

“Eportfolios as Reflective Assessment of Social Justice”

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. 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 and 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, and 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 and Black 2010) and for students self-determine the parameters of their personal interaction with social justice questions raised by the experience in the module and their lived experience. (Brooman and 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. 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 and Black 2010) and for students self-determine the parameters of their personal interaction with social justice questions raised by the experience in the module and their lived experience. (Brooman and 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 and 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 and 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, 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 and 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 155) To date, however, there has been a slow adoption of eportfolios in Irish higher education (Farrell 2018, 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 May 2017. 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) 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 100) 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) 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. Some emphasis on reflective learning concerns student professional development for the legal profession. Brooman and Stirk 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.” (Brooman and Stirk, 2020, 81). 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.” Brooman and Stirk, 2020, 92) In addition, an area where legal education has prioritised reflective learning is in clinical legal education, where students engage in some form of legal practice, such as “simulated case work, work-based placement or live client environment” (Ledvinka, 2006)

Within a positivist paradigm, clinical legal education evidences the potential for student reflective learning in legal education. While a consistent feature of US legal education, (Donnelly, 2010, 9), legal clinics where students would learn practical skills and experience in

the preparation and litigation of real legal disputes, remain under-funded and without a presence in each Irish law school. (Donnelly, 2010, 10). To promote reflection within the context of clinical legal education, Georgina Ledvinka encouraged “staff should move away from the traditional 'teacher' role of authority and giving answers, towards a facilitator role which encourages students to open up and share their thoughts about their experiences”. (Ledvinka, 2006, 55). The role of reflection in legal education therefore could be profitably be extended beyond clinical legal education to new contexts in legal education. 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 and Yu Danico 2012, 1) Though academic and student social activism periodically demonstrates the potential for universities to be sparks of initiative for social justice action, (Connell, 2019, 37-8), the banking concept of education offered by Paolo Friere remains relevant. For Friere, 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. (Friere 2000). On this model, course content is decided in advance and the process is essentially knowledge transfer (Connell, 2019, 50). However, for Friere, education also has the potential to be a vehicle for individual and social freedom (Friere 2000). Studies across different national contexts suggest that education can impact directly and positively on employment, physical and mental health, social and emotional relationships, and physical and financial security. (Bell, 2016)

On this account, education has significant transformative potential for individuals and society but this potential is seldom experienced as a neutral act. (Giroux, 2010, 719) This combination of transformative potential and risks in its application of social justice in the context of education leads Leonie Rowan to suggest: “every person with any responsibility for developing, designing, delivering, or enabling any kind of educational experience in any kind of higher education environment should be able to answer the essential question: “For whose freedom—in whose interests—do we, now, labour?” (Rowan, 2018, 3-4) On Rowan’s account, “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 351) Within this reflection on social justice and education, this module and eportfolio assessment also encouraged students to problematize the university as a social justice actor.

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. 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 and through BCL degree. At programme level, LG137 is intended to reinforce themes and values across degree. The novel 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. 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 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.

My intention in designing this form of assessment was to capture students’ experience of reflective learning on social justice during the module. 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.

My hope is that this form of assessment offers 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, 76-77) This

approach allows 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, 567) I believe this assignment approach offers a useful means to enable a focus on the lived experience of students as social justice actors. Rowan writes: “focus on the experiences of people involved in university contexts encourages, in turn, focus on what it feels like, what it actually, really, feels like to study within a university class- room. when we work for what is intended to be the public good, we must be constantly reflecting upon how this work impacts on not only the minds, but also the hearts, bodies, dreams, and aspirations of the people whom we work alongside.” (Rowan 2018 15)

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.

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 students engagement with social justice. 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 multi-media and design. Stronger students combined use of reflection, course content and multi-media. 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.

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 conclude “there must be significant investment in the development of learning materials, activities and assessment, as well as promotion, to successfully implement e-portfolios.” (Waye and Faulkner, 2012, 581). 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 assessment. It is hoped that in multiple years’ use of eportfolios as an assessment of 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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