

University of Malta

Faculty of Laws

Guidelines on Time - Controlled Open Book Examinations Held Remotely for Students and Academics

What is a time controlled Open Book Remote Exam?

In an Open book exam, students are allowed to **refer** to materials such as books, journal articles, notes, laws, texts, case law, juristic works and other legal resources. However, it is to be kept in mind that copying *per se* is not permitted.

Types of Open Book Remote Exams

There are two types of open book exams: those that are supervised and those that are unsupervised.

An open book exam may be taken under supervision, the conditions of which will be determined by the respective Board of Examiners and will be communicated to the students prior to the exam.

Examination Questions in an Open Book Remote Exam

In an open book exam, the nature of the questions asked should differ from those of a closed book exam. In a closed book exam, the examiners test knowledge of the subject-matter being examined and the students' recollection of material studied in class and during independent research. In an open book exam, questions should be such that the answers require more thought. Otherwise this would defeat the purpose of an exam and it would not be possible to assess whether the student has mastered the subject-matter. Students are free to quote from material they refer to, provided they adhere to the University's plagiarism/collusion guidelines in so doing by clearly distinguishing their own analysis from that contained in the sources they quote.

In an open book exam, the examiners have to factor in the fact that students have the advantage of consulting materials whilst replying to questions. Hence, in an open book exam, questions are intended to request students to research, apply, analyse, synthesize, compare/contrast or evaluate information. They often test whether students are capable of comprehending the 'big picture' of the study-unit in question and how course concepts integrate together.

In the case of a *case study*, to take a practical example, a student is requested to apply the law to the facts at issue. The case will not set out the law but the facts. The student must study well those facts in order to gather which are the applicable legal principles and/or provisions that apply to those facts and develop an answer accordingly. Needless to say, this type of question is more argumentative than descriptive. Hence, the examiner is not after a list of legal concepts or provisions but a persuasive analysis of how those concepts and provisions apply to the facts at hand.

If the question is in the format of an *essay*, rather than a case study, examiners are after how the student is arguing his/her case, what are the arguments in favour or against different views, what is his/her preferred line of thought. For this reason, in an open book exam there is less reliance on memory, but success depends on recourse to critical and analytical thinking, and application of

available doctrinal and jurisprudential materials to the essay question or case study facts, as the case may be.

Additional Information

As from the Academic Year 2020-2021, a number of changes are being introduced from those open book remote exams held previously. These include:

- i. Form of assessment is to be as per the individual study unit description. All study-unit descriptions are available online;
- ii. All exams which are being held remotely will be on the Wiseflow ie FLOWassign or FLOWmulti;
- iii. Students will be expected to type out their answers and will NOT be allowed to submit hand-written work; unless they obtain previous authorisation to do so;
- iv. Students may not obtain or seek to obtain advantage in an examination, or give or endeavor to give assistance to other students.
- v. Examiners are strongly encouraged to set maximum word limits, which word limits are to be laid down clearly on the examination paper. These word limits must be reasonable and based on how much the average student will be expected to type when answering the question put to him or her;
- vi. With regard to the use of FLOWmulti, students are advised to type directly on Wiseflow (and not type on MS Word, intending to copy and paste onto Wiseflow because this can lead to unwarranted complications during the exam);
- vii. With regard to the use of FLOWassign, students are advised to upload their typewritten work as ONE document in PDF Format and save the document with its respective study-unit code only to ensure anonymity at all times. Hence, no names or identity numbers should appear in the document and students who fail to do so will be made to appear before the Faculty Assessment Disciplinary Board. Prior to submission, it is imperative that students check that they are uploading the correct files by using the **preview function**. Furthermore, students are to refrain from typing on termination of each examination and start to upload and submit their files on commencement of the extra time allocated for this same purpose;
- viii. Based on the experience gained in the past exam sessions, an extra fifteen (15) minutes is being granted for the purpose of uploading icw exams held on FLOWassign platform within the Faculty of Laws;
- ix. Should a student encounter problems during the uploading phase, he/she is to immediately contact the Faculty on the telephone numbers available on the respective exam paper rubric. Subsequently, the Faculty may provide the student with some additional time, however he/she will be nonetheless obliged to send a letter of justification immediately after successfully completing the upload which will be discussed by the Board of Examiners;

Finally, as per previous procedure, due to Covid-19 considerations, open book exams are for the large part unsupervised. Such absence of supervision does not in any way imply that the statutory University

of Malta rules on plagiarism and collusion are no longer applicable and consequently, in suspected cases of plagiarism or collusion, students may also be required to appear before the Faculty Assessment Disciplinary Board or University Assessment Disciplinary Board. Furthermore, it is the right of the respective Board of Examiners to call a particular student to an additional oral exam. It may also be required in such cases where an oral exam is held, that the viva be recorded and substitute the written examination in such a way that the final mark awarded to the student will be based exclusively on his or her performance in the viva.

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