

CLAW HUMANISED EDUCATION AND TRANSFORMATIVE CURRICULUM  
DEVELOPMENT AND REVIEW GUIDELINES



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## PREFACE

*Barring the work of a few exceptional departments and individuals here and there, universities are incapable of addressing precisely those problems that most preoccupy our societies today. Granted, universities rightly regard themselves as playing a key role in preserving intellectual, academic, and cultural traditions. This, however, should not be taken to be an acceptable excuse for not dealing with fundamental social injustices and discrepancies—problems often deemed to lie outside the scope of a university's legitimate interests.<sup>1</sup>*

The College of Law (CLAW) *Humanized Legal Education and Transformative Curriculum Guidelines* was developed to articulate the vision for the humanisation and transformation of legal education as articulated in the 2011 CLAW Curriculum Transformation Statement. The CLAW Curriculum Transformation Statement officially unveiled at a Stakeholder's Lekgotla held at the Burgers Park Hotel, Pretoria, 15 August – 16 August 2011

Second, to implement Unisa's policies regarding curriculum transformation. This vision was developed in accordance with a report compiled by a task team and an expert from another university who proposed guidelines for the inclusion of diversity in the curriculum (Du Preez et al., 2012).

Third, the CLAW by this implementation guidelines takes cognizance of the recommendations of the 2015 Durban Curriculum Transformation Summit that resulted into the *2015 Durban Statement on Transformation in Higher Education*. In terms of the Durban Statement on Transformation it was agreed, amongst others, that: that Higher Education is a public commodity; Universities' role is to help the society address inequalities and other social ills that may prevail as a result of lack of education; Curriculum change is central and indispensable to the universities transformation agendas; Universities must take into account that transformation is multi-dimensional and complex. The Summit participants also acknowledged a number of faultlines and the painfully slow pace at which transformation is happening in the country, and therefore called for action to be taken to address many of the anomalies including sufficiently situating HEIs curricular and different knowledge forms within the African and the global South contexts.<sup>2</sup>

Fourth, to take into account and implement the relevant recommendations of the South African Human Right Commission Report : *Transformation at Public Universities in South Africa* relating to curriculum humanisation and transformation. The SAHRC has amongst others bemoaned: "The lack of institutional will to transform university cultures in some universities; poor integration of the transformation project at all levels of institutional life"; "The slow progress in changing the demographics of academic staff (particularly senior management staff) and university management in some universities toward more representivity and progression programs for identified staff"; "The persisting subcultures of discrimination and domination within universities"; and others.

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Prof R Songca  
Executive Dean: College of Law

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<sup>1</sup> Elkana Y. Freedom and Interdisciplinarity: The Future of the University Curriculum. 2009. *Social Research: An International Quarterly*, Vol 76, 3, pp. 933-942, at 933

<sup>2</sup> See Sibanda. Critical Race Theory-infused curricula transformation in South African Institutions of Higher Learning. 2017. *PEOPLE : International Journal of Social Sciences*. 217 - 230.

**APPROVAL AND ADOPTION SIGN-OFF**

<b>Committee</b>	<b>Signatory</b>	<b>Date</b>
CLAW Management and EXCOM	<hr/> Prof R Songca: Executive Dean : Unisa College of Law	
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## FUNCTIONAL DEFINITION OF KEY TERMS / CONCEPTS

**Africanisation:** Africanisation (or indigenization, as it sometimes) considered as the first important step towards transformation as a process requiring that the curriculum must have more local content. This in Africa implies that the content must be 'African-focused content.' It may also include modifying euro-centric knowledge system to be accommodated within the African system as a temporary measure.<sup>3</sup>

**Alternative Assessment Measures:** 'methods of assessment have been developed to exhibit what students learn and their ability to use their existence knowledge to facilitate their own learning in the classroom'.<sup>4</sup>

**Curriculum:** In simple terms curriculum means a list of topics to be taught. However, a more nuanced conceptualisation of curriculum is that it includes is that curriculum includes what is taught, how it is taught and assessed, as well as who the teachers and the students are.

**Curriculum Transformation:** In the context of this Guideline transformation entails that curriculum must have a local content, and that in the context of the transformation goal looks into many variable including equity, efficiency, access, integration, and adaptability in the light of massification of Higher Education Institutions (HEIs). Curriculum transformation must have clear values that underpin the teaching and learning process – and those include values such as *uBuntu*, language, social justice, and responsibility, and agency.

**Decolonisation:** Embedded or assumed in Africanisation is that decolonization, which “involves a deep sense of recognition of and challenge to colonial forms of knowledge, pedagogical strategies and research methodologies”.<sup>5</sup> It may also include modifying euro-centric knowledge system to be accommodated within the African system as a temporary measure (Yishak & Gumbo, 2015).<sup>6</sup>

**Transformation:** An individual, collective, cultural and institutional, aimed at high performance, effectiveness and excellence. It entails improvement and continuous renewal guided by a sense of justice and ethical action, based on community engagement and achievement of a state that is demonstrably owned and controlled by the people.

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<sup>3</sup> Yishaka, D & Gumbo. A stand-alone, blended or restructured indigenisation approach to curriculum? A curriculum Perspective. 2015. *International Journal of African Renaissance Studies - Multi-, Inter- and Transdisciplinarity*, 10(1), 60 -82.

<sup>4</sup> Kaur & Sighn *International Journal of English Language Education*, p95.

<sup>5</sup> See generally, McLaughlin, J & Whatman, S. The potential of critical race theory in decolonizing university curricula. 2011. *Asia Pacific Journal of education*, 31(4), 265-277.

<sup>6</sup> The understanding of decolonization has changed over time taking into account political, to economic to discursive (epistemological). See Mamdani. Between the public intellectual and the scholar: decolonization and some post-independence initiatives in African higher education, 2016, *Inter-Asia Cultural Studies*, 17:1, 79; Moreira. Steps Towards Decolonial Higher Education in Southern Africa? Epistemic Disobedience in the Humanities. 2015 *Journal of Asian and African Studies*. 1 -15; Mbembe. *Decolonizing Knowledge and the Question of the Archive* (2015). This Guideline is therefore not going to address in depth the variations and different understandings. These should be part of on-going discourses in modules / module groups.

## 1. INTRODUCTION AND CONTEXT

### 1.1 Purpose

The CLAW *Humanized Education and Transformative Curriculum Transformation 2017 – 2030 Guidelines* is an instrument that describes and informs the process of designing and revising transformed academic programme modules, and the concomitant transformative teaching and assessment. It is designed to help the academics /Departments/Schools in the CLAW analyze their modules' meeting of the requirements of transformative curriculum development and change; to identify and infuse/integrate/implement curriculum transformation and transformative constitutionalism principles. The document is based primarily on the following<sup>7</sup>:

- a) CLAW Curriculum Transformation Statement of 2011
- b) CLAW Operational and Quality Assurance Plan 2016, as amended
- c) CLAW Operational Plan 2017: In Teaching, Learning, Student Support, Community Engagement & Research
- d) *Quality Enhancement Project: Phase 2 of the QEP: Curriculum Focus Area and Institutional Submission Specifications*
- e) South African Human Right Commission Report : *Transformation at Public Universities in South Africa* relating to curriculum Humanisation and transformation

Instrument provides an area to identify the key content transformation key tracking areas in programme design and module development.

### 1.2 *Genesis of the CLAW Transformation Agenda*

The CLAW transformation agenda finds its genesis in common and shared ideas of the faculty, in particular those of:

- 1.2.1 Recognition of *the role of African epistemology and metaphysics in the making of law, and in the ordering of society, and definition of terms e.g metaphysics & epistemology*
- 1.2.2 Acknowledgement that *that all legal systems, philosophies and traditions, and the African epistemology of law and law enforcement are interdependent, and in constant global dialogue - expressed, muted or otherwise.*
- 1.2.3 Consciousness of the fact that *all knowledge is deposited in all languages and ways of life*

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<sup>7</sup> An informed by best practices in multicultural and / or diversified curriculum transformation and the humanisation of legal education in the higher education discourse continentally and globally.

The commitment to *legal* system in which law and law enforcement seek to achieve a harmonious balance between the rights of the communities and those of the individual in line with the metaphysics of *Motho ke motho ka batho*.

## 1.4 Curriculum Transformation and Quality Assurance Expectations and Self-Evaluation - How to Use this Document

### 1.4.1 Purpose of Self-evaluation

Ideally, all departments and module groups should always be engaged in self-evaluation as an important part of ensuring continuous curriculum transformation and quality assurance process. The relevant University-wide policies, the programme/qualification standards (e.g., National LLB Standards), and the CLAW Curriculum Transformation Statement and QA Plans requires that each academic department systematically examines itself, assesses its strengths and concerns, and plans how to capitalize on those strengths to implement a transformed and democratized curricular. When undertaking self-evaluation and/or module and study guide development or review you must also ask yourself the following 12 basic questions:

- a) What are you currently doing as it relates to teaching and learning as an academic?
- b) Why are you doing it that way?
- c) What lessons have you learnt from it?
- d) Is what you are doing and how you are doing it in line with the institutional and the CLAW curriculum transformation policies and/or plans?
- e) How is what you are doing relevance to our situation as the Unisa College of Law and the South African general public?<sup>8</sup>
- f) Harry Garuba of Kenya's ( What is an African Curriculum <http://mg.co.za/article/2015-04-17-what-is-an-african-curriculum/> 2015 ) consider as central transformation of the curriculum "fundamental question of place, perspective and orientation"
- g) How careful is your curriculum content selected to avoid alienation from institutional contexts; the knowledge taught; and teaching approaches?
- h) Is your whole teaching enterprise humanized by considering cultural dimension; geographic dimension; political dimensions; and social dimensions?
- i) How effective and aligned to the National Programme Standards (e.g. LLB Standards) is your approach?
- j) Does your approach safeguard or diminish accreditability of the entire qualification?

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<sup>8</sup> See generally Ngugi wa Thiong'o's *Decolonising the Mind: The Politics of Language in African Literature* (1981) 94. See further Harry Garuba of Kenya, *What is an African Curriculum* <http://mg.co.za/article/2015-04-17-what-is-an-african-curriculum/> 2015 , who considers as central transformation of the curriculum "fundamental question of place, perspective and orientation."

### 1.4.2 Expectations for self-evaluation

It is required that every curriculum transformation and self-evaluation process be guided by several general principles, including but not limited to:

- a) That it must be an on ongoing cyclic process.
- b) It be aligned to all the CLAW Teaching and Learning and Quality Assurance Plans/Strategies.
- c) It must be evaluative rather than descriptive.
- d) It must clearly identify the departmental / module strengths that must be maintained and areas in need of improvement

## 3. CURRICULUM TRANSFORMATION AND TRANSFORMATIVE CONSTITUTIONALISM PRINCIPLES

### 3.2 Introduction

Objective 2.1 of the CLAW Operational and Quality Assurance Plan 2016, as amended, is stated as to “[r]eview/develop relevant and quality curricula to promote innovation, and reinvigorate Curriculum transformation and ‘graduateness’”. This objectives now finds supports in the National LLB Standards of 2016 which amongst others requires law programmes to offer transformed curricular that takes into account transformative constitutionalism.

Below are the relevant CLAW Curriculum Transformation and Transformative Constitutionalism Principles that informs programme development and module reviews/module development. The College of Law must take measures necessary to mainstream these transformative philosophies and principles in all its programmes, including assessment and in staff development programmes.

### 3.2 Curriculum Transformation Principles

- a) **Analyse and interrogate the current curriculum or the pre-transformation curriculum first:** Curriculum transformation to first be pursuit through the analysis or current curricula in the widest sense of ‘curriculum’ (outcomes, content, assessment, delivery, language, student support, technology).
- b) **Decolonisation of module content:** Modules in the CLAW must discard antiquated, unconstitutional, and alienating norms, principles and values; assessment examples that seek to maintain the ideal of colonisation of the African education and knowledge systems.
- c) **Module description and modules objectives/purpose statement is the key indicator of transformation of the content:** It must be clear from the module description and module objectives that the content to be offered will be a transformed content. This must be reflected in the module Form, which must include, for example, multicultural module objectives.

EAXMPLE 1: Investigative Principles of Policing IIB – OVM2602

Purpose: The purpose of this module is to provide students with a professional development programme in

the policing field. More specifically, it aims to equip students with value, knowledge and skills to enable them to investigate and solve selected crimes successfully. Students will be shown how knowledge or related subjects, such as Criminal Law and Law of Criminal Procedure and Evidence, can be applied to crime investigations. This module seeks to incorporate aspects of Africanisation and indigenization of law enforcement. Whilst it also recognise that the constitution is home grown and that the Bill of Rights advocated for Ubuntu, social responsibility and humanized law while investigating different crimes.

- d) Offering a humanised Law and Justice education, and humanised programmes, which takes cognisance of an insoluble interdependency between rights and responsibilities. Mere reference to uBuntu does not make a module transformed or considered as transforming modules. So the mere replacement of English names with African names in assessment or factual scenarios.
- e) Give due recognition to different cultures and Languages: All different cultures and their languages are the basis of law and justice, and custodians of knowledge which must be respected, promoted protected in all programmes to the extent possible. (This is so despite the fact that English is adopted as the official language of tuition and learning at Unisa)
- f) Acknowledge and appreciate the agency of all human beings, and their epistemologies<sup>9</sup> : All human beings as active agents who create knowledge and language; who speak, deliberate, interact, advocate and act. This agency must be truly reflected in the CLAW's academic programmes – teaching and learning, and assessments (*The Tyler Rationale of Curriculum Thought*).

This principles borrow in part the is commonly known as the Tyler Rationale, which takes its name after Ralph Tyler who suggested three sources that should be consulted in determining curriculum objectives, namely: the learners themselves, the social environment and the subject matter. See Taylor, C. (1985) 'What is human agency?' in *Human Agency and Language. Philosophical Papers 1*, pp. 15–44. Cambridge: Cambridge University Press.

Acknowledging agency of everyone is to acknowledge their sense of purpose. Thus our curriculum content – for examples our problem type-questions/scenarios – must be 'sense-making narratives that build a sense of relevance.'<sup>10</sup>

- g) Offer socially responsibility curriculum: CLAW's academic programmes – teaching and learning, and assessments – have the responsibility play integrative role that lays a foundation for an inclusive and just society (social justice and transformative constitutionalism), through curriculum that advances a holistic existence of all humanity and that nurtures graduates who are able to act as agents of humane social change (graduateness).

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<sup>9</sup> Epistemology is defined as 'Ways of Knowing' that is fundamental in the making of law and it is dependent on people's cosmologies, world-views, metaphysics and culture.

<sup>10</sup> See generally O'Donnell., Wallace., Melano., Lawson. & Leinonen. Putting transition at the centre of whole-of-curriculum transformation. 2015. *Student Success*, 6 (2), 73-79.

- h) **Humanising the Law and Justice Programmes:** CLAW legal education must resonate with notions of justice upheld by ordinary people, and embody humanness in line with *uBuntu*.<sup>11</sup>
- i) **Re-center African and other relevant non-European /Non-Western knowledge systems:** CLAW legal education must re-center other knowledge systems, in particular African /Indigenous and other non-European/Western systems, by recognising their roles as central to the creation of law and notions of justice (in the teaching and assessment of modules such as, for example, Historical Foundations of South African Law – HFL1501; Civil Procedure; Law of Property; Law of Intellectual Property, etc).<sup>12</sup>
- j) **Build and maintain sustainable transformed academic and structural transformation:** Schools in the CLAW and their academic departments must always strive to create and maintain an environment that promotes: trans-disciplinarily in research, learning and teaching; cooperation and collaboration in tuition and research; appropriate distribution of resources; indigenous knowledge systems.<sup>13</sup>
- k) **Fostering a contextualize legal and criminal justice education (Africanisation/indigenisation):** The legal and criminal justice education must be contextualised to other imperatives including but not limited to Africanisation/indigenisation of the law and law enforcement in line with the epistemology of transformation. Moreover, the curriculum /module content must reflect the social context in which it is located – and fully recognise the social world in which it has been shaped.<sup>14</sup>

For example: Some modules such as The South African Constitutional Law; the Bill of Rights; and the

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<sup>11</sup> A humanised law and justice programmes possess numerous orientations including, but not limited to: Promote the peaceful management of affairs including peaceful resolution of conflict and non violence; Harmonize collective and individual rights; Promote harmony between local and global systems and must recognise local as the basis of the global systems; Moderate general principles of law and justice with equity, fairness and a peoples' lived experience; Promote relational justice over formal technical rules (Transformative constitutionalism); Recognise the plurality of human experience and seek to learn from other legal systems; Sensitivity to the social and cultural narratives of groups, communities and minorities; Recognise that consumers of knowledge are also bearers of knowledge;

<sup>12</sup> Re-centering of other knowledge systems include the recognition that: Law and justice are epistemologically and culturally determined; Every cultural perception of law and justice should be given appropriate recognition in the learning and teaching; The epistemological foundations of land law in the African context is based on the metaphysical principle that land and all natural resources belong to the living dead, the living, the unborn and the animal world; Curriculum must restate the reality that sustainable social cohesion is grounded upon an inclusive concept of responsibilities and rights; and that both are holistic; Curriculum must restate the African feminine principle that foregrounds the woman as central to the existence of society; Curriculum must reaffirm concepts of kinship and the family as central to a humane society; Curriculum must re-centre the practice of restorative justice in the context of an African epistemology of collective healing and wholeness.

<sup>13</sup> In order to meet this principles the following, the list of which is not exhaustive, must happen: recognising communities as generators of knowledge (community engaged infused teaching and learning); Curriculum should incorporate critical studies that contextualize the Law and Law Enforcement in relation to culture by engaging with the communities; Review and embed institutional culture and practices in the African discourse of consultation, conversations and engagements within a system of a participatory, transparent, accountable, ethical, creative, collective, responsive and collaborative management; Establish partnerships with other African institutions of higher learning; Collaborate with other institutions on technological issues; Identify and develop core courses in line with the epistemology of transformation.

<sup>14</sup> Van Wyk and Higgs. 2011. *INDILINGA – African Journal of Indigenous Knowledge System*, Vol 10 (2) pp171-181.

Historical Foundations of South African Law, etc., must fully recognise and engage with the role of liberation movements in the development of these areas of the law and the role of the Freedom Charter as the foundation of our Bill of Rights.

- l) **Ensure substantive and genuine application of indigenous African law and principles:** Modules development, revision, and/or offering must avoid the displacement and/or erosion of indigenous African law in the application of the principles relevant to a particular area of the law.
- m) **Use of multicultural courseware:** Modules to prescribe (and recommended) courseware including textbooks and other academic publications are reflective of the transformative principles. (Academic publications but African authors must also be prescribed and not merely listed as recommend or additional non-examinable reading material).

Note: Whilst curriculum structures and modules offering should not struggle to enhance equity in courseware, it is acknowledged that the South African legal curriculum courseware is nested within legal education environment that favours Western-European or non-Black courseware. But this is not the reason to not to change the status quo. There is valuation and wealth of African authored scholarship that is waiting to be utilised.

- n) **Foster humanised student support at all times:** Academics and support staff must always observe and exhibit / provide the respectful, humane and caring support to our students in respect to the humanisation of their learning and their professional aspirations.

In addressing curriculum transformation in modules the process is more than a mere infusion or conformists approach. The valuation report with statements such as those in the box below may not be adequate to discharge the institutional imperative of curriculum transformation.

Curriculum transformation principles infused in learning material	WHAT DOES IT MEAN TO CURRICULUM TRANSFORMATION IN REALITY?
The principles of alternative dispute resolution have been included in the module content. Assessment papers have been included that integrate the new content	Good start.
The curriculum transformation themes have been infused into the modules.	How?
The curriculum transformation themes have been infused into the modules. Discussions include Africanisation at the end of every study unit	Why at the end of each Unit. This does not re-center Africanisation in the module.
Ubuntu has been integrated into the content	How?
Africanisation has been infused	How?
Ubuntu and humanisation of the law has been infused especially with reference to an integrative approach to crime investigation	Good start
The theme of restorative justice has been included	Give details.

The curriculum transformation themes have been infused into the modules. The themes are included in MyUnisa discussions and the module assessment	Good start.
The curriculum transformation themes have been infused into the modules. The principle of ethics has also been introduced. The modules have adopted a story mode which utilises a case study. The themes have been included in the assessment of the modules.	Good start
<p>Ubuntu- when drafting the study units and self-study assessment, we infused the possible integration and inclusions of all sectors of the society from which our diverse students comes from. This includes the use of language that is neutral.</p> <ul style="list-style-type: none"> <li>• Graduateness, our material takes into account the preparation of student for the workforce market, this is also infused in our assessment approach by addition of practical problems.</li> <li>• Humanising the law. when we discuss issues in the material, we note values and the sense on introspection and accountability that is expected from us by our students, Our approach and philosophy therefore becomes student-centred with law interpreted and applied taking into account the social standing of its subjects.</li> </ul>	Good start
The legal principles relating to Forms of Business Enterprise underpin the values of Ubuntu, social justice and diversity. Moreover, we are gradually incorporating some of these values in the formative and summative assessments. In the future we endeavour to incorporate these values vigorously in our assessment	How?
Ubuntu; fairness; humanising the law and graduateness	What exactly is done in the module?
Ubuntu ; African Philosophy; Africa Philosophy and Punishment Ubuntu	What exactly is done in the module?
Ubuntu approach / Social Responsibility & Graduateness	What exactly is done in the module?
Possibly Humanisation of the Law / Ubuntu approach.	What exactly is done in the module? When is it to be done?
Ubuntu approach	What exactly is uBuntu Approach?
South African legislation; Assessment scenarios SA context; Glossary of terms include Latin/legal & English& Zulu	What exactly is done in the context of curriculum transformation and decoloniality?
Ubuntu and mitigation of Eurocentric bias.	What exactly is done here?
Implemented where applicable	What do you mean? Is there no effort to implement Curriculum transformation principles
Social Responsibility & Graduateness. To be determined in consultation with lecturers	What is done here?
With the revision of existing, and drafting of new learning units the authors	This sounds a promising start.

will focus specifically on the Africanisation of the contents of the new module.

Looking forward to the new learning units?

The module groups responses above shows that all our modules are still at compliance determination level of 1 minus. This means that a lot should be done to get to level 2 and level 3.

#### LEVEL LEGEND:

- **LEVEL ONE:** Module content is traditional. Infusion of curriculum transformation principles, and transformative constitutionalism is limited to a few learning units; minimalist and conformist reference to some of the critical values (e.g., uBuntu); use of case studies which merely uses African characters/names (e.g., Siphosane stabbed Jane); and or sparsely considered with traditional views predominantly supported.
- **LEVEL TWO:** Curriculum transformation principles and transformative constitutionalism infused and constructively analyzed throughout the module.
- **LEVEL THREE:** Construction of knowledge in the discipline analyzed. New framework synthesizes old and new perspectives.

### 3.3 Transformative Constitutionalism Principles

The postamble of our Interim Constitution is the reference point for transformative constitutionalism as should be understood today. The postamble described the Constitution as providing:

a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

The implication of adoption of transformative constitutionalism as a qualification standards is that the following principles must be met/observed in our curriculum content:

- a) **Internationalise transformative teaching and learning:** The modules content (and the programme in general) must internationalise transformative teaching and learning characterised by explicit reference to the values and principles contained in the South African Constitution of 1996 and the resultant constitutional jurisprudence. This is relevant even in modules not dealing with the Constitution and administrative as a subject-matter.
- b) **Embrace transformative curriculum:** Transformative constitutionalism as a requirement for the CLAW curriculum means that we must change and not allow the teaching and learning responsibilities to be business as usual and to be stagnant or be stagnated by the strictures of

certain established norms/legislation. In sum, our teaching and learning “induce large-scale social change”<sup>15</sup>; must be innovative and involve some measure of judicial activism.<sup>16</sup>

- c) Promote and protect social justice through our module offering: Transformative constitutionalism as a programme standard envision the purpose of higher legal education as encompassing social justice imperatives, and the eradication of the inequalities in our communities.

#### 4. CURRICULUM TRANSFORMATION MODULE ASSESSMENT AND CHECKLIST

Below are the relevant Transformative Constitutionalism principles/ standards checklist that inform CLAW’s Transformative Teaching and Learning Agenda, which must be reflected in the programme development and module reviews/module development:

##### 4.1 Module Description

Determine whether your description supports transformation curriculum agenda of the CLAW and the implementation thereof, and shows a commitment to the advancement of the prescribed qualification standards (for example the LLB Standards) at level one, two or three based on the description of each below:

- LEVEL ONE: Module description is traditional.
- LEVEL TWO: Module description speaks indirectly to issues of curriculum transformation, and transformative constitutionalism is limited to a few learning units.
- LEVEL THREE: Module description speaks directly to issues of curriculum transformation, and transformative constitutionalism, with further in-depth discussion of these issues in all learning units.

##### 4.1.1 Checklist and Needs Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Does your module description in module Form 1 include a statement or statements about curriculum transformation and efforts towards multicultural content?			

<sup>15</sup> Klare. Legal Culture and Transformative Constitutionalism. (1998). *South African Journal on Human Rights*, Vol 14:1, pp 146–157, at 150.

<sup>16</sup> According to the late Justice P Langa of the Constitutional Court - Transformative Constitutionalism. (2006) *Stellenbosch Law Review*, Vol 17:3, pp 351–353, - it is “no longer sufficient for judges to rely on the say-so of parliament or technical readings of legislation as providing justifications for their decisions” but that “judges bear the ultimate responsibility to justify their decisions not only by reference to authority, but by reference to ideas and values”.

2	Does your module description support transformative curriculum and the implementation of the relevant principles?			
3	Is your module description aligned to the module purpose statement and the learning units contents?			
4	Does the module description make explicit the relationship between module content and curriculum transformation /transformative constitutionalism goals?			

## 4.2 Module objectives and purpose statement<sup>17</sup>

Determine whether your module objectives and purpose statement acknowledges, appreciates and integrates the CLAW curriculum transformation principles; transformative constitutionalism; and the prescribed qualification standards (for example the LLB Standards) at level one, two or three based on the description of each below:

- **LEVEL ONE:** Module objectives and purpose statement are traditional; and pre-dominantly euro-centric.
- **LEVEL TWO:** Module objectives and purposes statement acknowledges all epistemologies and seeks to incrementally infused curriculum transformation and transformative constitutionalism principles in the learning units contents.
- **LEVEL THREE:** Module objectives and purposes statement equally integrates all the relevant epistemologies; and set as an indispensable requirement curriculum transformation and transformative constitutionalism principles as the main part of the learning units contents.

### 4.1.1 Checklist and Needs Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Are your module objectives and purpose statement are aligned to the module description at the required NQF level?			
2	Do your module objectives and purpose statement directly address curriculum transformation, efforts towards multicultural content, and transformative constitutional as imperatives?			
3	Are your module objectives and purpose statement seek to facilitate the implementation of the prescribed qualification standards (e.g., LLB Standards)?			
4	Does your module include multicultural module objectives?  See below examples below (which you must be able to list for your module). <ul style="list-style-type: none"> <li>▪ Students will understand the influence of ethnicity, social class</li> </ul>			

<sup>17</sup> Informed by the LLB Standards

	bilingualism, and gender on human development and societal coherence. (cognitive) <ul style="list-style-type: none"> <li>▪ Students will identify how these variables have affected their own development as individuals. (affective)</li> <li>▪ Students will analyze the impact of current social integration policies on previously disadvantaged persons and propose policy revisions. (behavioral)</li> <li>▪ Students will explore the reasons underlying the absence of multicultural perspectives in the historical development of legal theories. (cognitive)</li> </ul>			
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### 4.3 Module Content<sup>18</sup>

#### 4.3.1 Compliance Level Determinations

Determine whether your infusion of curriculum transformation principles, transformative constitutionalism, and instructional strategies is at level one, two or three based on the description of each below:

- **LEVEL ONE:** Module content is traditional. Infusion of curriculum transformation principles, and transformative constitutionalism is limited to a few learning units; minimalist and conformist reference to some of the critical issues of consideration particularly the uBuntu values; and or sparsely considered with traditional views predominantly supported.
- **LEVEL TWO:** Curriculum transformation principles and transformative constitutionalism infused and constructively analyzed throughout the module.
- **LEVEL THREE:** Construction of knowledge in the discipline analyzed. New framework synthesizes old and new perspectives.

#### 4.3.2 Checklist and Needs Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Is Africanisation and decolonization of your module a priority demonstrated by the content of your module?			
2	Are the transformation and transformative constitutionalism principles approaches to content, instructional activities, and assessment infused throughout the term ?			
3	Whose view(s) is (are) represented by the content you selected? Does the content provide a comprehensive truth, inclusive of different perspectives?			

<sup>18</sup> Informed by the LLB Standards

4	Does the content include perspectives of (or information about) diverse groups?			
5	Do examples used to illustrate key concepts/theories include a variety of groups?			
6	Does the content promote critical analysis of social realities, with particular reference to the South African and African realities?			
7	Does the curriculum content selected avoid alienation from institutional Contexts; the knowledge taught; and teaching approaches?			

#### 4.4 Texts, Readings, Materials

##### 4.4.1 Compliance Level Determinations

Determine your prescribed learning and other support material promote curriculum transformation principles, transformative constitutionalism, and if the content of these materials is at level one, two or three based on the description of each below:

- **LEVEL ONE:** The learning material content is traditional, and put more emphasis on Eurocentric / Western sources of knowledge and authorities.
- **LEVEL TWO:** The content of the learning materials encourages curriculum transformation principles and transformative constitutionalism infused and constructively analyzed throughout the module.
- **LEVEL THREE:** Construction of knowledge in the discipline analyzed through a variety of learning materials, with African authorities /scholars (non-European authorities) work given prominence in the new framework to synthesize old and new perspectives.

##### 4.4.2 Checklist and Need Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Does the content include the contributions and histories of South African Liberation Movements as they impacted on law and justice?			
2	Does the content include the contributions and histories of various cultural groups as sites of knowledges and different epistemologies?			
3	Do the prescribed and recommended readings/resources present multiple perspectives on issues? Avoid stereotypes?			
4	Does the content and how it is presented promote students' critical analysis of viewpoints? Is it Eurocentric or multicentric?			

5	Does the content address how knowledge in the discipline is created? How race, ethnicity, social class gender etc. influence the construction of knowledge?			
6	Does your module prescribe or recommended readings / texts of African law and justice scholars / philosophers?			
7	Are you prescribed or recommended readings/texts sensitive to the social realities of the South African and African communities?			
8	Are students' racial attitudes examined in any way? Are there opportunities for students to develop positive racial attitudes and values?			
9	Are nontraditional perspectives additive, balanced with traditional, or central?			
10	Do you infuse your community engagement outcomes/results into your module content and/or prescribe it as one of the learning materials?			

#### 4.5 Instructional Strategies Level Determinations<sup>19</sup>

##### 4.5.1 Compliance Level Determinations

Determine whether your infusion of transformed instructional strategies is at level one, two or three based on the description of each below.

- **LEVEL ONE:** Primary use of instructor-centered methods, e.g., lecture-discussion.
- **LEVEL TWO:** Instructor as purveyor of knowledge but uses a variety of methods to 1) relate new knowledge to previous experience, 2) engage students in constructing knowledge, 3) build critical thinking skills, 4) encourage peer learning.
- **LEVEL THREE:** Systematic creation of a community of learners; sharing of power; strategies communicate high expectations for achievement, capitalize on students' experiences and strengths, and include opportunities for participation, choice, and personal growth.

##### 4.5.2 Checklist and Need Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Do you implement research-based instructional strategies consistent with current theories of learning?			
2	Do the instructional methods encourage critical analysis, application of knowledge to real world problems, and transfer of skills to new situations?			

<sup>19</sup> Informed by the LLB Standards

3	Do you link new concepts to and take advantage of students' prior experiences?			
4	Do they encourage cross-racial cooperative grouping within and outside of class?			
5	Do they accommodate students' various approaches to learning?			
6	Do they encourage competent oral and written communication?			
7	Do your instructional strategies positively impart to graduates 'comprehensive and sound knowledge and understanding' in relation to: the South African law and the legal system; the associated values; and; the historical background?			

#### 4.6 Student Assessment<sup>20</sup>

##### 4.6.1 Compliance Level Determinants

Determine whether your curriculum transformation assessment strategies and having due regard to the National LLB Standards is at level one, two or three based on the description of each below.

- **LEVEL ONE:** Reliance on a single method, e.g., multiple choice exam., sit-in examinations.
- **LEVEL TWO:** Multiple methods and alternatives to standard exams and papers; methods accommodate students' strongest strategies for expression of acquired knowledge and skills.
- **LEVEL THREE:** Alternatives that focus on student growth; action-oriented projects; self-assessment, and reflection related to the course; methods encourage meaning making, synthesis, and application.
- **LEVEL FOUR:** Methods makes provision for access for students with disabilities

##### 4.6.2 Checklist and Needs Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Do your assessment tasks address both the learning outcomes and graduate attributes listed for the subject?			
2	Do you consider student workloads in scheduling and designing assessment tasks for this subject and in relation to assessment tasks in other subjects likely to be taken at the same time?			

<sup>20</sup> Informed by the LLB Standards

3	Are your assessment tasks balanced? – include both developmental (“formative”) and judgemental (“summative”) tasks.			
4	Do the assignments permit students to apply their preferred approaches to problem solving (e.g., through choice) and encourage mastery of other approaches?			
5	Do the assignments engage students in meaningful self-reflection? Do they engage students in analysis, synthesis, creativity, and application?			
6	Do your assessment requirements permit a range of alternatives to meet diverse ways of demonstrating learning? Do you employ alternatives that provide comprehensive insight into students’ achievements and gives authentic information about their knowledge, abilities, skills, attitudes, and competences which are developed during the teaching process?			
7	Does your alternative assessment have the characteristics of alternative assessments, including: asking students to perform, create, produce, or do something; using tasks that represent meaningful instructional activities; <i>invoking real-world applications</i> ; encouraging higher-level thinking and problem-solving skills; using human judgments, and not machine scoring?			
8	Are there opportunities for students to provide documentation of their learning activities, ideas and reflections (e.g., through portfolios, etc)?			
9	Do your alternative assessment such as portfolio assessment, if any, encourage students to be more autonomous, be independent learners by taking charge of their own learning, able to make decisions, participate in the self-assessment process of their own work?			
10	Are rigorous standards maintained and support provided to enable students to meet the LLB Standards? Do students receive explanatory and diagnostic feedback as well as marks as part of this support?			
11	Does your module include criteria for marking in which learning outcomes are clearly articulated and criteria for levels of achievement are described, with marks allocated accordingly?			
12	Do activities and assignments encourage oral and written communication? Is the conceptualization and overall design of your module encourage / instill critical thinking skills and the development of research skills?			
13	Do assessment activities recognize a connection between students’ cognitive, affective and conative abilities?			
14	Do activities and assignments present opportunities for taking action on social problems? Do assignments and other evaluation activities assess the degree to which students achieve the transformation and social justice objectives?			
15	Does you module employ peer-learning and/or peer discussions on myUnisa? If the answer to the above is yes: Do you establish ground rules			

	regarding respectful participation in discussion? Do you present opportunities to foster cross-cultural competence, positive racial attitudes, critical thinking, and decision-making?			
16	Does feedback on assignments provide sufficient detail to enable students to know what they are doing well and how they can improve?			
17	Are there accommodations for students with disabilities?			
18	Is your assessment fair? – Assessment tasks checked to minimize inherent biases that may disadvantage particular student groups.			
19	Do your assessments (and teaching) infuse best practices and/or outcomes of community engagement projects?			
20	Is plagiarism is minimised through careful task design, explicit education and appropriate monitoring of academic honesty?			

## 4.7 Student Support<sup>21</sup>

### 4.7.1 Compliance Level Determinants

Determine whether module offering makes available appropriate student support services, having due regard to the National LLB Standards is at level one, two or three based on the description of each below.

- **LEVEL ONE:** The provision for student support and guidance in the module to meet the needs of an increasingly diverse student body is still at an infant/inadequate stage of development (as demonstrated in the myUnisa lecture-student interaction).
- **LEVEL TWO:** A concerted attempt is made to provide learners with the relevant and necessary support as provided for in the Unisa policies.
- **LEVEL THREE:** The module provide excellent and adequate support to all students – including students with disabilities - aimed at developing their knowledge, skills, experiences and personal attributes which will enable them to successfully complete their studies, gain employment, pursue successful careers and make a broad contribution to society, through providing appropriate learning (and mentoring).

### 4.7.2 Checklist and Needs Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Is the learner support offered in the module group informed by the general			

<sup>21</sup> Informed by the LLB Standards

	principles for learner support at Unisa? These are: <b>Learner Centredness</b> – any information, guidance and advice provided should be aimed at enhancing students' capability and fostering their personal autonomy; <b>Confidentiality</b> – the services offered should operate within established conventions of confidentiality on all personal and academic issues; <b>Impartiality</b> – support and guidance should be equitable, impartial and include referring the student on to other sources where appropriate; <b>Accessibility</b> – guidance and support should be accessible to all students at all stages of their programme of study; and have regard for; <b>Equality and Diversity</b> – support and guidance should be offered in accordance with the University's policies on equality and diversity.			
2	Do you ensure that students are aware of the nature, extent, purpose and location of all the services and facilities for guidance and support relevant to your module; and how best to access and benefit from this provision when needed?			
3	Have you listed all the relevant support services in your Tutorial Letter 101 (e.g., library collections; services for students with disabilities)?			
4	Are all materials and equipment accessible to students with special needs (e.g., students with disabilities, financial needs)?			
5	Are technology tools used to document student learning and performance? Or to ease student learning and make teaching more accessible? (For example: Videotapes, audiotapes, photographs, and slides)?			
6	Are opportunities created for formal or informal study groups?			
7	Are opportunities created and /or activated on myUnisa site of your module for discussions with your constant interaction with the students during their discussions?			
8	Is the module leader's office or members of the module group office (and e-tutors as the case may be) accessible? (or contact reliably possible through e-mail, phone)			

## 5. TRANSFORMATIVE CONSTITUTIONALISM CHECKLIST

### 5.1.1 Compliance Level Determinations

Determine whether your infusion of curriculum transformation principles, transformative constitutionalism, and instructional strategies is at level one, two or three based on the description of each below:

- **LEVEL ONE:** Module content is traditional. Infusion of curriculum transformation principles, and transformative constitutionalism is limited to a few learning units and or sparsely considered with traditional views predominantly supported.
- **LEVEL TWO:** Curriculum transformation principles and transformative constitutionalism infused and constructively analyzed throughout the module.
- **LEVEL THREE:** Construction of knowledge in the discipline analyzed. New framework synthesizes old and new perspectives.

### 5.1.2 Checklist and Needs Analysis

Legend: NI = Needs Improvement

No	Content	Standard and Need		
		Yes	No	NI
1	Do you (and all members of your module group) understand what transformative constitutionalism means / entails?			
2	Does your module adequately address principles of transformative constitutionalism?			
3	Has your modules content internationalised transformative teaching and learning characterised by explicit reference to the values and principles contained in the South African Constitution of 1996 and the resultant constitutional jurisprudence.			
4	Do you adequately address issues of social justice in your learning units to the largest extend possible? Do you adequately address social injustice imperatives in your module?			

5	Are the students allowed to support their work with references to ideas and values other than the prescripts of legislation and other legal sources?			
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◆◆ END OF THE GUIDELINE◆◆◆