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PhD in Philology, Associate Professor, **OLHA NAHORNA**  
Khmelnyskyi University of Management and Law, Ukraine  
Address: 8 Heroiv Maidanu St., Khmelnytskyi, 29013, Ukraine  
E-mail: olha-nahorna@ukr.net

**OPEN BOOK EXAM AS ASSESSMENT METHOD AT MASTER DEGREE  
PROGRAMMES IN INTERNATIONAL ARBITRATION  
AND ALTERNATIVE DISPUTE RESOLUTION: FOREIGN EXPERIENCE**

**ABSTRACT**

*Among different methods which evaluate students' performance and learning results at Master programmes in International Arbitration / Alternative Dispute Resolution is an open book exam. It helps check student's knowledge as well as application of cognitive / intellectual / thinking skills and practical / professional / subject skills. Here examinees are allowed to use educational materials during the exam but they succeed only in case of thorough preparation of both a teacher and students, namely: adaptation of students to an open book exam format; development of necessary guidelines; determination of the targets which should be achieved; establishment of objective marking criteria; tailoring principles for reference materials selection; application of effective data retrieval methods and so on. A teacher must be ready to combat some potential problems which can arise while organizing an open-book exam: complete reliance on the prepared materials; poor time management of students; unfair competition (falsification of the material); corruption; cheating. In spite of some disadvantages, there is a list of an open exam advantages, prerogatively, stimulation of student intellectual vigour and application of theory into practice. An open book exam places the focus on higher abilities such as analysis, synthesis, compilation, interpretation, etc., making a student think deeply and creatively. The most important condition for successful open book exam is to outline the materials permitted for utilization in the classroom and insure their availability to the students, guaranteeing equality to every participant. It is proved that there is an urgent necessity to apply an open book exam as an assessment method at Master degree programmes in International Arbitration and Alternative Dispute Resolution.*

**Keywords:** *open book exam, assessment method, Master Degree programme, international arbitration, arbitrator, alternative dispute resolution, knowledge, skill.*

**INTRODUCTION**

Effective student's learning outcomes assessment mechanism influences not only the educational process on the whole, but also affects the quality assurance of future specialist professional preparation. As a rule, assessment criteria and methods are regulated by relevant national authorities, accreditation bodies, and adopted by University administration through the Head of School or Course Leader. Basic information on the details of assessment procedure (methods, standard of marking, student work submission dates, exceptional circumstances etc.) is available to students in Academic Regulations or Assessment Guidelines as well as in Individual Module Requirements Handbooks (Course Handbook MSc Construction Law and Dispute Resolution, 2018).



Students who undertake LLM programmes in International Arbitration / Alternative Dispute Resolution are usually proposed a variety of assessment methods, such as tests, essays, reports, presentations, case studies, moot court, different types of exams, term papers, dissertation.

#### **THE AIM OF THE STUDY**

The aim of the article is to determine the meaning of the term “an open book exam”, and substantiate the necessity of its application at Master degree programmes in International Arbitration and Alternative Dispute Resolution taking into account advantages and disadvantages of this assessment method.

#### **THEORETICAL FRAMEWORK AND RESEARCH METHODS**

As the quality of the assessment procedure and methods contributes much to educational process, many foreign and domestic researchers tend their scientific views to the problem of student’s learning outcomes assessment in establishments of higher education, consequently, great results were achieved in this area.

Native scientists devoted their works to different aspects of assessment process, problems of personality development, cognitive abilities enhancement, value orientation directing, etc.

Foreign investigators (C. Chan (2009); M. Gupta (2007); R. Cullen & R. Forsyth (2018); V. Kaur (2016); M. Weimer (2013) and et al.) analysed student performance assessment, evaluated its influence on teaching - learning environment, and benefits to University’s realization of the mission of preparing future professionals.

Nevertheless, the term “an open book exam” is seldom referred to in Ukrainian scientific-methodical literature, what explains the relevance of the issue under consideration.

The method of analysis and synthesis of methodological, social, pedagogical sources was used to reveal the state of the research problem readiness. The conclusions of the paper were made by the method of generalization.

#### **RESULTS**

Traditionally, learning outcomes of LLM students in International Arbitration and Alternative Dispute Resolution fall into several groups: knowledge and understanding of theory; cognitive / intellectual / thinking skills; practical / professional / subject skills; transferable / graduate and employability skills (LLM Alternative Dispute Resolution, 2018).

Therefore, there are different methods which help evaluate student’s performance and determine the level a student demonstrates. One of the most preferred methods which are used at Master programmes in International Arbitration / Alternative Dispute Resolution is an open book exam. It is a direct method given at the end of the term to check student’s knowledge and application of particular skills allowing examinees to use educational materials during the exam (Mohanani, 2001).

Thus, an open book exam differs from a closed book exam by the form of its realization, and what is more important, by the pedagogical targets. According to M. Gupta (2007) a closed book exam “places a premium on accurate and extensive recall, and unless carefully designed, its assessment of students’ knowledge is likely to be dominated by that ability”, an open book exam places the focus on higher abilities such as analysis, synthesis, compilation, interpretation, etc., making a student think deeply and creatively.

There are a number of requirements which must be followed by an examiner and a student to conduct such method of assessment effectively. The most important condition is



to outline the materials permitted for utilization in the classroom and insure their availability to the students, guaranteeing equality to every participant. In this aspect M. Weimer (2013) says that in the age of technology, students should be purposely taught how to access, organize, and apply information, not to simply memorize it.

An important task of an examiner is also to propose the questions (usually eight) relevant to the course content which stimulate students' intellectual vigour. Actually, the very preparation for such an exam is an indispensable practice for future arbitrators (Khodykin, 2008).

It should be noted that, as above mentioned terms should not be violated, students must be familiarized with the proposed format and provided with concrete rules and recommendations (for example, foreign students who got used to a closed book exam could be surprised by absence of such questions as defining a term, describing a notion, providing a characteristic, etc.).

Famous researchers of an open book exam peculiarities (Chan, 2009; Cullen & Forsyth, 2018; Gupta, 2007) recommend minding the following instructions before using an open book exam in class:

- adapt students to the tasks and assignments proposed at an open book exam beforehand;
- supply students with necessary guidelines on how to revise for an exam and to complete its tasks;
- determine the possibility to apply an open book exam separately from other assessment instruments;
- outline the targets which should be achieved;
- set up appropriate marking criteria with the weight placed on knowledge, comprehension and critical thinking, rather than just recall (Weimer, 2013);
- establish the principles for reference materials selection;
- concentrate on the sources with relevant information;
- structure and analyse the data available;
- outline the methods of materials' verification;
- propose extended time for exam completion, etc.

According to C. Chan (2009), an open book exam can be divided into the following formats:

1. Students are permitted to use reference materials during the exam.
2. Exam questions are given to students before the exam, allowing them to prepare resources individually.
3. Students are allowed to complete the tasks at home within a specified time period.

But only the first category fully meets the outlined requirements, that is why, the second and the third format can be referred to seen and take-home exams correspondingly.

Very often, thus, it is paramount to combine an open book exam with other assessment instruments, such as, for instance, a closed book exam to verify students' knowledge and skills deeply and broadly.

So, there are obvious advantages for both teachers and students which benefit teaching-learning process at Master programmes in International Arbitration / Alternative Dispute Resolution:

- flexibility in developing exam tasks;
- involvement of problem-oriented, multi-step questions;



- reduction of stress;
- implication of cognitive / intellectual / thinking skills;
- less focus on memorization;
- practical application of theoretical material;
- successive learning;
- usage of broader, deeper information;
- development of information retrieval skills;
- application of different sources of information;
- achievement of precise learning outcomes;
- development of new teaching-learning tactics.

While organizing an open-book exam it should be remembered that certain problems can still arise, for instance:

- complete reliance on the prepared material;
- poor time management;
- unfair competition (falsification of the material);
- corruption;
- cheating.

### CONCLUSIONS

An open book exam as a method of students' learning outcomes assessment allows usage of reference materials during an exam completion what can sound odd to those whose performance has never been evaluated in such a way. This method aims not only to check students' theoretical knowledge and application of particular skills, but also to estimate certain personal traits such as ability to plan time effectively, to work in the team, to retrieve necessary information, to transform data into information, etc. Taking into account advantages and disadvantages of an open book exam, there is an urgent necessity to apply this assessment method at Master degree programmes in International Arbitration and Alternative Dispute Resolution as preparation for this exam and its completion benefits professional development of future arbitrators.

A separate research can be devoted to investigation of such exam formats as seen and take-home exams which are also rarely used at Law Schools of Ukraine.

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