills.	RU
Range of electives and non-law disciplines in curriculum.	UCT
Extensive provision of library and e-resources and ancillary online resources.	UCT
Maintenance of a student law review to promote student research.	UKZN
Academic leaders of teaching and learning for each site of delivery.	UKZN
Active involvement of students in local *Small Claims Courts.*	UL
Special Advisor position, to provide and coordinate student academic support.	UP
A Writing Centre to enhance students' writing abilities.	Wits

RECOMMENDATIONS	INSTITUTION
Reconsider admission criteria/access to undergraduate degree – students concerned that some decisions are not appropriately made	UCT
Programme review should take account of Preamble to LLB Standard (in respect of especially globalisation).	UFS
Ensure equitable teaching, learning and assessment provision for distance learning students – i.e. those with Varsity College.	UFS
Revise workload policy to address perceptions of understaffing/inequality.	UJ, UNIVEN
Ongoing evaluation of online learning tools to supplement contact-mode learning, with respect to drafting and writing skills.	UJ
Reconsider organisational (departmental) structure of faculty.	UNIVEN
Conduct (and implement) student evaluations of all modules.	UNIVEN
Introduce structures for effective and regular communication of student academic concerns to management.	UP
Create a culture of diversity and integration among staff and students.	UP
Review programme credit allocation, with respect to notional hours and student workloads.	UWC
Review student feedback practices.	UWC
Reconsider adequacy of mercantile law content in second-degree curriculum.	Wits

REFERENCES

Council on Higher Education (2004). Criteria for Programme Accreditation. Pretoria. CHE.

Council on Higher Education (2013). Framework for Qualification Standards in Higher Education. Pretoria.

Council on Higher Education (2015). Framework for National Review of programmes in Higher Education. Pretoria. CHE.

Council on Higher Education (2013). The Higher Education Qualifications Sub- Framework. Pretoria. CHE.

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