# The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities

**by**

**Hermanus Johannes Moolman**

**Thesis Presented for the Degree of Doctor of Philosophy**
**in the Department of Private Law**
**University of Cape Town**

**FEBRUARY 2023**

**Supervisor: Associate Professor Lesley Anne Greenbaum**

University of Cape Town

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

University of Cape Town

## DECLARATION

I, Hermanus Johannes Moolman, do hereby declare that this PhD thesis entitled 'The Development of a Bachelor of Laws (LLB) Curriculum Change Management Model for South African Universities' is my own independent work, save for that which is properly acknowledged. It is being submitted for the degree of Doctor of Philosophy at the University of Cape Town. It has not been submitted before for any degree or examination in any other University.

HJ Moolman
Date: 8 February 2023

## ACKNOWLEDGEMENTS

The researcher appreciatively acknowledges the contributions of everybody who contributed to the execution of this study. In particular, special acknowledgement is extended to the following contributors:

- Marnus and Arno, my two boys, for your sacrifices in terms of time and attention. I love you more than you will ever know.

- My families, who continuously supported, motivated and encouraged me. Thank you also for all your support and love.

- My supervisor, Associate Professor Lesley Greenbaum, for your guidance, insight, kind words of encouragement and availability after hours, over weekends and during the festive season.

- The participants who generously shared their time and insights with me.

- Ms Maryn Viljoen, for your statistical services.

This thesis is dedicated to my mother and father who passed away during the course of this study.

## ABSTRACT

The National Review of the LLB by the Higher Education Qualifications Committee of the Council on Higher Education from 2015 to 2018 underscored the dire need for LLB curriculum change at South African universities. Not only did the Review call for 'wide-ranging curriculum reform', but it also recommended that the minimum duration of the four-year LLB be extended by an additional year. Most institutions responded with minor changes to their LLB curricula to meet the demands of the National Review of the LLB and to remain accredited. However, a comprehensive review of their LLB curricula may be required to improve the quality of their graduates in the long run. Furthermore, should it be decided to extend the LLB by one year, all universities offering a four-year LLB will have to engage in comprehensive curriculum change by developing new five-year LLB curricula.

Although curriculum change management models (hereafter CCMMs) play an important role in revising or reflecting on HE curriculum change, no model was available for law curriculum change. The study focuses on developing a change management model for facilitating comprehensive curriculum change of the LLB at universities in South Africa.

A mixed methods research design was adopted to achieve the purpose of the study. Based on a literature review, a Draft LLB CCMM comprising 61 prescriptive outlines (hereafter (POs) was proposed in Phase 1. The Draft LLB CCMM was used to compile a structured questionnaire in Phase 2 of the study. Staff members (n=28) who had participated in a comprehensive LLB curriculum change process at the University of the Free State (hereafter UFS) quantitatively rated the importance of the POs for facilitating LLB curriculum change in South African circumstances. They also rated the compliance of the UFS curriculum change process with these POs.

The quantitative evaluation of the POs of the Draft LLB CCMM in terms of importance suggested that all POs should be included in the Final LLB CCMM. A critical reflection on the initiatives and practices implemented during the UFS curriculum change process led to

identifying recommended practices for those POs that met the minimum quantitative compliance criteria. Reflective appraisal, the quantitative feedback from questionnaire participants and consulting appropriate literature assisted in identifying what could have been done differently for those POs that did not meet the minimum compliance criteria. Also, a focus group discussion in Phase 3 shed light on why some POs did not meet the minimum compliance criteria. In the focus group, the discussions on the strengths and weaknesses of the UFS curriculum change process led to the identification of additional POs and recommended practices in the Final LLB CCMM. The quantitative and qualitative findings in Phases Two and Three were integrated to propose the Final LLB CCMM.

The study contributes towards curriculum change theory building. The Final LLB CCMM breaks down the challenging, multifaceted and complex nature of comprehensive curriculum change into manageable processes, functions, POs and recommended practices. Although the CCMM was specifically developed for comprehensive LLB curriculum change, specific processes, functions, or POs of the model can be adapted to permit faculties to engage in minor or piecemeal LLB curriculum changes. Also, the CCMM can be adapted to facilitate curriculum change in other disciplines.

# TABLE OF CONTENTS


PAGE

**CHAPTER 1: INTRODUCTION**

**1.1 INTRODUCTION** **1**

**1.2 BACKGROUND PERSPECTIVES** **5**

**1.3 RESEARCH PROBLEM** **9**

**1.4 RESEARCH QUESTIONS** **11**

**1.5 RESEARCH PURPOSE AND OBJECTIVES** **12**

**1.6 RESEARCH METHODOLOGY AND METHODS** **12**

**1.7 THE RESEARCHER'S EXPERIENCE AND EXPERTISE AND INSIDER-RESEARCHER POSITION** **14**

**1.8 DEMARCATION OF THE FIELD OF THE STUDY** **16**

**1.9 STRUCTURE OF THE REPORT** **18**

**1.10 CONCLUSION** **18**

**CHAPTER 2 : SETTING THE CONTEXT**

**2.1 INTRODUCTION** **19**

**2.2 THE HIGHER EDUCATION (HE) LANDSCAPE** **20**

**2.2.1 Globalisation and internationalisation** **20**

**2.2.2 Equity and widening access to higher education (HE)** **24**

**2.2.3 The under-preparedness of students for higher education (HE)** **33**

2.2.3.1 The policy of apartheid 34

2.2.3.2 The increased entrance of first-generation students 35

2.2.3.3 Studying in a second or third language 35

**2.2.4 Student protests and calls for decolonisation** **36**

2.2.4.1 Clarifying the decolonisation concept 38

2.2.4.2 Decolonisation and Africanisation 39

2.2.4.3 Decolonisation and internationalisation 40

2.2.4.4 Decolonising legal education 41

**2.2.5 Technology and the fourth industrial revolution** **42**

**2.2.6 The Coronavirus Disease (COVID-19) pandemic** **43**

**2.3 THE SOUTH AFRICAN LEGAL EDUCATION CONTEXT 44**

**2.3.1 Introducing the four-year LLB in South Africa 45**

**2.3.2 Concerns of role players about the quality of LLB graduates 48**

**2.3.3 Attempts to address the quality of LLB graduates 51**

2.3.3.1 LLB Curriculum Research Project 51

2.3.3.2 LLB Qualification Standard 51

2.3.3.3 National Review of the LLB 58

**2.4 UNIVERSITY OF THE FREE STATE (UFS) CONTEXT 59**

**2.4.1 Equity and widening access 61**

**2.4.2 A critical analysis of the UFS LLB curriculum 63**

2.4.2.1 Prescribing a realistic number of credits for modules and the qualification 65

2.4.2.2 Reconsidering the duration of modules 66

2.4.2.3 Changing the sequencing of some modules over the different years of study 67

2.4.2.4 Introducing more non-law modules 68

2.4.2.5 Improving the alignment of the curriculum with the curriculum imperatives of the LLB Qualification Standard 69

2.4.2.6 Enhancing the development of specific graduate attributes 69

**2.5 CONCLUSION 72**

**CHAPTER 3: CURRICULUM THEORISING AND CURRICULUM PLANNING**

**3.1 INTRODUCTION 74**

**3.2 CURRICULUM THEORISING 74**

**3.2.1 The social efficiency curriculum 75**

**3.2.2 The progressive curriculum 76**

**3.2.3 The reconceptualised curriculum 76**

**3.2.4 The reconceptualised twenty-first-century curriculum 78**

**3.2.5 The higher education (HE) curriculum 81**

**3.3 CURRICULUM PLANNING MODELS 84**

**3.3.1 Curriculum as product 85**

3.3.1.1 Bobbit's curriculum development theory along scientific lines 85

3.3.1.2 Tyler's rationale for curriculum development 86

3.3.1.3 The National Qualifications Framework (NQF) 87

**3.3.2 Curriculum as content 88**

**3.3.3 Curriculum as process 89**

3.3.3.1 Dewey's experimental approach toward curriculum development 90

3.3.3.2 The four approaches toward curriculum development of Stenhouse 90

**3.4 CURRICULUM PLANNING IN HIGHER EDUCATION (HE) 92**

**3.4.1 Constructive alignment 92**

**3.4.2 National Qualifications Framework (NQF) 97**

**3.4.3 Curriculum mapping 101**

**3.5 CONCLUSION 104**

**CHAPTER 4: CURRICULUM CHANGE MANAGEMENT**

**4.1 INTRODUCTION 106**

**4.2 STRATEGIC PLANNING 107**

**4.3 KOTTER'S CHANGE MANAGEMENT MODEL (CMM) 111**

**4.3.1 Step 1: Create a sense of urgency 115**

**4.3.2 Step 2: Build a guiding coalition 118**

**4.3.3 Step 3: Get the vision right 121**

**4.3.4 Step 4: Communicate the vision for buy-in 121**

**4.3.5 Step 5: Empower action 124**

**4.3.6 Step 6: Create short-term wins 125**

**4.3.7 Step 7: Consolidate gains and create more change 127**

**4.3.8 Step 8: Anchoring the change in the systems, practices, and organisational culture of the institution 129**

**4.3.9 Limitations 130**

4.3.9.1 The model lacks rigorous foundation and empirical evidence 130

4.3.9.2 The model follows a rigid approach of sequential linear steps 130

4.3.9.3 The model makes provision for only one guiding coalition 131

4.3.9.4 The model is not in line with democratic organisational change management principles 132

4.3.9.5 The model does not acknowledge the psychological impact of the change on staff members 133

4.3.9.6 Limited research studies report on Steps 7 and 8 134

4.3.9.7 Some steps are not relevant to all contexts 135

**4.4 CONCEPTUAL FRAMEWORK FOR THE BACHELOR OF LAWS (LLB) CURRICULUM CHANGE PROCESS 136**

**4.5 PROPOSING A DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL (CMMM) 138**

**4.5.1 The strategic planning process 139**

**4.5.2 The curriculum change management process 139**

**4.5.3 The curriculum planning process 140**

**4.6 CONCLUSION 141**

**CHAPTER 5: RESEARCH METHODOLOGY AND METHODS**

**5.1 INTRODUCTION** **142**

**5.2 RESEARCH DESIGN** **142**

**5.3 RESEARCH METHODOLOGY** **145**

**5.3.1 Phase 1** **145**

**5.3.2 Phase 2** **146**

5.3.2.1 Step 1: Developing a quantitative questionnaire 146

5.3.2.2 Step 2: Pilot testing the questionnaire 147

5.3.2.3 Step 3: Selecting a study sample 148

5.3.2.4 Step 4: Administering the questionnaire 150

5.3.2.5 Step 5: Analysing and interpreting the data 151

5.3.2.6 Step 6: Reflecting on practices implemented during the UFS curriculum change process 152

**5.3.3 Phase 3** **152**

5.3.3.1 Step 1: Developing a focus group guide 153

5.3.3.2 Step 2: Selecting a sample for the focus group discussion 153

5.3.3.3 Step 3: Inviting participants to participate in the focus group 154

5.3.3.4 Step 4: Collecting data 154

5.3.3.5 Step 5: Analysing and interpreting data 157

5.3.3.6 Step 6: Proposing the Final LLB curriculum change management model (Final LLB CCMM) 157

**5.4 VALIDITY AND RELIABILITY OF THE QUANTITATIVE RESEARCH** **158**

**5.4.1 Validity** **158**

5.4.1.1 Face validity 158

5.4.1.2 Content validity 159

5.4.1.3 Construct validity 159

**5.4.2 Reliability** **160**

**5.5 TRUSTWORTHINESS OF THE QUALITATIVE RESEARCH** **163**

**5.5.1 Credibility** **163**

**5.5.2 Transferability** **165**

**5.5.3 Dependability** **165**

**5.5.4 Confirmability** **166**

**5.6 ETHICAL CONSIDERATIONS** **166**

**5.6.1 Addressing the ethical principles in Phase 2** **167**

**5.6.2 Addressing the ethical principles in Phase 3** **167**

**5.7 REFLECTIVE APPRAISAL OF THE RESEARCH DESIGN AND METHODS** **168**

**5.8 CONCLUSION** **170**

**CHAPTER 6: EVALUATING THE DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL**


**6.1 INTRODUCTION 171**

**6.2 EVALUATING THE STRATEGIC PLANNING PROCESS OF THE DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL (CCMM) 172**

**6.2.1 Importance 174**

**6.2.2 Compliance 175**

**6.3 EVALUATING THE CURRICULUM CHANGE MANAGEMENT PROCESS 179**

**6.3.1 The interlinked change management functions 180**

6.3.1.1 Creating a sense of urgency to change the curriculum 181

6.3.1.2 Building a curriculum change committee (CCC) that works effectively as a team 185

6.3.1.3 Empowering academic staff members for curriculum change 190

6.3.1.4 Identifying and celebrating short-term wins/milestones 198

6.3.1.5 Consolidating wins/milestones and creating more changes in the Faculty 200

6.3.1.6 Anchoring curriculum change in the Faculty's systems, practices, and organisational culture 206

**6.3.2 Continuous change management functions 208**

6.3.2.1 Communication 209

6.3.2.2 Considering the psychological impact of curriculum change on staff members 212

6.3.2.3 Addressing barriers to change 214

**6.4 EVALUATING THE CURRICULUM PLANNING PROCESS 216**

**6.4.1 Importance 217**

**6.4.2 Compliance 218**

**6.5 STRENGTHS OF THE ADOPTED CURRICULUM CHANGE PROCESS 224**

6.5.1 The curriculum change management process was consultative and inclusive, with numerous opportunities for input from stakeholders (S1) 225

6.5.2 The curriculum change leader (CCL) was very knowledgeable (S2) 226

6.5.3 Clear timelines enabled colleagues to know what was expected of them at specific times (S3) 227

6.5.4 The curriculum change process forced the faculty to develop and review appropriate policy documents (S4) 227

6.5.5 The curriculum change process mobilised academic staff members and created organisational energy (S5) 228

6.5.6 Conclusion 229

**6.6 WEAKNESSES OF THE ADOPTED CURRICULUM CHANGE PROCESS 229**

**6.6.1 The timing of the curriculum process was wrong (W1) 230**

**6.6.2 The Faculty did not address whether the UFS LLB should be seen as an academic degree or a qualification that prepares practice-ready graduates (W2) 232**

**6.6.3 Initial expectations of academic staff members are not met during the curriculum implementation phase (W3) 233**

**6.6.4 Radical changes in Faculty management impacted the continuity of the process (W4) 235**

**6.6.5 The time-lapse between developing and implementing the new curriculum caused academic staff members' innovative ideas to become a vague (W 5) 236**

**6.6.6 Conclusion 237**

**6.7 CONCLUSION 238**

**CHAPTER 7: CONCLUSION**

**7.1 INTRODUCTION 240**

**7.2 COMPILING THE FINAL LLB CURRICULUM CHANGE MANAGEMENT MODEL (FINAL LLB CCMM) 241**

**7.2.1 Combined prescriptive outlines (POs) 241**

**7.2.2 New prescriptive outlines (POs) 242**

**7.2.3 Adapted prescriptive outlines (POs) 244**

7.2.3.1 PO Al of the Draft LLB CCMM: Faculty management satisfactorily consults staff members on drafting the strategic plan for the faculty 245

7.2.3.2 PO A4 of the Draft LLB CCMM: Faculty management ensures that staff members support the vision, mission, LLB curriculum change objective and strategy in the strategic plan of the faculty 246

7.2.3.3 PO B4 of the Draft LLB CCMM: The CCL used the self-evaluation report and the Report on the External Institutional Review of the UFS LLB (2016) to motivate why and how the LLB curriculum had to change 246

7.2.3.4 PO B38 of the Draft LLB CCMM: Faculty management makes sufficient resources (time, money and human resources, information technology) available for implementing the new LLB curriculum 247

**7.2.4 Prescriptive outlines (POs) converted into recommended practices 247**

**7.3 THE STRUCTURE AND CONTENTS OF THE FINAL LLB CURRICULUM CHANGE MANAGEMENT MODEL (FINAL LLB CCMM) 248**

**7.4 LIMITATIONS 252**

**7.5 SIGNIFICANCE OF THE STUDY 253**

**7.5.1 The significance of the study towards curriculum change theory building 253**

**7.5.2 Practical value of the study 253**

**7.6 CONCLUDING REMARKS 254**

**BIBLIOGRAPHY 256**

**ANNEXURES 301**

# LIST OF TABLES


| | | PAGE |
|---|---|---|
| Table 2.1: | Graduation rates according to race for the 2008 to 2013 and 2010 to 2015 student cohorts | 29 |
| Table 2.2: | Cohort study for 2013 to 2018 first-time-entering UFS LLB students | 62 |
| Table 5.1: | Study participants: demographics | 149 |
| Table 5.2: | Summary of the reliability analysis of the nine subscales and the overall importance and compliance scales | 161 |
| Table 6.1: | Descriptive statistics of the importance and compliance scores for the POs related to the strategic planning process | 174 |
| Table 6.2: | Descriptive statistics of the importance and compliance scores for the POs related to creating a sense of urgency to change the curriculum | 181 |
| Table 6.3: | Descriptive statistics of the importance and compliance scores for the POs related to building a CCC that works effectively as a team | 185 |
| Table 6.4: | Descriptive statistics of the importance and compliance scores for the POs related to empowering academics for curriculum change | 190 |
| Table 6.5: | Descriptive statistics of the importance and compliance scores for the PO related to creating and celebrating short-term wins | 198 |
| Table 6.6: | Descriptive statistics of the importance and compliance scores for the POs related to consolidating wins and creating more changes in the Faculty | 200 |
| Table 6.7: | Descriptive statistics of the importance and compliance scores for the POs related to anchoring curriculum change in Faculty's systems, practices, and organisational culture | 209 |
| Table 6.8: | Descriptive statistics of the importance and compliance scores related to the continuous change management functions | 209 |
| Table 6.9: | Descriptive statistics of the importance and compliance scores for the POs related to the curriculum planning process | 217 |
| Table 6.10: | Top five strengths of the UFS curriculum change management process | 224 |
| Table 6.11: | Top five weaknesses of the UFS curriculum change management process | 230 |
| Table 7.1: | Combined POs in the Final LLB CCMM | 241 |
| Table 7.2: | Distribution of the 52 POs of the Final LLB CCMM among the three curriculum change process | 250 |

# LIST OF FIGURES

**PAGE**


**Figure 2.1: Racial composition of first-year LLB students at South African universities from 2010 to 2018** **27**

**Figure 2.2: Racial composition of LLB graduates at South African universities from 2010 to 2017** **28**

**Figure 2.3: Racial composition of newly admitted attorneys from 2010 to 2017** **30**

**Figure 2.4: Racial composition of practising attorneys in South Africa from 2010 to 2018** **31**

**Figure 2.5: Racial composition of practising advocates in South Africa from 2010 to 2018** **32**

**Figure 3.1: The three components of the curriculum and constructive alignment** **93**

**Figure 3.2: The nested approach to programme design** **99**

**Figure 4.1: The curriculum- and student-centred strategic planning model** **107**

**Figure 4.2: Kotter's eight-step model for successful large-scale change** **114**

**Figure 4.3: Conceptual framework for curriculum change** **136**

**Figure 5.1: Three-phased methodology employed in the study** **143**

**Figure 6.1: The strategic planning process** **173**

**Figure 6.2: The curriculum change management process** **180**

**Figure 6.3: The curriculum planning process** **216**

**Figure 7.1: Final LLB CCMM** **249**

# LIST OF ANNEXURES


| | | |
|---|---|---|
| **ANNEXURE 1:** | **CHRONOLOGY OF EVENTS** | **301** |
| **ANNEXURE 2:** | **DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL (LLB CCMM)** | **308** |
| **ANNEXURE 3:** | **QUESTIONNAIRE** | **314** |
| **ANNEXURE 4:** | **QUESTIONNAIRE INFORMATION SHEET** | **326** |
| **ANNEXURE 5:** | **FOCUS GROUP DISCUSSION GUIDE** | **331** |
| **ANNEXURE 6:** | **FOCUS GROUP INFORMATION SHEET** | **333** |
| **ANNEXURE 7:** | **FOCUS GROUP INFORMED CONSENT FORM** | **338** |
| **ANNEXURE 8:** | **UCT FACULTY OF LAW RESEARCH ETHICS COMMITTEE ETHICS CLEARANCE** | **339** |
| **ANNEXURE 9:** | **FACULTY OF HEALTH SCIENCE HUMAN RESEARCH ETHICS COMMITTEE ETHICS CLEARANCE** | **340** |
| **ANNEXURE 10:** | **UFS GENERAL/HUMAN RESEARCH ETHICS COMMITTEE ETHICS CLEARANCE** | **341** |
| **ANNEXURE 11:** | **FINAL LLB CURRICULUM CHANGE MANAGEMENT MODEL (LLB CCMM)** | **342** |

## FREQUENTLY USED LIST OF ABBREVIATIONS

| | |
|---|---|
| BA | Bachelor of Arts |
| BCom | Bachelor of Commerce |
| BIuris | *Baccalaureus Iuris* |
| BProc | *Baccalaureus Procurationis* |
| CCC | curriculum change committee |
| CCL | curriculum change leader |
| CCMM | curriculum change management model |
| CHE | Council on Higher Education |
| CMM | change management model |
| Constitution | Constitution of the Republic of South Africa, 1996 |
| COVID-19 | Coronavirus Disease |
| ECCC | executive curriculum change committee |
| Faculty | Faculty of Law, University of the Free State |
| HE | higher education |
| HEI | higher education insitution |
| HEQC | Higher Education Qualification Committee |
| HEQF | Higher Education Qualifications Framework |
| HEQSF | Higher Education Qualifications Sub-framework |
| IBE | International Bureau of Education |
| *LLB Qualification Standard* | *Qualification Standard for the Bachelor of Laws (LLB)* |
| LLB | Bachelor of Laws |
| LLM | Master's in Law |
| NGT | nominal group technique |
| NQF | National Qualifications Framework |
| PO | prescriptive outline |
| *Report on the National Review of the LLB* | *Report on the National Review of LLB State of the Provision of the Bachelor of Laws (LLB) Qualifications in South Africa* |
| SALDA | South African Law Deans' Association |
| SAQA | South African Qualifications Authority |
| SWOT analysis | Analysis of emerging strengths, weaknesses, opportunities and threats |
| UCT | University of Cape Town |
| UFS | University of the Free State |

# CHAPTER 1

# INTRODUCTION

## 1.1 INTRODUCTION

We live in an ever-changing world, and it appears that change confronts and affects every aspect of our lives. Furthermore, the velocity, extent, and complexity of change persist in increasing, and there is no sign of this process relenting. Inevitable changes in the twenty-first century confirm the wise words of the Greek philosopher, Heraclitus of Ephesus, more than 2 500 ago: 'Life is flux'. It means that we can be confident about only one constant in life: change will occur.[1]

Higher education (hereafter HE) is no stranger to change and certainly has not been immune to it. HE worldwide has recently been subjected to considerable pressure for change. Due to the accelerated pace of change within HE,[2] it has become increasingly difficult for higher education institutions (hereafter HEIs) to fulfil their developmental role of delivering qualified graduates, producing new knowledge, and understanding the nature of the main challenges that confront societies.[3]

Legal education has not been excluded from these demands to change. Scholars worldwide have reported on the crisis threatening legal education over recent years.[4] Authors in

---

1 Joshua J Mark 'Heraclitus of Ephesus' (2020), available at *https://www.ancient.eu/Heraclitus_of_Ephesos/*, accessed on 13 March 2021.

2 PwC 'The state of higher education: Challenges and opportunities in 2020' (2020) available at *https://www.pwc.com/us/en/industries/health-industries/library/higher-education-perspectives.html,* accessed on 16 February 2021.

3 Nico Cloete, Peter Maassen & Pundy Pillay 'The South African higher education system: Performance and policy' (2014) 39(8) *Studies in Higher Education* at 1.

4 See, for example, Richard L Abel 'You never want a serious crisis to go to waste: Reflections on the reform of legal education in the US, UK, and Australia' (2015) 22 *International Journal of the Legal Profession* 3; David Yellen 'Post-crisis legal education: Some premature thoughts' (2016) 66 *Syracuse Law Review* 523; Heather Perry Baxter 'At a crossroads: Where the indigent defense crisis and the legal education crisis intersect' (2016) 18 *Berkeley Journal of African-American Law & Policy* 25; William Michael Treanor et al 'The crisis in legal education' (2016) 69 *Bulletin of the American Academy of Arts and Sciences* 9; Masahiro Tanaka 'Japanese law schools in crisis: A Study on the employability of law school graduates' (2016) 3 *Asian Journal of Legal Education* 38; Dimitry Maleshin 'The crisis of Russian legal education in comparative perspective' (2017) 2 *Journal of Legal Education* 289; Mikhail N Kireev

specifically the United States of America,[5] the United Kingdom,[6] and Russia[7] do not equivocate that legal education needs to change.

Legal education in South Africa has not escaped the call for change.[8] Since the introduction of the South African four-year Bachelor of Laws (hereafter LLB) in 1998 (see section 2.3.1), legal education has been subjected to fierce critique by the judiciary,[9] legal practitioners,[10] representatives of the Law Society of South Africa and General Council of the Bar,[11] and law

---

'Foundational nature of morality within the value system of legal culture' (2019) 6 *Dilemas Contemporáneos: Educación, Política y Valore* 57; Rachel F Moran 'The three ages of modern American lawyering and the current crisis in the legal profession and legal education' (2019) 58 *Santa Clara Law Review* 45; Justin Simard 'The recurrent current crisis in legal education' (2020) *Willamette Law Review* 56; Debra Moss Vollweiler 'If you can't beat 'em, join 'em (virtually): Institutionally managing law students as consumers in a COVID world' (2020) 41 *Pace Law Review* 57; Morenike Saula 'Crisis-induced innovation in U.S. legal education' (2020) 69 *Journal of Legal Education* 689.

5 Eve Darian-Smith 'The crisis in legal education: Embracing ethnographic approaches to law' (2016) 7(2) *Transnational Legal Theory* 199; Yellen op cit note 4; Baxter op cit note 4; Treanor et al op cit note 4; Martha Minow 'Marking 200 years of legal education: Traditions of change, reasoned debate, and finding differences and commonalities' (2017) 130 *Harvard Law Review* 2279; Eli Wald 'The contextual problem of law schools' (2018) 32 *Notre Dame Journal of Law, Ethics & Public Policy* 281; Nicholas A Mirkay & Palma J Strand 'Disruptive leadership in legal education' (2019) 130 *Richmond Public Interest Law Review* 366; Moran op cit note 4; Saula op cit note 4; Simard op cit note 4; Vollweiler op cit note 4; Heather K Gerken 'Will legal education change post-2020?' (2021) 119 *Michigan Law Review* 1059.

6 Julian Webb et al 'The future of legal services education and training regulation in England and Wales' (2013) available at *https://letr.org.uk/wp-content/uploads/LETR-Report.pdf*, accessed on 13 March 2021; Janet Ching, et al 'Legal education & training review: A five-year retro/prospective' (2018) 52 *The Law Teacher* 384.

7 Maleshin op cit note 4; Kireev op cit note 4.

8 Penelope Andrews 'Race, inclusiveness and transformation of legal education in South Africa' in Rosalind Dixon & Theunis Roux (eds) *Constitutional Triumphs, Constitutional Disappointments: A Critical Assessment of the 1996 South African Constitution's Local and International Influence*' (2018) at 25.

9 See, for example Pericles Anetos 'Judge Ngoepe calls for "genuine" postgraduate LLB degree to make comeback' (2007) available at *http://www.bdlive.co.za/national/law/2014/08/15/judge-ngoepe-calls-for-genuine-postgraduate-llbdegree-to-make-comeback?service=print*, accessed on 10 May 2015; Phineas Mojapelo 'Transformation, independence and poor "products" of the LLB' (2012) 101 *De Rebus* 56; Acting Justice LO Bosielo address to the LLB summit: 'Crisis in legal education' 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_amended.pdf,* accessed on 15 May 2015; Dennis Davis 'Legal transformation and legal education: Congruence or conflict?' 2015 *Acta Juridica* 172.

10 See, for example, Abraham Klaasen 'From theoretician to practician: Can legal education equip students with the essential professional skills needed in practice?' (2012) 19 *International Journal of Humanities and Social Science* at 301; PPS 'SA attorneys' lose confidence in their profession: survey' *(*2012), available at *https://www.pps.co.za/portal/docs/PR/Attorneys%20PCI%20(Q3)%20survey%20-%2017%20Jan%202013.pdf*, accessed on 14 May 2015; Angelo Pantazis 'The LLB' (2013) 26 *Advocate* at 22; Carmel van Niekerk 'The four-year undergraduate LLB: where to from here?' (2013) 34 *Obiter* 533.

11 See, for example, Philip van der Merwe 'The trouble with LLB graduates…' (2007) April *De Rebus* 2; Andile Ndlovo 'Law graduates "barely able to read"' (2010) available at *http://www.timeslive.co.za/local/2010/02/22/law-graduates-barely-able-toread?service=print*, accessed on 8 May 2015; Nic Swart 'Faculties have to address quality of training, which places a huge burden on the profession' (2010) available at *http://mg.co.za/article/2010-12-23-graduate-attorney-skills-gapGraduateattorney skills gap*, accessed on 30 November 2022; Nomfundo Manyathi 'South Africa LLB under investigation' (2010) April *De Rebus* at 8; Nicola Jenvey 'South Africa: Low-skilled lawyers prompt

academics[12] (see section 2.3.2). The critique culminated in the National Review of the LLB undertaken by the Higher Education Quality Committee (hereafter HEQC) of the Council on Higher Education (hereafter CHE) from 2015 to 2018 (see section 2.3.3.3).[13] The chronology in Annexure 1 arranges the events relevant to this study in the order of their occurrence.

In November 2018, the findings of the National Review of the LLB were published in the *State of the Provision of the Bachelor of Laws (LLB) Qualifications in South Africa* (hereafter *Report on the National Review of LLB)*.[14] The Report suggested 'wide-ranging curriculum reform' and stated that 'it is doubtful whether the four-year first degree LLB programme is 'fit-for-purpose'. [15] It proposed that The Department of Higher Education and Training, in consultation with all relevant stakeholders, extend the minimum duration of the LLB by an additional year.[16] The proposal was based on the complexity of the work that should be covered, the inability to develop the required graduate attributes in only four years,[17] and cohort studies indicating that students' graduation rates improved if they had studied longer than the minimum four-year period.[18] Should it be decided to extend the LLB by one year, all

---

calls for law degree reform' (2013) available at *http://www.universityworldnews.com/article.php?story=20130613155812925&mode=print*, accessed on 30 November 2022; Law Society of South Africa 'LSSA calls on CHE to consult the legal profession on issues related to the LLB degree' (2017) available at *https://www.lssa.org.za/press-releases/lssa-calls-on-council-on-higher-education-to-consult-the-legal-profession-on-issues-related-to-the-llb-degree-2*,accessed on 14 November 2022.

12 See, for example, Susan Scott 'Knowledge production and transmission in a changing society: Challenges facing law lecturers in a distance education environment in South Africa' (2006) 20 *South African Journal on Higher Education* at 731; Lesley Greenbaum 'Current issues in legal education: A comparative review' (2012) 23 *Stellenbosch Law Review* at 17; Karen van Marle & Joel Modiri 'What does changing the world entail? Law, critique and legal education in the time of post-apartheid' (2012) *South African Law Journal* at 212; Joel Modiri 'The crises in legal education'(2014) 46 *Acta Academica* at 1; Andrea Bauling 'Towards 'A sound pedagogy in law: A constitutionally informed dissertation as capstone course in the LLB degree programme' (2017) 20 *Potchefstroom Electronic Law Journal* at 3; Desia Colgan, Wesah Domingo & Helen Papacostantis 'Change to a skills-based LLB Curriculum: A qualitative study of participants in a family law course' (2017) 20 *Potchefstroom Electronic Law Journal* at 3.

13 CHE *Report on the National Review of LLB Programmes in South Africa* (2018) 4.

14 Ibid.

15 Ibid at 50.

16 Ibid at 50-51. Also, on 29 May 2013, the South African Law Deans' Association, the Law Society of South Africa and General Council of the Bar issued a joint statement in terms of which they confirmed that substantial consensus was reached to extend the four-year LLB to five years. However, no progress has been made in this regard. See SALDA, Law Society of South Africa & General Council of the Bar 'Joint statement: LLB summit charts the way forward' (2014) available at *http://www.lssa.org.za/upload/JOINT%20PRESS%20STATEMENT%20ON%20LLB%20SUMMIT%206_6_13.pdf*, accessed on 14 August 2014.

17 The graduate attributes that LLB graduates should possess are prescribed by the *LLB Qualification Standard.* See section 2.3.2.

18 See Table 2.1 in section 2.2.2 and Table 2.2 in section 2.4.1.

universities offering a four-year LLB will have to engage in comprehensive curriculum change by developing new five-year LLB curricula as a minimum requirement.

Furthermore, the dynamic nature of the HE curriculum,[19] coupled with the law and its interrelatedness with the economic, political, cultural, social and cultural contexts,[20] implies that curriculum development or revision should never be perceived as a once-off exercise. Therefore, complying with the curriculum change recommendations of the *Report on the National Review of the LLB*[21] does not guarantee that future curriculum changes will not be required. Internal or external LLB reviews may, within a few years, require a comprehensive review of the LLB curricula of these HEIs. One can also argue that some institutions made knee-jerk changes to their LLB curricula to comply with the requirements of the *Higher Education Qualifications Sub-framework* (hereafter HEQSF).[22] Before the National Review of the LLB, HEIS might have made rushed and piecemeal changes to their LLB curricula to comply with the *Qualification Standard for the Bachelor of Laws (LLB)* (hereafter *LLB Qualification Standard*).[23] Based on the recommendations of the National Review of the LLB, HEIs might have committed to minor changes to their LLB curricula merely to retain their accreditation. However, in the long-run, comprehensive LLB curriculum changes may yet be required.

Considering the multifaceted nature of the curriculum and curriculum change/development, HEIs require practical tools and strategies to assist them in dealing with curriculum reform.[24] Change management models (hereafter CMMs) have significantly assisted HEIs in revising or reflecting on curriculum change (see section 4.3). However, such models to facilitate law curricular change are unavailable nationally and internationally. In this study, the central focus is on developing an LLB CCM for facilitating comprehensive curriculum change of the LLB at universities in South Africa. This model can assist HEIs in realising the curriculum reform

---

19 Also see Ralph W Tyler *Basic Principles of Curriculum and Instruction* (2013) at 123.
20 CHE *Qualification Standard for the Bachelor of Laws (LLB)* (2015) at 9.
21 CHE op cit note 13 at 50.
22 The effects of the HEQSF on curriculum change are described in section 3.4.2.
23 CHE op cit note 20. The implications of this Standard on the LLB curriculum are highlighted in section 2.3.3.2 (iii).
24 Judy McKimm & Paul Kneath Jones 'Twelve tips for applying change models to curriculum design, development' (2018) 40 *Medical Teacher* at 253.

recommendations of the *Report on the National Review of the LLB* regarding curriculum development.[25]

A curriculum change management model (herafter CCMM), for the purposes of this study, comprises guidelines/strategies/prescriptive outlines (hereafter POs) for facilitating comprehensive curriculum change at South African universities. Implementing these POs can assist law faculties[26] in creating a climate for curriculum change and can enable faculties to carry out and sustain such change.[27] Each of these POs is supplemented with recommended practices for complying with the outlines.

This chapter provides more specific background perspectives, which inform the research problem, research questions, research purpose and objectives, and research methods and methodology for the study. I declare my insider researcher position and describe the demarcation of the field of research and the report's structure. For the purposes of this study, curriculum change is synonymous with curriculum development, curriculum reform and curriculum innovation.

## 1.2 BACKGROUND PERSPECTIVES

At the end of 2014, the Faculty of Law, University of the Free State (hereafter Faculty), was confronted with two critical issues. First, the dire crisis that South African legal education faced (see section 2.3.2). Secondly, the requirement to align its four-year LLB with the HEQSF, promulgated in terms of the Higher Education Act 101 of 1997 (see section 2.4).[28] The Faculty could have made technical, minor changes, or alternatively, radical changes to its LLB curriculum.[29] Following 12 informal focus group discussions with employers, alumni, students, and law academics (see section 2.4.2), the Faculty Board adopted a resolution in April 2015 to make radical changes to the LLB programme and replace it with a newly

---

25 CHE op cit note 13 at 50.
26 The term 'law faculty/faculties' and 'law school/schools' are regarded as synonymous for the purposes of this study.
27 See section 4.3
28 The Higher Education Qualifications Framework (GN 928 in *GG* 30353 of 5 October 2007).
29 CHE *Higher Education Qualification Framework Handbook* (2011) at 8.

developed curriculum. The decision required implementing a comprehensive curriculum change strategy that had to be driven by an academic manager.[30]

I took responsibility for managing the comprehensive LLB curriculum change. The prospect interested and excited me. I knew that the LLB curriculum change project would be a major task. Consistent with scholars' observations, I realised that HE curriculum change was challenging, multifaceted and complex.[31] Also, managing the process was tedious, sometimes frustrating, and notoriously difficult. It requires considerable time and effort.[32] Managing law curriculum change can be even more demanding than managing business change. These challenges can be attributed to the culture of law schools, which has been described as non-collaborative,[33] conformist, conservative,[34] resistant to change, non-adaptive[35] and static.[36] In addition, law academics usually do not have qualifications in education and find the idea of curriculum change 'frightening'.[37] Changing a curriculum requires that more role players be consulted; it demands a higher level of participative decision-making and staff member consultation; and finally, it requires approval at various institutional levels. Furthermore, the law curriculum has to balance the often conflicting ideas of role players, which include government, university structures, academics, legal practitioners, graduates and students.[38] The law curriculum also has to cater to the needs of a wide range of career opportunities for graduates (see section 2.3.3.2 ii).

---

30 Anette Kolmos, Roger G Hadgraft & Jette Egelund Holgaard, 'Response strategies for curriculum change in engineering' (2016) 26 *International Journal of Technology and Design Education* at 396.

31 Patricia M Dwyer 'Transforming a core curriculum – and minimizing the battle scars' (2017) 103 *Liberal Education* at 46. Also see Maureen Snow Andrade 'Innovations in higher education in a responsive higher education curriculum: Change and disruptive innovations in higher education' in Dominique Parrish and Joanne Joyce-McCoach (eds) *Higher Education – Cases on Transforming and Advancing Practice* (2020), available at *https://www.intechopen.com/chapters/63117*, accessed on 9 November 2022; Trevor Gibbs 'Curriculum development: A dynamic change inside the chrysalis' (2018) 40 *Medical Teacher* at 435.

32 Harry Hubball et al 'Supporting the implementation of externally generated learning outcomes and learning-centered curriculum development: An integrated framework' in Peter Wolf & Julia Christensen Hughes (eds) *New Directions for Higher Education: Curriculum Development in Higher Education: Faculty-driven Processes and Practices* (2007) at 101.

33 Michael I Meyerson 'Law school culture and the lost art of collaboration: Why don't law professors play well with others' (2015) 93 *Nebraska Law Review* at 547.

34 Steven C Bennett 'When will law school change' (2010) 87 *Nebraska Law Review* at 104.

35 Susan Sturm & Lani Guinier 'The law school matrix: Reforming legal education in a culture of competition and conformity' (2007) 60 *Vanderbilt Law Review* at 520.

36 Edward Rubin 'The future and legal education: Are law schools failing and, if so, how?' (2014) 39 *Law & Social Inquiry* at 500.

37 David P Sklar 'Implementing curriculum change: Choosing strategies, overcoming resistance, and embracing values' (2018) 93 *Academic Medicine* at 1424.

38 MJ Dednam 'Knowledge, skills and values: Balancing legal education at a transforming law faculty in South Africa' (2012) 26 *South African Journal of Higher Education* at 926-927.

It was evident that the magnitude of the change would add significant complexity to the curriculum development process. HEIs usually make minor changes to their curricula.[39] A minor curriculum change strategy does not modify the curriculum structure. It usually adds new modules to the curriculum and is also known as an add-on[40] or additive[41] curriculum change strategy. The minor change strategy can also tweak, rename or change the sequence of existing modules.

In the seminal review of American and Canadian legal education, Sullivan et al criticised the 'additive' strategy for law curriculum change as follows:[42]

> [E]fforts to improve legal education have been more piecemeal than comprehensive. Few schools have made the overall practices and effects of their educational effort a subject for serious study. Too few have attempted to address these inadequacies on a systemic basis …. To a significant degree … [we] have treated the major components of legal education in an *additive* way, not an integrated way.

I believe that most South African law faculties[43] adopted minor or 'piecemeal' curriculum change strategies in response to the HEQSF and the National Review of the LLB. For the purposes of this study, changes of less than 50 per cent of the design/degree, which aim to tweak the curriculum, are regarded as minor or piecemeal changes. Comprehensive curriculum change implies that 50 per cent, or more of a curriculum, has been/is being changed: this effectively implies the development of a new curriculum. Personal communication with Olivia Mokgatle, Director of the Directorate of National and Reviews at the CHE, confirmed that during the HEQSF alignment process (see section 2.4), most universities indicated that their LLB programmes required minor changes of less than 50 per cent. A few stated that their LLB programmes needed no changes.[44] The University of the Free State (hereafter UFS) was the only university to acknowledge that its LLB curriculum

---

39 Kolmos, Hadgraft & Holgaard, op cit note 30 at 396.

40 Ibid.

41 William M Sullivan et al *Educating Lawyers: Preparation for the Profession of Law* (2007) at 190.

42 Ibid. The Carnegie Report criticises the following viewpoint that MacCrate et al made in their report titled '*Legal Education and Professional Development: An Education Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap' (*1992): 'Providing additional classroom coverage of professionalism issues will not be an easy task. Law school curriculum reform is a tedious and often frustrating task and seems to work best when modest changes are made at the margin by adding one or two additional courses'.

43 'Law faculties' and 'law schools' are considered as synonymous for the purposes of this study.

44 Olivia Mokgatle (2022) personal communication, 26 October.

needed to be replaced by a new one. The Faculty aimed to follow a curriculum change process that Kift described as 'systematic, coherent and comprehensive'.[45] The comprehensive curriculum change strategy that the Faculty had in mind called for an 'integrative' rather than an 'additive' or 'piecemeal' approach to curriculum change.[46] It required the mapping and integration of graduate attributes across the different modules of the curriculum.[47] The emphasis was on integration and how the parts of the curriculum fit together.[48] It demanded changes to the curriculum structure and a complete rebuilding of the curriculum.[49]

Institutions or faculties are usually hesitant to adopt a comprehensive curriculum change strategy.[50] It is time-consuming and complex, it requires widespread participation of departments and employees who do not usually work together,[51] and passive resistance to change is often evident.[52] Consequently, comprehensive curriculum change often leaves 'battle scars' on those involved in the process.[53]

I have a pragmatist worldview with a strong drive towards problem-solving, action and results.[54] I explored 'the most efficient means to an end' during the curriculum change management process.[55] I aspired to achieve practical and functional solutions to problems and acted in a 'commonsensical' way to get the new LLB curriculum developed through compromise and flexibility.[56]

---

45 Sally Kift '21st Century climate for change: Curriculum design for quality learning engagement in law' (2008) 18 *Legal Education Review* at 16.
46 Sullivan et al op cit note 41 at 191.
47 Kift op cit note 45 at 17.
48 Shawn L Oliver & Eunsook Hyun 'Comprehensive curriculum reform in higher education: Collaborative engagement of faculty and administrators' (2011) 2 *Journal of Case Studies in Education* at 1.
49 Dwyer op cit note 31.
50 Oliver & Hyun op cit note 48 at 3; Kolmos, Hadgraft & Holgaard op cit note 30 at 396.
51 Allan R Cohen, Michael Fetters & Fritz Fleischmann 'Major change at Babson College: Curricular and administrative, planned and otherwise' (2005) 7 *Advances in Developing Human Resources* at 328-329. Oliver & Hyun op cit note 48 at 4.
52 Cohen, Fetters & Fleischmann op cit note 51 at 327.
53 Dwyer op cit note 31.
54 See Chris Ansell & Arjen Boin 'Taming deep uncertainty: The potential of pragmatist principles for understanding and improving strategic crisis management' (2019) 51 *Administration & Society* at 1085.
55 See Bente Elkjaer 'Pragmatism: A learning theory for the future' in Knud Illeris (ed) *Contemporary Theories of Learning: Learning Theorists... Their Own Words* (2009) at 75.
56 See Ansell & Boin op cit note 54.

Approximately three years after the Faculty Board's decision on 21 April 2015 to comprehensively change the UFS LLB, the HEQC accredited a newly developed LLB on 19 November 2018.[57] The first year of the new LLB was introduced in 2020. In this study, I will refer to the LLB programme/qualification/curriculum implemented in 1998 (see section 1.6.5), and that had to be phased out as 'the old LLB programme/qualification/ curriculum' and the LLB developed and introduced in 2020 as 'the new LLB programme/ qualification/curriculum'.

Although most staff members and the leadership of the Faculty congratulated me on the success of the comprehensive curriculum change process, I also became anecdotally aware of some discontent among a small minority of staff members about the process that I had followed. The informal and conflicting views inspired me to critically reflect on the curriculum change management process I had pursued. Considering the above and the curriculum reform recommendations in the *Report on the National Review of the LLB*,[58] I began contemplating the nature of a CCMM that would facilitate comprehensive LLB curriculum change at South African universities.

## 1.3 RESEARCH PROBLEM

A significant determinant of curriculum change is the process employed to drive change.[59] Although a substantial body of research on curriculum change has been published in various disciplines over the last decade, a literature search revealed limited research on managing comprehensive curriculum change.[60] Instead, research studies tend to focus on evaluating the content, outcomes, changes in practice, the role of mentors, community experience, and changes in philosophy following the introduction of a new curriculum.[61]

I became aware that the literature supports the efficacy of CMMs in curriculum development. Numerous scholars have adopted CMMs, especially Kotter's eight-stage process for

---

57 CHE *Accreditation Status Update: LLB (LLB) Programme* (2019) A copy of the report is available from the researcher.

58 CHE op cit note 13 at 50.

59 Diane Wentworth, Scott J Behson & Catherine L Kelley 'Implementing a new student evaluation of teaching system using the Kotter change model' (2020) 45 *Studies in Higher Education* at 511.

60 Barbara de la Harpe & Ian Thomas 'Curriculum change in universities: Conditions that facilitate education for sustainable development' (2009) 3 *Journal of Education for Sustainable Development* at 78.

61 Ibid.

successful large-scale change,[62] to revise or reflect on HE curriculum change (see section 4.3).[63] Despite their popularity and practical use, CMMs tend to explain what needs to be done, but fail to include critical reflection on their suitability, the change process, and how they should be implemented in practice.[64] The models provide broad guidelines for managing change, but are not sufficiently detailed to stipulate what needs to be done to effect change. For example, Kotter's CMM provides eight steps for change,[65] but does not provide details of the actions required to manage curriculum change. Scholars suggest that CMMs require more significant validation through application in different institutions, industries and cultures.[66] Consequently, scholars have recommended that HE change leaders adapt CMMs to their particular contexts and environments and document their processes.[67] This is what I intended to do in this study.

Although some disciplines have employed CMMs to assist in managing curriculum change effectively,[68] a literature search did not reveal any studies or examples of the incorporation of CMMs in research on the development of law curricula, neither internationally nor nationally. I then searched for studies on how to change law degrees comprehensively. Despite the increased demand to change law curricula nationally and internationally, a literature search identified only one study in 1989 dealing with the procedures followed to

---

62 John P Kotter *Leading Change* (1996).

63 See, for example, Tilo Pfeifer, Robert Schmitt & Thorsten Voigt 'Managing change: Quality-oriented design of strategic change processes (2005) 17 *The TQM Magazine* 297*;* Yvonne Steinert et al 'Faculty development as an instrument of change: A case study on teaching professionalism' (2007) 82 *Academic Medicine* 1057*;* De la Harpe & Thomas op cit 60; P Kadagad, et al 'Restructuring an undergraduate dental curriculum to global standards – a case study in an Indian dental school' (2012) 16 *European Journal of Dental Education* 97; Keith A Nitta et al 'Leading change of a school district reorganization' (2014) 3 *Public Performance & Management Review* 465; Mary RC Haas et al 'Didactics revolution: Applying Kotter's 8-step change management model to residency didactics' (2020) 1 *Western Journal of Emergency Medicine* 65.

64 Pfeifer, Schmitt & Voigt op cit note 63; Andrés B Raineri 'Change management practices: Impact on perceived change results' (2011) 64 *Journal of Business Research* at 267; Steven H Appelbaum et al 'Back to the future: Revisiting Kotter's 1996 change model' (2012) 31 *Journal of Management Development* at 775; Julien Pollack & Rachel Pollack 'Using Kotter's Eight Stage Process to manage an organisational change program: Presentation and practice' 28 (2015) *Systemic Practice and Action Research* at 54.

65 Kotter op cit note 62.

66 Appelbaum et al op cit note 64 at 776; Pollack & Pollack op cit note 64 at 64.

67 Peter E Sidorko 'Transforming library and higher education support services: Can change models help?' 29 (2005) *Library Management* at 316; Wentworth, Behson & Kelley op cit note 59 at 521.

68 Sidorko op cit note 67 at 316.

reform a law curriculum.[69] Others dealt with piecemeal changes to the law curriculum.[70] Consequently, there are gaps and limitations regarding theory and research on managing comprehensive curriculum change in legal education.

## 1.4 RESEARCH QUESTIONS

It was against the background of the research problem that I formulated the main research question of this study, namely: 'What is the nature of a CCMM for facilitating comprehensive LLB curriculum change at South African universities?' With the main research question as the focus of the study, five subsidiary questions guided the development of such a CCMM:

① What unique contextual factors and challenges inform LLB curriculum change and the development of a Draft LLB CCMM for facilitating comprehensive LLB curriculum change at South African universities? (Chapters 1 and 2)

② How can the notions of curriculum, curriculum planning and change management be conceptualised (and understood) in this study and what are the implications thereof on LLB curriculum change and the development of a Draft LLB CCMM? (Chapter 3)

③ What is the nature of the POs of a Draft LLB CMM that can potentially facilitate comprehensive LLB curriculum change at South African universities? (Chapter 4 and Annexure 2)

④ What is the nature of the POs that law academics regard as important for facilitating curriculum change? (Chapter 6)

⑤ What is the nature of the practices that can be implemented to comply with the POs identified in the previous research question? (Chapter 6)

---

69 Neil P Cohen 'Process of curriculum reform' (1989) 4 *Journal of Legal Education* at 535. The study did not make use of a CCMM.

70 See, for example, Rosa Kim 'Globalizing the law curriculum for twenty-first-century lawyering' (2018) 67 *Journal of Legal Education* 905; Michael Douglas 'Integrating private international law into the Australian law curriculum' (2020) 44 Melbourne *University Law Review* 98; Michelle Burgis-Kasthala & Christine Schwobel-Patel 'Against coloniality in the international law curriculum: Examining decoloniality' (2022) 54 *The Law Teacher* 1; Sonia Gipson Rankin 'What's (race in) the law got to do with it: Incorporating race in legal curriculum' (2022) 54 *Connecticut Law Review* 923; Victoria Chase & Ann E Freedman 'Reframing family law: Using narratively-informed lawyering to build an inclusive curriculum' 60(2022) *Family Court Review* 669.

## 1.5 RESEARCH PURPOSE AND OBJECTIVES

I formulated the study's purpose: 'To propose a CCMM that will facilitate comprehensive LLB curriculum change at South African universities.'

In realising the purpose of the study, I pursued the following objectives:

① To undertake a literature review to contextualise (Chapters 1 and 2)[71] and provide a conceptual framework for the study (Chapters 3 and 4);[72]
② To compile, from a literature review, a Draft LLB CCMM (Chapter 4 and Annexure 2);[73] and
③ To evaluate, using a questionnaire and a focus group discussion, the importance of the POs of the Draft LLB CCMM (Chapter 6) in order to identify the POs that had to be included in the Final LLB CCMM;[74] and
④ To evaluate, using a questionnaire and a focus group discussion, the compliance with the UFS curriculum change process against the POs of the Draft LLB CCMM (Chapter 6) in an attempt to identify the recommended practices for incorporation into the Final LLB CCMM.[75]

## 1.6 RESEARCH METHODOLOGY AND METHODS

A mixed methods research design was adopted. Figure 5.1 provides a schematic presentation of the three-phased methodology of the study, while section 5.3 discusses the three phases in detail.

The first phase of the study involved the development of POs from literature reviews on the context of the study (Chapter 2), curriculum and curriculum planning theory (Chapter 3) and change management theory (Chapter 4). The POs that I extracted from the literature reviews

---

71 See research question 1.
72 See research question 2.
73 See research question 3.
74 See research question 4.
75 See research question 5.

and my own knowledge and experience in curriculum change and legal education assisted me in proposing a Draft LLB CCMM consisting of 61 POs in Annexure 2. The Draft LLB CCMM concluded the first phase of the study and consisted of three processes: strategic planning, curriculum change management and curriculum planning.

To ensure that the Final LLB CCMM was not too elaborate and a workable/practicable framework for facilitating LLB curriculum change at South African universities, I administered a quantitative questionnaire in Phase 2 of the study. The questionnaire was based on the 61 POs of the Draft LLB CCMM. A total of 28 UFS law academics rated each of the 61 POs in terms of its *importance* for facilitating curriculum change and the *compliance* of the UFS curriculum change with each of the POs.

The Final LLB CCMM was not developed specifically for the UFS but for facilitating LLB curriculum change at South African universities. However, the research methods of the study are based on UFS academics' experience of the comprehensive LLB curriculum change process that took place in the Faculty. Based on their experience of comprehensive curriculum change, UFS academics had the knowledge of hindsight to evaluate the importance of the POs of the Draft LLB CCMM for facilitating curriculum change at any South African university. Also, they were in an ideal position to evaluate whether the practices employed during the UFS curriculum change process led to compliance with the POs of the Draft LLB CCMM.

To ensure that the Final LLB CCMM would not be too elaborate, I included only those POs in the Final LLB CCMM that met specific quantitative criteria regarding importance (see section 5.3.2.1). Furthermore, specific quantitative criteria were set for compliance of the UFS curriculum change process with the POs (see section 5.3.2.1). If the UFS curriculum change process complied with the POs of the Draft LLB, it was deemed that other universities would also be able to do so.

I reflected on the initiatives and practices implemented during the UFS curriculum change process to explain why specific POs met the minimum compliance criteria. It led to recommended practices for complying with the POs of the Draft LLB CCMM. The literature and a reflective appraisal assisted me in gaining insight into what could have been done differently for those POs not meeting the minimum compliance criteria. The focus group

discussion also assisted in this regard (see section 5.3.3). I incorporated into the Final LLB CCMM the insights gained from my reflective appraisal, literature and the focus group discussion. In the last phase, I refined the Final LLB CCMM using the nominal group technique (hereafter NGT) during a focus group discussion (see section 5.3.3).

## 1.7 THE RESEARCHER'S EXPERIENCE AND EXPERTISE AND INSIDER-RESEARCHER POSITION

Although I am an admitted advocate of the High Court of South Africa, I was introduced to the world of hospitality education when I was appointed as lecturer in hospitality law at the Central University of Technology, Free State (formerly known as the Technikon Free State) in 1994. My interest in curriculum change was ignited when I served on the national task team developing the National Diploma and Bachelor of Technology in Hospitality Management in 2000. My interest in curriculum change gained momentum when I assisted the Leratholi Polytechnic (Lesotho) with curriculum development and served as the South African project leader for the Netherlands Organisation for International Cooperation in Higher Education (NUFFIC) in 2010 and 2011. The latter project aimed at HE capacity building and curriculum development at six Ethiopian universities in partnership with the Vrije University of Amsterdam (the Netherlands) and the Katolieke Universiteit of Leuven (Belgium).

In 2011, I returned to my roots by joining the Faculty. Since my appointment, I have served in various leadership capacities linked to curriculum change and innovation: (i) Programme Director: Teaching and Learning (2012 to 2018), (ii) Programme Director: LLB (2013 to 2018), (iii) Head of Department: Mercantile Law (2016 to 2018), and Acting/Vice-Dean (2016 to 2019). Furthermore, I served as a member of the Faculty and UFS Senate's Teaching and Learning Committees for many years. I graduated with a PhD in Higher Education Studies in 2012 [76] and have published seven articles specifically on teaching and learning and curriculum development in national and international journals accredited by the Department of Higher Education.[77]

---

[76] The title of my PhD dissertation was 'Competence Directives for enhancing the Employability of Hospitality Management Graduates in South Africa'.

[77] Hermanus Johannes Moolman & Annette Wilkinson' Essential generic attributes for enhancing the employability of hospitality management graduates' (2013) 62 *Tourism* 257; HJ Moolman & A Wilkinson 'Do hospitality management curricula at public higher education institutions in South Africa comply with a

On a national level, I served on the LLB Standards Development Working Group from 2013 to 2015 (see section 2.2.3.2). The Group consisted of 11 academics from different South African HEIs and was responsible for drafting the *LLB Qualification Standard*.[78] I also served on the CHE's LLB National Review Reference Group in 2015 (see section 3.3.3.4). The functions of this Group were, among other things, to define the scope of the National Review of the LLB and conduct site visits at institutions offering the LLB.[79] Since the conclusion of the National Review of the LLB in 2016, I have conducted seven programme reviews for the CHE up to and including 2022. These were all law-related and were not LLB programmes.

It is important to disclose fully my position as an 'insider-researcher'.[80] My positionality and interpretation of the data were informed by my knowledge, experience and expertise described above. My assumptions as a White, 55-year-old Afrikaans-speaking South African male also played a role.

My immersion in legal education, curriculum development and management was beneficial. It equipped me with the necessary background knowledge and understanding to interpret the data in context. My insider-researcher position meant I was familiar with the institution (UFS) and the participants (UFS law academics) identified in section 5.3.2.3 As an employee of the

---

research-based competence framework?' (2015) 13 *Journal for New Generation Sciences* 80; Elsie Sophia van der Walt, Zorada Hattingh & Hermanus Johannes Moolman 'The impact of academic variables on the study experience of second year Hospitality Management students at selected South African higher education institutions' (2016) 5 *African Journal of Hospitality, Tourism and Leisure* 1' Elsie Sophia van der Walt, Zorada Hattingh & Hermanus Johannes Moolman 'The impact of non-academic variables on the study experience of second year hospitality management students at selected South African higher education institutions' (2016) 5 *African Journal of Hospitality, Tourism and Leisure* 1; Elsie Sophia van der Walt, Zorada Hattingh & Hermanus Johannes Moolman 'The impact of socio-demographic variables on the study experience of second year hospitality management students at selected South African higher education institutions' (2017) 6 *African Journal of Hospitality, Tourism and Leisure* 6(4) 1; Hermanus Moolman 'A conceptual competence-based framework for enhancing the employability of graduates' (2017) 12 *The Independent Journal of Teaching and Learning* 26; Hermanus Moolman & Adri Du Plessis 'Key considerations for residential universities intending to offer a distance tuition LLB' (2021) 24 *Potchefstroom Electronic Law Journal* 1.

78 CHE op cit note 20. Also see section 2.3.3.3.

79 CHE *National Review Manual: Bachelor of Laws (LLB)* (2015).

80 Barbara Workman '"Casing the joint": Explorations by the insider-researcher preparing for work-based projects (2007) 19 *Journal of Workplace Learning* at 146; Fiona McDermid et al *Conducting qualitative research in the context of pre-existing peer and collegial relationships* (2014) 21 *Nurse Researcher* at 28; Ilana Finefter-Rosenbluh 'Incorporating perspective taking in reflexivity: A method to enhance insider qualitative research processes' (2017) 16 *International Journal of Qualitative Methods* at 1; Jenny Fleming 'Recognizing and resolving the challenges of being an insider researcher in work-integrated learning' (2018) 19 International *Journal of Work-Integrated Learning* at 311; Grace Chammas 'The insider-researcher status: A challenge for social work practice research' (2020) 25 *The Qualitative Report* at 537.

UFS, I had already developed an understanding and awareness of the institution.[81] My pre-existing relationships with the participants were advantageous and created a sense of familiarity, respect and acceptance.[82]

However, I realised that my personal background, subjectivities, and extensive involvement in the LLB curriculum change process/project could have created a particular bias. As suggested by scholars,[83] I engaged in reflexive processes by self-evaluating my subjectivity throughout the study. Furthermore, several strategies were employed to ensure the study's validity, reliability and trustworthiness (see sections 5.4 and 5.5). Since my resignation as Vice-Dean in 2019, I have not been in any managerial position at the UFS. Furthermore, the outcome of this study will not benefit me personally.

Exploring the position of the insider-researcher requires a contextualisation of the field(s) related to the research. The following section demarcates the field of the study.

## 1.8 DEMARCATION OF THE FIELD OF THE STUDY

Demarcating the research problem provides focus and direction to any proposed research activity.[84] The study concerns two fields of study. First, the study finds application in the field of law. Secondly, it falls within the field of HE Studies. Tight identified eight key themes in HE research.[85] This study shows elements of the course design theme, which includes curriculum development.

This study's scope is limited to South Africa and developing a comprehensive CCMM for the LLB. Proposing a new UFS LLB curriculum and the informal studies conducted during the change process[86] do not fall within the scope of this study.

---

81 Also see McDermid et al op cit note 80 at 29.
82 Also see McDermid et al op cit note 80 at 29.
83 Workman op cit note 80 at 148; Finefter-Rosenbluh op cit note 80; Fleming op cit not 80 at 318-319.
84 Wayne Goddard & Stuart Melville *Research Methodology: An Introduction 2* ed (2001) at 12-16.
85 Malcolm Tight *Researching Higher Education*. 2ed (2012) at 5-7.
86 For example, the 12 informal focus group discussions with employers, alumni, students, and law academics (see section 2.4.2), discussions with academics on the preparation of the self-evaluation reports for the External Institutional Review of the UFS LLB and National Review of the LLB (section 6.?) do not fall within the scope of the study. Also, the informal survey to gain students and academics' perceptions of the learning time that the average student requires to achieve the learning outcomes of

## 1.9 STRUCTURE OF THE REPORT

Chapter 2 investigates the unique contextual factors and challenges that inform LLB curriculum change and the development of a Draft LLB CCMM. The three contexts explored are the HE landscape, the South African legal education context and the UFS context.

Chapter 3 explores how the concepts of curriculum and curriculum planning can be understood in this study. The chapter provides an overview of the curriculum theorising of three prominent curriculum movements. The concept of curriculum is described from a HE perspective with specific reference to three leading curriculum planning archetypes and their implications for this study. Furthermore, I explore curriculum development in HE by focusing on constructive alignment, the NQF, and curriculum mapping as a backward design process.

Chapter 4 discusses Kotter's CMM[87] from a curriculum change perspective. A conceptual framework for facilitating comprehensive LLB curriculum change at South African universities is proposed. The literature review in Chapters 2 to 4 and my experience and knowledge of curriculum change led to proposing the Draft LLB CCMM at the end of the chapter.

Chapter 5 describes the mixed methods research design I adopted and the methods employed in the study. The chapter explores the measures applied to enhance the validity and reliability of the quantitative results and the trustworthiness of the qualitative findings. The ethical issues considered when performing the research are also highlighted.

Chapter 6 reports the quantitative evaluation by 28 participants of the 61 POs derived from the Draft LLB CCMM. Based on these results, the chapter identifies the POs to be incorporated into the Final LLB CCMM and describes the practices for contributing towards complying with these POs. The chapter also highlights the strengths and weaknesses of the UFS curriculum change process. For this purpose, the NGT was used during a focus group

---

modules in the old LLB curriculum, the desirability of offering the modules as year-long or semester modules and most appropriate study years for modules are also excluded from the ambit of this study (see section 2.4.2). Therefore, I do report in detail on the methodology and findings of these informal discussions. These discussions merely serve as examples of specific initiatives/practices for facilitating LLB curriculum change.

87 Kotter op cit note 62.

discussion. It led to the formulation of additional POs and suggested practices for complying with the POs.

Chapter 7 concludes the research study by revisiting the research questions. The Final LLB CCMM for facilitating LLB curriculum change at South African universities is then proposed. The limitations of the study are identified, and recommendations are made for the distribution and implementation of the results of the study. I make recommendations for further studies, and the significance of the study is highlighted.

## 1.10 CONCLUSION

It is clear from the discussion in this chapter that there is a need for a CCMM to facilitate comprehensive LLB curriculum change at South African universities. The research problem, questions, purpose and objectives to ultimately develop a Final LLB CCMM were clearly formulated. The chapter very briefly explained the research methods and methodology adopted. I declared my insider-researcher position and meaningfully demarcated the study. The following chapter orientates and places the study within the HE, South African legal education and UFS institutional contexts.

## CHAPTER 2

## SETTING THE CONTEXT

### 2.1 INTRODUCTION

The central focus of the study is developing a CCMM for facilitating comprehensive curriculum change of the LLB degree at South African universities. The environments/contexts in which curriculum change takes place can significantly impact the development of such a model. This chapter aims to answer the first research question in the study: 'What unique contextual factors and challenges inform LLB curriculum change and the development of a Draft LLB CCMM for facilitating comprehensive LLB curriculum change at South African universities?'

To answer this research question, I investigate three contexts. In the first part of the chapter, I describe six factors that emerged from the literature review of the HE landscape. These factors do not only affect legal education, but all HE programmes. The second part shifts the focus to the South African legal education context. I provide a brief history of the four-year LLB, the concerns of role players about the quality of four-year LLB graduates, and the various attempts by the CHE to address these concerns.

The third part of the chapter addresses the UFS context. I investigate whether the UFS four-year LLB met its aspirations of improving equity and widening access to racial groups previously disadvantaged by apartheid.[88] This part of the chapter also provides a critical analysis of the old UFS LLB curriculum and identifies six main areas for improvement. As mentioned in Chapter 1, the LLB CCMM was not developed specifically for the UFS but for facilitating LLB curriculum change at South African universities. I use the *Report on the National Review of the LLB* to establish whether the UFS context can be generalised to other South African universities.[89]

---

88 The redress or previously disadvantaged racial groupings are classified officially as African, Coloured and Indian. See section 2.2.2.

89 CHE op cit note 13.

Section 1.1 explained that a CCMM, for the purposes of this study, comprises POs for facilitating comprehensive curriculum change at South African universities. From the literature review in this chapter, I aim to extract POs for inclusion in the Draft LLB CCMM in Annexure 2. The chapter concludes by highlighting the implications of the HE, legal education and UFS environments on LLB curriculum change and the proposal of a Draft LLB CCMM.

## 2.2 THE HIGHER EDUCATION (HE) LANDSCAPE

This section briefly elaborates on six HE factors that have shaped HE, legal education and the law curriculum in South Africa. These factors are: (i) globalisation and internationalisation, (ii) equity and widening student access, (iii) the under-preparedness of students for HE, (iv) the #FeesMustFall protests and demands for the decolonisation of the curriculum, (v) technology and the fourth industrial revolution, and (vi) the impact of the Coronavirus Disease (COVID-19) pandemic. The inter-relatedness of some of these factors on HE is also highlighted.

### 2.2.1 Globalisation and internationalisation

There are conflicting views about the meaning and interrelationship of the concepts of globalisation and internationalisation. This section aims to distinguish between the two phenomena and show their interrelatedness, specifically from a curriculum viewpoint.

Globalisation represents one of the most fundamental challenges that HE has experienced over its long history.[90] Theorists[91] and South African HE policies[92] perceive neoliberalism as the ideology underpinning globalisation. Neoliberalism suggests that participating in the global market is the most effective way to overcome poverty.[93] Consequently, globalisation and its neoliberalism roots emphasise employability[94] and the development of highly skilled

---

90 Peter Scott 'Globalisation and higher education: Challenges for the 21st century' (2000) 4 *Journal of Studies in International Education* at 3.

91 Anneliese Dodds 'How does globalisation interact with higher education? The continuing lack of consensus' (2008) 44 *Comparative Education* at 507-508.

92 See section 3.4.2.

93 Rino Wiseman Adhikary 'The World Bank's shift away from neoliberal ideology: Real or rhetoric?' (2012) 10 *Policy Futures in Education* at 191.

94 Margriet ter Horst, Marjolein van der Moolen & Anja Brandsma-Dieters 'Learning outcomes, mobility, and the curriculum' in Robert Coelen, Klaas-Wybo van der Hoek & Herman Blom (eds) *Valorisation of Internationalisation: about Internationalisation of Higher Education* (2017) at 262.

graduates for the global world.[95] As discussed in section 2.3.3.2, the vocational approach to legal education propagates legal skills development to enhance law graduates' employability.

In contrast to globalisation with its capitalist and economic origins, internationalisation is perceived as a philosophical ideology with a social and political purpose.[96] I support the view that internationalisation is a reaction to globalisation.[97] Therefore, globalisation led to the need for internationally oriented HE. Similarly, Knight describes internationalisation as 'the process of integrating an international, intercultural or global dimension into the purpose, functions or delivery of post-secondary education'.[98]

The White Paper for Post-School Education and Training (2014) identified numerous forms that the internationalisation of HE can take.[99] These include the incorporation of intercultural, international and global dimensions into curricula; university staff and student movement across borders; international teaching and research collaboration; the conclusion of institutional agreements by HEIs from different countries; arrangements between universities of different countries for mutual recognition of qualifications; and the establishment of satellite campuses in other jurisdictions.[100]

---

95 Dodds op cit note 91 at 512.

96 Kuzvinetsa Peter Dzvimbo & Kholeka Constance Moloi 'Globalisation and the internationalisation of higher education in sub-Saharan Africa' (2013) 33 *South African Journal of Education* at 4.

97 Klaas-Wybo van der Hoek and Alette Hospers 'International HRM for an international university' in Robert Coelen, Klaas-Wybo van der Hoek & Herman Blom (eds) *Valorisation of Internationalisation: About Internationalisation of Higher Education* (2017) at 161; M Miandy Munusamy & Azirah Hashim 'The internationalisation of higher education: A networking based conceptual framework' (2020) 6 *An International Journal of Asia-Europe Relations* at 35.

98 Jane Knight 'Updating the definition of internationalization' (2003) 33 *International Higer Education* at 2. Also see Hans de Wit & Fiona Hunter 'The Future of internationalization of higher education in Europe' (2015) 83 *International Higher Education* 2. The Delphi study conducted by the authors supports Knight's definition of internationalisation and extended it as follows: 'the process of integrating an international, intercultural or global dimension into the purpose, functions or delivery of post-secondary education in order to enhance the quality of education and research for all students and staff, and to make a meaningful contribution to society'.

99 Department of Higher Education and Training *White Paper for Post-School Education and Training* (published in *GG 37229* of 15 January 2014) at 39-40.

100 Van der Hoek & op cit note 97 at 161; Munusamy & Hashim op cit note 97 at 35.

Globalisation changed the practice of law worldwide[101] and is evident in the emergence of global law firms and globalised lawyering.[102] Today's lawyers are increasingly exposed to transactions and legal disputes with multinational dimensions.[103] These changes instigated the move towards globalised legal education,[104] which is particularly evident in Australian[105] and American[106] literature. The *LLB Qualification Standard* (see section 2.3.3.2) also emphasises the importance of the LLB curriculum being responsive to globalisation.[107]

Responsiveness to globalisation requires law faculties to internationalise legal education and their curricula. Furthermore, in terms of section 39(1) of the Constitution of the Republic of South Africa, 1996 (hereafter Constitution), a court, tribunal or forum should consider international law and may consider foreign law when interpreting the Bill of Rights. Therefore, students should be enabled to draw connections between domestic, international and foreign laws.[108] Four internationalisation strategies, as described below, can be applied to effectively respond to globalisation.[109]

First, the inclusive pedagogical strategy requires students to register for compulsory and elective modules in international, comparative and foreign laws.[110] Secondly, the integrative pedagogical strategy entails incorporating international and foreign law into core domestic modules.[111] For the purposes of this study, modules, courses and subjects are regarded as synonymous. It does not require students to have a comprehensive knowledge of foreign laws but aims to show how domestic and foreign law link in transnational settings.[112] Although

---

101 Farida Ali, 'Globalizing the U.S. law school curriculum: How should legal educators respond (2013) 41 *International Journal of Legal Information* at 252.

102 Lo, Vai Io 'Before competition and beyond complacency – the internationalisation of legal education in Australia' (2012) 22 *Legal Education Review* at 3.

103 Kevin E Davis & Xinyi Zhang 'Who wants the global law school' (2018) 3 *UC Irvine Journal of International, Transnational, and Comparative Law* at 72.

104 Ali op cit note 101 at 252.

105 Lo op cit note 102; Carmel O'Sullivan & Judith McNamara 'Creating a global law graduate: The need, benefits and practical approaches to internationalise the curriculum' (2015) 8 *Journal of Learning Design* at 53.

106 Ali op cit note 101 at 251; Davis & Zhang op cit note 103 at 71.

107 CHE op cit note 20 at 7.

108 O'Sullivan & McNamara op cit note 105 at 54.

109 Lo op cit note 102 at 7.

110 Ibid. However, this could create the perception of an internationalised law curriculum, while it is not the case. Furthermore, adding compulsory international law modules can overload the curriculum. See O'Sullivan & McNamara op cit note 105 at 57.

111 Lo op cit note 102 at 7.

112 Some domestic branches of law have an obvious international dimension that provides students with an excellent comparative legal studies opportunity. However, academics may be reluctant to teach

this approach is more challenging to implement, it is considered the best way in which to 'internationalise' the curriculum.[113] Thirdly, the preferential pedagogical strategy requires students to study international, comparative, or foreign law in independent research projects under the supervision of law academics. Lastly, the experiential pedagogical approach enables students to acquire international exposure through summer, exchange and dual-degree programmes.[114] Students can also participate in international moot competitions and undergo internships and externships with international organisations or law firms.[115]

The Faculty considered these strategies when developing the new LLB to ensure responsiveness to the challenge of globalisation.[116] The pedagogies have the potential to expose law students to different viewpoints, legal systems and cultures.[117] Exposing students to international and foreign law in core domestic modules assists them in understanding how foreign jurisdictions deal with problems similar to those in South Africa.[118] When students reach the same conclusions by applying domestic and foreign laws, they understand that the same fundamental principles are usually relevant in different jurisdictions.[119] They may also realise that there are multiple ways to solve the same problem and to better understand the law's role in society.[120]

A single approach cannot ensure that a law degree is responsive to globalisation and internationalisation. Ultimately, with the new LLB, it was important to find an appropriate balance between teaching core domestic law modules, on the one hand, and the globalisation and internationalisation of the law curriculum, on the other hand. Despite its significance, globalisation and internationalisation are not immune from critique. Cultural identity loss,[121]

---

translational aspects. They may believe that students require a thorough grounding in domestic law. There may be no textbooks available that deal with a branch of the law from a domestic, foreign international law perspective. Academics may also not be competent to deal with internationalisation in their teaching. See Davis & Zhang op cit note 103 at 76; Ali op cit note 101 at 263-264.

113 O'Sullivan & McNamara op cit note 105 at 56.

114 It helps students gain a deeper understanding of another jurisdiction's domestic laws and requires established networks and cooperation agreements between HEIs. See ibid; O'Sullivan & McNamara op cit note 105 at 56.

115 Lo op cit note 102 at 8.

116 See PO B19 in Annexure 2 and section 6.4.2

117 Ali op cit note 101 at 260.

118 Lo op cit note 102 at 6; Ali op cit note 101 at 262.

119 Lo op cit note 102 at 6.

120 Ibid.

121 Globalisation implies transferring knowledge from western countries to developing countries. This knowledge ultimately shapes the recipients' outlooks, values, and behaviour. Wondwosen Tamrat & Damtew Teferra 'Internationalization of Ethiopian higher education institutions: Manifestations of a nascent system' (2018) 22 *Journal of Studies in International Education* at 435.

the 'Englishisation' of HE[122] and the commercialisation of HE are often associated with these phenomena.[123]

Across the globe, education policies have intensified their call on HEIs to address issues of increased democratisation and equity by widening access to 'non-traditional' groups.[124] This demand on HE is discussed in the next section.

### 2.2.2 Equity and widening access to higher education (HE)

In response to the call for equity and widening access, the global gross enrolment ratio in tertiary education has increased from about ten per cent to almost 39 per cent in 2020.[125] However, widening participation has not translated into significant social equity improvement.[126] Despite an increase in 'non-traditional' groups' enrolment rates, HEIs generally find it challenging to improve the low retention and graduation rates[127] of non-traditional groups.[128]

---

122 Internationalisation creates the impression that English is the language of HE and that members of staff, students and administrative staff should be proficient in English to succeed in an international career. As such, internationalisation could create tensions between the local language(s) and English, with accompanying identity and cultural those whose home language is not English. See Aintzane Doiz, David Lasagabaster & Juan Sierra 'Globalisation, internationalisation, multilingualism and linguistic strains in higher education' (2013) 38 *Studies in Higher Education* at 1407; Nicola Galloway, Takuya Numajiri & Nerys Rees 'The "internationalisation", or "Englishisation", of higher education in East Asia' (2020) 80 *Higher Education* (2020) at 395.

123 Tamrat & Teferra op cit note 121 at 435.

124 Ceryn Evans et al "'Widening access" to higher education: The reproduction of university hierarchies through policy enactment' (2019) 34 *Journal of Education Policy* at 101; Bruce Kloot 'Curriculum reform as a driver for change in higher education: The case of South Africa' (2015) 60 *Journal of Education* at 123-124.

125 The World Bank 'School enrolment, tertiary (% gross)' available at *https://data.worldbank.org/indicator/SE.TER.ENRR*, accessed on 17 November 2020. The global gross enrolment ratio in tertiary education is calculated by expressing the global total enrolment number in tertiary education as a percentage of the total population of secondary school leavers in a specific year.

126 Kathy Luckett & Suellen Shay 'Reframing the curriculum: A transformative approach' (2017) *Critical Studies in Education* at 2.

127 The graduation rate is also known as the throughput rate. The CHE *Vital Stats Public Higher Education 2019* (2021) at 8 described the calculation of the throughput rate as follows: 'The throughput rate calculates the number of first-time entry undergraduate students of a specific cohort of a specific year who have graduated either within the minimum time, or up to 2 years beyond the minimum time, to the number of students in the baseline enrolments of that cohort. Throughput rates are reflected in the section on cohort studies'.

128 Jocey Quinn *Drop-out and completion in higher education in Europe among students from under-represented groups* (2013) at 9; Trevor Gale & Stephen Parker *International research on the effectiveness of widening participation. Report to Higher Education Funding Council of England (HEFCE) and the Office for Fair Access (OFFA)* (2013) at 33; Debby RE Cotton, Tricia Nash & Pauline Kneale 'Supporting the retention of non-traditional students in higher education using a resilience framework' (2017) *European Educational Research Journal* at 62.

The following discussion reflects on the equity and widening access to HE challenges for HE and legal practice in South Africa. I refer to the apartheid-era race categories of African Coloured (people of mixed race),[129] Asian and White. These racial groups correspond with the CHE's use of these terms to monitor redress.[130] Furthermore, the African, Coloured and Asian racial groups are collectively referred to as the 'Black' racial group in South Africa.[131] The reference to racial groups can be justified by the intention to achieve socio-economic and educational justice for all South African citizens.[132]

The most recent data made available by the CHE shows that there has been a steady increase in the number of African and Coloured enrolments at HEIs.[133] For example, in 2005, 446 946 African students were enrolled at HEIs,[134] while the number increased by almost 86 per cent to 830 797 in 2019.[135] Similarly, the HE participation rate[136] for African students has increased from 16 per cent in 2005[137] to twenty per cent in 2019.[138]

The graduation and drop-out rates according to race for four-year degrees, with 2014 as the first year of enrolment, compare favourably with the results of the 2005 cohort. Six years after enrolment, 38 per cent of the 2005 African cohort graduated,[139] while 57 per cent of the 2014 cohort graduated in 2019.[140] After five years of study, the drop-out rate decreased from 57 per cent for the 2005 African cohort[141] to 39 per cent for the 2014 cohort.[142]

---

129 Coloured people are popularly regarded as being of 'mixed race' and does not refer to the understanding of black people in Great Britain and the United States of America. See Mohamed Adhikari 'Contending approaches to coloured identity and the history of the coloured people of South Africa' (2005) 3 *History Compass* at 1.

130 CHE op cit note 127.

131 See for example the definition for 'black people' in terms of the Broad-Based Black Economic Empowerment Act 46 of 2003.

132 Z Erasmus 'Confronting the categories: Equitable admissions without apartheid race classification' (2010) 24 *South African Journal of Higher Eduction* at 244. Also see Pierre de Vos 'A rethink on race?' (2011) available at *http://constitutionallyspeaking.co.za/a-rethink-on-race*, accessed on 30 June 2015.

133 CHE op cit note 127 at 6.

134 CHE op cit note 127 at 1.

135 CHE op cit note 127 at 3.

136 This percentage represents the total headcount enrolment over the national population of 20-24 years old, calculated as a percentage. See CHE *Vital Stats Public Higher Education 2017* (2019) at iv.

137 CHE *Vital Stats Public Higher Education 2010* (2012) at 3.

138 CHE op cit note 127 at 6.

139 CHE op cite note 137 at 53.

140 CHE op cite note 127 at 63.

141 CHE op cit note 137 at 53.

142 CHE op cit note 127 at 63.

Despite the improvement in the participation, graduation and drop-out rates for African students, these paint a less favourable picture when compared to White students' performance. Patterns of inequality are still evident. For example, in 2019, the graduation rate for the 2014 White cohort was nine per cent higher, and the drop-out rate was six per cent lower than those of their Black counterparts.[143]

The unfortunate consequences of widening access can be traced back to 'the architecture of the apartheid education system'[144] and the complexity of transforming post-apartheid HE.[145] Although the perceived difference in the quality of university graduates appears to be based on race, Godfrey[146] blames differences in universities' capacities for this state of affairs. Historically Black universities continue to suffer from the structural and agential legacies of apartheid,[147] management at these institutions remains poor, and the institutions still experience a funding crisis.[148] These universities have not been able to meet the new imperatives of producing quality research,[149] developing skills and creating improved facilities.[150] Consequently, their appeal to African students and staff has diminished.

Issues about broadening student access and low graduation rates have long dominated the South African legal practice and legal education landscape. The graphical illustrations below highlight patterns and inequalities among different race groups in legal practice and education. Data from the University of South Africa are not included in the discussion below since it provides a distance and not a contact mode of tuition.

143 Ibid.
144 Gale & Parker op cit note 128 at 18.
145 Kloot op cit note 124 at.
146 Shane Godfrey 'The legal profession: transformation and skills' (2009) 126 *South African Law Journal* at 123.
147 BV Mtshweni 'Covid-19: Exposing unmatched historical disparities in the South African institutions of higher learning' (2022) 36 *South African Journal of Higher Education* at 239. Also see Lesley Greenbaum 'Legal education in South Africa: Harmonizing the aspirations of transformative constitutionalism with our educational legacy' (2016) 60 *New York Law School LR* at 479.
148 J Marire 'Are South African public universities economically efficient? Reflection amidst higher education crisis' (2017) 31 *South African Journal of Higher Eduction* at 134.
149 Evelyn Muthama & Sioux Mckenna 'The contradictory conceptions of research in historically black universities' (2017) 35 *Perspectives in Education* at 139.
150 Higher Education South Africa 'South African higher education in the 20th year of democracy: Context, achievements and key challenges' (2014) Presentation to the Portfolio Committee on Higher Education and Training, 5 March, Cape Town, available at: *https://static.pmg.org.za/140305hesa.pdf*, accessed on 30 November 2022.

Figure 2.1 reflects the most recent data on the racial composition of first-year LLB students at South African universities from 2010 to 2018.[151] No data are available for the years 2019 to 2022. Figure 2.1 shows that there has been a steady increase in the relative distribution of first-year African LLB students from 2010 (60 per cent) to 2018 (81 per cent). The relative distribution of White first-year LLB students decreased from 21 per cent to nine per cent over the same period.

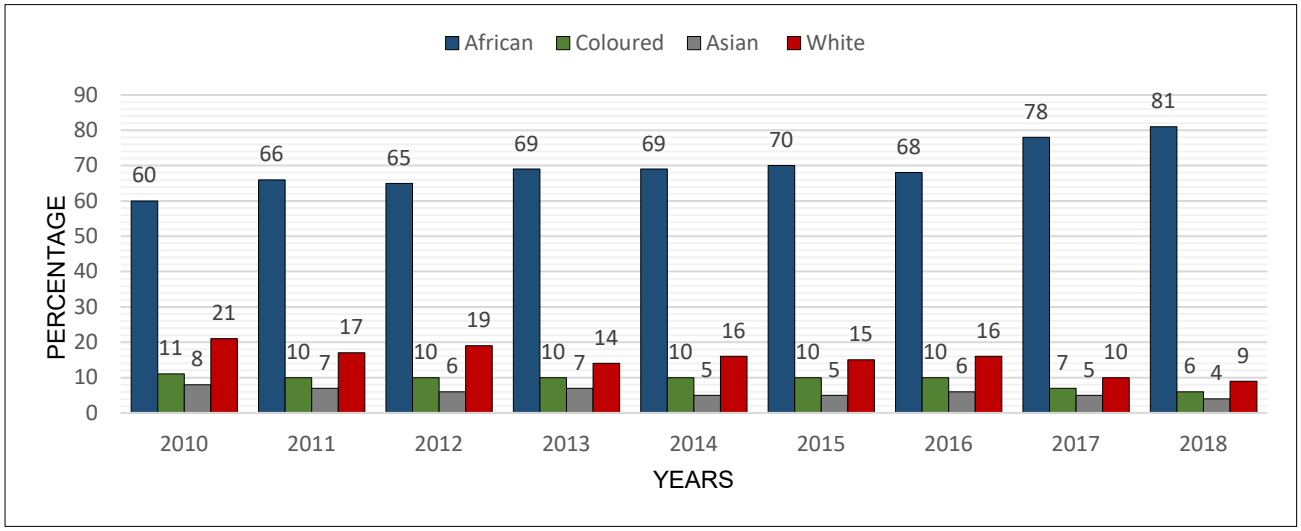


**Figure 2.1: Racial composition of first-year LLB students at South African universities from 2010 to 2018**

Although Figure 2.1 provides evidence that the four-year LLB succeeded in broadening access to African students, it is insufficient if there is no associated likelihood of graduating.[152] Figure 2.2 shows the most recent data on the relative distribution of LLB graduates at South African universities according to race from 2010 to 2018.[153]

151 Law South Africa's Legal Education and Development Division 'LSSA Lead Annual Statistics' available at *http://www.lssa.org.za/about-us/about-the-attorneys-profession/lssa-lead-annual-statistics*, accessed on 12 November 2022.

152 Greenbaum op cit note 147 at 489.

153 Law South Africa's Legal Education and Development Division op cit note 151.

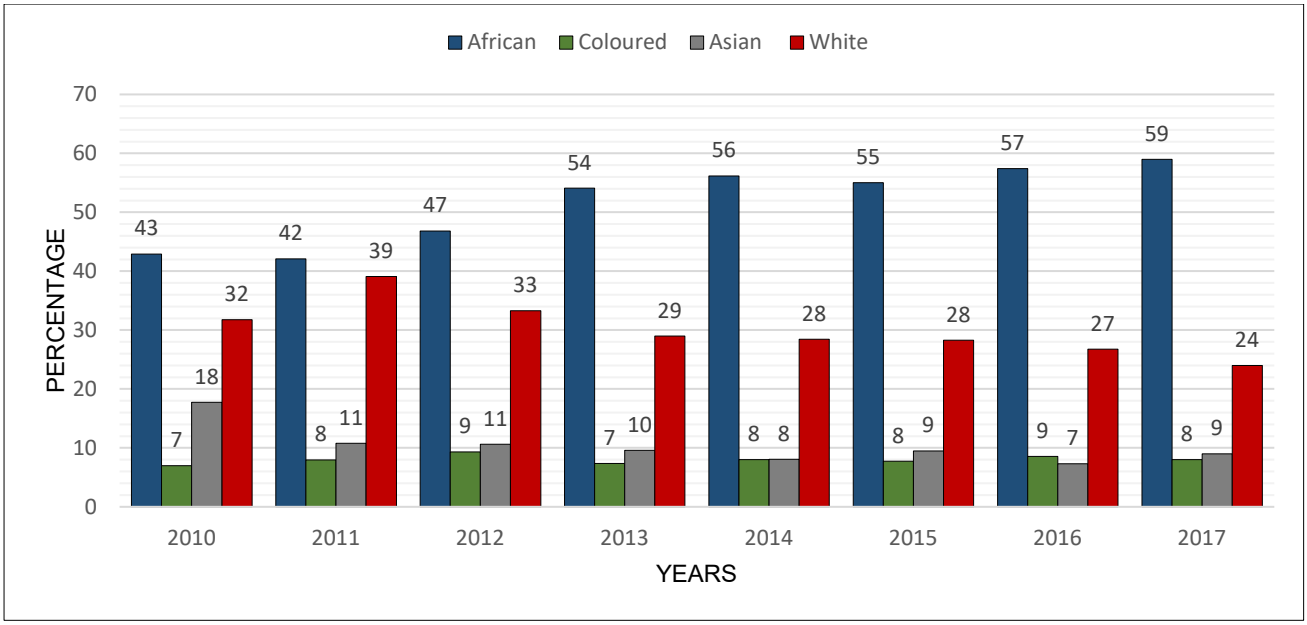


**Figure 2.2: Racial composition of LLB graduates at South African universities from 2010 to 2017**

Figure 2.2 reflects a steady increase in the relative distribution of African LLB graduates from 2010 (43 per cent) to 2017 (59 per cent), while White LLB graduates decreased from 32 per cent to 24 per cent over the same period. The representation of Coloured graduates varied between seven (2016) and 18 per cent (2010). Although the relative distribution of African LLB graduates in Figure 2.2 is commendable, it does not provide conclusive evidence that HEIs succeeded in ensuring that they have a reasonable prospect of success. For example, the higher relative distribution of African graduates can be attributed to the increase in African students admitted to the LLB (see Figure 2.1), while the graduation rate remained unchanged.

It is widely acknowledged that cohort graduation rates reflect a more accurate picture of student success.[154] Table 2.1 summarises the graduation rates for two LLB student cohorts at South African universities.

154 Thandi Lewin & Monica Mawoyo *Student Access and Success* (2014) at 24.

**Table 2.1: Graduation rates according to race for the 2008 to 2013 and 2010 to 2015 student cohorts**

| Cohort | Description | N | Percentage of students who graduated (%) | | | | |
|---|---|---|---|---|---|---|---|
| | | | African | Coloured | Asian | White | Average |
| 2008 to 2013 | Number of students enrolled | 2 661 | | | | | |
| | % graduating within four years | | 28 | 18 | 40 | 39 | 31 |
| | % graduating within six years | | 49 | 44 | 62 | 61 | 53 |
| 2010 to 2015 | Number of students enrolled | 3 078 | | | | | |
| | % graduating within four years | | 33 | 23 | 41 | 41 | 34 |
| | % graduating within six years | | 54 | 43 | 70 | 58 | 55 |

Table 2.1 paints a gloomy picture of the national graduation rates for the 2008 to 2013, and 2010 to 2015 four-year LLB student cohorts.[155] Only about one-third of LLB students graduated within the minimum prescribed period of four years. More than 50 per cent of the two cohorts of students graduated within six years. White students continued to outperform the previously disadvantaged racial groups. For example, 41 per cent of the 2010 to 2015 White student cohort graduated within four years, while 33 per cent of their African counterparts graduated in the same period. However, the graduation rate after respectively four and six years (49 per cent; 55 per cent) for the 2010 to 2015 African cohort of students was five per cent higher than the respective graduation rates for the 2008 to 2013 African cohort of students over the same number of years (28 per cent; 54 per cent). Table 2.1 shows that the graduation rates for the different racial groups of the 2010 to 2015 cohort are closely aligned if their periods of study are longer than the minimum of four years.

It is important to note that widening participation as a single variable did not result in low graduation rates. In addition to the legacies of apartheid, low graduation rates can also be attributed to the lack of support and responsiveness to the needs of the diverse student population and the absence of a student-centred approach to designing and delivering HE curricula.[156] Greenbaum suggests the following for enhancing the academic success of African LLB students:[157]

> A commitment to deploying additional resources and including teaching methodologies, such as small group teaching, which instantiate collaborative and cooperative learning and value diverse learning styles, is one strategy that could be adopted. Making explicit the conventions of legal argument, reasoning, and knowledge construction, as well as surfacing tacit understandings that rely on a notion of students coming with

155 CHE op cit note 13 at 27-30.
156 Quinn op cit note 128 at 9.
157 Greenbaum op cit note 147 at 489.

heterogeneous life experiences and social and cultural capital, are key factors to facilitate the enculturation of students into the discipline. Embedding learning skills that are discipline-specific at appropriate times in the curriculum could also support understandings of the integration of knowledge across courses.

The question also arises as to whether African law graduates experience challenges in entering the legal profession as attorneys or advocates. Generally, attorneys have the same role as solicitors in other Commonwealth countries[158]. The role of an advocate is comparable to that of barristers. As general legal practitioners, attorneys provide a wide range of legal services and general legal advice. Advocates are specialist practitioners who usually represent clients in cases requiring expert knowledge. Advocates may also provide a legal opinion on an issue.

Despite the noble aspirations for the four-year LLB (see section 2.3.1), 25 years after introducing the qualification. Figure 2.3 shows the racial composition of attorneys admitted to the legal profession from 2010 to 2017.[159]

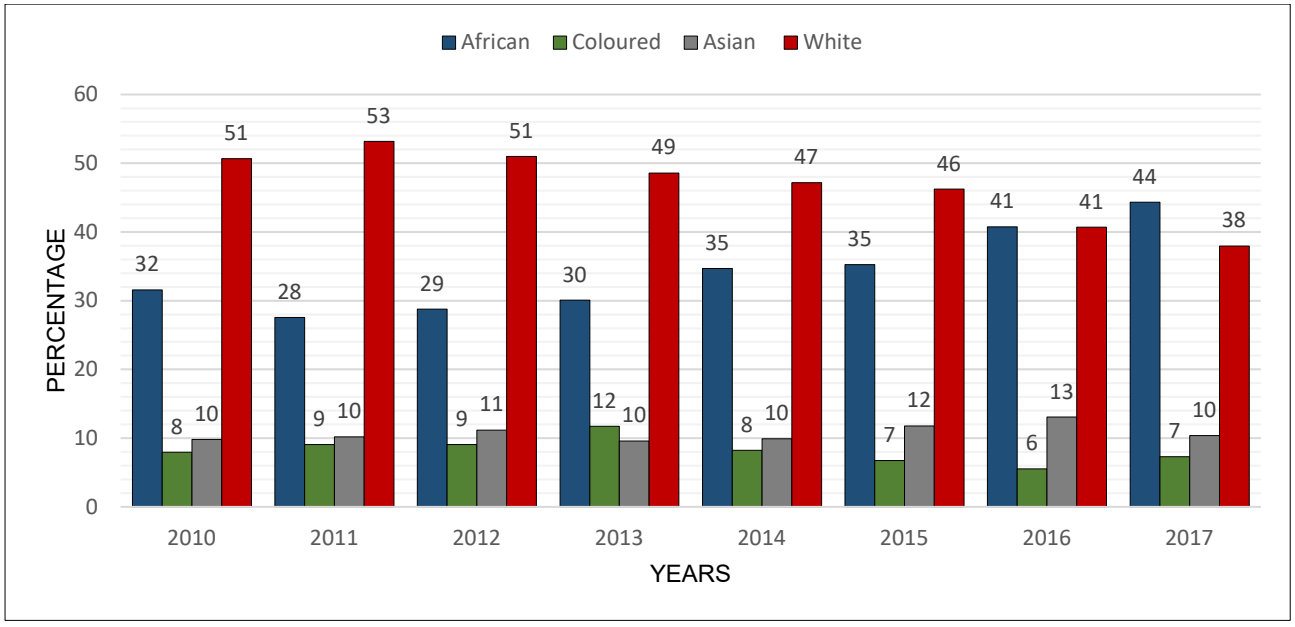


**Figure 2.3: Racial composition of newly admitted attorneys from 2010 to 2017**

158 Pretoria Society of Advocates 'Advocacy as career' (2022), available at *https://www.pretoriabar.co.za/index.php/advocacy-as-career*, accessed on 12 December 2022.

159 Law South Africa's Legal Education and Development Division op cit note 151. In addition to graduating with an LLB, candidate attorneys need to complete practical vocational training (articles) of 24 uninterrupted months to be admitted as attorneys. See regulation 6 of the Legal Practice Act, 2014: Regulations Under Section 109(1)(a) in GN 921 *GG 10177* of 31 August 2018.

Sobering conclusions can be drawn when one compares the composition of LLB graduates by race in Figure 2.2 with the data depicted in Figure 2.3. For example, Africans comprised 55 per cent and Whites 28 per cent of the 2015 LLB graduates. However, in 2016, only 41 per cent of the attorneys admitted comprised Africans. It starkly contrasts with Whites, who also represented 41 per cent of the attorneys admitted to practice in the same year.

The transformation of legal education and the introduction of the four-year LLB (see section 2.3.1) caused an oversupply of graduates.[160] Consequently, securing articles has been described as 'an absolute nightmare' and 'one of the most challenging objectives' that graduates face today'.[161] Legal firms now have the opportunity to employ only the best-qualified graduates.[162] Employers perceive graduates from historically White universities to be of a higher quality than graduates from other universities.[163] Legal firms, therefore, tend to recruit graduates from historically White universities, which ultimately leads to a surplus of African graduates from historically Black universities.

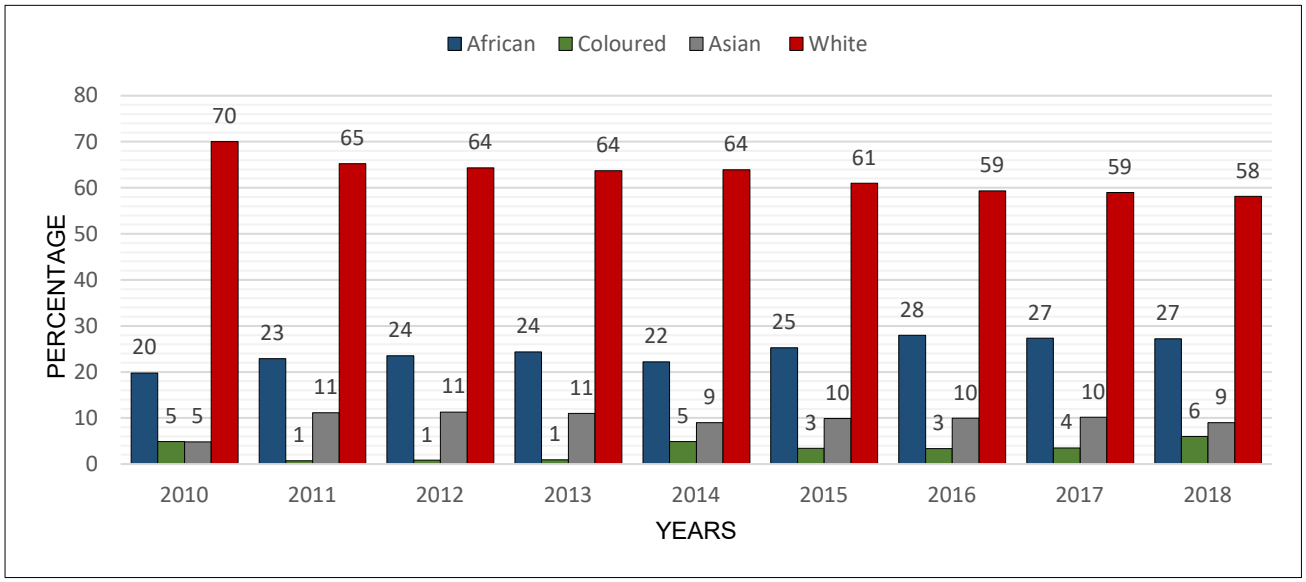


**Figure 2.4: Racial composition of practising attorneys in South Africa from 2010 to 2018**

160 Godfrey op cit note 146 at 123.
161 Kyle Stephen Abrahams 'From LLB to admission – are there any guarantees?' (2017) (October) *De Rebus* at 43.
162 Godfrey op cit note 146 at 123.
163 Godfrey op cit note 146 at 123.

The low admission numbers of Africans, as depicted in Figure 2.4 above, translate into an attorney's profession in which the racial composition has not changed much.[164] Africans represented twenty per cent of practising attorneys in 2010. Eight years later, Africans comprised merely 27 per cent of practising attorneys.

Figure 2.5 shows the most recent data on the racial composition of practising advocates in South Africa from 2010 to 2018.[165] In 2018, 59 per cent of practising advocates were White. Compared to 2010, the relative distribution of practising African advocates increased by 15 per cent.

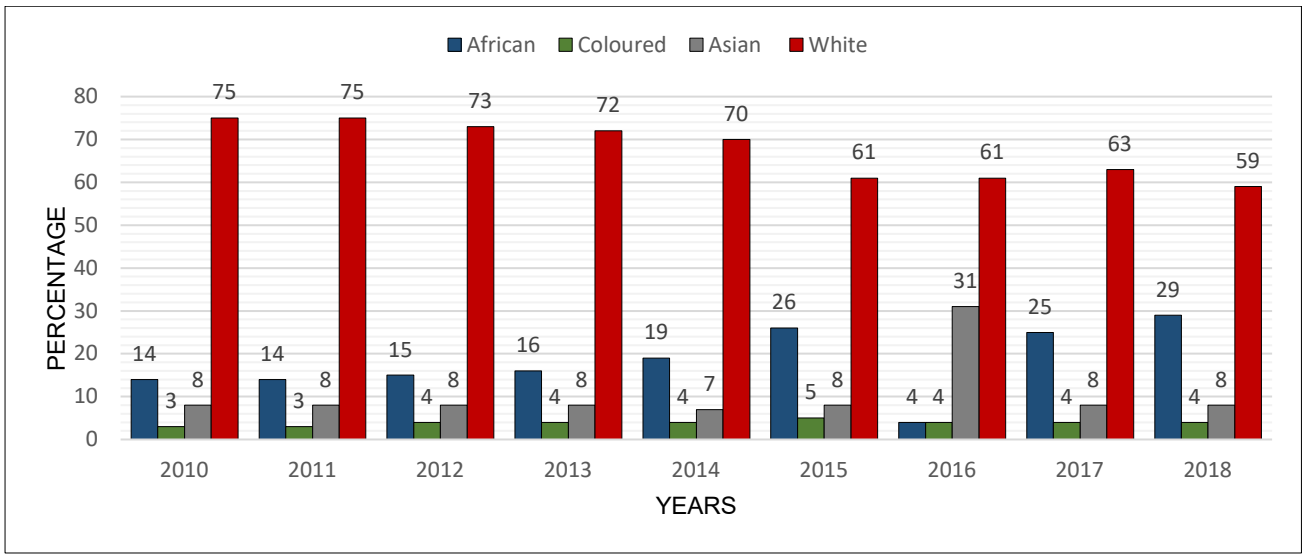


**Figure 2.5: Racial composition of practising advocates in South Africa from 2010 to 2018**

The discussion above indicates that the increased supply of African LLB graduates did not significantly change the demographics of the attorneys' and advocates' professions.

The demand for equity and widened student access implies that the Draft LLB CCMM had to provide a student-centred approach to curriculum change and decolonisation of the LLB curriculum (see section 2.2.4). The needs of a more diverse student population had to be

164 Law South Africa's Legal Education and Development Division op cit note 151.

165 Law South Africa's Legal Education and Development Division op cit note 151. In addition to graduating with an LLB, candidate legal practtioners need to complete practical vocational training (pupilship) of 12 uninterrupted months to be admitted as advocates. See regulation 7 of the Legal Practice Act, 2014: Regulations Under Section 109(1)(a) in GN 921 *GG 10177* of 31 August 2018.

considered during the curriculum change process.[166] Innovative teaching, learning and assessment practices had to be introduced since they are central to enhancing student-centred learning (see POs B20 and B21).[167] In addition to the demand for equity and widened student access, HE must also attend to the needs of underprepared students entering HE. This aspect is explored next.

### 2.2.3 The under-preparedness of students for higher education (HE)

Most first-year students register for HE studies directly after completing school. These students are not prepared for the demands of HE,[168] and a so-called 'school-university gap'[169] or 'articulation gap'[170] is evident. The articulation gap is particularly prevalent in South Africa.[171] Campbell describes the under-preparedness of school leavers as a 'major, critical issue' impacting legal education in South Africa.[172] The gap is most evident in first-year students' lack of foundational skills such as reading, writing, speaking, and basic numeracy skills.[173]

Although a range of factors has contributed to the current under-preparedness of first-year students, the policy of apartheid, the entrance of first-generation students into HE and studying in a second or third language, all play a particularly important role. The impact of these factors on the articulation gap is explored next.

---

166 Quinn op cit note 128 at 9.

167 Quinn op cit note 128 at 59.

168 Andre Leke-ateh Bechuke & Akpovire Oduaran 'Bridging the knowledge gap of South African first year students in the transition from high school to university' in MA Mokoena & IJ Oosthuizen (eds) *A Scholarly Compendium for Teaching and Learning* (2018) at 239.

169 C Nel, C Troskie-De Bruin & E Bitzer 'Students' transition from school to university: Possibilities for a pre-university intervention' (2009) 23 *South African Journal of Higher Eduction* at 975.

170 Ian Scott *A Proposal for Undergraduate Curriculum Reform in South Africa: The Case for a Flexible Curriculum Structure* (2013) at 17. Also see Greenbaum op cit note 147 at 473, Bauling op cit note 12 at 3; Angela Diane Crocker 'Facing the challenge of improving the legal writing skills of educationally disadvantaged law students in a South African law school' (2018) 21 *Potchefstroom Electronic Law Journal* at 2; J Moyo 'Underpreparedness in South African higher education: A limited test of the English grammar awareness of first-year university students' (2020) *34 South African Journal of Higher Eduction* at 167.

171 RN Prince, V Frith, S Steyn & AF Cliff 'Academic and quantitative literacy in higher education: Relationship with cognate school-leaving subjects' (2021) 35 *South African Journal of Higher Eduction* at 164.

172 Jonathan Campbell 'The role of law faculties and law academics: Academic Education or Qualification for practice?' (2014) 25 *Stellenbosch Law Review* at 31. Also see Greenbaum op cit note 12; Greenbaum op cit note 147 at 491.

173 Prince et al op cit note 171.

#### 2.2.3.1 The policy of apartheid

The policy of apartheid imposed an inferior primary and secondary school education on African learners.[174] In the apartheid era, inequalities were evident in the distribution of resources, the quality of teachers and opportunities provided to Black learners.[175] In the post-apartheid era, schools for Black learners in rural areas and townships continue to perform at apartheid-era levels.[176] These schools are characterised by shortages of books and learning material, poor infrastructure and facilities, a lack of efficient management and leadership structures, and few highly experienced and qualified teachers. Also, learners from these rural schools find it particularly challenging to enter HE.[177] Learners from Black schools are academically less prepared for university than students from former Model C schools.[178] Model C schools are public schools that were for White learners only and were privileged during apartheid. [179] They receive a state subsidy and are largely funded by the parent bodies. They continue offering a relatively high quality of education and are the best-performing public schools.[180] Consequently, deep-seated racial and social inequalities are still prevalent in matric[181] results after apartheid. [182] White matrics continue to perform better than learners from other races. For example, in 2016, 83 per cent of White matrics obtained a grade of 40 per cent and above as opposed to only 29 per cent of African candidates.

---

174 Oliver Tafadzwa Gore '"Student disadvantage": Key university stakeholders' perspectives in South Africa' (2021) 10 *International Journal of Higher Education* at 214.

175 SN Matoti & MA Lekhu 'Problems first year university students bring to science classes and implications for teaching' (2008) 12 *Interim* at 126.

176 Pierre du Plessis & Raj Mestry 'Teachers for rural schools – a challenge for South Africa' (2019) 39 *SAJE* at S2-S7.

177 Sue Timmis et al 'Encounters with coloniality: Students' experiences of transitions from rural contexts into higher education in South Africa' (2019) 7 *Critical Studies in Teaching and Learning* at 77-78.

178 Pam Christie & Carolyn McKinney 'Decoloniality and "model C" schools: Ethos, language and the protests of 2016' (2018) 21 *Education as Change* at 11.

179 Ibid.

180 Almost all of the top ten public schools, based on the amount of distinctions per learner, were former Model C schools. See The South African '2021 Matric Results: Here are the top 10 schools in South Africa' (2022), *https://www.thesouthafrican.com/news/breaking-2021-matric-results-top-schools-best-perfomring-list/*, accessed on 14 November 2022.

181 Matric is the final year of high school and the minimum university entrance requirement.

182 South African Institute of Race Relations 'Report finds deep racial and social inequalities in matric results' (2016), available at *https://irr.org.za/media/media-releases/report-finds-deep-racial-and-social-inequalities-in-matric-results/view*, accessed on 14 November 2022.

#### 2.2.3.2 The increased entrance of first-generation students

Since the dawn of democracy, South African HE has witnessed an increase in African student enrolments. Most of these students are first-generation students.[183] First-generation students enter HE with characteristics and experiences that place them in a disadvantageous position.[184] They often feel that they do not belong at university[185] and experience a deep sense of disconnection.[186] They usually come from low-income families, have single parents or even come from child-headed families, and have studied at under-resourced schools with inadequately qualified teachers.[187] First-generation students have limited knowledge of the application process for HE and for financial assistance and are typically more concerned about financial obligations than non-first-generation students. Hence, these students are generally underprepared for HE and are more likely to drop out and score lower marks than students from families with previous experience in HE.[188]

#### 2.2.3.3 Studying in a second or third language

English and Afrikaans are the languages of instruction at South African HEIs offering LLB degrees. Nonetheless, South Africa has 11 official languages,[189] and English is a second or foreign language for most LLB students.[190] Therefore, many students from disadvantaged educational backgrounds must study in their second or third language. This can have severe implications for the academic success of these students, since research has confirmed the positive effect of mother-tongue education on university students.[191] Students whose mother

---

183 Soraya Motsabi, Boitumelo Diale & André van Zyl 'The academic persistence of first year first generation African Students (FYFGAS): A framework for higher education in South Africa' (2020) 8 *Journal of Student Affairs in Africa* at 73.

184 Ibid at 78.

185 Rachel Forsyth et al 'Shape-shifting and pushing against the odds: Staff perceptions of the experiences of first generation students in South Africa and the UK' (2022) 49 *The Australian Educational Researcher* at 308.

186 Najwa Norodien-Fataar 'The cultivation of learning dispositions among first-generation disadvantaged students at a South African University' (2018) 54 *Educational Studies* at 520.

187 Motsabi, Diale & Van Zyl op cit note 183 at 78.

188 Forsyth et al op cit note 185 at 308.

189 South African Government Information 'The languages of South Africa' available at *http://www.southafrica.info/about/people/language.htm*, accessed on 13 August 2014.

190 Greenbaum op cit note 147 at 463.

191 Mugsy Spiegel et al 'Towards a language plan for University of Cape Town: 2005 – 2010' (2003) available at *http://www.mep.uct.ac.za/usr/mep/downloads/languageplan.pdf*, accessed on 30 November 2022; Dann Mallet 'Walking a mile in their shoes: Non-native English speakers' difficulties in English language mathematics classrooms' (2011) 4 *Journal of Learning and Design* at 28; JM Thamaga-Chitja & T Mbatha

tongue is not English struggle with legal academic discourse and English as a medium of instruction.[192] The language problem is further exacerbated by some academic staff members having to teach the language of law while they are not native English speakers.[193]

HEIs should take positive steps to close the gap from their side.[194] Therefore, the new LLB curriculum had to consider courses/modules in literacy, numeracy, computer skills, and general academic skills to bridge the articulation gap. Some universities have introduced extended curriculum programmes to provide additional foundation learning time.[195] Similarly, the Faculty developed an extended curriculum programme for the LLB. Students who do not meet the admission criteria for the mainstream LLB can register for the extended curriculum programme. This study focuses on the development of the mainstream LLB curriculum. Therefore, I will not elaborate on the development of the new extended LLB curriculum programme, which falls outside the scope of this study. It is important to note that the extended curriculum programme developed by the Faculty should not be mistaken for the five-year LLB proposed by the National Review of the LLB (see section 1.1 and 2.3.3.3). Should institutions decide to present an extended curriculum programme in addition to the envisaged five-year LLB programme, the minimum duration of the first-mentioned programme will be six years.

### 2.2.4 Student protests and calls for decolonisation

Student protests have characterised South African HE for many years. In the post-apartheid era, students protested about security, accommodation, funding and academic exclusions.[196] The student protests of 2015/16 were, however, different from previous protests. Instead of taking place at previously disadvantaged HEIs, the student protests took place on the campuses of formerly advantaged institutions in unprecedented ways. The student protests of 2015/16 commenced with the Rhodes Must Fall movement at the University of Cape Town

'Enablers and barriers to South African university classrooms' (2012) 30 *Southern African Linguistics and Applied Language Studies* at 339.

192 Bongi Bangeni & Lesley Greenbaum 'Bachelor of Laws (LLB) students' views of their literacy practices: Implications for support in a time of change' (2019) 10 *Reading & Writing* at 4, 5.

193 Greenbaum op cit note 147 at 483.

194 Scott op cit note 170 at 17; Greenbaum op cit note 147 at 483.

195 Scott op cit note 170 at 23; Greenbaum op cit note 147 at 484.

196 CHE 'Decolonising the curriculum: Stimulating debate' (2017) 3 *Briefly Speaking* at 1-2.

(hereafter UCT) in early March 2015.[197] The protests were directed at a statue at UCT commemorating the British imperialist Cecil John Rhodes.

By 15 October 2015, the #FeesMustFall protests against the increase of tuition fees for 2016 started at the University of the Witwatersrand.[198] The protests soon spread to other South African HEIs.[199] The violence and damage to university property threatened to disrupt the academic year. On 23 October 2015, Jacob Zuma, the former president of South Africa, announced that there would be no class fee increase for 2016.[200] However, some students were not satisfied and continued to protest. Eventually, in December 2017, the former president announced that fully subsidised free HE and training would be introduced for poor and working-class South Africans.

The #FeesMustFall movement was not restricted to free education. Students also expressed dissatisfaction with the continued inequality, power and social relations at HEIs,[201] the failure of government, and the inability of HE to meet policy promises since 1997.[202] Lastly, the call for free education became entangled with other educational and social issues. Decolonising the curriculum became one of the burning issues that HE had to address.[203]

The #FeesMustFall movement challenged academics to reconsider the role that they have played in maintaining colonised social structures and demanded that HE and its curricula be decolonised.[204] However, academics were doubtful and sceptical about the meaning and implications of decolonisation.[205] The following sections briefly investigate the meaning of

197 George Mavunga '#FeesMustFall protests in South Africa: A critical realist analysis of selected newspaper articles' (2019) 7 *Journal of Student Affairs in Africa* at 81.

198 Ibid.

199 Lis Lange '20 Years of higher education curriculum policy in South Africa' (2017) 68 *Journal of Educatio*n at 32.

200 The Precidency 'The President's response to the Heher Commission of Inquiry into Higher Education and Training' (2016), available at *http://www.thepresidency.gov.za/press-statements/president%E2%80%99s-response-heher-commission-inquiry-higher-education-and-training*, accessed on 16 February 2021.

201 CHE op cit note 196 at 1.

202 Lange op cit note 199 at 32.

203 CHE op cit note 196 at 2.

204 Benedict L Adams 'The far reaching impact of transformative curriculum: A narrative critical ethnographic case study' (2019) 1 *Journal of Curriculum Studies* at 1. Also see Jonathan Campbell 'Decolonising clinical legal education' in Aifheli Enos Tshivhase, Letlhokwa George Mpedi & Managay Reddi Decolonisation and Africanisation of legal education in South Africa (2020) at 31.

205 Adams op cit note 204 at 1. Also see Campbell op cit note 204 at 31.

decolonisation, its relationship to Africanisation and internationalisation, and the decolonisation of legal education.

#### 2.2.4.1 Clarifying the decolonisation concept

There is no common understanding of decolonisation, and conversations on the topic are challenging.[206] However, it is not a new concept. Moritz Julius Bonn coined 'decolonisation' as an academic term in 1932.[207] The decolonisation of knowledge has increasingly received attention in literature since the mid-1970s,[208] yet its meaning and implications remain grey areas. Instead of viewing decolonisation as a curriculum issue, some academics perceive it as a political process.[209] In this regard, the former Minister of Higher Education and Training, Naledi Pandor, acknowledged that '[d]ecolonisation means different things to different people. But it's possibly primarily a curriculum and a cultural issue'.[210]

South Africa was subjected to two generations of colonisation.[211] The first was when the physical spaces and bodies of Africans were colonised. This generation of colonisation includes the apartheid era, which is regarded as a manifestation of coloniality.[212] The second generation of colonialism occurred when South Africans' minds were colonised through disciplines such as law, economics, the sciences and education.[213] For example, the

206 Letlhokwa George Mpedi, Aifheli Enos Tshivhase & Managay Reddi 'Decolonisation and Africanisation of legal education in South Africa: Background and introduction' in Aifheli Enos Tshivhase, Letlhokwa George Mpedi & Managay Reddi *Decolonisation and Africanisation of Legal Education in South Africa* (2020) at 1.

207 Rob Gordon 'Moritz Bonn, Southern Africa and the critique of colonialism' (2013) 45 *African Historical Review* at 1.

208 Walter D Mignolo, 'Delinking' (2007) 21 *Cultural Studies* at 450. The author provides an extensive list of authors who have written about this concept.

209 Campbell op cit note 204 at 34.

210 Naledi Pandor 'Address by Minister of Higher Education and Training, during the Higher Education and Training Dept Budget Vote 2018/19, Parliament, Cape Town' (2018), available at *https://www.polity.org.za/article/sa-naledi-pandor-address-by-minister-of-higher-education-and-training-during-the-higher-education-and-training-dept-budget-vote-201819-parliament-cape-town-17052018-2018-05-18*, accessed on 15 December 2020.

211 Aifheli Enos Tshivhase 'Principles and ideas for the decolonisation of legal education in South Africa' in Aifheli Enos Tshivhase, Letlhokwa George Mpedi & Managay Reddi *Decolonisation and Africanisation of Legal Education in South Africa* (2020) at 5.

212 Lesley le Grange 'Decolonising, Africanising, indigenising, and internationalising curriculum studies: Opportunities to (re)imagine the field' (2018) 4 *Journal of Education* at 9.

213 Ibid at 8.

colonised nature of South African law is evident in its Roman-Dutch and English law foundations.[214]

Decolonisation scholars argue that, despite colonies attaining independence, the logic of colonisation remains with the former colonies' citizens.[215] Colonialism has degraded, exploited and suppressed colonised citizens. Colonised HE curricula expose African students, in particular, to problems, examples, interpretations, socio-cultural constructs and solutions that negate their history, lived experiences, and dreams.[216] As a result, traditional students are advantaged, while African students tend to suffer inferiority complexes and low self-concepts.[217]

Decolonisation aims to liberate Africans from these feelings of inferiority and requires Whites and other non-Africans to respect the cultural heritage, ideas, aspirations, interests, ideals, rights and rationality of Africans.[218] Therefore, African students demand that the 'injustice of misrecognition' be addressed.[219] Put simply, by demanding decolonisation, students insist on the undoing of colonisation in the curriculum.[220]

#### 2.2.4.2 Decolonisation and Africanisation

One of the earliest calls for decolonisation on the African continent can be traced back to Ghanaian independence leader Kwame Nkrum who called for the unification and total liberation of Africa in his book *Africa Must Unite*: '[T]he twentieth century became the century of colonial emancipation, the century of continuing revolution which must finally witness the

214 Jan van Riebeeck brought with him the Roman-Dutch law when he established the East India Company in 1652. In 1795, Great Britain occupied the Cape. Great Britain continued to rule (except for a short time from 1803 to 1806) until the Union of South Africa was established in 1910. The British government decided to retain Roman-Dutch law, but it was recommended to change to English law gradually. See Rena van der Bergh 'The remarkable survival of Roman-Dutch Law in nineteenth-century South Africa' (2012) 18 *Fundamina* at 71.

215 Le Grange op cit note 212 at 9.

216 CHE op cit note 196 at 3.

217 Rianna Oelofsen 'Decolonisation of the African mind and intellectual landscape' (2015) 16 *Phronimon* at 132; Mahmood Mamdani 'Between the public intellectual and the scholar: Decolonization and some post-independence initiatives in African higher education' (2016) 17 *Inter-Asia Cultural Studies* at 79; Luckett & Shay op cit note 126 at 3.

218 Maria Magdalena Botha 'Compatibility between internationalizing and Africanizing higher education in South Africa' (2010) 14 *Journal of Studies in International Education* at 204.

219 Luckett & Shay op cit note 126 at 10.

220 Le Grange op cit note 212 at 8.

the total liberation of Africa from colonial rule and imperialist exploitation.'[221] Literature tends to use the terms 'decolonisation' and 'Africanisation' interchangeably and as synonyms.[222] Le Grange clarifies this tendency by explaining that Africanisation is a decolonisation project that aims to decentre and deconstruct imperial/colonised knowledge on the African continent.[223] Africanisation equates to decolonisation in Africa, while decoloniality or decolonisation has a broader application in a global context. Consequently, decolonisation and Africanisation can be regarded as synonymous since the demand for colonisation takes place on the African continent. However, Etieyibo qualified this statement by reiterating that the two concepts only have the same meaning when 'Africanization is focused on making something African and when that thing that is to be made African was deprived of its Africanness by colonialism.'[224]

#### 2.2.4.3 Decolonisation and internationalisation

Some authors portray Africanisation, decolonisation and internationalisation as polarised and incompatible positions.[225] They argue that the more one internationalises the curriculum, the less the curriculum is decolonised, and vice versa. [226] For example, Moja states that the imperative to participate in the global economy caused South African HE to be responsive to globalisation at the expense of decolonisation, Africanisation and local needs.[227]

However, this need not be the case. Neale-Shutte and Fourie suggest that HEIs should find a balance between Africanisation and internationalisation: 'In order to be competitors in internationalisation, African universities need to establish their own identities and develop their own niche.'[228] The White Paper for Post-School Education and Training supported this view by stating that internationalisation could serve as an ideal platform to present local and indigenous knowledge to the global community.[229] However, Bitzer and Botha acknowledged

---

221 Kwame Nkrumah *Africa Must Unite* (1963) x.

222 Gift Mheta, Bwalya Nyangu Lungu & Thaiurie Govender 'Decolonisation of the curriculum: A case study of the Durban University of Technology in South Africa' (2018) 38 *SAJE* at 3.

223 Le Grange op cit note 212 at 10.

224 Edwin Etieyibo 'Why decolonization of the knowledge curriculum in Africa? (2021) 67 *Africa Today* at 75.

225 Botha op cit note 218 at 200, 201.

226 Ibid at 205.

227 Teboho Moja 'Globalisation — a challenge for curriculum responsiveness' in Hanlie Griesel (ed) *Curriculum Responsiveness: Case Studies in Higher Education* (2004) at 22.

228 M Neale-Shutte & J Fourie 'Challenges to internationalization in African higher education' (2006) 20 *South African Journal of Higher Eduction* at 121.

229 Department of Higher Education and Training op cit note 99 at 40.

that HEIs find it challenging to establish the appropriate balance between localisation and internationalisation.[230]

#### 2.2.4.4 Decolonising legal education

Authors suggest that an inclusive process be followed to decolonise the law and its curriculum. [231] Tshivhase proposed ten strategies to decolonise legal education in South Africa:[232] (i) consider the demand for decolonisation when engaging with the graduate attributes of the *LLB Qualification Standard* (ii) create more social awareness by engaging with South Africa's historical context;[233] (iii) include more African content in the curriculum;[234] (iv) integrate the work of African scholars in the curriculum; (v) engage with concepts such as transformative constitutionalism, (vi) include a compulsory African language module in the curriculum; (vii) use jurisprudence to stimulate debates on Africanisation and decolonisation;[235] (viii) demonstrate diversity in teaching practices and pedagogy; ix) teach customary law as being of equal status with common law;[236] and (x) create safe spaces and open communication to hear the voice of students on decolonisation.

The Draft LLB CCMM should provide for academics to incorporate decolonisation into their modules (see PO B19).[237] They should not focus on only one of these strategies of Tshivase[238] but employ a combination to attempt to decolonise legal education and the LLB curricula.

---

230 Eli Bitzer & Nonnie Botha 'Introductory chapter' in Eli Bitzer & Nonnie Botha (eds) *Curriculum Inquiry in South African Higher Education* (2011) at 23; Gawie du Toit 'Curriculum types and models' in Eli Bitzer & Nonnie Botha *Curriculum Inquiry in South African Higher Education* (2011) at 20.

231 Tshivhase op cit note 211 at 5.

232 Ibid at 9-15.

233 Specific modules such as constitutional law and African customary law provide an excellent opportunity to discuss past injustices and how these should be addressed going forward.

234 The LLB curriculum should create learning opportunities about Africa's history and specific endeavours that aim to address the challenges the continent faces. Academics need to carefully consider curriculum content to engage adequately with students' life experiences.

235 A jurisprudence module provides an excellent platform for conceptualising decolonised and Africanised legal education.

236 Time should be allocated for customary law; it needs to be taught more broadly across the curriculum, and at an appropriate level to enable students to understand the complexity and significance thereof. Also see

237 See Annexure 2.

238 Tshivhase op cit note 211 at 9-15.

The decolonisation concept is often referred to when the fourth industrial revolution is discussed.[239] The popular view is that the fourth industrial revolution provides unique opportunities for pursuing decolonisation.[240] The following section explores the effects of technology and the fourth industrial revolution on legal education.

### 2.2.5 Technology and the fourth industrial revolution

In 2015, Klaus Schwab, founder and executive chairman of the World Economic Forum, convinced the world that we are at the beginning of the fourth industrial revolution.[241] The term 'fourth industrial revolution' refers to various technological transformations such as artificial intelligence, 3D-printing, robotics, autonomous vehicles, industrial internet of things, cyber-physical systems, quantum computing and nanotechnology.[242]

Legal practice is not immune to technology and the fourth industrial revolution.[243] Computers and information technology have affected almost all regular activities of legal practitioners. Nowadays, legal practitioners use software with specifically programmed algorithms to search, analyse and organise vast and diverse data sets.[244] This software enables legal practitioners to work more efficiently and accurately, and tasks that took several hours to complete can now be completed in minutes. Technology can reduce labour costs, leading to clients receiving more value for their money.[245]

The fourth industrial revolution requires HE to use learning management systems such as Blackboard or Moodle, videos, podcasts, Powerpoint, social media and clickers. It requires

---

239 John Butler-Adam 'The fourth industrial revolution and education' (2018) 114 *South African Journal of Science* at 1.

240 Vincent Chukwukadibia Onwughalu & Victor Ojakorotu 'The 4th industrial revolution: An opportunity for Africa's "decolonization" and development or recolonization?' (2020) 17 *African Renaissance* at 76.

241 Klaus Schwab 'The fourth industrial revolution: What it means, how to respond', (2016) available at *https://www.weforum.org/agenda/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond/#*, accessed on 30 December 2020.

242 Ewan Sutherland 'The fourth industrial revolution – the case of South Africa' (2020) 47 *Politikon* at 233.

243 Willem H Gravett 'Is the dawn of the robot lawyer upon us? The fourth industrial revolution and the future of lawyers' (2020) 23 *Potchefstroom Electronic Law Journal* at 27-28.

244 Benjamin Alarie, Anthony Niblett & Albert H Yoon 'How artificial intelligence will affect the practice of law' (2018) 68 *University of Toronto LJ* at 117; Simon Stern 'Introduction: Artificial intelligence, technology, and the law' (2018) 68 *University of Toronto LJ* at 10; Willem H Gravett 'Is the dawn of the robot lawyer upon us? The fourth industrial revolution and the future of lawyers' (2020) 23 *Potchefstroom Electronic Law Journal* at 17.

245 Benjamin Alarie, Anthony Niblett & Albert H Yoon 'How artificial intelligence will affect the practice of law' (2018) 68 *Supplementary University of Toronto LJ* at 116-117; Gravett op cit note 244 at 28.

HE to prepare graduates who are ready for the fourth industrial revolution.[246] The *LLB Qualification Standard* emphasises the importance of information technology.[247] It requires HE to produce LLB graduates who are competent in accessing information efficiently and effectively; and use technology to research, organise, evaluate and communicate information. In 2016, the South African Law Deans' Association (hereafter SALDA), in cooperation with the Legal Education and Development division of the Law Society of South Africa, organised a workshop on integrating information technology and internet law into the LLB curriculum.[248] Participants concluded that internet law should form part of the LLB curriculum as a standalone, integrated or hybrid module. Students also must be competent in using technology and databases that include LexisNexis-Butterworths, Jutastat, Sabinet Legal and other recognised e-research resources.

Clearly, technology and the fourth industrial revolution seriously impacted on developing the new LLB curriculum. Therefore, the Draft LLB CCMM must require academics to incorporate aspects of the fourth industrial revolution into their modules (see PO B19).[249] Also, academics need to consider how information technology skills will be developed in different years and modules of the LLB. The graduate attribute map played an important role in this regard (see section 6.4.2).

The Coronavirus Disease (hereafter COVID-19) pandemic saw the rapid integration of features of the fourth industrial revolution in HE.[250] The section below very briefly describes the impact of this pandemic on HE.

### 2.2.6 The Coronavirus Disease (COVID-19) pandemic

The outbreak of SARS-Cov2 was responsible for the infectious viral respiratory disease called COVID-19. It originated in Wuhan, China, in December 2019 and affected people worldwide. The pandemic occurred after the development of the new LLB and did not affect

246 Kirti Menon & Gloria Castrillón 'Reimagining curricula for the fourth industrial revolution' (2019) 14 *The Independent Journal of Teaching and Learning* at 11.
247 CHE op cit note 20 at 8.
248 South African Law Deans' Association *The integration of IT and ICT law into the LLB curriculum workshop* (2016) at 3-4. Hard copy available from researcher.
249 See Annexure 2.
250 Yassamine Bentata 'COVID 2019 pandemic: A true digital revolution and birth of a new educational era, or an ephemeral phenomenon?' (2020) 25 *Medical Education Online* at 1.

the curriculum change process. Consequently, I will not discuss the impact of the pandemic in detail and will only highlight some of the most important effects of COVID-19 on HE.

Before the pandemic, HEIs usually considered online teaching as an additional option to face-to-face learning.[251] The outbreak of COVID-19 and the announcement of the lockdown in South Africa on 23 March 2020[252] meant that students could not attend face-to-face classes. Students and academics quickly had to adjust to 'emergency online education'.[253]

Since June 2021, HEIs have had to follow a risk-adjusted strategy to phase in the reopening of campus activities.[254] COVID-19 has undoubtedly presented the most significant challenge to the relevance and resilience of HE in recent times. It has been described as 'a blessing in disguise' by affirming the important role of online/blended learning in HE.[255] The impact on South African HE was profound, and some of the consequences of the pandemic will likely persist for many years.

The review above concludes the discussion of the six challenges that have shaped HE, curriculum development and the Draft LLB CCMM proposed in Annexure 2. The following section analyses the South African legal education context and its implications for developing the Draft LLB CCMM and the new LLB curriculum.

## 2.3 THE SOUTH AFRICAN LEGAL EDUCATION CONTEXT

This section focuses on the South African legal education context by exploring the introduction of the four-year LLB, the perceptions about the poor quality of four-year LLB graduates in the years that followed, and the CHE's three attempts to address these quality

---

251 Giorgio Marinoni, Hilligje van't Land, Trine Jensen *The impact of COVID-19 on higher education around the world* (2020) at 6.

252 Directions Issued by the Minister of Cooperative Governance and Traditional Affairs with Respect to the Response to Covid-19 in the Cooperative Governance & Traditional Affairs Sectors: Issued in terms of section 27(2) of the Disaster Management Act, 2002 (Act no. 57 of 2002) (GN 399 in *GG* 43147 of 25 March 2020).

253 Marinoni, Van't Land & Jensen op cit note 251 at 6.

254 Directions for criteria to return to public university and private higher education institution campuses as part of a risk-adjusted strategy for a phased -in return from level 3: issued in terms of the Disaster Management Act, 2002 (Act no. 57 of 2002) (GN 652 in *GG* 43414 of 8 June 2021).

255 Ritimoni Bordoloi, Prasenjit Das & Kandarpa Das 'Perception towards online/blended learning at the time of Covid-19 pandemic: An academic analytics in the Indian context' (2022) 30 *Asian Association of Open Universities Journal* at 56.

concerns. As stated in section 1.1, the chronology in Annexure 1 arranges the events that are significant for the purposes of this study in order of their occurrences. The section below focuses specifically on the period from 1994 to the present.

### 2.3.1 Introducing the four-year LLB in South Africa

One of the most significant changes that impacted South African legal education was the introduction of a four-year undergraduate LLB in 1998. Before 1998, the LLB was not offered as a first Bachelor's degree, but as a postgraduate degree. Students could obtain the qualification after graduating with another Bachelor's degree, such as a *Baccalaureus Iuris* (BIuris), *Baccalaureus Procurationis* (BProc), Bachelor of Arts (BA), Bachelor of Commerce (BCom), or Bachelor of Business Science (BBusSc) which required a total study duration of five or six years.

The democratisation of South Africa in 1994 gave rise to the desire to transform the legal professions and legal education.[256] Debates on this issue commenced in 1995 and were driven by aspirations to improve access for Black students to legal studies and to improve representation of all race groups in the legal professions. Furthermore, the drive to transform legal education aimed to address the perceived difference in the quality of different law degrees and reduce the cost of qualifying as a lawyer. Taking five years to complete an LLB was perceived as a luxury that could hinder the transformation of the legal profession. Prospective African, Coloured and Indian law students, in most cases, could not afford the fees for five years of study, and a status distinction was evident between those attorneys who completed only a BProc degree and those who had graduated with a Bachelor's degree and a postgraduate LLB. The distinction between the two groups of attorneys also tended to follow racial lines, since most Black attorneys graduated with the BProc degree. This state of affairs limited Black lawyers' access to the advocates' profession and the judiciary.[257]

256 Lesley Greenbaum 'The four-year undergraduate LLB: Progress and pitfalls' (2010) 35 *Journal for Juridical Science* at 2; Greenbaum op cit note 147 at 467,468.

257 Judges could only be appointed from the ranks of experienced advocates. See Greenbaum op cit note 256 at 2, 9.

Extensive consultation between universities, the legal professions and the government commenced in 1995.[258] The Qualification of Legal Practitioners Amendment Act[259] was promulgated in 1997. In terms of section 1 of this Act,[260] the minimum educational requirement for admission to practice in South Africa as an advocate or attorney is a 'degree of baccalaureus legum of any university in the Republic after completing a period of study of not less than four years for that degree'. The LLB would be the only qualifying degree for entry into the legal professions. Consequently, universities retain the freedom to continue offering the five/six-year two-tier LLB.[261] The two-phased legal education system continues to apply to those graduates who wish to practice as attorneys or advocates.[262] The first academic phase requires graduates to obtain an LLB from a university, while the second professional phase requires legal professionals to prepare graduates for careers as attorneys or advocates.[263]

The introduction of the four-year LLB was 'accepted with varying degrees of enthusiasm.'[264] Although many deans were reluctant to embrace the new dispensation, their concerns about lowering standards were overshadowed by other stakeholders' overwhelming support.[265] Political and symbolic factors beyond the control of legal educators gave birth to the reconceptualisation of legal education.[266] In the same vein, Smith[267] claimed that the process followed to introduce the four-year LLB 'was characterised by a feeling of inevitability' among deans and law academics. He could not find any convincing arguments supporting the introduction of an undergraduate LLB and stated that the 'only change is that the new minimum entrance requirement is lower for everyone'.[268]

---

258 Ibid at 2.
259 Qualification of Legal Practitioners Amendment Act 78 of 1997.
260 Qualification of Legal Practitioners Amendment Act 78 of 1997.
261 A two-tier model entails the offering of an LLB after a student has completed a first bachelor's degree.
262 Georgina Pickett 'The LLB Curriculum Research Report' (2010) at 12, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Research%20Findings.pdf*, accessed on 10 September 2014.
263 LLB graduates intending to become advocates need to complete a pupilship of at least 12 uninterrupted months to be admitted as an advocate. Vocational training (articles) of 24 uninterrupted months is required for LLB graduates to be admitted as advocates. See regulations 6 and 7 of the Legal Practice Act, 2014: Regulations Under Section 109(1)(a) in GN 921 *GG 10177* of 31 August 2018.
264 Rob Midgley 'South Africa: Legal education in a transitional society' in Fiona Cownie (ed) *Stakeholders in the Law School* (2010) at 106.
265 Greenbaum op cit note 147 at 468.
266 Greenbaum op cit note 256 at 2.
267 Nicholas Smith 'No convincing arguments for undergraduate LLB' (1997) December *De Rebus* December at 802.
268 Ibid.

'Pruning' legal education by one year did not make jurisprudential or education sense to Smith.[269] The introduction of a new constitutional dispensation 'complicated' South African law to a considerable extent. Additional conceptual training was required, yet the duration of the LLB was decreased by one year. Furthermore, decreasing the duration of legal education could only be considered in a country with a sound primary and secondary education, but not in South Africa, with its discriminatory educational legacy (see section 2.2.3).

Woolman, Watson and Smith[270] shared the sentiment of Smith[271] that the four-year LLB would not advance the transformation agenda of the government, but would create a 'system of legal education which neither serves the graduate nor the people the graduate is supposed to serve'. The transformation would merely 'create more ill-equipped law-school graduates more quickly'.[272] The authors also challenged the pedagogical soundness of the process [273] because no research was commissioned into the state of South African legal education before making such an important decision. Similarly, Greenbaum reported the following in 2010: 'The informing "vision" that inspired the change appears to have been clouded by vague, atheoretical interests, founded upon symbolic gestures and unarticulated premises, lacking in a well-researched or pedagogical foundation.'[274]

Section 2.2.2 showed the limited success of the four-year LLB in transforming legal education and legal practice. The question arises whether the concerns about the four-year LLB, as highlighted above, were mere speculations. The following section reports on the concerns regarding the quality of four-year LLB graduates

269 Ibid.

270 Stuart Woolman, Pam Watson & Nicolas Smith 'Toto, I've a feeling we're not in Kansas anymore: A reply to Professor Motala and others on the transformation of legal education in South Africa' (1997) 114 *South African Law Journal* at 34.

271 Smith op cit note 267.

272 Woolman, Watson & Smith op cit note 270.

273 Ibid at 55.The authors refer to two reports as good examples of the kind of the research they had in mind, namely (i) Dennis Pearce, Enid Campbell & Don Harding *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (1987); and (ii) MacCrate op cit note 42.

274 Greenbaum op cit note 256.

### 2.3.2 Concerns of role players about the quality of LLB graduates

Despite limited research on South African legal education,[275] complaints from the judiciary, legal practitioners, legal professional bodies and law academics about the questionable quality of four-year LLB graduates have become strident since its inception in 1997.

Judge Mojapelo, an initial proponent of the four-year LLB, admitted in his address to the Limpopo Law Council in 2012 that the four-year LLB has not been successful in delivering quality graduates as envisaged in 1997.[276] He observed that some graduates 'can barely utter a few coherent sentences, never mind articulate the case of his client' and ill-advised clients would often have been better off on their own. The quality of the younger generation of legal practitioners was also questioned by retired Judge Bernard Ngoepe, who claimed that the standards were not as they used to be.[277] He blamed the curriculum as nothing more than a mere BProc curriculum with two or more courses added. At a summit meeting of stakeholders on the 'Crisis in Legal Education' on 29 May 2013, Justice Bosielo, an acting Constitutional Court judge at the time, warned attendees of the potential consequences of the four-year LLB: 'Unless we take drastic measures to remedy these problems our fledgling constitutional democracy underpinned by our Bill of Rights and the Rule of law will be seriously imperilled'.[278]

In 2014, Judge Davis presented a paper on the congruence/conflict between legal transformation and legal education at a conference at UCT in honour of former Chief Justice Pius Langa. He reported that he had examined several private law textbooks and found that LLB students are 'subjected to a Constitution-free zone of private law teaching' and a lack of 'engagement with a legal method by which to meet the transformative legal challenge'.[279]

---

275 Campbell op cit note 172 at 16.
276 Mojapelo op cit note 9.
277 Anetos op cit note 9.
278 Acting Justice LO Bosielo address to the LLB summit: 'Crisis in legal education' 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_amended.pdf*, accessed on 15 May 2015.
279 Davis op cit note 9.

Legal practitioners also seem to have little confidence in the education that four-year LLB graduates receive.[280] Pantazis,[281] for example, stated that there 'is no doubt that, generally, the quality of the LLB in South Africa is of an unacceptably low standard'. A survey conducted by the Professional Provident Society among almost 500 attorneys showed that only 24 per cent of respondents believed that the LLB sufficiently prepared practitioners to succeed in the profession.[282] Drawing from a range of sources, Van Niekerk[283] claimed that graduates who 'have been born from this initiative are not worthy of the qualification that they have obtained as many of them are unable to read, write and count at the level required by the legal profession'. Van der Merwe also supported the view that the LLB failed to develop graduates with an acceptable quality of graduate attributes: 'Many (prospective) candidate attorneys, including those who have been good students and achieved good results, cannot write an essay.'[284] Bauling concured with this view and claimed that skills courses at South African universities are insufficient to close this gap.[285] Nevertheless, writing is an essential professional skill in almost every branch of legal practice.

The concerns of representatives of the Law Society of South Africa and General Council of the Bar of South Africa regarding the declining quality of four-year LLB graduates were reported in the media until the National Review of the LLB in 2015.[286] According to Nic Swart, former Director of the Legal Education and Development branch of the Law Society of South Arica, graduates found it extremely difficult to write properly and could not draw up basic legal documents and do research. The low quality of graduates ultimately places a considerable burden on the legal profession to overcome the university-practice gap.[287] Former deputy chairperson of the General Council of the Bar of South Africa, Izak Smuts, was also quoted as saying: 'In our country … you can get a law degree for toffee. There is a massive overproduction of under-skilled people and … legal graduates who ought to be excluded from practice'. [288]

---

280 Klaasen op cit note 10.
281 Pantazis op cit note 10.
282 PPS op cit note 10.
283 Van Niekerk op cit note 10 at 533-536.
284 Van der Merwe op cit note 11.
285 Bauling op cit note 12 at 3; Also see Colgan, Domingo & Papacostantis op cit note 12 at 3.
286 Quoted in Van der Merwe op cit note 11; Philip van der Merwe 'Profession can make important contribution to investigation into effectiveness of LLBs' (2010) April *De Rebus* at 4; Manyathi op cit note 11; Jenvey op cit note 11; Ndlovo op cit note 11; Law Society of South Africa op cit note 11.
287 Swart op cit note 11.
288 Quoted in Kim Hawkey 'A+ or F- for the LLB?' (2013) May *De Rebus* at 3.

Numerous law academics have expressed concerns about the quality of LLB graduates[289] and made recommendations for improving LLB curricula at South African universities.[290] Academics opined that the LLB curricula struggled to achieve the required graduate attributes within the minimum time of four-years.[291] Following the LLB Summit on 29 May 2013, SALDA, the Law Society of South Africa and General Council of the Bar of South Africa issued a joint statement in terms of which they confirmed that substantial consensus was reached to extend the four-year LLB to five years.[292]

The literature review above revealed that most of the complaints from the judiciary, legal practitioners, legal professional bodies and law academics were made prior to the National Review of the LLB, which commenced in 2015 (see section 2.3.3.3). I believe that the commencement of the National Review of the LLB convinced stakeholders that their demands to improve the quality of LLB graduates were heard. Therefore, it was unnecessary to complain further about the quality of these students. However, it does not imply that the quality of LLB graduates miraculously improved overnight. Improving the quality of the LLB curriculum and its graduates should be seen as a long-term project. Studies since 2016 tend to focus on various ways to improve the quality of the LLB curriculum and its graduates.[293]

---

289 See, for example, Scott op cit note 12; Greenbaum op cit note 12 at 17; Van Marle & Modiri op cit note 12 at 212; Modiri op cit note 12; Professor Engela Schlemmer, representing the Society of Law Teachers of Southern Africa (SLTSA) in the capacity as its Vice President, address to the LLB Summit: 'Crisis in legal education' 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_amended.pdf*, accessed on 15 May 2015; Chantelle Hough Louw & Theo Broodryk 'Teaching legal writing skills in the South African LLB curriculum: The role of the writing consultant' (2016) 27 *Stellenbosch Law Review* at 535; GG Quinot & SS van Tonder 'The potential of capstone learning experiences in addressing perceived shortcoming in LLB training in South Africa' (2014) 17 *Potchefstroom Electronic Law Journal* at 1350.

290 Quinot & Van Tonder op cit note 289; Campbell op cit note 172; Louw & Broodryk op cit note 289; Greenbaum op cit note 147; Karin van Marle 'Reflections on legacy, complicity, and legal education' (2014) 46 *Acta Academica* at 196; Geo Quinot & Lesley Greenbaum 'The contours of a pedagogy of law in South Africa' (2015) 1 *Stellenbosch Law Review* at 29; Bauling op cit note 12; Colgan, Domingo & Papacostantis op cit note 12; Karin van Marle 'Hold onto critical jurisprudence' (2019) 3 *LLD* at 202; E Snyman-Van Deventer 'Teaching South African (LLB) law students legal analysis to ensure critical thinking (2019) 44 *Journal for Juridical Science* at 79; E Snyman-van Deventer 'Methods to use when teaching legal ethics in South Africa' (2021) 24 *Obiter* at 312.

291 South African Law Deans' Association *Position Paper on Legal Education* (2013) 2, unpublished submission to the *LLB summit: 'Crisis in legal education'* 29 May 2013 (copy on file with the researcher).

292 South African Law Deans' Association, Law Society of South Africa & General Council of the Bar of South Africa op cit note 16.

293 See, for example, Louw & Broodryk op cit note 289; Greenbaum 'op cit note 147; Quinot & Greenbaum op cit note 290; Bauling op cit note 12; Colgan, Domingo & Papacostantis op cit note 12; Van Marle op cit note 290; Snyman-Van Deventer 'Teaching' op cit note 290; Snyman-Van Deventer 'Methods' op cit note 290.

### 2.3.3 Attempts to address the quality of LLB graduates

The critique of the quality of the LLB curriculum and its graduates could not be ignored. Since 2009, the CHE has engaged with various role players to improve the quality of LLB graduates. In the following sections, I briefly explain the three CHE attempts to address the quality of LLB graduates: (i) the LLB Curriculum Research Project, (ii) *LLB Qualification Standard* and (iii) the National Review of the LLB. The chronology in Appendix 1 provides a bird's eye view of where these attempts of the CHE fit into the broader framework of events.

#### 2.3.3.1 LLB Curriculum Research Project

The CHE conducted a survey in 2010 that culminated in the LLB Curriculum Project.[294] The project aimed to determine the extent to which the LLB curriculum met the requirements for the different professions that graduates could enter and identify common graduate attributes across all law profession areas. However, the research report was not well received. Ahmed Essop, former Chief Executive Officer of the CHE, deemed it to be 'of limited value, and the results reported such poor quality that it could not be published'.[295] Consequently, I do not deem it necessary to discuss the results of the study.

#### 2.3.3.2 *LLB Qualification Standard*

In January 2013, SALDA, the Law Society of South Africa and General Council of the Bar of South Africa announced their intention to host an 'LLB Summit: Legal Education in Crisis?'. At the summit on 29 May 2013, Essop, former Chief Executive Officer of the CHE,[296] suggested that HEIs use a newly developed peer-driven qualification standard development process that was published in January 2013 to address the quality concerns about the LLB.[297] The recommendation was accepted. In November 2014, the LLB Standards Development

---

294 Pickett op cit note 262.

295 See Van Niekerk op cit note 10 at 536 and Nivashni Nair 'Law graduates: Heat on varsities' (2012) available at *http://www.timeslive.co.za/thetimes/2012/07/09/law-graduates-heat-on-varsities*, accessed on 8 May 2015.

296 Ahmed Essop, representing the CHE in his capacity as Chief Executive Officer of the CHE, address to the LLB summit: 'Crisis in legal education' 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_amended.pdf*, accessed on 15 May 2015 10-11.

297 See CHE *A Framework for Qualifications Standards in Higher Education* (2013).

Working Group endorsed a revised version of the *LLB Qualification Standard* accepted by all HEIs offering an LLB.[298]

The *LLB Qualification Standard* aims to strengthen the public's confidence in the value and credibility of the LLB.[299] It clarifies the meaning, purpose and distinctiveness of the LLB and provides a framework for the coherent and consistent development of LLB curricula. The *LLB Qualification Standard* also addressed the lack of clarity about the graduate attributes expected of LLB graduates. The sections that follow elaborate on the LLB curriculum imperatives, the purpose of the LLB and the graduate attributes that graduates should possess in terms of the *LLB Qualification Standard*.

*(i) LLB curriculum imperatives*

The preamble to the *LLB Qualification Standard* identifies five imperatives that an LLB curriculum needs to address: (i) globalisation, (ii) the ever-evolving information technology (iii) social justice, (vi) constitutionalism and (v) transformative constitutionalism.[300] The effect of globalisation and ever-changing technology on the LLB curriculum are addressed in sections 2.2.1 and 2.2.5. Below, I provide a brief description of the latter three curriculum imperatives.

South African legal education should advance social justice by developing LLB graduates who can recognise, reflect and apply social justice imperatives. As legal practitioners, LLB graduates should accept responsibility for shaping and transforming the South African legal system. Furthermore, they should promote the social justice aspirations of fairness, legitimacy, efficacy and equity and understand how they can serve the community.[301]

The Constitution is the country's supreme law and requires all other sources of law to be subservient to it. Constitutionalism requires all laws to be interpreted and applied in terms of the values that underlie a democratic and open society based on human dignity, equality and freedom. Klare stated that the Constitution could be described as 'social, redistributive,

298 Ibid at 5.
299 Ibid at 10-11.
300 CHE op cit note 20 at 7.
301 Ibid at 11.

caring, positive, at least partly horizontal, participatory, multicultural and self-conscious about its historical setting and transformative role and mission.[302]

Transformative constitutionalism has been described as a South African 'brand' or 'paradigm' of constitutionalism.[303] It is much more than constitutionalism.[304] It is a broader emancipatory project[305] committed to a comprehensive and more deep-rooted political and social change.[306] Contrary to transitional constitutions that usually envision a particular state of society that does not require change once the aims have been achieved, transformative constitutionalism requires continuous self-improvement.[307]

Klare argued that the transformative nature of the Constitution required a new transformative methodology.[308] He cautioned that the culture of jurisprudential conservatism could discourage appropriate constitutional innovation. [309] The disconnect between the conservative legal culture and the Constitution's transformative aims suggests the need for a transformation of the legal culture and legal education.[310] Klare referred to this as transformative constitutionalism, which he describes as follows:[311]

> [A] long-term project of constitutional enactment, interpretation, and enforcement committed (not in isolation, of course, but in a historical context of conducive political developments) to transforming a country's political and social institutions and power relationships in a democratic, participatory, and egalitarian direction. Transformative constitutionalism connotes an enterprise of inducing large-scale social change through nonviolent political processes grounded in law.

In 2006, the late Chief Justice Pius Langa[312] confirmed the critical role that legal education needs to play in achieving the aims of transformative constitutionalism. He delivered a

---

302 Karl E Klare 'Legal culture and transformative constitutionalism' (1998) 14 *SAJHR* at 153.
303 Michaela Hailbronner 'Transformative constitutionalism' (2017) 65 *The American Journal of Comparative Law* 527 at 532.
304 Ibid at 527.
305 Ibid at 528.
306 Klare, Karl E 'Legal culture and transformative constitutionalism' (1998) 14 *SAJHR* at 150; Michaela Hailbronner 'Transformative constitutionalism' (2017) 65 *The American Journal of Comparative Law* at 533.
307 Hailbronner op cit note 303 at 533.
308 Klare op cit note 306 at 156.
309 Ibid at 171.
310 Ibid.
311 Ibid at 150.
312 Pius Langa 'Transformative constitutionalism' (2006) 17 *Stellenbosch Law Review* at 356.

prestigious lecture at Stellenbosch University and postulated that transformative constitutionalism requires the following of South African legal education:

> No longer can we responsibly turn out law graduates who are unable to critically engage with the values of the Constitution and who are unwilling to implement those values in all corners of their practices. A truly transformative South Africa requires a new approach that places the Constitutional dream at the very heart of legal education. It requires that we regard law as part of the social fabric and teach law students to see it as such. They should see law for what it is, as an instrument that was used to oppress in the past, but that has that immense power and capacity to transform our society.

Quinot[313] responded to the legal education challenges that Klare[314] and Justice Langa[315] posed by proposing a new theoretical framework for transformative legal education. Quinot's framework entails a revision of the substance of what is being taught. [316] Fundamental rights and judicial review should be incorporated into the law curriculum. The curriculum should reflect the new constitutional paradigm and its impact on established areas of the law.[317] New legal methods and value-based substantive reasoning should be adopted.[318] The LLB curriculum requires an interdisciplinary approach that integrates the law with other disciplines, such as psychology, philosophy, political science, economics, and public administration. The law curriculum must consider matters such as morality, policy and politics in legal analysis, the context in which law operates and the society it intends to regulate and transform.[319]

*(ii) Purpose of the LLB*

The *LLB Qualification Standard* states that the qualification needs to prepare graduates for entry into the following: (i) legal practice as attorneys or advocates, (ii) a wide range of careers that require the application of the law, and (ii) postgraduate studies.[320]

---

313 Geo Quinot 'Transformative legal education' (2012) 129 *South African Law Journal* at 411. Also see Sarah Rutherford Smith & Andrea Bauling 'Aiming for transformation: Exploring graduateness in South Africa' (2013) 25 *Stellenbosch Law Review* at 148.
314 Klare op cit note 302 at 150.
315 Langa op cit note 312.
316 Quinot op cit note 313 at 414.
317 Ibid.
318 Ibid at 415.
319 Ibid.
320 CHE op cit note 20 at 8.

As candidate legal practitioners, LLB graduates can undergo practical vocational training either as pupil advocates or as candidate attorneys.[321] Once they have been admitted and enrolled in terms of sections 24 or 30 of the Legal Practice Act 28 of 2014, they may practise as attorneys or advocates. Other careers that LLB graduates can pursue as legal practitioners include state law advisors, family advocates, judicial officers, public prosecutors, state advocates, and state attorneys. LLB graduates can also pursue careers that require the application of the law in the private or public sectors. [322] They can, for example, be employed as legal advisors in the private or public sectors.[323]

The *Report on the National Review of the LLB* questioned whether the LLB curriculum can indeed prepare students specifically for careers that require the application of the law in the private or public sectors.[324] However, it suggested that the effectiveness of preparing students for such careers depends on the degree to which students develop generic skills and the number of non-law modules that are included in the curriculum.[325]

Instead of entering the workforce, LLB graduates can enrol for a Postgraduate Diploma or Master's Degree.[326] Graduates who foresee a career in academia will typically register for a Master's Degree in Law in a specific area of specialisation.

*(iii) Essential graduate attributes*

The *LLB Qualification Standard* organises the attributes that are required of graduates into three domains: knowledge, skills and applied competence.[327] The sections below identify the different graduate attributes that need to be developed and show the relationship between

321 See footnote 165.
322 Shane Godfrey & Rob Midgley 'Law professionals: Scarce and critical skills: Law professionals' (2008) available at *http://www.lmip.org.za/sites/default/files/documentfiles//Law_DoL_Report.pdf*, accessed on 30 November 2022.
323 The Department of Justice, for example, offers positions in the offices of the Master of the High Court, South African Human Rights Commission, the Commission on Gender Equality, the Public Protector, and the Legal Aid Board.
324 CHE op cit note 13 at 23.
325 CHE op cit note 13 at 25.
326 CHE op cit note 20 at 12.
327 CHE op cit note 20 at 8-9.

the graduate attributes and the different approaches to legal education proposed by James.[328]

*Knowledge domain*: LLB graduates need to have a comprehensive and sound knowledge and understanding of the South African Constitution and basic areas or fields of law.[329] Furthermore, LLB graduates should have advanced knowledge of a selected area(s) of the law or knowledge of specialised area(s) of the law. These requirements of the knowledge domain support the doctrinal approach to legal education.[330] The approach emphasises 'black letter' law[331] and the law's intellectual rigour, educational value, and social importance.[332] The knowledge domain of the *LLB Qualification Standard* also expects graduates to have some understanding of a discipline other than law,[333] which points to the liberal approach to legal education.[334] This approach requires the law to be more contextually taught with insights from different disciplines and cultures.

*Skills domain*: The skills that LLB graduates should exhibit are critical thinking and research skills.[335] This domain reflects elements of the pedagogical and radical discourses in legal education. The pedagogical approach requires academics to teach the law using orthodox education scholarship.[336] These academics should exhibit a willingness to apply critical thought to their own positions, perspectives or arguments.[337] The radical discourse explicitly encourages critique as a pedagogical activity.[338] It aims to undermine the legal system's status quo by exposing and questioning political positions, gender and political biases, and/or power relations.[339]

---

328 Nicholas John James 'Australian legal education and the instability of critique' (2004) 28 *Melbourne University LR* at 380.

329 CHE op cit note 20 at 6-9. These basic areas of the law include (i) aspects of private, public, mercantile and formal law; (ii) international and comparative aspects of law, perspectives on law, and the legal profession; and (iii) the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.

330 James op cit note 328.

331 Campbell op cit ntoe 172 at 24.

332 Nicholas John James op cit note 328 at 380-382.

333 CHE op cit note 20 at 6-9. These basic areas of the law include (i) aspects of private, public, mercantile and formal law; (ii) international and comparative aspects of law, perspectives on law, and the legal profession; and (iii) the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.

334 James op cit note 328 at 389-90.

335 CHE op cit note 20 at 9.

336 James op cit note 328 at 394.

337 Ibid at 396.

338 Ibid at 399.

339 Ibid at 398.

*Applied competences domain*: The applied competences expected of LLB graduates are ethics and integrity; communication skills and literacy; numeracy skills; information technology skills; problem-solving skills; self-management and collaboration skills; the ability to transfer acquired knowledge to others and to new and unfamiliar fields of law; and agency, accountability and service to the community.[340] Developing these graduate attributes requires a liberalist and vocational approach to legal education. The liberalist discourse focuses on teaching ethical values,[341] while the vocational approach propagates the development of the other legal skills to enhance graduates' employability.

The different discourses mentioned above give effect to a tension between theory/practice and doctrinalism/skills[342] that is well documented in international literature.[343] Greenbaum[344] reviewed legal education literature from the United States of America, the United Kingdom and Australia. She identified the tension between the teaching of legal doctrine and the teaching of legal skills within the university curriculum as a critical focus area in international legal education literature. Even though limited scholarship is available on the disjuncture between legal education and legal practitioners' demands in South Africa, the prevalence of the tension between legal education and legal practice is not less evident.[345]

Incorporating elements of the different legal education discourses into the LLB curriculum will contribute to graduates being prepared for the different career and study options mentioned earlier.[346] For example, incorporating elements of vocationalism and doctrinalism can prepare LLB graduates ifor entrance to legal practice. Liberal elements will support graduates in entering careers that require the application of law, and radicalism will play an essential

340 CHE op cit note 20 at 10-11.
341 James op cit note 328 at 389-90.
342 Greenbaum op cit note 12 at 17.
343 Examples of UK literature: Quality Assurance Agency for Higher Education 'Subject Overview Report on law' (1995), available at *http://78.158.56.101/archive/law/resources/quality-management-and-assurance/graduate/index.html*, accessed on 10 September 2014; Great Britain Parliament House of Commons *Lord Chancellor's Advisory Committee on Legal Education and Conduct* (1996); Rebecca Boden & Maria Nedeva 'Employing discourse: Universities and graduate "employability"' 25 (2010) *Journal of Education Policy* at 24; David Weisbrot 'What lawyers need to know … what lawyers need to be able to do: An Australian experience' (2002) *Journal of the Association of Legal Writing Directors* at 21.
344 Lesley A Greenbaum 'A history of the racial disparities in legal education in South Africa' (2009) 3 *John Marshall LJ* at 37.
345 Campbell op cit note 172 at 16; Bauling op cit note 12 at 1.
346 CHE op cit note 20 at 6.

role in preparing LLB graduates for postgraduate studies. However, incorporating and achieving an equilibrium between the different discourses relating to legal education (especially doctrinalism, vocationalism and liberalism) in the curriculum is challenging.

As explained in section 1.6, the Draft LLB CCMM in Annexure 2 consists of 61 POs for facilitating LLB curriculum change at South African universities. The discussion above highlighted specific POs that had to be included in the Draft LLB CCMM. Staff members must consider how the curriculum imperatives and graduate attributes will be developed in and distributed across different modules (PO D5) and years of study (PO D6) of the new LLB. Consequently, staff members need to understand the *LLB Qualification Standard* and the graduate attributes expected of LLB graduates (PO B18). They must also be competent in incorporating these aspects into their modules (PO B19). There also needs to be a consensus among staff members about the purpose of the LLB. Unfortunately, the Draft LLB CCMM neglected to provide for this issue.

Although the LLB Standard seems to be uncontroversial and generally acceptable to HEIs and the legal professions, Greenbaum was concerned about 'the unspoken view, also anecdotal, that the standards are merely aspirational and unattainable at institutions that are poorly resourced and have high student enrollments and small numbers of staff, many of whom are relatively inexperienced.'[347] However, on 7 November 2017, the HEQC placed four LLB qualifications on notice of withdrawal and withdrew the accreditation of one LLB qualification for not meeting, among other things, the requirements of the *LLB Qualification Standard*.

#### 2.3.3.3 National Review of the LLB

At the LLB Summit mentioned above, Essop confirmed that the CHE and SALDA had agreed on a National Review of the LLB.[348]

The National Review of the LLB commenced in 2015. The CHE appointed a National Review Reference Group to define, among other things, the scope of the National Review of the LLB.

---

347 CHE op cit note 13 at 4.
348 Essop op cit note 296.

To be accredited, HEIs had to meet the *LLB Qualification Standard* and the *Criteria for Programme Accreditation.*[349] Each HEI offering the LLB submitted a self-evaluation report that was desktop-evaluated by an academic peer.[350] Site visits took place from August to October 2016, and panels of two to three academic peers evaluated the offering of the LLB at the different HEIs.[351] Two independent individuals served as chairpersons for eight and nine of the panels, respectively.[352] Each panel prepared a report based on the self-evaluation report and the site visit.[353] On 7 April 2017, the HEQC conveyed its final decision about the accreditation of LLB programmes in South Africa to all HEI offering an LLB.

The Law Society of South Africa expressed its dissatisfaction with the National Review of the LLB. [354] Although the legal professions were consulted during the *LLB Qualification Standard*-setting process, the HEQC excluded the Law Society of South Africa from the review process. However, in South Africa, the HEQC is responsible for accrediting HEIs to present the LLB and not the legal professions.[355]

In November 2018, the *Report on the National Review of the LLB* concluded the review of LLB programmes.[356] The review process aimed to address the significant problems in legal education. Ideally, the recommendations presented in the *Report on the National Review of the LLB* had to bring about further curriculum changes and discussion within and among law faculties and the employers of students (see section 1.1).[357]

## 2.4 UNIVERSITY OF THE FREE STATE (UFS) CONTEXT

This study aims to propose a CCMM for facilitating comprehensive LLB curriculum change at South African universities (see section 1.5). However, the research methods of the study are based on UFS academics' experience of the comprehensive LLB curriculum change process that took place in the Faculty (see section 1.6). I, therefore, regard it as apposite to

349 CHE *Criteria for Programme Accreditation* (2004).
350 CHE op cit note 14 at 13.
351 Ibid.
352 Ibid.
353 Ibid.
354 Law Society of South Africa op cit note 11.
355 CHE op cit note 13 at 4.
356 Ibid at 7.
357 Ibid at 50.

provide some insight into the institutional context in which the Final LLB CCMM was developed.

The UFS LLB was one of four programmes that the HEQC put on notice of withdrawal of accreditation on 7 April 2017.[358] The reasons for the decision were based on the Faculty Board's decision to replace its LLB with a newly developed one:[359]

> During the HEQSF alignment process, the institution wrote to the CHE (21 April 2015) that, based on a decision to review all current Law offerings and on the view that "a better aligned and more coherent [LLB] curriculum is needed", it wanted to "re-categorise the qualification … to C, to be phased out by the date to be determined by the Minister of Higher Education and Training…." This implies that an application for accreditation of a new programme needs to be submitted.

The HEQC also noted some concerns about the programme, described in section 2.4.2. On 9 November 2017, the HEQC revised the accreditation status of the old LLB to conditionally accredited, based on an improvement plan. It led to the formulation of PO D10 dealing with faculties addressing the concerns raised by the HEQC in the new LLB curriculum. The HEQC advised the Faculty to apply for the accreditation of a new LLB programme by March 2019 and to provide evidence of an accredited LLB programme by 30 October 2020.[360] Students, employers and alumni validated the new LLB during three focus group discussions (see PO D11) from 11 to 14 March 2018. The UFS application was approved by the Faculty Board[361] and all other UFS structures and uploaded to the CHE website[362] on 31 March 2018. As mentioned in section 1.2, the HEQC accredited the newly developed LLB on 19 November 2018.[363]

The UFS LLB curriculum change process was used to generate an in-depth understanding of comprehensive LLB curriculum change in a real-life setting.[364] As mentioned in section

---

358 Ibid at 4.

359 CHE *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) programme 2016 – 2017* (2017) at 1. A copy of the report is available from the researcher. The Report stated: 'During the HEQSF alignment process, the institution wrote to the CHE (21 April 2015) that, based on a decision to review all current Law offerings and on the view that "a better aligned and more coherent [LLB] curriculum is needed", it wanted to "re-categorise the qualification … to C, to be phased out by the date to be determined by the Minister of Higher Education and Training…." This implies that an application for accreditation of a new programme needs to be submitted.

360 CHE *Higher Education Quality Committee Report, University of the Free State: Improvement Plan Analysis Report 09 November 2017* (2017) at 1. A copy of the report is available from the researcher.

361 19 March 2018.

362 *https://www.che.ac.za*.

363 CHE op cit note 57.

364 Also see Gary Thomas *How to Do Your Case Study* 3 ed (2021) at 10.

1.2, the UFS was the only university to engage in a comprehensive curriculum review of its LLB due to the promulgation of the HEQSF.[365] Therefore the UFS LLB curriculum change process served as an ideal case to extract considerations that other HEIs may use when deciding to develop new LLB curricula.

Considering the above, it is necessary to gain insight into the UFS institutional context. In this context, the decision was made to replace the LLB with a newly developed one. Also, the Draft and Final LLB CCMMs were developed in this context. In order to get an understanding of the UFS institutional context, I investigate whether the four-year UFS LLB met its transformational goals of improving student equity and widening access. Furthermore, a critical analysis of the old UFS LLB identified specific concerns that had to be addressed in a new LLB curriculum. The question is also addressed whether these concerns were only related to the UFS but also the LLB curricula at other South African universities.

### 2.4.1 Equity and widening access

Cohort studies provide a more accurate picture of student success[366] and indicate the total number and percentage of particular first-time students (cohorts) who have graduated or dropped out over a specific number of years.[367] Table 2.2 summarises the results of the UFS LLB cohort study performed according to race for first-time-entering students from 2013 to 2018.

It is clear from Table 2.2 that the UFS succeeded in widening access to 'redress' categories (classified officially as African, Coloured and Indian). For example, first-time entering African students increased by more than 300 per cent from 49 students in 2013 to 150 in 2018. Over the same period, the number of White first-time entering students ranged from 38 in 2013 to 73 in 2016.

365 Mokgatle op cit note 44.
366 Lewin & Mawoyo op cit note 154 at 24.
367 Department of Higher Education and Taining *2000 to 2017 First Time Entering Undergraduate Cohort Studies for Public Higher Education Institutions* (2020) at 14.

**Table 2.2: Cohort study for 2013 to 2018 first-time-entering UFS LLB students**

| Cohorts | Race | Total | Graduates | | | | | | | | | | Non-graduates | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Number of graduates | | | | | Graduation rates | | | | | Dropped out | | Still registered | | Total | |
| | | | 4 | 5 | 6 | >6 | Total | 4 | 5 | 6 | >6 | Total | n | % | n | % | n | % |
| 2013 | African | 49 | 12 | 4 | 1 | 4 | 21 | 24 | 8 | 2 | 8 | 43 | 28 | 57 | 0 | 0 | 28 | 57 |
| | Coloured | 17 | 5 | 2 | 3 | 0 | 10 | 29 | 12 | 18 | 0 | 59 | 7 | 41 | 0 | 0 | 7 | 41 |
| | Indian | 1 | 1 | 0 | 0 | 0 | 1 | 100 | 0 | 0 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 |
| | White | 38 | 18 | 4 | 1 | 1 | 24 | 47 | 11 | 3 | 3 | 63 | 14 | 37 | 0 | 0 | 14 | 37 |
| | Overall | 105 | 36 | 10 | 5 | 5 | 56 | 34 | 10 | 5 | 5 | 53 | 49 | 47 | 0 | 0 | 49 | 47 |
| 2014 | African | 60 | 14 | 10 | 1 | 2 | 27 | 23 | 17 | 2 | 3 | 45 | 33 | 55 | 0 | 0 | 33 | 55 |
| | Coloured | 15 | 3 | 1 | 2 | 0 | 6 | 20 | 7 | 13 | 0 | 40 | 9 | 60 | 0 | 0 | 9 | 60 |
| | Indian | 5 | 2 | 0 | 0 | 0 | 2 | 40 | 0 | 0 | 0 | 40 | 3 | 60 | 0 | 0 | 3 | 60 |
| | White | 57 | 20 | 4 | 5 | 4 | 33 | 35 | 7 | 9 | 7 | 58 | 24 | 42 | 0 | 0 | 24 | 42 |
| | Overall | 137 | 39 | 15 | 8 | 6 | 68 | 28 | 11 | 6 | 4 | 50 | 69 | 50 | 0 | 0 | 69 | 50 |
| 2015 | African | 66 | 10 | 12 | 5 | 0 | 27 | 15 | 18 | 8 | 0 | 41 | 39 | 59 | 0 | 0 | 39 | 59 |
| | Coloured | 19 | 5 | 2 | 2 | 1 | 10 | 26 | 11 | 11 | 5 | 53 | 9 | 47 | 0 | 0 | 9 | 47 |
| | Indian | 2 | 1 | 0 | 0 | 0 | 1 | 50 | 0 | 0 | 0 | 50 | 1 | 50 | 0 | 0 | 1 | 50 |
| | White | 73 | 15 | 12 | 5 | 0 | 32 | 21 | 16 | 7 | 0 | 44 | 41 | 56 | 0 | 0 | 41 | 56 |
| | Overall | 160 | 31 | 26 | 12 | 1 | 70 | 19 | 16 | 8 | 1 | 44 | 90 | 56 | 0 | 0 | 90 | 56 |
| 2016 | African | 112 | 15 | 26 | 8 | 1 | 50 | 13 | 23 | 7 | 1 | 45 | 59 | 53 | 3 | 6 | 62 | 55 |
| | Coloured | 32 | 6 | 10 | 0 | 0 | 16 | 19 | 31 | 0 | 0 | 50 | 16 | 50 | 0 | 0 | 16 | 50 |
| | Indian | 4 | 1 | 1 | 0 | 0 | 2 | 25 | 25 | 0 | 0 | 50 | 2 | 50 | 0 | 0 | 2 | 50 |
| | White | 73 | 15 | 12 | 6 | 0 | 33 | 21 | 16 | 8 | 0 | 45 | 37 | 51 | 3 | 6 | 40 | 55 |
| | Overall | 221 | 37 | 49 | 14 | 1 | 101 | 17 | 22 | 6 | 0 | 46 | 114 | 52 | 6 | 12 | 120 | 54 |
| 2017 | African | 133 | 31 | 19 | 1 | 0 | 51 | 23 | 14 | 1 | 0 | 38 | 66 | 50 | 16 | 32 | 82 | 62 |
| | Coloured | 29 | 7 | 7 | 0 | 0 | 14 | 24 | 24 | 0 | 0 | 48 | 9 | 31 | 6 | 19 | 15 | 52 |
| | Indian | 4 | 0 | 2 | 0 | 0 | 2 | 0 | 50 | 0 | 0 | 50 | 2 | 50 | | 0 | 2 | 50 |
| | White | 59 | 22 | 10 | 0 | 0 | 32 | 37 | 17 | 0 | 0 | 54 | 24 | 41 | 3 | 7 | 27 | 46 |
| | Overall | 225 | 60 | 38 | 1 | 0 | 99 | 27 | 17 | 0 | 0 | 44 | 101 | 45 | 25 | 59 | 126 | 56 |
| 2018 | African | 150 | 52 | 0 | 0 | 0 | 52 | 35 | 0 | 0 | 0 | 35 | 40 | 27 | 58 | 39 | 98 | 65 |
| | Coloured | 12 | 4 | 0 | 0 | 0 | 4 | 33 | 0 | 0 | 0 | 33 | 7 | 58 | 1 | 2 | 8 | 67 |
| | Indian | 2 | 1 | 0 | 0 | 0 | 1 | 50 | 0 | 0 | 0 | 50 | 1 | 50 | 0 | 0 | 1 | 50 |
| | White | 48 | 25 | 0 | 0 | 0 | 25 | 52 | 0 | 0 | 0 | 52 | 15 | 31 | 8 | 26 | 23 | 48 |
| | Overall | 212 | 82 | 0 | 0 | 0 | 82 | 39 | 0 | 0 | 0 | 39 | 63 | 30 | 67 | 66 | 130 | 61 |

Widening access alone will not be sufficient if students do not have the prospect of graduating.[368] Table 2.2 shows that the graduation rate of particularly African students compared poorly to those of White students. White and African students of the 2016 cohort shared the same total graduation rate of 45 per cent. The total graduation rates of African students in the other five cohorts were consistently lower than those of White students.[369] For example, for the 2017 cohort, 54 per cent of White students graduated, while only 38 per cent of African students graduated. This was accompanied by a drop-out rate of 50 per cent for Africans and 41 per cent for White students of the 2017 cohort.

368 Department of Education *Education White Paper 3: A Programme for the Transformation of Higher Education* (published in *GG* 18207 of 15 August 1997) at 11; Greenbaum op cit note 147 at 474.

369 The 2017 and 2018 cohorts were excluded since 2022 and 2023 figure were not available.

The *Report on the National Review of the LLB* stated that about one-third of students at South African universities completed their LLB studies within the minimum four-year period.[370] The data in Table 2.2 paints a gloomy picture for UFS LLB students. About 45 per cent of students do not graduate within six years of study.[371] The 2014 to 2017 UFS cohorts reported lower graduation rates after four years of studies than the 33 per cent national average. For example, the total graduation rate within four years of study was only 17 per cent for the 2016 cohort. Furthermore, the percentage of the 2014 to 2016 UFS cohorts who have not graduated within six years of study was consistently higher than the national standard of 45 per cent.[372] The low graduation and high drop-out rates for African students was only one of the concerns that plagued the UFS LLB. In the following section, I specifically reflect on concerns related to the LLB curriculum.

### 2.4.2 A critical analysis of the UFS LLB curriculum

I regarded it as imperative to engage in a critical analysis of the old LLB curriculum before the Faculty commenced developing the new curriculum. Such a critical analysis has the potential to identify specific POs for facilitating comprehensive LLB curriculum change at any South African university. Data obtained from four other initiatives/events assisted with the critical analysis. The chronology in Annexure 1 frames the timing of these events within the broader framework of the study.

Initially, in the first quarter of 2015, I conducted three informal focus group discussions with academics, four with students, two with alumni, and three with employers who included legal practitioners and employers hiring graduates in positions requiring the application of the law.[373] These discussions focused on the strengths of the old LLB curriculum and generated recommendations for addressing the weaknesses in the curriculum. The new LLB curriculum and LLB CCMM had to address the weaknesses/concerns raised by focus group members. Also, the strengths of the old LLB curriculum had to be maintained in the new curriculum (PO D8).

---

370 CHE op cit note 13 at 28.
371 CHE op cit note 13 at 2.
372 The graduation rates within six years of study for the 2017 and 2018 cohorts were excluded since 2022 and 2023 figure were not available.
373 See footnote 86 in Chapter 1.

Secondly, I administered an informal survey among all academics and LLB students. All thirty staff members participated in the survey, and 1 307 questionnaires were completed by students in the second semester of 2016 and the first semester of 2017. The results of the survey were useful and provided insight into participants' perceptions of the (i) learning time that the average student requires to achieve the learning outcomes of modules in the old LLB curriculum (PO D1), (ii) desirability of offering the modules as year-long or semester modules (PO D2) and (iii) most appropriate years of study for the various modules (PO D6). As mentioned in section 1.7, conducting the focus group discussions and administering the questionnaire did not form part of this study.

Thirdly, the Faculty requested the Directorate for Institutional Research and Academic Planning, UFS, to appoint five HE and legal education experts to review the UFS LLB externally. The review, conducted from 14 to 18 March 2016, preceded the National Review of the UFS LLB in September 2016. The self-evaluation report and the *Report on the External Institutional Review of the UFS LLB* provided valuable insights into areas for improving the LLB curriculum.[374] It was imperative for the new LLB curriculum to address the concerns raised by the External Institutional Review Panel (see PO D9).[375]

Lastly, the *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017*[376] had important implications for the LLB curriculum change. The analysis of the data sources mentioned above identified six main areas for improvement: (i) prescribing a realistic number of credits for modules and the qualification, (ii) reconsidering the duration of modules, (iii) changing the sequencing of some modules over the different years of study, (iv) introducing more non-law modules, (v) improving the alignment of the curriculum with the curriculum imperatives of the *LLB Qualification Standard*, and (vi) enhancing the development of specific graduate attributes.

Although these concerns were specifically raised in the discussions about the UFS old curriculum, they were general concerns that were also raised in the *Report on the National Review of the LLB*. Thus, it made sense to incorporate POs related to these concerns in the Draft LLB CCMM. The sections below briefly describe these areas for improvement.

374 UFS op cit note 89.
375 See Annexure 2.
376 CHE op cit note 359.

2.4.2.1 Prescribing a realistic number of credits for modules and the qualification

The HEQSF prescribes a minimum of 480 credits for a professional Bachelor's Degree such as the LLB (see section 3.4.2). One credit represents 10 notional study hours.[377] As such, credits measure all time required to complete the learning activities that a student needs to engage in. These activities include, for example, attending classes, self-study, and participating in assessments such as tests, assignments and examinations.

The old UFS LLB required 768 credits or 7 680 notional study hours of learning, which seemed unrealistic and pedagogically unsound.[378] The 288 credits[379] above the prescribed minimum of 480 credits for the degree translated into more than two years of additional study[380] and almost 23 additional hours of study-related work per academic week.[381] The credits and corresponding notional study hours of modules and the curriculum did not represent a realistic teaching and learning load. It suggested that the curriculum was overburdening students.

*The LLB Curriculum Research Report,*[382] the *Report on the External Institutional Review of the UFS LLB* [383] and the *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017*[384] raised concerns about the excessive allocation of credits and the number of modules. The *Report on the External Institutional Review of the UFS LLB* suggested that the new credit allocation and curriculum design should be benchmarked against institutions that have managed to develop LLB curricula with limited modules and

377 CHE *Higher Education Qualifications Sub-framework as Revised* (2013) at 10.
378 CHE op cit note 14 at 25.
379 768 credits minus 480 credits = 288 credits.
380 An average full-time student is expected to study for forty hours in a week, thus requiring a minimum credit-load of 120 credits or 1 200 notional study hours per academic year that consists of thirty weeks (30 weeks x 40 notional study hours = 1 200 notional study hours = 120 credits). Two years' study is therefore equal to 240 credits, which is still less than the additional 288 credits required by the UFS curriculum.
381 754 credits x 10 notional study hours per credit = 7 540 notional study hours over 4 years. This equals 1 885 notional study hours per year (7 540 notional study hours ÷ 4 years) and 62.83 notional study hours per week (1 885 ÷ 30 academic weeks per annum). Considering that an average full-time student is expected to study for forty hours in a week (ibid), the UFS requires 22.83 additional study hours per week (62.83 notional study hours – 40 notional study hours = 22.83 notional study hours).
382 Pickett op cit note 262.
383 UFS op cit note 89.
384 CHE op cit note 359 at 5.

credits per year.[385] It furthermore recommended the amalgamation of related modules such as Roman Law (16 credits) and Historical Foundations of South African Law (16 credits). Comparing the UFS modular credit values with those of other universities showed that the UFS LLB modular credit values were too high.[386] Most of the other universities allocated 12 credits to modules with outcomes similar to those in the UFS LLB modules, yet the UFS allocated 16 credits to such modules.[387]

The informal study conducted among staff members and students in 2016 and 2017 revealed a considerable disconnect between modular credit values during the curriculum design phase and the notional study hours experienced/estimated by students and lecturers. In most instances, modular credit values were overstated during the planning phase. Therefore, the credits did not accurately reflect the actual workload expected of students. The study served as a pointer for credit allocation to modules in the new LLB.

The *Report on the National Review of the LLB* confirmed that several universities did not award credit values by calculating the national hours but 'on the basis of an accounting exercise to ensure that the total number of credits for each year of study does not exceed a desired maximum (or minimum)'.[388] Clearly, the Draft LLB CCMM in Annexure 2 had to provide for the allocation of realistic credit values and corresponding notional hours for teaching, learning, and assessment (PO D1). It is one of the fundamental principles of the NQF and applies to all universities changing their LLB curricula (see section 3.4.2). Furthermore, the *Report on the National Review of the LLB* identified the allocation of realistic credit values as an area of concern for 13 other universities.[389] However, the total number of credits allocated to the old UFS LLB was the highest out of all other law faculties.

#### 2.4.2.2 Reconsidering the duration of modules

The informal survey among staff members and students and the focus group discussions revealed that some modules should be presented as year-long modules and not as semester courses. In line with the Law Curriculum Project, participants in the focus group believed that

385 UFS op cit note 89 at 11.
386 For example, UFS LLB awarded 16 credits for statutory interpretation. However, 13 other universities awarded 12 and less credits to similar modules.
387 For example, UFS LLB awarded 16 credits for statutory interpretation. However, 13 other universities awarded 12 and less credits to similar modules.
388 CHE op cit note 14 at 25.
389 Ibid at 25, 84.

semesterisation (i) caused an overloaded curriculum that 'never gets finished'; (ii) resulted in a situation where students did not internalise knowledge through reflection and application but crammed everything into their short-term memory; and (iii) leads to insufficient time being available for law academics to engage actively with their students.[390] The External Institutional Review Panel appointed by the UFS added that year modules would enable academics to spread out assessments over two semesters.[391] The discussion indicates that the Draft LLB CCMM had to address the appropriate classification of modules as semester and year modules (PO D2). However, careful consideration of whether a module should be offered as a semester or year-long module applies in regard to any curriculum and is, therefore, not unique to the UFS context.

#### 2.4.2.3 Changing the sequencing of some modules over the different years of study

Participants in all focus groups suggested that some LLB modules were not logically sequenced through scaffolding and vertical integration in the curriculum.[392] For example, modules in Criminal Law were presented in the first year of study, which seemed incongruous. Since all laws need to be interpreted and applied in terms of the Constitution, participants suggested that students be exposed to Constitutional Law modules earlier in the curriculum and not only in the fourth year of study. The *Report on the National Review of the LLB* stated that problems related to the sequencing of modules were also evident in other LLB curricula.[393] It suggested that law faculties engage in scaffolding exercises to ensure that modules are presented in appropriate years of study.

Participants in the academics' and employers' focus group discussions were concerned about most LLB graduates' inability to integrate their knowledge of the different fields of law into other contexts. Graduates seemed to 'compartmentalise' their knowledge and found it challenging to apply their knowledge to real-life problems. Horizontal development of graduate attributes, as explained in section 3.4.3, did not occur.

390 Pickett at 262.
391 UFS op cit note 89 at 11.
392 These concepts are explained in sections 3.4.3.
393 CHE op cit note 14 at 52.

The *Report on the National Review of the LLB* found that the problem concerning the sequencing of modules was not unique to the UFS position. The LLB curricula at some universities did not provide for the logical sequencing of modules.[394] Consequently, the Draft LLB CCMM in Annexure 2 had to provide for scaffolding and vertical integration (PO D3). Instead of presenting modules in silos, modules need to be presented in an integrated manner (PO D4). Furthermore, the graduate attributes and curriculum imperatives had to be appropriately mapped across the new LLB modules (PO D5) and years of study (PO D6). Section 3.4.3 on curriculum mapping explains the significance of these POs for facilitating curriculum change at any university and not only at the UFS.

#### 2.4.2.4 Introducing more non-law modules

Non-law modules in the old LLB curriculum were limited to a language module in the first year and a choice between Criminology or Accounting in the second year of study. Only academics in the focus groups identified the need to include more non-law modules in the new LLB curriculum. The External Institutional Review Panel appointed by the UFS emphasised that the curriculum offers students little opportunity to be exposed to the 'breadth' of knowledge and various ways of thinking in the degree.[395]

The study of 'a discipline other than law' in terms of the *LLB Qualification Standard* aims to enhance graduates' appreciation and understanding of 'the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.' [396] The *Report on the National Review of the LLB* stated that LLB curricula at South African universities generally fail to include sufficient non-law modules to produce well-rounded graduates.[397] However, it acknowledged that it is challenging to determine the exact percentage of non-law modules to be included in the LLB curriculum.[398] Unfortunately, the Draft LLB CCMM in Annexure 2 failed to provide for the incorporation of sufficient discipline-based non-law modules in the LLB curriculum. The Final LLB CCMM had to include a PO in this regard.

394 Ibid at 24.
395 UFS op cit note 89 at 11.
396 CHE op cit note 20 at 13.
397 CHE op cit note 14 at 32.
398 Ibid at 53.

2.4.2.5 Improving the alignment of the curriculum with the curriculum imperatives of the *LLB Qualification Standard*

The *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017*[399] stated that the LLB largely met the requirements regarding the inclusion of constitutionalism, transformative constitutionalism and responsiveness to ever-evolving information technology.[400] However, the 2016 *Report on the External Review of the UFS LLB*[401] found that the curriculum had to improve its responsiveness to globalisation and social justice. Consequently, the Faculty had to consider the strategies for enhancing the curriculum's responsiveness to transformative constitutionalism and globalisation described in sections 2.3.2.2 (i) and 2.2.1. The *Report on the National Review of the LLB* showed that several universities did not sufficiently align their curricula with the curriculum imperatives of the *LLB Qualification Standard.*[402] Thus, enabling staff members to address the curriculum imperatives in their modules (PO B19) and appropriately map them across the modules (PO D5) and years of study of the LLB curriculum (PO D6) is not unique to the UFS curriculum change process.

2.4.2.6 Enhancing the development of specific graduate attributes

Section 2.3.3.2 (iii) elaborated on the essential graduate attributes that law graduates need to exhibit. Specific graduate attributes identified for improvement by the data sources were writing and research, critical thinking, and practical legal skills. The *Report on the National Review of the LLB* confirmed that the UFS was not the only university required to improve the development of these skills in their students.[403]

*(i) Writing and research skills*

In the old LLB, writing development took place in specific Legal Practice modules from the first to the fourth year of study and in a research report in the last year of study.[404] Despite

399 CHE op cit note 359 at 3.
400 These concepts are described in sections 2.2.1 and 2.3.3.2 (ii).
401 UFS op cit note 89 at 11.
402 CHE op cit note 14 at 18-20.
403 Ibid at 34-36.
404 UFS *National Review of Bachelor of Laws (LLB) programmes. The Institutional self-evaluation report of the UFS* (2016). A copy of the report is available from the researcher.

these initiatives, the focus groups were not convinced that the LLB curriculum developed students' writing skills to the desired level of proficiency. Students were seldom expected to access texts in the library or read beyond materials prescribed in the module outlines.[405] Focus group members believed that the curriculum did not adequately prepare students for legal practice skills and competencies. Some participants mentioned that the Legal Practice modules were presented as theory and not as practical modules. During the focus groups, students and alumni suggested that the development of writing and research skills should be addressed in doctrinal modules.[406] Although academics acknowledged, at least to some extent, their responsibility for developing LLB students' writing skills, they attempted to explain what constrained them from developing these skills.[407] Academics stated that school leavers are under-prepared for HE and are not equipped with the necessary language and writing skills. They regarded writing skills development as labour-intensive. A high lecturer/student ratio was evident in the modules focusing on writing skills development. Therefore, detailed feedback could not always be provided to students. It also implied that academics seldom used written assignments as assessment tools. Lecturers found them too time-consuming to mark and focused rather on legal content or doctrinal law in tests and examinations.

The External Institutional Review Panel appointed by the UFS suggested that student numbers be capped for electives in the fourth year to allow for enhanced research skills development where the class size wouldl not be a deterrent to creating more research and writing opportunities.[408]

The *Report on the National Review of the LLB* recommended that faculties, when reviewing their curricula, should not only focus on reading, writing and research when assessing students.[409] Developing these skills should be fundamental to teaching and learning throughout the curriculum and in all years of study. In line with the *Report on the National Review of the LLB*, participants suggested that more legal drafting (e.g., heads of argument,

405 Ibid at 49.
406 Also see Bangeni & Greenbaum op cit note 192 at 3.
407 UFS op cit note 404 at 49.
408 Ibid at 15.
409 CHE op cit note 14 at 56.

legal opinions), moot court participation, small claims court observation, and visits to courts should form part of the curriculum.[410]

The array and number of written assignments had to be increased in successive years of study. [411] In the fourth year of study, a student should be competent to write a substantial research essay assessed on both language proficiency and substantive content.

*(ii) Critical thinking skills*

Focus group participants stated that the old LLB did not optimally develop students' critical thinking skills. Academics claimed that three main factors had contributed to this unfortunate state of affairs. First, the institutional drive to achieve a success/pass rate of at least 75 per cent or even 80 per cent in all modules caused them to lower their standards. Therefore, students tended to be 'spoon-fed' instead of being challenged. Secondly, the Faculty admitted too many students into the LLB. Classes of approximately seven hundred students in the first year of study were the usual enrolment. Class size hindered the development of critical thinking skills and student engagement. Thirdly, academics stated that studying law was not the first choice of study for many LLB students. These students do not want to engage in critical thinking because they are not interested in studying law.

The *Report on the External Institutional Review of the UFS LLB* [412] and the *Report on the National Review of the LLB*[413] identified a lack of the requisite emphasis on developing critical and analytical thinking skills. The first-mentioned Report suggested that students should be required to evaluate policy arguments, critique judgments, and synthesise rules from various legal sources.[414] Problem-solving should increase in complexity from the first to the final year. The *Report on the National Review of the LLB* recommended that academics encourage students to participate in critical class discussions.[415] Assessments had to focus on independent thinking and the critical analysis of legal knowledge, not on rote learning.

*(iii) Practical legal skills*

410 Ibid at 54.
411 Ibid at 56.
412 UFS op cit note 89 at 12–13.
413 CHE op cit note 14 at 35–36.
414 UFS op cit note 89 at 8.
415 CHE op cit note 14 at 35–36.

Alumni, student and employer focus groups argued that the LLB did not adequately prepare graduates for employment. The self-evaluation report acknowledged that the law clinic provides an excellent platform to teach practical legal skills.[416] However, not all LLB students could be accommodated in the Law Clinic. Thus, their participation was voluntary, as an extra-curricular activity. They sometimes had the opportunity to shadow attorneys in the clinic, but they mainly carried out secretarial/administrative functions. More financial resources were required to engage effectively in clinical legal education.

Both the *Report on the National Review of the LLB*[417] and the *Report on the External Institutional Review of the UFS LLB* [418] stated that the LLB curriculum did not focus enough on developing students' ability to recognise, reflect on and apply social justice imperatives. Although clinical legal education is the foremost vehicle for teaching this competency, other modules, such as Community Service, Street Law, Alternate Dispute Resolution, and Legal Practice, could also provide opportunities for developing these skills.[419]

It is evident from the discussion above that the six areas of concern pertaining to the UFS LLB also applied to the LLB curricula at other universities. Therefore, the POs identified from the discussion of the UFS LLB were not unique to the UFS. Furthermore, almost all of the POs identified in this section were evident from the literature reviews in other sections of this chapter and in Chapter 3.

## 2.5 CONCLUSION

The factors that have shaped the HE landscape have implications for LLB curriculum change and developing the Draft LLB CCMM in Annexure 2. Responsiveness to globalisation requires law faculties to internationalise legal education and the LLB curriculum. HEIs should take positive steps to address the under-preparedness of school leavers, and to meet the demands on equity and widening access to HE. The LLB curriculum should be decolonised, and aspects of the fourth industrial revolution should be addressed in the LLB curriculum. The curriculum imperatives of the *LLB Qualification Standard* specifically address all of these aspects, except for the decolonisation of the curriculum. The cohort study in Table 2.2 and

416 UFS op cit note 404 at 53.
417 CHE op cit note 14 at 19.
418 UFS op cit note 89 at 21.
419 CHE op cit note 14 at 54.

section 2.2.2 underscored the need to increase the minimum years of study for the four-year LLB by an additional year. The LLB CCMM developed in this study can play a significant role in facilitating the development of a five-year LLB curricula in South Africa.

The attempts of the CHE to monitor and improve the quality of the LLB in the second part of the chapter can assist in improving the quality of four-year LLB graduates in South Africa. The *LLB Qualification Standard* provides directives and guidelines for the coherent and consistent development of LLB curricula. The *Report on the National Review of the LLB* suggested specific curriculum change initiatives at all universities. It also recommended the extension of the LLB from a minimum of four to five years.

The discussion on the UFS context identified six areas for improvement (see section 2.4.2). The *Report on the National Review of the LLB* and the discussion of the NQF (see section 3.4.2) identified that these areas for improvement were also evident in the LLB curricula of other South African universities.[420] Therefore, the focus of the study on UFS academics' experience of the UFS curriculum experience can give rise to generalisable conclusions for the Final LLB CCMM proposed in Chapter 7.

Fourteen POs for inclusion in the Draft LLB CCMM were collected from the literature review in this chapter.[421] Most of these POs relate to the curriculum planning process. Developing the Draft LLB CCMM was not only informed by the challenges in the HE, legal education and Faculty contexts. Curriculum theory and curriculum planning also played a significant role. The following chapter deals with these aspects.

420 CHE op cit note 13 at 50, 51.
421 See POs B18 to B21, D1 to D6, and D8 to D11 in Annexure 2.

## CHAPTER 3

## CURRICULUM THEORISING AND CURRICULUM PLANNING

### 3.1 INTRODUCTION

There is no consensus as to how the concept of curriculum should be understood,[422] and the term does not always form part of the commonly used language of academics.[423] This chapter addresses the second research question that deals specifically with how the notions of curriculum and curriculum planning can be conceptualised (and understood) in this study.[424]

In an attempt to understand the concept of curriculum, the chapter commences with an overview of the curriculum theorising of three prominent curriculum movements. Thereafter, the concept of curriculum is explored from an HE perspective. Considering the importance of curriculum planning model(s) for curriculum developers,[425] such as I, the chapter includes a description of three leading curriculum planning archetypes and their implications for this study. I then explore curriculum development in HE by focusing on constructive alignment, the National Qualifications Framework (hereafter NQF), and curriculum mapping as a backward design process. The chapter ends with a brief conclusion on the application of curriculum theorising and curriculum planning models in this study and, more specifically, on the development of the Draft LLB CCMM in Annexure 2.

### 3.2 CURRICULUM THEORISING

The concept of curriculum has evolved over time. In 1820, the term 'curriculum' was used for the first time in Scotland.[426] The term is derived from the Latin word 'currere' which means

422 Du Toit op cit note 230 at 59.
423 Sharon P Fraser & Agnes M Bosanquet 'The curriculum? That's just a unit outline, isn't it?' (2006) 31 *Studies in Higher Education* at 269.
424 See section 1.3.
425 Mark Priestley & Walter Humes 'The development of Scotland's curriculum for excellence: Amnesia and déjà vu' (2010) 36 *Oxford Review of Education* at 346.
426 Nancy Dillard & Linda Siktberg 'Curriculum development: An overview' in Diane M Billings & Judith A Halstead (eds) (2012) *Teaching for Nursing: A Guide for Faculty* at 107.

'to run', [427] 'race-course' or the 'race' itself.[428] Over the years, the term was translated to mean 'course of study[429] and a series of things that children and the youth need to do.[430]

In the sections below, I briefly discuss the curriculum theorising of three prominent curriculum movements within the school context: the social efficiency, progressive reform and reconceptualised curriculum movements. Nevertheless, scholars have effectively used these theories in HE settings. The section ends with a discussion of the reconceptualised twenty-first-century curriculum.

### 3.2.1 The social efficiency curriculum

Bobbitt, a social efficiency curriculum theorist, published two books on the curriculum: *The Curriculum: A Summary of the Development Concerning the Theory of the Curriculum* (1918)[431] and *How to Make a Curriculum*.[432] The social efficiency movement was primarily concerned with the development of the relationship between curriculum and the political, cultural, economic and social development of a society.[433] The movement claimed that the curriculum's primary role is to prepare individuals to be competent citizens. As such, the curriculum plays an important role in resolving prevailing societal problems such as inequity, injustice, inequality and oppression.

Bobbitt paved the way for curriculum practitioners and researchers who advocate and/or support the social efficiency view on curriculum design.[434] The social efficiency curriculum perspective is manifested in the NQF with its transformative aims[435] (see section 3.4.2) and

427 Ibid at 79.
428 Franklin Bobbit 'Scientific method in curriculum making' in David J Flinders & Stephen J Thornton (eds) *The Curriculum Studies Reader* 2 ed (2004) at 10.
429 Op cit note 426 at 79; Mmantsetsa Marope *Reconceptualizing and Repositioning Curriculum in the 21st Century: A Global Paradigm Shift* (2019) at 13.
430 Op cit note 428.
431 Franklin Bobbit *The Curriculum: A Summary of the Development Concerning the Theory of the Curriculum* (1918).
432 Franklin Bobbit *How to Make a Curriculum (*1924).
433 Solomon Melesse & Sintayehu Belay 'Curriculum conceptualization, development, and implementation in the Ethiopian education system: Manifestations of progressive curriculum orientations' (2022) 202 *Journal of Education* at 75.
434 Op cit note 431.
435 Section 5 of the NQF Act 67 of 2008.

the *LLB Qualification Standard,* emphasising social justice and transformative constitutionalism and requiring legal education to produce 'enlightened citizens'.[436]

### 3.2.2 The progressive curriculum

Although the progressive reform movement started with Colonel Francis Parker in 1896,[437] the work of Dewey[438] (see section 3.3.3.1) and Tyler[439] (see section 3.3.1.2) in the first half of the twentieth century paved the way for curriculum practitioners and researchers who advocate and support the progressivist view on curriculum design.

Contrary to social education, progressive educationalists argue that education is 'a process of living and not a preparation for future living'. These educators have a humanitarian view and believe that the curriculum has to develop and cultivate an individual's intellectual, expressive, social, and constructive, instincts that are vital for human living.[440] The curriculum is student-centred and focuses on meaningful active learning. Typically, progressive education underlines the value of real-life experience in developing individuals. Instead of focusing on authority, discipline and didactic teaching techniques, progressive educators focus on cultivating democratic relationships in classrooms.

### 3.2.3 The reconceptualised curriculum

Joseph Schwab's thought-provoking article published in 1969, *The Practical: A Language for Curriculum*, stated that the curriculum was moribund due to 'inveterate, unexamined and mistaken reliance on theory' that is inappropriate for solving actual teaching and learning problems. He called for a reconceptualisation of the curriculum by moving away from curriculum theory and pursuing practical curriculum enquiry.[441] Wraga and Hlebowitsh criticised the reconceptualists for repudiating curriculum history and pronouncing its death.

---

436 CHE op cit note 346 at 7, 11.

437 Francis W Parker 'My pedagogic creed' (1896) 53 *The School Journal* at 47.

438 For example, John Dewey *The School and Society* (1899); John Dewey (1916) *Democracy and Education. An Introduction to the Philosophy of Education.*

439 Ralph W Tyler *Basic Principles of Curriculum and Instruction* (1949).

440 Bick Har Lam 'A reflective account of a preservice teacher's effort to implement a progressive curriculum in field practice' (2011) 8 *Schools Studies in Education* at 22-24.

441 Joseph J Schwab 'The practical: A language for curriculum' (2013) 45 *Journal of Curriculum Studies* at 591.

Instead, they suggested that reconceptualists build on past accomplishments to secure a constructive synthesis between historic curriculum principles and new theories.[442]

Instead of relying on theoretical models to guide the design (technical matters) of the curriculum, reconceptualist educators focus on moral and ideological issues that could improve the social, political, and economic development of society at a local, national, and international level. They argue that students will understand their world better if they understand themselves better.[443] They ultimately aim to engage students in critical analysis to advance social justice and address humanity's problems.[444]

The reconceptualised movement asserts that a multiplicity of voices be heard. Morrison eloquently summarised his view on the reconceptualising of the curriculum as follows:[445]

> So I would argue that we need a hundred thousand voices, a hundred thousand theories, a hundred thousand curriculum development approaches; I rule out nothing. … In an emergent, dynamical theoretical present and future, holism and integration are the watchwords. Bringing together voices, rationalisations and rationalities, arguments, ideas, stories, exchanges, and experiences…

I support Morrison's argument for a diversity of voices to be heard when developing a curriculum. Consequently, the Draft LLB CCMM in Annexure 2 requires the input of a range of stakeholders during the curriculum change process.[446] Stakeholders include the media, researchers and authors of scholarly and non-scholarly works (PO B2); academic staff members, students, alumni, employers (PO B3); academic peers serving on an external institutional review panel (PO B4), the HEQC and its *Report on the National Review of the LLB* (PO B5), and the curriculum change committee (POs B7 and C3). The question arises of how the twenty-first-century curriculum can be conceptualised.

---

442 William G Wraga & Peter S Hlebowitsh 'Towards a renaissance in curriculum curriculum theory and development in the USA' in Barbara Slater Stern & Marcella L Kysilka (eds) *Contemporary Readings in Curriculum* (2008) at 72.

443 Colin Marsh & Ken Stafford *Curriculum: Practices and Issues* (1988) at 30.

444 Allan C Ornstein & Francis P Hunkins *Curriculum: Foundations, Principles and Issues* 5 ed (2009) at 205.

445 Keith RB Morrison, 'The poverty of curriculum theory: A critique of Wraga and Hlebowitsh' (2004) *36 Journal of Curriculum Studies* at 487.

446 See, for example, POs B2 to B7, B25, B30, B33, C3 and D11.

### 3.2.4 The reconceptualised twenty-first-century curriculum

Contemporary curriculum research has explored the curriculum from both a theoretical and an empirical viewpoint, often embracing a variety of contexts, methodological and theoretical viewpoints. Consequently, it is not the exception to deal with two or more contexts and to apply a range of methodological and theoretical perspectives in a specific curriculum study. Furthermore, contemporary curriculum studies show a tendency to embed the curriculum in complex cultural, political, economic, sociological and philosophical problems.[447]

In 2017, the International Bureau of Education (hereafter IBE) – a United Nations Education, Scientific and Cultural Organization (hereafter UNESCO) institute – published a normative paper entitled *Reconceptualizing and Repositioning Curriculum in the 21st Century: A Global Paradigm Shift*.[448] The document is the product of numerous consultations with global 'thought leaders', reviews, comments, and inputs from curriculum experts of fifty UNESCO Member States. The IBE calls for a global paradigm shift towards a reconceptualised and repositioned curriculum focusing on eight key dimensions. In the following sections, I briefly explain each of these dimensions and their implications, where appropriate, for this study.

*Curriculum as the core of development policies*: The curriculum plays an essential role in realising global and national development policies, dialogues, interventions, and strategies. For example, with its modernist neo-liberal paradigm, the White Paper for Post-School Education and Training[449] and the NQF[450] aim to create a highly-skilled labour force that can participate in the economy and support South Africa in earning its rightful place in the global marketplace (see section 3.4.2).[451] This is in line with the *LLB Qualification Standard* requiring the LLB curriculum to be responsive to globalisation.[452]

447 Bjørg Brandtzæg Gundem 'European curriculum studies, continental overview' in Craig Kridel (ed) (2010) *Encyclopedia of Curriculum Studies* at 356.
448 Marope op cit note 429.
449 Department of Higher Education and Training op cit note 99 at 39-40.
450 Stephanie Matseleng Allais 'The national qualifications framework in South Africa: A democratic project trapped in a neo-liberal paradigm?' (2003) 16 *Journal of Education and Work* at 305.
451 Paula Ensor 'The national qualifications framework and higher education in South Africa: Some epistemological issues' (2003)16 *Journal of Education and Work* at 327.
452 CHE op cit note 20 at 7.

*Curriculum as a catalyst for disruption, innovation, and social transformation*: This dimension is concerned with the proactive role that the curriculum can play in changing an individual's attitude, mindset and social disposition to racial groups, gender roles and sexual orientation. This curriculum dimension shows elements of the social efficiency[453] and progressive[454] curriculum development models. It aligns well with the *LLB Qualification Standard* that requires HE to foster the ideals of transformative constitutionalism (see section 2.3.3.2 (i)[455] and to develop LLB graduates with knowledge and an appreciation of the democratic values of human dignity, equality and freedom enshrined in section 7 of the Constitution. However, Greenbaum cautioned that integrating the Constitution and the Bill of Rights in substantive law modules still requires the LLB curriculum to specifically address issues about diversity, racism, and social justice.[456]

*Curriculum as a force for justice, cohesion, equity, peace, and stability*: The curriculum can also be regarded as a powerful stabilising force. As such, the curriculum conserves and imparts the traditions, expertise, age-old wisdom and values to new generations. The *LLB Qualification Standard* acknowledges this role of the curriculum by requiring HE to equip LLB graduates with knowledge of the South African legal system, its values and historical background.[457]

*Curriculum as the integrative core of the education system*: Considering that the curriculum encompasses the core elements of education – teaching, learning, and assessment – it plays an integral role in ensuring coherence among the core elements. I discuss the implications of this curriculum dimension in section 3.4.1, which deals with constructive alignment between the three core curriculum elements.

*Curriculum as an enabler for lifelong learning*: The rapid pace of change that characterises the twenty-first century requires the curriculum to enable graduates for lifelong learning. The *LLB Qualification Standard* supports the quest for life-long learning by requiring LLB graduates to engage in life-long learning throughout their careers.[458]

---

453 See section 3.2.1.
454 See section 3.2.2.
455 CHE op cit note 20 at 7.
456 Greenbaum op cit note 147 at 480.
457 CHE op cit note 20 at 8.
458 Ibid at 14.

*Curriculum as a lifelong learning system in its own right*: Contrary to the previous curriculum dimension that focused on equipping the graduate with life-long learning skills, this dimension focuses on the curriculum as a lifelong learning system. It requires the curriculum to react to twenty-first-century contextual changes. Consequently, the curriculum must continually renew itself, be innovative, and adapt quickly to changing circumstances.[459] The *LLB Qualification Standard* supports this notion of the curriculum by requiring legal education to be responsive to the needs of the legal profession, economy, globalisation and the ever-evolving information technology.[460] POs D5 and D6 of the Draft LLB CCMM in Annexure 2 provide for the inclusion of these curriculum imperatives when changing the LLB curriculum.

*Curriculum as a determinant of quality*: This notion of the curriculum emphasises the crucial role that the curriculum plays in leading and enhancing quality teaching, learning and assessment. Consequently, this notion of the curriculum strongly links with the 'curriculum as the integrative core of the education system'. In section 2.3.1, I explained the three attempts by the CHE to address the quality of LLB curricula. All of the POs of the Draft LLB CCMM aim to enhance the quality of the LLB curriculum. However, POs B29 to B35 specifically focus on quality assurance of the curriculum by providing for annual external evaluation of modules; regular reviewing of student pass rates, throughput and retention rates; graduate and employer tracking surveys, and an amendment to the LLB admission criteria.

*Curriculum as a determinant of key cost drivers in education and learning systems*: The curriculum determines the number, type, and level of academics that are required to expand the teaching and learning outcomes. Human resources represent the highest cost for HE and are followed by the costs associated with the physical teaching and learning environment. Costs associated with the latter include the physical infrastructure, equipment, consumables, textbooks, and reading materials that are required to present the curriculum efficiently.[461] The conceptualisation of the 'curriculum as a determinant of key cost drivers in education and learning systems' is evident in POs B36 to B38 of the Draft LLB CCMM. These POs require the carrying out of a workload analysis to prevent the possible overloading of lecturers; an

459 Marope op cit note 429 at 34.
460 CHE op cit note 20 at 7.
461 Marope op cit note 429 at 34.

evaluation of academic staff development trajectories; and the allocation of sufficient resources to implement the new LLB curriculum successfully.

The reconceptualisation of the curriculum by the twenty-first-century curriculum movement seems to be the most apposite approach/theorising for this study. The discussion above showed how the *LLB Qualification Standard*[462] and South African HE curriculum development policies support the curriculum dimensions identified by the 2017 IBE normative paper. The contextualisation of this study in Chapter 2 highlighted the complex context that had to be considered in developing the Draft LLB CCMM. Embracing a variety of contexts is one of the characteristics of the reconceptualised curriculum movement. Furthermore, the reconceptualised movement provides for incorporating two or more theoretical perspectives in a specific curriculum study. As described in sections 3.2.1 and 3.2.2, elements of the social efficiency and progressive curriculum movements also apply to this study.

The discussion above identified how different theories that were primarily developed in the school setting could be applied in the context of this study. The following section elaborates on the theorising of the HE curriculum, and the implications of such theorising for the study.

### 3.2.5 The higher education (HE) curriculum

International scholars agree that curriculum theorising and research have not received much attention in HE.[463] It is also the case in South Africa. For example, Bitzer and Botha stated that, although the school curriculum has drawn considerable attention, the HE curriculum remains under-investigated in South Africa. Consequently, there is a paucity of research into HE curricula.[464]

Despite the limited curriculum theorising in HE, Barnett and Coate identified six tacit conceptualisations of the HE curriculum.[465] They acknowledged that these notions do not necessarily present a coherent picture and an exhaustive list of all conceptualisations. Furthermore, the conceptualisations sometimes overlap and are not equally influential. A brief

462 Ibid.
463 Ronald Barnett & Kelly Coate, *Engaging the Curriculum in Higher Education* (2005) at 27; Marope op cit note 429 at 13.
464 Bitzer & Botha op cit note 230 at 23; Du Toit op cit note 230 at 65.
465 Barnett & Coate op cit note 463 at 27-28.

description of Barnett and Coate's six conceptualisations of the HE curriculum and its implications for this study is provided below.

*Curriculum as outcome*: This conceptualisation of the curriculum implies the adoption of the outcomes-based approach to learning. Therefore, a curriculum typically consists of a rationale or purpose, goals and/or learning outcomes, and the sequencing of modules that are presented as semester or year-long modules (see PO D2). The notion of the 'curriculum as outcome' is consistent with the 'curriculum as product' planning model described in section 3.4.1.

*Curriculum as special*: This notion of the curriculum acknowledges the concepts of academic freedom and autonomy, which imply that 'discipline experts know best.' Given the complexities of HE, there is generally a 'hands-off' tendency that supports the view not to prescribe curriculum content to academics.[466] However, the *LLB Qualification Standard*, to a limited extent, prescribes specific knowledge that graduates should acquire (see section 2.3.3.2 (iii)).[467]

*Curriculum as culture*: This conceptualisation of the curriculum is the product of different disciplinary specialisations that exist within HE.[468] It implies that curricula are distinctly informed and determined by the norms, values, and rules of a specific discipline; in this case, the discipline of law. These attributes can only be developed through long-term immersion, initiation, and enculturation into specific academic communities.[469] This conceptualisation of the curriculum has triggered tension between theory/practice and doctrinalism/skills as highlighted in section 2.3.3.2(iii). Fortunately, the *LLB Qualification Standard,*[470] at least to some extent, has clarified the purpose of the LLB (see section 2.3.3.2 (ii)).

*Curriculum as social reproduction*: The 'hidden curriculum' is a central feature of this notion of the curriculum and refers to the curriculum that does not appear in lecturers' notes or textbooks. The hidden curriculum teaches students specific attitudes and values in an

466 Ibid at 30-33.
467 CHE op cit note 20 at 8-9.
468 Barnett & Coate op cit note 463 at 33.
469 Ibid.
470 CHE op cit note 20 at 8-9.

'accidental' or sometimes even 'sinister' way.[471] Teaching students to be racists or chauvinists often occurs through the hidden curriculum.[472] Although the hidden curriculum is written 'between the lines', students must learn the hidden rules to succeed.[473] As such, the hidden curriculum seems to benefit some students disproportionately and performs a 'gatekeeping' function by replicating societal divisions. For example, students whose mother tongue is not the same as their lecturers or the language of instruction at HEIs are more likely to be excluded by the hidden rules. Also, students can be excluded by the hidden curriculum that ignores or devalues traditional ways of knowing and knowledge (see section 2.2.4 on decolonisation).

*Curriculum as transformation*: Political debates steered this conceptualisation of the curriculum as a means to empower and transform the lives of students. The contemporary transformative model of curriculum views the development of graduate attributes as being empowering for students.[474] This approach supports the employability and outcomes-based agenda and is prominent in the HEQSF[475] and the set of graduate attributes prescribed by the *LLB Qualification Standard* (see section 2.3.3.2 (iii)).[476] The Draft LLB CCMM in Annexure 2 requires academic staff members to be familiar with these attributes (PO B18). Furthermore, they need to be appropriately mapped across modules and years of the new LLB curriculum (POs D5 and D6).

*Curriculum as consumption*: The widening of access to HE (see section 2.2.2), reduced government funding and increased demands for third-stream income generated by academics at universities[477]. Students are presented as consumers of their education. As a result of the commodified curriculum and marketisation of HE, some academics perceive their modules as products that universities can sell to niche markets. Modularisation, semesterisation, career-focused and rebranded programmes characterise this conceptualisation of the curriculum.[478]

---

471 Albert Victor Kelly *The Curriculum: Theory and Practice* 6ed (2009) at 10-11.
472 Ibid at 10-11.
473 Barnett & Coate op cit note 463 at 35.
474 Ibid at 35-70.
475 See section 3.4.2 for detailed discussion on the NQF.
476 CHE op cit note 20 at 8-11.
477 Third stream income is income derived from sources other than state subsidy. It includes, for example, donations, and income derived from contract research, and income from entrepreneurial activities. See CHE op cit note 127 at v.
478 Barnett & Coate op cit note 463 at 37.

*The liberal curriculum*: This notion of curriculum stands in opposition to most of the above perceptions about the role of the HE curriculum. Instead of a narrow vocational focus, the liberal curriculum aims to provide a general education that prepares students to fulfil their broader roles in society.[479] In this regard, the *LLB Qualification Standard* states the following*:* 'The purpose of the LLB is to offer a broad education that develops well-rounded graduates'.[480] The inclusion of sufficient non-law modules in the LLB curriculum can assist in this regard.[481]

The discussion above reveals that different conceptualisations of the curriculum can be applied in HE, with particular relevance to the LLB. Considering that the concept of curriculum is viewed differently by scholars, there are various ways a curriculum can be designed. The section below provides a bird's-eye view of the most prominent curriculum planning models and their applicability to this study.

### 3.3 CURRICULUM PLANNING MODELS

Curriculum planning is a complex task.[482] It requires careful consideration of the planning model that will be most applicable to the task. Kelly proposed three archetypal curriculum planning models: the 'curriculum as product',[483] 'curriculum as content',[484] and the 'curriculum as process'.[485] Although applicable to HE, most discussions about curriculum planning took place within the school context.[486] Priestley and Humes argue that the HE curriculum is an 'uneasy' combination of the three models.[487] These three models provide starting points for curriculum planning and are not mutually exclusive. For example, although Priestley and Humes are in favour of the 'curriculum as process' model, they do not view curriculum content as unimportant. They simply perceive the 'curriculum as content' planning model to be supplementary to the 'curriculum as process' planning model.[488] The following sections

479 Ibid at 39-40.
480 CHE op cit note 20 at 8.
481 CHE op cit note 13 at 32-3.
482 Kelly op cit note 471 at 20-21.
483 Ibid at 56.
484 Ibid at 67.
485 Ibid at 89.
486 Du Toit op cit note 230 at 65; Marope op cit note 429 at 13.
487 Priestley & Humes op cit note 425 at 358.
488 Ibid at 347.

elaborate on Kelly's three approaches to curriculum planning and the theorists who played a key role in their conceptualisation. A brief critique of each of the models is also provided.

### 3.3.1 Curriculum as product

'Curriculum as product' primarily focuses on what the student should learn in particular contexts and how it is 'packaged'. Therefore, a curriculum typically consists of a rationale or purpose, goals and/or learning outcomes, and the sequencing of modules.[489] Bobbit and Tyler were instrumental in developing the 'curriculum as product' planning model.

#### 3.3.1.1 Bobbit's curriculum development theory along scientific lines

Bobbitt believed that the role of education was to develop citizens to work productively, work effectively with fellow citizens, and earn a living in the new industrial society of the time. In line with perennial thoughts, he argued that education had to develop students' intellectual powers.[490]

He suggested 'curriculum-making along scientific lines'.[491] This approach entails five steps: (i) study the daily activities of an efficient adult and determine what qualities the specific work environment requires of the adult; (ii) prioritise the collected information into objectives, (iii) identify students based on their ability and interest for the future roles that they will perform upon graduation; (iv) differentiate the curriculum for each group of students according to the future roles that they will fulfil as adults; and (v) conduct research on the students reaching adulthood, to determine whether the curriculum prepared them to function efficiently in their roles.[492]

---

489 Bopelo Boitshwarelo & Sivaram Vemuri, 'Conceptualising strategic alignment between curriculum and pedagogy through a learning design framework' (2017) 22 *International Journal for Academic Development* at 279.

490 Ronald C Doll *Curriculum Improvement: Decision and process* (1974) at 18.

491 Bobbit op cit note 428 at 11.

492 J Wesley Null 'Curriculum, the' in Craig Kridel (ed) (2010) *Encyclopedia of Curriculum Studies* at 188-189.

Bobbit's curriculum-making forms part of the traditionalist approach that designs curricula for specific disciplines using a top-down approach, while students play no role in the development of curricula. Curriculum developers have employed Bobbit's curriculum-making model to develop/design professional degrees, such as for chartered accountants and medical doctors.[493]

#### 3.3.1.2 Tyler's rationale for curriculum development

Following eight years of research during the Great Depression,[494] Tyler's book titled '*Basic Principles of Curriculum and Instruction'* was published in 1949,[495] reprinted 36 times and translated into six languages.[496] Due to its simplicity and ease of use, Tyler's model, also known as the 'Tylor rationale'[497] is probably the most popular curriculum-making model used at different education levels[498] and is regarded as an icon in the field of curriculum development.[499] More than sixty years later, Läänemets and Kalamees-Ruubel still regarded Taylor's rationale as relevant, mainly for those educational systems that function within a market economy, based on political orientations.[500]

Tyler's rationale embraces the student, disciplinary knowledge or content, and society as three essential elements of the curriculum. This was unprecedented and extraordinary if one considers the moment in time when he wrote his book.[501] Tyler's model is an example of an 'aims-objective' model that is product-driven.[502] It is perceived as a means-end model. The end is first envisaged through backward design (see section 3.4.1). Thereafter, the means to reach the end is decided upon.

---

493 Du Toit op cit note 230 at 66.
494 Urve Läänemets & Katrin Kalamees-Ruubel 'The Taba-Tyler rationales' (2013) 9 *Journal of the American Association for the Advancement of Curriculum Studies* at 1.
495 Tyler op cit note 439.
496 His work was translated into Danish, Dutch, German, Japanese, Portuguese, and Spanish. See William G Wraga 'Understanding the Tyler rationale: Basic principles of curriculum and instruction in historical context' (2017) 4 *Espacio, Tiempo y Educación* at 227.
497 Patrick Slattery *Curriculum Development in the Postmodern Era* 3 ed (2013) at 55.
498 Morrison op cit note 445 at 491; Du Toit op cit note 230 at 67.
499 Slattery op cit note 497 at 8.
500 Läänemets & Kalamees-Ruubel 'op cit note 494 at 3.
501 Wraga op cit note 496 at 243.
502 Du Toit op cit note 230 at 67.

Four classical curriculum questions underpin Tyler's model.[503] Aspects of these questions were incorporated as POs into the Draft LLB CCMM in Chapter 4. First, what are the graduate attributes that need to be developed (PO B18)? Answering the first question requires curriculum planners to obtain information from three curriculum sources: disciplinary experts, students, and contemporary society (POs B3 to B5).[504] Secondly, what educational experiences will assist in attaining these purposes (POs B20 and B21)? Thirdly, how should these educational purposes be organised (POs D02 to D07)? Lastly, were the purposes of the curriculum met (POs B31, B33, B34)?

Kliebard refers to Tyler's suggestion to use three sources to determine the purposes of the curriculum as 'simple eclecticism'.[505] He claimed that Tyler's model was value-neutral,[506] behavioristic,[507] and philosophically neutral.[508] Hlebowitsh investigated the claims of Kliebard and found them to be problematic and based upon misrepresentations,[509] but Kliebard rejected these findings.[510] Despite the attempts of Hlebowitsh to correct the misrepresentations by Kliebard, other curriculum scholars continue to interpret Tyler's model as linear, behaviouristic, and a narrow technical model of curriculum-making. [511] However, Wraga perceived Tyler's rationale more as a manifestation of pragmatism in curriculum making than as a 'curriculum as product' planning model.[512]

#### 3.3.1.3 The National Qualifications Framework (NQF)

The 'curriculum as product' approach is evident in the requirement to have all qualifications registered at the South African Qualifications Authority (hereafter SAQA) in terms of learning outcomes on the NQF.[513] These outcomes aim to make the curriculum more transparent, and

503 Slattery op cit note 497 at 55.
504 Tyler op cit note 439 at 1-7, 16-19, 25-33.
505 Herbert M Kliebard 'Reappraisal: The Tyler rationale' (1970) 78 *School Review* at 260.
506 Ibid at 265.
507 Ibid at 268.
508 Ibid at 266.
509 Peter S Hlebowitsh 'Interpretations of the Tyler Rationale: A reply to Kliebard' (1995) 27 *Journal of Curriculum Studies* at 89.
510 Herber M Kliebard 'The Tyler Rationale revisited' (1995) 27 *Journal of Curriculum Studies* at 81.
511 William F Pinar et al *Understanding Curriculum* (1995) at 148-149; Colin J Marsh & George Willis *Curriculum: Alternative Approaches, Ongoing Issues* 4 ed (2007) at 72.
512 Wraga op cit note 496 at 247.
513 SAQA *The National Qualifications Framework and Curriculum Development* (2000) at 10.

students' performance is measured against these objectives. I provide more information about the NQF and its implications for curriculum development in section 3.4.2.

### 3.3.2 Curriculum as content

The 'curriculum as content' planning approach perceives content selection as the foundation or sometimes the only consideration in curriculum planning.[514] In the 1960s and 1970s, the philosophical work of Richard S Peters[515] and Paul Hirst[516] dominated curriculum theorising in the United Kingdom. These scholars perceived all forms of knowledge as 'intrinsically worthwhile'. [517]

'Curriculum as content' focuses either on the individual modules that academics teach or on the whole study programme that the student undertakes in a specific discipline.[518] The selection of content usually depends on tradition (the module subject or course has always been taught in this manner) or on pragmatic considerations (the resources that are readily available).[519] Another consideration for the choice of the content focuses on content that is representative of the culture of the society.[520]

The 'curriculum as knowledge' model finds application in this study since the LLB curriculum is specifically developed for the discipline of law. The *LLB Qualification Standard*,[521] to some extent, supports the 'curriculum as content' planning model. For example, it requires graduates to have a comprehensive and sound knowledge of the South African Constitution and basic areas or fields of law. However, it is silent on whose knowledge and whose ways of knowing should be taught. 'Curriculum as content' is particularly relevant when one considers the student protests of 2015/16 that were characterised by demands for a decolonised curriculum.[522] Prior to the student protests, only a few education scholars had

514 Denis Lawton *Class, Culture and the Curriculum* (1975) at 70; Albert Victor Kelly *The Curriculum: Theory and Practice* 5ed (2004) 47.
515 Richard Stanley *Peters Ethics and Education* (1966).
516 Paul H Hirst *Knowledge and the Curriculum* (1974).
517 Priestley & Humes op cit note 425 at 347.
518 Fraser & Bosanquet op cit note 423 at 272. Also see Priestley & Humes op cit note 425 at 347.
519 Priestley & Humes op cit note 425 at 347.
520 CHE op cit note 20 at 9.
521 Ibid at 8-9.
522 See section 2.2.4.

engaged in debates about the transformation of knowledge and the curriculum.[523] Their debates failed to influence policymaking and did not filter down to debates in other disciplines. Since the student unrest, decolonisation has become a topic for discussion among law academics.[524] However, there is no common understanding of the decolonisation concept and implementing the process has been slow (see sections 2.2.4.1 and 2.2.4.4).

Curriculum planning as a content-driven approach has been questioned for several reasons.[525] Personal ideological preconceptions of the person who selects the knowledge could play a significant role in the knowledge that is taught. Questions also arise concerning for whom and whose knowledge should be chosen. Specific knowledge may also be privileged at the cost of other knowledge. In a multi-cultural society, choosing to teach from a dominant cultural perspective could raise concerns about alienation and relevance, while issues such as the decolonisation of the curriculum, as described in section 2.2.4, also come into play. Planning the curriculum from a content focus can also be critiqued for encouraging passive learning and didactic teaching of decontextualised and incoherent facts.[526] It does not consider the learner who is the recipient of the knowledge.[527]

This study adopted the 'curriculum as content' planning model as a complementary approach to the 'curriculum as product' planning model. Consequently, decolonising the curriculum is regarded as one of the curriculum imperatives in the Draft LLB CCMM (PO B19). The 'curriculum as content' approach was not the only complementary planning model adopted in this study. The 'curriculum as process' was also used as a complementary curriculum planning model.

### 3.3.3 Curriculum as process

The 'curriculum as process' development model is primarily based on advancing the individual's democratic values, reflexivity, the ability to question, and good citizenship.[528] Dewey and Stenhouse are closely associated with this model.

---

523 Lange op cit note 199 at 33, 39.
524 Several SALDA workshop on the decolonisation of legal education have taken place since 2006. Also see Tshivhase op cit note 211 at 5.
525 Priestley & Humes op cit note 425 at 348.
526 Ibid at 347.
527 Kelly op cit note 514 at 52.
528 Ibid at 78.

#### 3.3.3.1 Dewey's experimental approach toward curriculum development

In 1902, John Dewey emphasised the critical role that education plays in preparing students to be good citizens and competent actors in a democratic society.[529] He advocated for an experimental approach to curriculum design. He believed that students need to experiment and interact with the curriculum. They, therefore, need to learn by doing.[530] Dewey described the concept of curriculum as follows: [531]

> '[A] map, a summary, an arranged an orderly view of previous experiences, [that] serves as a guide to future experience; it gives direction; it facilitates control; it economises effort, prevents useless wandering, and points out the paths which lead most quickly and most certainly to a desired result.

#### 3.3.3.2 The four approaches toward curriculum development of Stenhouse

Lawrence Stenhouse was a notable advocate of the process model for curriculum planning.[532] Instead of focusing on the curriculum contents or objectives, Stenhouse suggested that the teacher concentrates on the concepts and procedures of disciplines. As such, science and history students, for example, will learn how to think like scientists or historians. In line with this approach, teaching law students to 'think like lawyers' has gained popularity in law schools around the globe.[533]

Stenhouse did not dismiss the significance of the 'aims-objective' approach to curriculum entirely.[534] He presented four education processes: training, instruction, initiation, and

---

529 John Dewey 'My pedagogic creed' in David J Flinders & Stephen J Thornton (eds) *The Curriculum Studies Reader* 2 ed (2004) at 19-22. Also see John Dewey *The Child and the Curriculum* (1902) at 27.

530 Dewey 'My pedagogic' op cit note 529 at 17, 18, 22, 23.

531 Dewey *The Child* op cit note 529 at 27.

532 Lawrence Stenhouse *An Introduction to Curriculum Research and Development* (1975) at 45. He defined the term 'curriculum' as follows: 'A curriculum is an attempt to communicate the essential principles and features of an educational proposal into such a form that it is open to critical scrutiny and capable of effective translation into practice.'

533 Carrie Menkel-Meadow *Thinking or Acting like a Lawyer* (2019); Susan A Bandes 'Feeling and thinking like a lawyer: Cognition, emotion, and the practice and progress of law' (2021) 89 *Fordham Law Review* at 2427; Paul du Plessis 'Thinking like a lawyer: The case for Roman law'' (2022) 99 *Acta Universitatis Lodziensis* at 165.

534 Mary James 'An alternative to the objectives model: The process model for the design and development of curriculum' in Nigel Norris & John Elliott (eds) (2012) *Curriculum, Pedagogy and Educational Research: The Work of Lawrence Stenhouse* at 68.

induction.[535] Stenhouse acknowledged that the objectives curriculum could be of value when training students to exhibit specific skills (first education process) or instructing them to acquire information through memorisation and retention (second education process). However, he suggested an initiation process to familiarise students with the norms and values expected of them and to interpret the social environment (third education process). The 'curriculum as process' also plays a critical role when inducting students to understand, evaluate, and construct relationships among concepts (fourth education process). Stenhouse emphasised that, although the initiating process draws on the disciplines, it entails more than merely acquiring existing knowledge. It requires students to develop critical and creative thinking in the disciplines.

Greenbaum argued in 2009 that the 'curriculum as process' has not commonly been accepted as a curriculum planning model in South Africa.[536] She based her view on the premise that law academics predominantly perceive themselves more as lawyers than as teachers. They generally use the 'transmission' mode to teach large classes, and believe that they need to focus on the 'essential body of substantive legal doctrine' or 'core legal content'. Generally, limited attention was paid to skills development, clinical legal education and teaching ethics. Twenty years later, the *Report on the National Review of the LLB* found that skills development at most universities was inadequate and compulsory clinical legal education took place at only seven universities, However, ethics were addressed in the curricula of most HEIs.[537]

The *LLB Qualification Standard* supports aspects of the 'curriculum as process' planning model. The Standard does not only require LLB graduates to possess knowledge of the 'theories, concepts, principles, ethics, perspectives, methodologies and procedures of the discipline of law,'[538] but it also requires them to conduct themselves ethically and with integrity in their 'relations within the university and beyond, with clients, the courts, other lawyers and members of the public'[539] and to exhibit critical thinking skills within the discipline.[540]

---

535 Stenhouse op cit note 532 at 80.
536 Lesley Anne Greenbaum *The Undergraduate Law Curriculum: Fitness for Purpose?* (unpublished PhD thesis, University of KwaZulu Natal, 2009) at 102.
537 CHE op cit note 13 at 23, 34.
538 CHE op cit note 297 at 8.
539 Ibid at 10.
540 Ibid at 9.

Stenhouse acknowledged that the success of the process curriculum approach depends largely on the quality and judgement of the academics.[541] The process curriculum demands more of academics and can sometimes be too demanding for some of them. Furthermore, the assessment of students' work can also be more difficult. Instead of judging students' work formally and objectively, he proposed development learning that is informal, creative and critical.[542]

As mentioned above, most discussions about curriculum planning took place within the school context.[543] The following section addresses curriculum planning in the HE context.

## 3.4 CURRICULUM PLANNING IN HIGHER EDUCATION (HE)

South Africa has adopted an outcomes-based approach to student learning, which underpins the NQF and the *LLB Qualification Standard*. The core elements that inform the designing of an HE outcomes-based curriculum are outcomes, teaching and learning, and assessment. These elements need to be constructively aligned.[544] In the following sections, I explore the influence of constructive alignment, the NQF and curriculum mapping on HE curriculum development.

### 3.4.1 Constructive alignment

Scholars regard constructive alignment as one of the most influential and dominant theories for contemporary HE curriculum development.[545] As a tool for HE curriculum development, it

---

541 Stenhouse op cit note 532 at 94.

542 Ibid at 95. The author said the following in this regard: 'The process model is essentially a critical model, not a marking model This does not mean that students taught on the process model cannot be examined, but it does mean that the examination must be taken in their stride as they pursue other aspirations'.

543 John Biggs *Aligning Teaching for Constructive Learning* (2003) 2.

544 Ibid.

545 Kristina Edström 'Doing course evaluation as if learning matters most' (2008) 27 *Higher Education Research & Development* at 105; Peter Kandlbinder & Tai Peseta 'Key concepts in postgraduate certificates in higher education teaching and learning in Australasia and the United Kingdom' (2009) 14 *International Journal for Academic Development* at 23; Eli Bitzer 'Trans disciplinarity and curriculum space in health sciences education master's programmes' in Eli Bitzer and Nonnie Botha *Curriculum Inquiry in South African Higher Education* (2011) at 197; James Zimmerman 'Academic libraries and accreditation: A theory-based framework for assessing modern library spaces' in Susan E Montgomery (ed) *Assessing Library Space for Learning* (2017) at 66.

has been applied in Australia, New Zealand, the UK,[546] and in South Africa.[547] Biggs coined the term 'constructive alignment' in 1996[548] and described it as a 'common sense' approach[549] that aims to enhance teaching by marrying two concepts, namely constructivism and an aligned design for teaching and learning.[550]

The first aspect: constructivism, refers to the constructivist theory of education and student learning. Constructivism encompasses a family of theories emphasising that students construct their own learning by 'actively selecting, and cumulatively constructing their own knowledge, through both individual and social activity.'[551] All of these theories focus on a student-centred approach.[552] The lecturer acts as the catalyst and facilitates the learning process.[553] The focus is on what the student does and learns and no longer on teaching by the lecturer. The second aspect: alignment, aims to ensure that all three components of the curriculum, namely the desired learning outcomes, the teaching and learning activities, and assessment, are interlinked.[554] The three components of the curriculum support each other and speak to the same agenda. Figure 3.1 reflects the three curriculum components and the fundamental principles of constructive alignment.

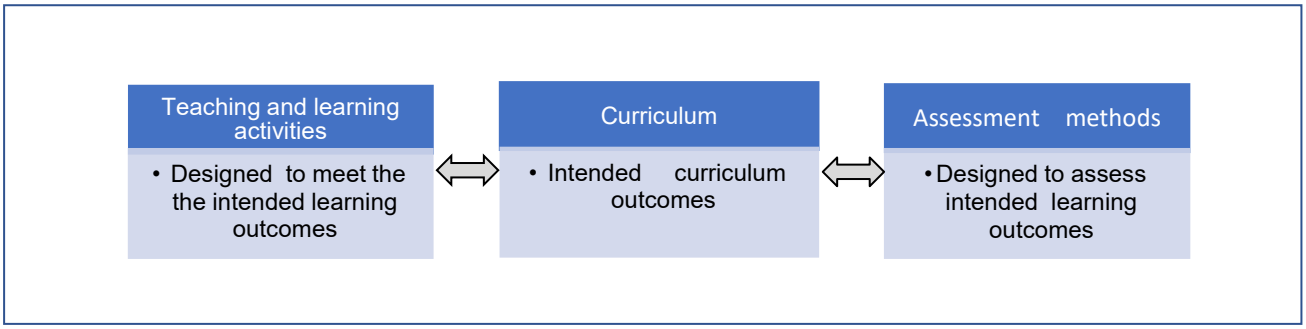


**Figure 3.1: The three components of the curriculum and constructive alignment**

546 Peter Kahn 'Critical perspectives on methodology in pedagogic research' (2015) 20 *Teaching in Higher Education* at 445.
547 Sherran Clarence 'Knowledge and knowers in teaching and learning: An enhanced approach to curriculum alignment' (2016) 66 *Journal of Education* at 65.
548 John Biggs 'Enhancing teaching through constructive alignment' (1996) 32 *Higher Education* at 347.
549 John Biggs 'What the student does: Teaching for enhanced learning' (1999) 18 *Higher Education Research & Development* at 73; John Biggs & Catherine So-kum Tang *Teaching for Quality Learning at University* (2007) at 61.
550 Biggs op cit note 548 at 347.
551 Ibid at 348.
552 Ibid at 347.
553 Biggs op cit note 544 at 1.
554 Ibid at 2.

Figure 3.1 illustrates that the desired learning outcomes stand at the centre of the three curriculum elements and constitute, in essence, the curriculum.[555] Contrary to the usual teacher-based approach that requires a simple list of the topics that lecturers will cover,[556] Biggs stated that the curriculum consists of curriculum objectives or desired learning outcomes. Treleaven and Voola suggested that students' desired graduate attributes upon graduation are expressed as intended learning outcomes in the curriculum. These outcomes indicate the level of understanding that lecturers will require of students, the topics that lecturers will be teaching, and the 'performance of understanding' that would signify that students have acquired the expected knowledge.[557] The learning outcomes are expressed according to a hierarchy of verbs (e.g. explain, solve, analyse, compare, apply, elaborate, classify and hypothesise),[558] representing different performance levels of understanding.[559] The learning contents comprise the objects of the verbs.[560] The taxonomy of educational outcomes by Bloom et al[561] has gained substantial support and is widely used when writing learning outcomes. Although the original publication of their work dates back to the 1950s, their taxonomy was investigated and adapted in a more recent version that is now labelled as 'the revised Bloom's taxonomy'.[562] These two frameworks play a major role in developing learning outcomes.

To constructively align the curriculum components, lecturers need to systematically align the 'performance of understanding' (verbs) in the intended learning outcomes with the teaching and learning activities and assessment,[563] which I will address next.

The teaching and learning activities that lecturers select to engage students in should enable students to acquire the 'performance of understanding' stated in the intended learning

555 Biggs & Tang op cit note 549 at 91. Lower level quantitative verbs include words such as 'identify, list, enumerate, combine and describe', while higher level qualitative verbs are verbs such as 'compare, analyse, relate, apply, and reflect'. See Biggs op cit note 549 at 64; Biggs op cit note 544 at 2.

556 John Biggs & Caterine So-kum Tang *Teaching for Quality Learning at University: What the Student does* 4 ed (2011) at 11.

557 Biggs op cit note 544 at 1.

558 The lower quantitative verbs require students to, for example, list, identify or perform a simple procedure, while the higher qualitative verbs require students to, for example, explain, analyse, reflect and theorise.

559 Biggs op cit note 549 at 64.

560 Biggs op cit note 544 1.

561 Benjamín S Bloom (ed) et al *Taxonomy of Educational Objetives: The Classification of Educational Goals* (1956).

562 Lorin W Anderson & David RA Krathwohl *Taxonomy for Learning, Teaching and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives* (2001).

563 Biggs op cit note 548.

outcomes.[564] Biggs advises that teaching and learning activities should not be limited to lectures, but could include lecturer-controlled activities such as field excursions, seminars, tutorials, group discussions, learning partnerships, and brainstorming. Teaching and learning activities that the lecturer plans for can also include peer-controlled activities such as group work, informal collaboration by students, and peer teaching. Self-controlled activities that the students can engage in are, for example, summarising, general study skills, note-taking, and metacognitive strategy use.[565]

In a constructively-aligned curriculum, the 'performance of understanding' or verbs of the intended learning outcomes prescribe what the student should be able to do at a specific level. The verbs would be evident in the chosen teaching and learning activities and embedded in the assessment task.[566] As such, curriculum designers can follow a backward design process by envisioning the end product (intended learning outcomes) and then aligning teaching and learning activities and assessment with that end product.[567]

The Draft LLB CCMM specifically provides for constructive alignment in PO D7. POs B20 and B21 refer to the incorporation of innovative teaching, learning and assessment practices for facilitating curriculum change. It is evident from the discussion above that drafting learning outcomes can be a daunting task. Thus, POs B23 and B24 emphasise the importance of empowering academic staff members to draft such outcomes.

The constructive alignment model is not free from critique. On the one hand, scholars criticise constructive alignment and its emphasis on predetermined outcomes for being almost the same as a list of contents,[568] and for being too rigid and not flexible enough.[569] Constructive alignment does not allow space for unintended learning[570] or emergent learning outcomes that sometimes arise when lecturers engage with students, present modules, or assess

564 Ibid at 353.
565 Ibid at 354; Biggs op cit note 549 at 68.
566 Ibid at 64.
567 Sundari Joseph & Charles Juwah 'Using constructive alignment theory to develop nursing skills curricula' (2012) 12 *Nurse Education in Practice* at 56.
568 Trevor Hussey & Patrick Smith 'Learning outcomes: A conceptual analysis' (2008) 13 *Teaching in Higher Education* at 112.
569 Mark Huxham at al 'Student and teacher co-navigation of a course: Following the natural lines of academic enquiry' (2015) 20 *Teaching in Higher Education* at 534.
570 Catherine Bovill & Cherie Woolmer 'How conceptualisations of curriculum in higher education influence student-staff co-creation in and of the curriculum' (2019) 78 *Higher Education* at 411.

students.[571] On the other hand, they criticise constructive alignment for requiring lecturers to continuously revise and update their module documentation due to the 'emergent learning outcomes'.[572] Consequently, constructive alignment can only be maintained if the HEI systems allow for frequent changes to the learning outcomes of modules.

Jervis and Jervis criticised the constructivist element that is embedded in the behaviourist pedagogy and described it as being 'profoundly unscientific'.[573] They argue that the requirement for students to enact the verbs of understanding in the intended learning outcomes resembles behaviourism in terms of stimulus and response.[574] Consequently, some scholars perceive a constructively aligned curriculum as being linear and preferring outcomes over student learning.[575] Further critique is that it is too narrow and does not take into account broader societal variables that may influence the curriculum.[576] As a result of the critique of its constructivist element, scholars advocate that the terms 'curriculum congruence' or 'curriculum alignment' more accurately describe the philosophy, and are what most lecturers have been doing over the years, in preference to the term 'constructive alignment'.[577]

Although constructive alignment is a useful tool for curriculum design, the approach focuses primarily on curriculum enactment and pedagogy. [578] It does not address the knowledge that curriculum developers and lecturers should include in the curriculum, and the various kinds of knowers students ought to become. In other words, constructive alignment ignores the typical characteristics of different forms of knowledge and positions disciplinary knowledge in the background.[579]

---

571 Warren Houghton *Engineering Subject Centre Guide: Learning and Teaching Theory for Engineering Academics* (2004) at 28.
572 Loretta M Jervis & Les Jervis 'What is the constructivism in constructive alignment?' (2005) 6 *Bioscience Education* at 9.
573 Ibid.
574 Ibid.
575 Bovill & Woolmer op cit note 570 at 411.
576 Bitzer op cit note 545 at 197.
577 Jervis & Jervis op cit note 572 at 10.
578 Kahn op cit note 546 at 451; Clarence op cit note 547 at 66.
579 Kahn op cit note 546 at 451.

Outcomes-based education and the constructivist philosophy underpins the NQF of South Africa.[580] The next section investigates the influence of the NQF on HE curriculum development.

### 3.4.2 National Qualifications Framework (NQF)

The NQF aims to (i) create a single integrated national framework for learning achievements; (ii) facilitate access to, and mobility and progression within, education, training and career paths; (iii) enhance the quality of education and training; (iv) accelerate the redress of past unfair discrimination in education, training; and employment opportunities.[581]

In 2002, a generic LLB was registered on the NQF at level seven.[582] The purpose of this LLB was to assist role players[583] in understanding 'factors determining the level and nature of the LLB qualification'. The generic qualification prescribed specific exit level outcomes and at least 480 credits for an LLB to be accredited.

On 5 October 2007, the Higher Education Qualifications Framework (hereafter HEQF) was promulgated in terms of the Higher Education Act 101 of 1997.[584] The HEQF provided the basis for integrating all HE qualifications into the NQF.[585] In the meantime, HEIs awaited the publication of the implementation plans for the ambitious 2007 HEQF.[586]

On 10 October 2010, the CHE, Department of Higher Education and Training and SAQA published a joint communiqué on the implementation of the HEQF that would span from January 2011 until December 2015. All HEIs were affected by the implementation[587] and were required to allocate their programmes into three categories. Category A programmes required minor or no changes to comply with the HEQF. Category B programmes required

580 Du Toit op cit note 230 at 73.
581 Section 5 of the NQF Act 67 of 2008.
582 Bachelor of Laws, NQF Level 7 (NLRD ID: 22993) *GG* 23845 of 20 September 2002.
583 The generic LLB identified role palyers as 'employers, professional associations, curriculum developers and learning-programme providers, education and training bodies, accrediting bodies and moderators, and students and their families'.
584 The *Higher Education Qualifications Framewor*k (GN 928 in *GG* 30353 of 5 October 2007).
585 Ibid at 3.
586 Douglas Blackmur 'Arguing with Stephanie Allais. Are national qualifications frameworks instruments of neoliberalism and social constructivism?' (2015) 21 *Quality in Higher Education* at 213.
587 CHE op cit note 29 at 2.

changes amounting to less than 50 per cent to the programme structure, outcomes or total credits. Category C programmes required 50 per cent or more changes to the programme structure, outcomes or total credits. It implied the submission of a new programme to the HEQC for accreditation.[588] As explained in section 1.2, the Faculty adopted a resolution in April 2015 to develop a new LLB for accreditation by the HEQC. Consequently, the UFS LLB was identified as a Category C programme.

The NQF Act 67 of 2008 replaced the SAQA Act 58 of 1995 and provided in section 27(e) for an extended mandate to the CHE to develop and manage the HEQF. In line with this mandate, the CHE began in 2010 with the revision of the HEQF and with the primary aim of addressing 'unresolved concerns about the number, nature and purposes of the qualification types. … and a number of inconsistencies and gaps in the HEQF, which had an adverse impact on meeting national policy goals and objectives'.[589] The final version of the HEQSF was published on 30 August 2013.[590]

Similar to the HEQF, the HEQSF provides a nested approach to programme design,[591] as depicted in Figure 2.2. This approach requires curriculum designers to consider the NQF level descriptors, the qualification type and standard developed for a specific qualification type, and the *Criteria for Programme Accreditation of the HEQC* when designing a programme.

The NQF level of the qualification and its level descriptors represent the outer layer within the nested approach.[592] The level descriptors are the most generic standards that do not refer to any essential knowledge, skills and applied competences that characterise a specific qualification.

588 Ibid at 8.
589 *Publication of the General and Further Education and Training Qualifications Sub-framework and Higher Education Qualifications Sub-framework of the National Qualifications Framework* (GN 578 in *GG* 36797 of 30 August 2013) at 41.
590 Ibid.
591 Ibid at 48.
592 Ibid at 46.

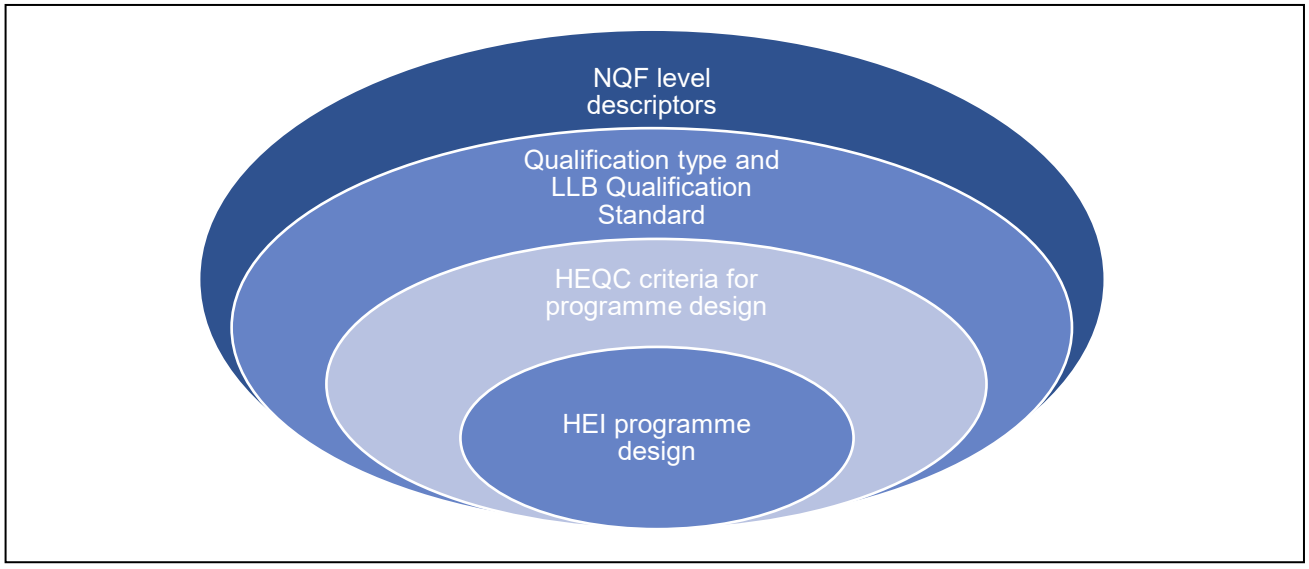


**Figure 3.2: The nested approach to programme design**

The second layer within the nested approach is the qualification type (e.g. certificate, diploma or degree) and its corresponding NQF level.[593] The qualification type of the LLB a professional Bachelor's Degree[594] on NQF level eight. As discussed in section 2.3.3.2 (ii), the LLB is the minimum educational requirement for admission and enrolment to the professions of advocate and attorney.[595]

A qualification descriptor and qualification designator are nested within the qualification type.[596] The qualification descriptor identifies the exit level of the qualification type, its minimum credit rating, and its purpose and characteristics. The qualification designator for the LLB is a Bachelor *of Laws*, with a minimum of 480 credits, which implies 4 800 notional hours of learning, and a minimum of 120 credits on NQF level eight.[597] In addition to the LLB with a minimum of 480 credits, the HEQSF added a level eight Advanced Bachelor's Degree with a minimum of 240 credits.[598] Graduates with Bachelor's Degrees such as the Bachelor

593 Ibid at 48-49.
594 Ibid at 68.
595 Section 26 of the Legal Practice Act 28 of 2014 fs the following: '(1) A person qualifies to be admitted and enrolled as a legal practitioner, if that person has – (a) satisfied all the requirements for the LLB degree obtained at any university registered in the Republic, after pursuing for that degree – (i) a course of study of not less than four years; or (ii) a course of study of not less than five years if the LLB degree is preceded by a bachelor's degree other than the LLB degree, as determined in the rules of the university in question and approved by the Council'.
596 Op cit note 589 at 48-49.
597 Ibid at 68.
598 Ibid at 76.

of Commerce (BCom) and Bachelor of Arts (BA) with specialisation in Law at Level Seven usually qualify to enrol for a further Advanced LLB over two years. Although the HEQSF only prescribes the minimum credits, the credits should be realistic in relation to the study time that is available to students (see PO D1).[599] The HEQSF defines the generic purpose and characteristics of the professional Bachelor's Degree, such as the LLB, as follows:[600]

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

A qualification standard, such as the *LLB Qualification Standard* (see section 2.3.3.2), represents the distinctive features of a particular qualification type. Such a standard plays a significant role in curriculum design. It provides a 'framework for the consistent and coherent development and design of qualifications and their curricula across the higher education system; clarify the meaning, purpose and distinctiveness of qualification types and variants; … guide the accreditation and recognition of learning programmes … [and] provide broad guidelines for the achievements expected for the award of a higher education qualification'.[601]

A HEI should use the *HEQC Criteria for Programme Accreditation*[602] and perform a self-evaluation of the programme, in this case the LLB, that it submits for accreditation. The HEQC then evaluates the self-evaluation report and supporting evidence provided by the institution against the criteria in its decision to accredit the programme. .

It is one of the characteristics of the HEQSF to give HEIs the autonomy to develop their own curricula.[603] In this regard, the HEQSF states that '[h]igher education institutions have a broad scope within which to design educational offerings to realise their different visions, missions and plans, and to meet the varying needs of the stakeholders and communities they serve'.

---

599 Ibid at 50.
600 Ibid at 69.
601 CHE op cit note 297 at 10.
602 CHE op cit note 349.
603 The *Higher Education Qualifications Framewor*k (GN 928 in GG 30353 of 5 October 2007) at 10.

Although the HEQSF informs curriculum development, it fails to directly address the curriculum and more recent curriculum-related issues such as the decolonisation of the curriculum.[604] Lange criticises the HEQSF for not focusing on the 'real' curriculum, namely the 'curriculum as content'.[605] Instead, the policy focuses on the curriculum's purpose, structure, or 'exoskeleton'.

Scholars critiqued the NQF for its behaviourist underpinnings and narrowness of vision.[606] HE academics initially rejected outcomes-based education and believed that one cannot always convert higher-order knowledge into clearly defined learning outcomes. Davis and Harden caution that implementing an outcomes-based curriculum is a difficult task that requires curriculum mapping.[607] The section that follows explains this process.

### 3.4.3 Curriculum mapping

Following the identification of graduate attributes that students need to exhibit upon graduation, academics must carefully map the desired knowledge, skills, attitudes and values across appropriate modules, years of study and credits of the curriculum. This forms part of the curriculum mapping process that Kift described as follows:[608]

> Broadly, this curriculum approach starts with a whole program matrix onto which the discipline's desirable knowledge, skills and attitudes are carefully mapped for multiple learning opportunities and contexts, which increase in complexity over the course of the degree program. After this, each individual subject of study ('subject') within the program is assessed for its contribution to holistic curriculum development.

---

604 Raazia Moosa 'An analysis of the higher education qualifications sub-framework: Towards decoloniality in South African higher education' (2018) 25(2) *Alternation Journal* at 69.

605 Lange op cit note 199 at 33, 39.

606 Linda Chisholm & Bruce Fuller 'Remember people's education? Shifting alliances, state-building and South Africa's narrowing education policy agenda' (1996) 11 *Journal of Education Policy* at 693; Melanie Samson & Salim Vally 'Snakes and ladders: Promises and potential pitfalls of the NQF' (1996) 20 *South African Labour Bulletin* at 7; Jonathan Jansen & Pam Christie *Changing Curriculum: Studies on Outcomes-based Education in South Africa* (1999); Linda Chisholm 'The politics of curriculum review and revision in South Africa in regional context' (2005) 35 *Compare: A Journal of Comparative and International Education* at 79.

607 Margery H Davis & Ronald M Harden 'Planning and implementing an undergraduate medical curriculum: The lessons learned' (2003) 25 *Medical Teacher* at 598.

608 Kift op cit note 45 at 7.

Curriculum mapping is a complicated,[609] backward design process[610] that forms part of the outcomes-focused education paradigm and aims for constructive alignment of the elements of the curriculum.[611] In addition to constructive alignment (PO D7), the Draft LLB CCMM suggests that the curriculum imperatives and graduate attributes of the *LLB Qualification Standard*[612] are appropriately mapped across modules (PO D5) and study years (PO D6).

A curriculum map provides a spatial representation of the different components of the curriculum, so that one can view not only a complete picture of the curriculum, but also the connections and relationships among the different parts of the map.[613]

Contrary to the traditional law curriculum that prescribes a 'one-shot' or single skills module at the beginning of the programme and a 'booster' skills unit at the end, research into the development of graduate attributes suggests that skills should be embedded in the law curriculum to ensure that they develop incrementally over the years by means of a whole-of-curriculum mapping approach.[614] The development of a particular skill or graduate attribute does not have to take place in a specific module.[615] Instead, the development process for a particular skill, such as written communication, oral communication[616] and critical thinking skills,[617] can be optimised if it is spread over several modules over the years of study. Christensen and Kift, supporters of whole-of-curriculum mapping, opine that it is imperative to develop skills in those substantive law modules that are suitable for their development.[618] The development of skills should ideally take place not only in identified substantive law

609 Davis & Harden op cit note 607 at 598. Also see RM Hakhkn 'Curriculum mapping: A tool for transparent and authentic leaching and learning' (2001) 23 *Medical Teacher* at 123; Bick Har Lam & Kwok Tung Tsui 'Curriculum mapping as deliberation – examining the alignment of subject learning outcomes and course curricula' (2016) 41 S*tudies in Higher Education* at 1376.

610 Fiona Rawle et al 'Curriculum mapping across the disciplines: Differences, approaches, and strategies' (2017) 10 *Collected Essays on Learning and Teaching* at 83.

611 Anna Huggins, 'Incremental and inevitable: Contextualising the threshold learning outcomes for law' (2015) 38 *University of New South Wales Law Journal* at 283; Lam & Tsui op cit note 609; Asha Vashe et al 'Curriculum mapping of dental physiology curriculum: The path towards outcome-based education' (2020) 24 *European Journal of Dental Education* at 524.

612 See section 2.3.3.2.

613 Lam & Tsui op cit note 609; Vashe et al op cit note 611 at 519.

614 Sharon Christensen & Sally Kift 'Graduate attributes and legal skills: Integration or disintegration?' (2000) 11 *Legal Education Review* at 219. Also see Richard Johnstone, 'Whole-of-curriculum design in law' in Sally Kift et al (eds) *Excellence and Innovation in Legal Education* (2011) at 1, 15; Huggins op cit note 611 at 283.

615 Christensen & Kift op cit note 614 at 219. Also see Quinot & Greenbaum op cit note 290 at 40.

616 Christensen & Kift op cit note 614 at 219.

617 Nick James & Kelley Burton 'Measuring the critical thinking skills of law students using a whole-of-curriculum approach' (2017) 27 *Legal Education Review* at 13.

618 Christensen & Kift op cit note 614 at 219.

modules, but also in modules specifically set aside for developing these skills.[619] Ultimately, each skill should be developed horizontally as an integrated package in a specific year (PO D4) and vertically through the remainder of the programme (PO D3).[620]

The curriculum mapping process aims to ensure that (i) there is constructive alignment between teaching, learning and assessment; (ii) the level of knowledge development or skills progression is achieved in the different modules of the curriculum; (iii) modules, through scaffolding, build on previous knowledge and skills; (iv) modules, by means of the horizontal development of graduate attributes, complement concurrent modules; (v) the modules prepare students for higher-order learning as they progress through the curriculum; (vi) the relevance of the modules to students' future employability and careers are explicitly communicated to students and employers; and (vii) students' professional identity is gradually developed.[621]

Moss and Curtis added that curriculum mapping could prevent lecturers from teaching their modules in silos.[622] They found that law lecturers have a poor sense of the curriculum as a whole and often do not know what their colleagues teach in other modules. PO D4 of the Draft LLB CCMM specifically provides for the modules to be presented in an integrated manner. Moss and Curtis described curriculum mapping as an empowering tool[623] which enables academics to understand what is taught, when it is taught, how it is taught and whether it is taught more than once.[624] Ultimately, it assists academics in building on students' existing knowledge and skills, preparing them for where they will be heading,[625] and correlating assessments and learning to ensure that what is being taught is assessed, and vice versa.[626]

619 Michelle Sanson 'Preparing tomorrow's lawyers today: Graduate attributes in first year law' *First Year in Higher Education Conference* (2009) at 3.
620 Christensen & Kift op cit note 614 at 219.
621 Kift op cit note 45 at 7. Also see Debra Moss Curtis & David M Moss 'Curriculum mapping: Bringing evidence-based frameworks to legal education' (2015) 34 *Nova Law Review* at 486.
622 Curtis & Moss op cit note 621 at 476.
623 Ibid at 505.
624 Ibid at 476. Also see Vashe et al op cit note 611 at 520.
625 Curtis & Moss op cit note 621 at 479.
626 Ibid at 480.

## 3.5 CONCLUSION

The discussion of the different conceptualisations of curriculum in this chapter confirmed that there is no consensus on how the term should be understood. The curriculum theorising of the social efficiency, the progressive reform and reconceptualised curriculum relate to this study. The professional character of the LLB supports the theorising of the curriculum in the social efficiency movement while the focus in the LLB on disciplinary knowledge and students, endorses the notions of curriculum of the progressive reform movement. In line with my pragmatist worldview, I perceive the conceptualisation of the curriculum in the reconceptualised curriculum reform movement to be most appropriate for this study. The curriculum theories mentioned above were predominantly applied in the school context. From an HE curriculum perspective, I also found support for the theorising of 'curriculum as outcome', 'curriculum as transformative' and the 'liberal curriculum'.

I have adopted a holistic conception of the curriculum that gives preference to the reconceptualised notion of curriculum. However, I do not support the movement's repudiation of curriculum history, and prefer a constructive synthesis between historic curriculum principles and new theories, so that the concept of curriculum includes elements of the different curriculum theorising movements for schools and tacit conceptualisations of the HE curriculum.

The discussion of the three curriculum planning models revealed that the approaches in the models are not mutually exclusive. Consequently, one can incorporate elements of the three archetypal curriculum planning models for the purposes of developing the LLB curriculum. I selected the 'curriculum as product' model as the primary curriculum planning model for the purposes of this study. My decision is based on the support of the HEQSF for outcomes-based education, my preference for the conceptualisation of the 'curriculum as outcome', and my pragmatist worldview (see section 1.1) that resonates well with the *Tyler rationale.* The 'curriculum as content' and 'curriculum as process' models played a secondary role in the development of the new LLB. Constructive alignment requires the three components of the curriculum, namely desired learning outcomes, teaching and learning activities, and assessment to be constructively aligned.

The literature review in this chapter informed the development of 31 POs for inclusion in the Draft LLB CCMM in Annexure 2. These POs were related to the curriculum change process (POs B2 to B7, B18 to B24, B29 to B38, and C3) and seven were associated with curriculum planning process (POs D1 to D7). The term curriculum, for the purposes of this study, is understood as the integrative core of the education system. The curriculum articulates the desired learning outcomes that students will acquire through quality teaching, learning, and assessment during the educational process. These learning outcomes are mapped across appropriate modules, years and credits of the curriculum. The curriculum serves as a means to empower and transform students' lives, to prepare them to fulfil their broader roles in society, as an enabler for lifelong learning, and as a determinant of quality.

The chapter that follows builds on the insights gained in this chapter and explores how the curriculum change process can be managed.

# CHAPTER 4

# CURRICULUM CHANGE MANAGEMENT

## 4.1 INTRODUCTION

It is the purpose of this study to propose a CCMM that will facilitate comprehensive LLB curriculum change at South African universities. The context in which the research problem was investigated, is reported in Chapter Two. The third chapter explored the concepts of curriculum and curriculum planning. This chapter addresses the third research question: 'What is the nature of the POs of a Draft LLB CMM that can potentially facilitate comprehensive LLB curriculum change at South African universities?'

The chapter consists of four parts. In the first part, I briefly describe strategic planning and its implications for curriculum change. The second part of the chapter focuses on Kotter's CMM and its application in facilitating curriculum change.[627] Numerous studies have shown that Kotter's CMM,[628] can play a crucial role in curriculum change. In the third part, I construct a conceptual framework for the study. I use this framework as the foundation for compiling the Draft LLB CCMM in the final part of the chapter. The Draft LLB CMM in Annexure 2 is the product of the insights gained from the literature reviews in Chapters 2 to 4, and my experience and expertise as an insider-researcher (see section 1.7). The chapter ends with a brief description of the implications of the Draft LLB CCMM for the unfolding of the rest of the study.

---

627 Numerous studies have reported that that Kotter's CMM have played a significant role in curriculum change. See, for exampe, Pfeifer, Schmitt & Voigt op cit note 63; Steinert et al op cit note 63, De la Harpe & Thomas op cit note 60; Kadagad op cit note 63; Diana Quinn et al 'Leading change: Applying change management approaches to engage students in blended learning' (2012) 28 *Australasian Journal of Educational Technology* 16; Kelly P Beischel & Deborah S Davis 'A time for change: QSENizing the Curriculum' (2014) 39 *Nurse Educator* at 65; Nitta et al op cit note 63; Haas et al op cit note 63; Eva Aagaard 'Change leadership and crisis management: Curriculum transformation before, during, and after a pandemic' (2022) 132 *Transactions of the American Clinical and Climatological Association* 184; Kamal Shigli et al 'Inclusion of gerodontology in dental curriculum: An urgent case for India' (2022) *Gerontology & Geriatrics Education* 1.

628 Kotter op cit note 62.

## 4.2 STRATEGIC PLANNING

Numerous researchers have reported on the critical role of strategic planning in curriculum change.[629] Considering the importance of strategic planning, and the fact that lawyers and law academics are unfamiliar with strategic management, I regard it apposite to provide some insight into this business management concept.

Strategic management theory dates back to the early 1900s when Taylor published *The Principles of Scientific Management*.[630] Numerous strategic planning models are available, most of which originated from business models. I adopted the curriculum-centred strategic model of Dolence since it incorporates the best practices of formal strategic planning models, is curriculum-centred and provides for systematic strategic planning in HE.[631] An adapted version of this model is presented in Figure 4.1.

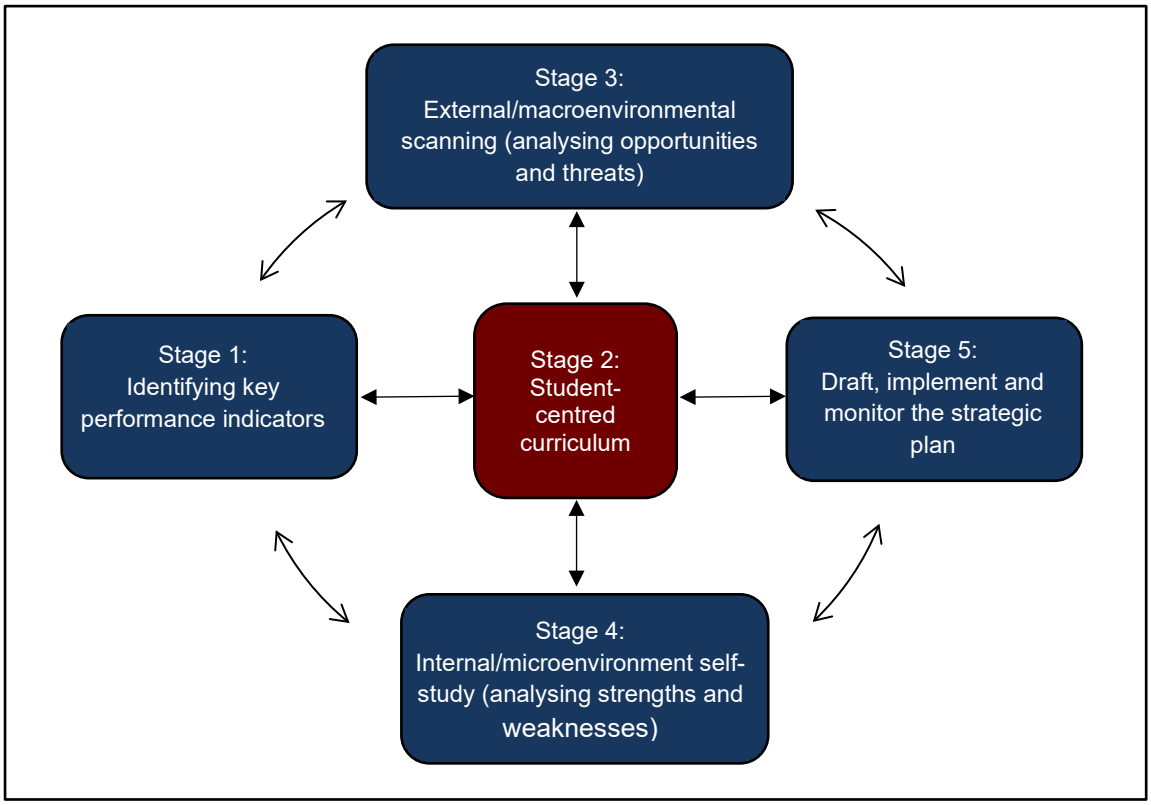


**Figure 4.1: The curriculum- and student-centred strategic planning model**

---

629 See, for example, Michael G Dolence 'The curriculum centered strategic planning model' (2004) 11 *Educause Center for Applied Research Bulletin* at 6; Hubball et al op cit note 32 at 101; McKimm & Jones op cit note 24 at 255.

630 Frederick Winslow Taylor *The Principles of Scientific Management* (1911).

631 Dolence op cit note 629 at 3.

Figgure 4.1 identifies five interlocking stages of strategic planning, namely (i) defining key-performance indicators, (ii) considering the structure for a student-centred-curriculum framework, (iii) performing an external environmental scan, (iv) conducting continuous self-assessment, and (v) developing strategies and action plans.[632] The figure shows that curriculum-centred strategic planning is not a once-off or episodic exercise, but a continuous process that requires regular revision.[633]

The key performance indicators in the first stage encompass a range of measures to monitor institutional or faculty performance.[634] In this regard, PO A2 of the Draft LLB CCMM in Annexure 2 provides the following: 'Staff members consider key performance indicators (e.g., programme accreditation, student enrolment numbers, pass rates, throughput rates, and graduation rates) when drafting the faculty's strategic plan and its curriculum change strategy.'

The student-centred curriculum in Stage 2 provides a structure for curriculum design.[635] I concluded in the previous chapter that the new LLB curriculum would be developed by adopting the 'curriculum as product' planning model.[636] In terms of this model, the desired learning outcomes, as described in section 3.4.1, stand at the centre of the three curriculum elements (teaching and learning, curriculum and assessment) and comprise, in essence, the curriculum. A curriculum map or framework is then developed through a backward design approach that aims for constructive alignment and appropriate sequencing of the curriculum elements (see section 3.4.3).

The external/macroenvironmental scanning process in stage three commences by dividing the external (macro) environment into the economic, political, socio-cultural, technological, geographic, and social environments.[637] When planning/strategising for HE curriculum change, information about these environments can, for example, be obtained from the requirements of accreditation bodies such as the HEQC (see section 3.4.2), scientific and

---

632 Ibid.
633 Ibid at 9.
634 Ibid at 4.
635 Ibid.
636 See section 3.3.1.
637 McKimm & Jones op cit note 24 at 523.

professional journals, nonprofessional literature, and newspapers.[638] In addition, HEIs or faculties can undertake market and consumer analyses to gain more insight into the characteristics and expectations of the students it aims to attract and the employers of their graduates.[639] Being aware of external change drivers and agendas can assist in making the curriculum as 'future-proofed as possible.[640] Based on the information obtained from the environmental scan, strategists need to identify opportunities that can be utilised for the faculty's benefit and threats that should be avoided or blocked.[641]

Self-study of the internal/microenvironment entails an assessment of the faculty's performance against programme accreditation standards; identified goals and objectives, physical, human and economic resources; [642] and the way the curriculum is delivered.[643] Although the analyses mentioned above can, to a large extent, be objectively assessed, one should also be mindful of the basic values and assumptions that appear not just below the surface, but at the core of the faculty, such as the hidden curriculum,[644] hidden power structures, rituals and routines.[645] Based on analyses in the fourth stage, strategists identify strengths that the faculty can build on to obtain maximum benefits and weaknesses that should be overcome and improved.[646]

The analysis of the emerging strengths (S), weaknesses (W) opportunities (O) and threats (T) is known as a SWOT analysis.[647] Strategists use this analysis to assess organisational opportunities and threats within the external environment (Stage 3) and to explore strengths and weaknesses in the internal environment (Stage 4).[648] PO A3 of the Draft LLB CCMM requires the following: 'Perform a SWOT (strengths, weaknesses, opportunities and threats) analysis to provide clear directives for the vision, mission, and LLB curriculum change strategy in the faculty's strategic plan.' The analysis continues to be commonly used in both

---

638 Elizabeth J Layman & Richard Bamberg 'Environmental scanning and the health care manager' (2005) 24 *The Health Care Manager* at 200.
639 Dolence op cit note 629 at 5; McKimm & Jones op cit note 24 at 522.
640 Ibid at 521.
641 Dolence op cit note 629 at 6.
642 Ibid.
643 McKimm & Jones op cit note 24 at 522.
644 See section 3.2.5.
645 McKimm & Jones op cit note 24 at 522.
646 Dolence op cit note 629 at 6.
647 Karen B Farris et al 'Assessment to transform competency-based curricula' (2009) 73 *American Journal of Pharmaceutical Education* at 5.
648 Ibid.

business and educational environments.[649] It is praised for its simplicity[650] and has become the most common approach used in strategic planning.[651]

The last stage encompasses the drafting, implementation and evaluation of the strategic plan. The strategic plan for a faculty usually includes the faculty's vision, mission, values, strategies, goals, objectives, and implementation plan.[652] The vision and mission are two separate concepts that reflect different time frames.[653] The vision provides an 'idealistic projection' of the faculty in the indefinite future. However, it is neither a dream nor a fantasy. It indicates what the faculty might achieve[654] and should provide a clear picture of what the curriculum should look like at the end of the curriculum change process.[655] The mission indicates how the vision can be transformed into existence.[656] It represents the faculty's overarching purpose, its core ideology, what it stands for, the reasons for its existence,[657] and why a faculty is special and different.[658] Corporate values can be included in the mission or independent statement.[659]

An example of a strategy that needs to be incorporated into the strategic plan of a faculty is a curriculum change strategy. Such a strategy forms the blueprint for changing, developing and implementing the curriculum.[660] It needs to identify the purpose and scope of the curriculum change.[661] In section 1.2, I differentiated between minor curriculum change strategies and comprehensive curriculum change strategies.

---

649 Frances Stokes Berry & Barton Wechsle 'State agencies' experience with strategic planning: Findings from a national survey' (1995) 55 *Public Administration Review* at 159; Sepehr Ghazinoory, Mansoureh Abdi & Azadegan-Mehr M Mandana 'SWOT methodology: A state-of-the-art review for the past, a framework for the future' (2011) 12 *Journal of Business Economics and Management* at 31.

650 Boonyarat Phadermroda, Richard M Crowder & Gary B Wills 'Importance-performance analysis based SWOT analysis' (2019) 44 *International Journal of Information Management* at 195.

651 Berry & Wechsle op cit note 649 at 159; Ghazinoory, Abdi & Mandana op cit note 649 at 25.

652 Dolence op cit note 629 at 6.

653 Constantin Brătianu & Georgiana Victoria Bălănescu 'Vision, mission and corporate values. A comparative analysis of the top 50 U.S. companies (2008) 3 *Management & Marketing* (2008) at 20.

654 Ibid at 22.

655 Farris et al op cit note 647 at 5.

656 Brătianu & Bălănescu op cit note 653 at 20.

657 McKimm & Jones op cit note 24 at 521.

658 Dess Lumpkin, GT Lumpkin & Alan B Eisner *Strategic Management: Text and Cases* 2 ed (2006) at 29.

659 Thomas J Peters & Robert H Waterman *In Search of Excellence: Lessons from America's Best Run Companies* (1995) at 285.

660 McKimm & Jones op cit note 24 at 521.

661 Ibid at 520.

Dolence emphasised the importance of implementing the strategic plan.[662] He suggested that an implementation plan/schedule be drafted to guide the execution of the strategies, such as the curriculum change strategy, identified in the strategic plan.[663] Stakeholders need to support and understand the strategic plan to ensure effective implementation.[664] PO A4 provides for this aspect. Continuous consultation and communication are of utmost importance during each stage of the strategic planning process (see POs PO A1).[665] A range of strategic planning workshops can play a crucial role in this regard.[666]

Figure 4.1 shows that strategic planning is a complex and challenging process that should not be considered an event with a specific ending date. In line with the recommendations of authors, PO A5 states that progress with the implementation of the strategic plan's objective, goals, strategies and plans should be monitored regularly.[667] The following section aims to explain how Kotter's CMM[668] can be used to arrive at the intended curriculum change strategy.

## 4.3 KOTTER'S CHANGE MANAGEMENT MODEL (CMM)

Kotter's eight-step process for successful large-scale change was published for the first time in an article in the Harvard Business Review in 1995. The following year, his classic book entitled *Leading Change* provided more insights into his model. He based his CMM on his business and research experience as a professor at Harvard University and his observations of more than a hundred businesses. [669]

---

662 Dolence op cit note 629 at 9.

662 Ibid at 10; Moses Jeremiah Barasa Kabeyi 'Organizational strategic planning, implementation and evaluation with analysis of challenges and benefits' (2019) 5 *International Journal of Applied Research* at 31.

663 Dolence op cit note 629 at 6.

663 Ibid at 10; Kabeyi op cit note 662 at 31.

664 Oluyinka Osunkunle & Mutambuli J Hadji 'The South African higher education strategic planning process: Compliance or shaping the future' (2020) 10 *African Journal of Development* at 208.

665 Ibid.

666 Johanna E Pregmark & Rita B Berggren, 'Strategy workshops with wider participation: Trust as enabler' (2020) *Management Decision* at 600.

667 Dolence op cit note 629 at 9. Also see Kabeyi op cit note 662 at 30.

668 Kotter op cit note 62. Although a revised edition of *Leading Change* was published in 2012, the book remained substantially the same. In the preface to the 2012 book, Kotter wrote 'the material in this book is not only still relevant now, sixteen years after it was published, but I believe it is more relevant, and for one reason the speed of change continues to increase'.

669 These businesses included small businesses (Landmark Communications), large businesses (Ford Motor), USA companies (General Motors), foreign companies (British Airways), companies in crisis (Eastern Airlines) and also those performing well (Bristol-Myers Squibb).

The efficacy of the CMM of Kotter has been widely supported in the literature and acknowledged as 'exemplar in the change management literature',[670] 'the definitive change model',[671] 'the mainstream wisdom in leading organizational change',[672] 'the most compelling formula for successful organizational change management', the orthodoxy for change leadership',[673] 'a key reference in the field of change management',[674] and 'the most quoted framework for enacting organizational change'.[675]

Kotter's CMM has enjoyed 'tremendous academic as well as practical success'.[676] A literature review revealed that researchers applied Kotter's model, mostly with self-evaluated success, in numerous fields to manage change efforts. These changes were brought about in businesses and corporations,[677] public sector organisations,[678] healthcare organisations,[679]
aerospace,[680] and the military.[681]

---

670 Anthony J Mento, Raymond M Jones & Walter Dirndorfer (2002) 'A change management process: Grounded in both theory and practice' 3 *Journal of Change Management* at 45.

671 Wes Friesen 'Change management: A key to a successful future' (2016) *Business Credit* at 42.

672 Nitta et al op cit note 63 at 467.

673 Rune Todnem By, Mark Hughes & Jeffrey Ford 'Change leadership: Oxymoron and myths' (2016) 16 *Journal of Change Management* at 11.

674 Appelbaum et al op cit note 64 at 765.

675 Rohul Amin & Jessica Servey 'Lessons of leading organizational change in quality and process improvement training' (2018) 183 *Military Medicine* at 249.

676 Appelbaum et al op cit note 64 at 765.

677 David J Paper, James A Rodger & Parag C Pendharkar 'A BPR case study Honeywell' (2001) 7 *Business Process Management Journal* 85; Meggan Joffe & Sean Glynn 'Facilitating change and empowering employees' (2002) 2 *Journal of Change Management* 369; Katrina Lintukangas, Satu Peltola & Veli-Matti Virolainen 'Some issues of supply management integration' (2009) 15 *Journal of Purchasing & Supply Management* 240; Shahid Ansari & Jan Bell 'Five easy pieces: A case study of cost management as organizational change' (2009) 5 *Journal of Accounting & Organizational Change* 139; Brian J Hurn 'Management of change in a multinational company' (2012) 44 *Industrial and Commercial Training* 41; Pollack & Pollack op cit note 64.

678 Kenneth L Wright, Joyce A Thompsen 'Building' (1997) 9 *The Total Quality Management Magazine* 36, David Bamford & Stefen Daniel 'A case study of change management effectiveness within the NHS' (2005) 5 *Journal of Change Management* 391, Britta Gammelgaard 'The emergence of city logistics: The case of Copenhagen's Citylogistik-kbh' (2015) 45 *International Journal of Physical Distribution & Logistics Management* 333.

679 Jacqueline Auguste 'Applying Kotter's 8-step process for leading change to the digital transformation of an orthopedic surgical practice group in Toronto, Canada' (2013) 4 *Journal of Health & Medical Informatics* 1; Jessica Morrison J 'Nursing leadership in ACO payment reform' (2016) 34 *Nursing Economics* 230; Anne Mørk et al 'Using kotter's change framework to implement and sustain multiple complementary ICU initiatives' (2018) 33 *Journal of Nursing Care Quality* 38; Ann B Townsend, Marisol Valle-Ortiz & Tracy Sansweet 'A successful ed fall risk program using the KINDER 1' (2016) 42 *Journal of Emergency Nursing* 492.

680 Marc Day & David J Atkinson 'Large-scale transitional procurement change in the aerospace industry' (2004) 10 *Journal of Purchasing & Supply Management* 257.

681 Amin & Servey op cit note 675 249.

Kotter's CMM has also been used in basic education[682]and in the HE context. Numerous research initiatives employed his CMM to bring about changes that relate to HE corporate culture, teaching and learning, and curriculum development. Concerning corporate culture, Kotter's CMM was, for example, used to improve the organisational culture and climate in a school of nursing,[683] encourage the engagement and participation of faculty members in activities to attain accreditation,[684] plan a university campus sustainability programme, and to transform a university's library and support services.[685] Examples of research initiatives that applied Kotter's CMM to bring about teaching, learning and assessment changes include implementing a new student evaluation teaching system, changing a dental school's clinical assessment system, [686] and engaging students in blended learning. [687] Numerous researchers have also applied Kotter's model to institute HE curriculum change.[688] For example, his CMM was used to improve the residency didactic curriculum of a four-year emergency medicine programme, [689] change the curriculum at medical schools; [690] investigate the conditions that underpin curriculum changes, [691] and effect change in undergraduate dental[692] and nursing curricula.[693]

Kotter's CMM is interpreted as a set of eight linear steps and researchers have described his model as 'structured linear steps',[694] 'a linear progression'[695] and a 'sequential procedure'.[696] Figure 4.2 depicts the eight steps of Kotter's CMM. The eight steps can be grouped into three main categories: (i) creating a climate for change, (Steps 1 to 4), (ii) engaging and enabling

---

682 Kimberly Barcelona '21st Century curriculum change initiative: A focus on STEM education as an integrated approach to teaching and learning' (2014) 10 *American Journal of Educational Research* 862; Nitta et al op cit note 63 467.

683 Pamela Springer et al 'Using transformational change to improve organizational culture and climate in a school of nursing' (2012) 51 *The Journal of Nursing Education* 81.

684 Mary F Calegari, Robert E Sibley & Marlene E Turner 'A roadmap for using Kotter's organizational change model to build faculty engagement in accreditation' (2015) 19 *Academy of Educational Leadership Journal* 31.

685 Sidorko op cit note 67 307.

686 Wilda Z Guzmán et al 'Transformation of a dental school's clinical assessment system through Kotter's eight-step change process' (2011) 75 *Journal of Dental Education* at 485.

687 Quinn et al op cit note 627.

688 Haas et al op cit note 63.

689 Ibid.

690 Steinert op cit note 63.

691 De la Harpe & Thomas op cit note 60 at 75.

692 Kadagad et al op cit ntoe 63; Shigli et al op cit ntoe 627.

693 Beischel & Davis op cit note 627.

694 Day & Atkinson op cit note 680 at 265.

695 Nitta et al op cit note 63 at 483.

696 Pfeifer, Schmitt & Voigt op cit note 63.

the organisation for change (steps five to seven) and (iii) implementing and sustaining change (Steps 7 and 8).[697]

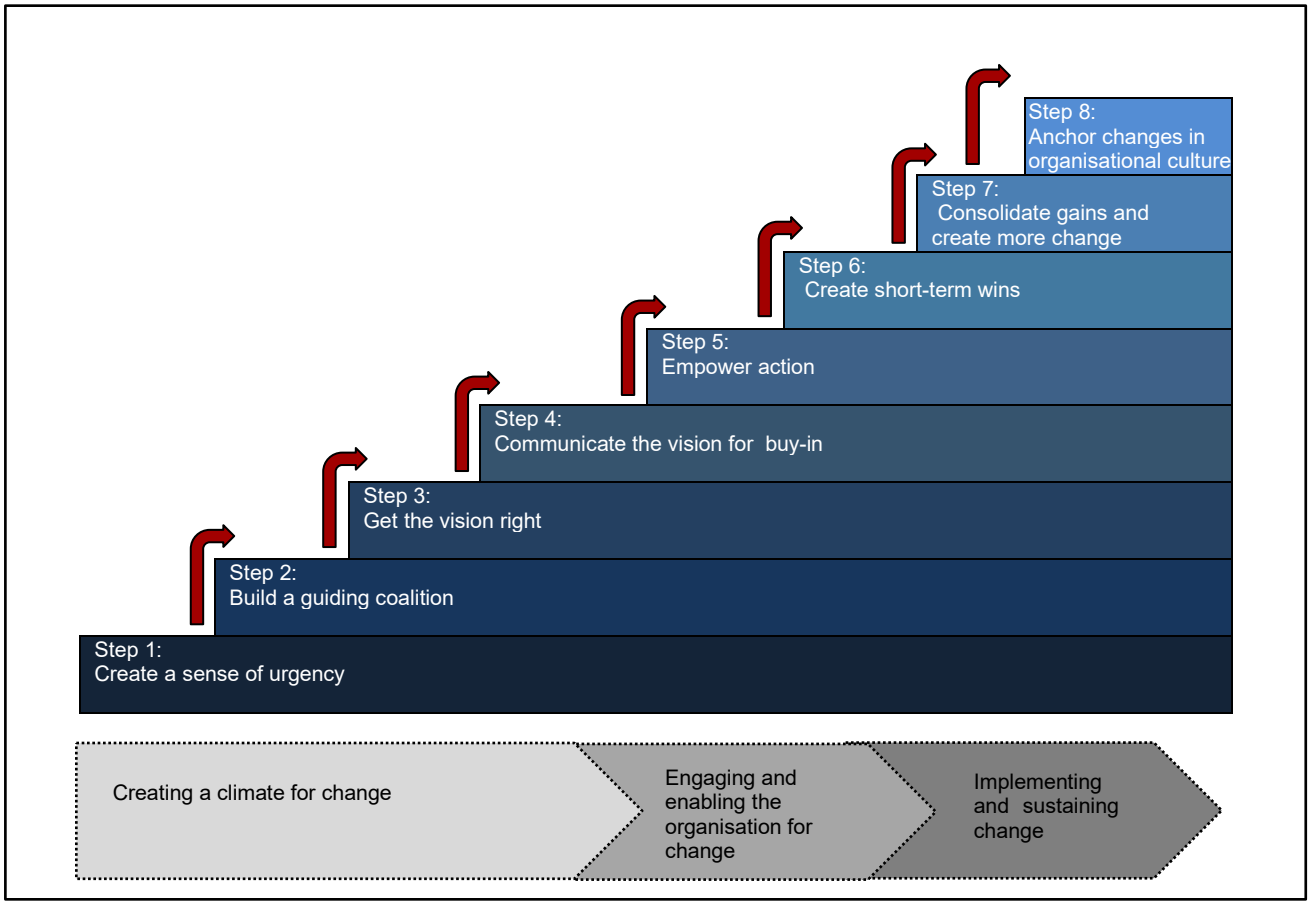


**Figure 4.2: Kotter's eight-step model for successful large-scale change**

Kotter made it clear that every step needs to be carried out, since each provides a solid foundation for the next step. However, Kotter and Cohen acknowledged that there could be some overlap among the eight steps.[698] For example, overlap can occur between Steps 1 and 2 (a guiding coalition can be set up while creating a sense of urgency among employees with a low complacency level), Steps 4 and 5 (the vision can be communicated to employees while they are also empowered for the change), and Steps 5 and 6 (obstacles can be removed while planning the short-term wins). Although Kotter acknowledged that several of the steps could happen simultaneously and continuously, he cautioned that skipping a single step, progressing too far ahead, or following another order could result in problems. For

697 Dan S Cohen *The Heart of Change: Real-life Stories of How People Change Their Organizations* (2005) at 3.

698 Ibid at 58.

example, one cannot empower a person who does not feel an urgency to change.[699] Such occurrences could give way to a change process that is perceived as unnatural, mechanistic or forced. Furthermore, it could prevent the creation of sufficient momentum to overcome a powerful unwillingness to change.[700]

In the following sections, I elaborate on each of the eight steps of Kotter's CMM model as it applies to LLB curriculum change in SA.

### 4.3.1 Step 1: Create a sense of urgency

The first step of the CMM, creating a sense of urgency, is a key driver for change.[701] Although this step is arguably the most important,[702] it seems to be the most challenging and misunderstood step in Kotter's CMM.[703]

In addition to leaders and managers creating a sense of urgency, Kotter recommended the recruitment of external consultants to assist with this task.[704] However, he cautioned that external consultants are not always effective in creating a sense of urgency. They tend to be very analytical but often neglect the side of the brain that deals with emotions.[705] By the same token, Ansari and Bell found that experience and culture of an organisation are usually much more powerful than a sense of urgency created by an external change agent.[706] Consequently, the Draft LLB CCMM proposes that the Dean and curriculum change leader (hereafter CCL) create a sense of urgency to change the LLB curriculum (PO B1).

Frequent and effective communication is crucial for creating a sense of urgency for change. A study conducted by Jansen on the influence of a range of change-related events and social

---

699 Kotter op cit note 62 at 23.
700 Ibid at 25.
701 Ibid at 36.
702 Hassan M Kamara 'Military transformation: Applying the Kotter eight-step methodology for change in the U.S. armed services' (2018) 91 *Joint Force Quarterly* at 75.
703 John P Kotter 'Developing a change-friendly culture' (2008) 48 *Executive Forum* at 34; John P Kotter 'Leading change: It all starts with urgency' (2013) 30 *Leadership Excellence* at 6.
704 Kotter op cit note 62 at 44.
705 Kotter op cit note 703 at 35.
706 Ansari & Bell at 677 at 158.

processes on momentum during the early stages of organisational change confirmed Kotter's viewpoint by stating that 'the more news relevant to the focal change the better'.[707]

Although Kotter did not refer to specific actions that can be taken to create a sense of urgency for curriculum change, research has suggested that leaders use both internal and external evaluations/reviews to support curriculum change initiatives. Internal evaluations of the curriculum could be performed among academics, [708] students, [709] graduates, [710] employers, [711] and curriculum committees. [712] It is also advisable to share information regarding external reviews by HE quality assurance bodies, professional bodies,[713] and new accreditation standards [714] with staff members. For example, Hubball et al found that accreditation self-evaluation is the most significant factor influencing curriculum change.[715]

In line with the studies mentioned above, the Draft LLB CCMM in Annexure 2 suggests that faculty management provides compelling evidence of why and how the LLB curriculum has to change (PO B6). For this purpose, CCLs should share with academics feedback regarding group discussions with role players (PO B3), institutional reviews (PO B4) and accreditation reviews (PO B5). In the context of this study, academics should also be familiarised with the prescriptions of the *LLB Qualification Standard* (PO B18).

---

707 Karen J Jansen 'From persistence to pursuit: A longitudinal examination of momentum during the early stages of strategic change (2004) 15 *Organization Science* at 292.

708 Davis & Harden op cit note 607; Harry Hubball & Helen Burt 'An integrated approach to developing and implementing learning-centred curricula' (2004) 9 *International Journal for Academic Development* at 58; Christiane Spiel, Barbara Schober & Ralph Reimann 'Evaluation of curricula in higher education: Challenges for evaluators' (2006) 30 *Evaluation Review* at 439; Judith A Kitzes et al 'Fitting it all in: Integration of 12 cross-cutting themes into a School of Medicine curriculum' (2007) 29 *Medical Teacher* at 439; Sturm & Guinier op cit note 35 at 550.

709 Hubball & Burt op cit note 708 at 58; Spiel, Schober & Reimann op cit note 708 at 439; Kitzes et al op cit note 708 at 440; Sturm & Guinier op cit note 35 at 550.

710 Spiel, Schober & Reimann op cit note 708 at 439.

711 Ibid; Sturm & Guinier op cit note 35 at 550.

712 Kitzes et al op cit note 708 at 439.

713 Davis & Harden op cit note 607 at 597; Kitzes et al op cit note 708 at 438.

714 Ann L McCann, William J Babler & Peter A Cohen 'Lessons learned from the competency-based curriculum initiative at Baylor College of Dentistry' (1998) 62 *Journal of Dental Education* at 197; Jacques E Des Marchais & G Bordage 'Sustaining curricular change at Sherbrooke through external, formative program evaluations' (1998) 73 *Academic Medicine: Journal of the Association of American Medical Colleges* at 494; Hubball & Burt op cit note 708 at 58; Kitzes et al op cit note 708 at 438.

715 Hubball et al op cit note 32 at 101.

Using information/data from radio, news, television, newspapers, and magazines can contribute towards creating a sense of urgency due to the impression of objectivity they portray (see PO B2).[716]

The first step creates the force that will drive subsequent steps.[717] If the urgency level is low, the change process will not gain momentum; it will be impossible to convince others to spend time creating a vision for change, and people will withhold their cooperation from the process.[718]

Klement et al reported that it takes about a year to reach an agreement that curriculum change is required among all the parties in a faculty.[719] It requires leadership to take bold actions and provide evidence that change is necessary.[720]

A key implementation challenge that leaders must address is removing barriers to change.[721] Research suggests that HE academics are, due to the culture of HE, far more likely to resist change when compared to people in other sectors.[722] Therefore, the Draft LLB CCMM in Annexure 2 proposes that the CCL must continuously and effectively manage barriers/opposition to curriculum change (PO C5). I have identified six triggers for resistance to curriculum change: (i) academics are unaware of potential weaknesses or problems in the existing curriculum;[723] (ii) academics are complacent with the current curriculum;[724] (iii) academics argue that curriculum change is too costly in terms of time, money and resources;[725] (iv) academics perceive curriculum change as an infringement of their

---

716 Achilles A Armenakis, Stanley G Harris & Kevin W Mossholder 'Creating readiness for organizational change' (1993) 46 *Human Relations* at 681.

717 Kamara op cit note 702 at 75.

718 Kotter op cit note 62 at 36.

719 Brenda J Klement, Douglas F Paulsen & Lawrence E Wineski 'Anatomy as the backbone of an integrated first year medical curriculum: Design and implementation' (2011) 4 *Anatomical Sciences Education* at 158.

720 Kotter op cit note 62 at 42-44.

721 Kotter & Cohen op cit note 697 at 21.

722 Nick Chandler 'Braced for turbulence: Understanding and managing resistance to change in the higher education sector' (2013) 3 *Management* at 243.

723 Fred C Lunenburg 'Forces for and resistance to organizational change' (2010) 27 *National Forum of Educational Administration and Supervision Journal* at 5.

724 Sklar op cit note 37 at 1418.

725 Ibid.

academic freedom;[726] (v) academics may think they will lose something due to the change;[727] (vi) two or more camps of academics engage in an 'under the surface' power struggle;[728] and a lack of trust as described in section 4.3.2.

Creating a sense of urgency is critical in gaining the cooperation of others.[729] Kotter emphasised that a single person will not be able to accomplish change, regardless of what a great leader that person is.[730] Consequently, a guiding coalition to direct the change needs to be established as soon as possible in the change process.[731] For the purposes of this study, a guiding coalition and curriculum change committee (hereafter CCC) are regarded as synonymous.

### 4.3.2 Step 2: Build a guiding coalition

Authors suggest the establishment of a CCC as soon as possible, to drive the curriculum change process.[732] This suggestion is incorporated in PO B7 of the Draft LLB CCMM. The CCC should be broadly representative of the department or faculty.[733]. Ideally, membership of this committee should include the Dean, Heads of Department, module leaders, high-profile lecturers, and a group of faculty innovators.[734] Detractors and opponents can also be included, since their exclusion could lead to confrontation at a later stage.

---

726 Adi Sapir & Amalya Oliver 'Loose coupling, conflict, and resistance: The case of IPR policy conflict in an Israeli university' (2017) 73 *Higher Education* (2017) at 722; Joel D Aberbach & Tom Christensen 'Academic autonomy and freedom under pressure: Severely limited, or alive and kicking?' (2018) 18 *Public Organization Review* at 487.

727 Cheryl Schriner et al 'Collaboration of nursing faculty and college administration in creating organizational change' (2010) 30 *Administrative Change* at 381.

728 John P Kotter & Leonard A Schlesinger 'Choosing strategies for change' (2008) 86 *Hardvard Business Review* at 132.

729 Kotter op cit note 62 at 36; John P Kotter 'Shared urgency' (2008) 25 *Leadership Excellence* 3.

730 Kotter op cit note 62 at 51.

731 Kotter op cit note 62 at 57, 62. Also see Farris et al op cit note 647 at 4; Guzmán et al op cit note 686 at 487; Calegari, Sibley & Turner op cit note 684 at 36-37; Dwyer op cit note 31 at 48; Diane Keyser Wentworth, Scott J Behson & Catherine L Kelley 'Implementing a new student evaluation of teaching system using the Kotter change model' (2020) 45 *Studies in Higher Education* at 514; Shigli et al op cit note 627 at 6-7.

732 Hubball et al op cit note 32 at 99; Oliver & Hyun op cit note 48 at 1; Peter McLeod & Yvonne Steinert 'Twelve tips for curriculum renewal' (2015) 37 *Medical Teacher* at 233.

733 Hubball et al op cit note 32 at 99; Oliver & Hyun op cit note 48 at 1; McLeod & Steinert op cit note 732 at 233.

734 Farris et al op cit note 647 at 4; Debra Dawson, Joy Mighty & Judy Britnell 'Moving from the periphery to the center of the academy: Faculty developers as leaders of change' (2010) at 74; McLeod & Steinert op cit note 732 at 233.

Some of the key implementation challenges during this step are appointing the right change leader and members of the guiding coalition, keeping the coalition focused, having the members internalise the true nature of the change, and creating an environment for candid, short and heartfelt communication.[735] Thus, PO B8 of the Draft LLB CCMM requires that the CCL exhibit leadership skills. Also, the CCL must display sufficient curriculum change knowledge (PO B9).[736]

The faculty needs to appoint a CCL to head the CCC as soon as possible in the curriculum change process.[737] Preferably, the leader should be a senior academic in a key post, such as the Deputy Dean of academics.[738]

A shared vision, responsibility, collaboration, and a sense of community and connectedness within the CCC are key to any faculty's curriculum change effort.[739] The CCC requires people who do not usually work together to work interdependently and perform non-routine activities in uncertain circumstances.[740] Therefore, the PO B10 of the Draft LLB CCMM expects the CCL to effectively manage group dynamics.[741]

Kotter emphasised that a coalition can only maintain momentum and function well as a team if it is built on trust.[742] Research has confirmed the importance of committee members' trust in the change leader, an issue of particular importance in HE.[743] Thus, PO B11 requires the CCL to carry out the LLB curriculum change with trust.

The curriculum leader should continuously be aware of a lack of trust that could hinder the change process. Kotter and Schlesinger cautioned that very few organisations are characterised by high levels of trust between employees and managers.[744] Consequently, employees often think that managers have a hidden agenda when it comes to change and

---

735 Kotter & Cohen op cit note 697 at 28, 44-45, 56, 78, 135, 155.
736 Murray op cit note 736 at 91.
737 Oliver & Hyun op cit note 48 at 6.
738 McLeod & Steinert op cit note 732 at 233.
739 Oliver & Hyun op cit note 48 at 13-14.
740 McKimm & Jones op cit note 24 at 523-524.
741 Also see Pyhältö, Pietarinen & Soini op cit note 741 at 197.
742 Kotter op cit note 62 at 65; Kotter & Cohen op cit note 697 at 50.
743 Yue, Men & Ferguson op cit note 743 at 10; Pregmark & Berggren op cit note 666 at 597-599.
744 Kotter & Schlesinger op cit note 728 at 131.

that the change will cost them more than the benefits that would accrue to them. [745] Academics in HE, especially, tend to feel that change has been forced on them and seek solace in other colleagues.[746] It causes some staff members to unite as a team against the shared 'enemy', the change leader.

Pregmark and Berggren found that change leaders can enhance trust by motivating members to openly voice their ideas and opinions and then for the change leader to listen and reflect upon the views truthfully.[747] A safe space for discussion must be created. One or more offsite retreats usually play an essential role in developing communication and trust among members.[748] The CCL must have an honest and transparent intent to get members' input to questions.[749] Members will feel manipulated, and their trust will be violated if a decision has already been taken before their input was requested. Important decisions concerning curriculum development need to serve at the CCC and faculty board for approval before the changes are sent to the senate or accreditation body for final endorsement[750].

Inadequate meeting structure can hurt teamwork.[751] For example, members should know what will be discussed, and how their ideas will be collected and presented.[752] An agenda for discussion plays a significant role in this regard.

Staff members must know where they fit into the curriculum change process, what they need to do, and when the activities need to be completed.[753] POs B12 to B14 deal with these aspects. These aspects require the CCL to perform a critical path analysis and develop an implementation plan for the curriculum change strategy drafted in the last stage of the strategic planning process (see section 4.2). This plan must identify the stages of the curriculum change, the sequence of the stages, activities that depend on each other, people who will be involved in the different activities and the timeframes for the different stages.[754]

---

745 Ibid at 132.
746 Chandler op cit note 722 at 249.
747 Pregmark & Berggren op cit note 666 at 597.
748 Kotter op cit note 62 at 65; Kotter & Cohen op cit note 697 at 63; Farris op cit note 647 at 5.
749 Pregmark & Berggren op cit note 666.
750 Malik & Malik op cit note 750 at 100.
751 Kotter op cit note 62 at 65; Kotter & Cohen op cit note 697 at 66.
752 Pregmark & Berggren op cit note 666 at 598.
753 McLeod & Steinert op cit note 732 at 233.
754 Ibid.

A CCC requires a clear direction and purpose. The vision for change created in the third step of Kotter's CMM plays a significant role in this regard.

### 4.3.3 Step 3: Get the vision right

One of the first tasks the guiding coalition will have to perform is developing a vision for the change.[755] The importance of developing a vision for change is well supported in change management literature and research.[756] The key implementation challenge during this step is to show the vision for change in a motivating and clear way to followers.[757] The first draft is usually somewhat blurry and the product of an individual's experiences, dreams, and values.[758] Over a period that could take several months, the guiding team, through analytical thinking and open discussions, needs to modify the proposed vision and develop sensible strategies for achieving the vision.[759] For some members, it could be uncomfortable and painful, while others could experience it as a refreshing experience.[760] Getting the vision for change right overlaps with the last stage of the strategic planning process. The last stage deals with drafting the curriculum change strategy that forms the blueprint for changing, developing and implementing the curriculum. I omitted this step of Kotter's CMM in the Draft LLB CCMM since the strategic plan of a faculty ideally should provide for getting the vision for curriculum change right.

### 4.3.4 Step 4: Communicate the vision for buy-in

Organisational change cannot take place in a vacuum. Consequently, to raise staff members' levels of understanding and obtain their commitment, Kotter emphasised the importance of communicating the vision effectively and conveying how it will be achieved.[761]

---

755 Kotter op cit note 62 at 79.
756 De la Harpe & Thomas op cit note 60 at 83; Kamara op cit note 702 at 75.
757 Kotter & Cohen op cit note 697 at 68-69.
758 Kotter op cit note 62 at 79.
759 Kotter op cit note 62 at 79.
760 Sidorko op cit note 67 at 310.
761 Kotter op cit note 62 at 79.

Kotter identified seven key elements for communicating the vision for buy-in.[762] The seven elements of Kotter build on communication as part of the execution of the curriculum strategy described in section 4.2 and are also applicable to curriculum change.

First, communication should be simple, concise and clear.[763] Using 'jargon and technobabble' should be limited, since it could make some people feel confused and left out. Staff members need to understand the reasons for the curriculum change; where they fit into the curriculum change process; the progress that has been made with the change process; the new curriculum structure, and the effects that the new curriculum will have on their activities.[764]

Secondly, Kotter supported the notion that 'a picture paints a thousand words'. Accordingly, metaphors, analogy, and examples can be used to portray change initiatives.[765] For example, from a curriculum change perspective, the 'Curricular Spider Web' metaphor can assist staff members in addressing ten interconnected issues related to curriculum change.[766] Other metaphors used to describe curriculum change include weaving a tapestry[767] and making a quilt.[768]

Thirdly, leaders and managers are advised to use multiple fora for communication.[769] In this regard, CCLs can use faculty meetings, faculty retreats, town hall meetings,[770] notice boards, emails, websites and intranet displays to continuously inform staff members of the curriculum change and progress made.[771]

---

762 Kotter & Cohen op cit note 697 at 104-105.

763 Kotter op cit note 62 at 90-91. Also see Pfeifer, Schmitt & Voigt op cit note 63 at 302. Also see McKimm & Jones op cit note 24 at 524.

764 Ibid.

765 Kotter op cit note 62 at 90. Also see Roberto & Levesque op cit note 765 at 56.

766 Adam Handelzalts, Nienke Nieveen & Jan Van den Akker 'Teacher design teams for school-wide curriculum development: Reflections on an early study' in Jules Pieters, Joke Voogt & Natalie Pareja Roblin (eds) *Collaborative Curriculum Design for Sustainable Innovation and Teacher Learning* (2019) at 60.

767 Susan E Simon 'The weaving of a tapestry: A metaphor for teacher education curriculum development' (2013) 38 *The Australian Journal of Teacher Education* at 73.

768 Linda F Ettinger & Elizabeth Hoffman 'Quilt making in art education: Toward a participatory curriculum metaphor' (1990) 43(4) *Art Education* at 40.

769 Kotter op cit note 62 at 93-94; John P Kotter 'Sense of urgency' (2008) 25 *Leadership Excellence* at 10.

770 Town hall meetings are discussion forums where academics, administrative members of staff, students, and professionals discuss curriculum issues.

771 Hubball et al op cit note 32 at 93.

Kotter claims that our brains are so cluttered that a single idea usually competes with a hundred others. Consequently, the fourth key element requires leaders and managers to 'repeat, repeat, repeat' the message as often as possible, so that the vision can sink in deeply.[772]

The fifth key communication element encourages leaders to 'walk the talk' by showing commitment to the vision through their behaviour.[773] Curriculum scholars referred to this as 'leadership by example'[774] or 'role modelling.[775] It implies that curriculum leaders should act as role models for planning and implementing curriculum change.

The sixth key element advises leaders and managers to explain seeming inconsistencies to employees, since it could undermine other communication efforts. Honest and straightforward discussion of the inconsistencies can contribute to increased credibility and trust among staff members.[776]

The last key element emphasises the importance of two-way communication.[777] Kotter cautions the leader not to assume that people have bought into a change initiative when they have not.[778] Staff members should be encouraged to argue, challenge and raise questions about the vision for change.[779] They need to feel that their expertise and views are valued.[780] Ultimately, effective two-way communication will enhance staff members' trust in the change process.[781]

The role of communication is emphasised in every step of Kotter's CMM. Also, curriculum scholars have underlined the importance of communication throughout the curriculum change

---

772 Kotter op cit note 62 at 94. Also see Pfeifer, Schmitt & Voigt op cit note 63 at 302. Also see De la Harpe & Thomas op cit note 60 at 77.
773 Kotter op cit note 62 at 98-99.
774 Farris et al op cit note 647 at 5.
775 Guzmán et al op cit note 686 at 489.
776 Kotter op cit note 62 at 99.
777 Kotter op cit note 62 at 90, 99.
778 John P Kotter 'Don't you see my vision?' (2010) 32 *Inc*. at 113.
779 Kotter op cit note 62 at 99.
780 Sanna Honkimäki et al 'University-wide, top-down curriculum reform at a Finnish university: Perceptions of the academic staff' (2021) *European Journal of Higher Education* 1.
781 Pregmark & Berggren op cit note 666 at 597.

process.[782] Similarly, Cohen and Kotter added communication to each of the eight steps of Kotter's CMM.[783] Consequently, I have decided to remove Kotter's fourth step in the conceptual framework for LLB change and the Draft LLB CMM in sections 4.4 and 4.5. Instead, I added communication as a change management function that needs to be carried out throughout the change management process. POs C1 to C3 of the Draft LLB CCMM encapsulate the six elements of Kotter's model for communicating the vision for buy-in. These POs require the CCL to continuously communicate progress made with the LLB curriculum change to academic staff members (PO C1), to use a range of communication methods to share information with staff members (PO C2), and to ensure that staff members engage in open and honest discussions about problems, conflicts, issues, and progress (PO C3).

### 4.3.5 Step 5: Empower action

Staff members should be empowered for change[784] and should believe that change is possible. These aspects are evident in POs B15 to B17 of the Draft LLB CCMM.

Training can equip staff members with the skills and expertise required for curriculum change.[785] Academics may experience difficulty in understanding educational concepts and terms.[786] In a South African context, NQF jargon such as 'learning outcomes', 'specific outcomes', 'objectives', 'constructive alignment', and 'assessment criteria' can lead to confusion and misunderstandings that could cloud the discussions between academics and curriculum developers.[787] Consequently, PO 17 suggests that academics be familiarised with the theoretical underpinnings of curriculum design.

---

782 De La Harpe & Thomas op cit note 60 at 83; Calegari, Robert & Turner op cit note 684 at 38; Dwyer op cit note 31 at 49; Klement, Paulsen & Wineski op cit note 710 at 166; Aishah Alkahtani, 'Curriculum change management and workload' (2017) 20 *Improving Schools* at 218; McKimm & Jones op cit note 24 at 524; Joke Voogt, Jules Pieters & Natalie Pareja Roblin 'Collaborative curriculum design in teacher teams: Foundations' in Jules Pieters, Joke Voogt & Natalie Pareja Roblin (eds) *Collaborative Curriculum Design for Sustainable Innovation and Teacher Learning* (2019) at 8-9.

783 Kotter & Cohen op cit note 697 at 28, 56, 78, 135, 155, 181, 201.

784 Kotter op cit note 62 at 108.

785 McKimm & Jones op cit note 24 at 524; Annette Chowthi-Williams, Joan Curzio & Stephen Lerman 'Evaluation of how a curriculum change in nurse education was managed through the application of a business change management model: A qualitative case study' (2016) 36 *Nurse Education Today* at 134.

786 McLeod & Steinert op cit note 732 at 234.

787 Sioux McKenna *Teaching and Learning in South African Higher Education Reviewed. Two Decades of Democracy* (2016) at 158.

In the same vein, PO B18 requires that staff members be familiarised with *the LLB Qualification Standard*, the graduate attributes it requires to be developed (PO B18), and the curriculum imperatives that the LLB curriculum should address (PO B19). Curriculum scholars concur that a critical review of teaching methods, assessment methods and practices, learning resources and educational strategies may lead to training and development needs among staff members. POs B20 and B21 provides for such training.[788]

Drafting learning outcomes can be daunting for academics (see section 3.4.1). Consequently, the Draft LLB CCMM provides for the training of staff members to write meaningful learning outcomes (PO B23). Furthermore, academics should be assisted in this task by the CCL (PO B24) and should consult the LLB learning outcomes of other South African universities (PO B25).

Scholars support showcasing and highlighting the work of faculty innovators to convince and eventually capacitate other staff members to implement similar teaching, learning and assessment innovations in their modules (PO B22).[789] The innovations of these role models should be presented in a way that is not overwhelming or perceived as bragging.[790] More staff members will engage if confronted with evidence that the innovations bear fruit.

### 4.3.6 Step 6: Create short-term wins

Kotter acknowledged that change takes time and advised that the process will lose momentum if short-term wins are not planned, created and celebrated. Therefore, staff members must experience progress within 12 to 24 months of initiating the transformation process.[791] According to Kotter, short-term wins share three characteristics: (i) they are visible, and numerous people can see that the results are real; (ii) the wins are unambiguous; and (iii) they are directly related to the change effort. [792]

---

788 McLeod & Steinert op cit note 732 at 234-235; Chowthi-Williams, Curzio & Lerman op cit note 785 at 134.

789 Farris et al op cit note 647 at 4; Gwynn M Powell, Joy James & Corey W Johnson 'With their permission: Skeptics, resisters, and supporters (2013) 28 *A Journal of Leisure Studies and Recreation Education* at 119; Calegari, Sibley & Turner op cit note 684 at 35.

790 Powell, James & Johnson op cit note 789 at 119.

791 John P Kotter 'Leading change: Why transformation efforts fail' (1995) *Harvard Business Review* at 64.

792 Kotter op cit note 62 at 121-122.

Short-term wins provide evidence that the immediate sacrifices and costs are worth it, build the morale and motivation of change agents, assist the coalition in fine-tuning the vision and strategies, undermine cynics, keep supervisors onboard, and assist in maintaining and building momentum.[793] Celebrating short-term wins usually gives staff members renewed energy for the change process and can assist in avoiding burnout.[794]

It is important to give those involved in the curriculum change process some form of recognition and reward.[795] Stipends,[796] public awards/recognition for performance during the curriculum change,[797] administrative support, and time off[798] can be considered. However, creating and achieving short-term wins are not always easy.[799] A key challenge in this step is to determine which tasks are unnecessary, redundant and frustrating.

The importance of short-term wins is evident in curriculum change research.[800] Examples of these wins from curriculum change research include the approval of an assessment plan;[801] receiving positive and meaningful feedback about intended curriculum changes, [802] performing a content analysis of the curriculum;[803] and having papers about curriculum change initiatives accepted for publication or presentation at national conferences.[804]

The decision to replace the old LLB with a new curriculum,[805] the drafting and approval of the strategic plan,[806] the curriculum matrix,[807] the graduate attribute map,[808] the module

---

793 Kotter op cit note 62 at 122-124.
794 Kotter op cit note 769 at 10.
795 Guzmán et al op cit note 686 at 491.
796 Farris et al op cit note 647 at 6; Calegari, Sibley & Turner op cit note 684 at 39; Shigli et al op cit note 627.
797 Farris et al op cit note 647 at 6; Calegari, Sibley & Turner op cit note 684 at 39.
798 Farris et al op cit note 647 at 6.
799 Kotter & Cohen op cit note 697 at 148.
800 Farris et al op cit note 647 at 6-7; Guzmán op cit note 686 at 491-494; Beischel & Davis op cit note 627 at 68; Calegari, Sibley & Turner op cit note 684 at 39; Dwyer op cit note 31 at 50-51; Shigli et al op cit note 627.
801 Calegari, Sibley & Turner op cit note 684 at 39.
802 Guzmán et al op cit note 686 at 489; Dwyer op cit note 31 at 50.
803 Farris et al op cit note 647 at 6.
804 Dwyer op cit note 31 at 50.
805 See section 1.2.
806 See section 6.2.
807 See section 6.4.2.
808 See section 6.4.2.

learning outcomes,[809] the accreditation application[810] and the phasing-in/phasing-out plan[811] were considered short-term wins for the purposes of this study (see PO B26).

### 4.3.7 Step 7: Consolidate gains and create more change

Kotter cautioned that one should not celebrate victory prematurely: '[W]hile celebrating a win is fine, declaring the war won can be catastrophic'.[812] In the penultimate step, short-term wins should be consolidated to pave the way for more changes (see PO B27).[813] Kotter advocated the following: (i) more change to confront additional and more significant transformation efforts; (ii) more assistance and additional people to assist with the change; (iii) leadership from top management continues to maintain the levels of urgency, (iv) leadership and managers from lower ranks take responsibility for specific projects; and (v) managers identify and eliminate unnecessary interdependencies.[814]

The curriculum change is usually implemented during Step 7 of Kotter's CMM.[815] However, before the curriculum change can be implemented, the change must be approved by all relevant institutional bodies and accreditation authorities (if required).[816]

Implementing curriculum change is a vigorous and continuous process.[817] Consequently, executing Step 7 of Kotter's CMM takes time.[818] Researchers caution that institutions should not be content once a curriculum change has been implemented.[819] Implementing the curriculum change does not mean '[w]e're done for a few years'.[820] Instead, the institution/faculty must implement continuous improvement and quality assurance processes.[821] The LLB curriculum change process should pave the way for a continuous improvement model for the faculty (see PO B28). Existing admission criteria should be

---

809 See section 6.4.2.
810 See section 2.4.
811 See section 1.2.
812 Kotter op cit note 791 at 66.
813 Ibid.
814 Kotter op cit note 62 at 143.
815 Dwyer op cit note 31 at 51.
816 Wentworth, Behson & Kelleyop cit note 731 at 517.
817 Shigli et al op cit note 627.
818 Dawson, Mighty & Britnell op cit note 734 at 74.
819 Calegari, Sibley & Turner op cit note 684 at 40; Shigli et al op cit note 627.
820 Calegari, Sibley & Turner op cit note 684 at 40.
821 Guzmán et al op cit note 686 at 488; Calegari, Sibley & Turner op cit note 684 at 40.

reviewed and aligned with the demands of the new curriculum[822] (see PO B35). New data and evidence must be collected to determine the effectiveness of the implemented curriculum change[823] and to support further changes.[824] Such data can be obtained from various sources, which include formative and summative assessments and feedback from students, alumni, staff members and employers.[825] POs B29 and B31 to B34 provide for the collection of data to support further changes.

Curriculum changes often impact staff members' workloads.[826] Consequently, curriculum change research has confirmed the critical role that a workload analysis plays in preventing staff members from being overburdened.[827] Also, a staff development needs analysis should be performed to pinpoint staff development trajectories[828] and to identify the appointment of new/additional staff members and the allocation of other resources (e.g. time, money and information technology) to maintain and create further/additional change.[829] The Draft LLB CCMM provides for the above-mentioned aspects in POs B36 and B38.

Although a curriculum change is often associated with appointing new staff members or restructuring existing human resources, it is imperative to identify and nurture leaders with diverse skills to sustain changes over time.[830] Andrade cautioned that much momentum could be lost due to a turnover in such leaders.[831] It can result in a lack of understanding of what needs to be done. Also, it often affects innovations and further refinement and improvement of the curriculum change.[832]

There will be a period of transition when the faculty or institution moves from the old to the new curriculum.[833] A phasing-in/phasing-out plan addressing numerous questions, needs to

---

822 Jennifer L Callahan & C Edward Watkins 'The science of training: Admissions, curriculum, and research training' (2018) 12 *Training and Education in Professional Psychology* at 224.
823 Farris et al op cit note 647 at 14.
824 Calegari, Sibley & Turner op cit note 684 at 35.
825 Shigli et al op cit note 627.
826 Calegari, Sibley & Turner op cit note 684 at 40.
827 Farris et al op cit note 647 at 14.
828 Ibid.
829 Ibid; Dawson, Mighty & Britnell op cit note 734 at 74.
830 Farris et al op cit note 647 at 7.
831 Maureen Snow Andrade 'A responsive higher education curriculum: Change and disruptive innovation' in Dominique Parrish & Joanne Joyce-McCoach (ed.) *Innovations in Higher Education - Cases on Transforming and Advancing Practice* (2020) at 10.
832 Ibid.
833 McKimm & Jones op cit note 24 at 520.

be developed. For example, questions to be addressed are: How long will the phasing-in of the new curriculum take? What modules will students of the old curriculum and students of the new curriculum study? Will elements of the new curriculum be incorporated in the old curriculum? How will the faculty structure and individuals' roles change to accommodate the phasing-in of the new curriculum and the phasing-out of the old curriculum? PO B30 requires developing such a phasing-in/phasing-out plan to seamlessly transition from the old to the new LLB curriculum.

Kotter emphasised that '[u]ntil changed practices attain a new equilibrium and have been driven into the culture, they can be very fragile'.[834] That is why the following step in his CMM is so important.

### 4.3.8 Step 8: Anchoring the change in the systems, practices, and organisational culture of the institution

In the final step, the new approaches need to be anchored in the culture of the organisation. Kotter defined organisational culture as the 'norms of behavior and shared values among a group of people'. [835] The norms of behaviour explain how staff members are expected to act, while the shared values reflect the goals that are shared by most the staff members in an organisation/institution. The implementation challenge during this step of the CMM is that the change initiative can oppose the established organisational culture.[836]

Although the new curriculum should be flexible, staff members need to understand that the curriculum is now 'the way we do things around here'.[837] In this regard, PO B39 of the Draft LLB CCMM states that the new LLB curriculum has to become part of the faculty's systems, practices, and organisational culture.

Periodic evaluations need to be undertaken to address issues of concern and to maintain oversight of the new curriculum and its implementation.[838] Faculty workshops and follow-up

---

834 Kotter op cit note 62 at 133.
835 Kotter op cit note 791.
836 Kotter op cit note 62 at 149.
837 McKimm & Jones op cit note 24 at 525.
838 Shigli et al op cit note 627.

sessions play a significant role in this regard[839] and are evident in PO B40 of the Draft LLB CCMM.[840]

### 4.3.9 Limitations

Despite the wide acceptance and success of Kotter's CMM, it is not free from critique. In the following sections, I review eight limitations of Kotter's CMM.

#### 4.3.9.1 The model lacks rigorous foundation and empirical evidence

Kotter's CMM is often portrayed as being verified and tested by research, although this is not the case.[841] Appelbaum et al, for example, commented: 'Kotter's CMM appears to derive its popularity more from its direct and usable format than from any scientific consensus on the results.[842] It can be ascribed to Kotter's reliance on his business and research experience and not on empirical evidence in developing the model. Following a critical review of organisational change management theory, Appelbaum et al concluded that almost all theoretical approaches to change management are not based on empirical evidence and that these models are mostly supported by unopposed hypotheses about the character of organisational change management[843] Despite this, the authors recommended the use of Kotter's CMM and acknowledged that, in comparison to other CMMs, the strengths of his model far outweigh its weaknesses. The authors By, Hughes and Ford came to the same conclusion: '[T]he reality is that empirical evidence about it is rare, inconsistent and virtually impossible to integrate into a coherent set of conclusions and recommendations'.[844]

#### 4.3.9.2 The model follows a rigid approach of sequential linear steps

Researchers have claimed that the emphasis on structured linear steps could create inflexibility in dealing with the numerous challenges and problems that may occur during the

---

839 Guzmán et al op cit note 686 at 489; Calegari, Sibley & Turner op cit note 684 at 36.
840 PO B40.
841 Pollack & Pollack op cit note 64 at 52; Appelbaum et al op cit note 64 at 765.
842 Appelbaum et al op cit note 64 at 764.
843 Ibid.
844 By, Mark Hughes & Jeffrey Ford op cit note 673 at 11.

change management process.[845] Other researchers argued that change is not linear[846] and often has no clear beginning or end. [847] Applying the CMM in practice, Pollack and Pollack found the process much more complex than merely following linear steps. They found that 'multiple concurrent occurrences' were required, the steps overlapped, each step was completed over different time periods, and the guiding coalition had to provide strategic alignment throughout the process'.[848]

Although Pfeifer, Schmitt and Thorsten based their CMM on Kotter's model, they criticise Kotter's CMM that ends in Step 8. The researchers argue that no change management process can be considered final once the changes have been reinforced and anchored in company culture. Instead of the sequential process portrayed in Figure 4.3, they proposed a cyclical CMM and referred to it as 'the control loop for strategic change'. Despite Cameron and Green's support for Kotter's CMM, they prefer to display his model as a continuous cycle rather than a linear progression of steps.[849] Based on the critique, the conceptual framework in Figure 4.3 portrays the curriculum change management process as a continuous, rather than a linear process.

#### 4.3.9.3 The model makes provision for only one guiding coalition

Some researchers argue that Kotter's CMM refers to a single guiding coalition and that the model is silent about implementing more guiding coalitions.[850] For example, Day and Atkinson questioned the idea of the ability of a single guiding coalition to address a multiplicity of agendas.[851] Sidorko also observed a need to appoint more guiding coalitions that would complement and assist the change management process. Each of these coalitions had its own distinct purpose and was appointed at different times in the CMP.[852]

---

845 Sidorko op cit note 67 at 315; By, Hughes & Ford op cit note 673 at 11.

846 John W Moran & Baird K Brightman 'Leading organizational change' (2000) 12 *Journal of Workplace Learning: Employee Counselling Today* at 67; By, Hughes & Ford op cit note 673 at 11.

847 Jorge A Gonzalez 'Diversity change in organizations: A systemic, multilevel, and nonlinear process' (2010) 46 *The Journal of Applied Behavioral Science* at 197.

848 Pollack & Pollack op cit note 64 at 63-67.

849 Esther Cameron & Mike Green *Making Sense of Change Management* (2009) 2ed at 116.

850 Sidorko op cit note 67 at 310; Pollack & Pollack op cit note 64 at 62.

851 Day & Atkinson op cit note 680 at 265.

852 Sidorko op cit note 67 at 310. The researcher made the following comment: '…what eventuated was that several ''guiding coalitions'' were established, not necessarily at the same time and with different yet complementary charges that were appropriate to the need at the particular point of time in the change process. Kotter makes no allowance for such complexities'.

I do not support the critique that Kotter had only a single guiding coalition in mind to manage a change initiative. The researchers did not consider Kotter's acknowledgement that 'major change initiatives are made up of a number smaller projects' and that each project needs to follow the eight steps of the CMM.[853] Consequently, a major change initiative will involve the appointment of a guiding coalition for each of the projects.

4.3.9.4 The model is not in line with democratic organisational change management principles

Kotter's model suggests a top-down approach to change that does not consider democratic organisational change principles.[854] This traditional approach to leadership tends to focus on the individual leader as the source of change outcomes.[855] Instead of consulting widely with others to co-create change outcomes, leaders are perceived to 'bestow' change on their followers. The vision for change is not developed in collaboration with staff members. Furthermore, employees are regarded as resistors to change.

The research conducted by Kraft, Sparr and Peus among leaders and employers who had experienced at least two episodic change projects in enterprises with over one thousand employees in Germany and Austria did not support Kotter's top-down communication of a vision by the leaders of organisations.[856] In line with the findings of Bartunek et al,[857] Kraft, Sparr and Peus found that the vision for change should be developed in collaboration with employees.[858] All steps of the CMM should focus on the employees affected by the change. Employees will only align their values and behaviour with the new vision when leaders and managers nurture their participation, involvement, and acceptance.[859]

---

853 Kotter op cit note 62 at 24.

854 Stefanie C Reissnera, Victoria Pagana & Craig Smith 'Our iceberg is melting: Story, metaphor and the management of organisational change' (2011) 17 *Culture and Organization* at 426.

855 By, Hughes & Ford op cit note 673 at 13.

856 Anna Kraft, Jennifer L Sparr & Claudia Peus 'Giving and making sense about change: The back and forth between leaders and employees' (2018) 33 *Journal of Business Psychology* at 82.

857 Jean M Bartunek et al 'On the receiving end: Sensemaking, emotion, and assessments of an organizational change initiated by others (2006) 42 *Journal of Applied Behavioral Science* at 182.

858 Kraft, Sparr & Peus op cit note 856 at 82.

859 Ibid.

De la Harpe and Thomas also cautioned that, in the HE context, the responsibility for change cannot vest in merely a guiding coalition.[860] Individuals who were consulted or not consulted will considerably impact the success of the change management process. Similarly, Hubball and Burt emphasise that curriculum change should be an open and inclusive process and not a closed process administered by a select few.[861]

4.3.9.5 The model does not acknowledge the psychological impact of the change on staff members

Although change can often result in human distress, some authors have claimed that Kotter's CMM does not deal with the human dimension of change.[862] This was the case in his original work.[863] In a later work, Kotter and Cohen distinguished between the emotions that undermine change (anger, anxiety, arrogance, cynicism, panic, exhaustion, false pride, insecurity, and pessimism) and the emotions that facilitate change (enthusiasm, excitement, faith, hope, optimism, passion, reality-based pride, trust, and urgency).

CCLs should not underestimate the physiological impact of curriculum change on staff members. Change leaders must understand that individuals experience change differently; they must be mindful of others' concerns, find ways to motivate them, and ensure that others feel engaged in the curriculum change process.[864] Acknowledging the psychological impact of curriculum change could assist the change leader in ensuring that academics and members of the administrative staff are on board to ensure a successful curriculum change.[865]

Acknowledging the psychological impact of change on staff members implies that CCLs need to work empathically and show emotional intelligence when carrying out their tasks.[866] Scholars perceive empathy as a multidimensional attribute with multiple abilities. It refers to

---

860 De la Harpe & Thomas op cit note 60 at 78.
861 Hubball & Burt op cit note 708 at 55.
862 Sidorko op cit note 67 at 312; De la Harpe & Thomas op cit note 70 at 78.
863 Stacie A Furst & Daniel M Cable 'Employee resistance to organizational change: Managerial influence tactics and leader member exchange' (2008) 93 *Journal of Applied Psychology* at 458.
864 Debbie Kralik, Kate Visentin & Antonio van Loon 'Transition: A literature review' (2006) 55 *Journal of Advanced Nursing* at 327.
865 McKimm & Jones op cit note 24 at 523-524.
866 John D Mayer, Peter Salovey & David R Caruso 'Emotional intelligence: Theory, findings, and implications' (2004) 15 *Psychological Inquiry* at 197; McKimm & Jones op cit note 24 at 523-524.

recognising and understanding someone else's emotions (cognitive empathy) and articulating the other person's emotional response to a situation (affective empathy).[867]

Research suggests that law students[868] and lawyers[869] have low levels of empathy. This feature can be attributed to the educational process that emphasises logic at the expense of emotions.[870] Legal education tends to suppress the affective domain, and a pattern of ignoring feelings in decision-making continues within legal practice.[871]

In all steps of the CMM, leaders need find ways to reduce the feelings that undermine change and boost those emotions that facilitate change.[872] This needs to be done throughout the change process in ways that are as compelling as possible, yet also as emotionally engaging as possible.[873] Considering the importance of all the steps of Kotter's CMM, the conceptual framework for LLB curriculum change (see section 4.4) and Draft LLB CCMM (see section 4.4) suggest that faculty management continuously considers the psychological impact of the curriculum change process on academic staff members (PO C04).

#### 4.3.9.6 Limited research studies report on Steps 7 and 8

Kotter acknowledges that successful change is time-consuming and that it could take up to 24 months to complete only one of the eight steps.[874] Since most change initiatives take several years to complete, few research studies report on Steps 7 and 8 of Kotter's CMM.[875] For example, Sidorko found that a long-term analysis of the success of the transformation of

---

867 Renate Reniers et al 'The QCAE: A questionnaire of cognitive and affective empathy' (2011) 93 *Journal of Personality Assessment* at 84-85; Benjamin Spivak et al 'Measuring empathy in undergraduate law students: Examining the factorial validity of the Jefferson Scale of Empathy – Law Students (JSE-LS)' (2018) 58 *International Journal of Law and Psychiatry* at 144.

868 Sarah E Wilson, Julie Prescott & Gordon Becket 'Empathy levels in first- and third-years students in health and non-health disciplines' (2012) 76 *American Journal of Pharmaceutical Education* at 24.

869 Bret Williams, Adiuva Sifris & Marty Lynch 'A psychometric appraisal of the Jefferson Scale of Empathy using law students.' (2016) 9 *Psychology Research and Behavior Management* at 177.

870 Ian Gallacher 'Thinking like nonlawyers: Why empathy is a core lawyering skill and why legal education should change to reflect its *importance'* (2011) 8 *Journal of the Association of Legal Writing Directors* at 114.

871 Colin James 'Seeing things as we are. Emotional intelligence and clinical legal education' (2005) 8 *Journal of Clinical Legal Education* at 134; Emma Jones 'One size fits all? Multiple intelligences and legal education' (2017) 51 *The Law Teacher* at 65.

872 /Kotter & Cohen op cit note 697 at 180.

873 Ibid.

874 John P Kotter 'Ten observations'(1999) 16 *Excellence* at 15.

875 Appelbaum et al op cit note 64 at 776.

the library was not possible.[876] Similarly, Pollack and Pollack[877] and Appelbaum et al[878] stated that it would take several years before any conclusive statements could be made about the successful implementation of change initiatives in the culture of the investigated organisations.[879]

#### 4.3.9.7 Some steps are not relevant to all contexts

Some authors believe that change initiatives do not have to go through all the steps of Kotter's CMM. Appelbaum et al, for example, provided scenarios where all eight steps would not be required. Steps 7 and 8 will not be relevant when the equipment on a manufacturing line is changed, and steps one and four should not be followed if an organisation's change initiative requires substantial secrecy.[880] Sidorko critically evaluated the suitability of Kotter's CMM.[881] He concluded that the key to the successful implementation of any CMM did not rest so much on a prescriptive following of the model, but rather on the ability to select and adapt the model to best align with the environment and culture of the organisation.

Although the importance of short-term wins and their celebration (Step 6) are well documented in research,[882] Ansari and Bell found that the short term wins or 'low hanging fruit' is not a universal principle that applies to all cases, but that it is dependent on the nature of the change initiative.[883]

---

876 Sidorko op cit note 67 at 314-315.
877 Pollack & Pollack op cit note 64 at 60.
878 Appelbaum et al op cit note 64 at 776.
879 Pollack & Pollack op cit note 64 at 60.
880 Appelbaum et al op cit note 64 at 775.
881 Sidorko op cit note 67 at 316.
882 R Ford, W Heisler & W McCreary 'Leading change with the 5-p model: "Complexing" the Swan and Dolphin hotels at Walt Disney world' (2008) 49 *Cornell Hospitality Quarterly* at 191.
883 Ansari & Bell op cit note 677 at 159. The researchers stated the following in this regard: "An initiative such as making an organization cost conscious and practicing cost management "as a way of life" is not a scalable initiative. In fact, the pressure for small successes or low-hanging fruit can be counterproductive to a long-range cost management program trying to instill cost discipline in the organization'.

## 4.4 CONCEPTUAL FRAMEWORK FOR THE BACHELOR OF LAWS (LLB) CURRICULUM CHANGE PROCESS

The literature review and the insights gained about the context of the study in Chapter 2, the concept of curriculum and curriculum planning in Chapter 3 and the strategic and change management theorising in the sections above, assisted me with the construction of a conceptual framework for LLB curriculum change. This framework is depicted in Figure 4.3.

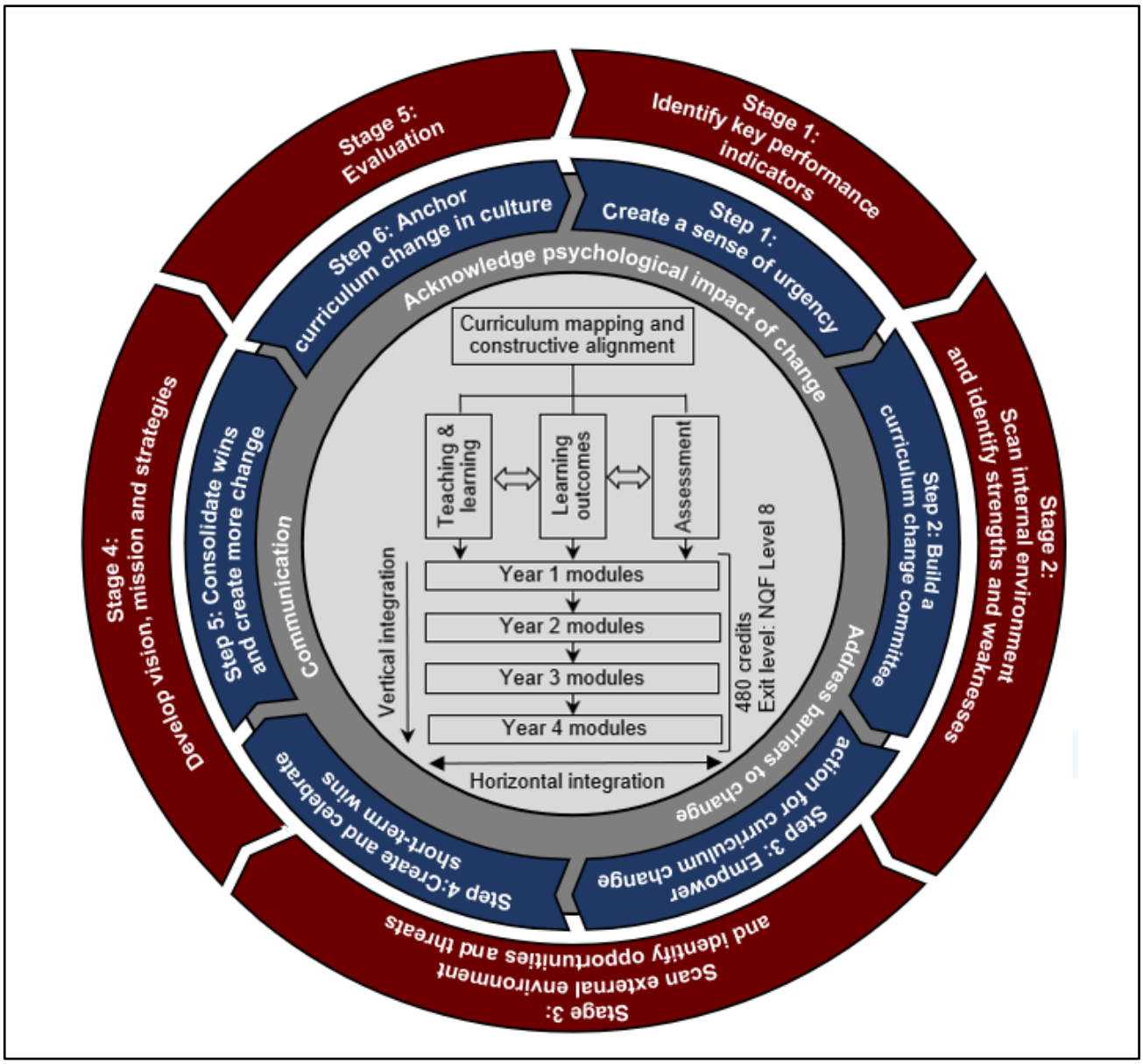


**Figure 4.3: Conceptual framework for curriculum change**

Figure 4.3 shows that the conceptual framework for LLB curriculum change consists of three interlinked circles. The outer circle represents the strategic planning process that informs the change management process (depicted in the middle circle) and the curriculum planning process (in the inner circle).

The strategic management process represents an adapted version of the Curriculum-Centered Strategic Model of Dolence.[884] It depicts strategic planning as a continuous process requiring regular revision. Figure 4.3 identifies five interlocking stages for strategic planning: (i) defining the key performance indicators, (ii) performing an internal environmental scan and identifying strengths and weaknesses, (iii) performing an external environmental scan and identifying opportunities and threats, (iv) developing a vision, mission, and strategies, and (v) evaluating the strategic planning process.

The middle circle depicts six of the eight interlinked steps of Kotter's CMM: (i) creating a sense of urgency, (ii) building a CCC, (iii) getting the vision right for curriculum change, (iii) empowering action for curriculum change, (iv) creating and celebrating short-term wins, (v) consolidating wins to create more change, and (vi) anchoring curriculum change in in the systems, practices, and organisational culture of the institution

The two steps of Kotter's CMM that were not included as interlinked steps in the change management process were getting the vision right and communicating the vision for buy-in. I explained in section 4.3.4 that there is a significant overlap between getting the vision for change right (Step 7) and the last stage of the strategic planning process dealing with the drafting of the curriculum change strategy that forms the blueprint for changing, developing and implementing the curriculum. Hence, the omission of this step of Kotter's CMM.

I did not include communicating the vision for buy-in as a separate interlinked step in the change management process. Instead, I included communication as a function that CCLs need to perform throughout the change management process (see section 4.3.4). In the same vein, CCLs should continuously consider the psychological impact that change can have on staff members (see section 4.3.9.5) and potential barriers to change. The discussion

---

884 Dolence op cit note 629 at 3.

in section 4.3 showed that potential barriers to change need to be addressed in each step of the CMM, hence its inclusion as a continuous change management function.

The inner circle in Figure 4.3 shows that I have also adopted a nested approach to curriculum design. The inner circle of the figure shows my adoption of the 'curriculum as product' as the primary curriculum planning model, as described in section 3.1. This approach requires the three components of the curriculum (desired learning outcomes, teaching and learning activities, and assessment) to be constructively aligned. The inner circle also depicts the central position that the curriculum elements occupy in terms of the strategic planning, change management and curriculum planning processes. Consequently, I perceive the new LLB curriculum as a product of these processes.

The inner circle furthermore shows that curriculum mapping needs to be employed to carefully map the required graduate attributes and curriculum imperatives in terms of the *LLB Qualification Standard* across appropriate modules, the four years of the LLB and 480 minimum credits. Through scaffolding and vertical integration, modules need to build on the knowledge and skills that students have acquired in previous modules, and by complementing concurrent modules, horizontal development of graduate attributes will take place.

## 4.5 PROPOSING A DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL (CMMM)

The conceptual framework proposed in the previous section provided a foundation for developing the Draft LLB CCMM. The Draft LLB CCMM comprises 61 POs. The literature review in Chapters 2 to 4 and my own knowledge and experience in curriculum change and legal education informed the development of these POs. The POs provide guidelines/strategies for facilitating curriculum change. Implementing these POs can assist faculties in creating a climate for curriculum change and sustaining such change. In contrast to the Final LLB CCMM presented in Annexure 11, the Draft LLB CCMM iin Annexure 2 is not supplemented with recommended practices for complying with the POs.

I organised the 61 POs into the three distinct processes of the conceptual framework for the LLB curriculum change process: strategic planning, curriculum change management and

curriculum planning. The sections below provide a synopsis of the development of the Draft LLB CCMM. The Draft LLB CCMM is presented in Annexure 2.

### 4.5.1 The strategic planning process

The strategic planning process consists of five POs (PO A1 to A5) that were extracted from the literature review in section 4.2.

### 4.5.2 The curriculum change management process

For the purposes of this study, I refer to the six steps of the curriculum change management processes as six interlinked change management functions. A total of 45 POs were related to the curriculum change management process. POs B1 to B40 were organised into the six interlinked change management functions, and POs C1 to C5 into the set of continuous change management functions. These POs are straightforward to use and not cumbersome as they are closely aligned.

As expected, all 40 POs of the curriculum change management process were developed from the literature review in this chapter. Furthermore, Chapters 2 (POs B18 to B21) and Chapter 3 (POs B2 to B7, B18 to B24, and B29 to B38) confirmed the importance of 23 of the 40 POs related to the interlinked change management functions.

POs B1 to B40 were organised as follows among the interlinked change management functions: (i) creating a sense of urgency to change the Bachelor of Laws (LLB) curriculum (POs B1 to B6), (ii) building a CCC that works effectively as a team (POs B7 to B14) (iii) empowering staff members for curriculum change (POs B15 to B25), (iv) creating and celebrating short-term wins (PO B26), (v) consolidating wins to create more changes (POs B27 to B38), and (vi) anchoring the curriculum change in the faculty's systems, practices, and organisational culture (POs B39 to B40).

I identified three continuous change management functions in section 4.4. POs C1 to C5 were developed from the literature reviews in Chapter 3 (PO C3) and Chapter 4 (PO C1 to

C5).[885] Three of the five continuous change management POs are associated with communication (POs C1 to C3). The other two are related to faculty management being mindful of the psychological impact of the curriculum change process on staff members (PO C4) and faculty management effectively managing barriers/opposition to change (PO C5).

### 4.5.3 The curriculum planning process

The curriculum planning process comprises eleven POs (D1 to D11). These POs were collected from the literature review on the South African legal education context in section 2.3 (POs D1 to D6 and D8 to D11) and Chapter 3 (D1 to D7), dealing with curriculum theorising and curriculum planning.

It is evident from the discussion above that there are multiple activies/occurrences taking place during the curriculum change process. Some of these activities occur at the same time. For example, while the faculty is developing its curriculum change strategy as part of the strategic planning process, the CCL can commence creating a sense of urgency to change the curriculum (first interlinked change management function). Furthermore, some staff members may be involved in other curriculum change management functions while fulfilling their roles as members of the CCC (second interlinked change management function).

Although I took considerable care to organise the POs of the Draft LLB CCMM meaningfully, I acknowledge that subjectivity could have played a role in compiling the Draft LLB CCMM. Some of the POs could have been phrased differently or organised differently by other researchers. Furthermore, I also acknowledge that some of the POs may overlap and may be interrelated to one another.

The compilation of the Draft LLB CCMM concluded Phase 1 of the study. I was concerned that the model may be perceived as being too elaborate and not a workable/practicable framework for facilitating LLB curriculum change at South African universities. I recalled several authors emphasising the challenging, multifaceted and complex nature of curriculum change.[886] Kotter himself described his CMM as ‘often complex, dynamic, messy, and

---

885 POs related to continuous change management were extracted from Chapter 2.

886 Dwyer op cit note 31 at 46. Also see Andrade op cit note 31; Gibbs op cit note 31 at 435.

scary'.[887] Hence, I realised that it would be naïve to assume that a simple linear CCMM could facilitate the complex task of curriculum change.

To address the concern of the Final LLB CCMM potentially being too elaborate, only those POs of the Draft LLB CCMM that selected UFS law academics regarded as important for facilitating curriculum change were incorporated in the Final LLB CCMM (see section 5.2). In order to ensure that the use of the LLB CCMM is feasible/ practicable, the same academics had to agree that the UFS curriculum change process had complied with the POs of the Draft LLB CCMM (see section 5.2). Thus, if the UFS curriculum change process complied with the POs of the Draft LLB, it was deemed that this could also be achieved at other universities. The quantitative questionnaire used in Phase 2 played a meaningful role in addressing the concerns of the Final LLB CCMM being too intricate and not a workable/practicable framework for facilitating LLB curriculum change at South African universities.

## 4.6 CONCLUSION

This chapter showed how the different stages of the curriculum-centred strategic planning process contribute to developing and evaluating a curriculum change strategy. The discussion of Kotter's CMM model revealed that the model could assist in managing LLB curriculum change at South African universities. However, the curriculum change process for this study is not limited to strategic planning and managing curriculum change. The curriculum change process should also provide for the curriculum planning process described in the previous chapter.

The insights gained from the literature review in this chapter and Chapters 2 and 3 enabled me to construct a conceptual framework for curriculum change. This framework was used as a foundation for compiling the Draft LLB CCMM. Furthermore, the literature reviews, the POs extracted from these reviews and my knowledge of and experience in (see section 1.7) curriculum change assisted me in compiling the Draft LLB CCMM. The Draft LLB CCMM had implications for the unfolding of this study. It influenced the research design, the development of a quantitative questionnaire, and ultimately the Final LLB CCMM. The next chapter elaborates on the research design and research methods adopted for this study.

---

887 Kotter op cit note 62 at 25.

# CHAPTER 5

# RESEARCH METHODOLOGY AND METHODS

## 5.1 INTRODUCTION

This chapter deals with the mixture of methodologies and methods used to execute the study. The chapter commences by elaborating on the mixed methods research design that I adopted. After that, the focus shifts to the methods employed during the three phases of the research. The chapter then explores the measures applied to enhance the validity and reliability of the quantitative results and the trustworthiness of the qualitative findings. It is followed by a discussion of the ethical issues that were considered when performing the research. The chapter concludes with a reflective appraisal of the research design and methods.

## 5.2 RESEARCH DESIGN

I adopted a mixed-methods research design that reflects my pragmatist epistemological stance.[888] The discussion below briefly sets out how I collected, analysed and incorporated quantitative and qualitative data using a practical and 'what works'[889] approach to address the research questions posed in section 1.3. Figure 5.1 provides a schematic presentation of the three-phased methodology of the study.

The first phase of the study is characterised by a qualitative exploration of the phenomenon being studied.[890] The literature reviews in Steps 1 and 2 assisted me in contextualising (Chapters 1 and 2) and providing a conceptual framework for the study (Chapters 3 and 4), thereby answering the first two research questions. I addressed the third research question in Step 3 by proposing a Draft LLB CCMM in Annexure 2, that was based on the literature reviews and my own knowledge and experience in curriculum change and legal education.

888 Pragmatists most frequently use this this research design. John W Creswell & Vicky L Plano Clark *Designing and Conducting Mixed Methods Research* 4ed (2018) at 86.

889 Kaushik Vibha & Christine A Walsh 'Pragmatism as a research paradigm and its implications for social work research' (2019) 9 *Social Sciences* at 263 states that the pragmatist credo is 'what works'.

890 Creswell & Plano Clark op cit note 888 at 221.

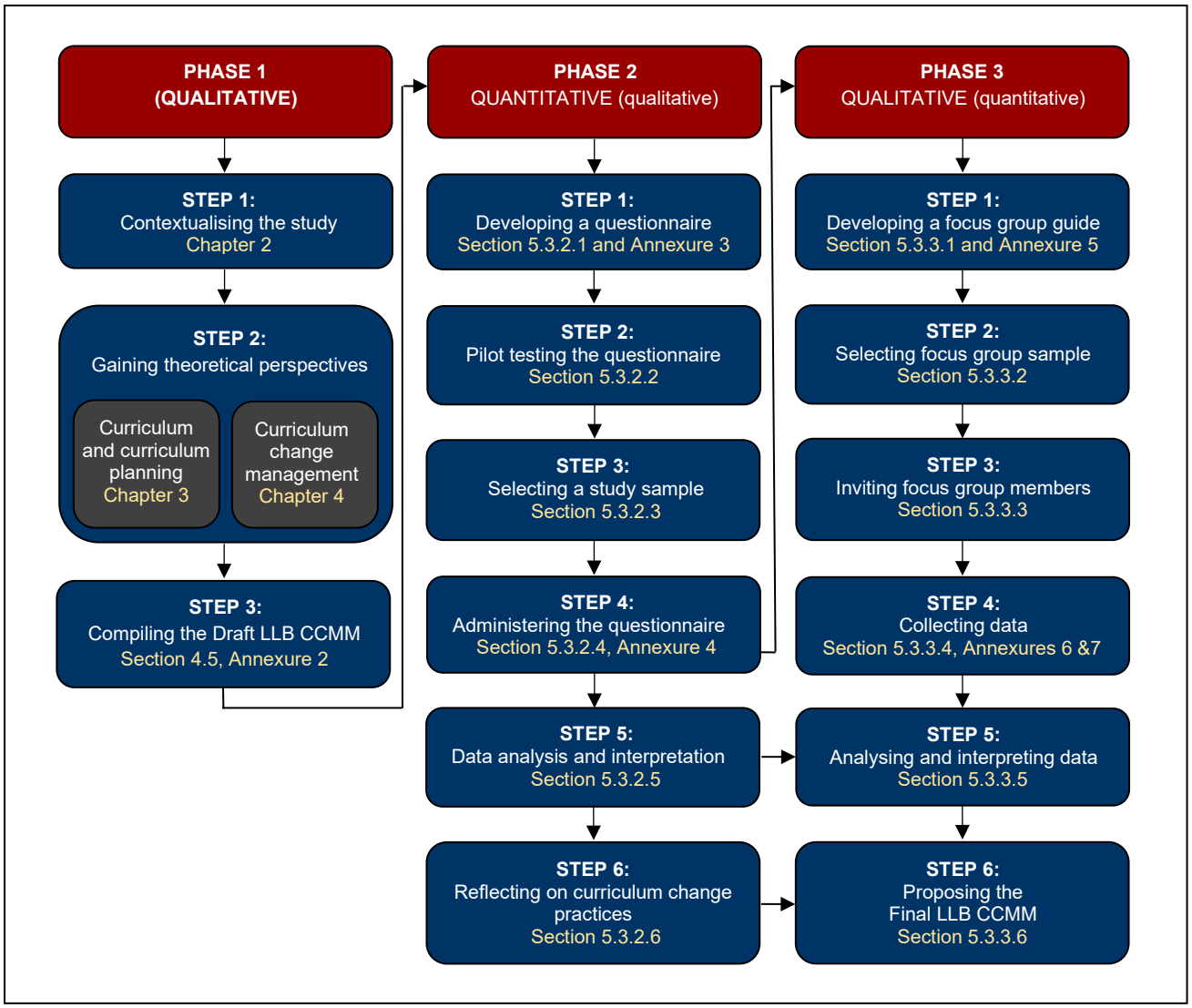


**Figure 5.1: Three-phased methodology employed in the study**

I used a case-study research design in Phases 2 and 3. Researchers use this design to get an in-depth understanding of a complex issue in a real-life setting.[891] The complex real-life setting in this study was the LLB curriculum change process at the UFS. As highlighted in section 1.2, the UFS was the only university to engage in a comprehensive LLB curriculum change due to the HEQSF and the National Review of the LLB. UFS academic staff members had experienced comprehensive curriculum change and were in an ideal position to contribute towards realising research questions 4 and 5 as described below.

891 Thomas op cit note 364 at 10.

I employed a mixed-methods evaluation research design[892] in Phases 2 and 3 of the study. First, the design is observable in the questionnaire (Annexure 3) that was based on the POs of the Draft LLB CCMM presented in Annexure 2. The questionnaire requested LLB academics at the UFS who met specific inclusion criteria (see section 5.3.2.3) to quantitatively evaluate the importance of 61 POs for facilitating comprehensive LLB curriculum change at any law faculty in South Africa. These academics participated in comprehensive LLB curriculum change and acquired the necessary experience to reflect on the importance of the POs of the Draft LLB CCMM.

POs meeting minimum quantitative importance criteria (see section 5.3.2.5) were incorporated into the Final LLB CCMM, thereby answering the fourth research question. The questionnaire (Annexure 3) also asked respondents to quantitatively evaluate the compliance of the UFS curriculum change process with 56 of the 61 POs. Due to the timing of administering the questionnaire, respondents were not asked to rate the compliance of the UFS curriculum change process with five POs.[893] The initiatives and practices employed during the UFS curriculum change process were deemed sufficient and of value in those instances when the minimum quantitative compliance criteria were met. I used my knowledge and experience to generate qualitative data on the initiatives and practices that I perceived to have contributed to meeting the minimum quantitative compliance criteria (research question 5). This led to recommended practices for complying with the POs of the Draft LLB CCMM.

It is evident from the discussion above that an exploratory sequential design[894] was situated within the evaluation design in Phases 1 and 2 of the study. The three elements of this design are evident in the study: (i) the study commenced with the collection and analys of POs (qualitative data), (ii) a Draft LLB CCMM that were quantitatively tested by means of a questionnaire was developed, and (iii) the POs of the Draft LLB CCMM was quantitatively

892 See James H McMillan & Sally Schumacher *Research in education* 6 ed (2006) at 439; Earl Babbie & Johann Mouton *The Practice of Social Research* (2008) at 334; Creswell & Plano Clark op cit note 888 at 651.

893 POs B31 to B35. See section 6.3.1.5.

894 Creswell & Plano Clark op cit note 888 at 679 defines this design as follows: 'An exploratory sequential design is a three-phase mixed methods design in which the researcher starts with the collection and analysis of qualitative data, which is then followed by a design phase of translating the qualitative findings into an approach or tool that can be tested quantitatively. Then, in the third phase, this approach or tool is tested quantitatively. This means that the approach or tool will be grounded in the views of participants.

evaluated by UFS law academics. Since I sequentially gathered the qualitative and quantitative, and the quantitative data were emphasised in Phase 2, the exploratory design in Phases 1 and 2 can be written as qual→QUAN.[895]

Secondly, the mixed-methods evaluation research design is evident in the NGT in Phase 3. I used the NGT to refine/enrich the Final LLB CCMM. I requested focus group members who met specific inclusion criteria (see section 5.3.3.2) to evaluate the UFS curriculum change process regarding its strengths and weaknesses. The strengths and weaknesses of the UFS curriculum change process assisted me in extracting prescriptive outlines and recommended practices that were not only relevant to the UFS context but were generalisable to curriculum change at any university in South Africa.

On the one hand, qualitative data were collected from the discussions on the strengths and weaknesses of the UFS curriculum change process. On the other hand, quantitative data were generated when members voted and ranked the strengths and weaknesses of the UFS curriculum change process (see section 5.3.3.4). The NGT findings enriched the Final LLB CCMM and led to the identification of additional POs and recommended practices for complying with the POs.

POs that did not meet the minimum quantitative compliance criteria required further investigation. During the focus group discussion in Phase 3, I requested participants to qualitatively explain why some POs did not meet the minimum quantitative compliance criteria. Creswell and Plano Clark refer to this research design as a follow-up explanations variant of the explanatory mixed methods research design.[896] I collected qualitative data from focus group members that led to the formulation of recommended practices for complying with those POs that did not meet the minimum quantitative compliance criteria.

## 5.3 RESEARCH METHODOLOGY

The following sections shed light on the different steps I carried out during each of the three phases identified in Figure 5.1. The chronology in Annexure 1 provides a bird's eye view of

---

895 See John W Creswell & Vicky L Plano Clark *Designing and Conducting Mixed Methods Research* 4ed op cit note 888 at 117.

896 Ibid at 106.

where aspects of the study's research methodology (e.g., the administration of questionnaires and focus group discussions) fit into the broader framework of events.

### 5.3.1 Phase 1

The first phase comprised three steps. The first step aimed to contextualise the study. It involved a literature review exploring critical factors in the South African and international HE, legal education, legal practice and the UFS contexts (Chapters 1 and 2).

The second step entailed the literature reviews in Chapters 3 and 4. The chapters provided critical theoretical perspectives on the curriculum, curriculum planning and curriculum change management concepts.

The literature reviews in Steps 1 and 2 and my prior knowledge and experience in curriculum development and legal education assisted me in compiling a conceptual framework for the study and, ultimately, a Draft LLB CCMM in step 3. The Draft LLB CCMM is presented in Annexure 2.

### 5.3.2 Phase 2

Figure 5.1 shows that Phase 2 consisted of six steps: (i) developing a quantitative questionnaire, (ii) pilot testing the questionnaire, (iii) selecting a study sample, (iv) administering the questionnaire, (v) analysing and interpreting the data, and (vi) reflecting on the practices implemented during the UFS curriculum change process. The following sections shed more light on these steps.

#### 5.3.2.1 Step 1: Developing a quantitative questionnaire

Step 1 entailed developing a questionnaire (Annexure 3) using the cloud-based SurveyMonkey development software.[897] The questionnaire consisted of four parts. Part A requested respondents to confirm that they provided informed consent to participate in the study (see section 5.6.1).

[897] SurveyMonkey, available at https://www.surveymonkey.com, accessed on 1 March 2021.

Part B required respondents to provide demographic information about their age, qualifications, year in which the highest qualification was obtained, academic position, and their number of years' experience as a law academic and legal professional/practitioner. The main purpose of these questions was to establish participants' expertise. It assisted in developing a clear picture of the participants and the study's generalisability to a larger population.[898]

Part C of the questionnaire required participants to evaluate/rate each of the 61 POs of the Draft LLB CCMM presented in Annexure 2. As explained in section 4.5, the Draft LLB CCMM and its 61 POs is the product of my own knowledge and experience in curriculum change and legal education and the literature reviews in Chapters 2 to 4.

First, respondents had to rate the importance of each PO for facilitating curriculum change at any law faculty in South Africa and not only at the UFS. The phrasing of the instructions assisted in drawing generalisable conclusions for the Final LLB CCMM that were not limited to the UFS context. A five-point Likert scale[899] was used, ranging from 1 = 'not important' to 5 = 'very important'. Consequently, an item with a higher level of importance achieved a higher score. Respondents were requested to provide reasons for their ratings in a comment box next to each question. Secondly, respondents had to rate the extent to which the UFS curriculum change process complied with the POs of the Draft LLB CCMM. A five-point Likert scale was used, ranging from 1 = 'do not agree at all' to 5 = 'strongly agree'. Therefore, an item with a higher level of compliance obtained a higher score. The questionnaire requested respondents to provide reasons for their importance and compliance ratings in a comment box next to each question.

#### 5.3.2.2 Step 2: Pilot testing the questionnaire

The main purpose of the pilot testing was to eliminate potential problems/challenges in the main study.[900] Like the main study, the pilot test was administered via SurveyMonkey.[901] The

---

898 Melissa A Dobosh 'Survey: Demographic questions' in Mike Allen (ed) *The SAGE Encyclopedia of Communication Research* (2018) at 1702.

899 Kim Omachinski 'Survey: Survey: Structural questions' in Mike Allen (ed) *The SAGE Encyclopedia of Communication Research* (2018) at 1702.

900 Also see Erin Ruel, William Edward Wagner III, & Brian Joseph Gillespie *The Practice of Survey Research* (2016) at 115.

901 SurveyMonkey op cit note 897.

pilot study tested the clarity of the instructions and ease of completing the questionnaire. It assisted me in determining the time taken to complete the questionnaire.[902] In addition to completing the questionnaire, I requested respondents to refine and challenge the formulation of questions and POs.[903]

The pilot study was conducted from 26 to 30 April 2021. I followed the suggestions of Kim[904] and Kviz[905] not to include respondents of the main study in the pilot study and to recruit respondents with similar characteristics to the sample of the main study. Only 29 academic staff members met the inclusion criteria for the main study. Only two people who had participated in the curriculum change were no longer employed at the UFS.[906] Both agreed to participate in the pilot study. One is a recently retired law professor who has published widely on legal education. The other was a senior lecturer who left the employ of the UFS two months before I administered the questionnaire. I also recruited two professors specialising in higher education curriculum development at the Faculty of Education, UFS, to participate in the pilot study.

I accepted written and verbal feedback from the participants in the pilot study. The former Faculty employees completed the questionnaire in 30 minutes. Based on the pilot testing, some changes were made to the questionnaire. The initial questionnaire referred to the scale measuring the extent to which the UFS curriculum change process complied with the POs of the Draft LLB CCMM as an agreement scale. The experts recommended that I refer to it as a compliance scale. The participants requested minor changes to the phrasing of some of the POs. The word 'milestone' was added to clarify the meaning of 'short-term wins' in question B26. To simplify matters and prevent confusion, they also suggested that the final questionnaire referred to me as the 'curriculum change leader' (hereafter CCL) instead of 'Vice-Dean' or Programme Director'. The reference to the 'Faculty Committee' in PO C4 was deleted, and the term 'faculty leadership' was changed to 'faculty management'.

---

902 Also see Edwin R van Teijlingen & Vanora Hundley 'The importance of pilot studies' (2001) 35 *Social Research Update* 2; Paul D Leedy & Jeanne Ellis Ormrod *Practical Research Planning and Design* 9ed (2005) at 188.

903 Also see Jihyun Kim 'Pilot Study' in Mike Allen (ed) *The SAGE Encyclopedia of Communication Research* (2018) at 1254.

904 Ibid at 1254-1255.

905 Also see Frederick J Kviz *Conducting Health Research: Principles, Process, and Methods* (2020) at 20.

906 The first participant retired at the end of 2020. The other left the employment of the UFS at the beginning of 2021.

5.3.2.3 Step 3: Selecting a study sample

I set two inclusion criteria for participating in the main study: (i) involvement in the UFS LLB curriculum change process and (ii) being employed at the Faculty at the time when the questionnaire was administered. Only one of the 29 academic staff members meeting these criteria did not participate. This resulted in a response rate of more than 97 per cent.

**Table 5.1: Study participants: demographics**

| Participants | Gender | | Age | | | | Race | | Years' legal education experience | | | Years' legal practice experience | | | | Highest qualifi-cation | | Position | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Male | Female | 35-39 | 40-49 | 50-59 | 60-65 | Black | White | 5-9 | 10-14 | 15-19 | ≥20 | 0 | 1-9 | 10-14 | 15-19 | ≥20 | Masters | Doctoral | Lecturer | Snr lecturer | Associate professor | Professor |
| 1* | | X | | X | | | | X | | | X | | | X | | | | X | | X | | | |
| 2* | X | | | | X | | X | | | X | | | | X | | | | X | | | X | | |
| 3 | X | | | | X | | | X | | | | X | | | | | X | | X | | X | | |
| 4* | | X | | X | | | | X | | X | | | | | | X | | X | | X | | | |
| 5 | X | | | X | | | | X | | | X | | | X | | | | | X | X | | | |
| 6 | | X | X | | | | | X | | X | | | | X | | | | X | | X | | | |
| 7 | | X | | X | | | | X | | X | | | | X | | | | X | | X | | | |
| 8 | | X | | | X | | X | | | X | | | | X | | | | X | | X | | | |
| 9 | | X | X | | | | | X | X | | | | | | X | | | X | | X | | | |
| 10* | | X | | X | | | | X | | | | X | | X | | | | | X | | X | | |
| 11 | X | | | X | | | | X | | X | | | | X | | | | X | | | X | | |
| 12 | X | | X | | | | | X | | X | | | | X | | | | X | | X | | | |
| 13 | X | | | | X | | | X | | | X | | X | | | | | | X | | | | X |
| 14* | | X | | X | | | | X | | | X | | X | | | | | | X | | X | | |
| 15* | | X | X | | | | | X | | X | | | | X | | | | X | | X | | | |
| 16 | X | | | X | | | | X | | | | X | X | | | | | | X | | | | X |
| 17 | | X | | | X | | | X | | | | X | | X | | | | | X | | | X | |
| 18* | | X | | X | | | | X | | | | X | | X | | | | | X | | X | | |
| 19 | | X | X | | | | | X | | | X | | | X | | | | X | | | X | | |
| 20 | X | | X | | | | X | | X | | | | | X | | | | | X | X | | | |
| 21 | | X | | | X | | | X | | X | | | | | | | X | | X | | | X | |
| 22 | X | | | | | X | | X | | | | X | | | | X | | | X | | | X | |
| 23 | X | | | X | | | | X | X | | | | | | X | | | X | | X | | | |
| 24 | | X | | X | | | | X | | | X | | | | | | X | X | | | X | | |
| 25 | | X | X | | | | | X | | X | | | | X | | | | | X | | X | | |
| 26* | | X | | X | | | | X | | X | | | | | X | | | | X | | X | | |
| 27* | | X | | | X | | | X | | | | X | X | | | | | | X | | | | X |
| 28 | | X | | X | | | | X | | X | | | | X | | | | X | | X | | | |
| n | 10 | 18 | 7 | 13 | 7 | 1 | 3 | 25 | 3 | 12 | 6 | 7 | 4 | 16 | 3 | 2 | 3 | 14 | 14 | 12 | 10 | 3 | 3 |
| % | 36 | 64 | 25 | 46 | 25 | 4 | 11 | 89 | 11 | 43 | 21 | 25 | 14 | 57 | 11 | 7 | 11 | 50 | 50 | 43 | 35 | 11 | 11 |

* These nine participants also participated in the focus group discussion

Table 5.1 above provides a summary of the demographics of the participants. The majority of participants were female (n=18, 64 per cent) and White (n=25, 89 per cent). The low percentage of Black participants is not representative of South African demographics. However, the *Report on the National Review of the LLB* stated that the underrepresentation of Black faculty members was evident in most of the law faculties in South Africa.[907] All participants were 35 and older. Only one participant was in the age group 60 to 65 years. The age group with the most participants was the 40 to 49 years grouping. Table 5.1 confirms participants' legal education experience. None of the participants had less than five years' legal education experience, while seven (25 per cent) had twenty and more years' experience. Half of the participants boasted doctoral degrees, and the others graduated with Masters in Law (LLM) degrees. Only twelve participants (43 per cent) occupied academic positions lower than senior lecturer. The majority of participants (n=20; 86 per cent) had some legal practice experience. Only four (14 per cent) reported no such experience.

#### 5.3.2.4 Step 4: Administering the questionnaire

I mentioned in section 2.2.6 that the curriculum change process occurred before the COVID-19 pandemic. However, the questionnaires were administered at a time when Faculty members were required to work from home due to Covid-19.[908] Consequently, all my interactions with respondents occurred via email. On 7 May 2021, I invited respondents via email to participate in the study. An information sheet (Annexure 4) was attached to the email. The information sheet requested respondents to click on a link to indicate their willingness to participate in the study. No further questions were asked of respondents who declined to participate in the study. Respondents who agreed to participate in the study had to provide informed consent (see section 5.6.1 and Part A of the questionnaire in Annexure 3). Once they had provided such consent, respondents were immediately directed to the questionnaire on the SurveyMonkey platform.[909]

---

907 CHE op cit note 13 at 38.

908 Working from home entailed academic staff members not presenting their class face to face but online via the Blackboard learning management system. Furthermore, staff members performed their normal administrative and research functions from their homes.

909 SurveyMonkey op cit note 897.

My initial email to respondents requested them to complete the questionnaire within seven working days. In the cases where respondents did not answer within the time limit, I sent reminder emails to increase the response rate. In these cases, I postponed the final date for completing the questionnaire to 23 May 2021.

5.3.2.5 Step 5: Analysing and interpreting the data

As soon as I downloaded the data from SurveyMonkey[910] on an Excel spreadsheet, I proceeded to allocate fictitious code numbers to the participants. Thereafter, the data were analysed by a statistician using SAS Version 9.4.[911]

The quantitative results are discussed and interpreted in Chapter 6. The data were not normally distributed. The descriptive analysis entailed calculating the following for each of the 61 POs in terms of importance and compliance: (i) a frequency distribution of participants' responses over the five rating categories (ii) mode scores and (iii) median scores. The latter two terms require some explanation. The mode identifies the score that participants most frequently allocated to each of the POs.[912] The median represents the value that is in the middle of a distribution of data that are ranked/ordered from the lowest (n=1) to the highest score (n=5).[913]

Specific quantitative criteria were set to ensure that the Final LLB CCMM would not be too elaborate (see section 4.5). Only POs with mode and median importance scores of four and more (referred to as the quantitative importance criteria in section 5.2) were incorporated into the Final LLB CCMM.

Specific quantitative criteria were set to address the concern that the LLB CCMM might not be feasible/practicable (see section 4.5) for facilitating comprehensive curriculum change at

910 Ibid.

911 Ms Maryn Viljoen rendered statistical services. SAS Version 9.4.is a statistical software suite for data management, advanced analytics, multivariate analysis, business intelligence, criminal investigation, and predictive analytics. See SAS 'Overview of SAS 9.4' (2022), available at *https: //documentation.sas.com/doc/en/pgmsascdc/9.4_3.5/whatsnew/n17cszme3e52b4n1ooe3710fnuec.htm* accessed on 27 December 2022.

912 Jill SM Coleman 'Descriptive statistics' in Bruce B Frey (ed) *The SAGE Encyclopedia of Educational Research, Measurement, and Evaluation* (2018) at 489.

913 Theresa L White & Donald H McBurney *Research Methods* 9ed (2012) at 352.

universities in South Africa. Mode and median compliance scores of four and more (referred to as the quantitative compliance criteria in section 5.2) suggested that the UFS curriculum change initiatives and practices were sufficient, of value and contributed towards complying with the POs of the Draft LLB CCMM. The Draft CCMM was regarded as feasible/practicable if the UFS curriculum change process complied with the POs of the Draft LLB CCMM. If the UFS curriculum change process complied with the POs of the Draft LLB CCMM, it was deemed that this could also be achieved at other universities.

POs achieving mode and median compliance scores lower than four required further investigation during the focus group discussion (see section 5.3.3).

5.3.2.6 Step 6: Reflecting on practices implemented during the UFS curriculum change process

As an insider-researcher, I reflected on the initiatives and practices implemented during the UFS curriculum change process to explain the compliance medians for each of the 56 POs. The practices/initiatives implemented were deemed sufficient and of value for those POs that achieved the minimum compliance criteria. For those POs, I incorporated the mentioned initiatives into the Final LLB CCMM as recommended practices. Thereafter, I considered potential reasons for specific POs not achieving the minimum compliance criteria. Reflective appraisal, the quantitative feedback from questionnaire participants and consulting appropriate literature assisted me in realising what could have been done differently. I incorporated into the Final LLB CCMM the insights gained as recommended practices. Furthermore, the focus group discussion in Phase 3 assisted me in understanding why some POs did not meet the minimum compliance criteria and the identification of more recommended practices.

### 5.3.3 Phase 3

The third phase concerned the refinement of the Final LLB CCMM. Five steps were carried out during the third phase: (i) developing a focus group guide, (ii) selecting a sample for the focus group discussion, (ii) inviting respondents to participate in the discussion, (iii) collecting data, (iv) analysing and interpreting the data, and (v) proposing the Final LLB CCMM.

#### 5.3.3.1 Step 1: Developing a focus group guide

The focus group guide (Annexure 5), developed in the first step of this phase, addressed two aspects. The first aspect concerned the seven POs not meeting the minimum quantitative compliance criteria.[914] It requested focus group participants to explain and provide their perceptions/opinions on the reasons for the low scores. I envisioned that it would give me insight into the reasons for the UFS curriculum change process not complying with the relevant POs. Furthermore, it assisted me in drafting recommended practices for complying with the POs that did not meet the minimum quantitative compliance criteria. The second part required respondents to identify the strengths and weaknesses of the UFS curriculum change process. These strengths and weaknesses were analysed and discussed using an NGT during the same focus group.

#### 5.3.3.2 Step 2: Selecting a sample for the focus group discussion

Considering that I implemented the NGT during the focus group, I explored the ideal size for carrying out a focus group and NGT. Powell and Single state that the size for carrying out an NGT is similar to that of a traditional focus group.[915] However, there is no agreement on the ideal sample size for either of these. McMillan, King and Tully mentioned that the typical size for the NGT varies between six and ten,[916] while Humphrey-Murto et al found that it usually fluctuates between five and12 participants.[917]

I aimed for a sample size of eight members and used purposeful sampling as a sampling method. The inclusion criteria for the sample were (i) participation in the UFS curriculum change process, (ii) completing the questionnaire in Phase 2, and (iii) membership of the Faculty Teaching and Learning Committee or Curriculum Review Committee.

---

914 POs A2, B22, B25, B26, B29, B40 and C4.

915 Richard A Powell & Helen M Single 'Focus groups' (1996 ) 8 *International Journal for Quality in Health Care* at 503.

916 Sara S McMillan, Michelle King & Mary P Tully 'How to use the nominal group and Delphi techniques' (2016) 38 *International Journal of Clinical Pharmacy* 655.

917 Susan Humphrey-Murto, Lara Varpio, Carol Gonsalves & Timothy J Wood 'Using consensus group methods such as Delphi and nominal group in medical education research' (2017) 39 *Medical Teacher* at 17.

I selected LLB academics who were members of the Faculty Teaching and Learning Committee within the past five years, participated in the Faculty's LLB curriculum change process, and completed the questionnaire in Phase 2 of the study. Participating in the LLB curriculum change process implied that respondents had knowledge and experience of the UFS curriculum change process. Completing the questionnaire showed some willingness to participate in the study. Membership of the teaching and Learning Committee ensured that academics who were interested in teaching, learning and curriculum development were included in the focus group. Furthermore, it is usual that faculty innovators/experts are nominated to serve on these committees.

#### 5.3.3.3 Step 3: Inviting participants to participate in the focus group

On 14 June 2021, I invited 11 respondents who met the inclusion criteria in section 5.3.3.2, via email, to participate in a focus group discussion. I attached an information sheet (Annexure 6) to the email, requested respondents to retain a copy of the information sheet and to return the signed written informed consent form (Annexure 7) to me via email within five business days from the date of my email (see section 5.6.2). Nine of the eleven respondents confirmed their participation in the study, resulting in a response rate of almost 83 per cent. I sent the focus group guide (Annexure 5) to respondents as soon as they had confirmed their participation. This enabled them to prepare beforehand for the focus group discussion.

#### 5.3.3.4 Step 4: Collecting data

I conducted the focus group via Blackboard Collaborate[918] from 10:00 to 12:00 on 28 June 2021. I commenced the focus group discussion by introducing myself and declaring my interest and insider position. After that, I informed the participants about the purpose of the study and the focus group discussion I affirmed the ethical issues of confidentiality and anonymity and the audio recording of the deliberations as highlighted in the information sheet

[918] Blackboard 'Blackboard Collaborate: Your virtual classroom solution' (2021), available at https://www.blackboard.com/en-eu/teaching-learning/collaboration-web-conferencing/blackboard-collaborate, accessed on 28 June 2021. Blackboard Collaborate provides interactive whiteboarding, extensive chat features, and chronological hand-raise notifications. All academics in the Faculty are familiar with the software.

(Annexure 6). One group member acted as a scribe. She recorded participants' input in Excel and shared her computer screen with group members.

The first twenty minutes of the focus group concerned an explanation of the POs not meeting the minimum quantitative compliance criteria. For example: 'Please explain and provide reasons why the UFS curriculum change process did not comply with PO B29 that deals with the implementation of a system of quality assurance to ensure that the LLB curriculum changes will be of benefit' (see Annexure 5).

I used the NGT in the second part of the focus group. The technique was used to identify, analyse and evaluate the strengths (about forty minutes) and weaknesses (about forty minutes) of the UFS curriculum change process. It allowed me to gain more insight into the quantitative results obtained in Phase 2.

Two separate NGTs were conducted on the strengths and weaknesses of the UFS curriculum change process. Sending the focus group guide to members before the focus group commenced and requesting them to reflect individually on the strengths and weaknesses of the UFS curriculum change prior to the discussions in the focus group saved time.[919]

Before commencing with the NGT, I briefly described the procedures and attributes of the technique to focus group members. I invited each member to share one of his/her previously identified strengths/weaknesses at a time.[920] At that time, group members were not permitted to explain their perceptions of the strengths and weaknesses. All participants' input was collected and treated as equally important. In some instances, participants' responses inspired the identification of new strengths and weaknesses from other participants. These were also included in the list of strengths and weaknesses. The process continued until all

919 Also see Clive Boddy 'The nominal group technique: An aid to brainstorming ideas in research' (2012) 15 *Qualitative Market Research : An International Journal* at 6; John M Roeden, Marian A Maaskant & Leopold MG Curfs 'The nominal group technique as an evaluation tool for solution-focused coaching' (2012) 25 *Journal of Applied Research in Intellectual Disabilities* at 590; McMillan, King & Tully op cit note 916 at 656; Angela de Leon, James N Roemmich & Shanon L Casperson 'Identification of barriers to adherence to a weight loss diet in women using the nominal group technique' (2020) 12 *Nutrients* at 3.

920 Also see Alison Dobbie et al 'Using a modified nominal group technique as a curriculum evaluation tool' (2004) 36 *Family Medicine* at 404; De Leon, Roemmich & Casperson ibid.

participants presented all of the strengths and weaknesses they had identified before the focus group discussion commenced.[921]

Thereafter, I allowed participants to explain and clarify their reasons for identifying the strengths and weaknesses that they had listed.[922] After that, other group members could discuss and critique the compilation of strengths and weaknesses.[923] I was mindful not to permit one participant to dominate the discussion and made a special effort to engage with the less vocal participants.[924] I experienced the topics to be more comprehensively deliberated upon than in a traditional focus group discussion. The identified strengths and weaknesses of the UFS curriculum change process were, contrary to my experience with traditional focus group discussions, not limited to one train of thought.[925]

Participants collectively assisted in reformulating some of the listed strengths/weaknesses to ensure that the ideas had precisely the same meaning for each participant.[926] No strength/weakness was discarded,[927] and strengths/weaknesses that shared similar characteristics were grouped together if the participants agreed to this.[928]

I did not prescribe any minimum or maximum number of strengths or weaknesses. The process explained above coincidentally resulted in 12 strengths and 12 weaknesses. I requested participants to privately select five strengths/weaknesses and rank them in order of importance.[929] The ranking of five ideas (strengths/weaknesses) is common in the literature.[930] The most important strength/weakness received five points, and the fifth most important was allocated one point.[931] I requested participants to send me their scores via email at the end of the meeting.

---

921 Also see Nicole Harvey & Colin A Holmes 'Nominal group technique: An effective method for obtaining group consensus' (2012) 18 *International Journal of Nursing Practice* at 191.

922 Also see ibid at 192; Roeden et al op cit not 919 at 590; McMillan, King & Tully op cit note 916 at 656**;** De Leon, Roemmich & Casperson op cit note 919 at 3.

923 Also see Boddy op cit note 919 at 11.

924 Also see Sandra C Jones 'Using the nominal group technique to select the most appropriate topics for postgraduate research students' seminars' (2004) *Journal of University Teaching and Learning Practice* at 23.

925 Also see Harvey & Holmes op cit note 919 at 193.

926 Also see Roeden, Maaskant & Curfs op cit note 919 at 590.

927 Also see Dobbie et al op cit note 920 at 405.

928 Also see Roeden, Maaskant & Curfs op cit note 919 at 590.

929 Also see Also see Humphrey-Murto et al op cit note 917 at 15.

930 McMillan, King & Tully op cit note 916 at 657.

931 Also see Dobbie et al op cit note 920 at 404.

5.3.3.5 Step 5: Analysing and interpreting data

I allocated fictitious code numbers to participants' names and responses. After that, I transcribed their explanations of the reasons for some POs not meeting the minimum quantitative compliance criteria set out in section 5.3.3.5. Although group members shared their experiences and perceptions/opinions on aspects that could have contributed to POs not meeting the minimum quantitative compliance criteria, they generated limited ideas to enhance compliance with these POs.

Excel was used to rank the identified strengths/weaknesses according to their total scores. The top five strengths/weaknesses were those with the five highest combined scores. One day after the focus group, I emailed participants about the outcome of the top five strengths and weaknesses.

I transcribed the qualitative data gathered from the NGT. I found the findings of the NGT to be more structured than those of traditional focus groups.[932] The NGT simplified the interpretation of the findings and minimised my subjective influence on the findings. An analysis of the top five strengths and weaknesses of the UFS curriculum change process led to the identification of six additional POs and additional recommended practices to be included in the Final LLB CCMM. Sections 6.5.6 and 6.6.6 elaborate on the nature of these POs.

5.3.3.6 Step 6: Proposing the Final LLB curriculum change management model (Final LLB CCMM)

I integrated the quantitative and qualitative findings in Phases Two and Three to propose the Final LLB CCMM in Annexure 11. The Final LLB CCMM is based on the Draft LLB CCMM proposed in Annexure 2. In contrast to the Draft LLB CCMM, the Final LLB CCMM also incorporates recommended practices for complying its POs (see (section 5.3.2.6). Section 7.2 provides more details of the process followed to compile the Final LLB CCMM.

932 Also see Boddy op cit note 919 at 12.

Any rigorous research effort requires a discussion on how the research achieved validity and reliability quality criteria.[933] The following section aims to assess how the study aimed to meet these quality criteria.

## 5.4 VALIDITY AND RELIABILITY OF THE QUANTITATIVE RESEARCH

Different criteria were applied to enhance the quality of the quantitative and qualitative research. Validity and reliability are usually employed as quality criteria for quantitative research, while trustworthiness measures are used regarding the quality of qualitative research. The following sections elaborate on the validity and reliability of the quantitative data.

### 5.4.1 Validity

Quantitative validity means that the instrument used accurately measures what it claims or is supposed to measure.[934] Therefore, the questionnaire in Phase 2 had to accurately measure the (i) importance of and (ii) the compliance of the UFS curriculum change process with the POs of the Draft LLB CCMM. The following sections elucidate the three types of validity relevant to the questionnaire: face, content, and construct validity.

#### 5.4.1.1 Face validity

This type of validity requires the instrument to 'look' right.[935] I enhanced the face validity of the questionnaire by requesting four experts to provide input on the questionnaire before it was administered. The four participants in the pilot study (see section 5.3.2.2) were satisfied that the questionnaire 'appears to measure what it is intended to measure'.[936]

933 Andreas M Riege 'Validity and reliability tests in case study research: A literature review with "hands-on" applications for each research phase' (2003) 6 *Qualitative Market Research: An International Journal* at 76; McMillan & Schumacher op cit note 892 at 478.

934 Jacques Pietersen & Kobus Maree 'Standardisation of a questionnaire' in Kobus Maree (eds) *First Steps in Research* (2007) at 217.

935 Ibid.

936 Ellen Johnson 'Face validity' in Volkmar, Fred R (ed) *Encyclopedia of Autism Spectrum Disorders* (2013) at 1226.

#### 5.4.1.2 Content validity

Content validity requires the instrument to cover all the content it intends to measure.[937] It implies that all the elements in the instrument should be relevant to the targeted construct, namely curriculum, curriculum planning and curriculum change.

All the elements of the questionnaire, namely the instructions, scales, response format and POs were subjected to content validation.[938] I specifically attended to the technical quality, clarity of instructions, linguistic aspects of the items, response scales, and the adequacy of the response format.[939]

I also enhanced the content validity of the instrument by ensuring that the questionnaire covered all the content to be addressed.[940] For this purpose, I carefully selected and reviewed appropriate literature on the context in which LLB curricula change (Chapters 1 and 2), the curriculum concept and curriculum planning (Chapter 3) and curriculum change management (Chapter 4).

The pilot study played a significant role in ensuring content validity.[941] Participants in this study concurred that the questionnaire covered all the content it aimed to measure. They suggested changes to some of the elements of the questionnaire, as elaborated on in section 5.3.2.2.

#### 5.4.1.3 Construct validity

Construct validity concerns the degree to which the research instrument measures the theoretical construct that it aims to measure.[942] The primary theoretical construct/concept in

---

937 Keith A Markus & Kellie M Smith 'Content validity' in Neil J Salkind (ed) *Encyclopedia of Research Design* (2012) at 2.

938 Also see Stephen N Haynes, David CS Richard & Edward S Kubany 'Content validity in psychological assessment: A functional approach to concepts and methods' (1995) 7 *Psychological Assessment* at 239.

939 Also see ibid at 244; Ingrid Koller, Michael R Levenson & Judith Glück 'What do you think you are measuring? A mixed-methods procedure for assessing the content validity of test items and theory-based scaling' (2017) 8 *Frontiers in Psychology* at 2.

940 Also see Lütfi Sürücü & Ahmet Maşlakçi 'Validity and reliability in quantitative research' (2020) 8 *Business and Management Studies: An International Journal* at 2697-2698.

941 Also see Haynes, Richard & Kubany op cit note 938 at 245.

942 Sürücü & Maşlakçi op cit note 940 at 2700.

this study is curriculum change management. Chapter 4 specifically dealt with this concept, and I proposed a Draft LLB CCMM in Annexure 2. The Draft LLB CCMM is based on a theoretical framework for managing the curriculum change process. This framework integrated the insights gained from the context in which curriculum change occurs (Chapters 1 and 2), the curriculum concept and curriculum planning (Chapter 2), and change management (Chapter 4) Therefore, I ensured that the POs of the Draft LLB CCMM were carefully developed, based on relevant existing knowledge. Ultimately, the theoretical evidence and content validity of the questionnaire contributed to its construct validity.[943]

### 5.4.2 Reliability

Researchers report that Cronbach's alpha ($\alpha$) is the most commonly-used test to determine the internal consistency of an instrument/questionnaire/scale.[944] Internal consistency can be described as the extent to which the questions/POs in the questionnaire (see Annexure 3) measured the same concept. It is associated with the inter-relatedness of the questions/POs within the questionnaire. [945] An alpha can range between 0.00 and 1.00. Usually, an alpha between 0.65 and 0.80 is considered adequate in research involving humans.[946] I used Cronbach's alpha to calculate the internal consistency of questions/POs covering one overall scale and nine subscales comprising both importance and compliance. The subscales were represented by the different processes and change management functions encompassed by the Draft LLB CCMM in Annexure 2.

Table 5.2 summarises the findings for the nine subscales and the overall scale in terms of importance (I) and compliance (C). For example, it is evident from the table that the fourth subscale (creating a sense of urgency to change the curriculum) consisted of five POs (A1 to A5), which obtained an $\alpha$ equal to 0.85 in terms of importance and 0.79 in terms of compliance.

943 Also see Koller, Levenson & op cit note 939 at 2.
944 McMillan & Schumacher op cit note 892 at 476.
945 Mohsen Tavakol & Reg Dennick 'Making sense of Cronbach's alpha' (2011) 2 *International Journal of Medical Education* at 53.
946 Jerry J Vaske, Jay Beaman & Carly C Sponarski 'Rethinking internal consistency in Cronbach's alpha' (2017) 39 *Leisure Sciences* at 165.

**Table 5.2: Summary of the reliability analysis of the nine subscales and the overall importance and compliance scales**

| Scale numbers | Subscale descriptions | Categories | POs | Number of POs | α |
|---|---|---|---|---|---|
| Subscale 1 | Strategic planning process | I | A1 to A5 | 5 | 0.85 |
| | | C | A1 to A5 | 5 | 0.65 |
| Subscale 2 | Curriculum change management process | I | B1 to B40, C1 to C5 | 45 | 0.95 |
| | | C | B1 to B30, B36 to B40, C1 to C5* | 39 | 0.94 |
| Subscale 3 | Curriculum planning process | I | D1 to D11 | 11 | 0.92 |
| | | C | D1 to D11 | 11 | 0.92 |
| Subscale 4 | Creating a sense of urgency to change the curriculum | I | B1 to B6 | 6 | 0.80 |
| | | C | B1 to B6 | 6 | 0.79 |
| Subscale 5 | Building a curriculum change committee that works effectively as a team | I | B7 to B14 | 8 | 0.87 |
| | | C | B7 to B14 | 8 | 0.78 |
| Subscale 6 | Empowering academics for curriculum change | I | B15 to B25 | 11 | 0.90 |
| | | C | B15 to B25 | 11 | 0.85 |
| Subscale 7 | Consolidating wins/milestones and creating more changes in the Faculty | I | B27 to B38 | 12 | 0.81 |
| | | C | B27 to B30 B36 to 38* | 7 | 0.85 |
| Subscale 8 | Anchoring curriculum change in the Faculty's systems, practices, and organisational culture | I | B39 to B40 | 2 | 0.85 |
| | | C | B39 to B40 | 2 | 0.66 |
| Subscale 9 | Continuous change management functions | I | C1 to C5 | 5 | 0.85 |
| | | C | C1 to C5 | 5 | 0.78 |
| Overall scale | | I | All | 61 | 0.97 |
| | | C | All, excl. B31 to B35* | 56 | 0.96 |

* Due to the timing of administering the questionnaire, respondents were not asked to rate the compliance of the UFS curriculum change process with POs B31 to B35.

Table 5.2 indicates that the overall scale in terms of importance consisted of 61 questions/POs, and the overall scale for compliance contained 56 questions/POs. Accordingly, Cronbach's alpha was used to determine whether the 61 questions/POs of the overall importance scale were interrelated and whether the 56 questions /POs of the overall compliance scale were interrelated. Reliability analysis on the overall group of POs in terms of importance resulted in an $\alpha$ of 0.97. Cronbach's alpha for the overall group of questions/POs is higher than 0.90, which represents excellent internal consistency ($\alpha > 0.90$). A reliability analysis on the overall group in terms of compliance resulted in an $\alpha$ of 0.96. This $\alpha$ represents excellent internal consistency ($\alpha > 0.90$).

Cronbach's alpha was not only used to analyse the reliability of the overall scale in terms of importance and compliance. The internal consistency of nine subscales of questions/POs, as reflected in Table 5.2, was also subjected to reliability analysis. The first three subscales of

questions/POs are related to the three processes of the Draft LLM CCMM, namely strategic planning (subscale 1), curriculum change management (subscale 2) and curriculum planning (subscale 3). Table 5.2 indicates, for example, that subscale 2 consisted of 45 questions/POs in terms of importance. However, subscale 2 comprised only 39 questions/POs in terms of compliance. Due to the timing of administering the questionnaire, respondents were not asked to rate the compliance of the UFS curriculum change process with five POs (B31 to B35).

The curriculum change management process of the Draft LLB CCMM in Annexure 2 encompassed six interlinked change management functions[947] and a set of continuous change management functions.[948] The fourth interlinked change management function (identifying and celebrating short-term wins/milestones) was the only curriculum change management function that consisted of only one question/PO. Consequently, no reliability analysis could be performed for this curriculum change management function. The questions/POs for the other five interlinked change management functions comprised subscales 4 to 8. Table 5.2 indicates the questions/POs related to each of these subscales. Subcale 9 consisted of five questions/POs related to continuous change management (PO C1 to C5).

All nine subscales achieved good to excellent internal consistency in terms of importance ($\alpha$ > 0.80). All nine subscales had adequate to excellent internal consistency in terms of compliance, given $\alpha$ > 0.65. Seven of the nine subscales had good to excellent internal consistency ($\alpha$ > 0.78).[949] Lower internal consistency was observed for compliance with the POs of the strategic planning process ($\alpha$ - 0.65)[950] and the POs related to anchoring curriculum change in the Faculty's systems, practices, and organisational culture ($\alpha$ = 0.66).[951] For both these groups, the internal consistency is considered adequate ($\alpha$ > 0.65).

It is clear from the discussion that the overall scale and nine subscales achieved at least adequate consistency in terms of both importance and compliance. Therefore, all

947 B1 to B40.
948 POs C1 to C5.
949 Subscales 2 to 7 and 9.
950 Subscale 1.
951 Subscale 8

questions/POs within the overall and nine subscales were interrelated in terms of importance and compliance. The explanation of the internal consistency of the questionnaire concludes the discussion on the validity and reliability of the quantitative research in this study. The following section sheds light on how the trustworthiness of the qualitative research in Phases One and Three was enhanced.

## 5.5 TRUSTWORTHINESS OF THE QUALITATIVE RESEARCH

Authors propose the use of 'trustworthiness'[952] or 'rigour of a study' as a parallel criterion to validity and reliability. These concepts refer to the degree of confidence in data, interpretation, and methods used to ensure the quality of a qualitative study. Lincoln and Guba[953] suggest four criteria for evaluating trustworthiness: credibility, transferability, dependability, and conformability. Details, including actions taken to enhance the trustworthiness of the qualitative research, are provided in the sections below.

### 5.5.1 Credibility

Credibility is concerned with the 'truth-value' of the research findings. Therefore, I ensured that the study's research findings were plausible and based on participants' feedback, which I correctly interpreted.[954] In the following sections, I explain my attempts to enhance the credibility of the qualitative study.

Triangulation occurred according to different paradigms (qualitative and quantitative) and multiple methods (questionnaires and a focus group employing the NGT).[955] These triangulation efforts aimed to compensate for potential biases and deficiencies.

The recommended practices for complying with POs were based on my subjective experiences of the UFS LLB curriculum change process. However, minimum compliance mode and median scores of four implied that the practices implemented during the curriculum change process contributed toward realising the respective POs.

---

952 Yvonna S Lincoln & Egon G Guba *Naturalistic Inquiry* (1985) at 290.

953 Ibid.

954 Also see Irene Korstjens & Albine Moser 'Practical guidance to qualitative research. Part 4: Trustworthiness and publishing' (2018) 24 *European Journal of General Practice* at 121.

955 Also see Alison Jane Pickard *Research Methods in Information* 2ed (2013) at 21.

My prolonged engagement with academic staff members also enhanced the credibility of the study.[956] I understood the Faculty and its culture, and a relationship of trust existed between the staff members and me. The quantitative findings in Table 6.3 confirmed this relationship of trust.[957]

From the outset of the focus group discussion, I encouraged members to be frank and open. I assured them that there were no right answers to the questions that I would ask. Also, I assured them that I would not feel offended by their responses and their feedback would not affect our professional relationship. Informing group members that they could withdraw from the study at any stage and that their feedback would be confidential and quasi-anonymous also contributed to the credibility of the qualitative study.[958]

Researchers' credibility plays a crucial role in qualitative research since they play a prominent role in data collection and analysis. Therefore, my knowledge, experience and qualifications in legal education and curriculum development (as set out in section 1.7) also enhanced the credibility of the study.[959] The quantitative findings in Table 6.3 confirmed that questionnaire participants recognised my curriculum change knowledge.[960] Furthermore, focus group members, in identifying the top five strengths of the UFS curriculum change process (see section 6.5), rated the CCL as very knowledgeable (see section 6.5.2).

Group member checks contributed to the credibility of the qualitative data collected when employing the NGT (see section 5.4.5.3).[961] During the discussion, the scribe shared her computer screen with group members. Therefore, they were able to verify on the spot whether the scribe accurately reported the identified strengths and weaknesses of the UFS curriculum change process. The credibility of the research was further enhanced by participants'

---

956 Also see Andrew K Shenton 'Strategies for ensuring trustworthiness in qualitative research projects' (2004) 22 *Education for Information* at 65; Norman A Stahl & James R King 'Expanding approaches for research: Understanding and using trustworthiness in qualitative research' (2020) 44 *Journal of Developmental Education* at 27.

957 PO B11 (the CCL out the LLB curriculum change with trust) achieved compliance mode and compliance scores of four.

958 Also see Shenton op cit note 956 at 68.

959 Also see ibid.

960 PO B9 (The curriculum change leader displayed sufficient curriculum change knowledge) achieved compliance mode and compliance scores of five.

961 Also see Shenton op cit note 956 at 68.

collective efforts to reformulate and combine some of the collected strengths/weaknesses and by voting privately and quasi-anonymously on the items (see sections 5.3.3.4 and 5.6.1).[962]

### 5.5.2 Transferability

Transferability refers to how other researchers can use the study's qualitative findings in different settings or contexts.[963] As recommended by numerous scholars,[964] I used 'thick descriptions'[965] to enhance the study's transferability. This is particularly evident when I referred to practices and initiatives employed during the UFS curriculum change process to comply with the POs of the Draft LLM CCMM. Furthermore, I provided copious amounts of information about the study context (see Chapter 2), curriculum, curriculum planning and curriculum change management concepts (Chapters 3 and 4), demographics and the number of focus group participants,[966] data collection methods,[967] and the duration of the focus group discussion.[968]

### 5.5.3 Dependability

Dependability requires the qualitative research findings to be consistent and repeatable.[969] Therefore, my aim was for the study's research design and methodology to serve as a 'prototype model'[970] that can be replicated by future researchers. I clearly formulated the research questions (see section 1.4), ensured that the research design was congruent with the research questions, and provided an in-depth description of the methods followed for the

962 Also see Humphrey-Murto et al op cit note 917 at 18.
963 Yan Zhang & Barbara M Wildemuth 'Qualitative analysis of content' in Barbara M Wildemuth. (ed) *Applications of Social Research Methods to Questions in Information and Library Science.* (2009) at 313.
964 Shenton op cit note 956 at 70, Denise F Polit & Cheryl Tatano Beck 'Generalization in quantitative and qualitative research: Myths and strategies' (2010) 47 *International Journal of Nursing Studies* at 1453; Linda Amankwaa 'Creating protocols for trustworthiness in qualitative research' (2016) 23 *Journal of Cultural Diversity* at 122; Humphrey-Murto et al op cit note 917 at 16-18, Stahl & King op cit note 956 at 27.
965 See, for example, Stahl & King op cit note 956 at 27.
966 See Table 5.1 and section 5.3.3.2.
967 See section 5.3.3.4.
968 See section 5.3.3.4
969 Jana Bradley 'Methodological issues and practices in qualitative research' (1993) 63 *Library Quarterly* at 437.
970 Shenton op cit note 956 at 77.

focus group discussion (see sections 5.3.3.3 to 5.3.3.5). Furthermore, a reflective appraisal of the project contributed to the dependability of the qualitative study (see section 5.7).

### 5.5.4 Confirmability

Confirmability refers to 'objectivity and implies that the data accurately represent the information that the participants provided and the interpretations of those data are not invented by the inquirer'.[971] Some of the considerations identified to enhance dependability also improved the confirmability of the study. These include an in-depth description of the methodology followed to allow for the findings of the study to be scrutinised by others (see section 5.3.3), recognising specific shortcomings in the methods (see section 5.7), the availability of an audit trail, and acknowledging the role of subjectivity (see section 1.7).[972]

The study was not only required to comply with the identified quality criteria for research. It also had to comply with sound ethical principles, which are described in the following section.

## 5.6 ETHICAL CONSIDERATIONS

Before commencing the study, I obtained ethics clearance from the UCT Faculty of Law Research Ethics Committee (see Annexure 8) and the Faculty of Health Science Human Research Ethics Committee (see Annexure 9). Thereafter, the UFS General/Human Research Ethics Committee approved my application for ethics clearance, and the Vice-Rector: Research granted gatekeeper's approval to conduct the study in the Faculty (see Annexure 10).

In this study, the ethical issues of informed consent, confidentiality, and anonymity were applied to participants completing the questionnaire and participating in the focus group. The following sections set out how I complied with these ethical considerations during these phases.

971 Satu Elo et al 'Qualitative content analysis: a focus on trustworthiness' *SAGE Open* (2014) 4 at 2.
972 Also see Shenton op cit note 956 at 72-73.

### 5.6.1 Addressing the ethical principles in Phase 2

I attached an information sheet (Annexure 4) to the email that recruited respondents to complete the questionnaire. The sheet provided extensive details on informed consent. It assured respondents that participation in the study was voluntary and that there would be no penalty or loss of benefit for non-participation. Participants had the right to withdraw from the study without consequence at any time. No compensation or reimbursement for any related costs was payable.

I made respondents aware that I would follow a quasi-anonymity approach where participants' identities and responses would be known to me but not to other parties. Although participants would not complete the questionnaire anonymously, I guaranteed that I would treat their feedback as confidential. I assured respondents that I would store electronic copies of their responses to the questions on a password-protected computer for five years. After that, their electronic feedback/responses will be destroyed.

The first part of the questionnaire (Annexure 3) requested respondents to confirm that they provided informed consent to participate in the study. The questionnaire was only administered to those respondents who confirmed their informed consent.

### 5.6.2 Addressing the ethical principles in Phase 3

The same ethical considerations related to informed consent applied to participants in the focus group. Attached to my recruitment email to respondents was an information sheet (Annexure 6) and an informed consent form (Annexure 7).

The information sheet (Annexure 6) informed respondents that their participation in the focus group would not be fully anonymous or confidential. Participants would be familiar with the identities of other participants. However, I assured participants that I would treat their feedback as confidential. While I made every effort to ensure that participants would not be linked to the information they shared during the focus group, I could not guarantee that other members would treat the information confidentially. Nevertheless, I encouraged all participants to do so and not to discuss what happened during the focus group with outsiders.

For this reason, I advised participants not to disclose sensitive personal information in the group.

The information sheet (Annexure 6) informed respondents that I would audio record the focus discussions, and participants could only participate in the deliberations if they agreed to such a recording. It stated that I would address participants by their names during the discussions but anonymise the data by replacing their names with fictitious code numbers when transcribing the discussions. I assured respondents that I would store electronic copies of the recorded discussions and the transcript on a password-protected computer for five years. After that, the electronic recording of the discussion and transcription thereof will be destroyed.

Only respondents who completed and returned the focus group informed consent form (Annexure 7) before the focus group commenced were included in the discussions.

## 5.7 REFLECTIVE APPRAISAL OF THE RESEARCH DESIGN AND METHODS

The research design and methods were appropriate for achieving the purpose of the research study. However, some limitations were evident.

The first limitation pertains to the pilot study's sample size in Phase 1. Although researchers agree that the sample size of a pilot study is usually small and limited to five to ten per cent of the main study's target sample,[973] the sample size of four for the pilot study of the questionnaire was small.

Other limitations pertain to the focus group discussions in Phase 2. First, the duration of the focus group discussion was two hours. Consequently, some of the participants may have suffered fatigue. In hindsight, the focus group discussions could have been conducted in two separate sessions of one hour each. However, it could have impacted the availability of participants. Secondly, although focus group members explained why specific POs did not meet the minimum quantitative compliance criteria, participants identified a limited number of

973 Kim op cit note 904 at 1254; Tonya Rutherford-Hemming 'Pilot studies' in Bruce B Frey (ed) *The SAGE Encyclopedia of Educational Research, Measurement, and Evaluation* (2018) at 1255.

practices that could have improved compliance with the POs. However, time constraints restricted further probing. Thirdly, one of the group members acted as a scribe for the NGT, which limited her contributions to the discussions. Appointing a scribe who was not required to participate in the group discussions could have increased her contributions to the discussions.

A gap analysis comparing the median difference of the paired importance and compliance data could have been performed. A positive gap would imply that the importance score was greater than the compliance score, and a negative gap would illustrate the opposite. Analytical statistics such as the Wilcoxon signed-rank test[974] could have been used to compare the median difference of the paired data. Based on the results, focus group participants could have been requested to explain the reasons for the significant differences in the paired data of specific POs. Due to time constraints, such an analysis was not performed.

Through reflexive auditing, I monitored my involvement in the research and the decision-making process and continuously reflected on the potential influence of my personal bias and theoretical position on the study's outcome.[975] However, despite my best efforts, I realise that removing all subjectivity from the qualitative study would be almost impossible. Therefore, I have declared my insider/participant research position.

Although triangulation occurred according to different paradigms and multiple methods (questionnaires and a focus group employing the NGT), the study could have been enhanced by incorporating multiple sources of data. For example, representatives from the Centre for Teaching and Learning and law academics from other universities could have been included in the study. However, since the UFS was the only university to engage in a comprehensive curriculum change (see section 1.2), only UFS law academics were deemed competent to evaluate the Draft CCMM. Also, representatives from the Centre for Teaching and Learning were not directly involved in the curriculum change process.

---

974 Ikewelugo Cyprian Anaene Oyeka & Godday Uwawunkonye Ebuh 'Modified Wilcoxon Signed-Rank Test' (2012) 26 *Open Journal of Statistics* at 172-176.

975 Also see Andreas M Riege 'Validity and reliability tests in case study research: A literature review with "hands-on" applications for each research phase' (2003) 6 *Qualitative Market Research: An International Journal* at 84; Stahl & King op cit note 956 at 28.

Although I took special care to enhance the study's transferability, I acknowledge that achieving truly transferable results from a single study is unrealistic.[976]

Examiner 1 stated that it could have enhanced the study greatly had the candidate included as participants in this study participants other faculties to ensure proper triangulation and generalisation of the results.

## 5.8 CONCLUSION

My pragmatist worldview is evident in the practical and pluralistic research approaches that I adopted in the research. The mixed-methods research design over three phases was particularly suited for this study.

The literature review and my own knowledge and experience assisted me in proposing a Draft LLB CCMM at the end of Phase 1. Administering a quantitative questionnaire based on the Draft LLB CCMM in Phase 2 enabled me to identify POs for inclusion in the Final LLB CCMM. Compliance medians of four and five implied that the practices I implemented during the curriculum change process were sufficient and of value. Consequently, these practices were incorporated as recommended practices in the Final LLB CCMM.

The qualitative focus group discussion in Phase 3 provided more insight into the quantitative findings in Phase 2 and assisted in enriching the Final LLB CCMM. Additional POs and suggested practices were extracted from the data and incorporated into the Final LLB CCMM.

The chapter showed that I took appropriate measures to enhance the validity and reliability of the quantitative results and the trustworthiness of the qualitative findings. I appraised the research design and methods used and complied with ethical issues related to informed consent, confidentiality and anonymity.

The next chapter reports on the quantitative and qualitative results in Phases 2 and 3 of the study. These results enabled me to propose a Final LLB CCMM in Chapter 7.

976 Also see Shenton op cit note 956 at 71.

# CHAPTER 6

# EVALUATING THE DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL

## 6.1 INTRODUCTION

This chapter aims to answer the fourth and the last research questions of the study: 'What is the nature of the POs that academic staff members regard as important for facilitating curriculum change?' and 'What is the nature of the practices that can be implemented to comply with the POs identified in the previous research question?'

The chapter consists of five parts. The first three parts report the quantitative evaluation in Phase 2 of the three connected processes of the Draft LLB CCMM in Annexure 2. These processes are (i) strategic planning, (ii) curriculum change management and (iii) curriculum planning. The POs (n=61) for these processes were evaluated by 28 participants in terms of importance, as explained in section 5.3.2. Only POs with mode and median importance scores of four and more had to be included in the Final LLB CCMM proposed in Annexure 11. Identifying the POs that academic staff members regard as important for facilitating curriculum change contributed to answering the fourth research question.

The Final LLB CCMM comprises not only POs but also recommended practices for complying with the POs. For this purpose, the POs for the three curriculum change processes were also evaluated by the 28 participants in terms of compliance, as explained in section 5.3.2. Due to the timing of administering the questionnaire, respondents were not asked to rate the compliance of the UFS curriculum change process with five POs.[977] Mode and median compliance scores of four and more suggested that the initiatives/practices employed to comply with the POs were sufficient and of value. I reflected on the initiatives and practices implemented during the UFS curriculum change process and incorporated them as recommended practices into the Final LLB CCM.

[977] POs B31 to B35.

For the seven POs not meeting the minimum compliance criteria, reflective appraisal and consulting appropriate literature assisted me in realising what could have been done differently to enhance the compliance with the identified POs. Furthermore, the qualitative feedback from questionnaire participants in Phase 2 and the focus group discussion in Phase 3 assisted me in understanding why some POs did not meet the minimum compliance criteria (see sections 5.3.2.6 and 5.3.3.5). I incorporated the insights gained from the procedures mentioned above as recommended practices for complying with the POs in the Final LLB CCMM in Annexure 11, thereby answering the last research question of the study.

In my discussion, I do not describe the events related to the initiatives/practices in chronological order. For example, I often cross-reference to earlier phases, questionnaires, surveys, focus groups, meetings and reviews. However, the chronology in Annexure 1 arranges the events relevant to this study in the order of their occurrence.

The fourth and fifth parts of the chapter report on the evaluation of the UFS curriculum change process using an NGT during a focus group discussion. As stated in section 5.2, the strengths and weaknesses identified utilising the NGT assisted me in identifying POs and recommended practices that did not appear in the Draft LLB CCMM. These POs and recommended practices were not only relevant to the UFS context. They were generalisable to curriculum change in any discipline at any university. The chapter concludes with the implications of the evaluation in this chapter for developing the Final LLB CCMM in the next chapter.

## 6.2 EVALUATING THE STRATEGIC PLANNING PROCESS OF THE DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL (CCMM)

The strategic planning process and its five stages are depicted in Figure 6.1. This Figure is an extract from the conceptual framework for the curriculum change process in Figure 4.4. In this section, I report on the evaluation, as described in section 5.3.2, of the POs of the Draft LLB CCMM related to the strategic planning process (see section 4.2).

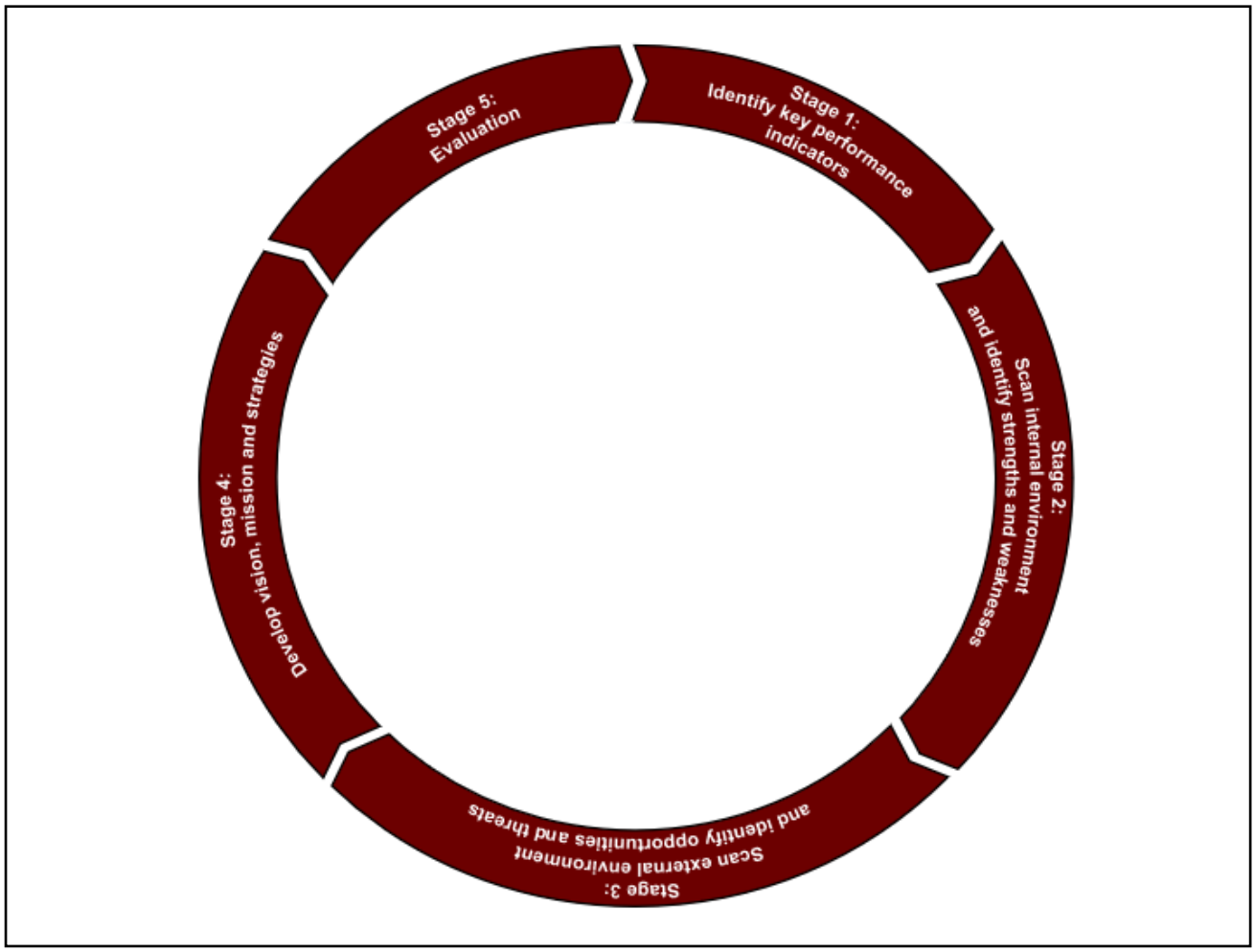


**Figure 6.1: The strategic planning process**

On 11 May 2016, the Faculty Board resolved to develop a new strategic plan. At that time, the existing strategic plan had not been updated for five years and had not kept pace with the latest developments in legal education. Table 6.1 summarises the descriptive statistics for the five POs of the Draft LLB CCMM related to the strategic planning process (POs A1 to A5).

**Table 6.1: Descriptive statistics of the importance and compliance scores for the POs related to the strategic planning process**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequencies | | | | | Percentages | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| A1 | The Dean and CCL satisfactorily consulted staff members on drafting the strategic plan for the Faculty. | I | 0 | 1 | 1 | 9 | 17 | 0 | 4 | 4 | 32 | 61 | 5 | 5 |
| | | C | 0 | 2 | 5 | 8 | 12 | 0 | 7 | 18 | 32 | 43 | 5 | 4 |
| A2 | Staff members considered key performance indicators (e.g., programme accreditation, student enrolment numbers, pass rates, throughput rates, and graduation rates) when drafting the Faculty's strategic plan and its curriculum change strategy. | I | 2 | 0 | 9 | 9 | 8 | 7 | 0 | 32 | 32 | 29 | 4 | 4 |
| | | C | 2 | 2 | 14 | 7 | 3 | 7 | 7 | 50 | 25 | 11 | 3 | 3 |
| A3 | The SWOT (strengths, weaknesses, opportunities and threats) analysis performed by staff members provided clear directives for the vision, mission, objectives, and especially the LLB curriculum change strategy to be incorporated into the Faculty's strategic plan. | I | 0 | 0 | 4 | 16 | 8 | 0 | 0 | 14 | 57 | 29 | 4 | 4 |
| | | C | 1 | 0 | 6 | 15 | 6 | 4 | 0 | 21 | 54 | 21 | 4 | 4 |
| A4 | Faculty management ensured that staff members support the vision, mission, LLB curriculum change objective and strategy in the strategic plan of the Faculty | I | 0 | 1 | 1 | 13 | 13 | 0 | 4 | 4 | 46 | 46 | 4&5 | 4 |
| | | C | 0 | 1 | 7 | 16 | 4 | 0 | 4 | 25 | 57 | 14 | 4 | 4 |
| A5 | Faculty management and staff members regularly monitor and evaluate progress with the implementation of the strategic plan of the Faculty. | I | 0 | 0 | 2 | 11 | 15 | 0 | 0 | 7 | 39 | 54 | 5 | 5 |
| | | C | 0 | 0 | 10 | 13 | 5 | 0 | 0 | 36 | 46 | 18 | 4 | 4 |

Table 6.1 indicates the numbers and descriptions for each of these POs. It also shows the frequency and percentage scores of participants' responses over the five rating categories, and the mode and median scores for each of the POs in terms of importance and compliance.[978] I elaborate more on these aspects when I discuss the quantitative results for the five POs in sections below.

### 6.2.1 Importance

Table 6.1 indicates, for example, that the majority of the 28 participants rated POs A1 (n=17; 61 per cent) and A5 (n=15; 54 per cent) as very important (n=5). None of the participants rated POs A1 and A3 to A5 as 'not important at all' (n=1). The mode importance score of five for PO A1 means that the participants most frequently scored the importance of PO A1 at five. The median importance score of four for the same PO implies that fifty per cent of the 28 participants had importance scores of four or less, and fifty per cent had scores of four and five. All five POs met the minimum median and mode importance scores of four for inclusion in the Final LLB CCMM. These scores underline the significant role that strategic

978 See section 5.3.2.5 for an explanation of the terms 'mode' and 'median'.

planning plays in curriculum change and echo the views of numerous scholars, as described in section 4.2

### 6.2.2 Compliance

Table 6.1 shows, for example, that the majority (n=19; 75 per cent) of the 28 participants agreed (n=9; 32 per cent) and strongly agreed (n=2; 43 per cent) that the Dean and CCL satisfactorily consulted staff members on drafting the strategic plan for the Faculty. The compliance score of five appears most frequently for PO A1 (n=12; 43 per cent). Therefore, the mode compliance score for PO A1 was five. The median of four suggests that fifty per cent of participants rated the compliance with PO A1 at four or less, and fifty per cent had scores of four and five. Only PO A2 did not meet the minimum compliance criteria, namely mode and median scores of four. The mode and median compliance scores of four and five for the other four POs suggested that the UFS curriculum change initiatives and practices employed to comply with the POs were sufficient and of value. Therefore, they can be included as recommended practices in the Final LLB CCMM in Annexure 11. However, the compliance with PO A2 required further investigation during the focus group discussion in the main study. In the sections below, I aim to contextualise and provide insight into the practices employed to obtain the compliance medians (see section 5.3.2.6).

The Dean and I took responsibility for drafting the strategic plan for the Faculty. Throughout the process, we were conscious of developing a strategic plan that would encapsulate the viewpoints of all staff members in the Faculty. Therefore, we aimed to include all staff members in drafting the strategic plan (PO A1). Faculty board meetings and individual feedback by email assisted in pursuing PO A1. Organising three strategic planning workshops on 17 and 18 August 2016, 22 to 25 May 2017, and 19 September 2017 played an important role in staff members feeling that they had been consulted in the drafting of the strategic plan.[979] In addition to the role of the strategic planning workshops, the discussion below highlights the contributions of the special faculty board

Very few law academics were familiar with the strategic planning process and jargon. I sensed that some academics felt intimidated by the process, potentially preventing them from

[979] Also see Pregmark & Berggren op cit note 666 at 600.

participating. Hence, the second day of the first strategic planning workshop (18 August 2016) started with my presentation on strategic planning terms and processes. In line with the recommendations of Olivarius et al,[980] I attempted to describe the strategic planning concepts pragmatically and broadly, so as not to overwhelm attendees.

Before we commenced with the SWOT analysis described in section 4.2, I considered it apt to set the context and remind attendees of the findings and recommendations of the External Institutional Review of the UFS LLB (see section 2.4.2). I also shared with attendees data on key performance indicators of the past five years. These indicators were student enrolment numbers and three popular rates to measure student success: pass rates, throughput rates, and graduation rates (PO A2).[981] I aimed to provide attendees with an awareness of the areas for improvement by comparing the key performance indicators of the UFS LLB with national[982] and institutional[983] objectives and performances. It was evident that staff members found it difficult to make sense of data when presented in tables. In hindsight, focus group members in the main study also indicated that some staff members were overwhelmed by the intricacies and volume of information presented. I realised that staff members would have better understood the indicators had I explained in more detail how the indicators were calculated. Also, I could have repeated the results of the key performance indicators and their implications more frequently during the strategic planning and curriculum change processes. Finally, staff members would have made better sense of the trends had I presented the data in graphs.

I experienced breakaway sessions as an effective tool for stimulating conversations and gathering input from academics who usually remained quiet in the plenary sessions. Therefore, I divided the attendees into four smaller groups of about eight individuals per group. Each group brainstormed one of the four elements of the SWOT analysis. The purpose of the SWOT analysis was to provide clear directives for the vision, mission and LLB curriculum change strategy (PO A3). During a plenary session, group leaders shared the

980 Niels de Fine Olivarius 'Dynamic strategic planning in a professional knowledge-based organization' (2010) XLI *Journal of Research Administration* at 47.

981 See, for example UFS 'University of the Free State widening and accelerating the scope of transformation strategic plan: 2018-2022' (2018) at 2, available at *https://www.ufs.ac.za/about-the-ufs/ufs-in-focus/vision-and-goals*, accessed on 3 March 2021; CHE op cit note 127.

982 See, for example, CHE op cit note 127.

983 UFS op cit note 979 at 2.

perceptions of their groups with the other groups. Groups provided a summary of their discussions on sheets of flipchart paper posted on the walls of the venue.

On the afternoon of 18 August 2016, attendees reflected on the group feedback. Attendees critiqued and refined the strengths, weaknesses, threats, and weaknesses identified on the flipchart paper. The SWOT analysis was of value to staff members. For example, questionnaire participant 10 in the main study reported: 'It is always important from a strategic planning point of view to determine the boundaries of the project. The SWOT analysis was a handy tool to focus on what needed to be done and in what manner'.

The Dean divided attendees into four breakaway groups and requested the groups to formulate a picture or vision of where they saw the Faculty in five years (PO A4).[984] Groups again recorded their feedback on flipchart paper which was pasted on the walls of the venue. After sharing the information mentioned above during a plenary session, the Dean extracted commonalities from the visions of the different groups. During a lively debate, key aspects of the envisaged vision and mission statements (see section 4.2) were identified according to unifying and common themes.

The Dean used the key aspects suggested by attendees of the first strategic planning workshop to draft the vision and mission statements of the Faculty. She presented these statements to attendees on the first day of the second strategic planning workshop (22 May 2017). She invited all attendees to suggest changes to the formulation of these. Questionnaire participant 10 reported: '[a]lthough time was very tight, we did manage to discuss and form a coherent vision and mission.'

Thereafter, the Dean asked a critical question: 'What pressing problems does the Faculty face if it wants to move from the position described by the SWOT analysis to realising the formulated vision?' Following a lively debate, attendees agreed on four core topics that required attention. The LLB curriculum emerged as one of the core issues.[985] The Dean divided attendees into four groups and requested each group to provide potential action plans

984 Also see Brătianu & Bălănescu op cit note 653 at 20.

985 UFS *Faculty of Law Strategic Plan 2017-2021* (2017) at 12-14. A copy of the strategic plan is available from the researcher. Other problems related to research and postgraduate studies, community service and diversity.

for each of these core issues. Groups provided feedback during a plenary session, and attendees were requested to comment on the identified action plans.

To save time, the Dean and I considered the input from attendees and refined the proposed action plans. A week before the third strategic planning workshop, the Dean circulated the first draft of the strategic plan via email to all academics for input. She incorporated the feedback into the second draft of the strategic plan. On the first day of the third strategic planning workshop, she presented the second draft of the strategic plan that incorporated the feedback she had received via email. Again, attendees provided input on the revised draft of the strategic plan. Minor changes were made.

The Faculty Board unanimously approved the final version of the strategic plan during a special Faculty Board meeting on 28 September 2017. It provided evidence that staff members supported the vision, mission, and LLB curriculum change objective and action plans of the strategic plan (see PO A4).

The strategic plan formulated the vision of the Faculty as follows:[986]

> [T]o provide broad access to academically excellent, relevant, innovative, and research-led undergraduate and postgraduate legal programmes that place transformative constitutionalism and social justice at the core of a regionally and nationally relevant and globally competitive and responsive curriculum.

The mission statement confirmed, among others, the Faculty's commitment to curriculum development:[987]

> To develop context-sensitive, globally competitive undergraduate and postgraduate programmes and short learning programmes tailored to address the needs of the local community, the province and the Southern African region, which will enable our graduates to make a meaningful contribution regionally, nationally and internationally.

986 Ibid at 1.
987 Ibid at 1-2.

The strategic plans set out the LLB curriculum change strategy as follows:[988]

> Develop a new LLB curriculum to align with the newly published LLB National Qualification Standard and to address the needs of the current South African legal context. This curriculum will ensure that students acquire the knowledge, skills and graduate attributes necessary for the modern legal context.

Progress with implementing the Faculty's strategic plan was monitored (PO A5) at workshops on 17 March 2020, 19 March 2021 and 17 March 2022. Furthermore, the Faculty is currently engaged in discussions to revise the strategic plan for the next five-year cycle.

The strategic planning model employed in the study incorporated elements of Dolence's model[989] and can be described as inclusive and pragmatic. There were multiple opportunities for academics to participate and review the elements of the draft strategic plan. Although the process contributed to staff members supporting the strategic plan (PO A4), I found the strategic planning process extremely time-consuming.[990] It took more than a year from initiating to eventually approving the strategic plan on 28 September 2017.

PO A1 to A5 focus on the development of a new strategic plan. Similarly, the discussion above evaluated the process followed by the Faculty to develop a new strategic plan. However, other faculties may have existing strategic plans in place. These faculties may save time by deciding to change or add the objectives and strategies relating to the curriculum change in their existing strategic plans. I explain in sections 7.2.3.1 and 7.2.3.2 how the POs of the Draft CCMM were adapted to make provision for such faculties.

The second connected phase of the Draft LLB CCMM involves curriculum change management. The following section sheds light on the evaluation of the POs related to this process.

## 6.3 EVALUATING THE CURRICULUM CHANGE MANAGEMENT PROCESS

The curriculum change management process is depicted in Figure 6.2. This Figure is an extract of the middle circle of the conceptual framework for the curriculum change process in Figure 4.4. Figure 6.2 shows the five interlinked and three continuous change management

988 Ibid at 3.
989 Dolence op cit note 629.
990 Also see David P Tegarden, Steven D Sheetz & David Henderson 'Strategic planning in an accounting department using causal maps and cognitive factions' (2010) 19 *Accounting Education* at 473.

functions of the curriculum change management process. This section evaluates, as described in sections 5.3.2, the POs of the Draft LLB CCMM related to the curriculum change management process in Annexure 1.

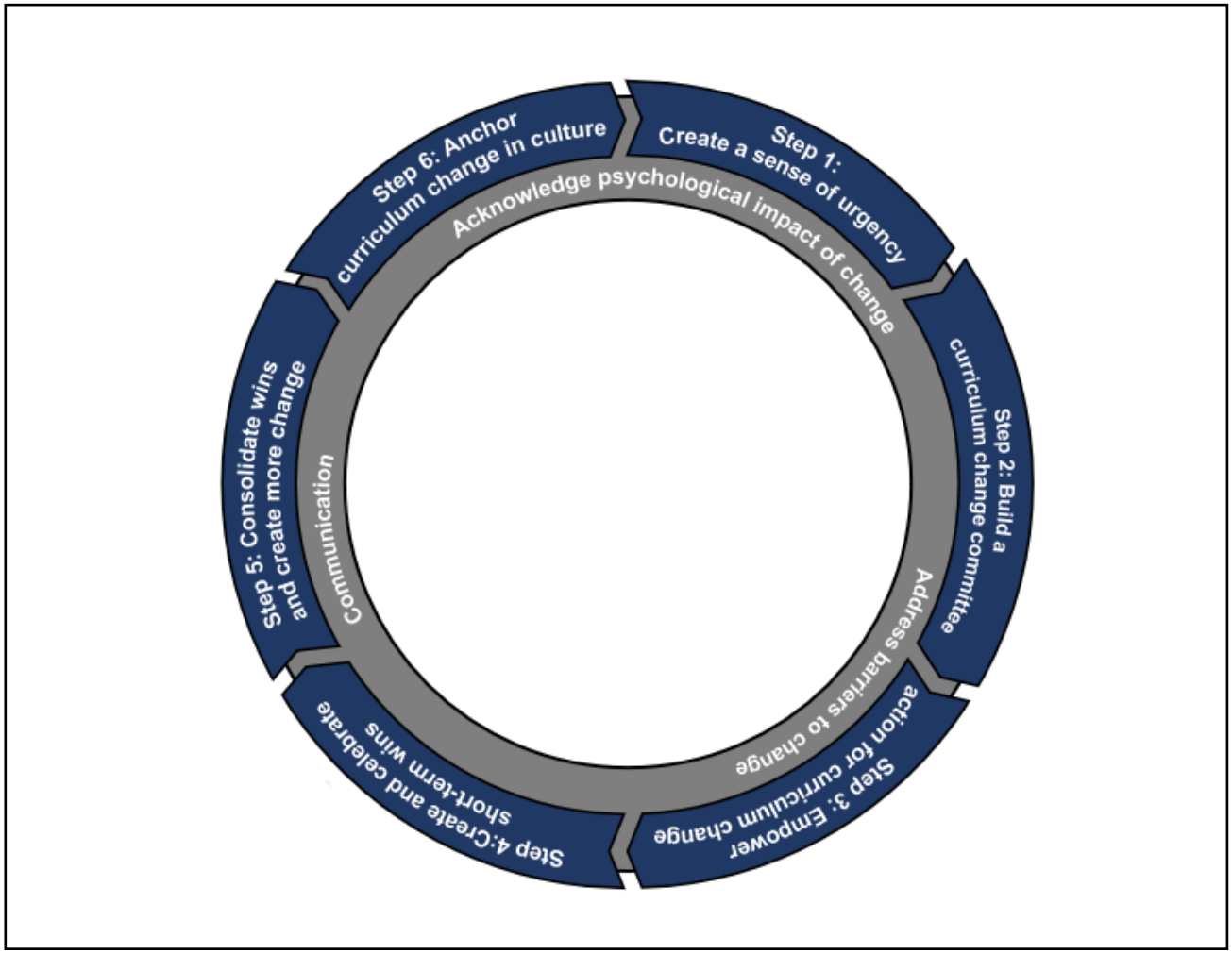


**Figure 6.2: The curriculum change management process**

### 6.3.1 The interlinked change management functions

The following sections focus on the evaluation of the 40 POs (B1 to B40) related to the following six interlinked change management functions: (i) creating a sense of urgency to change the curriculum, (ii) building a CCC that works effectively as a team, (iii) empowering academic staff members for curriculum change; (iv) creating and celebrating short-term wins/milestones, (v) consolidating wins/milestones and creating more changes in the Faculty, and (vi) anchoring curriculum change in the Faculty's systems, practices, and organisational culture. Creating a sense of urgency to change the curriculum

6.3.1.1 Creating a sense of urgency to change the curriculum

Table 6.2 summarises the quantitative results for the six POs related to creating a sense of urgency to change the curriculum.

**Table 6.2: Descriptive statistics of the importance and compliance scores for the POs related to creating a sense of urgency to change the curriculum**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequencies | | | | | Percentages | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| B1 | The Dean and CCL created a sense of urgency to change the LLB curriculum. | I | 0 | 2 | 2 | 14 | 10 | 0 | 7 | 7 | 50 | 36 | 4 | 4 |
| | | C | 0 | 3 | 5 | 10 | 10 | 0 | 11 | 18 | 36 | 36 | 4&5 | 4 |
| B2 | The CCL provided evidence from the media and scholarly and non-scholarly articles on why and how the LLB curriculum had to change. | I | 0 | 3 | 9 | 7 | 9 | 0 | 11 | 32 | 25 | 32 | 5 | 4 |
| | | C | 1 | 2 | 9 | 6 | 10 | 4 | 7 | 32 | 21 | 36 | 5 | 4 |
| B3 | The CCL used the feedback from focus group discussions held with members of staff, students, alumni, and employers to demonstrate why and how the LLB curriculum had to change. | I | 0 | 0 | 2 | 16 | 10 | 0 | 0 | 7 | 57 | 36 | 4 | 4 |
| | | C | 0 | 0 | 3 | 17 | 8 | 0 | 0 | 11 | 61 | 29 | 4 | 4 |
| B4 | The CCL used the self-evaluation report and the *Report on the External Institutional Review of the UFS LLB* (2016) to motivate why and how the LLB curriculum had to change. | I | 0 | 0 | 2 | 14 | 12 | 0 | 0 | 7 | 50 | 43 | 5 | 4 |
| | | C | 0 | 2 | 5 | 10 | 11 | 0 | 7 | 18 | 36 | 39 | 5 | 4 |
| B5 | The CCL used the self-evaluation report, *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017* and the *Report on the National Review of the LLB* to motivate why and how the LLB curriculum had to change. | I | 0 | 1 | 2 | 9 | 16 | 0 | 4 | 7 | 32 | 57 | 5 | 5 |
| | | C | 0 | 1 | 3 | 7 | 17 | 0 | 4 | 11 | 25 | 61 | 5 | 5 |
| B6 | The Dean and CCL provided compelling evidence of why and how the LLB curriculum had to change. | I | 0 | 0 | 3 | 11 | 14 | 0 | 0 | 11 | 39 | 50 | 5 | 4.5 |
| | | C | 0 | 1 | 4 | 9 | 14 | 0 | 4 | 14 | 32 | 50 | 5 | 4.5 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

*(i) Importance*

The literature review in section 4.3.1 supports the findings on the importance of the POs for creating a sense of urgency. None of the respondents rated the importance of B1 to B6 at one. POs B1 to B6 obtained mode and median importance scores of four and more, which secured their inclusion into the Final LLB CCMM in Annexure 11. However, one could argue that PO B5 is no longer relevant since the National Review of the LLB ended in 2018. This issue is addressed in Table 7.1 and led to the combination of PO B2 and B5 into a single PO (see PO 2.1.1.1 in Annexure 11). Also, the external institutional review in PO B6 can be criticised for being institution-specific, labour-intensive, costly and time-consuming. In section

7.2.3.3, I underscore the importance of an external institutional review and adapt PO B5 to be generalised to other faculties in South Africa (see PO 2.1.1.3 in Annexure 11).

*(ii) Compliance*

Creating a sense of urgency to change the curriculum (PO B1) met the minimum mode and median compliance scores of four. Interestingly, bimodal scores of four and five were reported for PO B1 in terms of compliance. In other words, not only one value scored the most frequencies. Two values (four and five) scored the highest frequencies for PO B1 in terms of compliance. No mode and median compliance scores were lower than four for any PO related to creating a sense of urgency. Consequently, the initiatives and practices that I implemented during the curriculum change process were sufficient and of value for the curriculum change process. The following sections elaborate on the initiatives and practices that contributed to achieving the required mode and median compliance scores.

Academics were well aware and frequently had conversations about the articles in the media and scholarly and non-scholarly journals about the poor quality of graduates since the introduction of the four-year LLB in 1998 (PO B2).[991] I encouraged conversations on this topic. Furthermore, I intentionally shared scholarly articles on legal education, curriculum development and innovative teaching, learning, and assessment practices with academic staff members.[992]

I elaborated in section 2.4.1.2 on the 12 informal focus group discussions I had conducted with academics, students, graduates and employers from January to May 2015. These discussions focused on the strengths of the current LLB curriculum, and focus group members made recommendations for addressing the weaknesses in the curriculum. Compiling a report on the findings and sharing it with the Faculty Board (PO B3) played a pivotal role in the Faculty Board's decision on 21 April 2015 to phase out the existing LLB programme and replace it with a newly developed LLB.

991 Also see section 2.3.2

992 Examples of scholarly articles circulated include Greenbaum op cit note 256; Quinot op cit note 313; Campbell op cit note 172; Quinot & Greenbaum op cit note 290.

Furthermore, during the curriculum change process, I frequently referred back to the strengths of the old curriculum that we had to maintain in the new LLB curriculum and the recommendations for addressing the weaknesses. Providing feedback to academic staff members was of value. For example, questionnaire participant 17 wrote that this led to a 'link between the offering and what the market needs.' Questionnaire participant 17 stated that '[i]nteresting comments made and raised were shared in [the curriculum leader's] reporting to staff'.

The urgency to change the LLB was also reinforced by academic staff members participating in drafting the self-evaluation reports for the External Institutional Review of the UFS LLB[993] (PO B4) and the National Review of the LLB[994] (PO B5) in 2016. As mentioned in section 6.3.1.1 (i), sections 7.2.1 and 7.2.2.2 address the application of these POs in the Final CCMM. Academic staff members were requested to nominate experts to serve on the External Institutional Review Panel of the UFS LLB to enhance the credibility of the evaluation. In preparation for drafting the first review's self-evaluation report, I conducted informal discussions of three hours each with the three departments in the Faculty. I included academic staff members in writing the self-evaluation report and circulated it three times for their input.

During the informal discussions, I immediately sensed that academic staff members were not complacent with the old LLB and were ready to challenge the status quo. In the discussions, their willingness to change and critique the LLB curriculum sometimes overshadowed the positive aspects of the old LLB curriculum. Academic staff members were generally hesitant to acknowledge or praise noteworthy features or merits of the LLB curriculum. Arguably, this could indicate that some academic staff members have lost faith in the old LLB. On 8 April 2016, the Faculty received the *Report on the External Institutional Review of the UFS LLB,* which confirmed the lack of recognition for the Faculty's successes: 'While the report engages in frank self-reflection and critique, it often does not highlight a significant number of the Faculty's achievements.'[995]

---

993 See section 2.4.2. The
994 See section 2.3.3.3.
995 UFS op cit note 89 at 1. An electronic copy of the report is available from the researcher.

I used the self-evaluation report mentioned above and the findings in the *Report on the External Institutional Review of the UFS LLB*,[996] to draft the self-evaluation report for the National Review of the LLB in April 2016. I requested staff members to provide input on the draft self-evaluation report via email. At the Faculty Board of 11 May 2016, the final self-evaluation report was accepted for submission to the CHE. The HEQC review panel conducted the site visit from 20 to 22 September 2016.

On 17 April 2017, the HEQC informed the Vice-Rector: Academic that it had put the UFS LLB on notice of withdrawal of accreditation due to the Faculty Board's decision to replace its LLB with a newly developed one (see section 2.4). The Faculty had no other choice but to develop a new curriculum. Therefore, the mode and median compliance scores of five for PO B5 came as no surprise. The words of Kotter held true: 'the status quo seem[ed] more dangerous than launching into the unknown'.[997]

Throughout the curriculum change process, the Dean and I referred to the major effect of the *LLB Qualification Standard* on developing a new LLB curriculum. Research has shown that new accreditation standards,[998] such as the *LLB Qualification Standard*, contribute to intensifying the urgency to change a curriculum.

The discussion above demonstrates that various factors contributed to the Faculty not being complacent with the situation prior to the curriculum change. Continuously providing academic staff members with compelling evidence as to why the LLB curriculum had to change (PO B6) played a significant role in creating a sense of urgency. Therefore, I did not experience the dismantling of the status quo and the creation of a sense of urgency as a 'catharsis'.[999] It was clear that curriculum change was urgent.

---

996 Ibid.

997 Kotter op cit note 791 at 98.

998 McCann, Babler & Cohen op cit note 714 at 197; Des Marchais & Bordage op cit note 714 at 494; Hubball & Burt op cit note 708 at 58; Kitzes et al op cit note 708 at 438.

999 Kurt Lewin 'Frontiers in group dynamics: Concept, method and reality in social science' (1947) 1 *Human Relations* at 35.

6.3.1.2 Building a curriculum change committee (CCC) that works effectively as a team

Creating a sense of urgency to change the curriculum and building a CCC occurred simultaneously. This observation aligned with Kotter's statement that several of the steps of his CMM could happen simultaneously (see section 4.3). I realised from the outset that I would not be able to accomplish change independently and that all LLB academic staff members of the Faculty had to work effectively as a team to ensure successful curriculum change. In contrast to including all Faculty staff members in the strategic planning process, academics who were not involved in teaching of the LLB were excluded from being members of the CCC. Table 6.3 summarises the quantitative results for the eight POs (B7 to B14) dealing with building a CCC that works effectively as a team

**Table 6.3: Descriptive statistics of the importance and compliance scores for the POs related to building a CCC that works effectively as a team**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequency | | | | | Percentage | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| B7 | Staff members worked effectively as a team during the LLB curriculum change process. | I | 1 | 0 | 0 | 10 | 17 | 4 | 0 | 0 | 36 | 61 | 5 | 5 |
| | | C | 2 | 1 | 7 | 11 | 7 | 7 | 4 | 25 | 39 | 25 | 4 | 4 |
| B8 | In terms of the institution's human resources policies, faculty management appointed a CCL who demonstrated the leadership skills required to lead the LLB curriculum change process. | I | 0 | 0 | 1 | 10 | 17 | 0 | 0 | 4 | 36 | 61 | 5 | 5 |
| | | C | 0 | 0 | 5 | 13 | 10 | 0 | 0 | 18 | 46 | 36 | 4 | 4 |
| B9 | The CCL displayed sufficient curriculum change knowledge. | I | 0 | 0 | 1 | 4 | 23 | 0 | 0 | 4 | 14 | 82 | 5 | 5 |
| | | C | 0 | 0 | 2 | 10 | 16 | 0 | 0 | 7 | 36 | 57 | 5 | 5 |
| B10 | The CCL continuously and effectively managed group dynamics and interactions during the curriculum change process. | I | 0 | 0 | 3 | 16 | 9 | 0 | 0 | 11 | 57 | 32 | 4 | 4 |
| | | C | 0 | 3 | 5 | 13 | 7 | 0 | 11 | 18 | 46 | 25 | 4 | 4 |
| B11 | The CCL carried out the LLB curriculum change process with trust. | I | 0 | 0 | 1 | 11 | 16 | 0 | 0 | 4 | 39 | 57 | 5 | 5 |
| | | C | 0 | 1 | 5 | 12 | 10 | 0 | 4 | 18 | 43 | 36 | 4 | 4 |
| B12 | The CCL ensured that staff members knew where they fitted into the LLB curriculum change process. | I | 0 | 0 | 2 | 10 | 16 | 0 | 0 | 7 | 36 | 57 | 5 | 5 |
| | | C | 1 | 2 | 4 | 12 | 9 | 4 | 7 | 14 | 43 | 32 | 4 | 4 |
| B13 | The CCL ensured that staff members knew the activities they had to perform during the curriculum change process | I | 1 | 0 | 0 | 10 | 17 | 4 | 0 | 0 | 36 | 61 | 5 | 5 |
| | | C | 1 | 0 | 4 | 12 | 11 | 4 | 0 | 14 | 43 | 39 | 4 | 4 |
| B14 | The CCL ensured that staff members were aware of the timeframes for the different activities of the LLB curriculum change process. | I | 0 | 0 | 0 | 13 | 15 | 0 | 0 | 0 | 46 | 54 | 5 | 5 |
| | | C | 0 | 0 | 4 | 13 | 11 | 0 | 0 | 14 | 46 | 39 | 4 | 4 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

*(i) Importance*

Table 6.3 shows that only PO B10 did not obtain a mode and median importance score of five. This PO achieved mode and median importance scores of four. Consequently, all eight POs had to be included in the Final LLB CCMM. The mode and median importance scores for all eight POs in Table 6.3 align with the literature's emphasis on the role of building a CCC[1000] that works effectively as a team during the curriculum change process (see section 4.3.2).

*(ii) Compliance*

Table 6.3 reflects that all POs related to building a CCC achieved mode and median compliance scores of four and five. Consequently, the initiatives and practices implemented during the curriculum change process were deemed sufficient and of value for the curriculum change process.

I believe curriculum change should be an open and inclusive process and not a closed process administered by a select few.[1001] I, therefore, intentionally included all LLB academics and the Dean in the CCC. A committee of this size may seem unwieldy. However, a study about changing a curriculum by Haas et al, used a CCC of 25 members.[1002] Similarly, Dwyer included all faculty members in a study that aimed to transform the core curriculum at Wesley College.[1003]

Teamworking and including all academics in the CCC contributed to successful curriculum change and enhanced the collegiality in the Faculty. For example, questionnaire participant 2 in the main study stated: 'I feel that I benefitted immensely from working more closely with certain colleagues that I would not have done otherwise.' Furthermore, including all academics prevented some staff members from feeling alienated. It also contributed to the CCC meeting Kotter's core characteristics for effective guiding coalitions (see section 4.3.2). The CCC included members of staff with sufficient position power, namely the Dean and

1000 A guiding coalition and CCC are, for the purposes of this study, regarded as synonymous.
1001 Also see Hubball & Burt op cit note 708 at 55.
1002 Haas et al op cit note 63 at 66.
1003 Dwyer op cit note 31 at 51. Also see De la Harpe & Thomas op cit note 60 at 78.

Department Heads. It also comprised academics with different viewpoints on the LLB curriculum, credible academics with good reputations and the necessary skills to support and deal effectively with curriculum change, faculty innovators and some voices opposing curriculum change. The CCC also included staff members with different academic positions in the Faculty. See Table 5.1 for a summary of the demographics of 28 of the 29 academic staff members included in the CCC.

I believe that my position as Vice-Dean, my experience in various other leadership positions,[1004] and my extensive experience in HE[1005] contributed to academic staff members perceiving me as having the necessary leadership skills to successfully facilitate the curriculum change process (PO B8). The following qualitative feedback from questionnaire participant 8 confirmed my leadership skills for the task at hand: 'Everyone was behind the Vice-Dean leading the process.[1006] 'He displayed great leadership skills'[1007] and '[t]he process was driven well.'[1008]

I am confident that my previous engagement with curriculum change projects, my interest in curriculum change and my former position as Programme Director: Teaching and Learning (see section 1.7) enabled me to acquire sufficient curriculum change knowledge (PO B9). For example, questionnaire participant 10 stated: 'Dr Moolman made sure he knew about the latest developments and what was needed'. Furthermore, the focus group identified my knowledge of curriculum change as one of the major strengths of the curriculum change process (see section 6.4.5).

I aimed to manage group dynamics through leadership,[1009] effective communication,[1010] conflict management[1011] and creating trust (PO B11).[1012] Furthermore, I made an effort to ensure that all meetings and workshops were thoughtful, engaging and well-prepared.

---

1004 Also see in this regard Hubball et al op cit note 32 at 99.
1005 Also see in this regard Eunsook Hyun *Teachable Moments: Re-conceptualizing Curricula Understandings, Studies in the Postmodern Theory of Education* (2006).
1006 Participant 28.
1007 Participant 8.
1008 Participant 21.
1009 See PO B8 in Table 6.3 and section 6.5.2.
1010 See POs C1 and C2 in Table 6.8.
1011 See PO C3 in Table 6.8.
1012 See PO B11 in Table 6.3.

Although I valued the views and input from academic staff members, my interaction with academics at these events remained focused and disciplined.

Numerous aspects could have contributed to participants' trust in my leading the curriculum change. These aspects include, for example, my knowledge and experience in curriculum change[1013] and including all academic staff members in the curriculum change process.[1014] I also encouraged open communication,[1015] and every academic staff member had the opportunity to participate in the decision-making process. Consequently, the focus group in the main study identified the consultative and inclusive nature of the curriculum change process as one of its major strengths.[1016] Numerous opportunities for input from stakeholders were available, and I made an effort to make them feel valued for their expertise and views. The off-site strategic planning workshops, as suggested by Farris,[1017] also contributed to building trust.

Leading the change management process with trust had specific benefits for the unfolding of the study. I experienced that academic staff members fostered positive feelings towards the curriculum change, showed minimal resistance to change[1018] and went the extra mile to achieve successful curriculum change.[1019] Questionnaire participant 22, for example, stated that the curriculum change 'actually became a positive experience'. Furthermore, the focus group in section 6.4.5 identified the mobilisation of academic staff members and the creation of organisational energy as a major strength of the curriculum change process.[1020]

However, the way in which I led the curriculum change process was not free from criticism. For example, questionnaire participant 4 stated that I should have appointed a CCC with a few senior academics to lead the curriculum change process. I also could have relied more on university structures for support. In the same vein, questionnaire participant 10 expressed her concern that the curriculum change process depended too much on a single person. I

1013 See PO B8 in Table 6.3 and section 6.5.2.
1014 See PO B8 in Table 6.3.
1015 See PO C3 in Table 6.8.
1016 See section 6.5.1.
1017 Farris et al op cit note 647 at 5.
1018 See section 6.3.2
1019 Also see Yusuf Cerit 'Trust and extra effort implementing curriculum reform: The mediating effects of collaboration' (2013) 22 *The Asia-Pacific Education Researcher* at 252.
1020 See section 6.4.5.

also explain in section 7.2.2 the fatigue and emotional stress I experienced during the curriculum change process.

In hindsight, I would recommend appointing an executive CCC (hereafter ECCC) that meets specific criteria. One should also take into account that the number of LLB academics at the Faculty is small when compared to other faculties. Including all LLB lecturers into the CCC may be impracticable. Also, some staff members may be unwilling to assist.

Considering the above, the recommended practices for complying with PO 2.1.2.1 of the Final LLB CCMM suggest the appointment of an ECCC in addition to either a CCC of all LLB academics, or a smaller CCC (see section 7.2.2). Should an ECCC be appointed, the duties of the CCL ought to apply, mutatis mutandis, to members of the ECCC.

Building a strong CCC required me to ensure that academics knew where they fitted into the LLB curriculum change process, the activities they had to perform and the timelines for these activities. I performed a critical path analysis as described in section 4.3.2. It entailed identifying specific milestones or 'short-term wins' that we had to accomplish (see section 6.3.1.4). I allocated academics and specific timeframes to these milestones in an implementation plan.[1021] The implementation plan was not cast in stone. I often had to amend it to meet new challenges or demands. In addition, I reminded academics well in advance at meetings or via email of the activities they were responsible for and their due dates. Two questionnaire participants[1022] confirmed the approach's success. For example, questionnaire participant 8 reflected: 'I was impressed because there were clear guidelines and guidance throughout the process'. Furthermore, the focus group in section 6.4.3 identified the setting of clear timelines and academic staff members knowing what was expected of them as one of the top five strengths of the curriculum change process.

Despite the positive feedback about setting timelines for the different activities, four questionnaire participants reported concerns about the short timeframes for completing tasks.[1023] For example, the short time frames caused questionnaire participant 4 to sometimes feel 'rushed and uncertain about the process'. Questionnaire participant 10

1021 Also see in this regard McKimm & Jones op cit note 24 at 523-524.
1022 Participants 8 and 9
1023 Participants 4, 6, 10 and 22.

stated: ‘The timeframes were completely inadequate for such a huge overhaul. … Due to the time constraints and heavy workload, the consultation processes were sometimes rushed, and not enough time for discussion and dialogue and consideration was allowed’. The focus group in section 6.5.1 also considered the short timelines for completing tasks as a major weakness of the adopted curriculum change process.

It was not only the short timeframes that concerned participants. Questionnaire participant 17 was concerned about the time required to complete the change process:

> I could gather that the management is eager to re-curriculate, (and rightly so) but I did not personally experience the same excitement about the process. I understood that it was necessary but I felt that due to other pressures in the work environment that the process takes up too much time.

Building a CCC that works effectively as a team was not enough for a successful curriculum change. Academic staff members also had to be empowered for the curriculum change.

#### 6.3.1.3 Empowering academic staff members for curriculum change

Table 6.4 summarises the quantitative results for the 11 POs (B15 to B25) related to empowering academic staff members for curriculum change. These results are interpreted and discussed in the following sections.

**Table 6.4: Descriptive statistics of the importance and compliance scores for the POs related to empowering academics for curriculum change**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequencies | | | | | Percentages | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| B15 | Staff members were empowered for the LLB curriculum change. | I | 1 | 1 | 4 | 12 | 10 | 4 | 4 | 14 | 43 | 36 | 4 | 4 |
| | | C | 2 | 2 | 9 | 11 | 4 | 7 | 7 | 32 | 39 | 14 | 4 | 4 |
| B16 | The Dean and CCL assisted staff members in believing and feeling that change was possible. | I | 0 | 0 | 1 | 15 | 12 | 0 | 0 | 4 | 54 | 43 | 4 | 4 |
| | | C | 0 | 2 | 7 | 15 | 4 | 0 | 7 | 25 | 54 | 14 | 4 | 4 |
| B17 | The CCL ensured that staff members. were familiar with the theoretical underpinnings of curriculum design (e.g., constructive alignment, the NQF, NQF levels, level descriptors, notional hours, and credits). | I | 0 | 0 | 3 | 9 | 16 | 0 | 0 | 11 | 32 | 57 | 5 | 5 |
| | | C | 0 | 0 | 5 | 13 | 10 | 0 | 0 | 18 | 46 | 36 | 5 | 4 |
| B18 | The CCL ensured that staff members were familiar with the *LLB Qualification Standard* and the graduate attributes it requires to be developed in LLB students. | I | 0 | 1 | 2 | 7 | 18 | 0 | 4 | 7 | 25 | 64 | 5 | 5 |
| | | C | 0 | 1 | 7 | 9 | 11 | 0 | 4 | 25 | 32 | 39 | 5 | 4 |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| B19 | The CCL ensured that staff members were empowered to introduce the LLB curriculum imperatives (e.g., transformative constitutionalism, decolonisation, globalisation and internationalisation, and the fourth industrial revolution) into the new modules of the LLB curriculum. | I | 0 | 3 | 3 | 10 | 12 | 0 | 11 | 11 | 36 | 43 | 5 | 4 |
| | | C | 1 | 5 | 3 | 13 | 6 | 4 | 18 | 11 | 46 | 21 | 4 | 4 |
| B20 | The CCL ensured that staff members were empowered to introduce innovative teaching and learning practices in the modules of the new LLB curriculum. | I | 0 | 1 | 3 | 12 | 12 | 0 | 4 | 11 | 43 | 43 | 5 | 4 |
| | | C | 0 | 3 | 6 | 14 | 5 | 0 | 11 | 21 | 50 | 18 | 5 | 4 |
| B21 | The CCL ensured that staff members were empowered to introduce innovative assessment practices in the modules of the new LLB curriculum. | I | 0 | 1 | 5 | 12 | 10 | 0 | 4 | 18 | 43 | 36 | 4 | 4 |
| | | C | 0 | 2 | 7 | 13 | 6 | 0 | 7 | 25 | 46 | 21 | 4 | 4 |
| B22 | Showcasing Faculty innovators' work inspired and encouraged staff members to incorporate innovative teaching, learning and assessment practices into the module(s) for which they were responsible. | I | 2 | 1 | 6 | 13 | 6 | 7 | 4 | 21 | 46 | 21 | 4 | 4 |
| | | C | 1 | 5 | 8 | 12 | 2 | 4 | 18 | 29 | 43 | 7 | 4 | 3.5 |
| B23 | Staff members received information and training on writing learning outcomes, so as to empower them to write meaningful outcomes for the LLB modules for which they were responsible. | I | 0 | 0 | 4 | 12 | 12 | 0 | 0 | 14 | 43 | 43 | 4 | 4 |
| | | C | 1 | 3 | 7 | 10 | 7 | 4 | 11 | 25 | 36 | 25 | 4 | 4 |
| B24 | The CCL assisted staff members in writing meaningful module outcomes and provided constructive feedback on the draft learning outcomes presented to him/her for input. | I | 0 | 0 | 3 | 13 | 12 | 0 | 0 | 11 | 46 | 43 | 4 | 4 |
| | | C | 1 | 0 | 4 | 12 | 11 | 4 | 0 | 14 | 43 | 39 | 4 | 4 |
| B25 | The CCL provided staff members with the LLB learning outcomes of other South African universities, which assisted them in writing learning outcomes for the modules for which they were responsible. | I | 3 | 2 | 6 | 10 | 7 | 11 | 7 | 21 | 36 | 25 | 4 | 4 |
| | | C | 4 | 6 | 4 | 8 | 6 | 14 | 21 | 14 | 29 | 21 | 4 | 3.5 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

*(i) Importance*

PO B15 deals specifically with empowering academic staff members for curriculum change. Table 6.4 shows that this PO obtained mode and median importance scores of four. Furthermore, a total of 22 (79 per cent) of the 28 respondents regarded the outline as important (n=12; 43 per cent) and very important (n=10; 36 per cent). All the other POs obtained mode and median scores of either four or five. Consequently, all eleven POs had to be included in the Final LLB CCMM (see Annexure 11). This finding is consistent with the literature review in section 4.3.5. The following section sheds light on the initiatives and practices implemented to comply with POs B15 to B25.

*(ii) Compliance*

Table 6.4 indicates that only POs B22 and B25 did not obtain mode and median compliance scores of four or five.[1024] The mode and median compliance scores of four and five imply that the initiatives and practices employed to comply with the other outlines were deemed

[1024] Median and mode compliance scores of 3.5 were achieved.

sufficient and of value. However, as discussed below, more could have been done to comply with POs B22 and B25.

I employed various initiatives to empower staff members for curriculum change: (i) deliberations at the three strategic planning workshops, (ii) discussions at Faculty Board and other meetings, (iii) faculty innovators sharing how they had incorporated the curriculum imperatives and innovative teaching, learning and assessment into their modules (iv) training on innovative teaching, learning and assessment provided by the UFS Centre for Teaching and Learning, (v) training by the UFS Centre for Institutional Research and Planning, to provide support on the drafting of learning outcomes; and (vi) establishing a community of learning called 'Learning in Law'. These initiatives were of value to academics. The HEQC *Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017* commended the Faculty's commitment to developing and empowering its staff. It specifically mentioned that academic staff members appreciated my effort, dedication, and initiatives as the Faculty Teaching and Learning Manager. The discussion below elaborates on how I integrated the above-mentioned initiatives to empower staff members for change.

From the outset, the Dean and I aimed to convince academics that curriculum change was essential and attainable (PO B16). We did our best to 'sell' the idea of curriculum change to academics. Although I led the curriculum change process, the Dean attended all curriculum change meetings and strategic planning workshops. She did not actively participate in curriculum change meetings, yet she attended all curriculum change gatherings and continuously showed her interest and support for the curriculum change process. At the focus group discussion in the main study, participant 7 observed the following: 'We were fortunate that our Dean drove the process as well and that she was involved in the process … and driving the process and that kind of forced the Faculty to become involved'.

Consistent with the literature,[1025] I soon realised that most academics were intimidated by curriculum theory and jargon. I was aware that this could have prevented them from participating in curriculum change debates and discussions. In an attempt to familiarise academic staff members with the theoretical underpinnings of curriculum design (PO B17), I

[1025] Stella Lowry 'Strategies for implementing curriculum change' (1992) 305 *Medical Education* at 1482; McLeod & Steinert op cit note 732 at 234.

facilitated an information session on the second day of the second strategic planning workshop, 23 May 2017. The session focused on the philosophical foundations of constructive alignment, the NQF, NQF levels, level descriptors, notional hours, and credits. I aimed to present the information in as user-friendly a manner as possible, to assist attendees in understanding the concepts behind the jargon.

The qualitative feedback on the questionnaire of the main study confirmed that academic staff members felt empowered to contribute to the LLB curriculum change (PO B15). For example, questionnaire participant 20 stated: 'I learnt a lot about curriculum development'. Questionnaire participant 21 reflected: 'Aspects like graduate attributes, NQF, outcomes and constructive alignment were foreign concepts to me. Now I understand how the building blocks fit into each other'. Questionnaire participant 4 experienced her involvement in the curriculum change process as an opportunity for personal development: 'Working under pressure, receiving training, and being forced to think differently, translated into personal growth and, possibly professional growth'.

Due to time constraints, I did not expect academics to have in-depth knowledge of the theoretical underpinnings of curriculum design. However, this approach may have led to academics not fully understanding how policies and curriculum theory informed the LLB curriculum change. At the focus group of the main study, questionnaire participant 4, for example, acknowledged this limitation:

> When I developed my modules for the new curriculum, I relied on information that I had received during the re-curriculation process. At the time, I did not read the policy documents and reviews thoroughly. I have read those documents in the meantime. Now, while preparing for the phasing-in of the new modules, I understand the imperatives and need for change much better now than I did at the time. I was relying on summaries and guiding principles provided without knowing and understanding the full picture.

Section 2.3.3.2 elaborated, among other factors, on the importance and implications of the *LLB Qualification Standard* on curriculum change. Numerous opportunities were created for academic staff members to become acquainted with the *LLB Qualification Standard* and the graduate attributes required of students completing the degree (POB18). The first discussions on the *LLB Qualification Standard* occurred during the Faculty Board meeting on 18 February 2015. Academics again reflected on the implications of the *LLB Qualification*

*Standard* for the LLB curriculum while drafting the self-evaluation reports for the External Institutional Review of the UFS LLB in February 2016 and the National Review of the LLB in April of the same year. Discussing the review teams' reports at departmental and Faculty Board meetings provided even more opportunities for contemplating the role of the *LLB Qualification Standard* in developing a new LLB curriculum.

Furthermore, I facilitated an information session on the *LLB Qualification Standard* and its implications for the LLB curriculum on the second day of the second strategic planning workshop (23 May 2017). The *LLB Qualification Standard* was again a focal point when academic staff members mapped the curriculum imperatives and graduate attributes across different years of study and modules of the new LLB curriculum from 17 to 18 August 2017 (see section 6.4).

On 17 August 2016, the first strategic planning workshop commenced with presentations from experts from the UFS and other universities, on important LLB curriculum imperatives. Their presentations focused on the implications of globalisation and internationalisation, decolonisation, transformative constitutionalism and the fourth industrial revolution for the LLB curriculum (PO B19). I addressed the effect of these imperatives on LLB curriculum development in section 2.3.3.2.

After the experts' presentations, four faculty innovators provided practical examples of how they responded to these curriculum imperatives in their modules. In this regard, I invited all academics via email about three weeks before the strategic planning workshop to share their experiences about incorporating curriculum imperatives into their modules with attendees. However, no academics responded, and I had to recruit four academics/faculty innovators in person. As the Programme Director: Teaching and Learning (2012 to 2018), Programme Director: LLB (2013 to 2018) and leader of the Learning in Law project (see discussion below), I was well aware of academics who had successfully incorporated one or more of the curriculum imperatives into their modules. All four academics whom I approached agreed to share their experiences with attendees at the strategic planning workshop on 17 August 2016.

Furthermore, I also shared my insights on the curriculum imperatives with attendees on 17 August 2016. Attending numerous workshops organised by SALDA and the South African Law Society enabled me to contribute meaningfully to the discussions at the strategic planning workshop. Furthermore, the UFS Centre for Teaching and Learning presented two workshops on decolonising the curriculum, which were well attended by Faculty academic staff members.

Despite the compliance mode of five and median of four for PO B19, and questionnaire participants 2 and 20 in the main study describing PO B19 as respectively 'eye-opening' and 'providing much-needed direction', two questionnaire participants expressed their concerns about incorporating the decolonisation concept in their modules. Questionnaire participant 7 remarked: 'There is still no consensus on how decolonisation is to be defined. I cannot incorporate it effectively in my modules if the Faculty has not reached consensus on its meaning'. The perception of no consensus on the meaning of decolonisation was echoed by questionnaire participant 10:

> I firmly believe that especially the concept of decolonisation still needs to be properly defined and clarified before being taught as part of black letter law. Until case law and legislation has clarified this, it remains more of a political concept. However, this is my personal opinion. I incorporate the latest changes in the law in my modules, which displays what I perceive as the decolonised law in practice.

The strategic plan specifically underscores the Faculty's commitment to innovative teaching and learning (PO B20) and assessment (PO B21).[1026] Furthermore, the plan expects all academic staff members to undergo training in these areas.[1027] The UFS Centre for Teaching and Learning presented numerous training courses and workshops to support staff members with innovative teaching and learning practices and assessment methods. On request, the Centre also tailormade some of these workshops specifically for the Faculty's needs.

Furthermore, in March 2013, I established a community of learning called 'Learning in Law' in collaboration with the Centre for Teaching and Learning. Sixteen committed members attended bi-weekly meetings over four years. The community set itself the goal of gaining, among other things, knowledge and skills of the theory of innovative teaching, learning and

---

1026 UFS op cit note 985 at 4.
1027 Ibid.

assessment in law. In this regard, the community particularly focused on gaining more knowledge and experience in educational technology.[1028]

The Learning in Law community also provided an opportunity for Faculty innovators to share and showcase their work to others (PO B22). Not all Faculty academics were exposed to innovative developments in teaching, learning and assessment. I regarded it as important that all academics be exposed to these developments. Therefore, I invited the Faculty's learning designer at the Centre for Teaching and Learning to present a session on innovative online teaching, learning and assessment tools. The afternoon of the first day of the first strategic workshop, 17 August 2016, provided an ideal opportunity for all academics to be exposed to the leading trends in teaching, learning and assessment. After the presentation by the learning designer, three Learning in Law community members (faculty innovators) shared how they incorporated innovative assessment and facilitation tools into their modules. For example, one of the academics shared with attendees how she presented additional online classes via Blackboard Collaborate, which was very innovative in 2016.[1029] She showed how she used Blackboard adaptive release to set up her online study guides. Students had to complete specific activities in a learning unit before they gained access to the material for the next learning unit. Also, she shared practical examples of online Blackboard quizzes and discussion boards that she incorporated into her assessment plan, in addition to traditional tests and assignments.

The mode and median compliance scores of 3.5 for PO B22 required further investigation. Questionnaire participant 26 in the main study described showcasing others' work as 'inspiring'. However, during the main study's focus group discussion on 14 June 2021, focus group member 9 cautioned that '[m]erely showing what is possible is not sufficient to properly incorporate change'. She emphasised the importance of training (POs B19 and B20) and stated that 'teaching and assessment methods need to be taught and reinforced'. Showcasing the work of others on innovative teaching, learning and assessment was limited to only one occasion. Sharing the work of innovators at more regular intervals could have contributed to a higher median compliance score for B22.

---

1028 See Annette Wilkinson 'Decoding learning in law: collaborative action towards the reshaping of university teaching and learning' (2014) 51 *Educational Media International* 124.

1029 Blackboard 'Blackboard Help Centre' (2022) available at *https://www.blackboard.com*, accessed on 31 December 2022.

My position within the Faculty provided me with access to lecturers' study guides and the learning outcomes drafted for the old LLB modules. Access to this material convinced me that academics required some assistance with writing learning outcomes.[1030] POs B23 to B25 relate to empowering academic staff members in this regard. I assisted academic staff members to write appropriate learning outcomes in four different ways, from 4 October 2017 until 29 February 2018.

First, on 4 October 2017, I organised a half-day workshop on writing learning outcomes facilitated by the Director of the UFS Directorate for Institutional Research and Development on (PO B23). I requested academics beforehand to draft some learning outcomes for their modules. The Director paid particular attention to the influence of the NQF level descriptors and NQF Levels (see section 3.3.1.3) on the writing of learning outcomes. Furthermore, she explained the taxonomy of educational outcomes by Bloom et al[1031] and the revised Bloom's taxonomy[1032] and how to utilise these in formulating learning outcomes at different NQF levels. Some of the attendees shared their draft learning outcomes with the Director. She tactfully and sensibly advised academics on improving the draft learning outcomes. Five questionnaire participants indicated that the workshop was not their first encounter with writing learning outcomes[1033]. They had prior knowledge of writing learning outcomes, obtained during their formal studies at Master's degree level in HE Studies or training provided by the Centre for Teaching and Learning

Secondly, I assisted academics in drafting learning outcomes for their modules on request. Only five academic staff members made use of this opportunity. Thirdly, I provided all academic staff members with the module and learning outcomes of the other sixteen South African universities presenting an LLB. These outcomes served as a benchmark that academics could use for developing and improving the learning outcomes in their modules (PO B24). Although academics considered the learning outcomes of other universities when drafting their own outcomes, I did not recognise any appropriation of learning outcomes from other universities. The main reasons for the mode and median compliance score for PO24 not achieving four related to the perceived quality of the other universities' learning outcomes

1030 Also see D Scholtz 'Curriculum revision: Challenges in responding to change' (2013) 35 *Progressio* at 148.
1031 Benjamín S Bloom (ed) et al op cit note 561.
1032 Anderson & Krathwohl op cit note 562.
1033 Participants 3, 13, 18, 22 and 28.

and the uniqueness of some of the new LLB curriculum's modules. For example, questionnaire participant 9 in the main study responded: 'The learning outcomes of the other universities were not clearly formulated … some were really poorly formulated. Although I could see what they were doing, it was a struggle.'

Lastly, all academics were requested to submit their module learning outcomes to me for feedback, as a quality assurance measure (PO B24). I specifically verified whether the agreed-upon graduate attributes were evident in the learning outcomes of modules (see section 6.4). I also consulted the learning outcomes of other universities when I evaluated the learning outcomes drafted by academics for the new LLB curriculum. This provided a bird's eye view of South Africa LLB curricula and how different universities approached learning outcomes in their curricula.

I experienced providing guidance and feedback to academics on their draft learning outcomes as a very challenging task. On the one hand, I had to be sensitive, engender competence and ensure that academics feel respected, valued and competent.[1034] On the other hand, I had to provide constructive and honest feedback to improve the quality of the learning outcomes.

6.3.1.4 Identifying and celebrating short-term wins/milestones

Table 6.5 summarises the quantitative results for PO 26 dealing with creating and celebrating short-term wins/milestones (B26).

**Table 6.5: Descriptive statistics of the importance and compliance scores for the PO related to creating and celebrating short-term wins**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequencies | | | | | Percentages | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| B26 | The Faculty identified and celebrated short-term wins/milestones (e.g., the drafting and approval of the strategic plan, curriculum matrix, graduate attribute map, module learning outcomes, accreditation application and the phasing-in/phasing-out plan) during the LLB change process. | I | 2 | 1 | 4 | 14 | 7 | 7 | 4 | 14 | 50 | 25 | 4 | 4 |
| | | C | 5 | 6 | 6 | 9 | 2 | 18 | 21 | 21 | 32 | 7 | 4 | 3 |

[1034] Also see Raymond J Wlodkowski, *Enhancing Adult Motivation to Learn: A Comprehensive Guide for Teaching All Adults* (2008) at 114. The author describes engendering competence as creating an understanding that learners are effective in learning something they value.

*(i) Importance*

The implementation plan described in section 6.3.1.3 identified, among other things, numerous short-term wins/milestones to be achieved during the curriculum change process. Examples of the short-term wins were the drafting and approval of the following: the strategic plan,[1035] the curriculum matrix,[1036] the curriculum imperative/graduate attribute map,[1037] module learning outcomes,[1038] the accreditation application[1039] and the phasing-in/phasing-out plan.[1040] The literature review in section 4.5.4.6 supports the mode and median importance scores of four for celebrating short-term wins during the LLB change process (PO B26). Consequently, PO B26 had to be included in the Final LLB CCMM.

*(ii) Compliance*

Although PO26 achieved a mode compliance score of four, the median compliance score was three. Consequently, the initiatives and practices employed to create and celebrate short-term wins could have been improved upon. I mistakenly viewed short-term wins as the normal course of events that do not necessarily require celebrations. I merely informed academics via email or at meetings that specific milestones had been reached. The Faculty did not even celebrate the accreditation of the new LLB curriculum by the HEQC. Focus group members in the main study confirmed that special events should have been arranged when reaching milestones. The extent of the celebrations should depend on the importance of the milestone, the involvement of staff members and the time required to achieve a specific milestone. Sometimes an email will suffice, but the accreditation of the new LLB should have been celebrated at a special event with food and wine. However, in line with the observations of Chowthi-Williams, Curzio and Lerman,[1041] I experienced that the curriculum change process kept momentum despite the absence of celebrations.

---

1035 See section 6.2.
1036 See section 6.4.2.
1037 See section 6.4.2.
1038 See section 6.3.1.3.
1039 See section 6.4.
1040 See section 6.3.1.5.
1041 Chowthi-Williams, & Stephen Lerman op cit note 785 at 135.

The next interrelated management function of the Draft LLB CCMM required the Faculty to consolidate its short-term wins/milestones to generate more changes.

6.3.1.5 Consolidating wins/milestones and creating more changes in the Faculty

Table 6.6 provides a summary of the quantitative results for the 12 POs (B27 to B38) related to the fifth interrelated change management function.

**Table 6.6: Descriptive statistics of the importance and compliance scores for the POs related to consolidating wins and creating more changes in the Faculty**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequencies | | | | | Percentages | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| B27 | The LLB curriculum change process consolidated wins to pave the way for more changes in the Faculty. | I | 2 | 1 | 5 | 11 | 9 | 7 | 4 | 18 | 39 | 32 | 4 | 4 |
| | | C | 2 | 5 | 5 | 10 | 6 | 7 | 18 | 18 | 36 | 21 | 4 | 4 |
| B28 | The LLB curriculum change process paved the way for a continuous improvement model for the Faculty. | I | 0 | 1 | 5 | 11 | 11 | 0 | 4 | 18 | 39 | 39 | 4 | 4 |
| | | C | 0 | 5 | 8 | 13 | 2 | 0 | 18 | 29 | 46 | 7 | 4 | 4 |
| B29 | A system of quality assurance has been implemented to ensure that the LLB curriculum changes will be of benefit. | I | 0 | 1 | 6 | 10 | 11 | 0 | 4 | 21 | 36 | 39 | 5 | 4 |
| | | C | 0 | 5 | 13 | 8 | 2 | 0 | 18 | 46 | 29 | 7 | 3 | 3 |
| B30 | The CCL developed, in collaboration with staff members, a phasing-in/phasing-out plan for a seamless transition from the old to the new LLB curriculum. | I | 1 | 0 | 2 | 8 | 17 | 4 | 0 | 7 | 29 | 61 | 4 | 5 |
| | | C | 1 | 3 | 8 | 12 | 4 | 4 | 11 | 29 | 43 | 14 | 4 | 4 |
| B31 | Modules are evaluated at the end of each year by, for example, external reviewers and students to guide new change initiatives. | I | 1 | 1 | 4 | 9 | 13 | 4 | 4 | 14 | 32 | 46 | 5 | 4 |
| B32 | Student pass rates throughput rates and retention rates are regularly reviewed to identify additional student support interventions and new teaching, learning and assessment initiatives. | I | 1 | 0 | 4 | 6 | 17 | 4 | 0 | 14 | 21 | 61 | 5 | 5 |
| B33 | Graduate tracking surveys to assess graduates' employability are introduced one year after the first cohort of the new LLB has graduated. | I | 1 | 0 | 3 | 6 | 18 | 4 | 0 | 11 | 21 | 64 | 4 | 5 |
| B34 | Employer satisfaction surveys should be introduced one year after the first cohort of the new LLB had graduated. | I | 0 | 2 | 3 | 8 | 15 | 0 | 7 | 11 | 29 | 54 | 5 | 5 |
| B35 | The admission criteria for the new LLB are amended. | I | 1 | 2 | 5 | 6 | 14 | 4 | 7 | 18 | 21 | 50 | 5 | 4.5 |
| B36 | Faculty management performed a workload analysis to prevent the possible overloading of academics due to the implementation of the new LLB curriculum. | I | 3 | 0 | 2 | 6 | 17 | 11 | 0 | 7 | 21 | 61 | 5 | 5 |
| | | C | 7 | 6 | 7 | 6 | 2 | 25 | 21 | 25 | 21 | 7 | 1&3 | 3 |
| B37 | Due to the demands of the new LLB curriculum, Department Heads evaluated staff development trajectories of academics reporting to them. | I | 4 | 1 | 4 | 7 | 12 | 14 | 4 | 14 | 25 | 43 | 4 | 4 |
| | | C | 8 | 9 | 7 | 3 | 1 | 29 | 32 | 25 | 11 | 4 | 1 | 2 |
| B38 | Faculty management made sufficient resources (e.g., time, money, human resources, and information technology) available for implementing the new LLB curriculum. | I | 1 | 1 | 2 | 6 | 18 | 4 | 4 | 7 | 21 | 64 | 4 | 5 |
| | | C | 4 | 6 | 8 | 7 | 3 | 14 | 21 | 29 | 25 | 11 | 3 | 3 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

*(i) Importance*

The mode and median importance scores of four for consolidating wins and creating more changes (PO B27) are consistent with the literature review in section 4.3.7. Twenty of the questionnaire participants (71 per cent) rated the item as important (n=11; 39 per cent) and very important (n=9; 32 per cent). Eleven POs (B28 to B38) provided more insight into the additional changes created by the LLB curriculum change process. These changes were evident in three areas. First, PO B28 dealt with a continuous improvement model for the Faculty. This outline achieved mode and median importance scores of four. The second aspect related to the effect of the curriculum change process on quality assurance. The seven POs (B29 to B35) dealing with quality assurance of the LLB curriculum change process obtained mode and median importance scores ranging from four to five. Lastly, POs B36 to B38 addressed the impact of the curriculum change process on academic staff members and also obtained mode and median importance scores of four and five. The mode and median importance scores suggested the inclusion of all 12 outlines in the Final LLB CCMM.

*(ii) Compliance*

Table 6.6 indicates that only four POs (B29 and B36 to B38) did not obtain mode and median compliance scores of four or five. The mode and median compliance scores of four and five for the other POs imply that the initiatives and practices employed were deemed sufficient and of value. The sections below report on the initiatives and practices used to achieve the mode and median scores for the identified POs. I also report on the qualitative feedback collected from a questionnaire and focus group members. It is used to explain the low mode and median compliance scores for the POs achieving mode and median compliance scores lower than four. The discussion is structured according to the three areas of change mentioned above.

*(a) A continuous improvement model for the Faculty*

The continuous improvement that the Faculty aspired to is evident in the strategic plan of the Faculty (see section 6.2) and the improvement plan that the Faculty developed in response to the decision of the HEQC to put the old LLB on notice of withdrawal on 7 April 2017. Based

on this improvement plan, the HEQC revised the accreditation status of the old LLB to conditionally accredited on 9 November 2017.

The annual evaluation of the Faculty's performance against (i) the vision, mission and objectives in the strategic plan and (ii) the improvement plan for the old LLB explains the mode and median compliance scores of four for PO B28. These evaluations took place in March over the past three years.[1042] Furthermore, during the workshops, the Faculty deliberated on whether the strategic objectives and plans remained relevant and necessary and verified our compliance with the set timelines of the strategic and improvement plans. Faculty Board members approved minor adjustments to the strategic plan at the end of these workshops. The strategic plan will be thoroughly reviewed in 2023.

*(b) Quality assurance*

The mode and median compliance scores of three for PO B29 indicated that more should have been done to implement a system of quality assurance. These compliance scores did not come as a surprise. Only the first year of the new LLB curriculum had been implemented when the questionnaire was administered. Consequently, compliance with POs B31 to B33 could occur, at the earliest, one year after implementing the new curriculum, whilst the information in POs B33 and B34 could only be collected about a year after the graduation of the first cohort of the new LLB programme. Questionnaire participant 4 in the main study wrote: 'I think it is too soon to tell.' Focus group member 3 echoed this view: 'In my opinion, it is probably too early to reach a conclusion on this. We have only fully implemented the first-year modules and are halfway through the first semester of the second year.'[1043] However, the Faculty made some progress in quality assurance, evident in the mode and median compliance scores of three for PO 29.

First, the curriculum change process and National Review of the LLB facilitated the development of the *LLB Assessment Rules and Regulations*. These Rules and Regulations address quality assurance issues related to, among other things, the guiding principles for assessment; appointment of examiners, assessors and moderators; setting of test and

[1042] 17 March 2020, 19 March 2021, and 17 March 2022.
[1043] Focus group member 3 and questionnaire participant 4 are not the same person.

examination papers, written assignments, oral presentations and take-home assignments; moderation requirements; feedback to students; online assessment; capturing of assessment results; plagiarism; and the procedure for the discussion of assessment results and appeals. The *LLB Assessment Rules and Regulations* were approved at the special Faculty Board meeting on 28 September 2017. The Faculty has reviewed the *LLB Assessment Rules and Regulations* annually, and the Faculty Board has approved the changes.

Secondly, on 10 October 2018, the Faculty Board approved the *Framework for Evaluating Study Guides* and a rubric for assessing lecturers' facilitation skills by a peer or Head of the Department.

Thirdly, the assessment plans of modules are discussed each semester at year-group meetings. These meetings aim to ensure, among others, that a range of innovative assessment methods are employed to assess whether students have mastered module learning outcomes.

I also developed a draft phasing-in/phasing-out plan to assist the Faculty and students in a seamless transition from the old to the new LLB curriculum (PO B30). My involvement in developing the new LLB and my knowledge and experience of the old LLB curricula placed me in an ideal position to perform this function. The proposed plan provided, as far as possible, for incorporating the content of the new LLB modules into equivalent modules of the old LLB curriculum. For example, the Law of Delict and Law of Contract modules in the new LLB placed more emphasis on legal writing and less weight on doctrinal law. Therefore, in an attempt to improve the quality of the old LLB curriculum, more legal writing was also incorporated into these modules of the old LLB curriculum. The aim was also to prevent teaching duplication. The plan suggested that repeating students in the old LLB curriculum attend the classes scheduled for new LLB curriculum students.[1044] In line with the progression rules of the UFS, the plan identified the years in which specific modules would be presented for the last time.

[1044] This is particularly the case when old LLB curriculum students failed modules or where modules of the new and old LLB curricula are resented in different study years.

Furthermore, it also provided for presenting modules of the old LLB curriculum at summer and winter schools. Proposing the draft plan with input from teaching and learning committee members saved time. Being mindful of the significance of communication and consultation, I requested input from all LLB staff members and arranged individual consultations to refine the plan. The Faculty Board approved an amended plan on 22 May 2019.

Despite my attempts to develop a phasing-in/phasing-out plan to ensure a seamless transition from the old to the new curriculum, two questionnaire participants were hesitant to refer to the transition as 'seamless'. Questionnaire participant 4 in the main study wrote: 'There are some challenges, and I would not call it seamless. But there is a plan.' Similarly, questionnaire participant 10 commented: '[T]his is very complex and will be a headache, but it is inevitable.'

When completing the questionnaires, the Faculty had not yet engaged with implementing POs B31 to B35. Consequently, the questionnaire did not request respondents to rate the compliance with these POs. Since completing the questionnaires, the Faculty has engaged in a process to evaluate study guides, learning materials and assessments by peers from other universities (PO B30). Also, at a Faculty meeting on 17 March 2022, student pass rates, throughput rates and retention rates were reviewed (PO B31).

Five questionnaire participants provided qualitative feedback for adjusting the admission criteria for students (PO B35).[1045] For example, participant 19 wrote:

> Entrance requirements should be lifted in general and should be monitored. The curriculum is not the driving force for entrance requirements. It is driven by student numbers and do not take the realities of what students and staff are able to cope with into consideration.

The feedback from questionnaire participant 19 in the main study suggested that academic staff members are overloaded, mainly due to the high number of students being admitted to the LLB programme (n=± 650). This issue forms part of the discussion in the following section that deals with the impact of curriculum change on human resources.

[1045] Questionnaire participants 4, 15, 17, 20 and 21.

*(c) Human resources changes*

The median and mode compliance scores for PO B36 to B38 implied that the results for these POs required further explanation.

Questionnaire participants in the main study mainly complained about a high workload due to the omission of a workload analysis (PO B36). Questionnaire participant 17, for example, recorded her frustration as follows:

> It is a general problem that new initiatives are just added to the existing workload of staff and you just have to do it, whether you have time for it or not …. There is a complete mismatch between what is humanly possible and what is expected from staff. The realities of the process of phasing modules in and out is also not taken into account when the new and old modules have to be presented simultaneously.

In addition to the high workload and the phasing-out of the old LLB curriculum and the phasing-in of the new LLB curriculum, questionnaire participant 26 in the main study complained that the 'workload distribution is just not always equal or fair'. Furthermore, participant 4 explained that 'we might not have sufficient human resources due to our large student numbers'.

Focus group members in the main study provided three explanations for this state of affairs. In the first instance, participant 3 emphasised the value of a human resources plan that should be the product of the workload analysis. He mentioned that a human resources plan 'should be a central part of the plan to support and enable the Faculty's strategic plan'. However, a proper workload analysis was not conducted. Therefore, no human resources plan was drafted. Focus group member 4 acknowledged that '[t]here was an informal discussion about who will be needed to do what' during the workshops'. Unfortunately, the discussions were not recorded in a formal document and approved by the Faculty Board.

Secondly, drafting a proper human resources plan was a complex task due to the numerous variables that impacted it. For example, focus group member 8 in the main study referred to academic staff members who 'just pulled out of responsibilities' and commitments. This aspect is discussed in more detail in section 6.6.3. Furthermore, focus group member 4

referred to the challenge the Faculty has experienced in recruiting suitable applicants when vacancies arise:

> I mean, we had vacancies in our department that should have been filled with certain expertise, but we could not find such persons. It led to a reshuffling of the modules for which lecturers are responsible …. So unexpectedly, some lecturers' load had become worse and some lectures are going to be heavily overloaded.

Thirdly, none of the focus group members in the main study confirmed a discussion with their supervisor to discuss academic staff development trajectories. One of the top five weaknesses of the adopted curriculum change process aligned with the human resources frustrations that staff members experienced during the curriculum implementation phase (see section 6.6.3). This weakness related to the initial expectations of staff that were not met. Furthermore, section 6.3.2.2 elaborates on staff members feeling that the Faculty management did not consider the psychological impact of the curriculum change process on their well-being.

Once the processes and guidelines pertaining to the consolidation of wins were established, the Faculty had to ensure that they became anchored in the systems, practices, and organisational culture.

#### 6.3.1.6 Anchoring curriculum change in the Faculty's systems, practices, and organisational culture

Table 6.7 provides a summary of the quantitative results for the two POs (B39 and B40) associated with the last interlinked change management function.

**Table 6.7: Descriptive statistics of the importance and compliance scores for the POs related to anchoring curriculum change in Faculty's systems, practices, and organisational culture**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequencies | | | | | Percentages | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| B39 | The new LLB curriculum has become part of the systems, practices, and organisational culture of the Faculty. | I | 1 | 0 | 5 | 9 | 13 | 4 | 0 | 18 | 32 | 46 | 5 | 4 |
| | | C | 1 | 2 | 8 | 9 | 8 | 4 | 7 | 29 | 32 | 29 | 4 | 4 |
| B40 | Faculty management conducts regular follow-up sessions and workshops to support the new LLB curriculum and its implementation. | I | 2 | 1 | 4 | 10 | 11 | 7 | 4 | 14 | 36 | 39 | 4 | 4 |
| | | C | 4 | 3 | 11 | 6 | 4 | 14 | 11 | 39 | 21 | 14 | 3 | 3.5 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

*(i) Importance*

Table 6.7 shows that PO B39 and B40 achieved mode and median importance scores of four and more. The literature review in section 4.3.8 supports these results. Based on their mode and median importance scores, both POs had to be included in the Final LLB CCMM.

*(ii) Compliance*

Even though only the first year of the LLB curriculum had been presented when participants completed the questionnaires in the main study, participants most frequently scored compliance with PO B39 at four. Nine participants (32 per cent) strongly agreed (n=4) that the curriculum change has become part of the Faculty's systems, practices, and organisational culture (PO 39). Also, curriculum change has since 2015 become a standing item on the agendas of the Faculty Board, Executive Faculty Board Committee and departmental meetings.

However, the mode and median compliance scores of respectively three and three and 3.5 for PO B40 signalled a warning for the Faculty to improve its compliance with this outline. For example, questionnaire participant 4 wrote:

> In my opinion, more regular shorter meetings could be scheduled to keep lecturers informed of the process. Lecturers should also be provided an opportunity to reflect in workshops on whether the learning outcomes were obtainable and whether the proposed activities were practicable. This is currently not happening to my satisfaction.

Questionnaire participant 11 in the main study identified online meetings due to Covid-19 as one of the reasons for the lack of follow-up sessions and workshops supporting the new LLB curriculum and its implementation:

> Due to the challenges of a remote working environment due to the Covid pandemic, the monitoring of this is more on an ad hoc basis than a continuous strategy. I think communicating via an online platform hinders effective and open communication.

Questionnaire participant 12 in the main study provided another perspective on the low mode and median compliance scores for PO B39:

> I don't know what is done in the different modules and years of the LLB. Colleagues have been a bit resistant to share content and what they are doing in their modules during meetings. One should think that this is a very important aspect of curriculum implementation. …. That which was agreed upon is not being executed'.

The feedback from focus group members in the main study echoed the qualitative feedback from questionnaire participants in the main study. Again, focus group members believed that it was premature to evaluate the compliance with POs B39 and 40.

In addition to the six interrelated change management functions evaluated above, the Draft CCMM provides three continuous change management functions. The following section elaborates on participants' evaluation of these functions.

### 6.3.2 Continuous change management functions

Table 6.7 provides a summary of the quantitative results for the POs related to the three continuous change management functions of the Draft LLB CCMM, namely: (i) continuous communication (POs C1 to C3), (ii) considering the psychological impact of the curriculum change on academic staff members (POs C4) and (iii) managing academic staff members' barriers/opposition to curriculum change (PO C5).

**Table 6.8: Descriptive statistics of the importance and compliance scores related to the continuous change management functions**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequency | | | | | Percentage | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| C1 | The CCL continuously communicated the progress made with the LLB curriculum change to academic staff members. | I | 0 | 0 | 3 | 14 | 11 | 0 | 0 | 11 | 50 | 39 | 4 | 4 |
| | | C | 0 | 2 | 3 | 12 | 11 | 0 | 7 | 11 | 43 | 39 | 4 | 4 |
| C2 | The CCL used a range of communication methods to share information with staff members. | I | 0 | 1 | 5 | 15 | 7 | 0 | 4 | 18 | 54 | 25 | 4 | 4 |
| | | C | 0 | 3 | 5 | 16 | 4 | 0 | 11 | 18 | 57 | 14 | 4 | 4 |
| C3 | Staff members had open and honest discussions about problems, conflicts, issues, and progress during the curriculum change process. | I | 1 | 0 | 2 | 9 | 16 | 4 | 0 | 7 | 32 | 57 | 5 | 5 |
| | | C | 2 | 4 | 4 | 9 | 9 | 7 | 14 | 14 | 32 | 32 | 5 | 4 |
| C4 | Faculty management continuously considered the psychological impact of the curriculum change process on staff members. | I | 2 | 2 | 7 | 9 | 8 | 7 | 7 | 25 | 32 | 29 | 4 | 4 |
| | | C | 9 | 10 | 5 | 3 | 1 | 32 | 36 | 18 | 11 | 4 | 1 | 2 |
| C5 | The CCL continuously and effectively managed barriers/opposition to curriculum change. | I | 0 | 1 | 3 | 16 | 8 | 0 | 4 | 11 | 57 | 29 | 4 | 4 |
| | | C | 1 | 6 | 5 | 12 | 4 | 4 | 21 | 18 | 43 | 14 | 4 | 4 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

#### 6.3.2.1 Communication

*(i) Importance*

The importance of communication, as discussed in section 4.3.4, is also reflected in the mode and median scores of four (PO C1 and C2) and five (PO C3). Consequently, all three POs had to be incorporated into the Final LLB CCMM.

*(ii) Compliance*

The mode and median compliance scores of four for POs C1 and C2 and five for PO C3 and the mode compliance scores of four (PO C1 and C2) and five (POC3) suggest that the initiatives and practices adopted were sufficient and of value. The following sections elaborate on the actions taken to achieve these results.

In line with Kotter's[1046] suggestion, I 'repeated, repeated, repeated' important information (PO C1).[1047] Questionnaire participant 22 in the main study wrote: 'the process was open and iterative, and we learnt a lot about curriculum development.' Although I continuously aimed to keep academic staff members up to date with progress, I was mindful not to overburden them with irrelevant information. Questionnaire participant 19 wrote the following in this regard:

> Progress was communicated regularly and one was assured that the process is on track although one did not always know what everything entailed. I did not feel that I need[ed] to know it as long as the people responsible for the process did what they were supposed to do. Too much information on issues that is not relevant can be frustrating and feel like a waste of time. A delicate balance should be maintained to ensure that staff know what progress is made without wasting a lot of time providing details on issues that are irrelevant for them.

I agree with questionnaire participant 29 who stated that I used '[m]ostly e-mails and feedback at meetings, workshops and Faculty Board meetings to communicate with academics' (PO C2). Communication and sharing ideas commenced in 2015 with individual discussions with the Dean, Faculty management, Faculty innovators, and some academics who were enthusiastic about curriculum development. These personal discussions later evolved into 25 focus group discussions,[1048] three strategic planning workshops over nine days,[1049] and numerous Faculty Board discussions[1050] and meetings.

Dividing academic staff members into smaller groups was particularly effective in providing an opportunity for everyone to provide input, be heard and break down departmental silos as envisaged in the strategic plan. Questionnaire participant 4 in the main study wrote:

> It was not like Public Law, Private Law and Mercantile Law sitting separately. We were mixed groups and considered everything from different perspectives within our groups. The departments were broken down into the different groups and everyone's voice was heard.

---

1046 Kotter op cit note 62 at 94.

1047 Examples of such repetition include discussions on the importance and implications of the *LLB Qualification Standard* on the LLB curriculum, National Qualifications Framework (NQF) of South Africa

1048 Focus group discussions took place from February to March (n=12), in February 2016 (n=4), on 17 and 18 August 2017 (n=4), from 6 to March 2018 (n=4), and one on 14 June 2021. See Annexure 1 in this regard.

1049 Workshops were held on 17 and 18 August 2016, 20 to 25 May 2017, and on 19 September 2017. See Annexure 1 in this regard.

1050 See, for example, 18 February 2015, 21 April 2015, 11 May 2016, 28 September 2017, 19 March 2018, 10 October 2018 and 22 May 2019 in Annexure 1.

I encouraged academic staff members to argue, challenge and raise questions about the curriculum change (PO C3). By creating a climate of trust (see section 6.3.1.2), I aimed to assist staff members in having open and honest discussions about problems, conflict and progress. For example, questionnaire participant 2 in the main study recorded: 'The communication aspect was a wonderful enabler of the process but also a wonderful result of the process.'

However, some questionnaire participants in the main study had reservations about the frankness of the communication. Questionnaire participant 4 stated: 'There were many discussions, but very little was open or honest. Colleagues very rarely brought their corridor complaints to the official discussion forums.' Questionnaire participant 27 was also aware of the corridor complaints: 'I am not sure why some members complained in private about not being consulted because almost all staff participated and agreed to everything, but afterwards, some showed some ignorance.' Participant 7 questioned whether all staff members' input was valued: 'Only certain staff members' contributions were recognised and incorporated'. However, questionnaire participant 4 provided some clarity in this regard: 'Everyone was consulted, however, not everyone was committed to provide input at the time.'

Despite the concerns of some questionnaire participants raised above, 64 per cent (n=18) agreed (n=9; 32 per cent) and strongly agreed (n=9; 32 per cent) that staff members had open and honest discussions during the curriculum change process (PO C3). Furthermore, the consultative and inclusive nature of the adopted curriculum change process was rated by focus group members as its most important strength in section 6.5.1.

The next section evaluates the second continuous management function, namely faculty management's consideration of the psychological impact of curriculum change on academic staff members.

6.3.2.2 Considering the psychological impact of curriculum change on staff members

*(i) Importance*

The mode and median importance scores of four for PO C4 correspond with the literature review in section 4.3.9.5. The scores implied that the PO had to be included in the Final LLB CCMM. Consequently, Faculty management had to work empathically and show emotional intelligence when carrying out their change management functions.[1051]

*(ii) Compliance*

PO C4 was one of only three POs to achieve a median compliance score of two.[1052] The mode compliance score for this PO was only one. Clearly, Faculty management underestimated the physiological impact that curriculum change had on some academic staff members. The finding is consistent with the alarming findings concerning the impact of the curriculum change process on human resources (see section 6.3.1.5 (ii) (c)). It is also aligned with one of the top weaknesses of the curriculum change process. This weakness dealt with the initial expectations of academic staff that were not met during the curriculum implementation phase (see section 6.6.3).

Questionnaire participant 24 in the main study explained the lack of psychological support: 'From my perspective, I did not experience any emotional support and the morale in the [F]aculty was quite low at the time.' This finding was not surprising. Section 4.3.9.5 contained an elaboration on research suggesting that law students, lawyers and lecturers generally have low empathy. Consequently, Faculty management had to apply the suggestions provided in section 4.3.9.5 to attend to the psychological impact of the curriculum change on academic staff members.

Focus group members in the main study provided three reasons for the low mode and median compliance score: (i) Faculty management's task orientation, (ii) the outcome of the National Review of the LLB (see section 2.4), and (iii) the extra workload that the new LLB curriculum required.

---

1051 Mayer, Salovey & Caruso op cit note 866 at 197; McKimm & Jones op cit note 24 at 523-524.
1052 The other two were POs B36 and B37.

In line with the research referred to in section 4.3.9.5, focus group member 3 in the main study confirmed the task orientation of Faculty management and tight timelines as a possible explanation for ‘humans being left behind’:

> [T]he management was rightly and understandably focused on the task. And, and the rest of us had to do what was needed to be done to deliver. And it was as simple as that … we did not have the time to mollycoddle anyone. Now, I think it would have been nice if someone had had a bit of time to care about staff's welfare and wellness, and staff’s psychological resources to survive and thrive through the process. But there wasn't the time.

Focus group member 7 reflected on the psychological effect that the National Review of the LLB and the UFS LLB being placed on notice of withdrawal (see section 2.4.2) had on the welfare of academic staff:

> I do think we shouldn't underestimate the extent to which that sword affected us psychologically. I remember having conversations with more senior staff members about, you know, is there a possibility we can lose our accreditation? You know, what does this mean for me, for my career? Will I be made redundant at some point?

In addition to the non-accreditation fear, focus group member 4 recalled her psychological well-being being affected by the additional time and workload that the implementation of the new LLB would require:

> And then also I remember sitting in one of the meetings, thinking, my already comatose social life was going to die a sudden unexpected death, considering what I was proposing to be the new curriculum …. we sort of also realised, you know, this is going to be an immense amount of work.

Another function that had to be carried out throughout the curriculum change process was managing barriers/opposition to change. The next section sheds light on evaluating the PO associated with this continuous change management function.

6.3.2.3 Addressing barriers to change

*(i) Importance*

Table 6.8 reflects the mode and median importance scores of four achieved by the continuous change management function pertaining to addressing barriers to change (PO C5). Consequently, the PO had to be included in the Final LLB CCMM in Annexure 11. This finding is consistent with the literature review in section 4.3.1.

*(ii) Compliance*

The mode and median compliance scores of four for PO C5 imply that participants agreed that the initiatives and practices implemented were sufficient and of value to address the barriers to change. I experienced little opposition to the LLB curriculum change. Questionnaire participant 12 wrote that the sense of urgency to change the curriculum contributed to academic staff members not showing resistance to the curriculum change: 'I think too much pressure to change the curriculum did not really allow for this.'

I explained in section 4.3.9.4 that Kotter's change management process is a top-down approach. [1053] A similar approach was followed to change the UFS LLB curriculum. Two questionnaire participants in the main study commented that the top-down approach to curriculum change made it extremely difficult for academics to resist change. Questionnaire participant 21 wrote: 'It felt more like a top-down approach, which made it impossible to resist change.' Questionnaire participant 17 supported this viewpoint: 'I am not sure if staff always had a choice. Even though there might have been opposition, the power imbalances forced staff to go along with the curriculum processes.'

However, the curriculum change process was not entirely free from resistance to change. For example, questionnaire participant 4 in the main study noted: 'Although I agree with the process, I am of the opinion that not everyone was in support or actually bought into the changing strategy.' Questionnaire participant 16 reported some explanation for this observation by referring to the inclination of HE academics to be more resistant to change

[1053] Kotter op cit note 62 at 24.

than people in other sectors: '[The] Dean and Programme Director did what they could to convince academic staff that change was possible. However, academics are naturally resistant to change, and some were sceptical throughout the process.'[1054] Furthermore, I anecdotally became aware of some staff members complaining about their academic freedom being compromised by the curriculum change process. The perception of questionnaire participant 16 regarding HE staff members' resistance to change and their feeling of being deprived of their academic freedom resonates with the literature review in section 4.3.1.

I encountered a subtle resistance to change while assisting academic staff members in drafting learning outcomes for their modules (see section 6.3.1.3). Some academics tended to return to their old ways of doing things, especially when black letter law modules of the old LLB curriculum were incorporated into the new LLB curriculum. In these instances, academics merely appropriated learning outcomes from the old LLB curriculum into the new one. In some cases, the learning outcomes of a module did not provide for the curriculum imperatives (e.g., globalisation and internationalisation, constitutionalism and transformative constitutionalism) and the graduate attributes mapped to these modules (see section 6.4). In these instances, I repeated explanations of how crucial it was to incorporate the graduate attributes and curriculum imperatives that were mapped onto the modules in their learning outcomes. In retrospect, I believe that experts from the Center for Teaching and Learning or reputable academics from other law faculties could have assisted in getting staff motivated to participate in a critique and evaluation of their modules' learning outcomes.

The discussion above concludes the evaluation of the change management process of the Draft LLB CCMM. The following section provides more details on the evaluation of the curriculum planning process.

[1054] Also see section 4.3.1 and Chandler op cit note 722 at 243.

## 6.4 EVALUATING THE CURRICULUM PLANNING PROCESS

Figure 6.3 represents this third connected process of the Draft LLB CCMM. It was extracted from the conceptual framework for the curriculum change process depicted in Figure 4.4. In this section, I report on the evaluation, as described in sections 5.3.2, of the POs of the Draft LLB CCMM related to the curriculum planning process in Annexure 2.

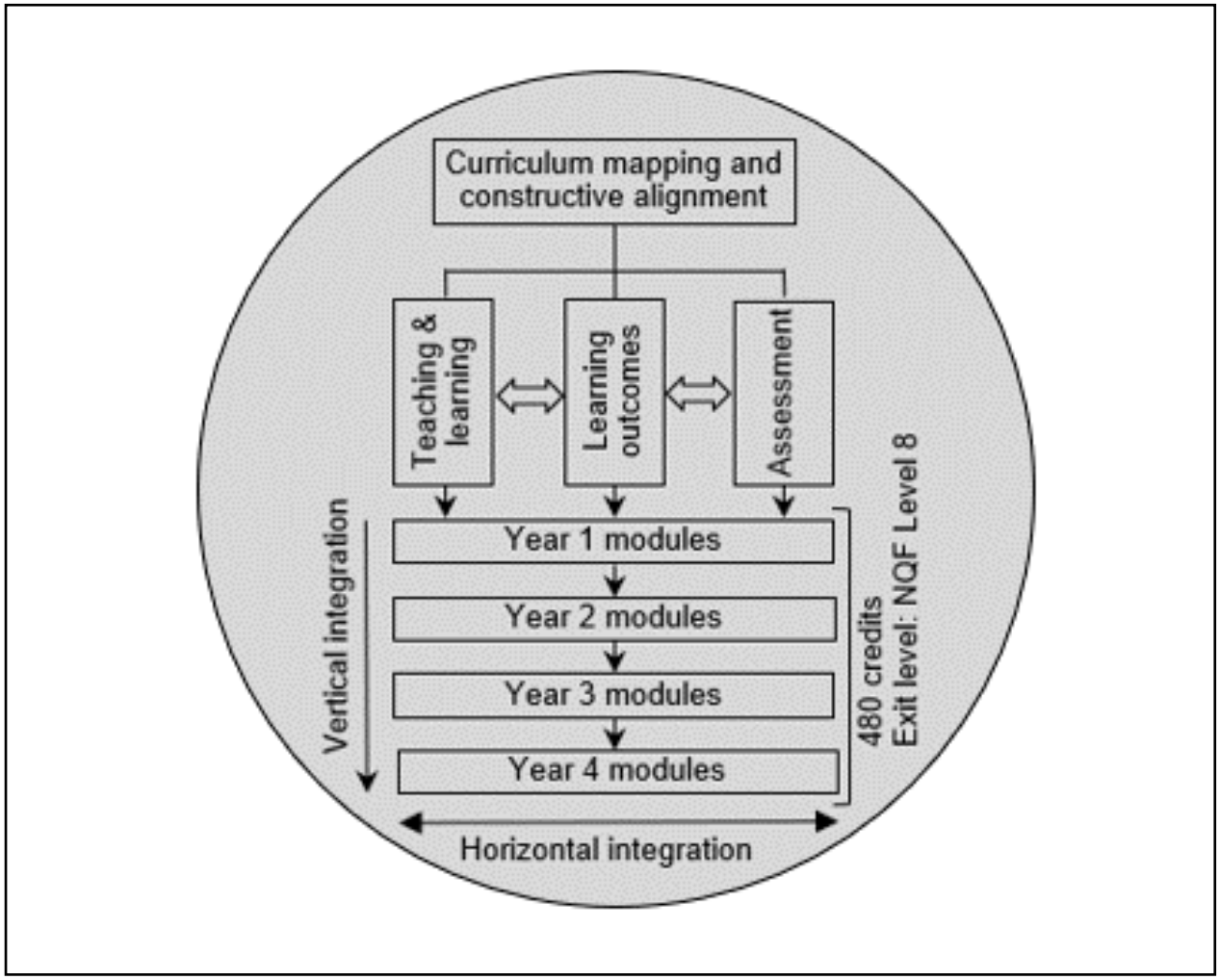


**Figure 6.3: The curriculum planning process**

Table 6.9 provides the quantitative results for the 11 POs related to curriculum planning (D1 to D11).

**Table 6.9: Descriptive statistics of the importance and compliance scores for the POs related to the curriculum planning process**

| PO Numbers | PO descriptions | Categories | Scores | | | | | | | | | | Modes | Medians |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Frequency | | | | | Percentage | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | |
| D1 | The credits and corresponding notional hours of the new LLB modules represent a realistic volume for teaching, learning and assessment. | I | 0 | 0 | 1 | 12 | 15 | 0 | 0 | 4 | 43 | 54 | 5 | 5 |
| | | C | 0 | 1 | 5 | 12 | 10 | 0 | 4 | 18 | 43 | 36 | 5 | 4 |
| D2 | Modules are appropriately classified as semester and year modules in the new LLB curriculum. | I | 0 | 0 | 3 | 6 | 19 | 0 | 0 | 11 | 21 | 68 | 5 | 5 |
| | | C | 0 | 2 | 4 | 8 | 14 | 0 | 7 | 14 | 29 | 50 | 4 | 4.5 |
| D3 | Modules of the new LLB curriculum build on the knowledge and skills that students have acquired in previous modules. | I | 0 | 0 | 3 | 8 | 17 | 0 | 0 | 11 | 29 | 61 | 5 | 5 |
| | | C | 1 | 1 | 6 | 9 | 11 | 4 | 4 | 21 | 32 | 39 | 5 | 4 |
| D4 | Modules of the new LLB curriculum are presented in an integrated manner and not in silos or in isolation. | I | 0 | 1 | 3 | 6 | 18 | 0 | 4 | 11 | 21 | 64 | 5 | 5 |
| | | C | 2 | 2 | 5 | 13 | 6 | 7 | 7 | 18 | 46 | 21 | 4 | 4 |
| D5 | The curriculum imperatives and graduate attributes specified in the *LLB Qualification Standard* are appropriately mapped across modules of the new LLB curriculum. | I | 0 | 0 | 5 | 10 | 13 | 0 | 0 | 18 | 36 | 46 | 4 | 4 |
| | | C | 1 | 3 | 8 | 10 | 6 | 4 | 11 | 29 | 36 | 21 | 4 | 4 |
| D6 | The modules, including the graduate attributes and curriculum imperatives, are appropriately mapped across the years of study of the new LLB. | I | 0 | 0 | 5 | 9 | 14 | 0 | 0 | 18 | 32 | 50 | 5 | 4.5 |
| | | C | 1 | 3 | 6 | 13 | 5 | 4 | 11 | 21 | 46 | 18 | 4 | 4 |
| D7 | The learning outcomes, teaching, learning, and assessments are constructively aligned in the new LLB curriculum. | I | 0 | 0 | 2 | 10 | 16 | 0 | 0 | 7 | 36 | 57 | 5 | 5 |
| | | C | 0 | 2 | 3 | 12 | 11 | 0 | 7 | 11 | 43 | 39 | 4 | 4 |
| D8 | The new LLB curriculum maintains the strengths of the old curriculum and addresses the concerns/weaknesses identified by stakeholders (e.g., academics, students, alumni and employers). | I | 1 | 1 | 2 | 10 | 14 | 4 | 4 | 7 | 36 | 50 | 5 | 4.5 |
| | | C | 1 | 3 | 2 | 14 | 8 | 4 | 11 | 7 | 50 | 29 | 4 | 4 |
| D9 | The new LLB curriculum addresses the concerns raised in the *Report on the External Institutional Review of the UFS LLB*. | I | 0 | 1 | 1 | 9 | 17 | 0 | 4 | 4 | 32 | 61 | 5 | 5 |
| | | C | 0 | 0 | 3 | 15 | 10 | 0 | 0 | 11 | 54 | 36 | 4 | 4 |
| D10 | Overall, the new LLB curriculum addresses the concerns raised in the *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017* and the *Report on the National Review of the LLB.* | I | 0 | 1 | 1 | 8 | 18 | 0 | 4 | 4 | 29 | 64 | 5 | 5 |
| | | C | 0 | 0 | 3 | 12 | 13 | 0 | 0 | 11 | 43 | 46 | 5 | 4 |
| D11 | The validation of the new LLB curriculum by students, employers and alumni prior to its submission to the CHE enhanced my confidence in the curriculum. | I | 1 | 3 | 2 | 11 | 11 | 4 | 11 | 7 | 39 | 39 | 4&5 | 4 |
| | | C | 1 | 3 | 4 | 14 | 6 | 4 | 11 | 14 | 50 | 21 | 4 | 4 |

Due to rounding-off, the percentage of scores may not add up to 100 per cent

### 6.4.1 Importance

Table 6.9 shows that seven of the 11 POs obtained mode and median importance scores of five.[1055] The mode and median importance scores of four and more for all the POs in Table 6.9 align with the curriculum planning literature in section 3.4. Consequently, all eleven POs had to be included in the Final LLB CCMM.

[1055] POs D1 to D4, D7, D9 and D10.

### 6.4.2 Compliance

Table 6.9 shows that the highest median compliance score of 4.5 was calculated for PO D2. The other POs achieved median compliance scores of four. The 11 POs had mode compliance scores of at least four. Consequently, the initiatives and practices employed to comply with all 11 POs were deemed sufficient and of value.

While planning the new curriculum, I was conscious of the main areas of concern about the old LLB curriculum, namely: (i) prescribing a realistic number of credits for modules and the qualification, (ii) reconsidering the duration of modules, (iii) changing the sequencing of some modules over the different years of study, (iv) introducing more non-law modules, (v) improving the alignment of the curriculum with the LLB curriculum imperatives, and (vi) enhancing the development of specific graduate attributes.

To obtain student and academic staff members' viewpoints on addressing the first three concerns, I conducted an informal survey in May and October 2016. Students and lecturers were requested to indicate the number of hours that the average student needs to spend on each module to prepare for each of the following (if applicable): formal classes, tutorials, tests, online assessments, written assignments, oral assessments and examinations. They also had to identify whether modules of the old LB had to be presented as semester or year-long modules and the most appropriate year of study in which to present these modules. All academics participated in this informal survey, and I collected 1 307 completed forms from students. Since the informal survey did not form part of the study (see section 1.8), I do not consider it necessary to elaborate further on the survey methods and results of this informal study. However, the results provided broad guidelines for the allocation of notional hours and credits (PO D1), the classification of modules as semester and year modules (D2) and the vertical (PO D3) and horizontal integration of modules (PO D4) in the new LLB curriculum.

Although the new LLB curriculum was a completely new curriculum that was not based on the old curriculum, the results of this informal study provided me with broad guidelines for developing the first draft of the curriculum matrix. I developed the first draft of the curriculum matrix in February and March 2017. The draft curriculum matrix identified the modules for the new LLB curriculum, the most significant graduate attributes and curriculum imperatives to be developed in each module (PO D5) and how they were spread across the years of study

of the LLB (PO D6). It indicated whether the modules would be presented over a semester or over the year (PO D2), the credits for each module (PO D1), and the vertical (PO D3) and horizontal integration of knowledge and skills (PO D4).

It was a complex and time-consuming task. I analysed and used the following for developing the first draft curriculum matrix: (i) results of the informal study with stakeholders during the focus group discussions in February and March 2015 (see section 2.4.2), (ii) results of the informal surveys described above, (iii) the *LLB Qualification Standard* (see section 2.3.3.2), (iv) articles in scholarly and non-scholarly journals and media reports on the quality of the LLB in South Africa (see section 2.3.2), (v) the *Report on the External Institutional Review of the UFS LLB* (see section 2.4.2), (vi) the *Draft HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017*, (vii) the curricula of the other 16 South African universities offering an LLB, and (viii) the draft strategic plan of the Faculty (see section 6.2).[1056]

In addition to the above, I used curriculum mapping (see section 3.4.3) and my own experience (section 1.7) to distribute the curriculum imperatives and graduate attributes of the *LLB Qualification Standard* across appropriate modules (PO D5) and study years of the new LLB curriculum (PO D6). It contributed towards addressing the fifth and sixth areas of concern with the old LLB in section 2.4.2.

I made apparent scaffolding and vertical integration of knowledge and skills (PO D3) in the curriculum by connecting modules on different year levels using red arrows. Green arrows depicted how concurrent modules complement one another through horizontal integration in the same study year (PO D4). This study focuses on developing a CCMM for facilitating curriculum change at South African universities and not on proposing a new UFS LLB curriculum. Therefore, I will not discuss the UFS curriculum-specific information contained in the draft curriculum matrix.

The fourth concern with the old curriculum (see section 2.4.2) was addressed by including non-law modules of 64 credits (52 per cent) in the first year of study. The curriculum provides

[1056] The final *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017* and the *Report on the National Review of the LLB* were not published at that time.

an array of elective modules that students can choose from for the purpose of developing well-rounded graduates. The old curriculum included only 32 credits for non-law modules in the second year of study.

POs related to communication (C1 to C3) played a major role in developing and agreeing on the curriculum matrix. After completing the first draft of the curriculum matrix, I had informal individual conversations with Department Heads during the second week of April 2017. I incorporated their insights into a second draft curriculum matrix that I emailed to all academics on 2 May 2017. On 23 May 2017, the second day of the second workshop, I explained the rationale for developing a curriculum matrix and the curriculum mapping process. Following an open debate, I divided the attendees into three breakaway groups representing the three Faculty departments. Each group proposed a revised curriculum matrix.

On 24 May 2017, I met with nine representatives from the three departments in the Faculty.[1057] We began our analysis by focusing on the aspects of the matrices, proposed at the end of the previous day, on which the groups had agreed. Focus group members debated changes to the second draft and considered the proposed curriculum matrices proposed at the end of the previous day. The discussions were characterised by collaboration, a purposeful attempt to understand the various viewpoints, and a general sense of consensus building.

However, it did not imply that I did not have to moderate the discussions. Departmental representatives sometimes failed to consider the main impetus behind the curriculum change. On some occasions, I had to remind attendees that our deliberations and decisions should be informed by the Faculty's vision and emerging educational philosophies, and not by the interests of specific persons or departments.[1058] Some representatives were concerned that the income/subsidy for their department might drop significantly or that some academics might become redundant. The latter concern was raised despite the Dean continuously assuring attendees that no academic staff member would be dismissed due to redundancy.

---

1057 The departmental representatives were the three Department Heads and 2 representatives from each department nominated by the Heads of Department.

1058 Also see Christopher K Morgan & David Roberts 'Herding cats? Obtaining staff support for curriculum change and implementation' (2002) at 10, available at *https://pdfs.semanticscholar.org/d259/c8d2a396bfdec6c8c243cfe87bf0671d43a9.pdf*, accessed on 6 August 2020.

On some occasions, academic staff members objected because their departments did not have the expertise to address certain curriculum imperatives, especially globalisation and internationalisation. The Dean and I emphasised the importance of staff development and ensured attendees that the academic staff development trajectories of lecturers would be evaluated (see PO B37 in section 6.3.1.5 (ii)). She furthermore assured academics that part-time lecturers would be appointed to assist overburdened lecturers during the phasing-in/phasing-out of the new and old LLB curricula. However, the mode and median compliance scores for PO B36 and its position as the third most important weakness of the adopted curriculum change process (see section 6.6.3) show that participants were not convinced that this had taken place.

During the deliberations, some attendees used assumptions to convince others of their viewpoints. For example, some academics argued that the new LLB curriculum had to follow the example of all other South African universities by presenting a specific module as a compulsory module, in a particular year of study, or as a semester or year-long module. Having the LLB curricula of all South African universities available enabled me to verify such claims.

Furthermore, representatives had to acknowledge some harsh realities. For example, the group was aware of the indispensable value of a law clinic in developing students' practical skills and their ability to recognise, reflect on and apply social justice imperatives. However, we had to come to terms with the reality of insufficient funds being available to make such training possible for all students. Consequently, we had to develop initiatives that could produce similar results/outcomes.

At the end of the session, departmental representatives reached consensus by proposing a third draft of the curriculum matrix. I presented this curriculum matrix to academics on the last day of the second strategic workshop (25 May 2017). Again, I divided attendees into three smaller groups representing the departments, and asked them to critically evaluate the third draft of the curriculum matrix. After that, a representative from each group provided feedback to all attendees. Minor changes were suggested and were incorporated into the final version of the curriculum matrix, which was approved by the Faculty Board on 28 September 2017.

Although the final approved curriculum matrix identified only the most significant graduate attribute(s) and curriculum imperatives to be addressed in each module, it did not provide detailed information about other graduate attributes and curriculum imperatives relevant to each particular module. A curriculum imperative/graduate attribute map had to be developed to provide more details on these aspects. In cooperation with Department Heads, I allocated academics to the different LLB modules. On 30 June 2017, I requested academics to inform me via email about the curriculum imperatives and graduate attributes that would be developed and assessed in the modules allocated to them. I collated the information into a draft curriculum imperative/graduate attribute map and arranged four focus group meetings of three hours each on 17 and 18 August 2017. The meetings were structured according to the four years of the LLB curriculum. Academics who were allocated to modules in a specific year of study were invited to the respective meetings.

During the meetings, academics reflected on the draft curriculum imperative/graduate attribute map. We had to ensure that the curriculum would appropriately address the curriculum imperatives and that the graduate attributes would be sufficiently developed and assessed over the four years of the LLB. Based on feedback from attendees, I proposed a final curriculum imperative/graduate attribute map, which was approved at a special Faculty Board on 28 September 2017.

Academics used the curriculum imperatives/graduate attribute map to draft learning outcomes for their modules from 2 October 2017 until 28 February 2018 (see section 6.3.1.3). They had to ensure that the three components of the curriculum, namely the desired learning outcomes, the teaching and learning activities, and assessment practices, were constructively aligned (PO D7).[1059]

Despite the compliance median of four for POs D8 to D10, two questionnaire participants in the main study mentioned that it was challenging and rather premature to rate the compliance with these outlines. Participant 1 phrased it as follows: ‘In my opinion, it is probably too early to reach a conclusion on this. We have only fully implemented the first-year modules and only started with the second year. We will have a better understanding of this issue in four years.’ Participant 6 wrote: ‘It seems to be true on paper, but one will have to wait to see whether it

[1059] See section 3.4.1.

is really true once the curriculum is rolled out completely'. Despite the hesitation of participant 1, she phrased academic staff members' commitment to addressing the mentioned outlines as follows: 'We did our best to address this. It is not perfect, but we really tried.'

However, questionnaire participant 10 believed that stakeholders will never be completely satisfied with an LLB curriculum: 'The concerns of these respective stakeholders differ vastly and will never be entirely met.' She attributes this mainly to employers' unrealistic expectations to produce practice-ready graduates, while they 'forget' their role in preparing legal practitioners.

Before submitting the application for accreditation, I held three informal focus group discussions with employers, alumni and student leaders from 6 to 8 March 2018. The purpose of these discussions was to validate the new LLB curriculum. The mode and median compliance scores of four for PO D11 implied that stakeholders' validation of the curriculum enhanced academic staff members' confidence in the curriculum (descriptive outline D11).

On 19 March 2018, the Faculty Board approved the submission of the application for the accreditation of the new LLB to the CHE/HEQC. The application for accreditation was approved by all UFS structures and uploaded to the CHE website[1060] by 31 March 2018.

The discussion above concludes the evaluation of the POs of the Draft LLB CCMM. It was evident that all POs of the Draft LLB CCMM had to be included in the Final LLB CCMM. Furthermore, initiatives and practices were identified for facilitating compliance with these POs. Analysing the strengths and weaknesses of the adopted LLB curriculum change process during the focus group in Phase 3 of the study (see section 5.3.3) also contributed to developing the Final CCMM. The following section provides more details on the strengths of UFS curriculum change process.

[1060] *https://www.che.ac.za*.

## 6.5 STRENGTHS OF THE ADOPTED CURRICULUM CHANGE PROCESS

Section 5.3.3 explained how I applied the NGT during the focus group discussion in the main study to identify the top five strengths of the UFS curriculum change process. Participants individually identified and ranked the five strengths that they regarded as most important. The strength regarded as most important received five points, and the fifth most important weakness/strength, one point. The scores of participants were combined, and the top five strengths were the strengths which achieved the highest combined/total scores. These strengths are reflected in descending order according to their total scores in Table 6.10. The total scores of the top five strengths (S1 to S5) varied between 31 (S1) and 12 (S5). The table shows that all the strengths corresponded with one or more of the POs discussed earlier in this chapter.

**Table 6.10: Top five strengths of the UFS curriculum change management process**

| No | Strengths | Total scores | Corresponding POs |
|---|---|---|---|
| S1 | The curriculum change management process was consultative and inclusive, with numerous opportunities for input from stakeholders. | 31 | • The Dean and CCL satisfactorily consulted staff members on drafting the strategic plan for the Faculty (A1).<br>• The CCL used the feedback from focus group discussions held with members of staff, students, alumni, and employers to show why and how the LLB curriculum had to change (B3).<br>• The CCL continuously communicated progress made with the LLB curriculum change to academic staff members (C1).<br>• The CCL used a range of communication methods to share information with staff members (C2).<br>• Staff members had open and honest discussions about problems, conflicts, issues, and progress during the curriculum change process (C3). |
| S2 | The CCL was very knowledgeable. | 20 | • The CCL displayed sufficient curriculum change knowledge (B9). |
| S3 | Clear timelines enabled colleagues to know what was expected of them at specific times. | 17 | • The CCL ensured that staff members knew where they fit into the LLB curriculum change process (B12).<br>• The CCL ensured that staff members knew the activities they had to perform during the curriculum change process (B13).<br>• The CCL ensured that staff members were aware of the timeframes for the different activities of the LLB curriculum change process (B14). |
| S4 | The curriculum change process forced the faculty to develop and review appropriate policy documents. | 15 | • The LLB curriculum change process paved the way for a continuous improvement model for the Faculty (B28) |
| S5 | The curriculum change process mobilised members of staff and created organisational energy. | 12 | • The Dean and CCL created a sense of urgency to change the LLB curriculum. (B1). |

The following sections elaborate on the top five strengths and their implications for developing the Final LLB CCMM.

### 6.5.1 The curriculum change management process was consultative and inclusive, with numerous opportunities for input from stakeholders (S1)

Eight of the nine focus group members in the main study rated S1 in the top position. Focus group members found that the informal focus group discussion with academic staff members, students, alumni and employers in February and March 2015 (see section 2.4) provided clear directives for curriculum change (PO B3). For example, focus group member 1 stated:

> The fact that the focus groups enabled us to consider the feedback of students and the profession made a huge difference. Instead of assuming or guessing what students and the profession require of the LLB, we had evidence to work with.

Focus group member 5 in the main study appreciated that the consultation process was not limited to external role players, but that academic staff members were continuously consulted on all curriculum change issues (PO A1). For example, extensive consultation took place during the strategic workshops and when the following documents were drafted: strategic plan,[1061] curriculum matrix,[1062] curriculum imperative/graduate attribute map,[1063] module learning outcomes,[1064] accreditation application[1065] and phasing-in/phasing-out plan.[1066] Furthermore, academic staff members were not only consulted during the process. They formally approved these documents at Faculty Board meetings.[1067]

The strategic planning workshops and the breakaway sessions at these workshops provided ideal opportunities for consulting with academic staff members.[1068] Focus group member 2 in the main study elaborated:

---

1061 See section 6.2.
1062 See section 6.4.2.
1063 See section 6.4.2.
1064 See section 6.3.1.3.
1065 See section 6.4.
1066 See section 6.3.1.5.
1067 See, for example, 21 April 2015, 11 May 2016, 28 September 2017, 19 March 2018, 10 October 2018 and 22 May 2019 in Annexure 1.
1068 Focus group member 5.

> It was an experience where everyone could give their opinions, where it was discussed, and where it was either accepted or turned down by the group. Our opinions were not simply dismissed. Constructive two-way communication took place.

Despite the ranking of the most important strength and focus group member 6 describing it as a 'massive benefit', no PO directly addressed the importance of consultative and inclusive curriculum change management. Communication is often viewed as the foundation for consultation. Therefore, one could argue that the communication efforts in POs C1 to C3 include aspects of consultative curriculum change management. However, there is a clear distinction between the concepts in the literature.[1069]

In essence, effective communication entails the flowing or sharing of information between employees and leaders throughout the change process. This is evident in POs C1 to C3.[1070] Questions asked during the communication process focus on understanding the shared information. Consultation entails asking employees for their views or ideas about the change. During the consultation process, questions typically revolved around 'what do you think we should do?' Considering the above, I regard it as imperative to include a PO dealing specifically with inclusive consultation as a continuous curriculum change management function.

### 6.5.2 The curriculum change leader (CCL) was very knowledgeable (S2)

The second strength supported the importance and compliance medians of five for PO B9 dealing with the knowledge of the CCL. Focus group member 5 stated that '[w]e were fortunate to have the person driving the process being knowledgable and having experience in legal education and curriculum development.' Section 1.7 elaborates on my knowledge and experience in HE and curriculum development. However, it should be acknowledged that all law faculties in South Africa do not have academics with curriculum change knowledge and experience. In these instances, it would be advisable for faculty management to identify

---

1069 Tasmanian Government 'Managing and leading change' (2021) available at *https://www.dpac.tas.gov.au/divisions/ssmo/change_management/meeting_award_requirements#:~:text=Both%20communication%20and%20consultation%20involve,you%20think%20we%20should%20do%3F*, accessed on 13 December 2021.

1070 PO C1 deals with the CCL continuously communicating progress with the LLB curriculum change to staff members. C2 states that the CCL used a range of communication methods to share information with members of staff and C3 focuses on academic members of staff had open and honest discussions, for example, about problems, conflict, issues, and progress, during the curriculum change process.

a curriculum change leader and ECCC members with a keen interest in curriculum development. Before engaging in the curriculum change process, faculty management should support these staff members in undergoing training and attending workshops that are specifically aimed at curriculum development. These staff members can also be encouraged to register for a qualification such as the Postgraduate Diploma in Curriculum Development/Studies that are offered at numerous institutions in South Africa. If there is a lack of CCL expertise in the faculty, I strongly advise the inclusion of a staff member from the university's Centre for Teaching and Learning or an external consultant with expertise in curriculum change management to serve on the ECCC or to act as CCL.

### 6.5.3 Clear timelines enabled colleagues to know what was expected of them at specific times (S3)

The third strength is a result of the implementation plan that I drafted (see section 6.3.1.2) and corresponds with POs B12 to B14. Focus group member 5 described the strength as follows:

> There were clear guidelines throughout the process. We knew in advance how the curriculation process would unfold. We also knew beforehand what we needed to do before a specific due date. That gave me a clear sense of the direction of where the process was going.

Despite the clear guidelines, some focus group members felt that short timelines were provided for some activities. Consequently, focus group member 1 identified the setting of timelines as both a strength and a weakness, Section 6.6.5 elaborates on the allocation of short timelines as a weakness of the curriculum change process.

### 6.5.4 The curriculum change process forced the faculty to develop and review appropriate policy documents (S4)

The fourth strength of the curriculum change process is related to PO B29. This outline deals with the implementation of a system of quality assurance to ensure that the LLB curriculum changes will be of benefit (see section 6.3.1.5 (ii) (b)).

Focus group member 1 reflected on the compelling force of curriculum change for developing and reviewing Faculty policies:

> It forced the Faculty to get its policy documents and formal processes in place. Before the review, we had very little formal policies and procedures … it was very difficult to agree on uniform and detailed assessment rules for the Faculty. The curriculation process made this possible.'

Developing and reviewing appropriate policy documents was accidentally omitted as a PO in the Draft LLB CCMM. However, given the importance of policy development, a PO on this aspect needs to be included in the Final CCMM, under consolidating wins and creating more changes in the Faculty (see section 6.3.1.5).

### 6.5.5 The curriculum change process mobilised academic staff members and created organisational energy (S5)

It was evident from the focus group members' feedback that an absolute sense of urgency was created to change the LLB curriculum (see PO B1). Section 3.4.2 alluded to the circumstances surrounding the accreditation status of the old UFS LLB being changed to 'notice of withdrawal' in April 2017. Focus group member 4 referred to the anxiety created by the National Review of the LLB outcome as a key driving force for changing the LLB curriculum: 'I think we should not deny that there was some pressure from an underlying fear'.

Although focus group members perceived the review's outcome as a threat, it did not leave them in a state of hopeless despair. Instead, it seems to have created energy and positivity among academics. Despite her fear, focus group member 4 stated: 'So I think we were so optimistic and enthusiastic about really muscling up the new curriculum. … I think it's a good one. I'm very excited about my subjects.' Focus group member 3 described his optimism and realisation that change was necessary: 'The crisis that led us to the change process … [that] mobilised organisational energy and got us focused. The curriculum change was a positive exercise, although the sword was hanging around our heads.' Focus group member 7 added: 'I do not think that we focused on the scariness of curriculum change. We approached the change in a positive way. We were optimistic, very positive going through the process.'

Focus group member 3 supported the viewpoints of the group members mentioned above and provided some explanations for academics not falling into despair during the difficult times:

> Despite the sword hanging over us, the leadership was calm enough to focus on what needed to be done, despite the fact that we were in [a] sense reacting to a crisis and this sword of Damocles hanging upon us. They kept things relatively stable and kept things focused rather than people flapping around worrying about stuff. I want to underline that this was in retrospect to me of far greater importance than what I actually realised at the time.'

The organisational energy created during the curriculum planning phase stands in stark contrast to the compliance medians calculated for the POs dealing with the effect of curriculum change on human resources during the implementation phase (see section 6.3.1.5 (ii) (b)).

### 6.5.6 Conclusion

The strengths of the adopted curriculum change process confirmed the importance of and compliance with several POs. Furthermore, the discussion showed that two additional POs must be incorporated into the Final LLB CCMM. First, consulting with academic staff members on their views and ideas during the curriculum change process needs to be added as an additional continuous change management function. Secondly, developing and reviewing appropriate policy documents must be incorporated as part of the fifth interlinked change management function dealing with consolidating wins and creating more changes in the Faculty.

The following section sheds more light on the weaknesses of the UFS curriculum change process identified by focus group members in the main study. It also considers the inclusion of additional POs into the Final LLB CCMM.

## 6.6 WEAKNESSES OF THE ADOPTED CURRICULUM CHANGE PROCESS

The same process explained in section 5.1 was followed to identify the top five weaknesses of the UFS curriculum change process. Table 6.11 reflects the top five weaknesses in

descending order according to their total scores. The total scores of the top five weaknesses (W1 to W5) varied between 34 (W1) and 13 (W5).

**Table 6.11: Top five weaknesses of the UFS curriculum change management process**

| No | Weaknesses | Total scores |
|---|---|---|
| W1 | The timing of the curriculum process was wrong. | 34 |
| W2 | The Faculty did not address whether the UFS LLB should be seen as an academic degree or a qualification that prepares practice-ready graduates | 22 |
| W3 | Initial expectations of academic staff are not being met during the curriculum implementation phase | 21 |
| W4 | Radical changes in Faculty management while busy with the process impacted on continuity. Consequently, there was a change in perspective and priorities during the implementation phase of the curriculum. | 16 |
| W5 | We had new and innovative ideas for offering our modules in the new LB curriculum. However, due to the time lapse between developing and implementing the new curriculum, some of the academic staff members' innovative ideas became a bit vague. | 13 |

The following sections analyse the top five weaknesses and their implications for developing the Final LLB CCMM.

### 6.6.1 The timing of the curriculum process was wrong (W1)

The Faculty Board decided to await the UFS National Review of the LLB Report before commencing the formal curriculum change planning process. The Faculty received the *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017* on 7 April 2017. It stated that a new LLB curriculum had to be submitted to the HEQC on or before 31 March 2018. It translated for the Faculty into having less than a year to complete the formal curriculum change process. It included about one month that was required to have the curriculum approved by the various UFS structures. The literature suggests that comprehensive curriculum change is a time-consuming process.[1071] This was also the case for the Faculty. Although the formal curriculum change process had to be finalised in approximately one year, the curriculum change process had already commenced with the 12 focus group discussions in February 2015.

Focus group members in the main study criticised the change process for not allowing academic staff members enough time to fully consider and evaluate the recommendations in the *Report of the External LLB Review Panel* and the *Report on the National Review of the*

[1071] See section 1.2.

*LLB*. For example, focus group member 1 stated that '[d]ue to the tight timelines, we had little time to reflect on the validity of the reports. Overall, timelines for completing tasks were very short.'

Focus group member 6 reflected on the knee-jerk responses and poor timing of the curriculum change process:

> So we were pretty much being attacked on two frontiers. So in a way, some of our responses to the CHE process may have led us to being induced by the fear to change for the sake of change. So, for me, if I could have chosen a different time, I would have liked it if we could have started with the process a year or so after we actually did …. It may have been better for us had we been in a situation where we could re-curriculate once the CHE process had sort of settled down a little bit longer.

In addition to reflecting on the implications of the recommendations of the two review panels on the development of a new LLB curriculum, academic staff members also engaged in drafting an improvement plan in response to the decision of the HEQC to put the old LLB on notice of withdrawal (6.3.1.5 (ii) (a)) and a new strategic plan (see section 6.2). Focus group member 3 in the main study used the analogy of a serious psychological disorder to describe the confluence of major tasks that had to take place simultaneously:

> 'It was a rather complex process. At one and the same we were handling this CHE accreditation crisis and we were building a strategic plan. And at the same time, we were re-curriculating. It's almost like Schizophrenia can't describe it, it's worse than that'.

The discussion above clearly indicates the importance of carefully planning when the curriculum change process should occur. The decision to wait for the *UFS National Review of the LLB Report* before commencing the formal curriculum change planning process was responsible for the poor timing of the curriculum change process. In hindsight, a draft curriculum should have been designed before the Faculty received the *UFS National Review of the LLB Report*. However, the Faculty was concerned that the Report could include information or areas for improvement that rendered the draft curriculum useless. Hence the decision to wait for the mentioned Report. The Report did not identify important information that the Faculty was unaware of, or that could have rendered a draft curriculum useless.

Although the Draft LLB CCMM provides setting clear timelines for the curriculum change activities (PO B14), it does not address the timing of the process. It is a strategic management

issue that requires careful planning. Therefore, carefully planning as to when the curriculum change process should take place should be included as a PO in the Final LLB CCMM.

### 6.6.2 The Faculty did not address whether the UFS LLB should be seen as an academic degree or a qualification that prepares practice-ready graduates (W2)

The second weakness revolved around the Faculty not addressing whether the UFS LLB is an academic qualification or a qualification that prepares practice-ready graduates. Focus group member 9 explained the weakness as follows:

> [I]t is not clear whether we are practice-oriented or whether we are academic-oriented. So, some of us feel very strongly that it is an academic degree solely, while some of us feel very strongly towards the other side …. we have certain colleagues who think that we are solely working on an academic curriculum and that we are not delivering students who are ready for practice. This is something that we really need to reconsider or have a clear stance on, because all of us are not on the same page … and that makes a huge difference when you are developing a module, the learning outcomes and the assessment of certain attributes.

The purpose of the LLB depends on whether one supports the doctrinal, vocational, liberal or radical approaches to legal education. I believe the *LLB Qualification Standard* incorporated elements of each legal education discourse (see section 2.3.3.2) and made the purpose of the LLB quite clear. It states the following: 'The LLB degree prepares students for entry into legal practice, into a wide range of other careers that require the application of law, and for post-graduate studies in law'.[1072] Consequently, an equilibrium between the doctrinal, vocational, liberal and radical approaches to legal education is required in order to fulfil the purposes of the LLB. It implies that the LLB cannot be an academic qualification *or* a qualification that prepares practice-ready graduates. It needs to be both. Campbell supported this view by arguing that these purposes of the LLB are not mutually exclusive.[1073]

Unaware of my viewpoint, focus group member 5 explained why the Faculty did not consider whether the LLB should be perceived as an academic qualification or a degree that prepares practice-ready graduates:

---

1072 CHE op cit note 20 at 8.
1073 Campbell op cit note 172 at 33.

> I think the reason why that argument was never discussed or focused on during all our workshops is because this was never an issue. There is not one single staff member at the Faculty who sincerely believes that we can produce, and that we should produce, fully practically enabled students. The idea that we are part theoretical and part practical has always been understood. I do not think that stood in the way of drafting a good curriculum.

Focus group member 4 recognised that member 3 'spoke very powerfully' on the purpose of the LLB. However, he believed that the new LLB curriculum could, from a strategic viewpoint, be to the detriment of the Faculty:

> The one thing that distinguished us from other faculties was the practice readiness philosophy. ... I thought that was a unique selling point. I don't think anybody else in the country was doing it, even now or certainly not in the way that we were doing it. And in the process we lost that sort of strategic uniqueness and that unique selling proposition I thought was a little unfortunate.

However, the *Report on the External LLB Review Panel* and *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017* and feedback from stakeholders did not support the focus group member's claims (see section 2.4.2). Section 2.4.2.6 elaborated on the UFS LLB not adequately developing graduate attributes related to writing and research, critical thinking, and practical legal skills. I agree that we should have more explicitly considered the purpose of the new LLB in our strategic planning. It was an oversight to merely assume that all academics were on board with its purposes as stated in the *LLB Qualification Standard*.[1074] Consequently, this aspect needs to be incorporated as a PO under the strategic planning process in the Final LLB CCMM.

### 6.6.3 Initial expectations of academic staff members are not met during the curriculum implementation phase (W3)

The third weakness related to focus group members experiencing that the adopted curriculum change process did not meet academics' expectations during the implementation phase of the curriculum. This is in stark contrast to the participants' optimism when the new LLB curriculum was developed (see section 6.5.5).

[1074] See section 2.3.3.2 (ii).

Focus group member 1 in the main study formulated her disappointment: ‘Perhaps perspectives or priorities have changed. The Faculty does not provide as much support now that the modules need to be developed. I think, at the moment, I am not sure whether all colleagues feel as supported as what they did during the curriculum change process.’

Focus group member 8 in the main study referred to the ‘promises’ made regarding the appointment of part-time lecturers during the transition phase between the old and new LLB curricula (see section 6.4.2). She stated: ‘I remember specific meetings that we’ve had. And it was almost like a prerequisite that during the implementation and phasing-in/phasing-out process, you would have had help. But that did not materialise’. Focus group member 2 added: ‘now we will even be more overworked’.

Focus group members 2, 5 and 8 in the main study perceived that some academics seemed less committed and were withdrawing ‘unexpectedly’ from the curriculum implementation phase. For example, focus group member 8 stated:

> ‘Certain things were agreed upon early in the process …. And I think as time moved on, people started to back out …. There now is a dispute because things were not clearly written down … [as] evidence to say who is going to do what.’

The sense of desperation was almost tangible in the response of focus group member 5, an active participant in the curriculum change process: ‘So I think, considering the promises that were made - I think there's a lot, you know, a lot of promises that will not be fulfilled.’

This weakness contributes towards explaining the low compliance medians for the POs regarding high work loading (B36), the evaluation of academic staffs’ development trajectories (B37), the availability of sufficient resources for successfully implementing the new LLB curriculum (B38), and Faculty management not continuously considering the psychological impact that the curriculum change process had on academic staff members (C4).

It is evident from the discussion above that academics should continue feeling supported during the implementation phase of the curriculum. Therefore, the phrasing for PO B38 should be amended as follows in the Final LLB CCMM: Faculty management makes sufficient resources (time, money human resources and information technology) available *so that staff*

*members feel supported* during the planning implementation phases of the new curriculum. Furthermore, additional recommended practices to comply with PO B38 in the Final LLB CCMM are: (i) faculty management should ensure that it can follow through on the expectations raised and 'promises' made during the curriculum planning phase, faculty management at historically Black universities with limited financial resources should particularly ensure that the institutions will have the financial means to present the new LLB curriculum and (iii) the decisions and 'promises' of Faculty management during the curriculum change process need to be recorded.

### 6.6.4 Radical changes in Faculty management impacted the continuity of the process (W4)

The Dean who was actively involved in the curriculum change process resigned with effect from 1 January 2018. In March 2019, I resigned from my position as Vice-Dean. It was evident from the discussions that these Faculty management changes affected the implementation of the new LLB curriculum. For example, focus group member 6 stated:

> I think one of the weaknesses is that we actually had radical changes in the management of the faculty while this process was ongoing …. we ended up with a new Dean and Deputy Dean …. So I think that those things, you know, those did impact on the continuity and possibly a few of the things that were being referred to earlier on …. I think the process would have been easier if we had more continuity.

Focus group member 8 supported the viewpoint of focus group member 6:

> Some of the issues we experience now might have been skipped if the person who started the process completed the process. Because as soon as someone else takes over the process, they put emphasis on other things and… steer the process in the future in another direction. And they are obviously entitled to do so …. But now, we are unsure about how the curriculum will be rolled out.

Getting a commitment from the CCL to continue to be involved in the implementation of the curriculum could ensure continuity in the curriculum change process and assist academics in feeling confident about what to expect. This aspect and recommended practices to achieve this PO need to be incorporated into the Final LLB CCMM.

In hindsight, I realised the importance of faculty management negotiating clear terms and conditions when appointing a CCL and ECCC members. Since curriculum change is challenging, multifaceted and complex, faculty management needs to consider support to manage their changing workloads. Although an increased faculty workload can increase the motivation of staff members, work overload can lead to burnout, underperformance and the resignation of staff members from the curriculum change process or even from their permanent positions.[1075] Consequently, faculty management need to negotiate incentives to have the change leader and ECCC members committed to leading the planning and implementation of a new curriculum. Leading the curriculum change should be factored into the workloads of the CCL and ECCC. Rewarding the CCL and ECCC members for services rendered during the curriculum change development process can assist in securing their involvement throughout the implementation process. The reward for leading curriculum change can be in the form of a sabbatical or study leave, a reduced lecturing load,[1076] additional remuneration or a curriculum development award/prize. Contract or part-time lecturers can be appointed to temporarily relive the CCL and ECCC members from some of their normal duties. Research has shown that the reward for education leadership is generally lower than the recognition for research in research-led universities.[1077] Therefore, the commitment of CCLs and ECCC members towards the curriculum change should also be taken into account when conducting annual performance appraisals or when their suitability for promotions is considered.'

### 6.6.5 The time-lapse between developing and implementing the new curriculum caused academic staff members' innovative ideas to become a bit vague (W 5)

The fifth weakness confirms the energy and positivity that accompanied the planning phase of the curriculum (see section 6.5.5) and the fresh ideas that academics had for teaching and learning practices and assessment methods in their modules (POs B20 and B21). However, due to the passing of time, some academic staff members struggled to incorporate those innovative ideas into their modules. Although the HEQC approved the new curriculum in 2018, the first study year of the curriculum was only implemented in 2020. Consequently, academics presenting, for example, modules in the third year of study of the new LLB curriculum, only started developing learning material for these modules in 2021 (one year

---

1075 Charles Mushabe, Might Kojo Abreh & Clara Araba Mills 'Reconceptualizing faculty workload as a measure of human resource motivation and performance in higher education' (2022) 6*Social Sciences & Humanities* 1 at 4.

1076 See, for example, Joya Misra, Dawn Culpepper & KerryAnn O'Meara *Diversity Work, Meaningful Work and Faculty Workload Inside Higher Education* (2023), available at https://www.insidehighered.com /advice/2023/03/30/ equitably-recognizing-and-rewarding-women-faculty-color-opinion, accessed on 10 May 2023.

1077 Dilly Fung & Claire Gordon *Rewarding Educators and Education Leaders in Research-Intensive Universities* (2016) 1 at 10.

before the modules were presented for the first time, three years after the accreditation of the new LLB and four years after the workshops on innovative teaching, learning and assessment practices in section 6.3.1.3). Focus group member 7 presenting a second-year module reflected:

> I had a problem this year putting my modules on the books. We discussed so many things at those workshops, and we had aims for the different modules when we all collaborated. I forgot some of those thoughts, so when I looked at the learning outcomes for the new labour law module, for example, I wish that we would have worked on that sooner so that that information was still fresh.

This weakness was straightforward and did not ignite further deliberations among focus group members. It highlights the significance of accurately recording one's ideas during the curriculum planning phase. Furthermore, academics should ideally start developing their modules immediately, even during the curriculum planning process. The Final LLB CCMM should include a PO dealing with these aspects as part of curriculum planning.

### 6.6.6 Conclusion

The identified weaknesses had an important bearing on developing the Final LLB CCMM.

It is evident from section 6.6.1 and 6.6.2 that the strategic planning process (see section 6.2) should provide for POs dealing with careful planning of the timing when the curriculum change process should occur and (ii) the consideration of the purpose of the LLB when drafting a strategic plan for a law faculty. The weakness related to the initial expectations of staff members not being met led to the rephrasing of PO B38 in the Final LLB CCMM and the identification of additional recommended practices to achieve this PO (see section 6.6.3). Securing the commitment of the CCL to continue to be involved during the implementation phase of the curriculum (see section 6.6.4) needs to be included as a PO under the interlinked change management function related to building a CCC that works effectively as a team building (see section 6.3.1.2). Encouraging academic staff members to record their innovative ideas during the curriculum planning phase and to begin developing their modules as soon as possible (see section 6.6.5) should be incorporated as an additional PO under the curriculum planning process (see section 6.4). Although the weaknesses were related to the

UFS curriculum change process, the POs developed from the weaknesses were generic and, therefore, applicable to curriculum change at any South African university.

## 6.7 CONCLUSION

The evaluation of the importance of the 61 POs of the Draft LLB CCMM by 28 questionnaire participants played a critical role in developing the Final LLB CCMM presented in Annexure 11. The minimum mode and median importance scores of four and more calculated for the 61 POs confirmed the incorporation of all the outlines into the Final LLB CCMM. The top five strengths of the UFS curriculum change process identified by focus group members using the NGT confirmed the importance of several POs of the Draft LLB CCMM. Furthermore, an analysis of the top five strengths and weaknesses led to the inclusion of six additional POs in the Final LLB CCMM. Although the POs were derived from UFS law academics, the POs are generalisable to curriculum change at any university, regardless of the discipline (e.g., accounting, business management, sciences, psychology) undergoing curriculum change.

The evaluation of the compliance of the UFS curriculum change process using a questionnaire in the main study took place after the phasing in of the first year of study of the new LLB curriculum. Due to the timing of the study, the questionnaire did not request participants to rate the compliance of the UFS curriculum change process with five POs of the Draft LLB CCMM.[1078] The minimum mode and median compliance scores of four and more for 49 of the 56 POs evaluated confirmed that the initiatives and practices employed during the curriculum change process were sufficient and of value.[1079] Focus group members explained the mode and median compliance scores for seven POs not meeting the minimum mode and media compliance scores of four. [1080]

In addition to the five POs of the Draft LLB CCMM that questionnaire participants were not requested to rate, questionnaire participants and focus group members stated that it was premature to evaluate three POs.[1081] Consequently, it will take several years before any

1078 POs B31 to B35.
1079 Questionnaire participants were not requested to rate POs B31 to B35.
1080 POs A2, B22, B25, B26, B29, B40, C4.
1081 POs B29, B39 and B40.

conclusive statements can be made about the compliance of the UFS curriculum change process with all the POs of the Draft LLB CCMM.

I noted in section 4.5 that the 61 POs of the Draft LLB CCMM might seem excessive/overwhelming for facilitating LLB curriculum change. However, the identified POs break down the challenging, multi-faceted and complex nature of curriculum change into manageable portions. The POs are straightforward and relatively easy to achieve. Also, the recommended practices provide practical examples of what needs to be done to achieve the POs. Consequently, the curriculum developer/change leader is not left in the dark as to how to achieve the POs. Also, complying with the numerous POs will assist curriculum developers/change leaders in not overlooking any important factors, which may have a detrimental effect on the quality of future LLB graduates.
One also needs to consider that after implementing only the first study year of the new LLB, the UFS curriculum change process had already complied with 49 of the 61 POs[1082] If the UFS curriculum change process succeeded in complying with more than 80 per cent of the POs of the Draft LLB, one can assume that this can also be achieved by other universities. However, I acknowledge that the circumstances (e,g., the sense of urgency to change the curriculum, the barriers to change, or organisational culture) at universities are not the same. Complying with the POs during the UFS curriculum change process would not have been possible without the commitment of its staff members, their willingness to think outside the box and the support of the Dean.

The additional six POs identified by the focus group discussion are critical for facilitating LLB curriculum change and will not render the framework impracticable. Therefore, the Final LLB CCMM will most likely serve as a valuable tool for facilitating comprehensive LLB curriculum change at other South African universities

In the final chapter of this study, the conclusions from the study are presented, the Final LLB CCMM is proposed, accompanied by a series of recommendations and an overview of the significance of the study.

[1082] POs B31 to B3 5 were not rated by participants and POs A2, B22, B25, B26, B29, B40, C4 did not achieve mode and median compliance scores of at least four.

# CHAPTER 7

# CONCLUSION

## 7.1 INTRODUCTION

The purpose of this study was to propose a CCMM for facilitating comprehensive LLB curriculum change at South African universities. Answering the five research questions presented in section 1.4 contributed towards achieving this purpose. In Chapters 1 and 2, I investigated the unique contextual factors and challenges that informed LLB curriculum change and the development of a Draft LLB CCMM for facilitating comprehensive LLB curriculum change at South African universities (research question 1). The conceptualisation of the notions of curriculum, curriculum planning and change management and the implications thereof on LLB curriculum change and the development of a Draft LLB CCMM were addressed in Chapters 3 and 4 (research question 2). A Draft LLB CCMM was proposed at the end of Chapter 2 (see Appendix 2), thereby answering the third research question. Chapter 6 identified the POs that law academics regard as important for comprehensive LLB curriculum change (research question 4) and shed light on the nature of the practices that can be implemented to comply with these POs (research question 5).

The final chapter of this study elaborates on compiling the Final LLB CCMM and the structure and content of the Final LLB CCMM proposed in Annexure 11. The limitations of the study are identified. I explain the significance of the study in terms of theory building and the practical value of the Final LLB CCCMM. The study ends with some concluding remarks.

## 7.2 COMPILING THE FINAL LLB CURRICULUM CHANGE MANAGEMENT MODEL (FINAL LLB CCMM)

The Final LLB CCMM is based on the Draft LLB CCMM proposed in Annexure 2. In contrast to the Draft LLB CCMM, the Final LLB CCMM does not only comprise POs, but it also contains recommended practices for achieving the POs. I explained in section 5.3.2.6 the process followed to identify these recommended practices.

The quantitative evaluation of the 61 POs of the Draft LLB CCMM in terms of importance suggested that all POs should be included in the Final LLB CCMM (see section 6.7). However, in the Final LLB CCMM, all POs do not appear in their original format. Twelve of the POs of the Draft LLB CCMM were combined into five POs, seven new POs were added, four POs were adapted/rephrased, and five POs were converted into recommended practices. The following sections briefly explain these changes to the Draft LLB CCMM.

### 7.2.1 Combined prescriptive outlines (POs)

Table 7.1 indicates how 12 POs of the Draft LLB CCCM were combined into five POs in the Final LLB CCMM. The five POs of the new LLB CCMM relate to the curriculum planning process (POs 2.1.3.3 and 2.1.3.4) and change management process. The interlinked curriculum change management functions are: creating a sense of urgency (PO 2.1.1.1), building a CCC that works effectively as a team (POs 2.1.2.6) and empowering staff members for curriculum change (POs 2.1.3.3 and 2.1.3.4)

**Table 7.1: Combined POs in the Final LLB CCMM**

| **Prescriptive outlines** | | | | |
|---|---|---|---|---|
| **POs in the Draft LLB CCMM** | | **Combined POs in the Final LLB CCCMM** | | **Reasons** |
| **No** | **Descriptions** | **No** | **Descriptions** | |
| B2 | The CCL provides evidence from the media and scholarly and non-scholarly articles on why and how the LLB curriculum has to change. | 2.1.1.1 | The CCL and ECCC provide staff members with evidence from the media, scholarly and non-scholarly articles, and the *Report on the National Review of the LLB* as to why and how the LLB curriculum has to change | Both POs refer to written and electronic resources to create a sense of urgency. Due to the time lapse since the National Review of the LLB (see section 7.2.3.3), the inclusion of B5 as a separate PO is not warranted. |
| B5 | The CCL uses the self-evaluation report, HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017 and the *Report on the National Review of the LLB* to motivate why and how the LLB curriculum had to change.. | | | |
| B12 | The CCL ensures that staff members know where they fit into the LLB curriculum change process. | 2.1.2.6 | The implementation plan for the curriculum change process ensures that staff members know where they fit into the process, the activities they should perform and the timeframes for completing the activities of the LLB curriculum change process. | The three POs relate to aspects that should be included in the implementation plan for the curriculum change strategy. |
| B13 | The CCL ensures that staff members know the activities they should perform during the curriculum change process. | | | |
| B14 | The CCL ensures that staff members are aware of the timeframes for the different | | | |

| | | | | |
|---|---|---|---|---|
| | activities of the LLB curriculum change process. | | | |
| B18 | The CCL ensures that staff members are familiar with the *LLB Qualification Standard* and the graduate attributes it requires to be developed in LLB students. | 2.1.3.3 | The CCL ensures that staff members are familiar with the LLB Qualification Standard; that they are empowered to develop the required graduate attributes in students; and are able to introduce specifically the LLB curriculum imperatives (e.g., transformative constitutionalism, decolonisation, globalisation and internationalisation and the fourth industrial revolution) into the new modules of the LLB curriculum. | Both POs relate to the empowerment of academic staff members regarding aspects of the *LLB Qualification Standard.* |
| B19 | The CCL ensures that staff members are empowered to introduce the LLB curriculum imperatives (e.g., transformative constitutionalism, decolonisation, globalisation and internationalisation, and the fourth industrial revolution) into the new modules of the LLB curriculum. | | | |
| B20 | The CCL ensures that staff members are empowered to introduce innovative teaching and learning practices in the modules of the new LLB curriculum. | 2.1.3.4 | The CCL ensures that staff members are empowered to introduce innovative teaching, learning and assessment practices/methods into the modules of the new LLB curriculum. | Both POs relate to empowering staff members to introduce innovative aspects into the LLB curriculum. |
| B21 | The CCL ensures that staff members are empowered to introduce innovative assessment practices in the modules of the new LLB curriculum. | | | |
| D8 | The new LLB curriculum maintains the strengths of the old curriculum and addresses the concerns/weaknesses identified by stakeholders (e.g., academics, students, alumni and employers). | 3.9 | The new LLB curriculum maintains the old curriculum's strengths and addresses the weaknesses/ concerns/recommendations noted by stakeholders (e.g., academics students, alumni and employers) during focus group discussions (see PO 2.1.1.2), a panel of experts during an external institutional review of the LLB (see PO 2.1.1.3) and the HEQC in the *Report on the National Review of the LLB* (see PO 2.1.1.1). | All three POs address weaknesses/concerns/recommendations made by a group of participants to improve the quality of the old LLB curriculum. PO D9 was generalised to include other institutions. |
| D9 | The new LLB curriculum addresses the concerns raised in the Report on the External Institutional Review of the UFS LLB. | | | |
| D10 | Overall, The new LLB curriculum addresses the concerns raised by the HEQC. | | | |

### 7.2.2 New prescriptive outlines (POs)

The Final LLB CCMM contains seven POs that were not included in the Draft LLB CCMM. The application of the NGT during the focus group discussion in the main study (see section 6.5.6), led to the inclusion of the following six additional POs in the Final LLB CCMM:

(i) Staff members consider the purpose of the LLB when drafting the curriculum change objective and strategy for inclusion into the strategic plan for a faculty. (PO 1.4).
(ii) Staff members carefully consider the timing of when the curriculum change process should occur in the implementation plan for the curriculum change. (PO 1.5).
(iii) The faculty reviews existing policies and develops new policy documents to support the implementation of the new LLB curriculum. (PO 2.1.5.4)
(iv) The CCL continuously consults with academic staff members on their views and ideas during the curriculum change process (PO 2.1.7.6)
(v) The CCL commits to being involved during the implementation phase of the curriculum. (PO 2.1.2.8)
(vi) The CLL encourages staff members to identify and record innovative ideas for teaching, learning and assessment in their modules as soon as possible after such discussions have been held. (PO 3.2).

The seventh additional PO deals with the appointment of a CCC to assist the CCL (see PO 2.1.2.1). All LLB academic staff members formed part of the CCC during the UFS curriculum change process (see section 6.3.1.2). Due to the advantages of this arrangement, the recommended practices for appointing a CCC in the Final LLB CCMM also endorses the inclusion of all LLB academics in the committee. However, if all academic staff members cannot be accommodated in the CCC (e.g., due to the high number of academics or their unwillingness to assist), the Faculty Board can consider appointing a smaller CCC. The Final LLB CCMM recommends that such a committee comprises at least one representative per department, members with sufficient position power, academics with different viewpoints on the LLB curriculum, credible academics with good reputations and the necessary skills to support and deal effectively with curriculum change, faculty innovators and a minority of voices in opposition to curriculum change. The CCL should ensure that these requirements are met if staff members make themselves available for this committee.

I explained in section 6.3.1.2 (ii) that some of the focus group members in the main study had reservations about the curriculum change process being driven by a CCL only. I remarked that, in hindsight, I would have supported the appointment of an ECCC comprising the CCL and a representative from each of the three departments in the Faculty. In addition to my

responsibilities as CCL, I was appointed as the Vice-Dean of the Faculty and sometimes felt overloaded with responsibilities and experienced fatigue and emotional stress during the change process. Sharing the responsibilities with ECCC members would have gone a long way toward my feeling supported during the curriculum change process. It is likely that faculties at other universities will also appoint academics who will have to perform CCL duties in addition to their normal workload. It is probable that they will experience similar feelings to those that I had. Furthermore, the UFS curriculum change process was too dependant on one individual leading the curriculum change process. Consequently, my resignation as Vice-Dean contributed towards the focus group meeting in the main study voting radical changes in Faculty management as one of the top five weaknesses of the UFS curriculum change process (see section 6.6.4). It would have been easier for a member of the ECCC to take over my responsibilities had such a committee been in existence. Considering the above, the recommended practices for complying with PO 2.1.2.1 suggest the appointment of an ECCC in addition to either a CCC of all LLB academics, or a smaller CCC. Should an ECCC be appointed, the duties of the CCL ought to apply, *mutatis mutandis*, to members of the ECCC.

### 7.2.3 Adapted prescriptive outlines (POs)

The appointment of an ECCC required seven of the POs of the Final LLB CCMM to make provision for this committee. In the Final LLB CCMM, the ECCC shares responsibility with the CCL for carrying out four POs[1083]; two POs can be performed by either the CCL or ECCC[1084]; and the ECCC replaced the CCL in one PO.[1085]

Although the UFS Dean assumed responsibility for specific POs of the Draft LLB CCMM, one can argue that Deans may not be willing or able to assume the extensive responsibilities assigned to them in terms of the Draft LLB CCMM. Consequently, the duties of the Dean in the Final LLB CCMM can also be performed by his/her appointed representative.

In addition to the POs mentioned above, four POs of the Draft LLB CCMM had to be adapted for inclusion into the Final LLB CCMM. In the sections below, I identify these POs; I briefly

---

1083 POs 2.1.1.1, 2.1.1.2, 2.1.3.1, and 2.1.7.6.
1084 POs 2.1.3.7 and 2.1.3.8.
1085 PO 2.1.5.3.

explain the reasons for the amendments; and provide the adapted descriptions for the POs in the Final LLB CCMM.

7.2.3.1 PO AI of the Draft LLB CCMM: Faculty management satisfactorily consults staff members on drafting the strategic plan for the faculty

The Draft LLB CCMM focused on developing a new strategic plan for a faculty intending to comprehensively change its LLB curriculum. Therefore, the CCMM did not distinguish between faculties deciding to develop new strategic plans and faculties whose existing strategic plans may merely require amendments due to intended curriculum changes.

A decision to comprehensively change an LLB curriculum is a strategic matter that needs to be incorporated as a curriculum change strategy into the faculty's strategic plan. I explained in section 4.2 that strategic planning is not a once-off or episodic exercise, but a continuous process that requires regular revision.[1086] Therefore, it is not advisable for faculties with existing strategic plans to omit the interlocking stages of strategic planning if they intend to comprehensively change their curricula. Ideally, these faculties should engage in the different stages of strategic planning: (i) identify and evaluate the faculty's key-performance indicators (stage 1), (ii) consider the structure for a student-centred-curriculum framework (stage 2), (iii) perform an external environmental scan (stage 3), (iv) perform an internal environmental scan (stage 4), and (v) make amendments to the strategic plan (stage 5).

Despite the ideal situation described above, faculties with recently developed or reviewed strategic plans may resolve to merely include new or amended objectives and strategies regarding curriculum change into their existing strategic plans. Consequently, I rephrased PO B1 of the Draft LLB CCMM to accommodate the development of a new strategic plan and the amendment of an existing strategic plan in PO 1.1 of the Final LLB CCMM: 'Faculty management satisfactorily consults staff members on drafting/amending the faculty's strategic plan, specifically regarding the curriculum change objective and strategy.'

---

[1086] Michael G Dolence 'The curriculum centered strategic planning model' (2004) 11 *Educause Center for Applied Research Bulletin* 9

7.2.3.2 PO A4 of the Draft LLB CCMM: Faculty management ensures that staff members support the vision, mission, LLB curriculum change objective and strategy in the strategic plan of the faculty

As explained above, the Final LLB CCMM makes provision for faculties deciding to develop new strategic plans and faculties whose existing strategic plans may merely require amendments due to intended curriculum changes. This required PO A4 of the Draft LLB CCMM to be adapted as follows in PO 1.6 of the Final LLB CCMM: 'In the case of a new strategic plan, faculty management ensures that staff members support the vision, mission, LLB curriculum change objective and strategy in the strategic plan of the faculty. In the case of an existing strategic plan, faculty management ensures that staff members support the new curriculum change objective and strategy'.

7.2.3.3 PO B4 of the Draft LLB CCMM: The CCL used the self-evaluation report and the Report on the External Institutional Review of the UFS LLB (2016) to motivate why and how the LLB curriculum had to change

Faculties may argue that an external institutional review will be unnecessary due to the National Review of the LLB. Furthermore, an external institutional review is labour-intensive, costly and time-consuming. However, during the LLB review, faculties prepared their self-evaluation reports, and the HEQC review panels conducted site visits in 2016 (see section 2.3.3.3). Due to the time lapse since the National Review of the LLB, I believe that an external institutional review is required if faculties intend to comprehensively change their curricula. PO B4 in the Draft LLB CCMM is UFS-specific, therefore, I adapted PO 2.1.1.3 for general use by other faculties: 'The Dean and CCL use the self-evaluation report and the report submitted by the external institutional review panel to motivate why and how the faculty's LLB curriculum should change.' However, due to the adoption of a flexible approach regarding the implementation of the Final LLB CCMM, faculties may decide not to implement this PO (see section 7.3).

7.2.3.4 PO B38 of the Draft LLB CCMM: Faculty management makes sufficient resources (time, money and human resources, information technology) available for implementing the new LLB curriculum

The discussion in section 6.6.6.3 elaborated on focus group members in the main study not feeling that their initial expectations were met during the curriculum implementation phase. This weakness of the UFS curriculum change process emphasised the need for staff members to continue feeling supported during the curriculum change process. Consequently, I reformulated PO B38 as follows in PO 2.1.5.7 of the Final LLB CCMM: 'Faculty management makes sufficient resources (time, money human resources and information technology) available so that staff members feel supported during the planning and implementation phases of the new curriculum.'

### 7.2.4 Prescriptive outlines (POs) converted into recommended practices

I converted five POs into recommended practices in the Final LLB CCMM. All five POs related to consolidating wins to create more change in the faculty.

PO B29 deals with implementing a quality assurance system for ensuring that the LLB curriculum changes will be of benefit. POs B31 to B34 represent initiatives or practices contributing to this quality assurance system: modules are evaluated at the end of each year by, for example, external reviewers and/or students to guide new change initiatives; student pass rates, throughput rates and retention rates are regularly reviewed to identify additional student support interventions and new teaching, learning, and assessment initiatives; graduate tracking surveys to assess graduates' employability are introduced one year after the first cohort of the new LLB has graduated; and employer satisfaction surveys are introduced one year after the first cohort of the new LLB has graduated. Due to the timing of the administration of the questionnaire, respondents were not requested to evaluate the compliance of the UFS curriculum change process with POs B31 to B34, and no recommended practices were developed for these POs. Based on the contribution of PO B31 to B34 towards achieving PO B29 and the absence of recommended practices for the four POs, I converted POs B31 to B34 to recommended practices for PO 2.1.5.2 in the Final LLB CCMM.

One of the five top strengths of the UFS curriculum change process, as identified by the focus group in the main study, related to the curriculum change process compelling the faculty to develop and review appropriate policy documents. This strength led to the formulation of the PO 2.1.5.4: 'The faculty reviews existing policies and develops new policy documents to support the implementation of the new LLB curriculum' (see section 7.5.1.2). One of the policies that a faculty has to review is admission criteria for the new LLB (PO B35 in the Draft LLB CCMM). Since PO 35 contributes towards complying with PO 2.1.5.4, I converted PO 35 into a recommended practice for PO 2.1.5.4.

## 7.3 THE STRUCTURE AND CONTENTS OF THE FINAL LLB CURRICULUM CHANGE MANAGEMENT MODEL (FINAL LLB CCMM)

The Final LLB CCMM and its accompanying POs and recommended practices for complying with the respective POs are presented in Appendix 11. Figure 7.1 provides a schematic presentation of the Final LLB CCMM. Similar to the Draft LLB CCMM in Appendix 2, the Final LLB CCMM in Appendix 11 comprises three interlinked processes, represented by the three interlinked circles.

The strategic planning process is represented by the outer circle, which informs the curriculum change management process (depicted in the middle circle) and the curriculum planning process (depicted in the inner circle). The curriculum change management process encompasses six interlinked change management functions. In contrast to the Draft LLB CCMM that consisted of only three continuous change management functions, the Final CCMM includes a fourth continuous function: consultation.

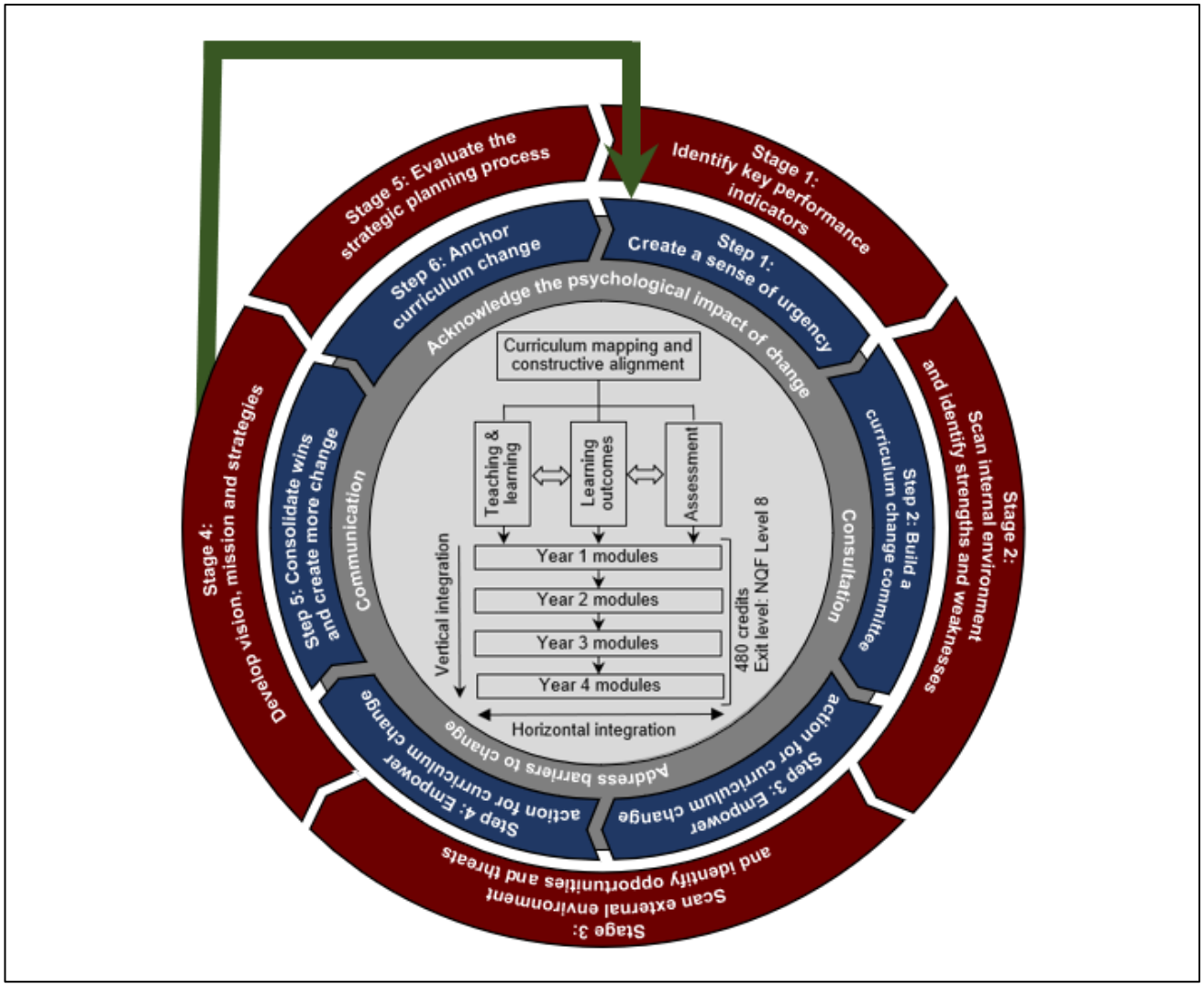


**Figure 7.1: Final LLB CCMM**

I acknowledge that some of the POs may overlap and may be interrelated to one another. Although the processes are depicted as separate, the three processes can run concurrently. For example, while staff members proceed to develop a strategic plan for the faculty, the CCL can engage in creating a sense of urgency to change the curriculum. Also, it not necessary to complete one of the curriculum change management functions before engaging in the next function. For example, staff members may be empowered for curriculum change while a sense of urgency is created to change the curriculum. Although Figure 7.1 provides for vertical integration over the four years of the LLB, a fifth year can be added should the faculty decide to develop a five-year LLB.

The green arrow indicates that faculties with existing strategic plans do not have to go through the entire strategic planning process if their strategic plans were recently reviewed. These faculties should only change their curriculum change objectives and strategies in their strategic plans, before commencing with the first step of the curriculum change management process (see section 7.2.2.1).

Table 7.2 indicates the three curriculum change processes and the distribution of the 52 POs of the Final LLB CCMM among these processes. For example, the curriculum change management process comprises 35 POs that are categorised into six interlinked curriculum change management functions and a set of continuous change management functions. Each of the interlinked functions relates to building a CCC that works effectively as a team and empowering staff members for curriculum change consists of eight POs. The Final LLB CCMM appears in Appendix 11.

**Table 7.2: Distribution of the 52 POs of the Final LLB CCMM among the three curriculum change process**

| **Curriculum change processes** | **Curriculum change management functions** | **POs** |
|---|---|---|
| Strategic management (seven POs) | | 1.1 to 1.7 |
| Curriculum change management (35 POs) | Create a sense of urgency to change the LLB curriculum (seven POs) | 2.1.1.1 to 2.1.1.4 |
| | Build a CCC that works effectively as a team (eight POs) | 2.1.2.1 to 2.1.2.8 |
| | Empower staff members for curriculum change (eight POs) | 2.1.3.1 to 2.1.3.8 |
| | Create and celebrate short-term wins (one PO) | 2.1.4.1 |
| | Consolidate wins to create more changes in the faculty (seven POs) | 2.1.5.1 to 2.1.5.7 |
| | Anchor the curriculum change in the faculty's systems, practices, and organisational culture (one PO) | 2.1.6.1 |
| | Continuous change management functions (six POs) | 2.1.7.1 to 2.1.7.6 |
| Curriculum planning (10 POs) | | 3.1 to 3.10 |

As stated in section 4.5, the POs provide guidelines/strategies for facilitating curriculum change. The evaluation of the importance of the POs in the Final LLB CCMM confirmed the significant role that these POs have played in facilitating comprehensive LLB curriculum change at a South African university. Ideally, faculties should comply with all these POs when engaging in a comprehensive curriculum change.

However, the Final LLB CCMM and its POs are not intended/required to be rigidly implemented. The model can be amended to suit, for example, the specific faculty/institutional context and needs, its organisational culture, and the availability of staff members to drive the curriculum change process. Furthermore, the Final LLB CCMM may take several years to complete (see section 6.6.1), while some faculties may be pressed for time to complete the process in a shorter time period. The following are examples of the implications of this flexible approach on the implementation of the Final LLB CCMM:

- Faculties or CCLs may resolve to use the Final LLB CCMM for facilitating comprehensive LLB curriculum change. However, they may decide to omit specific POs during the change process. For example, a faculty may decide not to engage in an external institutional review of the faculty's LLB (see PO 2.1.1.3) due to the costs and time-consuming nature of the process. The CCL may also argue that since the recent National Review of the LLB, another review is not warranted and will result in a duplication of processes. Also, faculties with recently developed or reviewed strategic plans may resolve not to develop new strategic plans. The green arrow in Figure 1 demonstrates that such faculties may only change existing objectives or add new objectives and strategies regarding comprehensive curriculum change (see PO 1.6). The Final LLB CCMM provides an extensive range of POs that are regarded as important for curriculum change. However, these POs are not regarded as essential for the curriculum change process to take place. The omission of one or more of the POs will not, per se, result in a failure of the change process.

- Faculties may decide to implement only one or more of the POs related to the curriculum change management or curriculum planning processes. For example, the CCL may use the curriculum change management function related to creating a sense of urgency to change the curriculum, or building a CCC that works effectively as a team. This approach may be followed by faculties engaging in minor or piecemeal changes, but it is not recommended for faculties engaging in comprehensive curriculum change.

- The responsibilities and duties of, for example, Deans, Department Heads and CLLs may not be the same at all institutions. Therefore, the responsibilities/duties assigned to specific individuals or teams in the POs may be delegated or assigned to other staff members. Institutional human resources policies may require that some of the curriculum change duties are performed by individuals in other positions than those prescribed by the model. The Final LLB CCMM, to some extent, covers this aspect by providing for the appointment of a representative of the Dean and an ECCC to assist the CCL with his/her extensive duties and responsibilities. Also, some institutions may require the approval of the Faculty Board for specific POs, while others may only require the approval of the CCC.

## 7.4 LIMITATIONS

Although I made an effort to enhance the validity and reliability of the quantitative research and trustworthiness of the qualitative research (see section 5.4) and the validity and reliability of the quantitative research, (see section 5.5), as with any study, there remained certain limitations.

The first limitation revolves around the impact of subjectivity. The importance of the POs of the Draft LLB CCMM and the compliance of the UFS curriculum change process with these POs are based on the subjective perceptions of 28 participants. Subjectiveness is also evident in the focus group discussion, and my insider researcher position that is declared in section 1.7. Consequently, I acknowledge that other researchers may have phrased the POs differently or may have organised them in another way in the Final LLB CCMM. Also, other researchers may have proposed additional/different recommended practices for complying with the POs.

The second limitation refers to the following aspects of the research design and methods: the pilot study's sample size for the questionnaire was small; some of the focus group members may have suffered fatigue; focus group participants identified a limited number of practices that could have improved compliance with the POs not meeting the minimum quantitative compliance criteria; a scribe should have been appointed for administering the NGT and a gap analysis comparing the median difference of the paired importance and compliance data could have been performed. I discuss these limitations in more detail in section 5.7.

The third limitation refers to the transferability of the study. Although I took special care to enhance the study's transferability (see section 5.5.2), I acknowledge that achieving truly transferable results from a single study and participants from a single institution in South Africa is unrealistic.

Despite the potential limitations, the researcher has proposed a unique LLB CCMM for facilitating comprehensive LLB curriculum change in South Africa that is of theoretical and practical value.

## 7.5 SIGNIFICANCE OF THE STUDY

The significance of the research can be summarised in two themes: its contribution towards curriculum change theory building and its practical value in facilitating comprehensive LLB curriculum change at South African universities.

### 7.5.1 The significance of the study towards curriculum change theory building

The Draft LLB CCMM and, therefore, also the Final LLB CCMM, are built on a sound theoretical framework and were developed by adopting a mixed-methods research design (see section 5.2). A literature search revealed that there is limited research on managing comprehensive curriculum change (see section 1.3). According to my knowledge, the proposed Final LLB CCMM is the first CCMM in South Africa and globally for facilitating comprehensive LLB/law curriculum change. Consequently, the study built on the existing theory regarding curriculum change and created new knowledge. This contribution to theory predominantly lies within the field of HE studies as applied in law curriculum/course design (see section 1.8).

### 7.5.2 Practical value of the study

The value of the study is not limited to curriculum change theory building. It contributes to a much-needed link between change management theory, curriculum change theory and practice. The Final LLB CCMM will be of significant practical value to law faculties that intend to or have decided to engage in comprehensive LLB curriculum change. In this regard, the CCMM can assist HEIs in realising the 'wide-ranging curriculum reform' recommendations of the *Report on the National Review of the LLB* and the development of a five-year LLB should the Department of Higher Education and Training, in consultation with all relevant stakeholders, decide to extend the minimum duration of the LLB by an additional year (see section 1.1).[1087] Historically Black universities and institutions with limited funds will be able to successfully implement the Final CCMM.

[1087] CHE *The State of the Provision of the LLB (LLB) Qualifications in South Africa* (2018) 50-51.

The Final LLB CCMM broke down the challenging, multifaceted and complex nature of curriculum change into manageable processes, functions, POs and recommended practices. The POs are straightforward and are not difficult to achieve. Furthermore, the recommended practices for each PO provide practical examples of what needs to be done to achieve the POs. As a result, the CCMM is sufficiently detailed, and the curriculum developer/CCL is not left in the dark as to how to implement the CCMM and achieve its POs. Consequently, the Final LLB CCMM addresses the concern of scholars that CMMs tend to provide broad guidelines for managing change, but are not sufficiently detailed to stipulate what needs to be done to effect change.[1088]

I explained in section 7.3 how the Final LLB CCMM could be amended to make provision for specific faculty/institutional contexts and needs. Although the Final LLB CCMM was specifically developed to facilitate comprehensive curriculum change, specific processes, functions, or POs can be adapted to engage in minor or piecemeal LLB curriculum changes.

The research design and methodology followed in the study can form a valuable blueprint for developing similar CCMMs, even internationally and for other disciplines. Also, CCLs can adapt the Final LLB CCMM to facilitate curriculum change in other disciplines.

## 7.6 CONCLUDING REMARKS

In this final chapter of this study, I have drawn together the insights gained from the literature reviews in Chapters 2 to 4 and the analyses of the quantitative and qualitative data collected in Chapter 6, to propose a Final LLB CCMM. The study makes a meaningful contribution towards curriculum change theory-building while also providing a practical CCMM for facilitating comprehensive curriculum change at South African universities. However, some limitations pertaining to the subjectivity and transferability of the study are evident.

I experienced this study and leading the LLB curriculum change process at the UFS as a challenging and enriching experience, which led to personal growth and a better understanding of curriculum change and legal education in South Africa. I hope that the Final LLB CCMM will be a useful tool for facilitating LLB curriculum change in South Africa, that it will assist in enhancing the quality of legal education and LLB graduates, and that it will

---

[1088] See footnote 64 in Chapter 1.

eventually make a meaningful contribution towards the constitutional democratic project and transformative constitutionalism in South Africa.

# BIBLIOGRAPHY

## BOOKS AND REPORTS


Anderson, Lorin W and Krathwohl, David R A *Taxonomy for Learning, Teaching and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives* (2001) Addison Wesley Longman, New York.

Andrade, Maureen Snow 'A responsive higher education curriculum: Change and disruptive innovation' in Parrish, Dominique and Joyce-McCoach, Joanne (ed) *Innovations in Higher Education - Cases on Transforming and Advancing Practice* (2020) IntechOpen, London.

Andrews, Penelope 'Race, inclusiveness and transformation of legal education in South Africa' in Rosalind Dixon and Theunis Roux (eds) *Constitutional Triumphs, Constitutional Disappointments: A Critical Assessment of the 1996 South African Constitution's Local and International Influence*' (2018) Cambridge University Press, Cambridge.

Babbie, Earl and Mouton, Johann *The Practice of Social Research* (2008) ABC Press, Cape Town.

Barnett, Ronald and Coate, Kelly *Engaging the Curriculum in Higher Education (2005) Society for Research into Higher Education* Open University Press, Maidenhead.

Biggs, John and So-kum Tang, Caterine *Teaching for Quality Learning at University: What the Student Does* 4 ed (2011) Open University Press, New York.

Biggs, John and Tang, Catherine So-kum *Teaching for quality learning at university* (2007) Open University, Berkshire.

Biggs, John *Aligning Teaching for Constructive Learning* (2003) The Higher Education Academy, York.

Bitzer, Eli and Botha, Nonnie 'Introductory Chapter' in Eli Bitzer and Nonnie Botha (eds) *Curriculum Inquiry in South African Higher Education* (2011) SUN MeDIA, Stellenbosch.

Bobbit, Franklin ‘Scientific Method in Curriculum Making’ in Flinders, David J and Stephen J Thornton (eds) *The Curriculum Studies Reader* 2ed (2004) Routledge Falmer, New York.

Bobbit, Franklin *The Curriculum: A Summary of the Development Concerning the Theory of the Curriculum* (1918) Houghton Mifflin Co, Boston.

Franklin Bobbit *How to Make a Curriculum* (1924) Houghton Mifflin Co, Boston.

Cameron, Esther and Green, Mike *Making Sense of Change Management* 2ed (2009) Kogan Page, London.

Campbell, Jonathan ‘Decolonising Clinical Legal Education’ in Aifheli Enos Tshivhase, Letlhokwa George Mpedi and Managay Reddi *Decolonisation and Africanisation of Legal Education in South Africa* (2020) Juta, Cape Town.

Cohen, Dan S *The Heart of Change: Real-life Stories of How People Change Their Organizations* (2005) Harvard Business School Press, Boston.

Coleman, Jill SM ‘Descriptive statistics’ in Bruce B Frey (ed) *The SAGE Encyclopedia of Educational Research, Measurement, and Evaluation* (2018) SAGE, Thousand Oaks.

Colin Marsh and Ken Stafford *Curriculum: Practices and Issues* (1988) McGraw-Hill, Sydney.

CHE *A Framework for National Review of Programmes in Higher Education* (2015) CHE, Pretoria.

CHE *A Framework for Qualifications Standards in Higher Education* (2013) CHE, Pretoria.

CHE *Accreditation Status Update: Bachelor of Laws (LLB) Programme* (2019) CHE, Pretoria.

CHE *Criteria for Programme Accreditation* (2004) CHE, Pretoria.

CHE *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016 - 2017* (2017) CHE, Pretoria.

CHE *Higher Education Qualification Framework Handbook* (2011) CHE, Pretoria.

CHE *Higher Education Qualifications Sub-framework as Revised* (2013). CHE, Pretoria.

CHE *Higher Education Quality Committee report, University of the Free State: Improvement Plan Analysis Report 09 November 2017* (2017) CHE, Pretoria.

CHE *Qualification Standard for the Bachelor of Laws (LLB)* (2015) CHE, Pretoria.

CHE *The State of the Provision of the Bachelor of Laws (LLB) Qualifications in South Africa* (2018) CHE, Pretoria.

CHE *Vital Stats Public Higher Education 2010* (2012) CHE, Pretoria.

CHE *Vital Stats Public Higher Education 2017* (2019) CHE, Pretoria.

*CHE Vital Stats Public Higher Education 2018* (2020) CHE, Pretoria.

CHE *Vital Stats Public Higher Education 2019* (2021) CHE, Pretoria.

Creswell, John W and Plano Clark, Vicky L *Designing and Conducting Mixed Methods Research* 4ed (2018) SAGE, Thousand Oaks.

Department of Higher Education and Training *2000 to 2017 First Time Entering Undergraduate Cohort Studies for Public Higher Education Institutions* (2020) Department of Higher Education and Training, Pretoria.

Department of Higher Education and Training *White Paper for Post-School Education and Training* (2013) Department of Higher Education and Training, Pretoria.

Dewey, John 'My Pedagogic Creed' in David J Flinders and Stephen J Thornton (eds) *The Curriculum Studies Reader* 2 ed (2004) Routledge Falmer, New York.

Dewey, John *Democracy and Education. An Introduction to the Philosophy of Education* (1916) MacMillan, New York.

Dewey, John *The Child and the Curriculum* (1902) Chicago University Press, Chicago.

Dewey, John *The School and Society* (1899) University of Chicago Press, Chicago.

Dillard, Nancy and Siktberg, Linda 'Curriculum Development: An overview' in Diane M Billings and Judith A Halstead (eds) (2012) *Teaching for Nursing: A Guide for Faculty* Elsevier Saunders, Missouri.

Dobosh, Melissa A 'Survey: Demographic questions' in Mike Allen (ed) *The SAGE Encyclopedia of Communication Research* (2018) SAGE, Thousand Oaks.

Doll, Ronald C (1974) *Curriculum Improvement: Decision and process* Allyn and Bacon, Boston.

Du Toit, Gawie 'Curriculum Types and Models' in Eli Bitzer and Nonnie Botha (ed) *Curriculum Inquiry in South African Higher Education* (2011) SUN MeDIA, Stellenbosch.

Elkjaer, Bente 'Pragmatism: A Learning Theory for the Future' in Knud Illeris (ed) *Contemporary Theories of Learning: Learning Theorists... Their Own Words* (2009) Routledge, Milton Park.

Elo, Satu et al 'Qualitative Content Analysis: A Focus on Trustworthiness' *SAGE Open* (2014) SAGE, London.

Goddard, Wayne and Melville, Stuart *Research Methodology: An Introduction* 2 ed (2001) Juta, Lansdowne.

Great Britain Parliament House of Commons *Lord Chancellor's Advisory Committee on Legal Education and Conduct* (1996) House of Commons, London.

Gundem, Bjørg Brandtzæg 'European Curriculum Studies, Continental Overview' in Craig Kridel (ed) *Encyclopedia of Curriculum Studies* (2010) SAGE, London.

Handelzalts, Adam, Nieveen, Nienke and Van den Akker, Jan 'Teacher Design Teams for School-Wide Curriculum Development: Reflections on an Early Study' in Jules Pieters, Joke Voogt and Natalie Pareja Roblin (eds) *Collaborative Curriculum Design for Sustainable Innovation and Teacher Learning* (2019) Springer Open, Amsterdam.

Hirst, Paul H *Knowledge and the Curriculum* (1974) Routledge, London.

Houghton, Warren *Engineering Subject Centre Guide: Learning and Teaching Theory for Engineering Academics* (2004) The Higher Education Academy, York.

Hubball, Harry et al 'Supporting the Implementation of Externally Generated Learning Outcomes and Learning-Centered Curriculum Development: An Integrated Framework' in Peter Wolf, and Julia Christensen Hughes (eds) *New Directions for Higher Education: Curriculum Development in Higher Education: Faculty-Driven Processes and Practices* (2007) Jossey-Bass, San Francisco.

Hyun, Eunsook *Teachable Moments: Re-Conceptualizing Curricula Understandings, Studies in the Postmodern Theory of Education* (2006) Peter Lang, New York.

James, Mary 'An Alternative to the Objectives Model: The Process Model for the Design And Development of Curriculum' in Nigel Norris and John Elliott (eds) *Curriculum, Pedagogy and Educational Research: The Work of Lawrence Stenhouse* (2012) Routledge, Abingdon.

Jansen, Jonathan and Christie, Pam *Changing Curriculum: Studies on Outcomes-based Education in South Africa* (1999) Juta, Cape Town.

Johnson, Ellen 'Face Validity' in Fred R Volkmar (ed) *Encyclopedia of Autism Spectrum Disorders* (2013) Springer, New York.

Johnstone, Richard 'Whole-of-curriculum design in law' in Sally Kift et al (eds) *Excellence and Innovation in Legal Education* (2011) LexisNexis, Chatswood.

Kelly, Albert Victor *The Curriculum: Theory and Practice* 5 ed (2004) SAGE, London.

Kelly, Albert Victor *The Curriculum: Theory and Practice* 6 ed (2009) SAGE, Los Angeles.

Kim, Jihyun 'Pilot study' in Mike Allen (ed) *The SAGE Encyclopedia of Communication Research* (2018) SAGE, Thousand Oaks.

Kotter, John P and Cohen, Dan S *The Heart of Change* (2005) Harvard Business

Kotter, John P *A Sense of Urgency* (2008) Harvard Business Press, Boston.

Kotter, John P *Leading change* (1996) Harvard Business School Press, Boston.

Kotter, John P ‘Leading change: Why Transformation Efforts Fail’ (1995) *Harvard Business Review* 59.

Kviz, Frederick J *Conducting Health Research: Principles, Process, and Methods* (2020) SAGE, Thousand Oaks.

Lawton, Denis *Class, Culture and the Curriculum* (1975) Routledge & Kegan Paul, London.

Leedy, Paul D and Ormrod, Jeanne Ellis *Practical Research Planning and Design* 9ed (2005) Pearson Education, Boston.

Lewin, Thandi and Mawoyo, Monica *Student Access and Success: Issues and Interventions in South African Universities* (2014) Inyathelo: The South African Institute for Advancement, Cape Town.

Lincoln, Yvonna S and Guba, Egon G *Naturalistic Inquiry* (1985) SAGE, London.

Lumpkin, Dess, Lumpkin, GT and Eisner, Alan B *Strategic Management: Text and Cases* 2 ed (2006) McGraw-Hill Irwin, Boston.

MacCrate Robert et al *Legal Education and Professional Development: An Education Continuum; Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) American Bar Association, Chicago.

Marinoni, Giorgio, Van’t Land, Hilligje and Jensen, Trine *The Impact of COVID-19 on Higher Education Around the World* (2020) International Association of Universities, Miollis.

Markus, Keith A and Smith, Kellie M ‘Content validity’ in Neil J Salkind (ed) *Encyclopedia of Research Design* (2012) SAGE, Thousand Oaks.

Marope, Mmantsetsa *Reconceptualizing and Repositioning Curriculum in the 21st Century: A Global Paradigm Shift* (2019) UNESCO, Genève.

Marsh, Colin J and Willis, George *Curriculum: Alternative Approaches, Ongoing Issues* 4 ed (2007) Pearson, Upper Saddle River.

McKenna, Sioux *Teaching and learning in South African Higher Education Reviewed. Two Decades of Democracy* (2016) CHE, Pretoria.

McMillan, James H and Schumacher, Sally *Research in Education* 6 ed (2006) Pearson Education, Harlem.

Menkel-Meadow, Carrie *Thinking or acting like a lawyer?* (2019) Routledge, London.

Midgley, Rob 'South Africa: Legal education in a transitional society' in Fiona Cownie (ed) *Stakeholders in the Law School* (2010) Oxford, Hart.

Moja, Teboho 'Globalisation – a challenge for curriculum responsiveness' in Hanlie Griesel (ed) *Curriculum responsiveness: Case Studies in Higher Education* (2004) South African Vice-Chancellors' Association, Pretoria.

Mpedi, Letlhokwa George, Tshivhase, Aifheli Enos and Reddi, Managay 'Decolonisation and Africanisation of legal education in South Africa: Background and introduction' in Aifheli Enos Tshivhase, Letlhokwa George Mpedi and Reddi Managay *Decolonisation and Africanisation of Legal Education in South Africa* (2020) Juta, Cape Town.

Nkrumah, Kwame *Africa Must Unite* (1963) Fredderick A Praeger, New York.

Null, J Wesley 'Curriculum, the' in Craig Kridel (ed) (2010) *Encyclopedia of Curriculum Studies* SAGE, London.

Omachinskim, Kim 'Survey: Structural questions' in Allen, Mike (ed) *The SAGE Encyclopedia of Communication Research* (2018) SAGE, Thousand Oaks.

Ornstein, Allan C and Hunkins, Francis P *Curriculum: Foundations, Principles and Issues* 5 ed (2009) Allyn & Bacon, Boston.

Pearce, Dennis, Campbell, Enid and Harding, Don *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (1987) Australian Government Publishing Service, Canberra.

Pietersen, Jacques and Maree, Kobus 'Standardisation of a questionnaire' in Kobus Maree, (ed) *First Steps in Research* (2007) Van Schaik, Pretoria.

Pinar, William F et al *Understanding Curriculum* (1995) Peter Lang, New York.

Ruel, Erin, Wagner, William Edward and Gillespie, Brian Joseph *The Practice of Survey Research* (2016) SAGE, Thousand Oaks.

Rutherford-Hemming, Tonya 'Pilot studies' in Bruce B Frey (ed) *The SAGE Encyclopedia of Educational Research, Measurement, and Evaluation* (2018) SAGE, Thousand Oaks.

Scott, Ian *A Proposal for Undergraduate Curriculum Reform in South Africa: The Case for a Flexible Curriculum Structure* (2013) CHE, Pretoria.

Slattery, Patrick *Curriculum Development in the Postmodern Era* 3 ed (2013) Routledge, New York.

Stanley, Richard *Peters Ethics and Education* (1966) Routledge, London.

Stenhouse, Lawrence *An Introduction to Curriculum Research and Development* (1975) Heinemann Educational Books, London.

Sullivan, William et al *Educating Lawyers: Preparation for the Profession of Law* (2007) Jossey-Bass, San Francisko.

Taylor, Frederick Winslow *The Principles of Scientific Management* (1911)

Ter Horst, Margriet, Van der Moolen, Marjolein and Brandsma-Dieters, Anja 'Learning outcomes, mobility, and the curriculum' in Robert Coelen, Klaas-Wybo van der Hoek and Herman Blom (eds) *Valorisation of Internationalisation: About Internationalisation of Higher Education* (2017) Marne, Leeuwarden.

Tshivhase, Aifheli Enos 'Principles and ideas for the decolonisation of legal education in South Africa' in Aifheli Enos Tshivhase, Letlhokwa George Mpedi and Managay, Reddi *Decolonisation and Africanisation of Legal Education in South Africa* (2020) Juta, Cape Town.

Tyler, Ralph W *Basic Principles of Curriculum and Instruction* (1949) Chicago University Press, Chicago.

Tyler, Ralph W *Basic Principles of Curriculum and Instruction* (2013) University Chicago Press, Chicago.

Van der Hoek, Klaas-Wybo and Hospers, Alette 'International HRM for an international University' in Robert Coelen, Klaas-Wybo van der Hoek and Herman Blom *Valorisation of Internationalisation: About Internationalisation of Higher Education* (2017) Stenden University of Applied Sciences, Stenden.

Voogt, Joke, Pieters, Jules and Roblin, Natalie Pareja 'Collaborative curriculum design in teacher teams: Foundations' in Jules Pieters, Joke Voogt and Natalie Pareja Roblin (eds) *Collaborative curriculum design for sustainable*

White, Theresa L and McBurney, Donald H *Research Methods* 9ed (2012) Wadsworth, Belmont.

Wlodkowski, Raymond J *Enhancing Adult Motivation to Learn: A Comprehensive Guide for Teaching All Adults* (2008) Jossey-Bass, San Francisco.

Wraga, William G and Hlebowitsh, Peter S 'Towards a renaissance in curriculum curriculum theory and development in the USA' in Barbara Slater Stern and Marcella L Kysilka (eds) *Contemporary Readings in Curriculum* (2008) SAGE, London.

Zhang, Y and Wildemuth, BM 'Qualitative Analysis of Content' in B Wildemuth (ed) *Applications of Social Research Methods to Questions in Information and Library Science* (2009) Libraries Unlimited, Westport, CT.

Zimmerman, James 'Academic Libraries and accreditation: A theory-based framework for assessing modern library spaces' in Susan E Montgomery (ed) *Assessing Library Space for Learning* (2017) Rowman & Littlefield, Maryland.

**INTERTNET SOURCES**

Adhikari, Mohamed 'Contending approaches to coloured identity and the history of the coloured people of South Africa' (2005) 3 *History Compass* 1. https://doi.org/10.1111/j.1478-0542.2005.00177.x

Andrade, Maureen Snow 'Innovations in higher education in a responsive higher education curriculum: Change and disruptive innovations in higher education' in Dominique Parrish and Joanne Joyce-McCoach (eds) *Higher Education – Cases on Transforming and Advancing Practice* (2020), available at *https://www.intechopen.com/chapters/63117*, accessed on 9 November 2022.

Anetos, Pericles 'Judge Ngoepe calls for "genuine" postgraduate LLB degree to make comeback' (2007), available at *https://www.businesslive.co.za/bd/national/2014-08-15-judge-ngoepe-calls-for-genuine-postgraduate-llb-degree-to-make-comeback/*, accessed on 30 November 2022.

Blackboard 'Blackboard Collaborate: Your virtual classroom solution' (2021), available at *https://www.blackboard.com/en-eu/teaching-learning/collaboration-web-conferencing/blackboard-collaborate*, accessed on 28 June 2021.

Blackboard 'Blackboard help centre' (2022), available at *https://www.blackboard.com*, accessed on 31 December 2022.

Bosielo, LO 'Crisis in legal education' 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_amended.pdf*, accessed on 15 May 2015.

CHE 'National Review Manual: Bachelor of Laws (LLB)' (2015), available at *http://nr-online.che.ac.za/html_documents/LLB/National_Reviews_%20Manual_20150915.pdf*, accessed on 2 July 2022.

De Vos, Pierre 'A rethink on race?' (2011), available at *http://constitutionallyspeaking.co.za/a-rethink-on-race,* accessed on 30 November 2022.

Essop, Ahmed 'Address to the LLB summit: 'Crisis in legal education' 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_amended.pdf*, accessed on 15 May 2015.

Fung, Dilly & Gordon, Claire *Rewarding Educators and Education Leaders in Research-Intensive Universities* (2016) Higher Education Academy, York.

Godfrey, Shane and Midgley, Rob 'Law professionals: Scarce and critical skills: Law professionals' (2008), available at *http://www.lmip.org.za/sites/default/files/documentfiles//Law_DoL_Report.pdf*, accessed on 30 November 2022.

Higher Education South Africa '*South African higher education in the 20th year of democracy: Context, achievements and key challenges'* (2014) Presentation to the Portfolio Committee on Higher Education and Training, 5 March, Cape Town', available at *https://static.pmg.org.za/140305hesa.pdf*, accessed on 30 November 2022.

Jenvey, Nicola 'South Africa: Low-skilled lawyers prompt calls for law degree reform' (2013), available at *http://www.universityworldnews.com/article.php?story=20130613155812925&mode=print*, accessed on 30 November 2022.

Law Society of South Africa LSSA 'LSSA calls on Council on Higher Education to consult the legal profession on issues related to the LLB degree' (2017), available at *https://www.lssa.org.za/press-releases/lssa-calls-on-council-on-higher-education-to-consult-the-legal-profession-on-issues-related-to-the-llb-degree-2/*, accessed on 14 November 2022.

Law South Africa's Legal Education and Development Division 'LSSA LEAD annual statistics' available at *http://www.lssa.org.za/about-us/about-the-attorneys-profession/lssa-lead-annual-statistics*, accessed on 12 November.

Mark, Joshua J 'Heraclitus of Ephesus' (2020), available at *https://www.ancient.eu/Heraclitus_of_Ephesos/*, accessed on 13 March 2021.

Misra, Joya, Culpepper, Dawn & O'Meara, Kerry Ann *Diversity Work, Meaningful Work and Faculty Workload Inside Higher Education* (2023), available at https://www.insidehighered.com/advice/2023/03/30/ equitably-recognizing-and- rewarding-women-faculty-color-opinion, accessed on 10 May 2023.

Morgan, Christopher K and Roberts, David 'Herding cats? Obtaining staff support for curriculum change and implementation' (2002), available at *https://pdfs.semanticscholar.org/d259/c8d2a396bfdec6c8c243cfe87bf0671d43a,* accessed on 13 March 2021.

Nair, Nivashni ‘Law graduates: Heat on varsities’ (2012), available at *http://www.timeslive.co.za/thetimes/2012/07/09/law-graduates-heat-on-varsities*, accessed on 8 May 2015.

Ndlovo, Andile ‘Law graduates “barely able to read”' (2010), available at *https://www.timeslive.co.za/news/south-africa/2010-02-22-law-graduates-barely-able-to-read/*, accessed on 30 November 2022.

Pandor, Naledi ‘Address by Minister of Higher Education and Training, during the Higher Education and Training Dept Budget Vote 2018/19, Parliament, Cape Town’ (2018), available at *https://www.polity.org.za/article/sa-naledi-pandor-address-by-minister-of-higher-education-and-training-during-the-higher-education-and-training-dept-budget-vote-201819-parliament-cape-town-17052018-2018-05-18*, accessed on 15 December 2020.

Pickett, Georgina *The LLB Curriculum Research Report. A Research Report Produced for the Advice and Monitoring Directorate of the Council on Higher Education* (2010), available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Research%20Findings.pdf*, accessed on 10 September 2014.

Pretoria Society of Advocates ‘Advocacy as career’ (2022), available at *https://www.pretoriabar.co.za/index.php/advocacy-as-career*, accessed on 12 December 2022.

Professional Provident Society ‘SA attorneys’ lose confidence in their profession: survey’ *(*2012), available at *https://www.pps.co.za/portal/docs/PR/Attorneys%20PCI%20(Q3)%20survey%20-%2017%20Jan%202013.pdf*, accessed on 30 November 2022.

PwC ‘The state of higher education: Challenges and opportunities in 2020’ (2020), available at *https://www.pwc.com/us/en/industries/health-industries/library/higher-education-perspectives.html*, accessed on 16 February 2021.

Quality Assurance Agency for Higher Education ‘Subject Overview Report on Law’ (1995), available at *http://78.158.56.101/archive/law/resources/quality-management-and-assurance/graduate/index.html*, accessed on 10 September 2014.

SAS ‘Overview of SAS 9.4’ (2022), available at *https://documentation.sas.com /doc/en/pgmsascdc/9.4_3.5/whatsnew/n17cszme3e52b4n1ooe3710fnuec.htm*, accessed on 27 December 2022.

Schlemmer, Engela ‘Crisis in legal education’ 29 May 2013, Johannesburg, available at *http://www.lssa.org.za/upload/Report%20on%20LLB%20Summit%2029%20May%202013_ amended.pdf*, accessed on 15 May 2015.

Schwab, Klaus ‘The fourth industrial revolution: What it means, how to respond’, (2016), available at *https://www.weforum.org/agenda/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond/#*, accessed on 30 December 2020.

South African Government Information ‘The languages of South Africa’, available at *http://www.southafrica.info/about/people/language.htm*, accessed on 13 August 2014.

South African Institute of Race Relations *Report finds deep racial and social inequalities in matric results* (2016), available at *https://irr.org.za/media/media-releases/report-finds-deep-racial-and-social-inequalities-in-matric-results/view*,ccessed on 14 November 2022.

SALDA, Law Society of South Africa a General Council of the Bar of South Africa ‘Joint statement: LLB summit charts the way forward’ (2014), available at *http://www.lssa.org.za/upload/JOINT%20PRESS%20STATEMENT%20ON%20LLB%20SU MMIT%206_6_13.pdf*, accessed on 14 August 2014.

Spiegel, Mugsy et al ‘Towards a language plan for University of Cape Town: 2005–2010’ (2003), available at *http://www.mep.uct.ac.za/usr/mep/downloads/languageplan.pdf*, accessed on 30 November 2022.

SurveyMonkey, available at *https://www.surveymonkey.com*, accessed on 1 March 2021.

Swart, Nic ‘Faculties have to address quality of training, which places a huge burden on the profession’ (2010), available at *https://mg.co.za/article/2010-12-23-graduate-attorney-skills-gap/*, accessed on 30 November 2022.

Tasmanian Government 'Managing and leading change' (2021), available at *https://www.dpac.tas.gov.au/divisions/ssmo/change_management*, accessed on 30 November 2022.

The Precidency The President's response to the Heher Commission of Inquiry into Higher Education and Training (2016), available at *http://www.thepresidency.gov.za/press-statements/president%E2%80%99s-response-heher-commission-inquiry-higher-education-and-training*, accessed on 16 February 2021.

The South African *2021 Matric Results: Here are the top 10 schools in South Africa* (2022), *https://www.thesouthafrican.com/news/breaking-2021-matric-results-top-schools-best-perfo mring-list/*, accessed on 14 November 2022.

The World Bank 'School enrolment, tertiary (% gross)' (2020), available at *https://data.worldbank.org/indicator/SE.TER.ENRR*, accessed on 17 November 2020.

UFS 'Widening and accelerating the scope of transformation strategic plan: 2018-2022' (2018), available at *https://www.ufs.ac.za/docs/default-source/all-documents/2018-2022-ufs-strategic-plan6ff7c9e65b146fc79f4fff0600aa9400.pdf?sfvrsn=cde3a621_0*, accessed on 13 March 2021.

Webb, Julian et al 'The future of legal services education and training regulation in England and Wales' (2013), available at *https://letr.org.uk/wp-content/uploads/LETR-Report.pdf*, accessed on 13 March 2021.

**JOURNAL ARTICLES**

Aagaard, Eva 'Change leadership and crisis management: Curriculum transformation before, during, and after a pandemic' (2022) 132 *Transactions of the American Clinical and Climatological Association* 184.

Abel, Richard L '"You never want a serious crisis to go to waste": Reflections on the reform of legal education in the US, UK, and Australia' (2015) 22 *International Journal of the Legal Profession* 3.

Aberbach, Joel D and Christensen, Tom 'Academic autonomy and freedom under pressure: Severely limited, or alive and kicking?' (2018) 18 *Public Organization Review* 487.

Adams, Benedict L 'The far reaching impact of transformative curriculum: A narrative critical ethnographic case study' (2019) 1(1) *Journal of Curriculum Studies* 17.

Adhikary, Rino Wiseman 'The World Bank's shift away from neoliberal ideology: Real or rhetoric?' (2012) 10 *Policy Futures in Education* 191.

Alarie, Benjamin, Niblett, Anthony and Yoon, Albert H 'How artificial intelligence will affect the practice of law' (2008) 68(supplement 1) *University of Toronto LJ* 106.

Ali, Farida 'Globalizing the U.S. law school curriculum: How should legal educators respond' (2013) 41 *International Journal of Legal Information* 249.

Alkahtani, Aishah 'Curriculum change management and workload' (2017) 20 *Improving Schools* 209.

Allais, Stephanie Matseleng 'The National Qualifications Framework in South Africa: A democratic project trapped in a neo-liberal paradigm?' (2003) 16 *Journal of Education and Work* 305.

Amankwaa, Linda 'Creating protocols for trustworthiness in qualitative research' 2006 23(3) *Journal of Cultural Diversity* 121.

Amin, Rohul and Servey, Jessica 'Lessons of leading organizational change in quality and process improvement training' (2018) 183 *Military Medicine* 249.

Ansari, Shahid and Bell, Jan 'Five easy pieces: A case study of cost management as organizational change' (2009) 5 *Journal of Accounting & Organizational Change* 139.

Ansell, Chris and Boin, Arjen 'Taming deep uncertainty: The potential of pragmatist principles for understanding and improving strategic crisis management' (2019) 51 *Administration & Society* 1085.

Appelbaum, Steven H, Habashy, Sally, Malo, Jean-Luc and Shafiq, Hisham 'Back to the future: Revisiting Kotter's 1996 change model' (2012) 31 *Journal of Management Development* 764.

Armenakis, Achilles A, Harris, Stanley G and Mossholder, Kevin W 'Creating readiness for organizational change' (1993) 46 *Human Relations* 681.

Auguste, Jacqueline 'Applying Kotter's 8-step process for leading change to the digital transformation of an orthopedic surgical practice group in Toronto, Canada' (2013) 4 *Journal of Health & Medical Informatics* 1.

Bamford, David and Daniel, Stefen 'A case study of change management effectiveness within the NHS' (2005) 5 *Journal of Change Management* 391.

Bandes, Susan A 'Feeling and thinking like a lawyer: Cognition, emotion, and the practice and progress of law. (2021) 89(6) *Fordham Law Review* 2427.

Bangeni, Bongi and Greenbaum, Lesley 'Bachelor of Laws (LLB) students' views of their literacy practices: Implications for support in a time of change' (2019) 10 *Reading & Writing* 1.

Barcelona, Kimberly '21st Century curriculum change initiative: A focus on STEM education as an integrated approach to teaching and learning' (2014) 2(10) *American Journal of Educational Research* 862.

Bartunek, Jean M, Rousseau, Denise M, Rudolph, Jenny W and DePalma Judith A 'On the receiving end: Sensemaking, emotion, and assessments of an organizational change initiated by others.' (2006) 42(2) *The Journal of Applied Behavioral Science* 182.

Bauling, Andrea 'Towards 'A sound pedagogy in law: A constitutionally informed dissertation as capstone course in the LLB degree programme' (2017) 20 *Potchefstroom Electronic Law Journal* 1.

Baxter, Heather Perry 'At a crossroads: Where the indigent defense crisis and the legal education crisis intersect' (2016) 18 *Berkeley Journal of African-American Law & Policy* 25.

Bechuke, Andre Leke-ateh and Oduaran, Akpovire 'Bridging the knowledge gap of South African first year students in the transition from high school to university' in MA Mokoena & IJ Oosthuizen (eds) *A Scholarly Compendium for Teaching and Learning* (2018) 239.

Beischel, Kelly P and Davis, Deborah S 'A time for change QSENizing the Curriculum' (2014) 39 *Nurse Educator* 65.

Bennett, Steven C 'When will law school change' (2010) 87 *Nebraska Law Review* 104.

Bentata, Yassamine 'COVID 2019 pandemic: A true digital revolution and birth of a new educational era, or an ephemeral phenomenon?' (2020) 25 *Medical Education Online* at 1.

Berry, Frances Stokes and Wechsle, Barton 'State Agencies' experience with strategic planning: Findings from a national survey' (1995) 55 *Public Administration Review* 159.

Biggs, John 'Enhancing teaching through constructive alignment' (1996) 32 *Higher Education* 347.

Biggs, John 'What the student does: Teaching for enhanced learning' (1999) 18 *Higher Education Research & Development* 57.

Bitzer, Eli 'Trans disciplinarity and curriculum space in health sciences education master's programmes' in Eli Bitzer and Nonnie Botha (eds) *Curriculum Inquiry in South African Higher Education* (2011) SUN MeDIA, Stellenbosch.

Blackmur, Douglas 'Arguing with Stephanie Allais. Are national qualifications frameworks instruments of neoliberalism and social constructivism?' (2015) 21 *Quality in Higher Education* 213.

Bloom, Benjamín S et al *Taxonomy of Educational Objetives: The Classification of Educational Goals* (1956) David McKay Company, New York.

Boddy, Clive 'The nominal group technique: An aid to brainstorming ideas in research' (2012) 15 *Qualitative Market Research: An International Journal* 6.

Boden, Rebecca and Nedeva, Maria 'Employing discourse: Universities and graduate "employability"' 25 (2010) *Journal of Education Policy* 24.

Boitshwarelo, Bopelo and Vemuri, Sivaram 'Conceptualising strategic alignment between curriculum and pedagogy through a learning design framework' (2017) 22 *International Journal for Academic Development* 278.

Bordoloi, Ritimoni, Das, Prasenjit and Das, Kandarpa 'Perception towards online/blended learning at the time of Covid-19 pandemic: An academic analytics in the Indian context' (2022) 30 *Asian Association of Open Universities Journal* 56.

Botha, Maria Magdalena 'Compatibility between internationalizing and Africanizing higher education in South Africa' (2010) 14 *Journal of Studies in International Education* 200.

Bovill, Catherine and Woolmer, Cherie 'How conceptualisations of curriculum in higher education influence student-staff co-creation in and of the curriculum' (2019) 78 *Higher Education* (2019) 407.

Bradley, Jana 'Methodological issues and practices in qualitative research' (1993) 63 *Library Quarterly* 431.

Brătianu, Constantin and Bălănescu, Georgiana Victoria 'Vision, mission and corporate values. A comparative analysis of the top 50 U.S. companies (2008) 3 *Management & Marketing* (2008) 19.

Burgis-Kasthala, Michelle and Schwobel-Patel, Christine 'Against coloniality in the international law curriculum: Examining decoloniality' (2022) 54 *The Law Teacher* 1.

Butler-Adam, John 'The Fourth Industrial Revolution and education' (2018) 114 *South African Journal of Science* 1.

Calegari, Mary F, Sibley, Robert E and Turner, Marlene E 'A roadmap for using Kotter's organizational change model to build faculty engagement in accreditation' (2015) 19 *Academy of Educational Leadership Journal* 31.

Callahan, Jennifer L and Watkins, C Edward 'The Science of training: Admissions, curriculum, and research training' (2018) 12 *Training and Education in Professional Psychology* 219.

Campbell, Jonathan ‘The role of law faculties and law academics: Academic education or qualification for practice’ (2013) 25 *Stellenbosch Law Review* 15.

Cerit, Yusuf ‘Trust and extra effort implementing curriculum reform: The mediating effects of collaboration’ (2013) 22 *The Asia-Pacific Education Researcher* 247.

Chammas, Grace ‘The insider-researcher status: A challenge for social work practice Research’ (2020) 25 *The Qualitative Report* 537.

Chandler, Nick ‘Braced for turbulence: Understanding and managing resistance to change in the higher education sector’ (2013) 3 *Management* 243.

Chase, Victoria and Freedman, Ann E ‘Reframing family law: Using narratively-informed lawyering to build an inclusive curriculum’ (2022) 60 *Family Court Review* 669.

Ching, Janet et al ‘Legal education & training review: A five-year retro/prospective’ (2018) 52 *The Law Teacher* 384.

Chisholm, Linda ‘The politics of curriculum review and revision in South Africa in regional context’ (2005) 35 *Compare: A Journal of Comparative and International Education* 79.

Chisholm, Linda and Fuller, Bruce ‘Remember people’s education? Shifting alliances, state-building and South Africa’s narrowing education policy agenda’ (1996) 11 *Journal of Education Policy* 693.

Chowthi-Williams, Annette, Curzio, Joan and Lerman, Stephen ‘Evaluation of how a curriculum change in nurse education was managed through the application of a business change management model: A qualitative case study’ (2016) 36 *Nurse Education Today* 133.

Christensen, Sharon and Kift, Sally ‘Graduate attributes and legal skills: Integration or disintegration?’ (2000) 11 *Legal Education Review* 207.

Christie, Pam and McKinney, Carolyn ‘Decoloniality and 'Model C' schools: Ethos, language and the protests of 2016’ (2018) 21 *Education as Change* 10.

Clarence, Sherran ‘Knowledge and knowers in teaching and learning: An enhanced approach to curriculum alignment’ (2016) 66 *Journal of Education* 65.

Cloete, Nico, Maassen, Peter and Pillay, Pundy 'The South African higher education system: Performance and policy' (2014) 39(8) *Studies in Higher Education* 1.

Cohen, Allan R, Fetters, Michael and Fleischmann, Fritz 'Major change at Babson College: Curricular and administrative, planned and otherwise' (2005) 7 *Advances in Developing Human Resources* 324.

Cohen, Neil P 'Process of curriculum reform' (1989) 4 *Journal of Legal Education* 535.

Colgan, Desia, Domingo, Wesah and Papacostantis, Helen 'Change to a skills-based LLB Curriculum: A qualitative study of participants in a family law course' (2017) 20 *Potchefstroom Electronic Law Journal* 1.

Cotton, Debby RE, Nash, Tricia and Kneale, Pauline 'Supporting the retention of non-traditional students in higher education using a resilience framework' (2017) *European Educational Research Journal* 62.

CHE 'Decolonising the curriculum: Stimulating debate' (2017) 3 *Briefly Speaking*.

Crocker, Angela Diane 'Facing the challenge of improving the legal writing skills of educationally disadvantaged law students in a South African law school' (2018) 21 *Potchefstroom Electronic Law Journal* 1.

Curtis, Debra Moss and Moss, David M 'Curriculum Mapping: Bringing Evidence-Based Frameworks to Legal Education' (2015) 34 *Nova Law Review* 473.

Darian-Smith, Eve 'The crisis in legal education: Embracing ethnographic approaches to law' (2016) 7(2) *Transnational Legal Theory* 199.

Davis, Dennis 'Legal transformation and legal education: Congruence or conflict? 2015 *Acta Juridica* 172.

Davis, Kevin E and Xinyi Zhang 'Who wants the global law school' (2018) 3 *UC Irvine Journal of International, Transnational, and Comparative Law* 71.

Davis, Margery H and Harden, Ronald M 'Planning and implementing an undergraduate medical curriculum: The lessons learned' (2003) 25 *Medical Teacher* 596.

Dawson, Debra, Mighty, Joy and Britnell, Judy ‘Moving from the periphery to the center of the academy: Faculty developers as leaders of change’ (2010) 122 *Pathways to the Profession of Educational Development* 69.

Day, Marc and Atkinson, David J ‘Large-scale transitional procurement change in the aerospace industry’ (2004) 10 *Journal of Purchasing & Supply Management* 257.

De la Harpe, Barbara and Thomas, Ian ‘Curriculum change in universities: Conditions that facilitate education for sustainable development’ (2009) 3 *Journal of Education for Sustainable Development* 75.

De Leon, Angela, Roemmich, James N and Casperson, Shanon LC ‘Identification of barriers to adherence to a weight loss diet in women using the nominal group technique’ (2020) 12 *Nutrients* 3.

De Wit, Hans and Hunter Fiona ‘The Future of Internationalization of higher education in Europe’ (2015) 83 *International Higher Education* 1.

Dednam, MJ ‘Knowledge, skills and values: Balancing legal education at a transforming law faculty in South Africa’ (2012) 26 *South African Journal of Higher Education* 926.

Des Marchais, Jacques E and Bordage Georges ‘Sustaining curricular change at Sherbrooke through external, formative program evaluations’ (1998) 73 *Academic Medicine: Journal of the Association of American Medical Colleges* 494.

Dobbie, Alison et al ‘Using a modified nominal group technique as a curriculum evaluation tool’ (2004) 36 *Family Medicine* 402.

Dodds, Anneliese ‘How does globalisation interact with higher education? The continuing lack of consensus’ (2008) 44 *Comparative Education* 505.

Doiz, Aintzane, Lasagabaster, David and Sierra, Juan ‘Globalisation, internationalisation, multilingualism and linguistic strains in higher education’ (2013) 38 *Studies in Higher Education* 1407.

Dolence, Michael G ‘The curriculum centered strategic planning model’ (2004) 11 *Educause Center for Applied Research Bulletin* 1.

Douglas, Michael ‘Integrating private international law into the Australian law curriculum’ (2020) 44 Melbourne *University Law Review* 98.

Du Plessis, Paul ‘Thinking like a lawyer: The case for Roman Law’ (2022) 99 *Acta Universitatis Lodziensis* 165.

Du Plessis, Pierre and Mestry, Raj ‘Teachers for rural schools – a challenge for South Africa’ (2019) 39 *South African Journal of Education* S4-S7.

Dwyer, Patricia M ‘Transforming a core curriculum – and minimizing the battle scars’ (2017) 103 *Liberal Education* 46.

Dzvimbo, Kuzvinetsa Peter and Moloi, Kholeka Constance ‘Globalisation and the internationalisation of higher education in sub-Saharan Africa’ (2013) 33 *South African Journal of Education* 1.

Edström, Kristina ‘Doing course evaluation as if learning matters most’ (2008) 27 *Higher Education Research & Development* 95.

Edwin Etieyibo ‘Why decolonization of the knowledge curriculum in Africa? (2021) 67 *Africa Today* 75.

Ensor, Paula ‘The national qualifications framework and higher education in South Africa: Some epistemological issues’ (2003)16 *Journal of Education and Work* 325.

Erasmus, Z ‘Confronting the categories: Equitable admissions without apartheid race classification’ (2010) 24 *South African Journal of Higher Education* 244.

Ettinger, Linda F and Hoffman, Elizabeth. ‘Quilt making in art education: Toward a participatory curriculum metaphor’ (1990) 43(4) *Art Education* 40.

Evans, Ceryn et al “‘Widening Access” to higher education: The reproduction of university hierarchies through policy enactment’ (2019) 34 *Journal of Education Policy* 101.

Farris, Karen B et al ‘Assessment to transform competency-based curricula’ (2009) 73 *American Journal of Pharmaceutical Education* 1.

Finefter-Rosenbluh, Ilana ‘Incorporating perspective taking in reflexivity: A method to enhance insider qualitative research processes’ (2017) 16 *International Journal of Qualitative Methods* 2.

Fleming, Jenny ‘Recognizing and resolving the challenges of being an insider researcher in work-integrated learning’ (2018) 19 *International Journal of Work-Integrated Learning* 311.

Ford, Robert, Heisler, William and McCreary, William ‘Leading change with the 5-p model: “complexing” the swan and Dolphin hotels at Walt Disney world’ (2008) 49 *Cornell Hospitality Quarterly* 191.

Forsyth, Rachel et al ‘Shape-shifting and pushing against the odds: Staff perceptions of the experiences of first generation students in South Africa and the UK’ (2022) 49 *The Australian Educational Researcher* 307.

Fraser, Sharon P and Bosanquet, Agnes M ‘The curriculum? That’s just a unit outline, isn’t it?’ (2006) 31 *Studies in Higher Education*, 269.

Friesen, Wes ‘Change management: A key to a successful future’ (2016) *Business Credit* 42

Furst, Stacie A and Cable, Daniel M ‘Employee resistance to organizational change: Managerial influence tactics and leader member exchange’ (2008) 93 *Journal of Applied Psychology* 453.

Gale, Trevor and Parker, Stephen *International research on the effectiveness of widening participation. Report to Higher Education Funding Council of England (HEFCE) and the Office for Fair Access (OFFA)* (2013) CFE (Research and Consulting), Leicester.

Gallacher, Ian ‘Thinking like nonlawyers: Why empathy is a core lawyering skill and why legal education should change to reflect its importance’ (2011 *Journal of the Association of Legal Writing Directors* 109.

Galloway, Nicola, Numajiri, Takuya and Rees, Nerys ‘The “internationalisation”, or “Englishisation”, of higher education in East Asia’ (2020) 80 *Higher Education* (2020) 395.

Gammelgaard, Britte ‘The emergence of city logistics: The case of Copenhagen’s Citylogistik-kbh’ (2015) 45 *International Journal of Physical Distribution & Logistics Management* 333.

Gerken, Heather K 'Will legal education change post-2020?' (2021) 119 *Michigan Law Review* 1059.

Ghazinoory, Sepehr, Abdi, Mansoureh and Azadegan-Mehr, M Mandana 'SWOT methodology: A state-of-the-art review for the past, a framework for the future' (2011) 12 *Journal of Business Economics and Management* 24.

Gibbs, Trevor 'Curriculum development: A dynamic change inside the chrysalis' (2018) 40 *Medical Teacher* 435.

Gipson Rankin, Sonia 'What's (Race in) the law got to do with it: Incorporating race in legal curriculum' (2022) 54 *Connecticut Law Review* 923.

Godfrey, Shane 'The legal profession: Transformation and skills' (2009) 126 *The South African Law Journal* 123.

Gonzalez, Jorge A 'Diversity change in organizations: A systemic, multilevel, and nonlinear process' (2010) 46 *The Journal of Applied Behavioral Science* 197.

Gordon, Rob 'Moritz Bonn, Southern Africa and the critique of colonialism' (2013) 45 African Historical Review 1.

Gore, Oliver Tafadzwa '"Student disadvantage": Key University stakeholders' perspectives in South Africa' (2021) 10 *International Journal of Higher Education* 214.

Gravett, Willem H 'Is the dawn of the robot lawyer upon us? The fourth industrial Revolution and the future of lawyers' (2020) 23 *Potchefstroom Electronic Law Journal* 1.

Greenbaum, Lesley 'Current issues in legal education: A comparative review' (2012) 23 *Stellenbosch Law Review* 3.

Greenbaum, Lesley 'Legal education in South Africa: Harmonizing the aspirations of transformative constitutionalism with our educational legacy' (2016) 60 *New York Law School Law Review* 463.

Greenbaum, Lesley 'The four-year undergraduate LLB: Progress and pitfalls' (2010) 35 *Journal for Juridical Science* 2.

Greenbaum, Lesley A ‘A history of the racial disparities in legal education in South Africa’ (2009) 3 *John Marshall LJ* 12.

Guzmán, Wilda Z et al ‘Transformation of a dental school’s clinical assessment system through Kotter’s eight-step change process’ (2011) 75 *Journal of Dental Education* 485.

Haas, Mary RC et al ‘Didactics Revolution: Applying Kotter’s 8-step change management model to residency didactics’ (2020) 21 *Western Journal of Emergency Medicine* 65.

Hailbronner, Michaela ‘Transformative constitutionalism’ (2017) 65 *The American Journal of Comparative Law* 527.

Hakhkn, RM ‘Curriculum mapping: A tool for transparent and authentic leaching and learning’ (2001) 23 *Medical Teacher* 123.

Harvey, Nicole and Holmes, Colin A. ‘Nominal group technique: An effective method for obtaining group consensus’ (2012) 18 *International Journal of Nursing Practice* 188.

Hawkey, Kim ‘A+ or F- for the LLB?’ (2013) May *De Rebus* 3.

Haynes, Stephen N, Richard, David CS and Kubany, Edward S ‘Content validity in psychological assessment: A functional approach to concepts and methods’ (1995) 7 *Psychological Assessment* 238.

Hlebowitsh, Peter S ‘Interpretations of the Tyler Rationale: A reply to Kliebard’ (1995) 27 *Journal of Curriculum Studies* 89.

Hough Louw, Chantelle and Broodryk, Theo ‘Teaching legal writing skills in the South African LLB curriculum: The role of the writing consultant’ (2016) 27 *Stellenbosch Law Review* 535.

Hubball, Harry and Burt, Helen ‘An integrated approach to developing and implementing learning-centred curricula’ (2004) 9 *International Journal for Academic Development* 51.

Huggins, Anna 'Incremental and Inevitable: Contextualising the Threshold Learning Outcomes for Law' (2015) 38 *University of New South Wales LJ* 264.

Humphrey-Murto, Susan et al ‘Using consensus group methods such as Delphi and Nominal Group in medical education research’ (2017) 39 *Medical Teacher* 14.

Hurn, Brian J ‘Management of change in a multinational company’ (2012) 44 *Industrial and Commercial Training* 41.

Hussey, Trevor and Smith, Patrick ‘Learning outcomes: A conceptual analysis’ (2008) 13 *Teaching in Higher Education* 107.

Huxham, Mark et al ‘Student and teacher co-navigation of a course: Following the natural lines of academic enquiry’ (2015) 20 *Teaching in Higher Education* 530.

James, Colin ‘Seeing things as we are. emotional intelligence and clinical legal education’ (2005) 8 *Journal of Clinical Legal Education* 123.

James, Nicholas John ‘Australian legal education and the instability of critique’ (2004) 28 *Melbourne University Law Review* 380.

James, Nick and Burton, Kelley 'Measuring the critical thinking skills of law students using a whole-of-curriculum approach' (2017) 27 *Legal Education Review* 1.

Jansen, Karen J ‘From persistence to pursuit: A longitudinal examination of momentum during the early stages of strategic change (2004) 15 *Organization Science* 276.

Jervis, Loretta M and Jervis, M ‘What is the constructivism in constructive alignment?’ (2005) 6 *Bioscience Education* 1.

Joffe, Meggan and Glynn, Sean ‘Facilitating change and empowering employees’ (2002) 2 *Journal of Change Management* 369.

Jones, Emma ‘One size fits all? Multiple intelligences and legal education’ (2017) 51 *The Law Teacher* 56.

Jones, Sandra C ‘Using the nominal group technique to select the most appropriate topics for postgraduate research students’ seminars’ (2004) *Journal of University Teaching and Learning Practice* 20.

Joseph, Sundari and Juwah, Charles ‘Using constructive alignment theory to develop nursing skills curricula’ (2012) 12 *Nurse Education in Practice* 52.

Kabeyi, Moses Jeremiah Barasa ‘Organizational strategic planning, implementation and evaluation with analysis of challenges and benefits’ (2019) 5 *International Journal of Applied Research* 27.

Kadagad, P, Tekian, A, Pinto, PX and Jirge, VL. ‘Restructuring an undergraduate dental curriculum to global standards – a case study in an Indian dental school.’ (2012) 16(2) *European Journal of Dental Education* 97.

Kahn, Peter ‘Critical perspectives on methodology in pedagogic research’ (2015) 20 *Teaching in Higher Education* 442.

Kamara Hassan M ‘Military transformation: Applying the Kotter eight-step methodology for change in the U.S. armed services’ (2018) 91 *Joint Force Quarterly* 75.

Kandlbinder, Peter and Peseta, Tai ‘Key concepts in postgraduate certificates in higher education teaching and learning in Australasia and the United Kingdom’ (2009) 14 *International Journal for Academic Development* 19.

Keyser Wentworth, Diane, Behson, Scott J and Kelley, Catherine L ‘Implementing a new student evaluation of teaching system using the Kotter change model’ (2020) 45 *Studies in Higher Education* 514.

Kift, Sally ‘21st Century climate for change: Curriculum design for quality learning engagement in law’ (2008) 18 *Legal Education Review* 1.

Kim, Rosa ‘Globalizing the law curriculum for twenty-first-century lawyering’ (2018) 67 *Journal of Legal Education* 905.

Kireev, Mikhail N ‘Foundational nature of morality within the value system of legal culture’ (2019) 6 *Dilemas Contemporáneos: Educación, Política y Valore* 57.

Kitzes, Judith A et al ‘Fitting it all in: Integration of 12 cross-cutting themes into a School of Medicine curriculum’ (2007) 29 *Medical Teacher* 437.

Klaasen, Abraham ‘From theoretician to practician: Can legal education equip students with the essential professional skills needed in practice?’ (2012) 19 *International Journal of Humanities and Social Science* 301.

Klare, Karl E ‘Legal culture and transformative constitutionalism’ (1998) 14 *South African Journal on Human Rights* 146.

Klement, Brenda J, Paulsen, Douglas F and Wineski, Lawrence E ‘Anatomy as the Backbone of an Integrated First Year Medical Curriculum: Design and Implementation’ (2011) 4 *Anatomical Sciences Education* 157.

Kliebard, Herbert M ‘Reappraisal: The Tyler rationale’ (1970) 78 *School Review* 259.

Kliebard, Herbert M ‘The Tyler Rationale revisited’ (1995) 27 *Journal of Curriculum Studies* 81.

Kloot, Bruce ‘Curriculum reform as a driver for change in higher education: The case of South Africa’ (2015) 60 *Journal of Education* 123.

Knight, Jane ‘Updating the definition of internationalization’ (2003) 33 *International Higer Education* 2.

Koller, Ingrid, Levenson, Michael R and Glück, Judith ‘What do you think you are measuring? A Mixed-methods procedure for assessing the content validity of test items and theory-based scaling’ (2017) 8 *Frontiers in Psychology* 1.

Kolmos, Anette, Hadgraft, Roger G and Holgaard, Jette Egelund ‘Response strategies for curriculum change in engineering’ (2016) 26 *International Journal of Technology and Design Education* 391.

Korstjens, Irene and Albine, Moser ‘Practical guidance to qualitative research. Part 4: Trustworthiness and publishing’ (2018) 24 *European Journal of General Practice* 120.

Kotter, John P ‘Developing a change-friendly culture’ (2008) 48 *Executive Forum* 33.

Kotter, John P ‘Don't you see my vision?’ (2010) 32 *Inc*. 113.

Kotter, John P ‘Leading change: It all starts with urgency’ (2013) 30 *Leadership Excellence* 6.

Kotter, John P ‘Sense of urgency’ (2008) 25 *Leadership Excellence* 10.

Kotter, John P ‘Shared urgency’ (2008) 25 *Leadership Excellence* 3.

Kotter, John P and Schlesinger, Leonard A ‘Choosing strategies for change’ (2008) 86 *Harvard Business Review* 130.

Kraft, Anna, Sparr, Jennifer L and Peus, Claudia ‘Giving and making sense about change: The back and forth between leaders and employees’ (2018) 33 *Journal of Business Psychology* 71.

Kralik, Debbie, Visentin, Kate, Van Loon, Antonio ‘Transition: A literature review’ (2006) 55 *Journal of Advanced Nursing* 320.

Kyle, Stephen Abrahams ‘From LLB to admission – are there any guarantees?’ (2017) (October) *De Rebus* 43.

Läänemets, Urve and Kalamees-Ruubel, Katrin ‘The Taba-Tyler rationales’ (2013) 9 *Journal of the American Association for the Advancement of Curriculum Studies* 1.

Lam, Bick Har and Tsui, Kwok Tung ‘Curriculum mapping as deliberation – examining the alignment of subject learning outcomes and course curricula’ (2016) 41 S*tudies in Higher Education* 1372.

Lam, Bick Har ‘A reflective account of a *preservice teacher’s effort to implement a progressive curriculum in field practice’ (2011) 8 Schools Studies in Education* 22.

Langa, Pius ‘Transformative constitutionalism’ (2006) 17 *Stellenbosch Law Review* 356.

Lange, Lis ‘20 Years of Higher Education Curriculum Policy in South Africa’ (2017) 68 *Journal of Educatio*n 32.

Layman, Elizabeth J and Bamberg, Richard ‘Environmental scanning and the health care manager’ (2005) 24 *The Health Care Manager* 200.

Le Grange, Lesley ‘Decolonising, Africanising, indigenising, and internationalising curriculum studies: Opportunities to (re)imagine the field’ (2018) 4 *Journal of Education* 4.

Lewin, Kurt ‘Frontiers in group dynamics: Concept, method and reality in social science’ (1947) 1 *Human Relations* 5.

Lintukangas, Katrina, Peltola, Satu and Virolainen, Veli-Matti ‘Some issues of supply management integration’ (2009) 15 *Journal of Purchasing & Supply Management* 240.

Lo, Vai Io ‘Before Competition and beyond Complacency - The internationalisation of legal education in Australia’ (2012) 22 *Legal Education Review* 3.

Lowry, Stella ‘Strategies for implementing curriculum change’ (1992) 305 *Medical Education* 1482.

Luckett, Kathy and Shay, Suellen ‘Reframing the curriculum: A transformative approach’ (2017) *Critical Studies in Education* 1.

Lunenburg, Fred C ‘Forces for and resistance to organizational change’ (2010) 27 *National Forum of Educational Administration and Supervision Journal* 1.

Maleshin, Dimitry ‘The crisis of Russian legal education in comparative perspective’ (2017) 2 *Journal of Legal Education* 289.

Malik, Alam Sher and Malik, Rukhsana Hussain ‘Twelve tips for developing an integrated curriculum’ (2011) 33 *Medical Teacher* 100.

Mallet, Dann ‘Walking a mile in their shoes: Non-native English speakers’ difficulties in English language mathematics classrooms’ (2011) 4 *Journal of Learning and Design* 28.

Mamdani, Mahmood ‘Between the public intellectual and the scholar: Decolonization and some post-independence initiatives in African higher education’ (2016) 17 *Inter-Asia Cultural Studies* 68.

Manyathi, Nomfundo ‘South Africa LLB under investigation’ (2010) April *De Rebus* 8.

Marire, J ‘Are South African public universities economically efficient? Reflection amidst higher education crisis’ (2017) 31 *South African Journal of Higher Education* 116.

Matoti, SN and Lekhu, MA ‘Problems first year university students bring to science classes and implications for teaching. Distribution of “science for all” and “science for scientists” in the documentation of the integrated science curriculum in Malawi’ (2008) 12 *Interim* 126.

Mavunga, George ‘#FeesMustFall protests in South Africa: A critical realist analysis of selected newspaper articles’ (2019) 7 *Journal of Student Affairs in Africa* 81.

Mayer, John D, Salovey, Peter and Caruso, David R ‘Emotional Intelligence: Theory, Findings, and Implications’ (2004) 15 *Psychological Inquiry* 197.

McCann, Ann L, Babler William J and Cohen, Peter A ‘Lessons learned from the competency-based curriculum initiative at Baylor College of Dentistry’ (1998) 62 *Journal of Dental Education* 197.

McDermid, Fiona et al Conducting qualitative research in the context of pre-existing peer and collegial relationships (2014) 21 *Nurse Researcher* 28.

McKimm, Judy and Jones, Paul Kneath ‘Twelve tips for applying change models to curriculum design, development’ (2018) 40 *Medical Teacher* 250.

McLeod, Peter and Steinert, Yvonne ‘Twelve tips for curriculum renewal’ (2015) 37 *Medical Teacher* 232.

McMillan, Sara S, King, Michelle and Tully, Mary P ‘How to use the nominal group and Delphi techniques’ (2016) 38 *International Journal of Clinical Pharmacy* 655.

Melesse, Solomon and Belay, Sintayehu ‘Curriculum conceptualization, development, and implementation in the Ethiopian education system: Manifestations of progressive curriculum orientations’ (2022) 202 *Journal of Education* 69.

Menon, Kirti and Castrillón, Gloria ‘Reimagining curricula for the Fourth Industrial Revolution’ (2019) 14 *The Independent Journal of Teaching and Learning* 6.

Mento, Anthony J, Jones, Anthony J and Dirndorfer, Walter (2002) 3 ‘A change management process: Grounded in both theory and practice’ *Journal of Change Management* 45.

Meyerson, Michael I ‘Law school culture and the lost art of collaboration: Why don't law professors play well with others’ (2015) 93 *Nebraska Law Review* 547.

Mheta, Gift, Lungu, Bwalya Nyangu and Govender, Thaiurie ‘Decolonisation of the curriculum: A case study of the Durban University of Technology in South Africa’ (2018) 38 *South African Journal of Education* 1.

Mignolo, Walter D 'Delinking' (2007) 21 *Cultural Studies* 449.

Minow, Martha ‘Marking 200 years of legal education: Traditions of change, reasoned debate, and finding differences and commonalities’ (2017) 130 *Harvard Law Review* 2279.

Mirkay, Nicholas A and Strand, Palma J ‘Disruptive leadership in legal education’ (2019) 130 *Richmond Public Interest Law Review* 366.

Modiri, Joel ‘The crises in legal education’ (2014) 46 *Acta Academica* 1.

Mojapelo, Phineas ‘Transformation, independence and poor “products” of the LLB’ (2012) December *De Rebus* 56.

Moolman, Hermanus and Du Plessis, Adri ‘Key considerations for residential universities intending to offer a distance tuition LLB’ (2021) 24 *Potchefstroom Electronic Law Journal* 1.

Moolman, Hermanus ‘A conceptual competence-based framework for enhancing the employability of graduates’ (2017) 12 *The Independent Journal of Teaching and Learning* 26.

Moolman, Hermanus Johannes and Wilkinson, Annette ’Essential generic attributes for enhancing the employability of hospitality management graduates’ (2013) 62 *Tourism* 257.

Moolman, HJ and Wilkinson, A ‘Do hospitality management curricula at public higher education institutions in South Africa comply with a research-based competence framework?’ (2015) 13 *Journal for New Generation Sciences* 80.

Moosa, Raazia ‘An analysis of the Higher Education Qualifications Sub-Framework: Towards decoloniality in South African Higher Education’ (2018) 25 *Alternation Journal* 44.

Moran, Rachel F ‘The three ages of modern American lawyering and the current crisis in the legal profession and legal education’ (2019) 58 *Santa Clara Law Review* 45.

Moran, John W and Brightman, Baird K ‘Leading organizational change’ (2000) 12 *Journal of Workplace Learning: Employee Counselling Today* 67.

Mørk, Anne et al ‘Using Kotter's change framework to implement and sustain multiple complementary ICU initiatives’ (2018) 33 *Journal of Nursing Care Quality* 38.

Morrison, Jessica ‘Nursing leadership in ACO payment reform’ (2016) 34 *Nursing Economics* 230.

Morrison, Keith RB ‘The poverty of curriculum theory: A critique of Wraga and Hlebowitsh’ (2007) 36 *Journal of Curriculum Studies* 487.

Motsabi, Soraya, Diale, Boitumelo and Van Zyl, André ‘The academic persistence of first year first generation African Students (FYFGAS): A framework for higher education in South Africa’ (2020) 8 *Journal of Student Affairs in Africa* 72.

Moyo, J ‘Underpreparedness in South African higher education: A limited test of the English grammar awareness of first-year university students’ (2020) *34 South African Journal of Higher Education* 166.

Mtshweni, BV ‘Covid-19: Exposing unmatched historical disparities in the South African institutions of higher learning’ (2022) 36 *South African Journal of Higher Education* 234.

Munusamy, M Miandy and Hashim, Azirah ‘The internationalisation of higher education: A networking based conceptual framework’ (2020) 6 *AEI Insights* 35.

Murray, Sarah ‘The challenges of designing a common, standards-based curriculum for all South Africa’s languages’ (2012) 28 *Per Linguam: A Journal of Language Learning* 84.

Mushabe, Charles, Abreh, Might Kojo & Mills, Clara Araba 'Reconceptualizing faculty workload as a measure of human resource motivation and performance in higher education' (2022) 6 *Social Sciences & Humanities* 1.

Muthama, Evelyn and Mckenna, Sioux 'The contradictory conceptions of research in historically black universities' (2017) 35 *Perspectives in Education* 129.

Neale-Shutte, M and Fourie J. 'Challenges to internationalization in African higher education' (2006) 20 *South African Journal of Higher Education* 118.

Nel, C, Troskie-De Bruin, C and Bitzer, E 'Students' transition from school to university: Possibilities for a pre-university intervention' (2009) 23 *South African Journal of Higher Education* 975.

Nitta, Keith A, Wrobel, Sharon L, Howard, Joseph Y and Eddings, Jimmerson-Eddings, Ellen 'Leading change of a school district reorganization' (2014) 3 *Public Performance & Management Review* 465.

Norodien-Fataar, Najwa 'The cultivation of learning dispositions among first-generation disadvantaged students at a South African University' (2018) 54 *Educational Studies* 505.

O'Sullivan, Carmel and McNamara, Judith 'Creating a global law graduate: The need, benefits and practical approaches to internationalise the curriculum' (2015) 8 *Journal of Learning Design* 53.

Oelofsen, Rianna 'Decolonisation of the African mind and intellectual landscape' (2015) 16 *Phronimon* 130.

Olivarius, Niels de Fine 'Dynamic strategic planning in a professional knowledge-based organization' (2010) 41 *Journal of Research Administration* 35.

Oliver, Shawn L and Hyun, Eunsook 'Comprehensive curriculum reform in higher education: Collaborative engagement of faculty and administrators' (2011) 2 *Journal of Case Studies in Education* 1.

Onwughalu, Vincent Chukwukadibia and Ojakorotu, Victor 'The 4th industrial revolution: An opportunity for Africa's "Decolonization" and Development or Recolonization?' (2020) 17 *African Renaissance* 76.

Osunkunle, Oluyinka and Hadji, Mutambuli J 'The South African higher education strategic planning process: Compliance or shaping the future' (2020) 10 *African Journal of Development* 189.

Oyeka, Ikewelugo Cyprian Anaene and Ebuh, Godday Uwawunkonye 'Modified Wilcoxon Signed-Rank Test' (2012) 26 *Open Journal of Statistics* 172.

Pantazis, Angelo 'The LLB' (2013) August *Advocate* 22.

Paper, David J, Rodger, James A and Pendharkar, Parag C 'A BPR case study at Honeywell' (2001) 7 *Business Process Management Journal* 85.

Parker, Francis W 'My Pedagogic Creed' (1896) 53 *The School Journal* 47.

Peters, Thomas J and Waterman, Robert H *In Search of Excellence: Lessons from America's Best Run Companies* (1995) HarperCollinsBusiness, New York.

Pfeifer, Tilo, Schmitt, Robert and Voigt, Thorsten 'Managing change: Quality-oriented design of strategic change processes (2005) 17 *The TQM Magazine* 297.

Phadermroda, Boonyarat, Crowder, Richard M and Wills, Gary B 'Importance-performance analysis based SWOT analysis' (2019) 44 *International Journal of Information Management* 194.

Pickard, Alison Jane *Research Methods in Information* 2ed (2013) Facet, London.

Polit, Denise F and Beck, Cheryl Tatano 'Generalization in quantitative and qualitative research: Myths and strategies' (2010) 47 *International Journal of Nursing Studies* 1451.

Pollack, Julien and Pollack, Rachel 'Using Kotter's Eight Stage Process to manage an organisational change program: Presentation and practice' 28 (2015) *Systemic Practice and Action Research* 51.

Powell, Gwynn M, James, Joy and Johnson, Corey W 'With their permission: Skeptics, resisters, and supporters (2013) 28 *Schole: A Journal of Leisure Studies and Recreation Education* 113.

Powell, Richard A and Single, Helen M 'Focus groups' (1996) 8 *International Journal for Quality in Health Care* 499.

Pregmark, Johanna E and Berggren, Rita 'Strategy workshops with wider participation: Trust as enabler' (2020) *Management Decision* 586.

Priestley, Mark and Humes, Walter 'The development of Scotland's curriculum for excellence: Amnesia and déjà vu' (2010) 36 *Oxford Review of Education* 345.

Prince, RN, Frith, V, Steyn, S and Cliff, AF 'Academic and quantitative literacy in higher education: Relationship with cognate school-leaving subjects' (2021) 35 *South African Journal of Higher Education* 164.

Pyhältö, Kirsi, Pietarinen, Janne and Soini, Tiina 'Dynamic and shared sense-making in large-scale curriculum reform in school districts' (2018) 29 *Curriculum Journal* 181.

Quinn, Diana et al 'Leading change: Applying change management approaches to engage students in blended learning' (2012) 28 *Australasian Journal of Educational Technology* 16.

Quinn, Jocey *Drop-out and completion in higher education in Europe among students from under-represented groups* European Union, Brussels.

Quinot, Geo and Greenbaum, Lesley 'The contours of a pedagogy of law in South Africa' (2015) 1 *Stellenbosch Law Review* 29.
Quinot, Geo 'Transformative legal education' (2012) 129 *South African Law Journal* 411.

Quinot, GG and Van Tonder, SS 'The potential of capstone learning experiences in addressing perceived shortcoming in LLB training in South Africa' (2014) 17 *Potchefstroom Electronic Law Journal* 1350.
Raineri, Andrés B 'Change management practices: Impact on perceived change results' 64 *Journal of Business Research* 267.

Rawle, Fiona et al ‘Curriculum mapping across the disciplines: Differences, approaches, and strategies’ (2017) 10 *Collected Essays on Learning and Teaching* 83.

Reissnera, Stefanie C, Pagana, Victoria and Smith, Craig ‘Our iceberg is melting: Story, metaphor and the management of organisational change’ (2011) 17 *Culture and Organization* 426.

Reniers, Renate et al ‘The QCAE: A questionnaire of cognitive and affective empathy’ (2011) 93 *Journal of Personality Assessment* 84.

Riege, Andreas M ‘Validity and reliability tests in case study research: A literature review with “hands- on” applications for each research phase’ (2003) 6 *Qualitative Market Research: An International Journal* 75.

Roberto, Michael A and Levesque, Lynne C ‘The art of making change initiatives stick’ (2005) 40 *MIT Sloan Management Review* 53.

Roeden, John M, Maaskant, Marian A and Curfs, Leopold MG ‘The nominal group technique as an evaluation tool for solution-focused coaching’ (2012) 25 *Journal of Applied Research in Intellectual Disabilities* 588.

Rubin, Edward ‘The future and legal education: Are law schools failing and, if so, how?’ (2014) 39 *Law & Social Inquiry* 499.

Rutherford Smith, Sarah & Bauling, Andrea ‘Aiming for transformation: Exploring graduateness in South Africa’ (2013) 25 *Stellenbosch Law Review* 148.

Samson, Melanie and Vally, Salim ‘Snakes and ladders: Promises and potential pitfalls of the NQF’ (1996) 20 *South African Labour Bulletin* 7.

Sanson, Michelle ‘Preparing tomorrow’s lawyers today: Graduate attributes in first year law’ *First Year in Higher Education Conference* (2009) Townsville.

Sapir, Adi and Oliver, Amalya ‘Loose coupling, conflict, and resistance: The case of IPR policy conflict in an Israeli university’ (2017) 73 *Higher Education* (2017) 709.

Saula, Morenike ‘Crisis-induced Innovation in U.S. legal education’ (2020) 69 *Journal of Legal Education* 689.
Scholtz, D Curriculum revision: Challenges in responding to change (2013) 35 *Progressio* 133.

Schriner, Cheryl et al ‘Collaboration of nursing faculty and college administration in creating organizational change’ (2010) 30 *Administrative Change* 381.

Schwab, Joseph J ‘The practical: A language for curriculum’ (2013) 45 *Journal of Curriculum Studies* 591.

Scott, Peter ‘Globalisation and higher education: Challenges for the 21st century’ (2000) 4 *Journal of Studies in International Education* 3.

Scott, Susan ‘Knowledge production and transmission in a changing society: Challenges facing law lecturers in a distance education environment in South Africa’ (2006) 20 *South African Journal on Higher Education* 731.

Shenton, Andrew K ‘Strategies for ensuring trustworthiness in qualitative research projects’ (2004) 22 *Education for Information* 63.

Shigli, Kamal et al ‘Inclusion of gerodontology in dental curriculum: An urgent case for India’ (2022) *Gerontology & Geriatrics Education* 1.

Sidorko, Peter E ‘Transforming library and higher education support services: Can change models help?’ 29 (2005) *Library Management* 307.

Simard, Justin ‘The recurrent current crisis in legal education’ (2020) *Willamette Law Review* 56.

Simon, Susan E ‘The weaving of a tapestry: A metaphor for teacher education curriculum development’ (2013) 38 *The Australian Journal of Teacher Education* 73.

Sklar, David P ‘Implementing curriculum change: Choosing strategies, overcoming resistance, and embracing values’ (2018) 93 *Academic Medicine* 1417.

Smith, Nicholas 'No convincing arguments for undergraduate LLB' (1997) December *De Rebus* December 802.

Snyman-van Deventer, E 'Methods to use when teaching legal ethics in South Africa' (2021) 24 *Obiter* 312.

Snyman-van Deventer, E 'Teaching South African (LLB) law students legal analysis to ensure critical thinking (2019) 44 *Journal for Juridical Science* 79.

SAQA *The National Qualifications Framework and curriculum development* (2000) SAQA, Pretoria.

SALDA *Position Paper on Legal Education* (2013) 2, unpublished submission to the *LLB summit: 'Crisis in Legal Education'* 29 May 2013.

Spiel, Christiane, Schober, Barbara and Reimann, Ralph 'Evaluation of curricula in higher education: Challenges for evaluators' (2006) 30 *Evaluation Review* 430.

Spivak, Benjamin, Becky Batagol, Adiva Sifris and Brett Williams 'Measuring empathy in undergraduate law students: Examining the factorial validity of the Jefferson Scale of Empathy-Law Students (JSE-LS)' (2018) 58 *International Journal of Law and Psychiatry* 143.

Springer, Pamela et al 'Using transformational change to improve organizational culture and climate in a school of nursing' (2012) 51 *The Journal of Nursing Education* 81.

Stahl, Norman A and King, James R 'Expanding approaches for research: Understanding and using trustworthiness in qualitative research' 2020(44) *Journal of Developmental Education* 26.

Steinert, Yvonne et al 'Faculty Development as an instrument of change: A case study on teaching professionalism' (2007) 82 *Academic Medicine* 1057.

Stern, Simon 'Introduction: Artificial intelligence, technology, and the law' (2018) 68 *University of Toronto LJ* 1.

Sturm, Susan and Guinier, Lani 'The law school matrix: Reforming legal education in a culture of competition and conformity' (2007) 60 *Vanderbilt Law Review* 515.

Sürücü, Lütfi and Maşlakçi, Ahmet 'Validity and reliability in quantitative research' (2020) 8 *Business and Management Studies: An International Journal* 2694.

Sutherland, Ewen 'The Fourth Industrial Revolution – The case of South Africa' (2020) 47 *Politikon* 233.

Tamrat, Wondwosen and Teferra, Damtew 'Internationalization of Ethiopian higher education institutions: Manifestations of a nascent system' (2018) 22 *Journal of Studies in International Education* 434.

Tanaka, Masahiro 'Japanese law schools in crisis: A Study on the employability of law school graduates' (2016) 3 *Asian Journal of Legal Education* 38.

Tavakol, Mohsen and Dennick, Reg 'Making sense of Cronbach's alpha' (2011) 2 *International Journal of Medical Education* 53.

Tegarden, David P, Sheetz, Steven D and Henderson, David 'Strategic planning in an accounting department using causal maps and cognitive factions' (2010) 19 *Accounting Education* 473.

Thamaga-Chitja, M and Mbatha, T 'Enablers and barriers to South African university classrooms' (2012) 30 *Southern African Linguistics and Applied Language Studies* 339.

Timmis, Sue et al 'Encounters with coloniality: Students' experiences of transitions from rural contexts into higher education in South Africa' (2019) 7 *Critical Studies in Teaching and Learning* 76.

By, Todnem Rune, Hughes, Mark and Ford, Jeffrey 'Change leadership: Oxymoron and myths' (2016) 16 *Journal of Change Management* 8.

Townsend, Ann B, Valle-Ortiz, Marisol and Sansweet Tracy 'A successful ed fall risk program using the KINDER 1' (2016) 42 *Journal of Emergency Nursing* 492.

Treanor, William Michael et al 'The crisis in legal education' (2016) 69 *Bulletin of the American Academy of Arts and Sciences* 9.

Van der Bergh, Rena ‘The remarkable survival of Roman-Dutch Law in nineteenth-century South Africa’ (2012) 18 *Fundamina* 71.

Van der Merwe, Philip ‘Profession can make important contribution to investigation into effectiveness of LLBs’ (2010) April *De Rebus* 4.

Van der Merwe, Philip ‘The trouble with LLB graduates…’ (2007) April *De Rebus* 2.

Van der Walt, Elsie Sophia, Hattingh, Zorada and Moolman, Hermanus Johannes ‘The impact of non-academic variables on the study experience of second year hospitality management students at selected South African higher education institutions’ (2016) 5 *African Journal of Hospitality, Tourism and Leisure* 1.

Van der Walt, Elsie Sophia, Hattingh, Zorada and Moolman, Hermanus Johannes ‘The impact of academic variables on the study experience of second year hospitality management students at selected South African higher education institutions’ (2016) 5 *African Journal of Hospitality, Tourism and Leisure* 1.

Van der Walt, Elsie Sophia, Hattingh, Zorada and Moolman, Hermanus Johannes ‘The impact of socio-demographic variables on the study experience of second year hospitality management students at selected South African higher education institutions’ (2017) 6(4) *African Journal of Hospitality, Tourism and Leisure* 1.

Van Marle, Karen and Modiri, Joel ‘What does changing the world entail? Law, critique and legal education in the time of post-apartheid’ (2012) 212 *The South African Law Journal* 210.

Van Marle, Karin ‘Hold onto critical jurisprudence’ (2019) 3 *Law, Democracy and Development* 202.

Van Marle, Karin ‘Reflections on legacy, complicity, and legal education’ (2014) 46 *Acta Academica* 196.

Van Niekerk, Carmel ‘The four-year undergraduate LLB: where to from here?’ (2013) 34 *Obiter* 533.

Van Teijlingen, Edwin R and Hundley, Vanora ‘The importance of pilot studies’ (2001) 35 *Social Research Update* 2.

Vashe, Asha et al ‘Curriculum mapping of dental physiology curriculum: The path towards outcome-based education’ (2020) 24 *European Journal of Dental Education* 518.

Vaske, Jerry J, Beaman, Jay and Sponarski, Carly C ‘Rethinking internal consistency in Cronbach's alpha’ (2017) 39 *Leisure Sciences* 163.

Vibha, Kaushik and Walsh, Christine A ‘Pragmatism as a research paradigm and its implications for social work research’ (2019) 9 *Social Sciences* 255.

Vollweiler, Debra Moss ‘If you can't beat 'em, join 'em (virtually): institutionally managing law students as consumers in a COVID world’ (2020) 41 *Pace Law Review* 57.

Wald, Eli ‘The contextual problem of law schools’ .(2018) 32 *Notre Dame Journal of Law, Ethics & Public Policy* 281.

Weisbrot, David ‘What lawyers need to know … what lawyers need to be able to do: An Australian experience’ (2002) *Journal of the Association of Legal Writing Directors* 21.

Wentworth, Diane Keyser, Behson, Scott J and Kelley, Catherine L ‘Implementing a new student evaluation of teaching system using the Kotter change model’ (2020) 45 *Studies in Higher Education* 511.

Wilkinson, Annette ‘Decoding learning in law: Collaborative action towards the reshaping of university teaching and learning’ (2014) 51 Educational Media International 124.

Williams, Brett, Sifris, Adiuva and Lynch, Marty ‘A psychometric appraisal of the Jefferson Scale of Empathy using law students.’ (2016) 9 *Psychology Research and Behavior Management* 171.

Wilson, Sarah E, Prescott, Julie and Becket, Gordon ‘Empathy levels in first- and third-years students in health and non-health disciplines’ (2012) 76 *American Journal of Pharmaceutical Education* 24.

Woolman, Stuart, Watson, Pam and Smith, Nicolas ‘Toto, I’ve a feeling we’re not in Kansas anymore: A reply to Professor Motala and others on the transformation of legal education in South Africa’ (1997) 114 *South African Law Journal* 34.

Workman Barbara '"Casing the joint": Explorations by the insider-researcher preparing for work-based projects (2007) 19 *Journal of Workplace Learning* 146.

Wraga, William G 'Understanding the Tyler rationale: Basic principles of curriculum and instruction in historical context' (2017) 4 *Espacio, Tiempo y Educación* 227.

Wright, Kenneth L and Thompsen, Joyce A 'Building' (1997) 9 *The Total Quality Management Magazine* 36.

Yellen, David 'Post-crisis legal education: Some premature thoughts' (2016) 66 *Syracuse Law Review* 523.

Yue, Cen April, Men, Linjuan Rita and Ferguson, Mary Ann 'Bridging transformational leadership, transparent communication, and employee openness to change: The mediating role of trust' (2019) 45 *Public Relations Review* 1.

**LEGISLATION**

Bachelor of Laws, NQF Level 7 (NLRD ID: 22993) *GG* 23845 of 20 September 2002.

Constitution of the Republic of South Africa, 1996

Directions for Criteria to Return to Public University and Private Higher Education Institution Campuses as Part of a Risk-Adjusted Strategy for a Phased-In Return from level 3: issued in terms of the Disaster Management Act, 2002 (Act no. 57 of 2002) (GN 652 in *GG* 43414 of 8 June 2021).

Directions Issued by the Minister of Cooperative Governance and Traditional Affairs with Respect to the Response to Covid-19 in the Cooperative Governance & Traditional Affairs Sectors: Issued in terms of section 27(2) of the Disaster Management Act, 2002 (Act no. 57 of 2002) (GN 399 in *GG* 43147 of 25 March 2020).

Higher Education Act 101 of 1997

Legal Practice Act, 2014: Regulations Under Section 109(1)(a) in GN 921 GG 10177 of 31 August 2018.

National Plan for Higher Education (GN 230 in *GG* 22138 of 9 March 2001

National Qualifications Framework Act 67 of 2008

Protection of Personal Information Act 4 of 2013

Publication of the General and Further Education and Training Qualifications Sub-framework and Higher Education Qualifications Sub-framework of the National Qualifications Framework (GN 578 in *GG* 36797 of 30 August 2013).

Qualification of Legal Practitioners Amendment Act 78 of 1997

Regulations under the South African Qualifications Authority Act, 1995 (GN 1127 in *GG* 6290 of 8 September 1998).

South African Qualifications Authority Act 58 of 1995.

The Draft Policy Framework for the Internationalisation of Higher Education in South Africa (GN 389 in *GG* 40815 of 28 April 2017).

The Higher Education Qualifications Framework (GN 928 in *GG* 30353 of 5 October 2007)

White Paper 3: A Programme for the Transformation of Higher Education (GN 1196 in *GG* 18207 of 15 August 1997).

**SOURCES AVAILABLE FROM THE RESEARCHER**

UFS *Faculty of Law Strategic Plan 2017-2021* (2017). A copy of the plan is available from the researcher.

UFS *National Review of Bachelor of Laws (LLB) Programmes. The Institutional Self-Evaluation Report of the University of the Free State* (2016). A copy of the report is available from the researcher.

UFS *Report of the External LLB Review Panel* (2016). A copy of the report is available from the researcher.

**UNPUBLISHED THESIS**

Greenbaum, Lesley Anne *The Undergraduate Law Curriculum: Fitness for Purpose?* (unpublished PhD thesis, University of KwaZulu Natal, 2009).

**ANNEXURE 1**

**CHRONOLOGY OF EVENTS**

The chronology below arranges the events relevant to this study in the order of their occurrence.

| | |
|---|---|
| 1995 to 1997 | Extensive consultations about the introduction of a four-year LLB took place between universities, the legal professions and the government. This resulted in the promulgation of the Qualification of Legal Practitioners Amendment Act 78 of 1997 (see section 2.3.1) and the introduction of the four-year LLB. |
| January 1998 | The four-year LLB is introduced at South African higher education institutions (hereafter HEIs) (see section 2.3.1). |
| 1998 to 2015 | Persuasive complaints were received from the judiciary, legal practitioners, legal professional bodies and law academics about the questionable quality of four-year LLB students/graduates (see section 2.3.2). |
| 5 October 2007 | The Higher Education Qualifications Framework (hereafter HEQF) was promulgated in terms of the Higher Education Act 101 of 1997 (see section 3.4.2). |
| 1 November 2008 | The National Qualifications Framework Act 67 of 2008 replaced the South African Qualifications Authority Act 58 of 1995 and provided in section 27(e) for an extended mandate to the Council on Higher Education (hereafter CHE) to develop and manage the HEQF (see section 3.4.2). |
| 10 October 2010 | The CHE, Department of Higher Education and Training and South African Qualifications Authority published a joint communiqué on the implementation of the HEQF (see section 3.4.2). |
| August 2013 | The final version of the Higher Education Qualifications Sub-framework (hereafter HEQSF) was published on 30 August 2013 (see section 3.4.2). |
| November 2010 | The CHE conducted a survey that culminated in the LLB Curriculum Project (see section 2.3.3.1). |
| January 2013 | The CHE published *A Framework for Qualifications Standards in Higher Education* (see section 2.3.3.2). |
| January 2013 | The South African Law Deans' Association, the Law Society of South Africa and General Council of the Bar of South Africa announced their intention to host an 'LLB Summit: Legal Education in Crisis?' (see section 2.3.2). |
| 29 May 2013 | The 'LLB Summit: Legal Education in Crisis?' took place. SALDA, the Law Society of South Africa and General Council of the Bar issued a joint statement in terms of which they confirmed that substantial consensus was reached to extend the four-year LLB to five years (see sections 1.1 and 2.3.2). However, no progress has been made in this regard. |
| August 2013 | The CHE began with the revision of the HEQF in 2010. The final version of the HEQSF was published on 30 August 2013 (see section 2.3.2) |

| | |
|---|---|
| November 2014 | Members of the LLB Standard Development Working Group met on numerous occasions from 2013 to 2015. The Group, endorsed a revised version of the *LLB Qualification Standard*[1] accepted by all HEIs offering an LLB (see section 2.3.3.2). |
| February to March 2015 | The curriculum change leader (hereafter CCL) conducted three informal focus group discussions with academics, four with students, two with alumni, and three with employers who included legal practitioners and employers hiring graduates in positions requiring the application of the law. These discussions focused on the strengths of the old LLB curriculum and generated recommendations for addressing the weaknesses in the curriculum (see sections 2.4.2 and 6.3.1.1). |
| 18 February 2015 | The Faculty Board discusses the *LLB Qualification Standard* for the first time at this meeting (see section 6.3.1.3). |
| March 2015 | The CCL established a community of learning called 'Learning in Law' in collaboration with the Centre for Teaching and Learning (see section 6.3.1.3). |
| May 2015 | The CHE appointed a National Review Reference Group to define, among others, the scope of the National Review of the LLB (see section 2.3.3.3). |
| 21 April 2015 | The Faculty Board adopted a resolution to make comprehensive changes to the old LLB programme and replace it with a newly developed LLB. It implied that an application for accreditation of a new programme had to be submitted see sections 2.4.2 and 6.3.1.1). |
| 12 October 2015 | The student protests of 2015/16 commenced with the Rhodes Must Fall movement at the University of Cape Town (hereafter UCT) in early March 2015 (see section 2.2.4). |
| February 2016 | The CCL conducted four focus group discussions with staff members, student leaders, employers of students and alumni for the self-evaluation report prepared for the External Institutional Review of the LLB. On 28 February 2016, the self-evaluation report was submitted to the University of the Free State (hereafter UFS) Directorate for Institutional Research and Development for submission to the External Institutional Review Panel of the UFS LLB (see sections 6.3.1.1 and 6.3.1.3). |
| 14 to 18 March 2016 | The External Institutional Review of the UFS LLB was conducted by four LLB experts from other HEIs, a distance mode of tuition expert and an alumnus (see section 2.4.2). |
| 8 April 2016 | The *Report on the External Institutional Review of the UFS LLB* was received. It had important implications for LLB curriculum change at the UFS (see section 6.3.1.1). |
| April 2016 | The CCL used the self-evaluation report for the External Institutional Review of the UFS and the *Report on the External Institutional Review of the UFS LLB* to draft the self-evaluation report for the National Review of LLB. He requested staff members to provide input on the draft self-evaluation report via email during the last week of April 2016 (see sections 6.3.1.1 and 6.3.1.3). |
| 11 May 2016 | The Faculty Board resolved to develop a new strategic plan (section 6.2) and approved the submission of the self-evaluation report for the National Review of the LLB to the CHE (see section 6.3.1.1). |

[1] CHE *Qualification Standard for the Bachelor of Laws (LLB)* (2015).

| | |
|---|---|
| August to October 2016 | Higher Education Quality Committee (hereafter HEQC) panels of two to three academic peers evaluated the offering of the LLB at the different HEIs (see section 2.3.3.3). |
| 20 to 22 September 2016 | A review panel appointed by the CHE as part of the National Review of the LLB visited the UFS to evaluate its offering of the LLB (see section 6.3.1.1). |
| May 2016 | The CCL administered an informal survey among all academics and LLB students. The survey aimed to elicit insight into participants' perceptions of the (i) learning time that the average student requires to achieve the learning outcomes of modules in the old LLB curriculum, (ii) desirability of offering the modules as year-long or semester modules and (iii) most appropriate years of study for the various modules (see sections 2.4.2 and 6.4.2). |
| 17 to 18 August 2016 | The first off-campus strategic planning workshop took place.<br><br>Day 1: Morning session (see section 6.3.1.3)<br>• Experts shared their insights on the implications of globalisation and internationalisation, decolonisation, transformative constitutionalism and the fourth industrial revolution on the LLB curriculum.<br>• Four faculty innovators shared practical examples of how they responded to the curriculum imperatives mentioned above in their modules.<br>• The CCL shared ideas on incorporating the curriculum imperatives in the LLB curriculum.<br><br>Day 1: Afternoon session (see section 6.3.1.3)<br>• The Faculty's learning designer at the Centre for Teaching and Learning presented a session on innovative teaching, learning and assessment tools.<br>• Three Learning in Law community members (faculty innovators) shared how they incorporated innovative teaching, learning and assessment in their modules.<br><br>Day 2: Morning session (see section 6.2.2)<br>• The CCL presented a session on strategic planning terms and processes.<br>• The CCL referred to important findings and recommendations of the External Institutional Review of the UFS LLB.<br>• The CCL shared data on key performance indicators of the UFS LLB for the past five years with attendees.<br>• Attendees were divided into four breakaway groups to reflect on the strengths, weaknesses, opportunities and threats that the Faculty faced.<br>• Group leaders gave feedback to attendees during a plenary session.<br><br>Day 2: Afternoon session (see section 6.2.2)<br>• Attendees critiqued and refined the strengths, weaknesses, threats, and weaknesses identified by the different groups.<br>• The Dean divided attendees into four breakaway groups and requested the groups to formulate a picture or vision of where they saw the Faculty in five years.<br>• After sharing the groups' feedback, key aspects of the envisaged vision and mission statements were identified according to unifying and common themes. |

| | |
|---|---|
| October 2016 | The CCL administered an informal survey among all academics and LLB students. The survey aimed to obtain insight into participants' perceptions of the (i) learning time that the average student requires to achieve the learning outcomes of modules in the old LLB curriculum, (ii) desirability of offering the modules as year-long or semester modules and (iii) most appropriate years of study for the various modules (see section 2.4.2 and 6.4.2). |
| 13 February to<br>31 March 2017 | The CCL developed the first draft of the curriculum matrix (see section 6.4.2). |
| 10 April to<br>13 April 2017 | The CCL had informal individual conversations with the three Department Heads about the first draft of the curriculum matrix (see section 6.4.2). |
| 7 April 2017 | The HEQC informed the UFS that the old LLB was placed on notice of withdrawal. The *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016-2017* had important implications for the LLB curriculum change (see sections 2.4, 6.3.1.1, 6.3.1.5 and 6.6.1). |
| 2 May 2017 | The CCL emailed the second draft of the curriculum matrix to all academics (see section 6.4.2). |
| 22 to 25 May 2017 | The second off-campus strategic planning workshop took place.<br><br>Day 1: Morning session (see section 6.2.2)<br>• The Dean presented a first draft of the vision and mission statements of the Faculty. She invited attendees to provide input.<br>• Attendees agreed on four core issues the strategic plan had to address.<br><br>Day 1: Afternoon session (see section 6.2.2)<br>• The Dean divided attendees into four breakaway groups and requested each group to provide potential action plans for a specific core issue.<br>• Groups provided feedback during a plenary session, and attendees provided input on the identified action plans.<br><br>Day 2: Morning session (see section 6.3.1.3)<br>• The CCL facilitated a session on the theoretical underpinnings of curriculum design (e.g., constructive alignment, the NQF, NQF levels, level descriptors, notional hours, and credits)<br>• The CCL facilitated a session on the *LLB Qualification Standard* and its implications for the LLB curriculum<br><br>Day 2 Afternoon session (see section 6.4.2)<br>• The CCL presented the second draft of the curriculum matrix to the attendees. This framework reflected the sequencing of the modules in the different years of the LLB, core and elective modules and the credits attached to each module. Thereafter, the CCL divided the attendees into three breakaway groups representing the three Faculty departments. Each group proposed a revised curriculum matrix. |

| | |
|---|---|
| | Day 3: Full-day session (see section 6.4.2)<br>The CCL, Dean and nine departmental representatives met to consider the feedback received from the groups on day two of the workshop. The curriculum committee further examined the analysis of all the other South African universities' LLB programmes. At the end of the day, a third draft of the curriculum matrix was proposed.<br><br>Day 4: Full-day session (see section 6.4.2)<br>The CCL distributed a revised version of the curriculum matrix to all academic members of staff. The revised matrix was discussed in groups representing the three departments in the Faculty. All attendees validated the revised draft of the curriculum framework, and minor adjustments were made to the matrix. |
| 30 June 2017 | The CCL requested all academics via email to map the curriculum imperatives and graduate attributes of the *LLB Qualifications Standard* across appropriate years and modules of the LLB (see section 6.4.2). |
| 17 and 18 August 2017 | The CCL conducted four focus group discussions with academics to refine the draft curriculum imperative/graduate attribute map (see section 6.3.1.3). |
| 11 September 2017 | The Dean circulated the first draft of the strategic plan via email to all academics for input prior to the workshop. |
| 19 September 2017 | The third off-campus strategic planning workshop took place.<br><br>The Dean presented the second draft of the strategic plan that incorporated the feedback she had received via email. Again, attendees provided input on the revised draft of the strategic plan. Minor changes were made. Attendees provide input on the old LLB improvement plan (see section 6.2.2). |
| 28 September 2017 | The Faculty Board approved the following documents:<br>• Strategic plan (see section 6.2.2);<br>• Curriculum matrix (see section 6.4.2);<br>• Old LLB curriculum improvement plan;<br>• LLB curriculum imperative/graduate attribute map (see section 6.4.2); and<br>• LLB Assessment Rules and Regulations (see section 6.3.1.5). |
| 4 October 2017 | The Director of the UFS Directorate for Institutional Research and Development presented a half-day workshop on writing learning outcomes for modules (see section 6.3.1.3). |
| 2 October 2017 to 28 February 2018 | Academics started drafting learning outcomes for their modules with the assistance of the CCL (see section 6.3.1.3). |
| 9 November 2017 | The HEQC revised the accreditation status of the old LLB to conditionally accredited based on the submission of an improvement plan by the Faculty. The HEQC advised the Faculty to apply for the accreditation of a new LLB programme by March 2018 and to provide evidence of an accredited LLB programme by 30 October 2020 (see sections 2.4 and 6.3.1.5). |

| | |
|---|---|
| On 30 June 2017 | Academics were requested to map the curriculum imperatives and prescribed graduate attributes across different study years and modules of the new LLB curriculum. The CCL collated the information into a draft curriculum imperative/graduate attribute map. (see section 6.4.2). |
| 6 to 8 March 2018 | Students, employers and alumni validated the new LLB during three informal focus group discussions (see section 6.4.2). |
| 19 March 2018 | The Faculty Board approved the submission of the application for the accreditation of the new LLB to the HEQC (see section 6.4.2). |
| 31 March 2018 | The UFS application was approved by all UFS structures, and the application for the accreditation of the new LLB was uploaded to the CHE website (see section 6.4.2). |
| 10 October 2018 | The Faculty Board approved the *Framework for Evaluating Study Guides* and a rubric for assessing lecturers' facilitation skills by a peer or Head of the Department (see section 6.3.1.5). |
| November 2018 | The *Report on the National Review of the LLB*[2] concluded the review of LLB programmes (see section 2.3.3.3). |
| 19 November 2018 | The Department of Higher Education and Training informed the UFS that the HEQC accredited the new LLB (see sections 1.1 and 2.4.2). |
| 22 May 2019 | The Faculty Board approved the LLB phasing-in/phasing-out plan (see section 6.3.1.5). |
| February 2020 | The first year of the ew LLB was introduced (see section 1.2). |
| 17 March 2020 | The annual evaluation of the Faculty's performance against (i) the vision, mission and objectives in the strategic plan (see section 6.2.2) and (ii) the improvement plan for the old LLB took place (see section 6.3.1.5). |
| 7 December 2020 | The researcher obtained ethics clearance from the UCT Faculty of Law Research Ethics Committee (see section 5.6) |
| 8 December 2020 | The researcher obtained ethics clearance from the UCT Faculty of Health Science Human Research Ethics Committee (see section 5.6) |
| 19 March 2021 | The annual evaluation of the Faculty's performance against (i) the vision, mission and objectives in the strategic plan and (ii) the improvement plan for the old LLB took place (see sections 6.2 and 6.3.1.5). |
| 22 March 2021 | The researcher obtained ethics clearance from the UFS General/Human Research Ethics Committee (see section 5.6). |
| 26 to 30 April 2021 | The pilot study for the questionnaire was conducted (section 5.3.2.2). |
| 7 May 2021 | The researcher invited respondents via email and an information sheet to participate in the study by completing a questionnaire (see section 5.3.2.4). |
| 18 May 2021 | The due date for completing the questionnaire (see section 5.3.2.4). |

[2] CHE *The State of the Provision of the Bachelor of Laws (LLB) Qualifications in South Africa* (2018).

| | |
|---|---|
| 23 May 2021 | The researcher postponed the final date for completing the questionnaire to this date (see section 5.3.2.4). |
| 14 June 2021 | The researcher invited 11 respondents who met specific inclusion criteria to participate in the focus group discussion of the main study (see section 5.3.3.3). |
| 28 June 2021 | The researcher conducted the focus group in the main study via Blackboard Collaborate from 10:00 to 12:00 on 28 June 2021 (see section 5.3.3.4). |
| 17 March 2022 | At a workshop, the Faculty's performance was measured against the vision, mission and objectives in the strategic plan and the improvement plan for the old LLB. Student pass rates, throughput rates and retention rates were reviewed at this workshop (see section 6.2.2 and 6.3.1.5). |

**ANNEXURE 2**

**DRAFT LLB CURRICULUM CHANGE MANAGEMENT MODEL (LLB CCMM)**

The Draft LLB curriculum change management model (hereafter Draft LLB CCMM) comprises 61 prescriptive outlines (hereafter POs) that were categorised into three distinct processes: strategic planning, curriculum change management and curriculum planning. The POs of the Draft LLB CCMM provide potential guidelines/strategies for facilitating LLB curriculum change. Implementing these POs can assist faculties in creating a climate for curriculum change and can enable faculties to implement and sustain such change. In contrast to the Final LLB CCMM, the Draft LLB CCMM is not supplemented with recommended practices for complying with the outlines.

## 1. THE STRATEGIC PLANNING PROCESS

The following five POs are associated with the strategic planning process:

PO A1: The Dean and curriculum change leader (hereafter CCL) satisfactorily consult staff members on drafting the strategic plan for the Faculty.

PO A2 Staff members consider key performance indicators (e.g., programme accreditation, student enrolment numbers, pass rates, throughput rates, and graduation rates) when drafting the faculty's strategic plan and its curriculum change strategy.

PO A3 The SWOT (strengths, weaknesses, opportunities and threats) analysis performed by staff members provided clear directives for the vision, mission, objectives, and especially the LLB curriculum change strategy to be incorporated into the Faculty's strategic plan.

PO A4 Faculty management and staff members regularly monitor and evaluate progress with the implementation of the strategic plan of the Faculty.

PO A5 Faculty management and staff members regularly monitor and evaluate progress with the implementation of the strategic plan of the faculty.

## 2. THE CURRICULUM CHANGE MANAGEMENT PROCESS

The curriculum change management process encompasses six interlinked change management functions (POs B1 to B40) and three continuous change management functions (POs C1 to C5). The POs associated with each of these change management functions are identified in the following sections.

### 2.1 Interlinked change management functions

2.1.1 Create a sense of urgency to change the LLB curriculum. (PO B1)

PO B2 The CCL provides evidence from the media and scholarly and non-scholarly articles on why and how the LLB curriculum had to change.

PO B3 The CCL uses the feedback from focus group discussions held with members of staff, students, alumni, and employers to demonstrate why and how the LLB curriculum needs to change.

PO B4 The CCL uses the self-evaluation report and the *Report on the External Institutional Review of the UFS LLB* (2016) to motivate why and how the LLB curriculum has to change.

PO B5 The CCL uses the self-evaluation report, HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017 and the Report on the National Review of the LLB to motivate why and how the LLB curriculum had to change.

PO B6 The Dean and CCL provided compelling evidence of why and how the LLB curriculum had to change.

2.1.2 Build a curriculum change committee that works effectively as a team (PO B7)

PO B7 Staff members work effectively as a team during the LLB curriculum change process.

PO B8 In terms of the institution's human resources policies, faculty management appoints a CCL who demonstrates the leadership skills required to lead the LLB curriculum change process.

PO B9 The CCL displays sufficient curriculum change knowledge.

PO B10 The CCL continuously and effectively manages group dynamics and interactions during the curriculum change process.

PO B11 The CCL carries out the LLB curriculum change process with trust.

PO B12 The CCL ensures that staff members know where they fit into the LLB curriculum change process.

PO B13 The CCL ensures that staff members know the activities they should perform during the curriculum change process.

PO B14 The CCL ensures that staff members are aware of the timeframes for the different activities of the LLB curriculum change process.

### 2.1.3 Empower staff members for curriculum change (PO B15)

PO B16 The Dean and CCL assist staff members in believing and feeling that change was possible.

PO B17 The CCL ensures that staff members are familiar with the theoretical underpinnings of curriculum design (e.g., constructive alignment, the National Qualifications Framework, National Qualifications Framework levels, level descriptors, notional hours, and credits).

PO B18 The CCL ensures that staff members are familiar with the *LLB Qualification Standard*, and the graduate attributes it requires to be developed in LLB students.

PO B19 The CCL ensures that staff members are empowered to introduce the LLB curriculum imperatives (e.g., transformative constitutionalism, decolonisation, globalisation and internationalisation, and the fourth industrial revolution) into the new modules of the LLB curriculum.

PO B20 The CCL ensures that staff members are empowered to introduce innovative teaching and learning practices in the modules of the new LLB curriculum.

PO B21 The CCL ensures that staff members are empowered to introduce innovative assessment practices in the modules of the new LLB curriculum.

PO B22 Showcasing faculty innovators' work inspire and encourage staff members to incorporate innovative teaching, learning and assessment practices into the module(s) for which they are responsible.

PO B23 Staff members receive information and training on writing learning outcomes, so as to empower them to write meaningful outcomes for the LLB modules for which they are responsible.

PO B24 The CCL assists staff members in writing meaningful module outcomes and provides constructive feedback on the draft learning outcomes presented to him/her for input.

PO B25 The CCL provides staff members with the LLB learning outcomes of other South African universities, which assist them in writing learning outcomes for the modules for which they are responsible.

2.1.4 Create and celebrate short-term wins

PO B26 The faculty identifies and celebrates short-term wins/milestones (e.g., the drafting and approval of the strategic plan, curriculum matrix, graduate attribute map, module learning outcomes, accreditation application and the phasing-in/phasing-out plan) during the LLB change process.

2.1.5 Consolidate wins to create more changes in the Faculty (PO B27)

PO B28 The LLB curriculum change process paves the way for a continuous improvement model for the Faculty.

PO B29 A system of quality assurance is implemented to ensure that the LLB curriculum changes will be of benefit.

PO B30 The CCL develops, in collaboration with staff members, a phasing-in/phasing-out plan for a seamless transition from the old to the new LLB curriculum.

PO B31 Modules are evaluated at the end of each year by, for example, external reviewers and students to guide new change initiatives.

PO B32 Student pass rates, throughput rates and retention rates are regularly reviewed to identify additional student support interventions and new teaching, learning and assessment initiatives.

PO B33 Graduate tracking surveys to assess graduates' employability are introduced one year after the first cohort of the new LLB has graduated.

PO B34 Employer satisfaction surveys are introduced one year after the first cohort of the new LLB has graduated.

PO B35 The admission criteria for the new LLB are amended.

PO B36 Faculty management performs a workload analysis to prevent the possible overloading of academics due to the implemention of the new LLB curriculum.

PO B37 Due to the demands of the new LLB curriculum, Department Heads evaluate the staff development trajectories of academics reporting to them.

PO B38 Faculty management makes sufficient resources (time, money and human resources, information technology) available for implementing the new LLB curriculum.

2.6 Anchor the curriculum change in the faculty's systems, practices, and organisational culture (PO B39)

PO B40 Faculty management conducts regular follow-up sessions and workshops to support the new LLB curriculum and its implementation.

2.7 The continuous change management functions

Three of the five continuous change management POs relate to communication (POs C1 to C3). The other two relate to faculty management considering the psychological impact of the curriculum change process on staff members (PO C4) and effectively managing barriers/opposition to change as continuous change management functions (PO C5).

PO C1 The CCL continuously communicates the progress made with the LLB curriculum change to staff members.

PO C2 The CCL uses a range of communication methods to share information with staff members.

PO C3 Staff members have open and honest discussions about problems, conflicts, issues, and progress during the curriculum change process.

PO C4 Faculty management continuously considers the psychological impact of the curriculum change process on staff members.

PO C5 Faculty management continuously and effectively manages barriers/opposition to change.

## 3. THE CURRICULUM PLANNING PROCESS

The following 11 POs relate to the curriculum planning process:

PO D1 The credits and corresponding notional hours of the new LLB modules represent a realistic volume for teaching, learning and assessment.

PO D2 Modules are appropriately classified as semester and year modules in the new LLB curriculum.

PO D3 Modules of the new LLB curriculum build on the knowledge and skills that students have acquired in previous modules.

PO D4 Modules of the new LLB curriculum are presented in an integrated manner and not in silos or in isolation.

PO D5 The curriculum imperatives and graduate attributes specified in the *LLB Qualification Standard* are appropriately mapped across modules of the new LLB curriculum.

PO D6 The modules, including the graduate attributes and curriculum imperatives, are appropriately mapped across the years of study of the new LLB.

PO D7 The learning outcomes, teaching, learning, and assessments are constructively aligned in the new LLB curriculum.

PO D8 The new LLB curriculum maintains the strengths of the old curriculum and addresses the concerns/weaknesses identified by stakeholders (e.g., academics, students, alumni and employers).

PO D9 The new LLB curriculum addresses the concerns raised in the *Report on the External Institutional Review of the UFS LLB*.

PO D10 Overall, the new LLB curriculum addresses the concerns raised by the HEQC.

PO D11 The new LLB curriculum is validated by students, employers and alumni prior to its submission to the Council on Higher Education to enhance staff members' confidence in the curriculum.

**ANNEXURE 3**
**QUESTIONNAIRE**

## PART A: INFORMED CONSENT

I confirm that the person asking my consent to take part in this research has told me about the nature, procedure, potential benefits and anticipated inconvenience of participation. I have read and understand the study as explained in the information sheet. I have had sufficient opportunity to ask questions, and I am prepared to participate in the study. I understand that my participation is voluntary and that I am free to withdraw at any time without penalty. I voluntarily provide the researcher with my personal information and consent for collecting, disclosing and processing my personal information to conduct the study and any related activities thereto. I acknowledge and confirm that I understand the purpose for which the researcher may collect, store, use, delete, destroy, outsource, transfer or otherwise process, as the context and circumstances may require and as contemplated in terms of the Protection of Personal Information Act 3 of 2013, my personal information as set out herein. I am aware that the findings of the study will be anonymously processed into a research report, journal publications and/or conference

I agree to participate in this study

| | |
|---|---|
| Yes | |
| No | |

## PART B: DEMOGRAPHIC INFORMATION

Initials and surname:

Age:

Number of years' experience as a law academic:

| |
|---|
| |

Number of years' experience as a legal professional/practitioner:

| |
|---|
| |

Qualifications (please mark all relevant options):

| | |
|---|---|
| BProc | |
| BIur | |
| BCom (Law) | |
| BA (Law) | |
| BLC | |
| LLM | |
| LLD | |
| PhD | |
| Other (please specify) | |

Year in which you obtained the highest qualification:

| |
|---|
| |

**PART C:**

Please rate each of the prescriptive outlines for facilitating comprehensive LLB curriculum change on the scales below:

**Importance:**

The importance of the prescriptive outline for facilitating curriculum change at any law faculty in South Africa and not only at the University of the Free State (hereafter UFS), where 1 means 'not important at all' and 5 means 'very important'.

**Compliance:**

The compliance of the UFS curriculum change process with the prescriptive outline, where 1 means 'do not agree at all' and 5 means 'strongly agree'.

Kindly provide comments in the comment box where appropriate.

The curriculum change leader (hereafter CCL), for the purposes of this study, is Dr Manie Moolman.

PO A1: The Dean and CCL satisfactorily consulted staff members on drafting the strategic plan for the faculty.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO A2: Staff members considered key performance indicators (e.g., programme accreditation, student enrolment numbers, pass rates, throughput rates, and graduation rates) when drafting the faculty's strategic plan and its curriculum change strategy.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO A3: The SWOT (strengths, weaknesses, opportunities and threats) analysis performed by staff members provided clear directives for the vision, mission, objectives, and especially the LLB curriculum change strategy to be incorporated into the Faculty's strategic plan.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO A4: Faculty management ensured that staff members support the vision, mission, LLB curriculum change objective and strategy in the strategic plan of the Faculty.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO A5: Faculty management and staff members regularly monitor and evaluate progress with the implementation of the strategic plan of the Faculty.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

POB1: The Dean and CCL created a sense of urgency to change the LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B2: The CCL provided evidence from the media and scholarly and non-scholarly articles on why and how the LLB curriculum had to change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B3: The CCL used the feedback from focus group discussions held with members of staff, students, alumni, and employers to demonstrate why and how the LLB curriculum had to change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B4: The CCL used the self-evaluation report and the *Report on the External Institutional Review of the UFS LLB* (2016) to motivate why and how the LLB curriculum had to change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B5: The CCL used the self-evaluation report, *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017* and the *Report on the National Review of the LLB* to motivate why and how the LLB curriculum had to change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B6: The Dean and CCL provided compelling evidence of why and how the LLB curriculum had to change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B7: Staff members worked effectively as a team during the LLB curriculum change process.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B8: In terms of the institution's human resources policies, faculty management appointed a CCL who demonstrated the leadership skills required to lead the LLB curriculum change process.

| Rating: | | Importance | | Compliance | |
|---|---|---|---|---|---|
| Comments: | | | | | |

PO B9: The CCL displayed sufficient curriculum change knowledge.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B10: The CCL continuously and effectively managed group dynamics and interactions during the curriculum change process.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B11: The CCL carried out the LLB curriculum change process with trust.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B12: The CCL ensured that staff members knew where they fitted into the LLB curriculum change process.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B13: The CCL ensured that staff members knew the activities they had to perform during the curriculum change process

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B14: The CCL ensured that staff members were aware of the timeframes for the different activities of the LLB curriculum change process.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B15: Staff members were empowered for the LLB curriculum change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B16: The Dean and CCL assisted staff members in believing and feeling that change was possible.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B17: The CCL ensured that staff members. were familiar with the theoretical underpinnings of curriculum design (e.g., constructive alignment, the National Qualification Framework, National Qualification Framework levels, level descriptors, notional hours, and credits).

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B18: The CCL ensured that staff members were familiar with the *LLB Qualification Standard* and the graduate attributes it requires to be developed in LLB students.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B19: The CCL ensured that staff members were empowered to introduce the LLB curriculum imperatives (e.g., transformative constitutionalism, decolonisation, globalisation and internationalisation and the fourth industrial revolution) into the new modules of the LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B20: The CCL ensured that staff members were empowered to introduce innovative teaching and learning practices in the modules of the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B21: The CCL ensured that staff members were empowered to introduce innovative assessment practices in the modules of the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B22: Showcasing Faculty innovators' work inspired and encouraged staff members to incorporate innovative teaching, learning and assessment practices into the module(s) for which they were responsible.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B23: Staff members received information and training on writing learning outcomes, so as to empower them to write meaningful outcomes for the LLB modules for which they were responsible.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B24: The CCL assisted staff members in writing meaningful module outcomes and provided constructive feedback on the draft learning outcomes presented to him for input.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B25: The CCL provided staff members with the LLB learning outcomes of other South African universities, which assisted them in writing learning outcomes for the modules for which they were responsible.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B26: The Faculty identified and celebrated short-term wins/milestones (e.g., the drafting and approval of the strategic plan, curriculum matrix, graduate attribute map, module learning outcomes, accreditation application and the phasing-in/phasing-out plan) during the LLB change process.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B27: The LLB curriculum change process consolidated wins to pave the way for more changes in the Faculty.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B28: The LLB curriculum change process paved the way for a continuous improvement model for the Faculty.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B29: A system of quality assurance has been implemented to ensure that the LLB curriculum changes will be of benefit.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B30: The CCL developed, in collaboration with staff members, a phasing-in/phasing-out plan for a seamless transition from the old to the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B31: Modules are evaluated at the end of each year by, for example, external reviewers and students to guide new change initiatives.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B32: Student pass rates throughput rates and retention rates are regularly reviewed to identify additional student support interventions and new teaching, learning and assessment initiatives.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B33: Graduate tracking surveys to assess graduates' employability are introduced one year after the first cohort of the new LLB has graduated.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B34: Employer satisfaction surveys should be introduced one year after the first cohort of the new LLB had graduated.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B35: The admission criteria for the new LLB are amended.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B36: Faculty management performed a workload analysis to prevent the possible overloading of academics due to the implementation of the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B37: Due to the demands of the new LLB curriculum, Department Heads evaluated staff development trajectories of academics reporting to them.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B38: Faculty management made sufficient resources (e.g., time, money, human resources, and information technology) available for implementing the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B39: The new LLB curriculum has become part of the systems, practices, and organisational culture of the Faculty.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO B40: Faculty management conducts regular follow-up sessions and workshops to support the new LLB curriculum and its implementation.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO C1: The CCL continuously communicated the progress made with the LLB curriculum change to academic staff members.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO C2: The CCL used a range of communication methods to share information with staff members.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO C3: Staff members had open and honest discussions about problems, conflicts, issues, and progress during the curriculum change process.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO C4: Faculty management continuously considered the psychological impact of the curriculum change process on staff members.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO C5: The CCL continuously and effectively managed barriers/opposition to curriculum change.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D1: The credits and corresponding notional hours of the new LLB modules represent a realistic volume for teaching, learning and assessment.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D2: Modules are appropriately classified as semester and year modules in the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D3: Modules of the new LLB curriculum build on the knowledge and skills that students have acquired in previous modules

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D4: Modules of the new LLB curriculum are presented in an integrated manner and not in silos or in isolation.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D5: The curriculum imperatives and graduate attributes specified in the *LLB Qualification Standard* are appropriately mapped across modules of the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D6: The modules, including the graduate attributes and curriculum imperatives, are appropriately mapped across the years study of the new LLB.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D7 The learning outcomes, teaching, learning, and assessments are constructively aligned in the new LLB curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D8: The new LLB curriculum maintains the strengths of the old curriculum and addresses the concerns/weaknesses identified by stakeholders (e.g., academics, students, alumni and employers).

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D9: The new LLB curriculum addresses the concerns raised in the *Report on the External Institutional Review of the UFS LLB*.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D10: Overall, the new LLB curriculum addresses the concerns raised in the *HEQC Report on the Review of the UFS Bachelor of Laws (LLB) Programme 2016–2017* and the *Report on the National Review of the LLB.*

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

PO D11: The validation of the new LLB curriculum by students, employers and alumni prior to its submission to the CHE enhanced my confidence in the curriculum.

| Rating: | Importance | | Compliance | |
|---|---|---|---|---|
| Comments: | | | | |

Thank you for taking the time to read the information sheet and complete this questionnaire

**ANNEXURE 4**

## QUESTIONNAIRE INFORMATION SHEET

7 May 2021

Dear …….

I hereby wish to invite you to participate in my PhD studies in Private Law at the University of Cape Town.

## TITLE OF THE RESEARCH PROJECT

The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities

## RESEARCHER AND CONTACT DETAILS


Name and surname: Dr Manie Moolman
Staff number: 0858482
Cellphone number: 0823786863
Email address: moolmanhj@ufs.ac.za


## SUPERVISOR AND CONTACT NUMBER:


Name of supervisor: Prof Lesley Greenbaum
University: University of Cape Town
Department: Department of Private Law
Cellphone number: 0828257057
Email address: lesley.greenbaum@uct.ac.za

## PURPOSE OF THE STUDY

The purpose of the is to propose a curriculum change management model that will facilitate comprehensive LLB curriculum change at South African universities.

## MORE ABOUT THE RESEARCHER

I am Manie Moolman, the former Programme Director: Teaching and Learning, Programme Director: LLB and Vice-Dean in the Faculty of Law, University of the Free State (hereafter Faculty). In these capacities, I took responsibility for leading the comprehensive LLB curriculum change process at the Faculty. I have decided to link the experience that I have gained during the development of the new LLB curriculum with a doctorate research study at the University of Cape Town.

## ETHICAL APPROVAL

This study has received ethics approval from the Law Faculty Research Ethics Committee and Human Research Ethics Committee of the University of Cape Town and the General/Human Research Ethics Committee of the University of the Free State. The University of the Free State approved to conduct the study in the Faculty. A copy of the approval letters can be obtained from the researcher.

**Approval numbers:**

University of Cape Town: L0164-2020 and 857/2020
University of the Free State: UFS-HSD2020/2086/193

## REASON FOR INVITING YOU TO PARTICIPATE IN THIS RESEARCH STUDY

Given your participation in the comprehensive LLB curriculum change process, I regard you as an ideal candidate to participate in the study.

**NATURE OF PARTICIPATION IN THIS STUDY**

Participating in this phase of the study entails the completion of a questionnaire. The questionnaire requests respondents to provide some demographic information and rate a series of closed-ended questions related to the LLB curriculum change management process. The questionnaire will also ask respondents to provide comments on close-ended questions, where appropriate.

**VOLUNTARY PARTICIPATION IN THE STUDY**

Participation is voluntary, and there is no penalty or loss of benefit for non-participation. Respondents are under no obligation to consent to participation. Respondents will be requested via email to click on a link to indicate their willingness to participate in the study. They will be diverted to a SurveyMonkey questionnaire once they have clicked on the link. The questionnaire will then be administered via SurveyMonkey to those respondents who provided informed consent to participate in the study.

**WITHDRAWING FROM THE STUDY**

Participants are free to withdraw at any time without giving a reason and without any penalty.

**POTENTIAL BENEFITS OF PARTICIPATING IN THE STUDY**

The study will make a valuable contribution to the limited scholarship that is available on legal education in South Africa. More specifically, the study aims to address the gaps and limitations regarding theory and research on managing curriculum change in legal education. This study adopts a comprehensive rather than an 'atomistic' or 'piecemeal' approach to curriculum change. Therefore, the research will address the concern of scholars that legal education change efforts are usually approached 'incrementally not comprehensively'. The curriculum change management model can play a significant role in facilitating future revisions of the LLB curriculum at the University of the Free State and other South African universities. As such, the research could have a bearing on the quality of the LLB curriculum, the improvement of South African legal education, legal practice in South Africa, on sectors

employing graduates in positions that require the application of the law, post-graduate studies in law and South African society.

**ANTICIPATED INCONVENIENCE OF PARTICIPATING IN THE STUDY**

Participation in this study has low levels of inconvenience, risk, harm or discomfort. Under the current working conditions, all Faculty members work from home. Consequently, all my interactions with respondents and participants in the study will occur via email. The questionnaire will take approximately thirty minutes of participants' private or working time to complete.

**ANONYMITY AND CONFIDENTIALITY**

I will follow a quasi-anonymity approach where participants' identities and responses will be known to me, but not to any other parties. Although participants will not complete the questionnaire anonymously, I will treat their feedback as confidential. As soon as I have received a completed questionnaire via email, I will give the participant's name and responses to questions fictitious code numbers. Participants will be referred to in this way in the data, any publications, or other research reporting methods such as conference proceedings. I will record the data obtained from participants on Excel. Participants' responses may be reviewed by people responsible for making sure that the research is carried out in an appropriate manner, including my supervisor, and the respective research ethics committees of the University of Cape Town and University of the Fee State. Otherwise, participants' identifies will only be available to me. I may use participants' anonymous data in journal articles and conference presentations.

**STORING AND DESTROYING OF DATA**

I will store electronic copies of the completed questionnaire on a password-protected computer. Future use of the stored data will be subject to further research ethics review and approval if applicable. The data will be deleted after five years.

**RECEIVING PAYMENT OR ANY INCENTIVES FOR PARTICIPATING IN THE STUDY**

Participants will not receive any compensation for completing the questionnaire, and they will not be reimbursed for any related costs.

**OBTAINING INFORMATION ABOUT THE FINDINGS OF THE STUDY**

If you would like to be informed of the final research findings, please contact me, Dr Manie Moolman, on 0823786863 or email at moolmanhj@ufs.ac.za. You are welcome to contact me should you require any further information.

If you have concerns about the research, its risks and benefits or about your rights as a research participant in this study, you may contact the Law Faculty Research Ethics Committee Administrator, Mrs Lamize Viljoen, at 021 6503080 or at lamize.viljoen@uct.ac.za. Alternatively, you may write to the Law Faculty Research Ethics Committee Administrator, Room 6.28 Kramer Law Building, Law Faculty, University of Cape Town, Private Bag, Rondebosch 7701.

Kind regards

Dr Manie Moolman

**ANNEXURE 5**

## FOCUS GROUP DISCUSSION GUIDE

## PART A

Seven prescriptive outlines (hereafter POs) that questionnaire respondents were requested to rate in the previous phase of this study did not achieve the minimum quantitative compliance criteria. Consequently, the initiatives and practices employed during the UFS curriculum change process were not deemed sufficient and of enough value. Please explain and provide your perceptions/opinions on the reasons why the following POs did not meet the minimum compliance criteria:

(i) Staff members considered key performance indicators (e.g., programme accreditation, student enrolment numbers, pass rates, throughput rates, and graduation rates) when drafting the Faculty's strategic plan and its curriculum change strategy (PO A2).

(ii) Showcasing Faculty innovators' work inspired and encouraged staff members to incorporate innovative teaching, learning and assessment practices into the module(s) for which they were responsible (PO B22).

(iii) The curriculum change leader provided staff members with the LLB learning outcomes of other South African universities, which assisted them in writing learning outcomes for the modules for which they were responsible (PO B25).

(iv) The Faculty identified and celebrated short-term wins/milestones (e.g., the drafting and approval of the strategic plan, curriculum matrix, graduate attribute map, module learning outcomes, accreditation application and the phasing-in/phasing-out plan) during the LLB change process (PO B26).

(v) A system of quality assurance has been implemented to ensure that the LLB curriculum changes will be of benefit (PO B29).

(vi) Faculty management conducts regular follow-up sessions and workshops to support the new LLB curriculum and its implementation (PO B40).

(vii) Faculty management continuously considered the psychological impact of the curriculum change process on staff members (PO C4).

**PART B**

In your experience, what are the strengths and weaknesses of the UFS curriculum change process?

**ANNEXURE 6**

## FOCUS GROUP INFORMATION SHEET

14 June 2021

Dear colleague

I hereby wish to invite you to participate in my PhD studies in Private Law at the University of Cape Town.

## TITLE OF THE RESEARCH PROJECT

The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities

## RESEARCHER AND CONTACT DETAILS


| | |
|---|---|
| Name and surname: | Dr Manie Moolman |
| Staff number: | 0858482 |
| Cellphone number: | 0823786863 |
| Email address: | moolmanhj@ufs.ac.za |


## SUPERVISOR AND CONTACT NUMBER:


| | |
|---|---|
| Name of supervisor: | Prof Lesley Greenbaum |
| University: | University of Cape Town |
| Department: | Department of Private Law |
| Cellphone number: | 0828257057 |
| Email address: | lesley.greenbaum@uct.ac.za |

## PURPOSE OF THE STUDY

The purpose of the is to propose a curriculum change management model that will facilitate comprehensive LLB curriculum change at South African universities.

## MORE ABOUT THE RESEARCHER

I am Manie Moolman, the former Programme Director: Teaching and Learning, Programme Director: LLB and Vice-Dean in the Faculty of Law, University of the Free State (hereafter Faculty). In these capacities, I took responsibility for leading the comprehensive LLB curriculum change process at the Faculty. I have decided to link the experience that I have gained during the development of the new LLB curriculum with a doctorate research study at the University of Cape Town.

## ETHICAL APPROVAL

This study has received ethics approval from the Research Ethics Committee of University of Cape Town. Approval was granted by the University of the Free State to conduct the study in the Faculty. A copy of the approval letters can be obtained from the researcher.

**Approval numbers:**

University of Cape Town: L0164-2020 and 857/2020
University of the Free State: UFS-HSD2020/2086/193

## REASON FOR INVITING YOU TO PARTICIPATE IN THIS RESEARCH STUDY

I selected LLB academics who were members of the Faculty Teaching and Learning Committee within the past five years, participated in the Faculty's LLB curriculum change process, and completed the questionnaire in the previous phase of this study. These staff members are in an ideal position to explain or expand on some of the results of the questionnaire conducted in the study. They also have the knowledge of hindsight to reflect on the strengths and weaknesses of the UFS curriculum change process. Furthermore, academics serving on the Teaching and Learning Committee usually have a keen interest in

teaching, learning and curriculum development. Based on these inclusion criteria, you have been selected to participate in the study's second

**NATURE OF PARTICIPATION IN THIS STUDY**

Your participation in this phase of the study involves partaking in a focus group discussion.

**VOLUNTARY PARTICIPATION IN THE STUDY**

Participation is voluntary and there is no penalty or loss of benefit for non-participation. Participants are under no obligation to consent to participation. If participants decide to take part, they will be given this information sheet to keep and be asked to sign a written consent form.

**WITHDRAWING FROM THE STUDY**

Participants are free to withdraw at any time without giving a reason and without any penalty.

**POTENTIAL BENEFITS OF PARTICIPATING IN THE STUDY**

The study will make a valuable contribution to the limited scholarship that is available on legal education in South Africa. More specifically, the study aims to address the gaps and limitations regarding theory and research on managing curriculum change in legal education. This study adopts a comprehensive, rather than an ‘atomistic’ or ‘piecemeal’ approach to curriculum change. Therefore, the research will address the concern of scholars that legal education change efforts are usually approached ‘incrementally not comprehensively’. The curriculum change management model can play a significant role in facilitating future revisions of the LLB curriculum at not only the University of the Free State, but also other at South African universities. As such, the research could have a bearing on the quality of the LLB curriculum, the improvement of South African legal education, legal practice in South Africa, on the sectors employing graduates in positions that require the application of the law, post-graduate studies in law and the South African society.

## ANTICIPATED INCONVENIENCE OF PARTICIPATING IN THE STUDY

Participation in this study has low levels of inconvenience, risk, harm or discomfort. Under the current working conditions, all Faculty members of staff work from home. Consequently, all my interactions with participants in the study will occur via email. The focus group discussion will be conducted via Blackboard and will take approximately two hours of participants' working time.

## ANONYMITY AND CONFIDENTIALITY

Participation in the focus group discussion will not be fully anonymous or confidential. Participants will be familiar with the identities of other participants. The focus group discussion will be audio recorded and participants can only participate in the discussions if they agree to such a recording. Although participants will be addressed by their names during the discussion, I will anonymise the data as soon as possible by replacing the names of participants with fictitious code numbers. I will transcribe the recording and participants will be referred to their fictitious code numbers in the transcript, any publications, or other research reporting methods such as conference proceedings. I will treat participants' feedback as confidential. While I will make every effort to ensure that participants will not be linked to the information that they share during the focus group, I cannot guarantee that other participants in the focus group will treat the information confidentially. I shall, however, encourage all participants to do so and not to discuss what happened during the focus group discussion with outsiders. For this reason, I advise participants not to disclose sensitive personal information in the focus group. Participants' responses may be reviewed by people responsible for making sure that the research is carried out in an appropriate manner, including my supervisor, and the respective research ethics committees. Otherwise, participants' identifies will only be available to me. I may use participants' anonymous data in journal articles and conference presentations.

## STORING AND DESTROYING OF DATA

I will store electronic copies of the audio recorded focus group discussion and the transcript on a password-protected computer. Future use of the stored data will be subject to further research ethics review and approval if applicable. The data will be deleted after five years.

**RECEIVING PAYMENT OR ANY INCENTIVES FOR PARTICIPATING IN THE STUDY**

Participants will not receive any compensation for participating in the focus group discussion and they will not be reimbursed for any related costs.

**OBTAINING INFORMATION ABOUT THE FINDINGS OF THE STUDY**

If you would like to be informed of the final research findings, please contact me, Dr Manie Moolman, on 0823786863 or email at moolmanhj@ufs.ac.za. You are welcome to contact me should you require any further information.

If you have concerns about the research, its risks and benefits or about your rights as a research participant in this study, you may contact the Law Faculty Research Ethics Committee Administrator, Mrs Lamize Viljoen, at 021 650 3080 or at lamize.viljoen@uct.ac.za. Alternatively, you may write to the Law Faculty Research Ethics Committee Administrator, Room 6.28 Kramer Law Building, Law Faculty, University of Cape Town, Private Bag, Rondebosch 7701.

If you decide to participate in the study, I will appreciate it if you could please complete and return the attached informed consent form via email to me at moolman@ufs.ac.za within five business days from receipt of this document. I will provide more details about the focus group discussion as soon as possible.

Kind regards

Dr Manie Moolman

**ANNEXURE 7**

**FOCUS GROUP INFORMED CONSENT FORM**

I, the undersigned, …… (*participant's full names to be included*), confirm that I voluntarily agree to participate in the research study of Dr Moolman titled 'The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities.'

I, the undersigned participant, further confirm the following:

(i) The researcher has explained the nature, procedure, potential benefits and anticipated inconvenience of my participation in the study.
(ii) I have read and understood the study as explained in the information sheet.
(iii) I have had sufficient opportunity to ask questions, and I am prepared to participate in the study.
(iv) I understand that my participation in the study is entirely voluntary and that I am free to withdraw at any time without penalty.
(v) I voluntarily provide the researcher with my personal information and consent for collecting, disclosing and processing my personal information to conduct the study and any related activities thereto.
(vi) I acknowledge and confirm that I understand the purpose for which the researcher may collect, store, use, delete, destroy, outsource, transfer or otherwise process, as the context and circumstances may require and as contemplated in terms of the Protection of Personal Information Act 3 of 2013, my personal information as set out herein.
(vii) I am aware that the findings of the study will be anonymously processed into a research report, journal publications and/or conference proceedings and that my personal information will be aggregated and deidentified at such stage.
(viii) I agree to the recording of the focus group discussion that will be conducted online via the Blackboard platform.

Signature of Participant: …… Date: ……**1**

## UCT FACULTY OF LAW RESEARCH ETHICS COMMITTEE ETHICS CLEARANCE

**Faculty of Law: Research Ethics Committee**

Private Bag X3 • Rondebosch • 7701 • South Africa
Room 6.20 • Kramer Building • Middle Campus
Tel: +27 021 650 3080 Fax: +27 021 650 5660
E-mail: lamisc.viljoen@uct.ac.za Internet: www.law.uct.ac.za

### *Certificate of Approval for Ethical Clearance*

| | |
|---|---|
| PRINCIPAL INVESTIGATOR/SUPERVISOR: LESLEY GREENBAUM<br><br>STAFF: HERMANUS JOHANNES – **[MLMHER001]**<br><br>FACULTY: LAW<br><br>DEPARTMENT: PRIVATE LAW | **ETHICS REFERENCE NUMBER: L0164-2020**<br><br>ORIGINAL APPROVAL DATE: 07-DECEMBER-2020<br><br>APPROVAL EXPIRY DATE: 06-DECEMBER-2021 |

PROJECT TITLE: The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities

PURPOSE OF RESEARCH: To develop a change management model that would facilitate comprehensive LLB curriculum change at South African universities.

**CONDITIONS OF APPROVAL**

This Certificate of Approval is valid for the above term provided there is no change in the protocol.

**Modifications**
To make any changes to the approved research procedures in your study, please submit a formal "Request for a Modification" to the REC Administrative Office. You must receive ethics approval before proceeding with your modified protocol.

**Renewals**
Your ethics approval must be current for the period during which you are recruiting participants or collecting data. To renew your protocol, please submit a "Request for Renewal" form before the expiry date on your certificate. You are responsible for submitting this by at least 2 months prior to the expiry date of clearance date issued.

**Project Closures**
When you have completed all data collection activities and will have no further contact with participants, please formally notify the REC: Law as well as your supervisor where applicable.

**Certification**

This certifies that the University of Cape Town Law Faculty's Research Ethics Committee has examined this research protocol and concluded that, in all respects, the proposed research meets the appropriate standards of ethics as outlined by the University of Cape Town Research Regulations Involving Human Participants.

**Associate Professor Kelley Moult**
**REC: CHAIR**

Certificate Issued On: 15/12/2020

**ANNEXURE 9**

## FACULTY OF HEALTH SCIENCE HUMAN RESEARCH ETHICS COMMITTEE ETHICS CLEARANCE

**UNIVERSITY OF CAPE TOWN**
**Faculty of Health Sciences**
**Human Research Ethics Committee**

**Room G50- Old Main Building**
**Groote Schuur Hospital**
**Observatory 7925**
**Telephone** [021] 406 6492
**Email:** hrec-enquiries@uct.ac.za
**Website:** www.health.uct.ac.za/fhs/research/humanethics/forms

08 December 2020

**HREC REF: 857/2020**

**A/Prof Lesley Greenbaum**
Department of Private Law
Faculty of Law

Email: Lesley.greenbaum@uct.ac.za
Student email: MoolmanHJ@ufs.ac.za

Dear A/Prof Greenbaum

**PROJECT TITLE: THE DEVELOPMENTOF A BACHELOR OF LAWS(LLB) CURRICULUM CHANGE MANAGEMENT MODEL FOR SOUTH AFRICAN UNIVERSITIES (PHD CANDIDATE: DR HJ MOOLMAN)**

Thank you for submitting your study to the Faculty of Health Sciences Human Research Ethics Committee (HREC) for review.

It is a pleasure to inform you that the HREC has **formally approved** the above-mentioned study.

**This approval is subject to strict adherence to the HREC recommendations regarding research involving human participants during COVID -19, dated 17 March 2020 and 06 July 2020, found on the following website link:**
http://www.health.uct.ac.za/fhs/research/humanethics/about

**Approval is granted for one year until the 30 December 2021.**

Please submit a progress form, using the standardised Annual Report Form if the study continues beyond the approval period. Please submit a Standard Closure form if the study is completed within the approval period.
(Forms can be found on our website: www.health.uct.ac.za/fhs/research/humanethics/forms)

***We acknowledge that the student: Dr Hermanus Johannes Moolman will also be involved in this study.***

**Please quote the HREC REF in all your correspondence.**

Please note that the ongoing ethical conduct of the study remains the responsibility of the principal investigator.

Please note that for all studies approved by the HREC, the principal investigator **must** obtain appropriate institutional approval, where necessary, before the research may occur.

## UFS GENERAL/HUMAN RESEARCH ETHICS COMMITTEE ETHICS CLEARANCE

UNIVERSITY OF THE FREE STATE
UNIVERSITEIT VAN DIE VRYSTAAT
YUNIVESITHI YA FREISTATA
UFS UV

**GENERAL/HUMAN RESEARCH ETHICS COMMITTEE (GHREC)**

22-Mar-2021

Dear Dr Hermanus Moolman

**Application Approved**

Research Project Title:
**The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities**

Ethical Clearance number:
**UFS-HSD2020/2086/193**

We are pleased to inform you that your application for ethical clearance has been approved. Your ethical clearance is valid for twelve (12) months from the date of issue. We request that any changes that may take place during the course of your study/research project be submitted to the ethics office to ensure ethical transparency. furthermore, you are requested to submit the final report of your study/research project to the ethics office. Should you require more time to complete this research, please apply for an extension. Thank you for submitting your proposal for ethical clearance; we wish you the best of luck and success with your research.

Yours sincerely

**Dr Adri Du Plessis**
**Chairperson: General/Human Research Ethics Committee**

Adri du Plessis
Digitally signed by Adri du Plessis
Date: 2021.03.22 16:11:44 +02'00'

205 Nelson Mandela Drive
Park West
Bloemfontein 9301
South Africa

P.O. Box 339
Bloemfontein 9300
Tel: +27 (0)51 401 9337
duplessisA@ufs.ac.za
www.ufs.ac.za

## FINAL LLB CURRICULUM CHANGE MANAGEMENT MODEL (LLB CCMM)

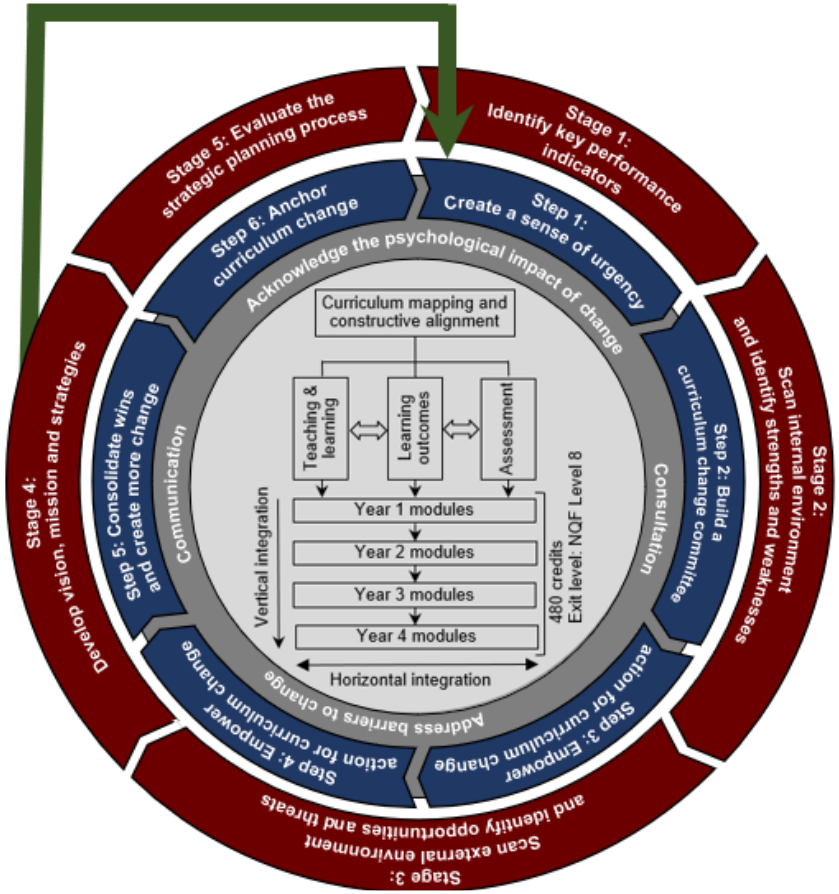


**Figure 1: The Final LLB CCMM**

### INTRODUCTION

The Final LLB curriculum change management model (hereafter Final LLB CCMM) comprises guidelines/strategies/prescriptive outlines (hereafter POs) for facilitating comprehensive curriculum change at South African universities. Implementing these POs can assist law faculties in creating a climate for curriculum change and can enable faculties to carry out and sustain such change. Comprehensive curriculum change, for the purposes of the Final LLB CCMM, implies that 50 per cent or more of a curriculum is changed: this effectively implies the development of a new curriculum. Each of these POs is supplemented with recommended practices for complying with the outlines.

The Final LLB CCMM was developed over three phases. The first phase involved the development of POs from literature reviews on the context of curriculum change in South Africa and globally, curriculum and curriculum planning theory and change management theory. The Draft LLB CCMM concluded the first phase of the study. To ensure that the Final LLB CCMM was not too elaborate and a workable/practicable framework for facilitating LLB curriculum change at South African universities, a quantitative questionnaire based on the POs of the Draft LLB CCMM was administered in Phase 2. A total of 28 LLB law academics who had participated in a comprehensive curriculum

change process at a South African university completed the questionnaire. Based on their experience of comprehensive curriculum change, the academics had the knowledge of hindsight to evaluate the importance of the POs of the Draft LLB CCMM for facilitating curriculum change at any South African university. Also, they were in an ideal position to evaluate whether the practices employed during the LLB curriculum change process at the South African university led to compliance with the POs of the Draft LLB CCMM. An analysis of the data led to the proposal of POs and recommended practices to be included in the Final LLB CCMM. A focus group discussion on the strengths and weaknesses of the curriculum change process at the South African university in the third phase led to the identification of additional POs and recommended practices in the Final LLB CCMM. The Final LLB CCMM consists of 52 POs and recommended practices for complying with each of these POs.

The Final LLB CCMM comprises three processes, represented by the three interlinked circle in Figure 1. The strategic planning process comprises five interlinking stages (i) defining the key performance indicators, (ii) performing an internal environmental scan and identifying strengths and weaknesses, (iii) performing an external environmental scan and identifying opportunities and threats, (iv) developing a vision, mission, and strategies, and (v) evaluating the strategic planning process. The middle circle depicts the interlinked steps of the curriculum change management process: (i) creating a sense of urgency to change the curriculum, (ii) building a curriculum change committee (hereafter CCC) that works effectively as a team, (iii) empowering academic staff members for curriculum change, (iv) identifying and celebrating short-term wins/milestones, (v) consolidating wins/milestones and creating more changes in the faculty, and (vi) anchoring curriculum change in the faculty's systems, practices, and organisational culture. The curriculum change management process also includes four continuous change management functions: (i) communication, (ii) considering the psychological impact of the curriculum change process on staff members, (iii) managing barriers/opposition to change and (iv) consultation with staff members.

The POs of the Final CCMM provide guidelines/strategies for facilitating curriculum change. The evaluation of the importance of the POs in the Final LLB CCMM confirmed that these POs are important for facilitating comprehensive LLB curriculum change at South African universities. Ideally, faculties should comply with all of these POs when engaging in a comprehensive curriculum change. However, the Final LLB CCMM and its POs are not meant to be rigidly implemented. The model can be amended to suit, for example, the specific faculty/institutional context and needs, its organisational culture, and the availability of staff members to drive the curriculum change process. Furthermore, the Final LLB CCMM can take several years to complete (see POs 1.5 and 1.6), while some faculties may be pressed for time to complete the process in a shorter time period. The following are examples of the implications of this flexible approach on the implementation of the Final LLB CCMM:

- Faculties or curriculum change leaders (CCLs) may resolve to use the Final LLB CCMM for facilitating comprehensive LLB curriculum change. However, they may decide to skip/omit specific POs during the change process. For example, a faculty may decide not to engage in an external institutional review of the faculty's LLB (see PO 2.1.1.3) due to the costs and time-consuming nature of the process. The CCL may also argue that the recent National Review of the LLB does not warrant another review and

will result in a duplication of processes. Also, faculties with recently developed or reviewed strategic plans may resolve not to develop new strategic plans. The green arrow in Figure 1 demonstrates that such faculties must only change existing objectives or add new objectives and strategies regarding comprehensive curriculum change (see PO 1.6). However, these POs are not regarded as essential for the curriculum change process and omitting one or more of the POs will not per se result in failure of the change process.

- Faculties may decide to implement only one or more of the POs related to the curriculum change management or curriculum planning processes. For example, the CCL may use the curriculum change management function related to creating a sense of urgency to change the curriculum, or building a CCC that works effectively as a team. This approach can be followed by faculties engaging in minor or piecemeal changes, but is not recommended for faculties engaging in comprehensive curriculum change.

- The responsibilities and duties of, for example, Deans, Department Heads and CLLs may not be the same at all institutions. Therefore, the responsibilities/duties assigned to specific individuals or teams in the POs may be delegated or assigned to other staff members. Institutional human resources policies may require some of the curriculum change duties to be performed by individuals in other positions that those prescribed by the model. The Final LLB CCMM, to some extent, covers this aspect by providing for the appointment of a representative of the Dean and an executive curriculum change committee (ECCC) to assist the CCL with his/her extensive duties and responsibilities. Also, some institutions may require the approval of the Faculty Board for specific POs, while others may only require the approval of the CCC.

The sections below identify how the 52 POs of the Final LLB CCMM are distributed among the three processes of the model. Recommended practices for complying with the respective POs are also set out. The reader will realise from the discussion below that multiple activities/occurrences take place during the curriculum change process. Some of these activities occur at the same time, yet they occur in different processes of the Final CCMM. For example, while the faculty is developing its curriculum change strategy during the strategic planning process, the CCL can commence creating a sense of urgency to change the curriculum (first interlinked change management function). Furthermore, some staff members may be involved in other curriculum change management functions while fulfilling their roles as members of the CCC (second interlinked change management function). Also, the interlinked change management functions/steps sometimes overlap and, therefore, do not always occur in chronological/consecutive order. For example, CCLs are appointed in the second step/function of the curriculum change management process. However, they already start performing their duties in the first step of the curriculum change management process.

## 1. THE STRATEGIC PLANNING PROCESS

The table below identifies the seven POs related to the strategic management process. Each of these POs is supplemented with recommended practices for complying with the outlines

**Table 2: Prescriptive outlines (POs) and recommended practices for the strategic planning process**

| POs | | Recommended practices |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 1.1 | Faculty management satisfactorily consults staff members on drafting/amending the faculty's strategic plan, specifically regarding the curriculum change objective and strategy. | • Due to the top-down approach adopted for the curriculum change model, the Dean usually identifies a need to change the LLB curriculum.<br>• The Dean or his/her appointed representative facilitates a range of off-site strategic planning workshops to consult with staff members on (i) the intended curriculum change process and (ii) whether it will require developing a new strategic plan or amending an existing strategic plan.<br>• Although off-site workshops play a significant role in creating trust, employees feeling consulted, and attendees not being interrupted by normal day-to-day enquiries, the workshops can be hosted on campus should there be to a lack of funding.<br>• The Dean or his/her appointed representative uses plenary sessions and breakaway groups to consult with and get maximum input on strategic planning issues and the intended curriculum change from staff members. |
| 1.2 | Staff members consider key performance indicators (e.g., programme accreditation, student enrolment numbers, pass rates, throughput rates, and graduation rates) when drafting the faculty's strategic plan and its curriculum change strategy. | • During the first strategic planning workshop, the Dean or his/her appointed representative shares data on key performance indicators (e.g., programme accreditation, student enrollment numbers, pass rates, throughput rates, and graduation rates) for the past five years with staff members.<br>• The Dean or his/her appointed representative presents the data in tables and drafts, enabling staff members to make sense of the data and identify trends.<br>• The Dean or his/her appointed representative describes in plain language how the key performance indicators were calculated and the meaning thereof.<br>• The Dean or his/her appointed representative compares the faculty's results with national and institutional objectives and performances. |

| | | |
|---|---|---|
| | | • Academic staff members consider the implications of the key performance indicators on curriculum change. For example, will the graduation rates of previously marginalised groups increase if the LLB is extended by an additional year?<br>• The Dean and CCL often repeats the results and implications of the key performance indicators during the curriculum change processes. |
| 1.3 | Staff members perform a SWOT (strengths, weaknesses, opportunities and threats) analysis to provide clear directives for the vision, mission, objectives, and especially the LLB curriculum change strategy to be incorporated into the faculty's strategic plan. | • This PO is optional if the faculty has an existing strategic plan that has been recently reviewed.<br>• The Dean or his/her appointed representative uses plenary and breakaway groups during strategic planning workshops (preferably at off-campus venues) to identify, deliberate, analyse and assess opportunities and threats within the external environment and strengths and weaknesses in the internal environment.<br>• The Dean or his/her appointed representative requests attendees to consider the faculty's results in terms of the key performance indicators and the information obtained from the various initiatives employed to create a sense of urgency to change. For example, the report on the focus groups discussions (see PO 2.1.1.2) and the report on the external institutional review of the LLB (see 2.1.1.3). |
| 1.4 | Staff members consider the purpose of the LLB when drafting the curriculum change objective and strategy for inclusion into the strategic plan for a faculty. | The purpose of the LLB in terms of the *LLB Qualification Standard*[3] is to prepare students for entry into legal practice, into a wide range of other careers that require the application of law, and for postgraduate studies in law. Therefore, faculties should prepare LLB students for all these purposes. However, faculties may decide to select whether to proceed to acquire a competitive advantage by focusing on, for example, preparing students for legal practice. The faculty's decision in this regard should be reflected in its strategic plan. |

[3] Council on Higher Education *Qualification Standard for LLB (LLB)* (2015).

| | | |
|---|---|---|
| 1.5 | Staff members carefully consider the timing of when the curriculum change process should occur in the implementation plan for the curriculum change. | • Although no time is ever perfect for undertaking curriculum change, staff members should agree on the timeframe for the curriculum change.<br>• Curriculum change is time-consuming. Therefore, it may take several years to complete the process. As a rule of thumb, allow approximately two years for a comprehensive LLB curriculum change. The first six months to a year may be spent on activities relating to creating a sense of urgency to change the curriculum and developing the strategic plan. Approximately one year may be set aside for planning the formal curriculum and having the formal curriculum approved by the various institutional bodies. Thereafter, the application for a new LLB programme should be submitted to the HEQC for accreditation purposes. |
| 1.6 | In the case of a new strategic plan, faculty management ensures that staff members support the vision, mission, LLB curriculum change objective and strategy in the strategic plan of the faculty. In the case of an existing strategic plan, faculty management ensures that staff members support the new curriculum change objective and strategy. | • Staff members consider the outcomes of the SWOT analysis in their decision to develop a new strategic plan, or to amend an existing one and to change the LLB curriculum.<br>• The following applies if the faculty decides to draft a new strategic plan or make significant changes to the mission, vision, objectives and strategies of the existing strategic plan:<br>o The Dean or his/her appointed representative uses the outcomes of the SWOT analysis and breakaway and plenary sessions to generate ideas about formulating the vision, mission, objectives, and strategies (e.g., the curriculum change strategy) in the strategic plan.<br>o The Dean or his/her appointed representative assists staff members in identifying unified and common themes generated in breakaway group discussions to formulate the strategic plan elements mentioned above.<br>o The Dean or his/her appointed representative provides numerous opportunities for staff members to provide input on formulating the vision, mission, objectives, and strategies of the strategic plan.<br>o In cooperation with faculty management, the Dean proposes a draft strategic plan or changes to an existing strategic plan during a strategic planning workshop, preferably at an off-campus venue.<br>o In addition to strategic planning workshops, the Dean requests input from staff members on further drafts of the strategic plan at other strategic |

| | | |
|---|---|---|
| | | planning workshops, faculty board meetings, departmental meetings, informal individual meetings and via email.<br>○ The strategic plan affirms that staff members' input was incorporated in the new or amended strategic plan.<br>○ The Dean or his/her appointed representative allows enough time for staff members to provide input on each of the strategic plan drafts.<br>○ Drafting and consulting staff members is time-consuming. Allocate sufficient time (approximately one year) for drafting a new strategic plan.<br>• The following will apply if the faculty decides to amend the strategic plan by incorporating a new/amended objective and strategy regarding curriculum change in the existing strategic plan:<br>○ The Dean uses the outcomes of the SWOT analysis that informed the faculty's existing strategic plan, and feedback from breakaway and plenary sessions to generate ideas about formulating the new/revised curriculum objective and change strategy.<br>○ The Dean provides numerous opportunities for staff members to provide input on formulating the curriculum change objective and strategy.<br>• The Faculty Board formally approves the new or amended strategic plan. |
| 1.7 | Faculty management and staff members regularly monitor and evaluate progress with the implementation of the strategic plan of the faculty and its curriculum change strategy. | • Faculty management monitors compliance with the strategic plan and its curriculum change strategy at faculty management meetings, preferably every six months.<br>• All staff members evaluate and monitor progress in implementing the strategic plan and its curriculum change strategy at an annual workshop.<br>• The Faculty Board makes and approves amendments to the strategic plan when necessary. |

## 2. THE CURRICULUM CHANGE MANAGEMENT PROCESS

The curriculum change management process encompasses six interlinked and three continuous change management functions. The POs and recommended practices for these functions are addressed in the sections below

### 2.1 Interlinked change management functions

2.1.1 Create a sense of urgency to change the curriculum

The table below identifies the four POs related to creating a sense of urgency to change the LLB curriculum. These POs are supplemented with recommended practices for complying with the outlines.

**Table 2: Prescriptive outlines (POs) and recommended practices for creating a sense of urgency to change the curriculum**

| POs | | Recommended practices |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.1.1 | The CCL and ECCC provide staff members with evidence from the media, scholarly and non-scholarly articles, and the *Report on the National Review of the LLB*[4] as to why and how the LLB curriculum has to change. | • The CCL (appointed in PO 2.1.2.1) and ECCC (appointed in PO 2.1.2.2) collect and share literature, media reports and networking experience on legal education, teaching and learning, assessment and curriculum change with academic staff members.<br>• The CLL and ECCC share the recommendations of the HEQC *Report on the National Review of the LLB* regarding curriculum change and the suggestion to extend the minimum duration of the four-year LLB by an additional year. Although the findings in this *Report* may be perceived as outdated in a few years' time, it provides valuable insights into the LLB curriculum and how the additional year of study should be utilised in a five-year LLB. |

[4] Council on Higher Education *The State of the Provision of the LLB (LLB) Qualifications in South Africa* (2018).

| | | |
|---|---|---|
| 2.1.1.2 | The CCL and ECCC use the feedback from focus group discussions held with members of staff, students, alumni, and employers to demonstrate why and how the LLB curriculum needs to change. | • Once the CCL or members of the ECCC have conducted focus group discussions with role players, they draft a report that summarises the strengths and weaknesses of the faculty's old LLB and propose strategies for addressing the weaknesses of the existing curriculum.<br>• Should a five-year LLB be developed, the CCL or members of the ECCC request focus group members to reflect on how to use the extra curriculum space.<br>• The CCL and ECCC share the findings with academic staff members at appropriate fora.<br>• The CCL and ECCC frequently refer to the focus group findings during the curriculum change process. |
| 2.1.1.3 | The Dean or his/her appointed representative and CCL use the self-evaluation report and the report submitted by the external institutional review panel to motivate why and how the faculty's LLB curriculum should change. | • The CCL requests staff members to nominate external experts to serve on the panel.<br>• The CCL and ECCC have informal discussions and involve staff members in drafting the self-evaluation report.<br>• The CCL circulates the self-evaluation report for input from staff members.<br>• The Faculty Board approves the self-evaluation report.<br>• The external institutional review panel is requested to (i) evaluate whether the changes made to the LLB curriculum in response to the National Review of the LLB were of value; (ii) provide direction and insights on why and how the faculty's curriculum needs to change; and (iii) in the case of a five-year LLB, suggest how the additional year can be utilised.<br>• Staff members reflect on the recommendations of the report prepared by the external institutional review panel. |

| | | |
|---|---|---|
| 2.1.1.4 | The Dean or his/her appointed representative and CCL provide compelling evidence of why and how the LLB curriculum has to change. | • The Dean or his/her appointed representative and CCL continuously share other information as evidence of the need to change the LLB curriculum. |

2.1.2 Build a curriculum change committee (CCC) that works effectively as a team

The table below identifies the eight POs related to building a CCC that works effectively as a team. Each of these POs is supplemented with recommended practices for complying with the outlines.

**Table 3: Prescriptive outlines (POs) and recommended practices for building a curriculum change committee (CCC) that works effectively as a team**

| **POs** | | **Recommended practices** |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.2.1 | In terms of the institution's human resources policies, faculty management appoints a CCL who demonstrates the leadership skills required to lead the LLB curriculum change process. | • Faculty management considers previous leadership roles and leadership skills of potential candidates when appointing a CCL.<br>• Preferably, the CCL is a senior academic in a key post, such as the Deputy/Vice Dean of academics. |
| 2.1.2.2 | Faculty management appoints a CCC to assist the CCL. | • The faculty aims to include all LLB academics in the CCC.<br>• If all LLB academic staff members cannot be included in the CCC (e.g., due to a high number of academics or an unwillingness to assist), the faculty considers appointing a smaller CCC comprising at least one representative per department, members with sufficient position power, academics with different viewpoints on the LLB curriculum, credible academics with good reputations and the necessary skills to support and deal effectively with curriculum change, faculty innovators and a minority of voices in opposition to curriculum change. The CCL should ensure that these requirements are being should the CCL or faculty management decide to invite staff members to serve voluntarily on the CCC. |

| | | |
|---|---|---|
| | | • In addition to the CCCs referred to above, the faculty appoints an ECCC to assist the CCL. In such an instance, the duties of the CCL apply *mutatis mutandis* to the members of the ECCC.<br>• The CCL and ECCC consider appointing working groups to assist with specific tasks of the curriculum change process, for example, developing a curriculum matrix as described in the recommended practices for POs 3.1 to 3.8. |
| 2.1.2.3 | The appointed CCL displays sufficient curriculum change knowledge. | • The CCL has knowledge and prior experience in curriculum change management.<br>• The CCL has a keen interest in curriculum change.<br>• The CCL has a postgraduate qualification in curriculum development/studies.<br>• If the faculty management cannot identify a staff member with the above-mentioned knowledge and experience, CCL and ECCC members with a keen interest in curriculum development can be identified. Before engaging in the curriculum change process, faculty management should support these staff members in undergoing training and attending workshops that are specifically aimed at curriculum development. These staff members can also be encouraged to register for a qualification such as the Postgraduate Diploma in Curriculum Development/Studies that are offered at numerous institutions in South Africa. If there is a lack of CCL expertise in the faculty, I strongly advise the inclusion of a staff member from the university's Centre for Teaching and Learning or an external consultant with expertise in curriculum change management to serve on the ECCC or to act as CCL. |
| 2.1.2.4 | The appointed CCL continuously and effectively manages group dynamics and interactions during the curriculum change process. | • The CCL manages the curriculum change process through leadership skills, effective communication, conflict management and trust.<br>• The CCL ensures that all meetings and workshops are thoughtful, engaging and well-prepared.<br>• Although the CCL values the views and input of staff members, his/her interaction with academics at these events remains focused and disciplined. |

| | | |
|---|---|---|
| 2.1.2.5 | The CCL carries out the LLB curriculum change process with trust. | • The curriculum leader exhibits leadership skills and curriculum change knowledge and 'know-how' (see PO 2.1.2.3).<br>• The CCL successfully performs the continuous change management functions (see POs 2.1.7.1 to 2.1.7.6)<br>• The CCL facilitates strategic planning workshops, preferably at off-campus venues.<br>• The CCL encourages open decision-making. |
| 2.1.2.6 | The implementation plan for the curriculum change process ensures that staff members know where they fit into the process, the activities they should perform and the timeframes for completing the activities of the LLB curriculum change process. | • The implementation plan for the curriculum change makes provision for the following: (i) the time that will be set aside for the curriculum change process, (ii) specific milestones or 'short-term wins' that need to be achieved (see PO 2.1.4.1); (iii) the names of staff members or groups of people (e.g., lecturers or Department Heads) responsible for tasks related to the short-term wins; and (ivi) the timeframes for the respective tasks.<br>• The implementation plan allows enough time for achieving the short-term wins.<br>• The CCL or ECCC reminds staff members well in advance, in person or via email, of an upcoming due date.<br>• The CCC approves the implementation plan. |
| 2.1.2.7 | All decisions taken at meetings and workshops are formally recorded and approved. | • A scribe or administrative assistant s appointed to deal with the administrative aspects of meetings and workshops.<br>• The scribe or administrative assistant, in collaboration with the CCL, prepares agendas and minutes for curriculum change meetings and workshops.<br>• The minutes, reflecting decisions/resolutions taken at previous meetings or workshops, are approved at the next meeting or workshop. |

| | | |
|---|---|---|
| 2.1.2.8 | The CCL commits to being involved during the implementation phase of the curriculum. | • Faculty management negotiates clear terms and conditions when appointing the curriculum change manager.<br>• Since curriculum change is challenging, multifaceted and complex, faculty management considers negotiating some incentive (e.g., study leave, a reduced lecturing load or additional remuneration) to have the change leader commit to implementing the new curriculum. |

### 2.1.3 Empower staff members for curriculum change

The table below identifies the eight POs related to empowering staff members for curriculum change. Each of these POs is supplemented with recommended practices for complying with the outlines.

**Table 4: Prescriptive outlines (POs) and recommended practices for empowering staff members for curriculum change**

| **POs** | | **Recommended practices** |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.3.1 | The Dean, CCL and members of the ECCC assist staff members in believing and feeling that change is possible. | • The Dean, CCL and members if the ECCC show through their actions, behaviour and words that they are optimistic and excited about the curriculum change.<br>• The Dean or his/her appointed representative attends all curriculum change meetings and workshops to show his/her commitment to the curriculum change process. |
| 2.1.3.2 | The CCL ensures that staff members are familiar with the theoretical underpinnings of curriculum design (e.g., constructive alignment, the NQF, NQF levels, level descriptors, notional hours, and credits). | • The CCL emphasises the importance of being acquainted with the theoretical underpinnings of curriculum design. Without such knowledge, staff members will, for example, find it difficult to participate in the curriculum change process, align the curriculum elements in their modules, and present the modules at the required NQF level.<br>• Although faculties may find it unnecessary for all staff members to attend such a workshop, members of at least the ECCC should undergo such training.<br>• The CCL explains the concepts pragmatically and broadly, so as not to overwhelm attendees. |

| | | |
|---|---|---|
| 2.1.3.3 | The CCL ensures that staff members are familiar with the *LLB Qualification Standard*, that they are empowered to develop the required graduate attributes in students, and are able to introduce specifically the LLB curriculum imperatives (e.g., transformative constitutionalism, decolonisation, globalisation and internationalisation and the fourth industrial revolution) into the new modules of the LLB curriculum. | • The CCL provides opportunities for staff members to become or remain informed about the *LLB Qualification Standard*, and the graduate attributes and curriculum imperatives that should be addressed in the new LLB curriculum.<br>• Faculty innovators share practical examples of how they responded to the curriculum imperatives and the development of specific graduate attributes in their modules.<br>• Academic staff members reach consensus on the meaning and implications of the curriculum imperatives on the new LLB curriculum.<br>• The CCL involves all academics in drafting the curriculum matrix. The recommended practices for POs 3.1 to 3.8 deal with developing a curriculum matrix.<br>• Faculty management encourages staff members to read, attend conferences and institutional training sessions, and publish on incorporating the LLB curriculum imperatives and developing specific graduate attributes in their modules. |
| 2.1.3.4 | The CCL ensures that staff members are empowered to introduce innovative teaching, learning and assessment practices/methods into the modules of the new LLB curriculum. | • The CCL ensures that the strategic plan underscores the faculty's commitment to innovative teaching, learning and assessment.<br>• The CCL and Department Heads encourage staff members to attend training courses and workshops on innovative teaching, learning and assessment practices/methods.<br>• The CCL requests the institutional teaching and learning centre/department/institute/school to tailor training for the faculty on innovative teaching, learning and assessment.<br>• Academics consider establishing a community of learning in law. The community sets itself the goal of gaining, among other things, knowledge and skills of the theory of innovative teaching, learning and assessment in law.<br>• Department Heads encourage staff members to engage in research, publish articles and present at conferences on implementing innovative teaching, learning and assessment practices/methods in law modules. |

| | | |
|---|---|---|
| 2.1.3.5 | Faculty innovators' work is showcased, to inspire and encourage staff members to incorporate innovative teaching, learning, and assessment practices into the module for which they are responsible. | • The CCL identifies and approaches staff members to present ways in which they have implemented innovative teaching, learning and assessment practices/methods in their modules.<br>• Showcasing the work of others on innovative teaching, learning and assessment occurs at regular intervals.<br>• Establishing a community of learning in law will assist in developing faculty innovators who can share their ideas and experience using innovative teaching, learning, and assessment practices with other academics in the faculty. |
| 2.1.3.6 | Staff members receive information and training on writing learning outcomes, so as to empower them to write meaningful outcomes for the LLB modules for which they are responsible. | • The CCL or expert(s) in the field present a workshop on drafting learning outcomes.<br>• The CCL or an expert in the field makes academic staff members aware of the influence of the NQF level descriptors and NQF levels on the writing of learning outcomes.<br>• The CCL or an expert in the field makes academic staff members familiar with the taxonomy of educational outcomes by Bloom et al[5] and the revised taxonomy of Bloom', and how to utilise this tool in formulating learning outcomes at different NQF levels. |
| 2.1.3.7 | The CCL or member(s) of the ECCC assist staff members in writing meaningful module outcomes and provide constructive feedback on the draft learning outcomes presented to him/her for input. | • The CCL or member(s) of the ECCC, when requested, assists academic staff members in drafting learning outcomes for their modules.<br>• The CCL or member(s) of the ECCC are sensitive, engender competence and ensure that academics feel respected, valued and competent in carrying out the task.<br>• The CCL or member(s) of the ECCC provide constructive and honest feedback to improve the quality of the learning outcomes.<br>• Experts from the Centre for Teaching and Learning or reputable academics from other law faculties assists the CCL or member(s) of the ECCC in getting staff motivated to participate in a critique and evaluation of their modules' learning outcomes. |

[5] Benjamín S Bloom (ed) et al *Taxonomy of educational objetives: The classification of educational goals* (1956).
[5] Lorin W Anderson & David RA Krathwohl *Taxonomy for learning, teaching and assessing: A revision of Bloom's taxonomy of educational objectives* (2001).

| | | |
|---|---|---|
| | | • The CCL or member(s) of the ECCC verify whether the agreed-upon curriculum imperatives and graduate attributes in the curriculum imperative/graduate attribute map are evident in the learning outcomes of the modules. The recommended practices for POs 3.1 to 3.8 deal with developing a curriculum imperative/graduate attribute map. |
| 2.1.3.8 | The CCL or the ECCC provides staff members with the LLB learning outcomes of other South African universities to assist them in writing learning outcomes for the modules for which they are responsible. | • The CCL or ECCC collect and share the LLB curricula and the learning outcomes of other law faculties with staff members.<br>• Academic staff members use the learning outcomes of other universities as a benchmark when developing or improving learning outcomes. |

### 2.1.4 Create and celebrate short-term wins

The table below identifies the PO related to creating and celebrating short-term wins and the recommended practices for complying with the outline.

**Table 5: Prescriptive outlines (POs) and recommended practices for creating and celebrating short-term wins**

| **POs** | | **Recommended practices** |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.4.1 | The faculty identifies and celebrates short-term wins/milestones (e.g., the drafting and approval of the strategic plan, curriculum matrix, graduate attribute map, module learning outcomes, accreditation application and the phasing-in/phasing-out plan) during the LLB change process. | • The implementation plan (see PO 1.5) clearly identifies the short-term wins.<br>• The CCL immediately informs staff members if a milestone has been reached.<br>• The CCL considers appropriate ways to celebrate the short-term wins. |

### 2.1.5 Consolidate wins and create more changes in the faculty

The table below identifies the seven POs related to consolidating wins to create more changes in the faculty. Each of these POs is supplemented with recommended practices for complying with the outlines.

**Table 6: Prescriptive outlines (POs) and recommended practices for consolidating wins/milestones and creating more changes in the faculty**

| POs | | Recommended practices |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.5.1 | The LLB curriculum change process paves the way for a continuous improvement model for the faculty. | • The continuous improvement that the faculty aspires to is evident in the amended or new strategic plan of the faculty (see PO 1.6).<br>• At an annual workshop, staff members evaluate the faculty's performance against the strategic plan's vision, mission, strategic objectives, and strategies (see PO 1.7).<br>• Staff members deliberate on whether the strategic objectives and plans, such as the curriculum change objective and curriculum change strategy, have remained relevant and necessary.<br>• The Faculty Board approves all amendments made to the strategic plan. |
| 2.1.5.2 | A quality assurance system is implemented to ensure that the LLB curriculum changes will be of benefit. | • Faculty management takes responsibility for reviewing existing faculty policies and developing new policies to support the implementation of the new LLB curriculum (see PO 2.1.5.4).<br>• The CCL or and ECCC, in collaboration with staff members, draft a phasing-in/phasing-out plan for a seamless transition from the old to the new LLB curriculum. (see PO 2.1.5.3).<br>• The assessment plans of modules are discussed at semesterly year-group meetings. These meetings aim to ensure, among others, that a range of innovative assessment methods are employed to determine whether students have mastered module learning outcomes. |

| | | |
|---|---|---|
| | | • Modules are evaluated at the end of each year by, for example, external reviewers and students to guide new change initiatives.<br>• Student pass rates, throughput rates and retention rates are regularly reviewed to identify required additional student support interventions and new teaching, learning, and assessment initiatives<br>• The faculty uses graduate tracking surveys to assess graduates' employability one year after the first cohort of the new LLB has graduated.<br>• The faculty introduces employer satisfaction surveys one year after the first cohort of the new LLB has graduated. |
| 2.1.5.3 | The ECCC develops, in collaboration with staff members, a phasing-in/phasing-out plan for a seamless transition from the old to the new LLB curriculum. | • Academic staff members aim to incorporate the module content of the new LLB modules in equivalent modules of the old LLB curriculum to prevent unnecessary duplication of teaching.<br>• Academic staff members consider whether failing old LLB curriculum students can, in the case of equivalent modules, attend the same classes scheduled for new LLB curriculum students.<br>• The faculty considers presenting modules of the old LLB curriculum at summer and winter schools.<br>• The CCL requests input from lecturers during individual/departmental meetings.<br>• The Faculty Board approves the phasing-in/phasing-out plan. |
| 2.1.5.4 | The faculty reviews existing policies and develops new policy documents to support the implementation of the new LLB curriculum. | The following are examples of policies that can be reviewed or developed to support the implementation of the new LLB curriculum:<br>• admission criteria that are aligned with the intellectual and skills demands of the new LLB;<br>• LLB assessment rules and regulations that address quality assurance issues related to, for example, the guiding principles for assessment; appointment of examiners, assessors and moderators; setting of test and examination papers, written assignments, oral presentations and take-home assignments; moderation requirements; feedback to students; online assessment; capturing of assessment results; plagiarism; and the procedure for discussion of assessment results and appeals;<br>• a policy for assessing lecturers' facilitation skills by a peer or Department Head; |

| | | |
|---|---|---|
| | | • a framework for evaluating study/module guides by Department Heads; and<br>• a policy for assessing lecturers' facilitation skills by a peer or Department Head. |
| 2.1.5.5 | Faculty management performs a workload analysis to prevent the possible overloading of academics, due to the implementation the new LLB curriculum. | • Faculty management considers the effect of the phasing-in and phasing-out of the old and new LLB curricula on staff members' workloads.<br>• Department Heads distribute the workload equally and fairly among staff members.<br>• Faculty management appoints additional part-time/contract lecturers to alleviate the additional workload on staff members.<br>• Also, see the recommended practices for PO 2.1.5.7 |
| 2.1.5.6 | Due to the demands of the new LLB curriculum, Department Heads evaluate the staff development trajectories of academics reporting to them. | • Department Heads have individual conversations with staff members to identify their career development trajectories.<br>• The faculty develops, approves and implements or amends an existing staff development policy and human resources plan to make provision for staff development trajectories. |
| 2.1.5.7 | Faculty management makes sufficient resources (time, money, human resources and information technology) available so that staff members feel supported during the planning and implementation phases of the new curriculum. | • Faculty management performs a needs analysis during the planning phase of the additional finances, human resources, and information technology required to present the new LLB curriculum.<br>• Faculty management takes the necessary steps to ensure that the required resources will be made available to implement the new curriculum.<br>• If the needs of the faculty cannot be met, academic staff members (under the leadership of the CCL) need to consider alternative ways to implement the new curriculum or adjust the curriculum, so that it would be practicable to implement. Faculty management ensures that it follows through on the expectations raised and 'promises' made to academic staff during the curriculum planning phase.<br>• Record all decisions made and have the recording thereof approved at the next meeting or workshop (see PO 2.1.2.7). |

### 2.1.6 Anchor the curriculum change in the faculty's systems, practices, and organisational culture

The table below identifies the PO related to anchoring the curriculum change in the faculty's systems, practices, and organisational culture and the recommended practices for complying with the outline.

**Table 7: Prescriptive outlines (POs) and recommended practices for anchoring the curriculum change in the faculty's systems, practices, and organisational culture**

| POs | | Recommended practices |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.6.1 | Faculty management conducts regular follow-up sessions and workshops to support the new LLB curriculum and its implementation. | • Faculty management encourages staff members to share the content of modules with other staff members.<br>• Academic staff members reflect on whether vertical and horizontal integration of knowledge and skills occurs.<br>• Academic staff members reflect on whether the learning outcomes were attainable and if the proposed teaching and learning activities were practicable.<br>• Faculty management adds curriculum change as a standing item on agendas for the faculty board, executive faculty board committee and departmental meetings. Should faculties reason that such an agenda item may lead to 'curriculum change fatigue', curriculum change items can be incorporated as part of the learning and teaching item on the mentioned agendas. |

### 2.1.7 Continuous change management functions

The table below identifies the six POs related to the continuous curriculum change management functions. POs 2.1.7.1 to 2.1.7.3 relate to communication. The other three POs concern the psychological impact of the curriculum change process on staff members (PO 2.1.7.4), the barriers/opposition to change (PO2.1.7.5) and consultation (PO 2.1.7.6). Each of these POs is supplemented with recommended practices for complying with the outlines.

**Table 8: Prescriptive outlines (POs) and recommended practices for the continuous change management functions**

| POs | | Recommended practices |
|---|---|---|
| **Numbers** | **Descriptions** | |
| 2.1.7.1 | The CCL continuously communicates the progress made with the LLB curriculum change to staff members. | • The CCL engages in the practice of: 'repeat, repeat, repeat' regarding important information.<br>• The curriculum leader keeps a delicate balance between informing staff members of the progress made and not overburdening them with too much or irrelevant information. |
| 2.1.7.2 | The CCL uses a range of communication methods to share information with staff members. | • The CCL uses e-mails, individual meetings, group meetings, Faculty Board meetings, focus group discussions, and plenary and breakaway sessions during workshops and meetings, to share information with staff members. |
| 2.1.7.3 | Staff members have open and honest discussions about problems, conflicts, issues, and progress during the curriculum change process. | • The CCL encourages staff members to argue, challenge and raise questions about the curriculum change.<br>• The CCL creates a climate of trust (PO 2.1.2.5) in which to have open and honest discussions.<br>• Discussions are open, honest and inclusive.<br>• Breakaway groups during workshops provide an ideal opportunity for all attendees to give input, be heard, foster collegiality in the faculty, and break down departmental silos in faculties. |
| 2.1.7.4 | Faculty management continuously considers the psychological impact of the curriculum change process on staff members. | • The CCL focuses on not being too task-oriented and continuously considers research suggesting that lawyers and law academics generally have low empathy.<br>• The CCL works empathically and shows emotional intelligence when carrying out his/her tasks. They recognise and understand the emotions of other individuals (cognitive empathy) and articulate the emotional response of the other to a situation (affective empathy). The CCL is mindful of others' concerns, finds ways to motivate them, and ensures that others feel engaged in the curriculum change process. |

| | | |
|---|---|---|
| 2.1.7.5 | The CCL continuously and effectively manages barriers/opposition to curriculum change. | • Faculty management uses a top-down approach to changing the curriculum and focuses on creating a sense of urgency to change the curriculum (see section 1.2.1).<br>• The CLL considers anecdotal information and considers appropriate strategies to address barriers. |
| 2.1.7.6 | The CLL and ECCC continuously consult with academic staff members on their views and ideas during the curriculum change process. | • The CLL and ECCC provide numerous opportunities for input from stakeholders.<br>• The CLL and ECCC do not consult staff members only on the curriculum change, but consult widely with students, alumni and prospective employers of students. The CLL or ECCC informs staff members about the outcomes of the consultations with stakeholders outside the university.<br>• Despite the top-down approach to curriculum change, staff members feel that their expertise and views are valued. Their opinions are not simply dismissed.<br>• The CLL not only shares information with staff members but also asks questions to get staff members' views or ideas about specific aspects of the curriculum change. Questions typically revolve around 'what do you think we should do?'.<br>• Although the CLL values the views and input of academic staff members, his/her interaction with academics remains focused and disciplined. Therefore, the CLL may, depending on the circumstances, restrict the number of speaking turns and the maximum duration of a speaking turn per staff member at meetings. |

## 3. THE CURRICULUM PLANNING PROCESS

The table below identifies the 10 POs related to the curriculum planning process. Each of these POs is supplemented with recommended practices for complying with the outlines.

**Table 9: Prescriptive outlines (POs) and recommended practices related to the curriculum planning process**

| POs | | Recommended practices |
|---|---|---|
| **Number** | **Descriptions** | |
| 3.1 | The credits and corresponding notional hours of the new LLB modules represent a realistic volume for teaching, learning and assessment. | • The CLL, in collaboration with the ECCC, administers an informal survey among academic staff members and students.<br>o The informal survey aims to get participants' perceptions of the (i) learning time that the average student requires to achieve the learning outcomes of modules in the old LLB curriculum (see PO 3.1), (ii) the desirability of offering the modules as year-long or semester modules (see PO 3.3) and (iii) the most appropriate years of study for the various modules (see POs 3.4 and 3.7).<br>o The questionnaire requests participants to indicate the number of hours that the average student needs to spend per module to prepare for each of the following (if applicable): formal classes, tutorials, tests, online assessments, written assignments, oral assessments and examinations (see PO 3.1). Participants should identify whether modules of the old LB should be presented as semester or year-long modules (see PO 3.3) and the most appropriate year of study in which to present these modules (see PO 3.7). Participants can, for example, motivate a specific year of study for a module by identifying (if applicable) pre-requite modules for particular modules. |
| 3.2 | The CLL encourages staff members to identify and record innovative ideas for teaching, learning and assessment in their modules as soon as possible after such discussions have been held. | |
| 3.3 | Modules are appropriately classified as semester and year modules in the new LLB curriculum. | |
| 3.4 | Modules of the new LLB curriculum build on the knowledge and skills that students have acquired in previous modules. | |
| 3.5 | Modules of the new LLB curriculum are presented in an integrated manner and not in silos or in isolation. | • The CLL, in collaboration with the ECCC, develops a curriculum matrix.<br>o The curriculum matrix identifies the following: (i) the modules for the new LLB curriculum, (ii) whether a module will be presented over a semester |

| | | |
|---|---|---|
| 3.6 | The curriculum imperatives and graduate attributes specified in the *LLB Qualification Standard* are appropriately mapped across modules of the new LLB curriculum. | or year (see PO 3.3), (iii) credits for each module (see PO 3.3), (iv) how the modules are spread across the years of study of the LLB (see PO 3.3), (v) the most significant graduate attributes and curriculum imperatives to be addressed in each module (see PO 3.9), (v) the vertical integration of knowledge and skills (see PO 3.4), and (vi) the horizontal integration of knowledge and skills (see PO 3.5).<br><br>○ The CLL, in collaboration with the ECCC, develops a draft curriculum matrix that is based on the following: (i) governmental policies on curriculum development, (ii) the *LLB Qualification Standard* (see PO 3.6), (iii) media reports, scholarly and non-scholarly articles, the *Report on the National Review of the LLB* (see PO 2.1.1.1), (iv) report on the external institutional review of the LLB (see PO 2.1.1.3), (v) the faculty's strategic plan (see POs 1.1 to 1.7), (vii) concerns raised by stakeholders during the focus group discussions (see PO 2.1.1.2), (viii) the informal survey pertaining to the credits, duration, and study year of modules and (ix) the LLB curricula of South African universities (see PO 2.1.3.8).<br>○ The CLL, in collaboration with the ECCC, consults with staff members on the curriculum matrix by means of (i) individual meetings with Department Heads, (ii) plenary and breakaway group discussions with all academics during (off-campus) workshop(s), and (off campus) workshop(s) with a selection of representatives from the departments of the faculty. During the process, staff members are kept informed about the progress made via email.<br>○ The curriculum matrix is formally approved by the CCC.<br><br>• The CLL develops a curriculum imperative/graduate attribute map.<br>○ The CLL, in collaboration with the ECCC, requests the Department Heads to allocate academics to each of the new LLB modules presented in the curriculum matrix. The allocation can be based on, for example, academics' areas of interest, experience or expertise. |
| 3.7 | The modules, including the graduate attributes and curriculum imperatives, are appropriately mapped across the years of study of the new LLB. | |

| | | |
|---|---|---|
| | | ○ The CLL requests academics to provide a written narrative regarding the curriculum imperatives that will be addressed and the graduate attributes that will be developed and assessed in the modules for which they are responsible. They also need to provide an assessment plan that indicates the assessment methods that will be used and the contribution of each assessment to the final module mark. In this regard, academics consult their notes on innovative teaching, learning and assessment ideas made during the curriculum change process. For example, staff members incorporate into their modules the innovative teaching, learning and assessment methods identified while receiving training or listening to faculty innovators.<br>○ The CLL, in collaboration with the ECCC, facilitates four focus groups at a staff meeting/workshop – one group for each year of study of the LLB. Attendees must ensure that all the curriculum imperatives and graduate attributes identified in the *LLB Qualification Standard* will be addressed/developed and assessed over the years of study and that the vertical and horizontal integration of knowledge and skills will take place.<br>○ The curriculum change committee formally approves the curriculum imperative/graduate attribute map. |
| 3.8 | The learning outcomes, teaching and learning, and assessments are constructively aligned in the new LLB curriculum. | • Academics apply the knowledge they have gained from the training in POs 2.1.3.2 and 2.1.3.7 and use the information in the curriculum imperatives/graduate attribute map to ensure that learning outcomes meet the requirements set out below:<br>○ the learning outcomes are aligned with Bloom's revised taxonomy and the NQF level of the module;<br>○ the learning outcomes are aligned with the credit values and associated notional hours allocated to the module;<br>○ the learning outcomes address the curriculum imperatives and graduate attributes assigned by the graduate attribute/curriculum imperative map to the module;<br>○ the learning outcomes articulate vertically with the learning outcomes of modules presented in previous years (PO B3);the learning outcomes |

| | | |
|---|---|---|
| | | articulate horizontally with the learning outcomes of complementary modules in the same year of study (PO B3); and<br>○ the learning outcomes are constructively aligned with the intended teaching, learning and assessment methods/practices as identified in the curriculum imperatives/graduate attribute map.<br>• When necessary, academics consult with the CLL or a member of the ECCC on drafting learning outcomes (PO 2.1.3.7). |
| 3.9 | The new LLB curriculum maintains the old curriculum's strengths and addresses the weaknesses/concerns/ recommendations noted by stakeholders (e.g., academics students, alumni and employers) during focus group discussions (see PO 2.1.1.2), a panel of experts during an external institutional review of the LLB (see PO 2.1.1.3) and the HEQC in the *Report in the National Review of the LLB* (see PO 2.1.1.1). | • The CLL, in collaboration with the ECCC, compiles a list of the concerns/weaknesses and ensures that the concerns are addressed during the curriculum change process.<br>• During the curriculum change process, the CLL ensures that staff members are informed about the progress made to address the concerns.<br>• The CCL, in collaboration with the ECCC, compiles a report indicating how the new LLB curriculum addressed the concerns/weaknesses raised in the focus group discussions and LLB reviews.<br>• The CLL presents the report mentioned above to the CCC before the application for accreditation serves at the Faculty Board and is submitted to the HEQC. |
| 3.10 | The new LLB curriculum is validated by students, employers and alumni prior to its submission to the CHE to enhance staff members' confidence in the curriculum. | • The CLL, in collaboration with the ECCC, arranges and conducts focus group discussions with role players once the teaching, learning and assessment practices/methods for modules have been finalised and the learning outcomes have been drafted for the various modules of the new LLB.<br>• The CLL, in collaboration with the ECCC, considers the feedback of the role players and consults with academics on the best way to address their concerns.<br>• Academic staff members make the required adjustments to the teaching, learning and assessment practices/methods and the learning outcomes of the relevant modules. |