Business Law Text and Exercises 10th edition Miller Solutions Manual

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Solution and Answer Guide

Miller, BLTE 10e, 9780357717417; Chapter 01: Introduction to the Law

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Answers to Straight to the Point

1A. *Why is knowledge of business law essential for any businessperson?*

Solution
Knowledge of the laws and regulations governing business is essential to the making of good business decisions. Determining the best course of action in a given situation requires evaluating how the law might apply.

2A. *What is the common law?*

Solution
The common law is a body of law developed from court decisions. These decisions reflect the customs and traditions within the jurisdiction of the courts.

3A. *When and why does a court apply the decision of another court to determine the result in a case?*

Solution
In a common law system, court decisions, and the principles behind them, are applied to resolve similar disputes in a consistent way. This is the doctrine of precedent, or *stare decisis*.

4A. *What are some of the remedies that a party can obtain from a court to make a wrong situation right?*

Solution
The normal remedy at law is the payment of money, or damages. If money is not enough to make a situation right, a party might be ordered to do specifically what he or she promised. Or a contract might be cancelled, and the contracting parties returned to the positions they held before the deal.

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5A. ***Which aspects of a business's operation do the rules, orders, and decisions of administrative agencies affect?***

Solution

The rules, orders, and decisions of administrative agencies affect almost every aspect of a business's operation. These include a business's capital structure and financing, hiring and firing procedures, relations with employees and unions, and making and selling of products.

Answers to Issue Spotters

1A. ***Under what circumstances might a judge rely on case law to determine the intent and purpose of a statute?***

Solution

Case law includes courts' interpretations of statutes, constitutional provisions, and administrative rules. Statutes often codify common law rules. For these reasons, a judge might rely on the common law as a guide to the intent and purpose of a statute.

2A. ***The First Amendment provides protection for the free exercise of religion. A state legislature enacts a law that outlaws all religions that do not derive from the Judeo-Christian tradition. Is this law valid within that state? Why or why not?***

Solution

No. The U.S. Constitution is the supreme law of the land and applies to all jurisdictions. A law in violation of the Constitution (in this question, the First Amendment to the Constitution) will be declared unconstitutional.

Answers to Real Law

1-1A. Stare Decisis. A patent is an exclusive right granted to the creator of an invention. Under U.S. law, a patent owner possesses that right for twenty years. The owner can allow another party to make and market a product based on the invention in exchange for a payment of royalties on the sales. According to the United States Supreme Court in a case known as the *Brulotte* decision, a contract to pay royalties after a patent has expired is unenforceable. Stephen Kimble owned the patent to a toy glove that could shoot foam intended to look like the web of Marvel Comics' Spider-Man. Kimble agreed to allow Marvel Entertainment, LLC, to sell its version of the toy. Marvel agreed to pay Kimble a royalty of 3 percent on the sales. Their contract did not specify an end date. After the patent expired, Marvel sued to stop the payments. What is the doctrine of *stare decisis*? What are the arguments for and against applying it in this case? Discuss. [*Kimble v. Marvel Entertainment, LLC,* 135 S.Ct. 2401, 192 L.Ed.2d 463 (2015)]

Solution

The doctrine of *stare decisis* is the practice of deciding cases with reference to previous decisions. This is an important principle of our judicial system. Under this doctrine, courts are obligated to follow the precedents established within their jurisdictions. A *precedent* is a decision that stands as

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an example or authority for deciding subsequent cases involving identical or similar legal principles or facts.

In the facts of this problem, Stephen Kimble owned the patent to a toy glove that could shoot foam intended to look like the web of Marvel Comics' Spider-Man. He contracted with Marvel Entertainment, LLC to sell its version of the toy in exchange for a royalty of 3 percent on the sales. The contract did not specify an end date. Marvel sued to stop the payments after the patent expired.

A patent is an exclusive right granted to the creator of an invention. Under U.S. law, a patent lasts for twenty years. According to the United States Supreme Court in a case known as the *Brulotte* decision, a contract to pay royalties after a patent has expired is unenforceable.

One argument in favor of applying the doctrine of *stare decisis* to these facts is that a United States Supreme Court decision is controlling until it is overruled by a subsequent decision of the Court or changed by congressional legislation or a constitutional amendment. And the Court is bound by principle that a precedent should not be overruled unless there is a compelling reason to do so.

An argument against applying the doctrine in this situation is that it would interfere with the contract the parties made. And applied generally, the *Brulotte* precedent would undercut the ability of parties to make any contract that would otherwise reflect the true value of a patent.

In the actual case on which this problem is based, a majority of the Court favored the application of the doctrine, even though they agreed that it could hinder competition and innovation.

1-2A. *Role of Law*. Otto May, Jr., a pipefitter for Chrysler Group, LLC, was the target of racist, homophobic, and anti-Semitic remarks. He received death threats, his bike and car tires were punctured, and someone poured sugar into the gas tank of his car. A dead bird was placed at his workstation wrapped in toilet paper to look like a member of the Ku Klux Klan. Chrysler documented and investigated the incidents. Records were checked to determine who was in the building when the incidents occurred, the graffiti handwriting was examined, and employees were reminded that harassment was not acceptable. What role might the law play in these circumstances? Discuss. [*May v. Chrysler Group, LLC,* 716 F.3d 963 (7th Cir. 2013)]

Solution

Knowledge of the law is essential for any businessperson. To make a good decision, a businessperson must have a basic knowledge of the law relating to that decision. And a businessperson is expected to make a decision that is ethical as well as legal. Many different laws may apply in a single situation. If a dispute cannot be resolved amicably, a lawsuit may result.

In the circumstances of this case, there are employment laws that prohibit discrimination in the workplace. Under these laws, an employer has a significant duty to take complaints of harassment seriously. The employer has an obligation to set up clear policies and procedures and follow those procedures when a complaint is made. If the employer does not take these steps, a lawsuit may result, and a large penalty may be assessed.

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Here, it appears that Chrysler took sufficient steps to stop and prevent the harassment against its employee so as to avoid a penalty. The company used several strategies to stop and prevent the harassment. These steps included documenting and investigating the incidents, analyzing the graffiti handwriting, and reminding employees that harassment was not acceptable.

In the actual case on which this problem is based, Chrysler's actions had a positive effect—the harassment's frequency gradually decreased and finally ceased. The harasser was never discovered, however. Later, May filed a suit against Chrysler. The court issued a judgment in the employer's favor, and the U.S. Court of Appeals for the Seventh Circuit affirmed this judgment, based in part on the reasons stated above.

1-3A. *Constitutional Law*. Under a Massachusetts statute, large wineries could sell their products through wholesalers or to consumers directly, but not both. Small wineries could use both methods. Family Winemakers of California filed a suit against the state, arguing that this restriction gave small wineries a competitive advantage in violation of the U.S. Constitution. Which source of law takes priority, and why? [*Family Winemakers of California v. Jenkins*, 592 F.3d 1 (1st Cir. 2010)]

Solution
The U.S. Constitution is the supreme law of the land. A law in violation of the Constitution is normally declared unconstitutional ultimately by the United States Supreme Court if all other appeals have failed on a constitutional issue. The First Amendment to the U.S. Constitution prevents the government from making laws that regulate an establishment of religion or prohibit the free exercise of religion. In this case, the plaintiffs (those bringing the lawsuit against the governor of Nevada) argued that limiting the number of indoor church goers to a maximum of 50 people violated the First Amendment. The plaintiffs argued that the governor's orders allowed casinos, gyms, bars, and restaurants to operate with often much larger numbers of patrons.

When this case reached the United States Supreme Court, the majority of the justices denied the plaintiff's request for relief.

Answers to Ethical Questions

1-4A. *Anticipation of Legal Problems*. Should legal problems be anticipated? Why and why not?

Solution
Legal problems should be anticipated to prevent legal liability before it arises. One method to anticipate legal problems is to learn about legal rights and duties ahead of time.

1-5A. *The Doctrine of Precedent*. Sandra White operated a travel agency. To obtain lower airline fares for her nonmilitary clients, she booked military-rate travel by forwarding fake military identification cards to the airlines. The U.S. government charged White with identity theft, which requires the "use" of another's identification. As background, the court in the *White* case had two cases that represented precedents.

In the first case, David Miller obtained a loan to buy land by representing that certain investors had approved the loan when, in fact, they had not. Miller's conviction for identity theft was overturned

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because he had merely said that the investors had done something when they had not. According to the court, this was not the "use" of another's identification.

In the second case, Kathy Medlock, an ambulance service operator, had transported patients for whom there was no medical necessity to do so. To obtain payment, Medlock had forged a physician's signature. The court concluded that this was "use" of another person's identity. Which precedent—the *Miller* case or the *Medlock* case—is similar to White's situation, and why? How would you describe the parties' ethics in all of these cases? Discuss. [*United States of America v. Sandra Maxine White*, 846 F.3d 170 (6th Cir. 2017)]

Solution
Almost any definition of ethics, and any set of ethical standards, includes honesty as a component.

In this problem, White operated a travel agency. To obtain low fares for her clients, she submitted fake military identification cards to the airlines. She was charged with the crime of identity theft, which requires the "use" of another's identification. In a previous case, David Miller, to obtain a loan, represented that certain investors approved of the loan when they did not. Miller's conviction for identity theft was overturned on the ground that he had not "used" the investors' identities—he had only *said* that they had done something when they had not. In a second case, Kathy Medlock, the operator of an ambulance service, obtained payment for transporting patients for whom there was no medical necessity to do so by forging a physician's signature. White's actions most closely resemble Medlock's forgery. White not only told the airlines that her clients were members of the military—she created false identification cards and sent them to the airlines.

In all of these cases, the defendants lied about their actions. Whether or not their conduct fell within the meaning of a word within a statute or matched the actions of a perpetrator in another case, none of these parties can claim to have acted ethically. Honesty is a part of ethical behavior in any set of circumstances, and none these defendants were truthful about their actions.

In the actual case on which this problem is based, the court concluded that White's actions were most similar to Medlock's. White was convicted of identity theft. On appeal, the U.S. Court of Appeals for the Sixth Circuit affirmed the conviction.

Answers to Work Set

True-False Questions

1. Law consists of enforceable rules governing relationships among individuals and between individuals and their society.
   Answer: T

2. *Stare decisis* refers to the practice of deciding new cases with reference to previous decisions.
   Answer: T

3. The doctrine of *stare decisis* illustrates how unpredictable the law can be.

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Answer: F. The doctrine of *stare decisis* is the use of previous case law as precedents, or guides, for deciding current cases. This doctrine emphasizes the predictable resolution of disputes.

4. *Common law* is a term that normally refers to the body of law consisting of rules of law announced in court decisions.
   Answer: T

5. Statutes are a primary source of law.
   Answer: T

6. Administrative rules and regulations have virtually no effect on the operation of a business.
   Answer: F. Administrative regulations affect nearly every aspect of a business's operation, from its financing to its hiring and firing of employees, as well as its manufacturing and marketing.

7. Each state's constitution is supreme within that state's borders even if it conflicts with the U.S. Constitution.
   Answer: F. Each state's constitution is supreme within each state's borders, so long as it does not conflict with the U.S. Constitution.

8. The Uniform Commercial Code was enacted by Congress for adoption by the states.
   Answer: F. The National Conference of Commissioners on Uniform State Laws drafted the Uniform Commercial Code and proposed it for adoption by the states.

9. In most states, the same courts can grant both legal and equitable remedies.
   Answer: T

Multiple-Choice Questions

1. The doctrine of *stare decisis* performs many useful functions, including
   a. efficiency.
   b. uniformity.
   c. stability.
   d. all of the above.
   Answer: D. The use of precedent—the doctrine of *stare decisis*—permits a predictable, relatively quick, fair resolution of a case. If the application of the law were unpredictable, there would be no consistent rules to follow and no stability.

2. In addition to case law, when making decisions, courts sometimes consider other sources of law, including
   a. the U.S. Constitution.
   b. state constitutions.
   c. administrative agency rules and regulations.
   d. all of the above.
   Answer: D. In addition to case law, when making decisions, courts may consider other sources of law, including the U.S. Constitution, state constitutions, and administrative agency

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rules and regulations. A court may also take into consideration the principles of other areas of study, including science, economics, psychology, and others.

3. Which of the following is a CORRECT statement about the distinction between law and equity?
   a. Equity involves remedies different from those available at law.
   b. Most states maintain separate courts of law and equity.
   c. Damages may be awarded only in actions in equity.
   d. None of the above.
   Answer: A. Equity and law do provide different remedies—injunctions and specific performance, for example, are equitable remedies, and damages is a remedy at law. Most states no longer maintain separate courts of law and equity.

4. Under the doctrine of *stare decisis*, a judge compares the facts in a case with facts in
   a. another case.
   b. a hypothetical case.
   c. the arguments of the parties involved in the case.
   d. none of the above.
   Answer: A. The doctrine of *stare decisis* attempts to harmonize the results in cases with similar facts. When the facts are sufficiently similar, the same rule is normally applied.

5. To learn about the coverage of a statute and how the statute is applied, a person must
   a. only read the statute.
   b. only see how courts in their jurisdiction have interpreted the statute.
   c. read the statute and see how courts in their jurisdiction have interpreted it.
   d. none of the above.
   Answer: C. How a court interprets a particular statute determines how that statute will be applied. To learn what a statute says, a person needs to study it. To learn how that statute will be applied, a person needs to see what precedents have been established in regard to it.

6. Our common law system involves the application of legal principles applied in earlier cases
   a. with different facts.
   b. with similar facts.
   c. whether or not the facts are similar.
   d. none of the above.
   Answer: B. Using the principles behind the decisions in previous legal disputes, courts develop rules to apply in current disputes. These rules are known as the common law.

7. The statutory law of the United States includes
   a. the statutes enacted by Congress and state legislatures.
   b. the rules, orders, and decisions of administrative agencies.
   c. both the statutes enacted by Congress and state legislatures and the rules, orders, and decisions of administrative agencies.
   d. none of the above.
   Answer: A. Statutory law is a primary source of law that includes the statutes passed by Congress and the various state legislative bodies, as well as the ordinances passed by cities

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and counties. It does not include the rules, orders, and decisions of administrative agencies, which makes up what is known as administrative law.

8. The U.S. Constitution takes precedence over
   a. a provision in a state constitution or statute only.
   b. a state supreme court decision only.
   c. a state constitution, statute, or court decision.
   d. none of the above.

   Answer: C. The U.S. Constitution is the supreme law of the land. Any state or federal law or court decision in conflict with the Constitution is unenforceable and will be struck. Similarly, provisions in a state constitution take precedence over the state's statutes, rules, and court decisions.

9. Civil law concerns
   a. duties that exist between persons or between citizens and governments.
   b. wrongs committed against the public as a whole.
   c. both a and b.
   d. none of the above.

   Answer: A. Civil law concerns the duties that exist between persons or between citizens and their governments, excluding crimes. Criminal law is concerned with wrongs, classified as crimes, committed against the public as a whole.

10. In a civil law system, the primary source of law is
    a. case law.
    b. the decisions of administrative agencies.
    c. a statutory code.
    d. none of the above.

    Answer: C. Case precedents are not as binding on the courts in a civil law system as they are in a common law system. Judges refer to the decisions in other cases, but the judges are not bound to follow those decisions.

Answering More Legal Problems

1. Dark Brew and Sparkling Ale are competitors in the microbrewing industry. To market their competing wares, they use Facebook, Twitter, and other social media. A dispute arises between these parties over the statements each makes about the other through these sites. Dark Brew files a suit against Sparkling Ale. The parties argue their respective sides of the dispute, each citing earlier cases that appear to favor their contentions. Each party asks the court to consider the principles of law established in these cases to decide this case.

   What is the term for these former decisions? Which decisions, if any, is the court obligated to follow? The earlier cases are known as _____. Later cases that involve similar principles or facts are decided with reference to those _____. Courts are normally obligated to follow the _____ established within their _____. The doctrine attempts to harmonize the results in cases with _____ facts. In other words, the objective is to decide similar cases in a similar way.

   Answer: precedents; precedents; precedents; jurisdictions; similar

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2. In Dark Brew and Sparkling Ale's case, the court follows a doctrine that requires it to review the rules of law established by other courts.

   What is the term for the doctrine under which a court reviews the principles suggested by the decisions of other courts in earlier cases? What are the advantages of this practice? The practice of deciding new cases by referring to earlier court decisions is known as the doctrine of _____ _____. This practice is a _____ of the U.S. judicial system. The reasoning in the other courts' opinions can serve as a guide, allowing a court reviewing the cases to be more _____.

   When the law on a subject is well settled, the application of this doctrine makes the law more _____.

   Answer: *stare decisis*; cornerstone; efficient; stable or predictable

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Instructor Manual

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Purpose and Perspective of the Chapter

The purpose of this chapter is to establish a foundation for the course, by introducing key terminology and concepts that students will used through the book.

Cengage Supplements

The following product-level supplements provide additional information that may help you in preparing your course. They are available in the Instructor Resource Center.

- PowerPoint Deck

List of Student Downloads

Students should download the following items from the Student Companion Center to complete the activities and assignments related to this chapter:

- PowerPoint Deck (without teaching notes, activities, or answers)

Chapter Objectives

The following objectives are addressed in this chapter:

1. Define *law.*
2. List major sources of law.
3. Identify the supreme law of the land
4. Distinguish different global legal systems

Key Terms

administrative agency: A federal or state government agency created by the legislature to perform a specific function, such as to make and enforce rules pertaining to the environment.
administrative law: The body of law created by administrative agencies in order to carry out their duties and responsibilities.
case law: The rules of law announced in court decisions. Case law interprets statutes, regulations, constitutional provisions, and other case law.
civil law: The branch of law dealing with the definition and enforcement of all private or public rights, as opposed to criminal matters.
common law: The body of law developed from custom or judicial decisions in English and U.S. courts, not attributable to a legislature.
constitutional law: Law that is based on the U.S. Constitution and the constitutions of the various states.
court of equity: A court that decides controversies and administers justice according to the rules, principles, and precedents of equity.

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court of law: A court in which the only remedies that can be granted are things of value, such as money damages. In the early English king's courts, courts of law were distinct from courts of equity.
criminal law: The branch of law that defines and punishes wrongful actions committed against the public.
executive agency: An agency in which a principal grants an agent an exclusive territory and does not allow another agent to compete in that territory.
independent regulatory agency: An administrative agency that is not considered part of the government's executive branch and is not subject to the authority of the president. Independent agency officials cannot be removed without cause.
law: A body of enforceable rules governing relationships among individuals and between individuals and their society.
opinion: A statement by a court expressing the reasons for its decision in a case.
precedent: A court decision that furnishes an example or authority for deciding subsequent cases involving identical or similar facts.
remedy: The relief given to an innocent party to enforce a right or compensate for the violation of a right.
remedy at law: A remedy available in a court of law. Money damages are awarded as a remedy at law.
remedy in equity: A remedy allowed by courts in situations where remedies at law are not appropriate. Remedies in equity include injunction, specific performance, rescission and restitution, and reformation.
stare decisis*:* (pronounced stahr-ee dih-si-sis) A common law doctrine under which judges are obligated to follow the precedents established in prior decisions within their jurisdictions.
statutory law: The body of law enacted by legislative bodies (as opposed to constitutional law, administrative law, or case law).
uniform law: A model law created by the National Conference of Commissioners on Uniform State Laws and/or the American Law Institute for the states to consider adopting. If a state adopts the law, it becomes statutory law in that state. Each state has the option of adopting or rejecting all or part of a uniform law.

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What's New in This Chapter

The following elements are improvements in this chapter from the previous edition:

- New chapter-opening scenario to help introduce how law and legal reasoning are a part of everyday business operations and decisions.
- New subsection on "Statutory Conflicts" with

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  - 1 new Numbered Example on sanctuary cities in certain states conflicting with federal immigration laws
- 1 New Exhibit 1–6:
  - An annotated 2018 Sample Court Case that illustrates the various elements contained in a court opinion.
- Updated Exhibit 1–5 on how to read citations with all 2018 citations.
- 1 New "A Question of Ethics" (based on 2017 case).

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Chapter Outline

I. **What is Law?**
   a. Blackstone described the law as "a rule of civil conduct,…commanding what is right, and prohibiting what is wrong."

II. **Business Activities and the Legal Environment**
   a. Many different laws can affect a single business transaction
   b. The role of law in small business covers everything from HR, to financing, to advertising.

III. **Sources of American Law**
   a. **The Common Law**
      i. **Early English Courts** – Prior to the Norman Conquest in 1066 disputes were settled in accordance with local legal customs which could vary greatly across regions even within a country. After 1066, the system was unified and was based on the decisions judges make in cases (the common law system).
      ii. ***Stare Decisis*** – The use of legal precedents forms the basis for the doctrine of *stare decisis*. A court's application of a specific principle to a certain set of facts is binding on that court and lower courts, which must then apply it in future cases. A controlling precedent is binding authority. Other binding authorities include constitutions, statutes, and rules. It provides for a system which is stable and predictable.
         1. **Overturning precedents** is permitted when there have been changes in technology, business practices, or society's attitudes.
         2. **When there is no precedent** a judge may examine prior case law, principles and policies behind the decisions, their historical setting, the policies behind a legislature's passing a specific statute, society's values and custom, and data and principles from other disciplines.
      iii. ***Knowledge Check Activity PPT Slide: 1 minute(s) total.*** *Tests students' knowledge on precedents and stare decisis.*

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iv. ***Think Pair Share Activity PPT Slide: 10 minutes total.*** *Have students form pairs or small groups and discuss the questions presented.*

v. **Equity:**

3. **Court of Law** were courts that awarded payments of money or property as compensation.
4. **Courts of Equity** were founded in justice and fair dealing and sought to provide a more adequate remedy that money. The court provided an order of specific performance, injunction, or recission of a contract.
5. **Legal and Equitable Courts are not longer separate**. Today, a plaintiff can request both legal and equitable remedies in the same action.

b. Constitutional Law

i. U.S. Constitution is the supreme law of the land and will take precedence over state constitutions.

c. Statutory Law

i. Statutes are enacted by legislatures (Congress). This type of law also includes ordinances passed by cities and states

ii. Uniform Laws: Each state has the option to adopt a uniform law (or even a part of the uniform law). Examples include: Uniform Commercial Code (UCC)

d. Administrative Law

i. Rules, orders, and decisions of administrative agencies.

IV. Civil vs. Criminal Law

a. Civil law spells out the rights and duties that exist between persons and between citizens and their governments

b. Criminal law has to do with a wrong committed against the public as a whole.

V. National Law Around the World

a. Common law systems: United States, Australia, Canada, India

b. Civil law systems are based on codified law where the primary source of law is a statutory code and precedents do not bind courts

VI. International Law

a. A body of written and unwritten laws observed by independent nations in the relations with other nations

b. No authority exists to enforce international law

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Discussion Questions

You can assign these questions several ways: in a discussion forum in your LMS; as whole-class discussions in person; or as a partner or group activity in class.

1. What is the primary function of law? The primary function of law is to simultaneously maintain stability and permit change. The law does this by providing for dispute resolution, the preservation of political, economic, and social institutions, and the protection of property.

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Additional Resources

Cengage Video Resources

- MindTap Videos:
  - Stare Decisis

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Appendix

Generic Rubrics

Providing students with rubrics helps them understand expectations and components of assignments. Rubrics help students become more aware of their learning process and progress, and they improve students' work through timely and detailed feedback.

Customize these rubric templates as you wish. The writing rubric indicates 40 points and the discussion rubric indicates 30 points.

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Standard Writing Rubric

Criteria	Meets Requirements	Needs Improvement	Incomplete
Content	The assignment clearly and comprehensively addresses all questions in the assignment. 15 points	The assignment partially addresses some or all questions in the assignment. 8 points	The assignment does not address the questions in the assignment. 0 points
Organization and Clarity	The assignment presents ideas in a clear manner and with strong organizational structure. The assignment includes an appropriate introduction, content, and conclusion. Coverage of facts, arguments, and conclusions are logically related and consistent. 10 points	The assignment presents ideas in a mostly clear manner and with a mostly strong organizational structure. The assignment includes an appropriate introduction, content, and conclusion. Coverage of facts, arguments, and conclusions are mostly logically related and consistent. 7 points	The assignment does not present ideas in a clear manner and with strong organizational structure. The assignment includes an introduction, content, and conclusion, but coverage of facts, arguments, and conclusions are not logically related and consistent. 0 points
Research	The assignment is based upon appropriate and adequate academic literature, including peer reviewed journals and other scholarly work. 5 points	The assignment is based upon adequate academic literature but does not include peer reviewed journals and other scholarly work. 3 points	The assignment is not based upon appropriate and adequate academic literature and does not include peer reviewed journals and other scholarly work. 0 points
Research	The assignment follows the required citation guidelines. 5 points	The assignment follows some of the required citation guidelines. 3 points	The assignment does not follow the required citation guidelines. 0 points
Grammar and Spelling	The assignment has two or fewer grammatical and spelling errors. 5 points	The assignment has three to five grammatical and spelling errors. 3 points	The assignment is incomplete or unintelligible. 0 points

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Standard Discussion Rubric

Criteria	Meets Requirements	Needs Improvement	Incomplete
Participation	Submits or participates in discussion by the posted deadlines. Follows all assignment. instructions for initial post and responses. 5 points	Does not participate or submit discussion by the posted deadlines. Does not follow instructions for initial post and responses. 3 points	Does not participate in discussion. 0 points
Contribution Quality	Comments stay on task. Comments add value to discussion topic. Comments motivate other students to respond. 20 points	Comments may not stay on task. Comments may not add value to discussion topic. Comments may not motivate other students to respond. 10 points	Does not participate in discussion. 0 points
Etiquette	Maintains appropriate language. Offers criticism in a constructive manner. Provides both positive and negative feedback. 5 points	Does not always maintain appropriate language. Offers criticism in an offensive manner. Provides only negative feedback. 3 points	Does not participate in discussion. 0 points

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