

TEN YEARS OF TEACHING LAW THROUGH OPEN AND DISTANCE LEARNING MODE AT THE OPEN UNIVERSITY OF TANZANIA: QUALITY THAT MATTERS

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Education has to be about excellence...If it is not about quality, then all our effort, all our expenditure will have been for nothing because we will not only have blighted the lives of our students, but damaged our ability to compete and survive in a world which does not owe us a living (Kemp, 1992 as cited in Harman, 1996).

Abstract

Provision of quality and affordable education for all is the motto of the Open University of Tanzania (OUT). This institution has been in the education industry for more than twenty five (25) years since its establishment by an Act of Parliament No. 17 of 1992. The overall evaluation of its activities has been elaborated in various documents when the university celebrated her 20 years anniversary in the year 2012/2013. Summarily, the university is progressing very well by recruiting more students in various fields of studies as well as establishing new academic programmes and short courses to cater for special needs in the society. Concerning the idea of having OUT regional colleges, the same has managed to establish and successfully operate regional, district and examination centres in all regions and some districts in Tanzania Mainland and Zanzibar. The university has also opened its doors to international markets by having OUT centres in foreign countries like Kenya, Rwanda, Uganda and Namibia. Although the number of students has risen, the number of active students seems to have dropped; a phenomenon that needs a serious academic intervention to find out why this is happening at a time when education is regarded as the top agenda around the globe. This paper tries to explain the experience of teaching law at the Faculty of Law of the Open University of Tanzania for a period of ten years from 2008 to date. This will include the mode of teaching law in OUT, involvement of students in education delivery mode, supervision of undergraduate research projects, delivery of face to face programmes, and assessment through take-home assignments, timed tests, annual examinations as well as on-demand examinations. The paper analysed the concept of the use of statutes in the examination rooms for law students which has been banned at OUT for various reasons. The paper also provides solutions and recommendations to better the situation. This paper heavily depended on the experience of the author as a law lecturer at OUT for the last ten years and explored some valuable literature related to quality assurance in higher learning institutions with particular attention to open and distance learning. It was found that the faculty of law in particular and the university at large is still maintaining the provision of affordable and quality education for all its customers at all levels of studies.

Keywords: *Law, Open University, quality, quality assurance, teaching.*

Introduction

The Open University of Tanzania (OUT) has undergone various phases of development in terms of the number of programmes offered in its faculties, ability to reach more potential students, enriching human resources (particularly teaching staff) as well as technical and other supporting staff. OUT has made several changes in its management, the mode of processing and conducting examinations, having a successful and highly secured student online portal, modification of mode of assessment through timed assignments, timed tests and the introduction of Student Progress Portfolio (SPP).

With the aim of serving a larger number of Tanzanians and students beyond borders, OUT is regarded as the largest university in the country in terms of enrolment of students and the overall university infrastructures throughout the country. The fact that costs in attaining higher education are growing, open and distance learning institutions are opening their doors to students who either cannot afford higher cost of studies in conventional universities or those whose employments bar them from attending regular classes in conventional universities.

Studies reveal that distance learning universities admit more students than conventional universities around the globe. Statistics shows that China's Radio and Television University System is considered to be the largest university around the world with 1.04 million graduates out of 1.61 million students admitted between 1979 and 1989. Reports also show that over three million students completed non degree programmes through a similar system (Harman, 1996). Currently, OUT is surviving with regional centres in all regions in Tanzania mainland and has coordination centres in Unguja and Pemba which serve students who are in the Zanzibar Isles.

OUT is rich in academic programmes managed in five faculties namely: Faculty of Business Management (FBM), Faculty of Arts and Social Sciences (FASS), Faculty of Science, Technology and Environmental Studies (FSTES) and Faculty of Law (FLAW). All the faculties offer both undergraduate and postgraduate programmes as well as non-degree programmes. OUT also has the Institute of Continuing Education (ICE), and the Institute of Educational Management Technology (IEMT) which was formerly known as the Institute of Educational Technology (IET). These institutes also offer other non-degree programmes.

Reports reveal that from 1999 to 2013, the cumulative number of graduates was 18,099 where 8,202 students graduated in undergraduate programmes, 2,095 graduated in postgraduate programmes and 7,802 graduated in non-degree programmes that were offered by various faculties and institutes at OUT. Reports further show that a total of 76,038 students were enrolled in undergraduate programmes from 1996 to 2013/2014 academic year. Again, 27,558 students were admitted in non-degree programmes and 16,940 students in postgraduate degree programmes in the same period (Harman, 1996).

This paper intends to give a detailed analysis of teaching law through the open and distance learning mode at the faculty of law in OUT. The author being a member of teaching staff of the faculty since 2008 has witnessed a number of issues aimed at shaping the quality operation of the faculty in particular and the university at large. In the next sections, there will be discussion on the handling of examinations at the faculty; assessment of general changes related to timed assignments, timed tests and the introduction of the Student Progress Portfolio (SPP); interrogation of university decisions aimed at improving the provision of quality and affordable education at the faculty of law; and discussions of general issues on quality assurance. Finally, there will be general conclusions drawn from the discussion.

Handling of Examinations at the Faculty of Law

Examinations in any university are regarded as a very sensitive matter, confidential and a very important element in running the institution. Students are assessed, among other criteria, through their performances in examinations including timed assignments, timed tests and annual examinations. In this section, handling of examinations at the Faculty of Law in particular and the OUT in general is discussed. Peculiar features of OUT examinations are as follows: Moderation of examinations after being set by lecturers; proper invigilation system; tight security while escorting examinations, before, during and after invigilation of examinations in OUT regional centres; having a well-organized panel marking; and the external examination of OUT papers after being marked by internal markers. Some of these features are hereafter discussed.

Moderation of Examinations: The Faculty of Law moderates all examinations before being sent to the Directorate of Examination Syndicate (DES) for processing. This process is vital for the maintenance of quality of examinations as it avoids obvious mistakes likely to be committed by lecturers who set examinations. The good thing with the moderation process is that it erases the possibility of repetition of questions in the same paper, correction of grammatical and typographical errors in the examination papers and the assurance of the quality of the content in every question and in every paper. Again, the process avoids making corrections in the examination rooms when errors are observed when examination papers have already been distributed to students.

Security of Examinations: Through the Directorate of Examination Syndicate (DES), no lecturer is aware of an examination set to be released in the next examination session. The lecturer will only see the paper in the examination hall after being opened by the chief invigilator. It is the Syndicate which selects the set from a pool of examination sets which were well prepared, carefully moderated and officially approved by the faculty. Briefly, it is the system which selects the type of examination sets to be released in order to avoid any chance of examination leakage. In the same vein, the university outsources highly secured examination tools from reputable security companies, and also uses national security agencies and police officers. The university uses private flights to transport examinations in remote regions, has installed security cameras at the Directorate of Examination Syndicate offices and also deploys other extra security measures to ensure that OUT examinations are safe and secure at all times.

Panel Marking: All examinations are marked under one roof. In the panel marking premises, all markers are required to have their marking guides vetted by the Heads of Departments. These marking guides can as well be used by other markers from the same department to mark the papers. One paper can be marked by two different markers in order to maintain quality of the marking process and avoid any other irregularities in marking. At the end of the marking season, every marker reports on what transpired in the marking process during particular marking sessions.

External Examination: Although it has been argued by Harvey and Williams that “external quality evaluations are not particularly good at encouraging improvement” (Harvey & Williams, 2010:1) the Faculty of Law has continued to use the service of external examiners for the improvement of quality of its examinations. It is the custom of the faculty of law to send random selected internally marked examination papers to external examiners for remarking. To make external examination process proper, faculty ensures that external examiners are selected from a pool of qualified, reputable and experienced individuals who are doing well in their disciplines. All external examiners produce detailed reports after remarking all papers sent to them. These reports are then shared with all teaching staff who are asked to work on whatever has been suggested in the report in a bid to better the examination processes at the faculty in particular and the university at large (The Office of the Deputy Vice Chancellor-Academic, 2016).

Timed Assignments, Timed Tests and the Student Progress Portfolio (SPP)

Students are given timed assignments and required to submit the same in a specified period of time. These assignments are usually returned back to students immediately after being marked. Markers are instructed to provide detailed comments while marking in order to enable students to understand what is required of them when attempting their timed assignments, tests and examinations as well. However, due to quality assurance issues, timed assignments were totally banned and Student Progress Portfolio (SPP) was introduced instead. Under this new programme, students are required to make oral presentation of not less than twenty (20) minutes of what they have learned and the kind of materials and literature that they have reviewed. Details should also be well recorded in the portfolio by the student prior to his/her presentation. Successful students are then allowed to sit for examinations.

One might note that while timed assignments were written by students on their own time and they submitted the same on a prescribed time, students in an SPP programme are given an examination pass after demonstrating enough capacity of the particular subject registered for examination after making an oral presentation before a panel of lecturers. Therefore, there is no way a student appearing for an oral presentation can cheat before the panellists. Cheating may only be possible in timed assignments where students write the exam on their own without any supervision.

The university has therefore introduced this trend as a means of enabling a continual quality improvement in student learning which is considered to be the heart and primary goal of Educational Quality Assurance (EQA) Model as proposed by Boyle and Bowden (Boyle & Bowden, 1997) who put forward three elements in measuring educational quality assurance. These elements are building and integrating ideas from research, practice and case studies, educational environments and day to day quality improvement of students.

University Decisions Related to Quality Assurance Issues

In this section, university decisions aimed at improving the provision of quality and affordable education at the Faculty of Law are discussed. These include, banning the use of statutes for law students, cancellation of contract, and introduction of examination syndicate.

Banning the use of statutes for law students: Law students were previously allowed to enter the examination rooms with verified, un-annotated and approved statutes. However, due to OUT quality consciousness, OUT management banned the use of the same. This decision was made in order to ensure quality of the students who were asked to understand the concepts of various areas of their studies rather than copying what is in the statutes. One might argue that lawyers depend on statutes and other readings to make applications in a legal solution. The answer to this argument could be positive, but copying the statutory texts without contextualizing the same in connection with the matter in question is not acceptable. Therefore, the decision to ban the use of statutes was made out of quality consciousness. Students were therefore encouraged to study hard and understand the contents of their courses without depending on statutes and other materials while in examination rooms.

Cancellation of contract: Following poor performance of the student portal, OUT management cancelled the contract with the supplier of online student portal in order to maintain quality of students records in the university. OUT believes that a highly secured online student portal is vital and that suppliers of the same should be capable of maintaining the system all the time. Currently, OUT is using a new system which is locally owned and well managed by OUT staff who are highly skilled in terms of software operations and the system security as well.

Introduction of Examination Syndicate: Studies reveal that higher learning institutions are affected by widespread misconduct in examinations, and issuing of academic certificates, just to mention a few. Studies show that there is a very big chain associated with academic fraud which include but is not limited to students themselves, teachers, faculty members, supervisors and other officials working in examination authorities (Hallak & Poisson, 2007). OUT identified this malpractice and has done preparations by introducing a number of measures to curb the vice. It introduced the Directorate of Examination Syndicate (DES) as the central organ of managing and processing all examination matters of the university (The Office of the Deputy Vice Chancellor-Academic, 2016: 22). It is this directorate which provides the examination almanac, timetables, processing and transportation of examinations, and security issues related to examinations and marking arrangement. The directorate has a very rich examination bank with a good number of moderated examination sets from all faculties. Through this bank, DES is able to issue different examination sets without any repetition by using a special programme in selecting the same. DES has made Examination on Demand (ODEX) possible through the examination bank that it has created. The directorate also deals with all examination results from the faculty and posts them in the student portal after being approved by responsible university organs. Certificates and transcripts are also taken care of by this directorate.

Emerging Quality Issues

There are a number of general issues emerging on quality assurance. The emerging issues include defending undergraduate research works, introduction of LLB executive classes, intensive face to face programmes, and learning through the MOODLE platform.

Defending Undergraduate Research Works: Faculty of law at OUT is on record for introducing a *viva voce* programme for students doing Bachelor of Law in the country. Under this programme, LLB final year students are required to do a research methodology and research writing module and defend their research reports before a special panel. Previously, finalists were only submitting their research reports which were marked by their respective supervisors. Under the current arrangement, students who fail to defend their research report may be asked to rewrite the work and graduate in the next graduation ceremony should they fail to resubmit the same within a prescribed time.

Research supervisors have a mandate of providing marks of up to sixty per cent (60%) while the panel can only award the student up to forty per cent (40%). However, the panel has been empowered to nullify the work done by a student even if scores from the supervisor passes the student. The panel may nullify a student's work if it lacks originality or when the student fails to defend what has been written in the research work. Students are therefore required to demonstrate solidly without any reasonable doubt that the report is their own work (The Office of the Deputy Vice Chancellor-Academic, 2016: 224).

Introduction of LLB Executive Classes: OUT has introduced a blended mode of learning where students can learn while mixing between the open and distance mode and the conventional mode of learning. In the same way, the faculty of law introduced LLB executive classes in order to enable students attend classes as per given schedules. For a start, the programme has begun in a few regions but the faculty aims at reaching other potential students in other regions. Apart from other reasons, LLB Executive was introduced in order to provide relevant content to students through lectures provided by highly qualified internal teaching staff.

Intensive Face to Face programme: OUT staff meet with students in every academic year and discuss various issues related to their courses and programmes. Currently, intensive face to face has been introduced where classes are organized and difficulty areas are identified and taught by staff in regional centres. Students attending intensive face to face sessions enjoy the beauty of being taught by qualified staff from faculties. It is on these intensive face to face programmes where Student Progress Portfolio is assessed by listening to oral presentations from students.

Learning through MOODLE Platform: OUT has stood firmly on the use of MOODLE platform where all teaching staff have been instructed to make use of the platform and interact with students. Materials for each course have been uploaded in the system ready for being accessed by students. Since this is the open and distance institution with the blended mode of learning, it is vital for an online platform to be strengthened since many of our students are available in all regions in Tanzania as well as beyond our borders.

Conclusion

Indeed, the Open University of Tanzania is doing whatever it can to maintain the quality of its programmes. For the period of more than 25 years of quality and affordable services, OUT managed to walk the definition of quality assurance which insists on the following: Ensuring that all programmes meet academic and professional standards, have appropriate objectives of both the courses and programmes, have appropriate and adequate means and available resources; and the predisposition of improving service delivery from time to time. However, few issues can be looked at and improved accordingly.

More face to face programmes: Since OUT has opted to provide education through a blended mode of learning, it is time that it organised more face to face programmes and meet the students more often. These contacts will be useful in making OUT students be legal professionals in future.

Strengthening online platforms: The University should provide more user friendly online platforms so that students can interact with the teaching staff on matters related to their courses and programmes. Support staff should also be linked in the portal in order to interact with students on issues relating to administration which are of vital importance for academic achievement.

Reliability and availability of website: The website should be highly secured and reliable all the time. OUT students depend on the academic contents uploaded on the websites as well as adverts released by different university organs. Unavailability of the website for any fraction of hours might damage the academic well-being of students who heavily depend on online communications. It should however be noted that the website is doing well so far but more could be done to increase the visibility of the university.

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