



Indigenous Cultural Competency
for Legal Academics Program

LAW SCHOOL SURVEY REPORT

OCTOBER 2017

Introduction

The Indigenous Cultural Competency for Legal Academics Program (ICCLAP) aims to increase the inclusion of Indigenous cultural competency (ICC) in legal education with a view to improving Aboriginal and Torres Strait Islander student outcomes in law and developing cultural competency in all students. ICCLAP is a cross institutional project involving Aboriginal and Torres Strait Islander legal academics from five universities: University of New England, University of Technology (Sydney), RMIT University, Australian National University, and Queensland University of Technology. Our vision is to create a cohort of cultural competent legal academics to support the inclusion of Indigenous cultural competency in legal education, in partnership with Aboriginal and Torres Strait Islander academics and legal service providers. The ICCLAP project is funded by the Australian Government Department of Education and Training for a period of two years, concluding in April 2018.

Background to Law School Survey

During 2016 and 2017 the project undertook desktop surveys of law schools to determine the extent to which ICC is currently included in law programs. The desktop survey was conducted by accessing publicly available information via university websites, and reviewing course structures, graduate attributes, learning outcomes and unit outlines. The ICCLAP team found that the information sought was not always available, or was sometimes incomplete. In particular it was difficult to establish the extent to which ICC is incorporated in core curriculum as unit outlines were frequently not available. Given these difficulties, the Project Team could not draw any definitive conclusions on the extent to which ICC is incorporated in legal education. Due to the lack of available information the Project Team undertook to conduct a survey of law schools to try to gain a more comprehensive picture of whether ICC is being incorporated into legal curricula. The survey was approved by the Human Research Ethics Committee of the University of New England (Approval No. HE17-118).

Methodology

The Law School Survey was conducted using an online survey form. An invitation email was sent to members of the Council of Australian Law Deans on 7 July 2017 with a link to the survey. The closing date for the survey was 30 July 2017. The survey was voluntary and anonymous with no identifying information collected. The survey questions are listed as Appendix A.

A total of 20 out of 39 law schools completed the survey. However because not all respondents answered all the survey questions, there are some variations in the number of responses to individual questions. The number of respondents to each question is recorded as nX, with X indicating the actual number of responses. A further four law schools viewed the survey, however did not complete it. These responses have not been included in the survey data.

Limits of Survey Results

The voluntary nature of the survey means that it may be subject to systemic bias. To an extent the survey depended on respondents having some pre-existing knowledge of what ICC means, which itself is a term open to interpretation. The survey shows what has been reported within the schools responding to the survey, and cannot be generalised to law schools as a whole. The data from the survey has been collated and analysed, with the results set out below.

Key Findings

- The majority of law schools reported that their university and school supports the inclusion of ICC in curriculum – 85% (n20).
- Currently only two law schools include ICC in their graduate outcomes, and six law schools include ICC as a specific learning outcome (n20).
- ICC is included in core units at ten law schools (n20). Where ICC is included in core units, it is most commonly taught in property law, criminal law and procedure and constitutional law (n20). Other core units that may include ICC are mostly foundational law units (n4).
- ICC is included in elective units at thirteen law schools (n20) in a broad range of subject areas.
- Fourteen law schools indicated that they have access to support for embedding ICC in curricula, which primarily takes the form of Indigenous expertise, followed by financial support and staff training (n14).
- Respondents reported that there are 233 Aboriginal and Torres Strait Islander under-graduate students studying law across ten schools (n17 and n16 respectively). There are currently 25 Aboriginal and Torres Strait Islander post-graduate students in law.
- Eleven Aboriginal and Torres Strait Islander academics are employed at nine of the law schools completing the survey (n20 and n17 respectively).

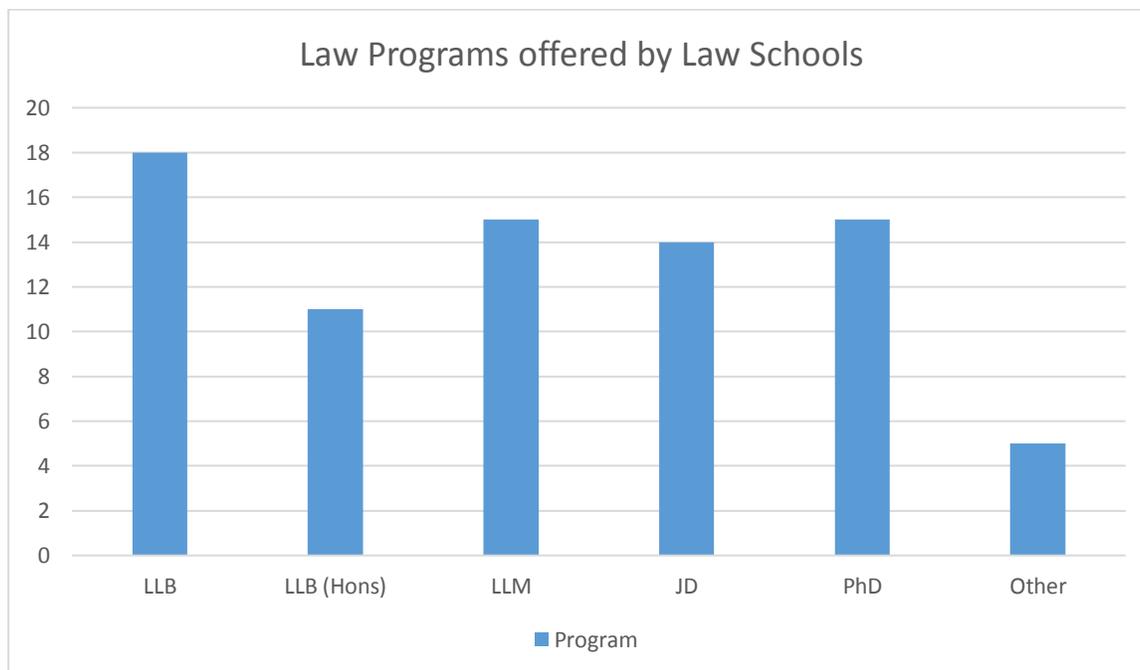
Survey Results and Commentary

Types of universities and law programs offered

Question 2 – Which best describes your university?

University Type	Number of Responses	Total TYPE	Percentage TYPE
Group of Eight	4	8	50%
Australian Technology Network	2	5	40%
Regional Universities Network	2	6	33%
Other	12	20	60%
TOTAL RESPONSES	20	39	TOTAL PERCENTAGE 51%

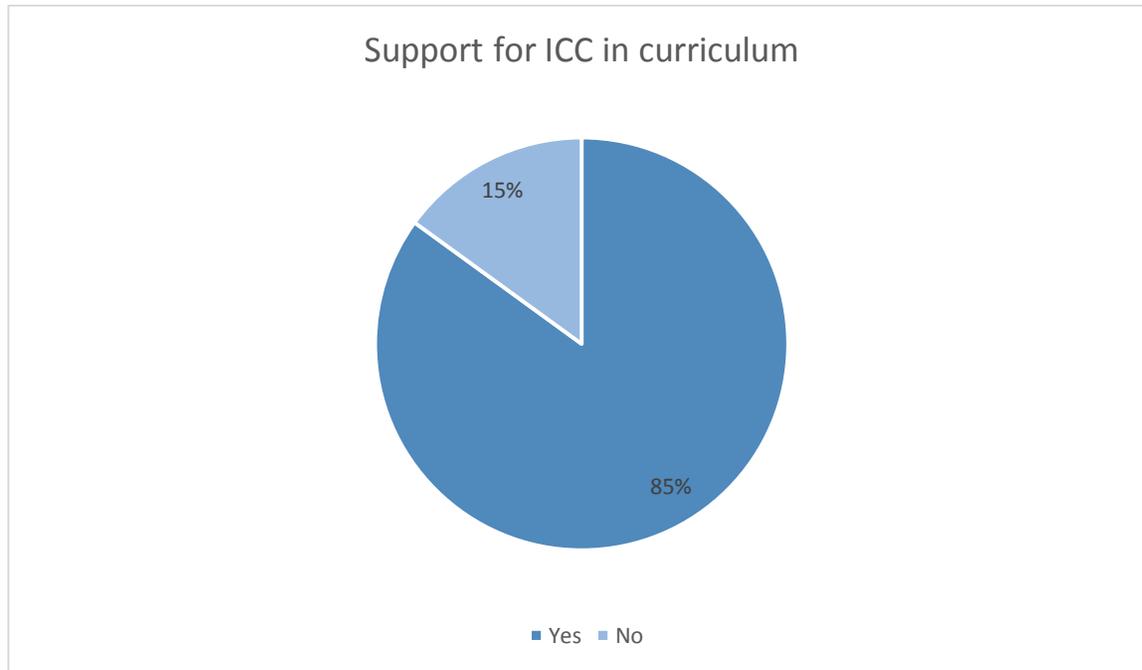
Question 3 – Types of law programs offered by your school/faculty (n20).



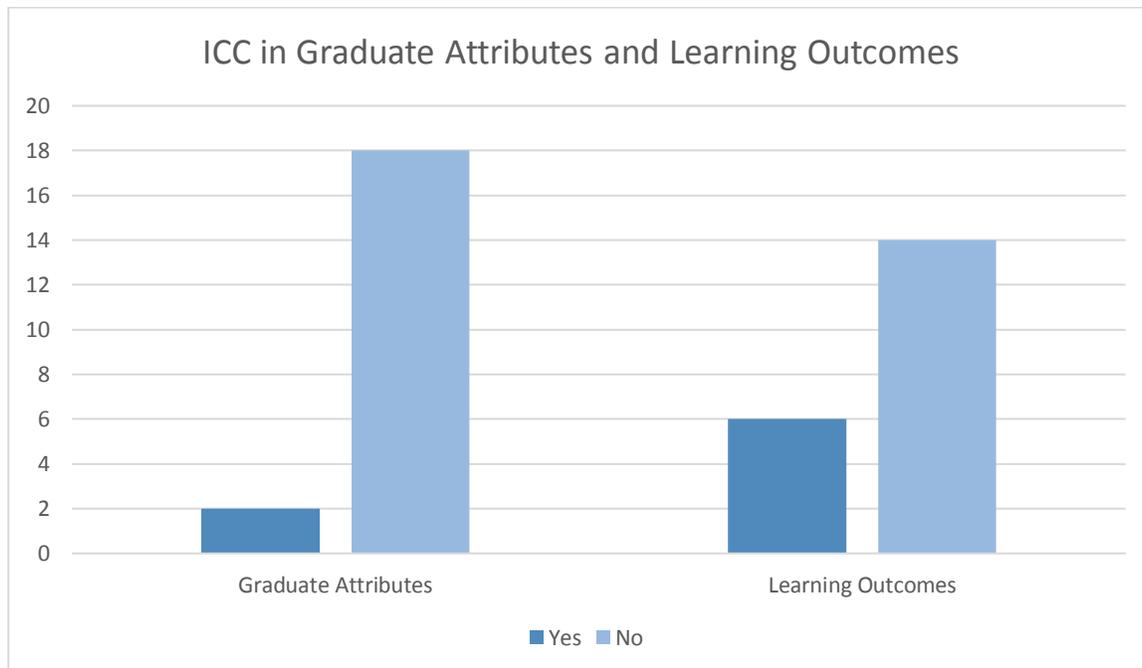
Support for ICC

Question 4 and 5 - Does your university (and law school) support the inclusion of Indigenous cultural competency in curriculum?

The responses to these two questions were identical so the results are combined here. A majority of law schools reported that both their university and school support the inclusion of ICC in curriculum.



Questions 7 – Is Indigenous cultural competency specifically included in your law program’s graduate attributes (and learning outcomes)?

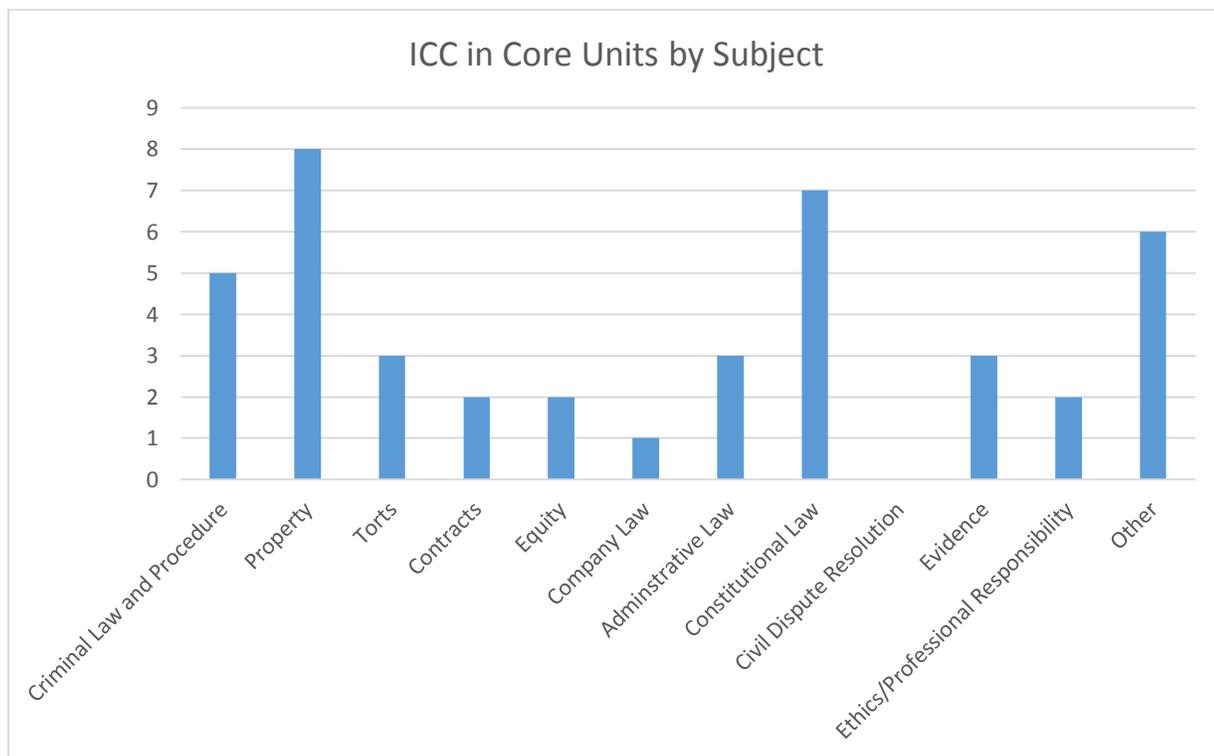


At present only two law schools have ICC as a specific graduate outcome and six law schools have ICC as a course learning outcomes (n20). Where ICC was included as a graduate attribute, this was also reflected in the course learning outcomes. The results indicate that ICC is more likely to be included in learning outcomes than graduate attributes. These findings suggest that there is somewhat of a disconnect between statements of institutional and school support for ICC (reported at 85%) and its inclusion in specific graduate and learning outcomes. Despite this disconnect however ICC is reflected in curriculum at a number of law schools.

ICC in curriculum

Question 8 – Is ICC included in your core law units?

Half of the law schools (50%) reported that ICC is incorporated in their core units (n20). Where ICC is included in core curriculum (broadly defined as the Priestley 11), it is most commonly taught in property law, criminal law and procedure and constitutional law. Other core subjects that may include ICC are mostly foundational law units (n4). The inclusion of ICC in core units reported here is much higher than the results of the desktop survey of law schools revealed – where only eight schools included ICC in their core units (and a further twelve schools with no information available).



Question 10 – Is Indigenous cultural competency included in your elective units?

Law schools reported that ICC is more likely to be included in elective units (68%), over core units (50%). This is consistent with the desktop survey of law schools where it was found that about two-thirds of schools included ICC in electives (28 out of 39 schools).

Question 11 - Elective Units with ICC by name.

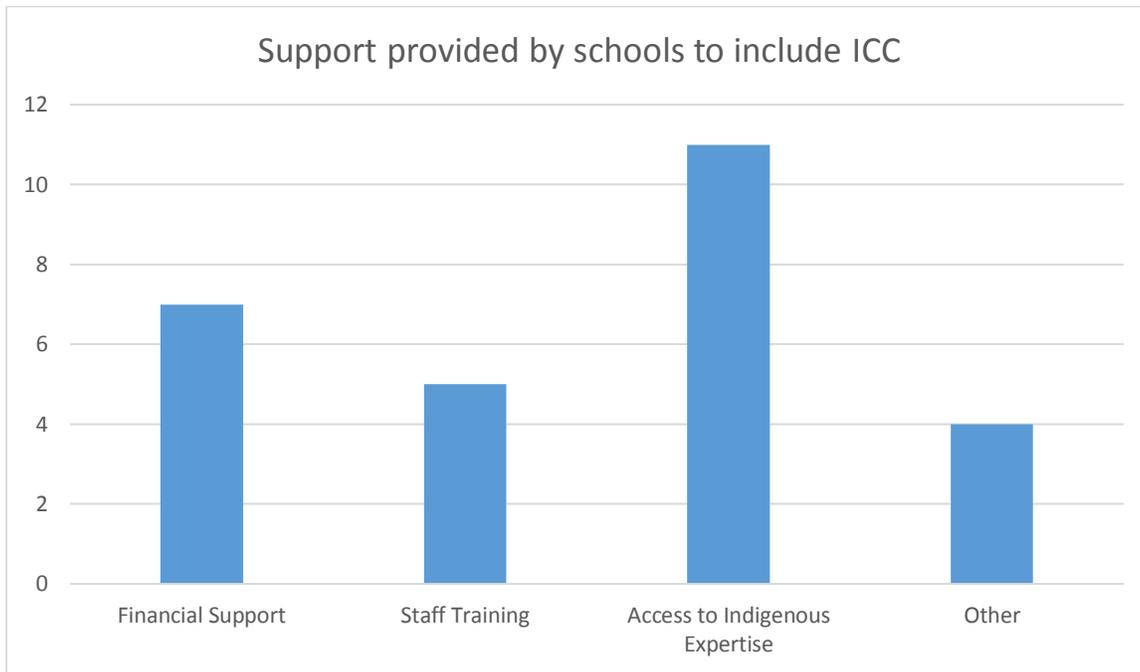
Law schools reported that ICC is included in a broad range of law electives – most frequently in specialist Indigenous electives – and also socio-legal units, legal theory, legal skills and experiential learning experiences, thus demonstrating the potential to incorporate ICC in a variety of learning contexts.

Unit subject/name	Number
Criminal law/criminology/sentencing	3
Dispute Resolution	1
EEO	1
Environmental law	2
Family/Children’s Law	4
Gender and law	2
Health Law	1
Human rights/international law	2
Indigenous Law	1
Indigenous peoples and law	5
Law/Society/Culture	2
Legal Research	1
Legal Theory	1
Native title	1
Study tour	1

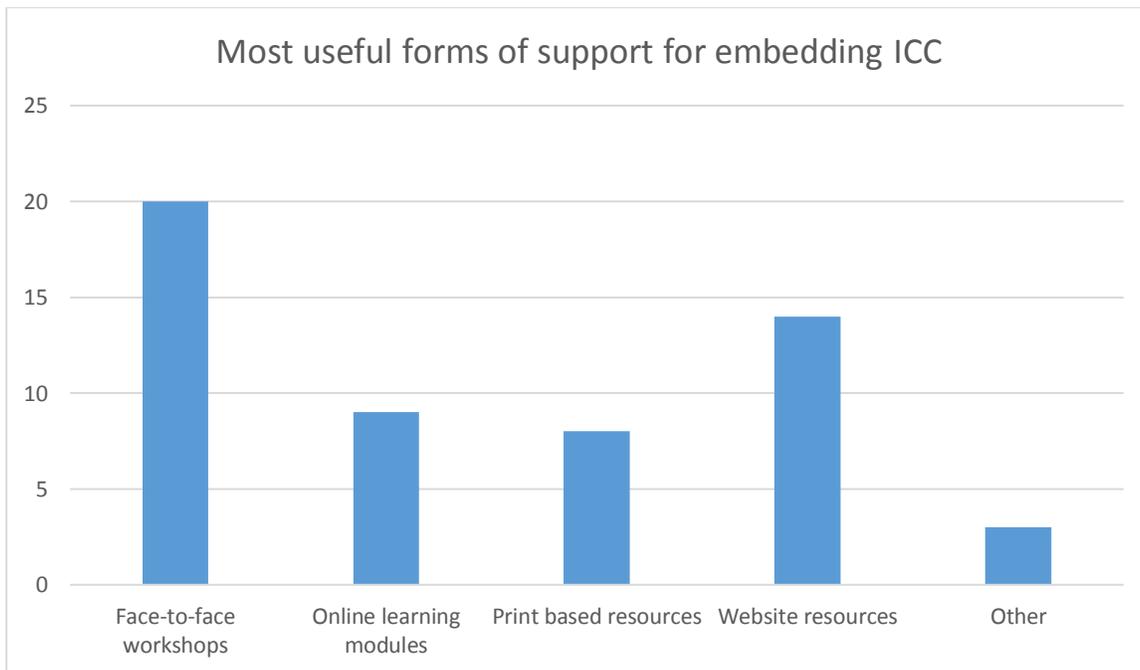
Supports for embedding ICC in curricula

Question 13 – Does your Law School/Faculty provide any of the following resources to support the inclusion of Indigenous cultural competency in curriculum?

Over 70% of respondents identified supports within their schools to assist with incorporating ICC in curriculum (n14). Other forms of support available included access to online cultural competency modules, attendance at workshops, and teaching relief for Indigenous staff for work on curriculum development.



Question 14 – What forms of support would be most useful to assist academics in your school/faculty to embed Indigenous cultural competency in curriculum?



Face-to-face workshops were viewed as the single most useful form of support to assist in embedding ICC (n20). Online resources including learning modules and websites were also seen as useful (n21 combined). Other forms of support reported included First Nations peoples as guest lecturers or recorded interviews showing a diversity of perspectives and legal critiques (n1). Information on Indigenous law and jurisprudence was also cited as being needed (n1). One respondent also expressed concern that the inclusion of Indigenous ‘content’ is not necessarily ICC (n1). Another questioned whether academics can be ‘trained’ in ICC (n1).

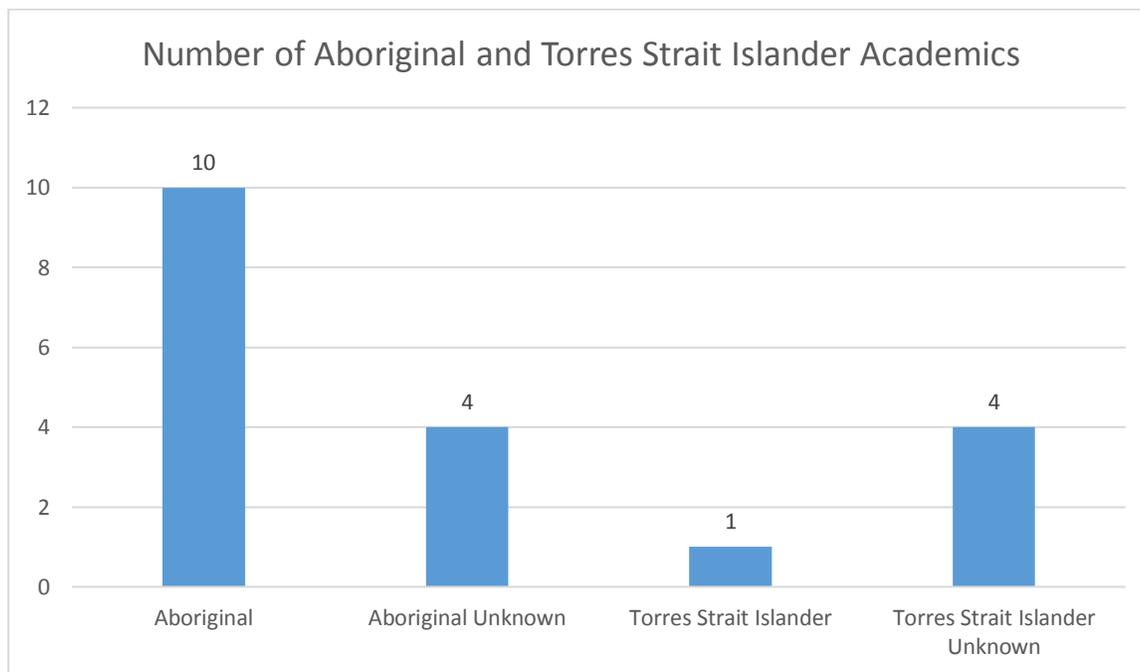
Aboriginal and Torres Strait Islander Academics and Students

Q6 - How many Aboriginal and Torres Strait Islander students are enrolled in your law programs?

Across ten law schools it was reported there are 233 under-graduate and 25 post-graduate Aboriginal and Torres Strait Islander Students (n17 and n16 respectively). The highest number of Indigenous under-graduate students was reported as 65, and for post-graduates the highest was 15 students. Approximately 35% of law schools responded 'unknown' to this question (under-graduate n7 and post-graduate n6). This may indicate a lack of knowledge on the part of the respondent, or a lack of corporate data on the number of Indigenous students. One university expressed a percentage number (8%) so the actual number of students could not be ascertained and is not included.

Q12 – How many Aboriginal and Torres Strait islander academic staff are employed in your School?

Responses to the survey indicate there are eleven Aboriginal and Torres Strait Islander academics working in nine of the law schools completing the survey (n20 and n17 respectively). Some 20% of law schools were not able to identify whether they had any Indigenous academic staff.



Conclusions

The survey data indicates that a large proportion of law schools are already incorporated ICC in their teaching programs to some extent, however much fewer have ICC as a specific graduate attribute or course learning outcome. Based on this survey some 25% of schools report having taken steps towards embedding ICC into law curricula. Half of the law schools responding to the survey reported that ICC is included in their core units, and about two-thirds reported that ICC is included in elective units.

Support for this project has been provided by the Australian Government Department for Education and Training. The views in this project do not necessary reflect the views of the Australian Government Department for Education and Training.

APPENDIX 1

INDIGENOUS CULTURAL COMPETENCY FOR LEGAL ACADEMICS PROGRAM COUNCIL OF AUSTRALIAN LAW DEANS - SURVEY QUESTIONS

1. Proceed to survey
2. Which best describes your university? (select one)
 - GO8 (Group of Eight)
 - ATN (Australian Technology Network)
 - RUN (Rural Universities Network)
 - None of the above
3. What types of law programs your Law School/Faculty offer (e.g. LLB, LLB (Hons), LLM, JD, PHD)
4. Does your university support the inclusion of Indigenous cultural competency in curriculum?

Yes/No
5. Does your Law School support the inclusion of Indigenous cultural competency in curriculum?

Yes/No
6. How many Aboriginal and Torres Strait Islander students are enrolled in your law programs?

Undergraduate....Number....

Postgraduate.....Number....
7. Is Indigenous cultural competency specifically included in your law program's
 - a) Graduate Attributes? Yes/No
 - b) Course Learning Outcomes? Yes/No
8. Is Indigenous cultural competency included in your core law units? Yes/No
9. If yes, which subject areas include Indigenous cultural competency? (select more than one)
 - Criminal Law and Procedure
 - Torts
 - Contracts
 - Property
 - Equity

- Company Law
- Administrative Law
- Federal and State Constitutional Law
- Civil Dispute Resolution
- Evidence
- Ethics and Professional Responsibility
- Other (comment box – multiple options)

10. Is Indigenous cultural competency included in your elective law units? YES/NO

11. If YES name the units (comment box)

12. How many Aboriginal and Torres Strait Islander academic staff are employed in your Law School/Faculty?

- Aboriginal
- Torres Strait Islander
- Aboriginal and Torres Strait Islander
- Blank Box

13. Does your Law School/Faculty provide any of the following resources to support the inclusion of Indigenous cultural competency in curriculum? (select more than one)

- Financial support
- Staff training
- Access to Indigenous expertise
- Other (comment box)

14. What forms of support or resources would be most useful to assist academics in your School/Faculty to embed Indigenous cultural competency in the curriculum? (select more than one)

- Face-to-face workshops
- Online learning modules
- Print based resources
- Website Resources
- Other (comment box).