

Eportfolios as Reflective Assessment of Social Justice

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Abstract

This article explores the potential for eportfolios to contribute to the development of student critical awareness of social justice, including the role of the university as a social justice actor, through module assessment. It will critically address how eportfolios were introduced in 2019-20 to assess student reflection on social justice in a first year law module ‘Critical Approaches to Law’ at DCU. The use of eportfolio has emerged as an integral element of the learning landscape in higher education in the last 10 years (Bryant & Chittum, 2013). To date, there has been a slow adoption of eportfolios in Irish higher education (Farrell, 2018). Although there is some evidence of reflective assessment in comparative legal education, especially in schools with an emphasis on socio-legal approaches to law, and in clinical legal education, there is limited analysis of eportfolio assessment in classroom-based or blended legal education, (Waye & Faulkner, 2012) and none in the Irish context.

The article will discuss the motivation to use eportfolios; the benefits, challenges and lessons learned in the design of the assessment, the first time experience for the educator of marking, and student experience of eportfolios. It assesses eportfolios as a mechanism for prompting student reflection and the development of critical thinking (Farrell, 2019), with a particular reflective focus on social justice and university education as a social justice experience. (Connell, 2019). It queries the extent to which eportfolios enable students to incorporate prior learning experiences to their reflection, (Chen & Black, 2010) and for students to self-determine the parameters of their personal interaction with social justice questions raised by the experience in the module and their lived experience. (Brooman & Stirk, 2020)

1. Introduction

This article explores the potential for eportfolios to contribute to the development of student critical awareness of social justice, including the role of the university as a social justice actor, through module assessment. My experience of eportfolios relates to a first year law module in the undergraduate BCL (Law and Society) degree at Dublin City University, with approximately 90 students. This experience is the first time introducing an eportfolio based assessment to this module. This article assesses eportfolios as a mechanism for prompting student reflection and the development of critical thinking, (Farrell, 2019) with a particular reflective focus on social justice and university education as a social justice experience. (Connell, 2019). It queries the extent to which eportfolios enable students to incorporate prior learning experiences to their reflection, (Chen & Black, 2010) and for students to self-determine the parameters of their personal interaction with social justice questions raised by the experience in the module and their lived experience. (Brooman & Stirk, 2020)

2. Eportfolios as a Learning Technology

The uses of eportfolios in the literature are broad and varied. Although the author's engagement with eportfolio is as an assessment tool, an eportfolio can be a tool or technology, a practice, a pedagogical model, an assessment method and a framework for learning (Chen & Black, 2010). According to Chen and Black, eportfolios have the potential to reflect traditional academic learning and a students' prior cumulative learning in a manner that is "digitally rich, and provides authentic meaning because it represents the education that students have not only received but also how they have interpreted it and made it relevant for themselves." (Chen & Black, 2010) With great relevance for our current covid-19 paradigm, Farrell recently demonstrated that for online distance learners, an eportfolio could reflect a "deeply personal space where students experimented with new ideas and approaches." (Farrell, 2019). However, despite this versatility, the literature also cautions that eportfolios should not be understood as a panacea to radically enhance education and student experience. (Bryant & Chittum, 2013; Selwyn, 2016). In reviewing eportfolio literature, Farrell notes that student experiences using eportfolios can be undermined by a lack of technological support to students and a lack of student time to commitment the development of the portfolio. (Farrell, 2019, p. 120)

This article concerns the role of eportfolios as an assessment tool. The use of eportfolios as assessment reflects a belief that the technology can evidence student learning longitudinally and contextually, and also enable students to demonstrate learning outcomes. (Eynon & Gambino, 2017). Farrell indicates that there has been widespread adoption of eportfolios at an institutional level in particular in the US, UK and New Zealand. (Farrell, 2018 p. 155) To date, however, there has been a slow adoption of eportfolios in Irish higher education (Farrell, 2018, p 156). Traditional forms of assessment still dominate in Irish higher education; and arguably especially so in legal education where the requirement for terminal exams exists to enable law degrees to be qualifying law degrees for Law Society and Bar Council qualifications as a solicitor or barrister. The author benefited from Dublin City University's leadership and initiative in engaging with eportfolio on an institutional level. DCU introduced a campus wide learning portfolio called Loop Reflect for 16,000 students in September 2016. To date, discussions in scholarship regarding eportfolio as an assessment have focused on its value at a programme wide level for students, with an emphasis on its utility in promoting critical thinking, (Farrell, 2019), employability (Ring, Waugaman, and Brackett, 2017), and reflective practice. (Enyon, Gambino and Török, 2014). However, to the author's knowledge, there is limited engagement with the role of eportfolios as technology in the context of social justice and higher education, especially within the context of legal education.

3. Reflective Learning, Social Justice and the Law

Reflective learning is often described as central to learning in the context of eportfolios, evidenced in empirical studies in different contexts (Eynon & Gambino, 2017; Farrell, 2019) There is some evidence that the use of eportfolios may be suitable as a mechanism for promoting student metacognition, "their awareness, tracking, and evaluation of their learning over time." (Bosker et al. 2016, p. 33) Student reflection can concern multiple themes and topics related to their own career, positionality and identity, and learning experiences.

Interest in reflective learning is mirrored in legal education, but outside the context of an eportfolio. Emphasis on reflective learning typically concerns student professional development for the legal profession. Brooman and Stirk (2020, p.81) suggest: “The use of reflection in the context of undergraduate education is much misunderstood and underused, and this is even more pronounced in legal education.” They conclude “development of reflective practice in legal education should take more account of the need for students to develop self-authorship and personal awareness as well as soft and hard skills for employment.” (2020, p.92)

The intention for my use of eportfolio as a form of reflective learning was to consider students’ experiences and education regarding social justice. To date, there has been limited scholarship on directing law student reflection to questions of social justice directly. There is a significant and growing literature on the role of higher education as both a site of oppression and resistance to social justice problems. (Stockdill & Yu Danico, 2012). Though academic and student social activism periodically demonstrates the potential for universities to be sparks of initiative for social justice action, (Connell, 2019), the banking concept of education offered by Paulo Freire remains relevant. For Freire, educational institutions and pedagogy often envisage students as empty, and the role of the educator is to deposit knowledge, which the students receive, file and store. (Freire 2000). On this model, course content is decided in advance and the process is essentially knowledge transfer (Connell, 2019). However, for Freire, education also has the potential to be a vehicle for individual and social freedom.

Education has significant transformative potential for individuals and society but this potential is seldom experienced as a neutral act. (Giroux, 2010). My hope in pursuing an eportfolio based assessment was to explore the potential to make this transformative potential and risk more explicit and tangible to students. This combination of transformative potential and risks in its application of social justice in the context of education leads Rowan to suggest: “Most academics have some ability to exercise some form of power as we make some decisions about teaching and learning”. (Rowan, 2018, 10)

It is in this context that I have reflected on my own position of power and privilege as an academic, in setting the context, content and processes of legal education in my modules. I am keen to flag the role of reflection and reflective practice, and to problematize the university as a social justice actor early in a student’s legal education. As Timothy Casey writes: “If we develop in our students the habit of reflective practice, we affect not only the legal education curriculum, but also the culture of the practice of law. Even if students never engage in a self-reflective exercise again in their careers, at least they know the option exists.” (Casey, 2014). Within this reflection on social justice and education, it was my intention for this module encourage students to problematize the university as a social justice actor through the creativity and flexibility that may be facilitated by eportfolio based assessment.

4. Eportfolios: Reflecting on Social Justice and the Law?

Traditional legal education engages students in the learning of rules of precedent, legislative interpretation and clarifying existing conceptions of rules applicable within a given legal

system. It is typically positivist in nature, and separates out the existence of the law as one phenomenon and its relative justice or injustice as another separate consideration. Critical perspectives on law emphasise its capacity to be both a source of oppression and emancipation, and combine with feminist perspectives in emphasising the lived experience of those subjected to the law as a central site of academic inquiry. (Kennedy, 1982; Menkel-Meadow, 1988). In assessing student engagement with critical perspectives to law in this course, I was keen to disrupt traditional legal education paradigms, which would relegate the personhood of students and emphasise their need to conform to existing rules, structures and approaches, in a “bank” model of education criticised by Freire, as necessitated by the constraints of traditional forms of assessment. I have been keen to explore whether eportfolios may offer a useful tool in enabling students to meaningfully reflect on social justice, education and their own positions, privilege and potential as social justice actors.

My experience of eportfolios relates to a first year law module in the BCL (Law and Society) degree at Dublin City University, with approximately 90 students. The module was designed to capture the inter-disciplinary nature of law and legal education in DCU. The eportfolio as an innovative form of assessment was introduced to students early (week 4, semester 2) with support from the Teaching Enhancement Unit at DCU. Example E-Portfolios were provided to students from Loop Reflect (the internal name of the eportfolio platform). Finally, the marking rubric used in assessing the eportfolio was provided to students in advance. (Donaldson, “Holy Grail of Rubrics” (<https://eportfolioireland.wordpress.com/resources/>) The eportfolio assessment constituted 100% of the grade for this module.

The choice of eportfolio as an assessment enabled students to construct a portfolio responding to the prompt: “Critically reflect on whether your views on law, the legal system or your potential legal career, have changed, in light of the readings and discussions in this course.” The technology enabled the use of basic web page functionality, offering students the choice to integrate text, video, audio, embed documents. The advantage of this platform was that it enabled use of both traditional academic sources (in legal education, cases, legislation, academic books and articles) but also contemporary sources and social media, (memes, tweets, Instagram posts etc.). This approach enabled students to combine their first year of legal education with their own expression and experience of social justice issues including experiences of discrimination, but also in social media contexts with which they may be more familiar. It sought to demystify questions of law and justice, and required students to understand their own view on these topics rather than regurgitate what they hoped was the lecturer’s expectations on the topic. This approach builds on existing eportfolio literature that recognises the value of the tool in supporting student creativity and digital skills development. (Mailles-Viard Metz and Albernhe-Giordan, 2010)

My intention in designing this form of assessment was to capture students’ experience of reflective learning on social justice during the module in a novel and authentic way. This approach arose from discussions with the module’s external examiners regarding a desire to mitigate the end of semester exam as a form of assessment as a mere “knowledge dump”. It was also hoped that by enabling students to draw from content in other modules, they could see and demonstrate links between module and programme content. Finally, my desire to employ a more reflective form of assessment stemmed from a concern to encourage students to see links between course content and contemporary and unfolding issues of social justice and their own lived experience as a source of knowledge and expertise. The assignment instructions included several reflective prompts to encourage student consideration of their

lived context, such as: “What did I think law, the legal system and careers was like before joining DCU? Has my thinking changed? How would I describe that change – positively, negatively, both? How did I understand my position in society before starting college? Has my first year experience in college and the content of my studies changed that?” My hope is that these and other prompts, and the capacity in eportfolio assessment to use both text and multimedia, would enable students to create a personal and reflective expression of their educational journey in law to date.

My hope was that this form of assessment would offer a means to reflect one of Palmer’s elements of a positive learning journey and environment, “The spaces should honour the “little” stories of the students and the “big” stories of the disciplines and tradition”. (Palmer, 1998) This change in assessment approach would allow eportfolios to “incorporate evidence of learning well beyond the classroom, allowing students to store items related to workplace learning and involvement in community activities.” (Waye and Faulkner, 2012). I believe this assignment approach offers a useful means to enable a focus on the lived experience of students as social justice actors. My hope was that, whatever their experience to date and throughout university, that students would not unproblematically engage in higher education without recognising the possibility of connecting content, processes, and assessments, to their lived experiences.

5. Conclusion

Education and law are deeply political activities. Silence in the face of social injustice is not neutral, but represents an affirmation of and contribution to harms experienced by others. Through the use of eportfolio as form of reflective assessment on social justice, I sought to encourage students to consider that they may be actors who experience both discrimination, marginalisation and privilege and opportunity both simultaneously and/or over the course of their adult lives and careers and provided them with a means to digitally and innovatively record and share these experiences.

This was the first year of adopting this assessment strategy, which operated as a pilot for a broader study regarding the use of eportfolio as an assessment of student’s engagement with social justice. The process of assessing these portfolios was radically different and refreshing from assessing traditional legal assignments. It brought me great joy to see students meaningfully engage with personal reflection, questions of social justice, and their preferred use of multimedia technologies as forms of self-expression. While there were some lessons learned in terms of the exercise (needing a clearer word count, and requiring a bibliography), these were worked out iteratively over the course of the assignment being completed with students. As the first cohort through this form of assessment, there was an inevitable learning curve for students (which resulted in a rise in teacher-student correspondence). Weaker students treated it as another platform for an essay, limited reflection and/or use of multimedia and design. Stronger students combined use of reflection, course content and multimedia. Students who achieved the highest grades reflected on specifics of course content, class discussions, and their own positionality regarding social justice, including privilege and experiences of discrimination or marginalisation and illustrated this in writing and with multimedia content. I would revise the assessment for subsequent years by providing more detailed guidance on referencing, providing an example assessment to provide more guidance and seek to mitigate the use of eportfolio as an essay and to encourage further personal reflection.

Bryant & Chittum (2013) argue for an increased focus on empirical research and an evidence base on the effectiveness on eportfolio practice in higher education. Waye and Faulkner (2012) conclude “there must be significant investment in the development of learning materials, activities and assessment, as well as promotion, to successfully implement e-portfolios”. I have benefitted greatly from the support of DCU’s Teaching Enhancement Unit in developing this approach and I have as a result grown in my recognition of the need for university wide support for the promotion and development of teaching and learning innovation. I believe this initial use of eportfolio as a reflection on social justice in and beyond the context of high education provides a pilot study that validates the design of this eportfolio as valid and authentic assessment approach. Eportfolio assessment offered a powerful tool to support student learning on issues of law and social justice. It is my intention in 2020-21 to begin a formal study of multiple years’ use of the eportfolio to support student reflection on social justice can yield insights into both the effectiveness of the tool and of student attitudes, experiences and hopes for legal education as a social justice mechanism.

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