



ACADEMIC EXPERIENCES OF GRADELESS LEARNING

A COMPARATIVE REFLECTION

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I INTRODUCTION AND BACKGROUND

Assessment plays an important role in higher education: it is essential to ensure that students are learning what is being taught, it provides opportunities for teachers to give feedback, and it facilitates independence in learning.¹ Higher education institutions typically fully grade student work by assigning a percentage mark and/or an achievement band (eg, credit, distinction, high distinction) for each piece of assessment with a final mark recorded on the student's transcript. However, scholarship of learning and teaching has found that this style of grading can negatively affect student wellbeing and may prevent effective learning from taking place.² Researchers from various disciplines have proposed 'gradeless learning' as an alternative to traditional grading practice.³ One form of gradeless learning involves assessing student work only on a pass/fail basis (ie, every student who achieves a passing mark has an 'ungraded pass' recorded on their academic transcript).⁴

The authors of this article have all experienced teaching and assessing in a gradeless learning context. The first two authors coordinate and co-teach Foundations of Law and Lawyering (FoLL), the foundational unit in the Juris Doctor at the University of Western Australia (UWA). FoLL moved to an ungraded pass/fail (UP/F) assessment method in 2021. The third author teaches into and is the course coordinator of the Diploma of Musical Theatre (DipMT) at the Western Australian Academy of Performing Arts at Edith Cowan University (ECU). The DipMT is a Vocational Education and Training course, and thus the entire course uses a competency-based assessment mechanism whereby learners are graded as either 'competent' (which results in the student meeting that requirement of the course) or 'not yet competent' (which requires the student to revise or reattempt the assessment until they obtain a 'competent' grade).⁵

In this article we reflect on our experiences as teachers and assessors in our respective gradeless learning courses. In Part II, the first two authors discuss their experiences in FoLL. In Part III,

the third author discusses his experience in the DipMT. Part IV then concludes by considering whether qualifying academic law degrees – namely the Bachelor of Laws (LLB) and Juris Doctor (JD) – could feasibly adopt gradeless learning throughout the entire degree (eg, as in the DipMT). Ultimately, we contend that gradeless learning has been overwhelmingly positive in our respective courses, but that there are significant hurdles to overcome before Australian academic law degrees might reasonably move to fully gradeless learning.

A key limitation of this article is that it primarily discusses our subjective observations, perceptions and experiences as teachers. Obviously, these subjective reflections may not always align with objective realities. However, the discussion in this article is presented in the context of the relevant literature, and research has established that ‘properly contextualised reflective practice can produce knowledge of the mechanisms at work in the contemporary academy.’⁶

II GRADELESS LEARNING IN A SINGLE UNIT

The first and second authors reflect on UP/F assessment in FoLL

FoLL is the first unit in the UWAJD, which sits at level 9 on the Australian Qualifications Framework. FoLL runs on an intensive basis in the two weeks prior to Semester 1. As the JD is a postgraduate degree, the FoLL cohort is diverse – students come with a range of academic, demographic, and professional backgrounds. FoLL aims to prepare all incoming students to fully engage with their legal studies, irrespective of their background. In 2021, we moved to UP/F assessment in FoLL. We hoped that UP/F assessment would improve the first-year experience by fostering a learning environment in which students could feel safe to learn, develop new skills, and connect with one another.⁷ Although FoLL has adopted the UP/F assessment structure, all student work is marked and given a grade with thorough feedback. In order to obtain an ungraded pass, students must receive a passing mark for each assessment item in the unit. However, students know that so long as they pass each assessment item, the grade awarded for each task is for their own information and is not recorded on their transcript (as only ‘ungraded pass’ is recorded). To understand how our students perceived and experienced the UP/F aspect of FoLL, we obtained ethics approval to conduct an empirical study using an anonymous and voluntary online survey (n= 214).⁸ The results from that study, which are reported in full elsewhere, show that our students overwhelmingly approved of the UP/F assessment structure. The vast majority of respondents thought being assessed UP/F was fair, that it ‘levelled the playing field’, that it created a friendly atmosphere, and helped them to focus on developing skills.

Those student perceptions align with our perceptions as teachers of FoLL. We had both previously taught FoLL a number of times before 2021, and whilst we were always pleased with each cohort’s performance across all assessment items, we felt that each year the students exhibited high levels of stress, competitiveness, and self-consciousness. We also observed that students tended to unduly focus on their grades for each assessed task rather than prioritising and engaging fully with the essential skills and knowledge taught in the unit. This observation is consistent with the literature on learning and assessing.⁹ Reflecting on the changes since moving to UP/F assessment, we have noticed that all of these undesirable tendencies have become far less prevalent. Our impression is that the cohorts which have been assessed as UP/F have been more connected with each other and have demonstrated more holistic engagement with the unit.

These student participant quotes (which are representative of key themes which emerged from our empirical study) confirm that students feel similarly:

[It] was a clever strategy to introduce students to law and each other before the inevitable competitiveness begins – this unit has enabled us to see each other as fellow students rather than potential competition in the long run.

[I]t really lessened my anxiety and allowed me to focus on learning ... I retained so much more because the pressure was off. I feel very well placed to tackle my other units this semester because I was given this solid foundation in a low-pressure environment.¹⁰

Our observations and the empirical study suggest that moving to UP/F has been beneficial for students. We also feel that the shift has been immensely beneficial for us as teachers and assessors in the unit. Naturally, teaching friendlier, happier, more engaged student cohorts has been a positive experience. We have had more fun teaching FoLL since it moved to UP/F, and we have experienced a significant decrease in the amount of emotional labour we are required to do in teaching the unit –¹¹ ie, we have spent far less time comforting anxious students, reassuring those who doubt their own abilities or fear failure, and dealing with disappointment when a student's grade does not match their own expectations.¹²

We have also felt like more authentic teachers since FoLL became UP/F. This is primarily because we now feel as though we are assessing FoLL in a manner which aligns with our own values and perceptions of fairness. We had previously felt uneasy about fully grading students in FoLL and believed that it was unfair when having regard to the unit's key objective: to teach incoming students 'how to be law students'. To us, it felt unfair and antithetical to the unit's aims for us to say, on the one hand, that we were teaching students how to 'do' law school and that FoLL was a safe space to learn how to do that, yet on the other hand, for us to grade incoming students on how well they performed whilst learning how to be law students. We have also felt more authentic because we have been able to be more honest with the feedback we provide and the indicative marks we assign. We are now able to give students honest, helpful feedback and indicative marks without worrying about the emotional or academic impact this might have on students if FoLL were fully graded.

Feeling more authentic in our teaching of FoLL has helped us to feel greater satisfaction with our work. Indeed, scholarship of learning and teaching strongly supports teaching with authenticity.¹³ Speaking specifically about teaching law, Melissa J Marlow writes that '[i]t is difficult to do our best as teachers if we are not coming from a place of integrity and transparency... As law teachers, we have to be "real" and genuine in our dealing with students... we deserve to experience passionate, related, and authentic teaching.'¹⁴

Overall, we believe the transition to UP/F assessment in FoLL has been remarkably positive for students and teaching staff alike. We have reached this conclusion by engaging in continual reflective practice both before and after the transition. This conclusion is also consistent with the relevant literature, as well as the overwhelmingly positive findings from our empirical study.

III GRADELESS LEARNING IN AN ENTIRE COURSE

The third author reflects on competency-based assessment in the DipMT

The DipMT is a full-time, one-year intensive course which sits at level 5 on the Australian Qualifications Framework. The course focusses on skill-building and creativity, providing 'technical training in acting, dance, voice and music theory, combined with devising, entrepreneurial and theatre-making skills geared towards the multidisciplinary demands of today's [musical theatre] industry.'¹⁵ As a Vocational Education and Training course, the entire DipMT uses a competency-based assessment mechanism whereby learners are graded as either 'competent' or 'not yet competent'.¹⁶ Other achievement bands and numeric grades are not assigned – competency is the only grading mechanism used, making the course essentially UP/F in nature.

I have coordinated and taught into the DipMT since 2021. I had previously taught musical theatre in fully graded contexts, including at bachelor's degree level, for several years. Coming from this background, I was initially anxious about gradeless learning. I feared that the UP/F model would encourage students to do the bare minimum and contribute only enough effort to be deemed competent. However, after leading assessment design, curriculum design and delivery in the DipMT, I have found the opposite to be true. Compared to other cohorts I have taught, I have found DipMT students exhibit more creativity, feel safe to take more risks, and feel comfortable to be more authentically themselves in their performance. These observations align with those of Jane Barnette, who argues that in performing arts education 'ungraded pedagogy empowers students to take control over how (much) they learn and establishes a foundation of trust for the professor that enables everyone's creativity to flourish.'¹⁷

Many assessment tasks in the DipMT involve the students creating original material or preparing recorded performance. These tasks are designed to enable students to use that material after completing the DipMT. UP/F assessment has been particularly integral to these tasks, as students feel free to produce work which genuinely aligns with their artistic viewpoint and which they will thus be able to use in the 'real world'. If this student work were fully graded, students might not prioritise these objectives in the same way – instead they may focus on whatever they perceive is necessary to get a 'good grade'.¹⁸ In my experience, and in the experience of other performing arts educators, 'grading students interferes with cultivating their curiosity'.¹⁹ Similarly, I have found that when students are able to free themselves from understanding their achievements as a numeric value, they instead prioritise finding their own sense of personal pride and satisfaction in their work.

Gradeless learning also encourages DipMT students to take risks and make bold choices. The UP/F model abates the temptation to 'play it safe' and emulate previously successful work (eg, exemplars from previous years), which is common in conservatoires when choosing performance repertoire.

After completing a task, students are encouraged to reflect on their work and consider the feedback provided. In the fully-graded learning environments I have previously taught in, I found that students tended to reduce their work to a grade and that this inhibited them from engaging in genuine meaningful reflection. By not reducing their work to a percentage or a score, DipMT students are able to reflect on the substance of the feedback provided (not a number), and are thus better-placed to improve in a more nuanced manner.²⁰ Reflecting on my own practice as an assessor, I feel that the gradeless learning environment has also helped me to focus on providing quality individualised feedback, rather than just a number and a perfunctory comment.

Anecdotally, students have repeatedly told me that the UP/F model is a strength of the course. In particular, they have expressed – and I have observed – that it facilitates a friendly, non-competitive cohort experience. This culture is vital to the success of the various group performance tasks in the DipMT, as well as the general wellbeing of the cohort.

Reflecting on gradeless learning in the DipMT, I have found that the UP/F model is well-suited to the course and favoured by the students. My experience of it has been entirely positive – not only does it work well for the students; it also works well for teachers and assessors in the course. UP/F assessment encourages more specific and focussed assessment design (to ensure that standards and competencies are set correctly in the absence of full grading); it discourages students from disputing feedback and assessment results; and it removes the need to make comparative judgments between students who have approached a task in different, but equally valid, ways. These outcomes are most welcome in the performing arts context, where it is often acknowledged that assessing can be particularly difficult and inequitable.²¹

IV CONCLUDING REFLECTIONS: GRADELESS LAW DEGREES?

Reflecting on our experiences teaching in gradeless learning contexts, we think there is merit in assessing entire qualifying academic law degrees on a UP/F basis. Although there are obvious differences between the discipline areas and levels of study, adopting a whole-of-course approach to gradeless learning in qualifying academic law degrees could bring many of the same benefits experienced in the DipMT (as discussed in Part III). Indeed, many recent studies have identified the significant negative impact that law school might have on student wellbeing.²² Both our experience and empirical research suggest that moving to UP/F assessment can help address several of the challenges law students face, including those which affect their overall wellbeing.²³

If law schools existed in a vacuum, we could confidently propose making all LLB and JD units UP/F. However, as law schools exist in the real world, we acknowledge that transitioning to UP/F assessment across an entire degree is (at present) not likely to be feasible. Student and employer expectations, institutional and accreditation requirements, and general perceptions of ‘how things are done’ would all need to be adjusted to implement such a fundamental change in assessment.²⁴

Nevertheless, it is worth considering whether UP/F assessment might be appropriately deployed in other law units (beyond foundational units). For example, the results of our empirical study suggest that UP/F assessment might be particularly suitable in other primarily skills-based units (eg, units which teach negotiation and mediation, professional and commercial practice, and advocacy skills).²⁵ It is worth noting in this regard that competency-based assessment is used in practical legal training (PLT) courses,²⁶ and that some PLT providers use UP/F assessment for some modules/tasks.

Though there are countless hurdles to overcome before gradeless learning might be adopted on a broader scale in LLB and JD courses, law teachers and law schools should reflect on the advantages of UP/F assessment and consider implementing it where it is appropriate. The obstacles which exist in the legal education context may be significant, but they are not unique to law. Indeed, similar obstacles might be said to exist in other professional disciplines like medicine, but those obstacles have not prevented the total or partial adoption of UP/F assessment in some medical schools.²⁷ Nor should those obstacles prevent the adoption of gradeless learning (where appropriate) in legal education.

ENDNOTES

- 1: Alison Bone and Paul Maharg, *Critical Perspectives on the Scholarship of Assessment and Learning in Law* (ANU Press, 2019) 15.
- 2: Nathan A Preuss, 'Applying Motivation Theory to Improve 1Ls' Motivation, Self-Efficacy, and Skill Mastery' (2022) 114(1) *Law Library Journal* 59, 59; Olympia Duhart, 'It's Not for a Grade: The Rewards and Risks of Low-Risk Assessment in the High-Stakes Law School Classroom' (2015) 7(2) *Elon Law Review* 491, 492; Annemette Kjærgaard, Elisabeth N Mikkelsen and Julie Buhl-Wiggers, 'The Gradeless Paradox: Emancipatory Promises but Ambivalent Effects of Gradeless Learning in Business and Management Education' [2022] *Management Learning* 1, 2.
- 3: See, eg, Kjærgaard, Mikkelsen and Buhl-Wiggers (n 2); Preuss (n 2); Stuart Tannock, 'No Grades in Higher Education Now! Revisiting the Place of Graded Assessment in the Reimagination of the Public University' (2017) 42(8) *Studies in Higher Education* 1345; Muireann O'Keeffe, Clare Gormley and Pip Bruce Ferguson, 'Moving the Focus from Grades to Feedback: A Case Study of Pass/Fail Marking' (2018) 11(1) *Practitioner Research in Higher Education* 70; Robert A Bloodgood et al, 'A Change to Pass/Fail Grading in the First Two Years at One Medical School Results in Improved Psychological Well-Being' (2009) 84(5) *Academic Medicine* 655; Chris McMorran and Kiruthika Ragupathi, 'The Promise and Pitfalls of Gradeless Learning: Responses to an Alternative Approach to Grading' (2020) 44(7) *Journal of Further and Higher Education* 925.
- 4: O'Keeffe, Gormley and Ferguson (n 3) 71.
- 5: Government of Western Australia Department of Training and Workforce Development, 'Assessment in the VET Sector' (2016) <<https://www.dtwd.wa.gov.au/sites/default/files/uploads/Assessment%20in%20the%20VET%20Sector%20-%202016%20-%20Final.pdf>>.
- 6: Sue Clegg, 'Knowing through Reflective Practice in Higher Education' (2000) 8(3) *Educational Action Research* 451, 451, 466.
- 7: See, generally, Kate Galloway et al, 'Approaches to Student Support in the First Year of Law School' (2011) 21(2) *Legal Education Review* 235, 235.
- 8: 'Exploring Student Perceptions of Ungraded Pass/Fail Assessment in a Foundational Law Subject', RA 2021/ET000188, UWA Human Research Ethics Office.
- 9: Aidan Ricciardo and Julie Falck, 'Letting them Learn how to be Law Students: Student Perceptions of 'Ungraded Pass/Fail' Assessment in the Foundational Subject of a Qualifying Law Degree' (2022) 15(1) *Journal of the Australasian Law Academics Association* 77.
- 10: Ibid.
- 11: O'Keeffe, Gormley and Ferguson (n 3) 71.
- 12: Ricciardo and Falck (n 9) 98.
- 13: See, generally, Mary Heath et al, 'Learning to Feel Like a Lawyer: Law Teachers, Sessional Teaching and Emotional Labour in Legal Education' (2017) 26(3) *Griffith Law Review* 430.
- 14: Note that a mismatch between expected and actual marks is very common in the first year of law school: Susan Armstrong and Michelle Sanson, 'From Confusion to Confidence: Transitioning to Law School' (2012) 12(1) *QUT Law & Justice Journal* 21, 31, 39. As we provide students with indicative grades in FoLL we still do a considerable amount of emotional labour in this respect, but it is significantly less than we experienced prior to FoLL being assessed UP/F.
- 15: See, eg, Christina Do and Aidan Ricciardo, 'Meaningful Connectedness: A Foundation for Effective Legal Teaching' (2019) V *Curtin Law and Taxation Review* 3; Carolin Kreber, 'Academics' Teacher Identities, Authenticity and Pedagogy' (2010) 35(2) *Studies in Higher Education* 171; Angus Brook, 'The Potentiality of Authenticity in Becoming a Teacher' (2009) 41(1) *Educational Philosophy and Theory* 46; Arthur W Chickering, Jon C Dalton, and Liesa Stamm, *Encouraging Authenticity and Spirituality in Higher Education* (Jossey-Bass, 2006); Patricia Cranton, *Becoming an Authentic Teacher in Higher Education* (Krieger, 2001).
- 16: Melissa J Marlow, 'Does Kingsfield Live? Teaching with Authenticity in Today's Law Schools' (2015) 65(1) *Journal of Legal Education* 229, 241.
- 17: Edith Cowan University – Western Australian Academy of Performing Arts, 'Music Theatre' <<https://www.waapa.ecu.edu.au/courses-and-admissions/our-courses/music-theatre>>.
- 18: Government of Western Australia Department of Training and Workforce Development (n 5).
- 19: Jane Barnette, 'Reevaluating Rigor with 2020 Hindsight — A Manifesto for the Ungraded Classroom' in Jeanmarie Higgins and Elisha Clark Halpin (eds), *Teaching Performance Practices in Remote and Hybrid Spaces* (Routledge, 2022) 11, 12.
- 20: Kjærgaard, Mikkelsen and Buhl-Wiggers (n 2) 2.
- 21: Barnette (n 19) 13.
- 22: See generally Tony Harland and Navé Wald, 'The Assessment Arms Race and the Evolution of a University's Assessment Practices' (2021) 46(1) *Assessment & Evaluation in Higher Education* 105, 112.
- 23: Linda Darling-Hammond, 'Performance-Based Assessment and Educational Equity' (1994) 64(1) *Harvard Educational Review* 5, cited in Barry A Oreck, Steven V Owen and Susan M Baum, 'Validity, Reliability, and Equity Issues in an Observational Talent Assessment Process in the Performing Arts' (2003) 27(1) *Journal for the Education of the Gifted* 62.
- 24: See, eg, Natalie Skead and Shane L Rogers, 'Stress, Anxiety and Depression in Law Students: How Student Behaviours Affect Student Wellbeing' (2014) 40(2) *Monash University Law Review* 1; Norm Kelk et al, 'Courting the Blues: Attitudes Towards Depression in Australian Law Students and Legal Practitioners' (Report, Brain and Mind Research Institute, January 2009) 42; Molly Townes-O'Brien, Stephen Tang and Kath Hall, 'Changing our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 14; Natalie Skead and Shane Rogers, 'Do Law Students Stand Apart from other University Students in their Quest for Mental Health: A Comparative Study on Wellbeing and Associated Behaviours in Law and Psychology Students' (2015) 42–3 *International Journal of Law and Psychiatry* 81.
- 25: Ricciardo and Falck (n 9) 98–9; Laura Spring et al, 'Impact of Pass/Fail Grading on Medical Students' Well-Being and Academic Outcomes' (2011) 45(9) *Medical Education* 867; Robert Bloomgood et al, 'A Change to Pass/Fail Grading in the First Two Years at One Medical School Results in Improved Psychological Well-Being' (2009) 84(5) *Academic Medicine* 655.
- 26: Kaci Bishop, 'Framing Failure in the Legal Classroom: Techniques for Encouraging Growth and Resilience' (2018) 70(4) *Arkansas Law Review* 4:959.
- 27: Ricciardo and Falck (n 9) 98.
- 28: Geoff Monahan and Bronwyn Olliffe, 'Competency-Based Education and Training For Law Students' (2001) 3 *UTS Law Review* 181.
- 29: See, eg, Spring et al (n 25); Bloomgood et al (n 25); Chris McMorran and Kiruthika Ragupathi, 'Assessment & Learning Without Grades? Motivations & Concerns With Implementing Gradeless Learning in Higher Education' (2017) 42(3) *Assessment & Evaluation in Higher Education* 361, 363.

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