# UTILIZING A WRITING RUBRIC
# IN THE INTRODUCTORY LEGAL ENVIRONMENT OF BUSINESS COURSE

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## I. INTRODUCTION

The term "rubric" does not appear in the Fifth Edition of Black's Law Dictionary.[1] In spite of this absence, legal business environment faculty have developed, or soon will develop, a close familiarity. The term is now widely used to describe any system which utilizes explicit statements about expected performance to rate that performance on a scale.[2] The concept has been in use for some time, and most faculty have consciously or subconsciously utilized rubrics. But through a progression of events, the rubric, sometimes in the form of a writing rubric, is poised to become a regular component of legal environment of business courses. This paper briefly traces the rise of the writing rubric and examines the impact of its eminent incursion into the legal environment of business curriculum.

## II. THE MOVEMENT TO MEASUREMENT

### A. ACCREDITING THE ACCREDITORS

Accrediting organizations which accredit accrediting organizations, such as the Council for Higher Education Accrediting (CHEA),[3] have been moving steadily toward stressing outcome measurement of student learning at various stages in degree progress.[4] Additionally, there has been increasing focus on the integration of core competencies at every level of the university.[5] The result is a growing attention to measurable outcomes.[6]

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[1] *Not found at* Black's Law Dictionary 1195 (5th ed. 1979). *See* Michel Mitri, *Automated Rubric Generation and Analysis for Assurance of Learning Tasks,* 6 ISSUES IN INFO. SYS. 296, at 297 (2005), *available at* http://www.iacis.org/iis/2005_IIS/PDFs/Mitri.pdf (defining "rubric") (last visited Aug. 23, 2009). Author retains copy.

[2] Michel Mitri, *Automated Rubric Generation and Analysis for Assurance of Learning Tasks,* 6 ISSUES IN INFO. SYS. 296, at 297 (2005), *available at* http://www.iacis.org/iis/2005_IIS/PDFs/Mitri.pdf (discussing dual accreditation by AACSB and Accreditation Board for Engineers and Technology (ABET) Computing Accreditation Commission (CAC)) (last visited Aug. 23, 2009). Author retains copy.

[3] *See* Council for Higher Educ., http://www.chea.org (last visited Aug. 23, 2009). Author retains copy.

[4] Linda Fraser, Katrin Harich, Joni Norby, Kathy Brzovic, Teeanna Rizkallah, Dana Loewy, *Diagnostic and Value-Added Assessment of Business Writing,* 68 BUS. COMM. Q. 290, at 290 (2005), *available at* http://bcq.sagepub.com/cgi/content/abstract/68/3/290 (last visited Aug. 23, 2009). Author retains copy.

[5] *Id.* at 291.

[6] *Id.* at 290.

<center>B. ASSESSMENT</center>

The net effect of this focus on measurable outcomes is a concerted effort by various accreditors to mandate an assessment process that is essentially a quality assurance program.[7] One core of this assessment movement is focused on the relationship between program goals and student learning.[8] In particular, the accrediting bodies are interested in the linkage between goals and objectives.[9]

In the old days, proof of achieving learning goals could be developed indirectly by means such as surveys and focus groups.[10] Under the new approach, the accrediting bodies are focused on more direct evidence of educational results.[11] Their rationale is that this is the best course in attempting to establish sustainable assessment processes.[12] There is a growing body of literature addressing assessments generally.[13]

<center>C. ASSESSMENT AND AACSB</center>

The Association to Advance Collegiate Schools of Business, International (AACSB), the accrediting body of choice for many business programs, has embraced the assessment approach by requiring what is labeled "assurance of learning" or "AOL"[14] as part of an overall "learning assurance philosophy."[15] AACSB's stated purposes of requiring measurement of AOL are to first demonstrate accountability, and second to assist in the improvement of courses and programs.[16] The assessment process is becoming an integrated part of ongoing planning processes at AACSB schools.[17]

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[7] *See* Dep't Accounting, Coll. Bus., Tenn. Technological Univ., AACSB International Fifth-Year Maintenance Report (undated), at 4.1, http://www.tntech.edu/cob/Strategic_Assessment_Planning/final_accounting_report.pdf (Vol.1 Self-Evaluation Report for Department of Accounting and Business Law for years 2001-02 through 2005-06) (Section 4 "Assurance of Learning" describes the continuous nature of assessment of learning, particularly the Curriculum Improvement Cycle illustrated in Section 4.1 "Learning Process") (last visited Aug. 23, 2009). Author retains copy.

[8] Steve Adams, Gail Corbitt, Lorraine Gardiner, Faculty, Coll. of Bus., Cal. State Univ. Chico, 2005 AACSB Optimizing Teaching and Delivery Conference: Building an Assessment Foundation: Technology Support for Course-Embedded Measures (June 6, 2005) Coll. of Bus., Cal. State Univ. Chico, 5, at http://www.aacsb.edu/handouts/OTD05/B2-%20Gardiner.ppt (illustrating the relationship between program goals and student learning, and generally, providing a step by step demonstration of building AACSB course-embedded measures, including rubric and measurement results) (last visited April 8, 2007). Author retains copy.

[9] *Id.*

[10] *Supra* note 2, at 296.

[11] *Supra* note 8.

[12] *Id.*

[13] DePaul Univ., Assessment Resources, http://condor.depaul.edu/~tla/html/assessment_resources.html#rubrics (last visited Aug. 23, 2009) (a compilation of rubrics, web sites, general articles, discipline specific articles, classroom assessment techniques, and measures of learning outcomes). Author retains copy.

[14] *Supra* note 2, at 296. *See* website of the Association to Advance Collegiate Schools of Business, International (AACSB), http://www.aacsb.edu/accreditation/papers/AOLPaper-final-11-20-07.pdf (last visited Aug. 23, 2009).

[15] *Supra* note 7.

[16] *Supra* note 2, at 296.

[17] Gary Stading, Coll. of Bus., Univ. Houston-Downtown, Assessment Process in the UHD School of Business, http://www.uhd.edu/academic/affairs/COB.pdf (last visited Feb. 25, 2007) (includes an AACSB Timeline for the 5 year assessment cycle, and an example of STEPS assessment software from California State University Chico for automated web-based assessment). Author retains copy.

AACSB has developed an assessment system which has at its core a philosophy of continuous improvement.[18] In order to accomplish this, the level of student achievement is compared to stated learning goals of the program, the school, and the university.[19] To this end, AACSB identifies two direct assessment vehicles: first, stand alone tests which measure progress toward stated goals, and second, course-embedded measures which are incorporated into the courses themselves.[20]

## D. MEASUREMENT

Current AACSB standards mandate direct measurement of student performance,[21] that is, an assessment which is a measurement against a consistent scale.[22] AACSB standards 16, 18, 19, and 21 mandate measurement of learning in baccalaureate, master, special masters, and doctoral degree respectively.[23]

The measurement system which most impacts classroom activities is the course embedded measurement. The course embedded approach emphasizes utilization of existing course assignments for measurement of student progress toward stated learning goals.[24] Business programs must include course embedded assessments which directly measure student performance.[25] This can be accomplished by a number of means. For example, some departments designate courses that are "writing intensive" and look to student writing performance measures in that course to evidence student progress toward stated goals.[26] Most programs seek to employ course-embedded measures whenever possible.[27]

## III. THE ROLE OF THE RUBRIC

### A. CHARACTERISTICS OF RUBRICS

Typical rubric definitions identify certain elements, usually including a list of learning objectives, a set of ratings identifying the evaluation scale tied to each objective, a table which grids the objectives and the evaluation ratings scale, and sometimes an instructor comment section.[28] In this manner, the rubric functions as a guideline for distinguishing student work

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[18] *Supra* note 7, at 4.

[19] *Supra* note 4, at 291.

[20] *Supra* note 2, at 296.

[21] *Id.*

[22] Teaching and Learning Center, Fayetteville State Univ., Assessment, http://www.uncfsu.edu/tlc/Assessment.htm (last visited Aug. 23, 2009) (a compilation of links to step-by-step instructions on how to create your own rubrics, "Best Practices" for rubrics, AACSB Assessment Response Center, and others).

[23] *Supra* note 2, at 296.

[24] *Supra* note 8.

[25] *Supra* note 2, at 296.

[26] George Mason Univ., Writing Assessment Reporting Format for George Mason Departments, at 1, http://chhs.gmu.edu/pfd%20files/d_writing_guide/pdf/writingassessment.pdf (last visited Aug. 23, 2009). Author retains copy.

[27] *Supra* note 8.

[28] *Supra* note 2, at 297.

products by the quality of the student effort on a specified learning objective.[29] Rubrics are quickly becoming the generally accepted means of identifying and documenting assessments.[30] The ability to gain useful assessment information stems from utilizing a carefully designed scoring rubric.[31]

In a course embedded use, a writing rubric can be used for diagnostic assessment or can be designed as part of in-class value added evaluation.[32] In either case, the concept is that the rubric should serve as guidance for continuous improvement in student performance.[33] At the core of the rubric approach is a simple formulation contained in two questions: first, what are the students supposed to learn, and second, what have the students learned?[34]

## B. USING RUBRICS

Some writers divide rubrics into two types, those used for summative assessments and those used for formative assessments.[35] Summative assessment is generally considered a final one-time demonstration of student mastery of a learning objective.[36] The summative assessment rubric holistically measures student mastery of the learning objective and responds with one-time global feedback as to the degree of mastery of the learning objective.[37] Formative assessment is any process whereby data is gathered to measure student progress in moving toward mastery of the learning objective.[38] Historically, summative assessment has been utilized over formative assessment,[39] but the trend is moving toward favoring sequential formative assessments which are believed to hold more measurement value through the use of incremental rubrics based analysis.[40] The rubric is viewed as a key tool in formative assessment.[41]

Measurement of student progress toward learning objectives does not inherently require that every student be measured, and often the realities of resource allocation require a choice between rubric based evaluation of every student and rubric based measurement of only a sample of students[42] Either way, collated and evaluated rubric data is analyzed to lead to course and

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[29] Nancy Pickett, Steps in Rubric Development, http://edweb.sdsu.edu/triton/july/rubrics/Rubric_Guidelines.html (last visited Aug. 23, 2009). Author retains copy.

[30] *Supra* note 2, at 296.

[31] *Supra* note 8.

[32] *Supra* note 4, at 292.

[33] *Supra* note 8.

[34] *Supra* note 17.

[35] *Supra* note 22.

[36] *Id.*

[37] Darrell Pearson, Krista P. Terry, Performance Assessment: More than a WebQuest and a Rubric, http://conference.merlot.org/2003/presentations/MIC03_Pearson_rubric.ppt (exemplifying the notion that a program's context is determinative in the development of assessment activities, providing a step-by-step model for developing unique program standards, learning outcomes, and accompanying rubrics) (last visited Aug. 23, 2009). Author retains copy.

[38] *Supra* note 22.

[39] *Id.*

[40] *See* s*upra* note 37.

[41] *Supra* note 22.

[42] Linda Malgeri, Chair, Coles Coll. Assurance of Learning Council, AACSB Int'n Accreditation Maintenance Meeting (Dec. 6, 2004), http://coles.kennesaw.edu/documents/AACSB_Maint_Pres.ppt (for a representation of the assessment cycle, measures, feedback, and timetables) (last visited Aug. 23, 2009). Author retains copy.

program improvement.[43] Underpinning the approach is a belief that rubric based response facilitates both more meaningful feedback and more timely feedback.[44]

Underlying the effectiveness of any rubric implementation is the need for consistency of goals and measures at every level in the university, from the course to the program, the school, and ultimately, the university.[45] Examples of such integration abound as programs seeking accreditation and re-accreditation look more and more to rubrics for measurements to underpin assessments which provide the data for continual improvement in pursuit of assurance of learning by students in the program.[46]

## IV. THE WRITING RUBRIC AND STUDY OF THE LEGAL ENVIRONMENT OF BUSINESS

### A. WRITING AND BUSINESS TEACHING

When business programs or schools identify desired capabilities possessed by graduates, skill in effective business writing is nearly always an important goal.[47] Historically this has been addressed in a number of ways, including utilizing dedicated business writing courses, writing assessments at program entry and at capstone,[48] and occasionally, the creation of a writing portfolio.[49] A threshold question is whether there should be one central, universal writing rubric, or individual course or instructor specific rubrics.[50] Additionally, the connection between classroom grades and the writing assessment scheme must be addressed.[51] Several existing measurement systems provide for cross referencing of multiple writing assessments as a means to obtain a clearer picture of student progress toward program writing objectives.[52] There is a rapidly growing literature, available in a variety of mediums, on business writing generally and in specialty areas.[53]

### B. PRACTICAL CONSIDERATIONS

On the practical level, the writing rubric lives a double life, first setting the performance standard expected of the student with feedback on progress, and second as a vehicle for identifying to the instructor and the program shortcomings in either student progress or in the assessment of that progress. In fulfilling that dual role, some believe that transparency is critical so that students know how they will be required to demonstrate their mastery.[54] Feedback loops

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[43] *Supra* note 2, at 296.

[44] *Supra* note 42.

[45] *Supra* note 4, at 292.

[46] *Supra* note 42.

[47] *Id.*

[48] *Supra* note 4, at 290.

[49] *Supra* note 26.

[50] *Supra* note 8.

[51] *Supra* note 4, at 293.

[52] *Id.* at 292.

[53] *See, e.g., supra* note 4, at 291.

[54] *Supra* note 22.

are crucial to this movement of information.[55] Unfortunately, course embedded measures are often labor-intensive for instructors.[56] Converting rubric data to usable analysis can be a major logistical undertaking.[57] Most agree that rubric efficiency is tied to the effectiveness of the data entry method.[58] There are a growing number of sources for technology based approaches to such assessment.[59] One author describes an integrated system of automated rubric generation, scoring, and summarization of assessment results.[60]

## C. WRITING RUBRIC RULES OF THUMB

Rules of thumb are useful when initiating a rubric system. Begin with a focus on student learning.[61] Decide whether to measure student knowledge or student performance.[62] Determine whether to evaluate the full spectrum of performance or to use a threshold achievement measure.[63] Use standards of measure which reflect the standards that will be expected in practice.[64] Evaluate only measurable things.[65] Try to identify relevant benchmarks.[66] Have each rubric item focus on a discrete skill.[67] Try to measure the identified skill and not generic skills.[68] Build the rubric so that two different raters would usually assign the same score.[69] And finally, keep the rubric short,[70] and design it so that it will fit on one sheet of paper.[71]

## D. RUBRIC OPPORTUNITIES AND PITFALLS

As a part of the assessment movement and a related movement to integrate certain topics across the curriculum, some writers question the value of the standard three credit hour course characterized by minimal interdisciplinary integration, referring to such courses as "silos",[72] and arguing that there are a variety of alternative ways to teach in an integrated manner avoiding

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[55] *Supra* note 42.

[56] *Supra* note 2, at 297.

[57] *Id.*

[58] *Id.*

[59] *See supra* note 37.

[60] *Supra* note 2, at 296.

[61] *Supra* note 29.

[62] Barbara M. Moskal, Jon A. Leydens, *Scoring Rubric Development: Validity and Reliability*, Practical Assessment, Research and Evaluation, 2000, http://pareonline.net/getvn.asp?v=7&n=10 (last visited Aug. 23, 2009). Author retains copy.

[63] *Id.*

[64] *Id.*

[65] *Supra* note 29.

[66] *Creating a Rubric for a Given Task*, http://webquest.sdsu.edu/rubrics/rubrics.html (last visited Aug. 23, 2009). Author retains copy.

[67] *Supra* note 29.

[68] *Supra* note 62.

[69] *Id.*

[70] *Supra* note 29.

[71] *Id.*

[72] Patricia Sendall, Susan E. Pariseau, *Curriculum Redesign Update: On Integrating Six Business Disciplines in the Undergraduate Business Core Curriculum,* Acad. Bus. Educ. 2006 Conference Proceedings, at 1, http://www.abe.sju.edu/proc2006/sendall.pdf (on re-designing core courses into an integrated curriculum focused on learning outcomes in the context of continuous improvement) (last visited Aug. 23, 2009). Author retains copy.

"silo" course limitations.[73] Such moves to use teams of faculty which combine the "hard" and "soft" sides of the business disciplines[74] can increase the need for rubrics which are based heavily in judgments, though there are examples of rubrics designed for such settings.[75]

Every faculty who utilizes a writing rubric must consider how to address the possibility that a well designed writing rubric results in documenting more than expected. For example, a rubric might document that many students have poor underlying writing skills, or that some students lack core skills required to successfully learn the subject at hand. Finally, an integrated writing rubric may even point to student cheating where scores on in-class work are far below out-of-class work.

## E. RUBRIC RESOURCES AND ALTERNATIVES

A number of resources related to rubrics are available.[76] Some resources address how to create rubrics,[77] or provide information on rubric related topics,[78] or assessments and learning outcomes.[79] One college posts what it labels a "rubric library".[80] Also, AACSB maintains an online assessment resource center.[81]

As the rubric becomes ever more utilized, interesting alternatives appear, such as a design for spreadsheet-based macros for rubric implementation.[82] In addition, there are evolving a number of alternative assessment models.[83] In the legal environment of business setting, writing rubrics can be enhanced by looking to rubrics designed to measure critical thinking.[84] Other substantive business areas, such as accounting, are developing frameworks which can serve as measurement models,[85] including efforts such as the American Institute of Certified Public Accountants (AICPA) Core Competency Framework.[86]

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[73] *Id.* at 2.

[74] *Id.* at 1.

[75] Sch. of Bus. Admin., Univ. of Houston-Victoria, MBA Conference Presentation Rubric, http://www.uhv.edu/bus/conference/rubric.asp (example of a rubric for assessing a team presentation) (last visited Aug. 23, 2009). Author retains copy.

[76] *See supra* note 13.

[77] *See supra* note 22.

[78] See Office of Assessment, Trinity College of Arts and Sciences, Duke University, http://assessment.aas.duke.edu/resources.php#Rubric (last visited Aug. 23, 2009). Author retains copy.

[79] *See supra* note 13.

[80] Institutional Research, Assessment & Planning, Cal. State Univ., Fresno, Rubric Library, http://www.csufresno.edu/ir/assessment/rubric.shtml (providing rubrics for critical thinking and writing, and scoring guides with recommendations, last updated May 9, 2006) (last visited Aug. 23, 2009). Author retains copy.

[81] Assessment Resource Ctr., AACSB Int'l, http://www.aacsb.edu/resource_centers/assessment (includes resource guides as well as a schedule of assessment seminars) (last visited Aug. 23, 2009). (Additional resources on rubric development are available at http://www.stfrancis.edu/assessment/Rubric_Development.pdf) (last visited 8 April 2007).

[82] *See supra* note 2, at 297.

[83] *See supra* note 7.

[84] *See supra* note 78.

[85] *See* 2005 Annual Meeting of the Am. Accounting Ass'n, Assessment of Learning Outcomes and Accounting Programs, http://aaahq.org/AM2005/cpe/cpe10.htm (format for an all day presentation that could serve as a template for other professions) (last visited Aug. 23, 2009). Author retains copy.

[86] Am. Inst. of Certified Public Accountants (AICPA), Core Competency Framework for Entry into the Accounting Profession (The Framework), http://www.aicpa.org/edu/corecomp.htm (last visited Aug. 23, 2009).

## V. GETTING STARTED

The research for this paper was one part of an effort to initiate and refine a writing rubric in an introductory legal environment of business course taught usually as a first semester, junior year offering in an AACSB accredited college of business. A rubric designed within the college was applied to two different samples of student work, one an in-class written response to an exam essay question, and the other a compliance interview report. The rubric is included as an appendix to this paper.

The writing rubric addressed seven criteria: organization, sentence structure, transitions, background, punctuation and spelling, professionalism, and introduction and conclusion. Each writing sample was scored as unacceptable, acceptable, or superior on each of the seven criteria.

The results are useful only anecdotally owing to a sample size of only one hundred students. Additionally, the writing rubric was applied outside of the grading system for this pilot project. While the students knew that it would be utilized, and that in the case of the compliance report, they would be informed of their scores, they were not under a specific grade threat from the rubric score.

The results were for the most part as expected. The students scored far higher on the paper prepared out of class than on the hand written in-class work. As with other reported experiences, grammar was a weak point.[87] Of the seven criteria, students performed lowest on the punctuation and spelling criterion on the out-of-class paper. Sentence structure and professionalism ranked weakest on the hand written in-class essay. The strongest out-of-class criterion score was background, while the strongest in-class criterion score was introduction and conclusion.

The exercise was, in hindsight, heavily weighted toward evaluating existing writing capabilities which lie primarily outside of the learning objectives of the course. Further, the rubric served only to report generic writing skill shortcomings summatively rather than to formatively expand writing skills on the topic areas of the legal environment of business.

## VI. NEXT STEPS

Assessments, measurements, and rubrics will not disappear soon. Legal environment courses are a natural place to impose learning objectives which necessitate evaluation using a writing rubric. Utilization of a general purpose, one-size-fits-all, generic writing rubric has troubling implications, most of which can be addressed by the careful, proactive crafting of writing rubrics specific to important legal environment of business learning objectives capable of evaluation through peer benchmarking.

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[87] *See supra* note 26, at 3.

APPENDIX

# Writing Rubric
## UHD School of Business
### AACSB Assessment
Authored by Assessment Sub-Committee

| Criteria | Unacceptable (1) | Acceptable (2) | Superior (3) |
|---|---|---|---|
| **Organization** | Writing is not concise and has a tendency to ramble. Lack of focus interferes with understanding. | Focus and direction of writing are acceptable and do not interfere with understanding; organization could be improved. | Writing is concise. Information is easy to understand. Focus and direction of the writing are extremely clear. |
| **Sentence Structure** | Sentence structure is poor, making understanding difficult. Sentences are awkward and/or lack structure. | Sentences are not generally awkward or lacking in appropriate structure. Overall, most sentences clearly express ideas. | Sentences are clear, well developed, and express concise ideas. |
| **Transitions** | Connections between topics, ideas, or arguments are confusing. | Most sentences within a paragraph build upon a single issue. A few ideas lack good transitional sentences. | Writing enhances readability. Sentences build upon singular ideas. Transitions are good. |
| **Background** | Arguments lack support, or are supported with personal views. Arguments are not well constructed. | Arguments are supported with occasional citations or with class lessons. Paragraphs generally support the main idea. | Arguments are supported with cited references or relevant facts. Arguments support ideas which support the premise. |
| **Punctuation and Spelling** | Writing contains numerous and/or significant errors, distracting from the message. | Writing contains occasional errors that do not distract from the message. | Writing is nearly error free. |
| **Professionalism** | Document is not professionally written. Tone, word choice, and/or aesthetics are inappropriate. | Writer uses familiar but not sophisticated words that are not distracting. Document is fairly professional looking. | Wit, insights, and sophistication provide evidence of due diligence. Tone adds to the writing quality. Document is neat and professional looking. |
| **Introduction and Conclusion** | Main idea is not established in the introduction, and/or conclusion is weak. | Main idea and direction of the paper are established in the introduction. Conclusion is satisfactory. | Introduction not only establishes the main idea and direction, but also has an interesting hook. Writing is brought to closure with justifiable insight and/or supportable revelations. |

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