Business Law - Text & Exercises 11th edition Miller Solutions Manual

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Solution and Answer Guide

MILLER, BUSINESS LAW: TEXT AND EXERCISES, 11E, 9798214056111; CHAPTER 5: BUSINESS TORTS

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ANSWERS TO STRAIGHT TO THE POINT

1A. What is the difference between a tort and a crime?

Solution
Both torts and crimes involve wrongs. The state prosecutes and punishes persons who commit criminal acts. In contrast, a tort is subject to a civil action in which one person brings a personal lawsuit against another.

2A. What must a plaintiff normally prove to establish defamation?

Solution
To establish defamation, a plaintiff normally must prove the defendant made a false statement of fact. The statement was understood to be about the plaintiff and tended to harm their reputation. The statement was communicated to at least person other that the plaintiff.

3A. Define fraud.

Solution
Fraud is any misrepresentation made with the intent to deceive another and on which the other relies to their detriment.

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4A. What are the two categories of wrongful interference?

Solution
Wrongful interference is generally divided into two categories. These are wrongful interference with a contractual relationship and wrongful interference with a business relationship.

5A. Which tort is the civil side of crimes related to theft?

Solution
The tort of conversion is the civil side of crimes related to theft.

6A. State the two questions that determine whether a defendant's act caused a plaintiff's injury.

Solution
Wrongful activity must cause an injury for a tort to be committed. In deciding whether there is causation, the two questions are: *Is there causation in fact?* and *Was the act the proximate cause of the injury?*

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Answers to Issue Spotters

1A. A burst water pipe floods a Metal Fabrication Company utility room and trips the circuit breakers on a panel in the room. Metal Fabrication contacts Oumar, a licensed electrician with five years' experience, to check the damage and turn the breakers back on. Without testing for short circuits, which Oumar knows that he should do, he switches on a breaker. He is electrocuted, and his wife sues Metal Fabrication for negligence. What might the firm successfully claim in defense?

Solution
The company might defend against this electrician's wife's claim by asserting that the electrician should have known of the risk and, therefore, the company had no duty to warn. According to the problem, the danger is common knowledge in the electrician's field and should have been apparent to this electrician given his years of training and experience. In other words, the company most likely had no need to warn the electrician of the risk.

The firm could also raise the defense of comparative negligence. Both parties' negligence, if any, could be weighed and the liability distributed proportionately. The defendant could also assert assumption of risk, claiming that the electrician had voluntarily entered into a dangerous situation, knowing the risk involved.

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2A. After less than a year in business, Elite Fitness Club surpasses Good Health Club in numbers of members. Elite's marketing strategies attract many Good Health members, who then change clubs. Does Good Health any recourse against Elite? Explain your answer.

Solution
No. As long as competitive behavior is genuine, it is not wrongful, even if it results in the breaking of a contract. The public policy that favors free competition in advertising outweighs any instability that genuine competitive activity causes in contractual or business relations.

To constitute wrongful interference with a contractual relationship, there must be (1) a valid, enforceable contract between two parties; (2) the knowledge of a third party that this contract exists; and (3) the third party's intentionally causing the breach of the contract (and damages) to advance that party's interest.

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Answers to Real Law

5-1A. **Intentional Infliction of Emotional Distress.** Joshua Amin was a package sorter for United Parcel Service, Inc. (UPS) in Dallas, Texas. On his way to the bathroom, Amin was stopped by a supervisor. Claiming that Amin had already used his bathroom break for the day, the supervisor ordered Amin back to his workstation and told him, "You can use [the toilet] right where you are." That is exactly what happened, and, according to Amin, he was forced to work in soiled pants for twenty minutes. Amin sued UPS for intentional infliction of emotional distress. Should the court rule in Amin's favor? Explain. [*Amin v. United Parcel Service, Inc.,* 66 F.4th 568 (5th Cir. 2023)]

Solution
No. This answer relies on the legal, rather than the popular, definition of emotional distress. One of the elements of the tort of intentional infliction of distress (IIED) is that the emotional distress suffered must be "severe." After a federal district court granted UPS's motion to dismiss his IIED claim, Amin asked the U.S. Court of Appeals for the Fifth Circuit to reverse. Amin based his amended IIED claim on "the humiliating nature" of the incident itself, as well as testimony supposedly establishing the severity of his distress.

The appeals court was unimpressed with the evidence of "severity" presented by the plaintiff. Two friends testified that Amin was "depressed" and "withdrawn" after the incident. Amin told the appeals court that he was hesitant about going out in public with his son, for fear of running into someone who knew about the incident and might mention it to the boy. In the appeals court's judgement, this behavior did not show Amin to have been "extraordinarily damaged" by his humiliating experience. Previously successful IIED claims in Texas involved plaintiffs who suffered intense psychosomatic symptoms, suicidal thoughts, and post-traumatic stress disorder. As Amin's distress did not rise to these levels, the appeals court affirmed the district court's ruling that his IIED claim must fail.

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5-2A. **Negligence.** Suzanne Farrell unsuccessfully tried to step over a shallow, murky pool of water in the parking lot of a Circle K store in Pineville, Louisiana. Slipping on algae, Farrell fell and was injured. When Farrell sued Circle K for negligence, Circle K argued that it had not breached its duty to warn customers of the danger because the pool was an "open and obvious" hazard. Farrell countered that the hazard was not the pool but rather the slippery substance hidden from view by the water. Which side is correct? Why? [*Farrell v. Circle K Stores, Inc.,* 359 So.3d 467 (La. 2023)]

Solution

As noted in the text, retailers and other firms that explicitly or implicitly invite persons to come onto their premises have a duty to exercise reasonable care to protect these business invitees. The duty normally requires storeowners to warn business invitees of foreseeable risks, such as construction zones and wet floors, about which the owners knew or should have known. Some risks, however, are so obvious that the owner need not warn of them. For instance, a business owner does not need to warn customers to open a door before attempting to walk through it.

In this case, two lower courts denied Circle K's motion to dismiss, holding that there was a legitimate question as to whether the danger posed by the pool was obvious or hidden. The Supreme Court of Louisiana reversed, holding that no reasonable juror could find that the pool was anything but an open and obvious hazard. Farrell, having taken an unreasonable risk, was not owed any damages.

5–3A. **Negligence.** Ronald Rawls and Zabian Bailey were in an auto accident in Bridgeport, Connecticut. Bailey rear-ended Rawls at a stoplight. The evidence showed that Bailey had failed to apply his brakes in time to avoid the collision, failed to turn his vehicle to avoid the collision, failed to keep his vehicle under control, and was inattentive to his surroundings. Because Bailey's auto insurance did not cover all of the costs, Rawls filed a suit in a Connecticut state court against his own insurance company, Progressive Northern Insurance Co. Rawls wanted to obtain benefits under an underinsured motorist clause. Rawls claimed that Bailey had been negligent. Could Rawls collect from Progressive because of Bailey's negligence? Discuss. [*Rawls v. Progressive Northern Insurance Co.*, 310 Conn. 768, 83 A. 3d 576 (2014)]

Solution

Yes, Rawls could obtain benefits from Progressive Northern Insurance Co. under an underinsured motorist clause, on the ground that Bailey had been negligent. To succeed in a negligence action, the plaintiff must prove that (1) the defendant owed a duty of care to the injured party (plaintiff), (2) the defendant breached that duty, (3) the breach was the cause of harm to the plaintiff, and (4) the harm to the plaintiff was a legally recognizable injury. The duty must be such that a reasonable person engaging in the same activity would anticipate a risk of the negative consequences and guard against it.

In this problem, Zabian Bailey rear-ended Rawls at a stoplight. According to the facts, the evidence showed it was more likely than not that Bailey failed to apply his brakes in time to avoid the collision, failed to turn his vehicle to avoid the collision, failed to keep his vehicle under control, and was inattentive to his surroundings. Bailey's duty to Rawls included any and all of the precautions—braking in time, turning the vehicle, keeping the vehicle under control, and remaining attentive to the surroundings. Clearly,

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Bailey breached this duty, and the breach caused whatever harm Rawls suffered—damage to his vehicle and injury to himself. Depending on whether Bailey was grossly negligent, punitive damages might be appropriate.

In the actual case on which this problem is based, a jury found in Rawls's favor, and the court entered a judgment against Progressive. On the insurer's appeal, a state intermediate appellate court reversed, but on further appeal the state supreme court reversed again, holding that the evidence supported the jury's findings in Rawls's favor.

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Answers to Ethical Questions

5–4A. **Duty of Care.** Does a person's duty of care include a duty to come to the aid of a stranger in peril?

Solution
There is generally no legal duty to rescue a stranger in trouble (with some exceptions, most obviously the duty to act of persons entrusted with the care of others, such as an adult expected to watch a child), but most persons would agree that there is an ethical duty to at least warn someone who can be deterred from harm.

5–5A. **Negligent Infliction of Emotional Distress.** Banana Republic workers I. K. and C. K. sued the clothing retailer for negligent infliction of emotional distress after learning that they had been surreptitiously filmed while using an employee restroom. Sales associate Johnny Tuck Chee Chan, the culprit, had been fired from his previous job as a pharmacist with Kaiser Permanente for similar behavior. Indeed, Chan was under investigation by Portland, Oregon, police when Banana Republic hired him. A trial court dismissed the employees' lawsuit for failure to state a claim based on a provision in state law that requires some level of physical contact for the tort to succeed. Do you think the trial court's decision was fair to the plaintiffs? How might an ethical approach to the situation call for the judiciary to fashion an exception to Oregon's "physical contact" rule? Explain your answers. [*I.K. v. Banana Republic, LLC,* 505 P.3d 1078, 317 Or. App. 249 (2022)]

Solution
Reversing the trial court's dismissal of the lawsuit, the Court of Appeals of Oregon ruled that Banana Republic could be found liable for negligent infliction of emotional distress as a result of its employee's intentional actions. The court's ruling was based on a three-pronged exception to the physical contact requirement. First, a plaintiff must have a "legally protected interest" in being free from the behavior that caused the emotional distress. Here, relying on the common law right to privacy, the court concluded that Banana Republic's employees did have a legally protected interest in not being secretly recorded while in a state of undress in a company restroom. The court described the shock that the plaintiffs felt after learning of this invasion of their privacy as the "emotional equivalent of a physical injury."

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Next, the court had to determine whether Chan's behavior should be punished as a matter of "public policy." This proved an easy bar to clear, as society clearly benefits when individuals are discouraged from making secret recordings in restrooms. Finally, the court had to satisfy itself that Banana Republic could be held liable for failing to foresee the intentional, tortious conduct of an employee. Pointing out that Kaiser had previously fired Chan for exactly the same behavior, the court concluded that Banana Republic knew or should have known that a repeat performance was possible.

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Answers to Work Set

True-False Questions

1. To be guilty of an intentional tort, a person must intend the consequences of their act or know with substantial certainty that those consequences will result.

   Answer: T

2. Immediate harmful or offensive contact is an element of assault.

   Answer: F
   This is an element of a battery. A reasonable apprehension or fear of immediate harmful or offensive contact is an essential element of assault.

3. Legitimate competitive behavior does not constitute wrongful interference with a contractual relationship.

   Answer: T

4. Slander of title requires publication of false information that denies or casts doubt on another's legal ownership of any property.

   Answer: T

5. The tort of defamation does not occur unless a defamatory statement is made in writing.

   Answer: F
   Defamation may be committed orally, in writing, or in a form of communication that has the potentially harmful qualities characteristic of writing—pictures, signs, statues, and films.

6. Pelle tells customers that he is "the best plumber in town." This is fraudulent misrepresentation, unless Pelle actually believes that he is the best.

   Answer: F
   The statement is seller's talk, or puffery—the seller's opinion. For fraud to occur, there must be a misrepresentation of a fact.

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7. A person who borrows a friend's car and fails to return it at the friend's request is guilty of conversion.

   Answer: T

8. All individuals—regardless of their knowledge, or skill—must exercise the same duty of care if they wish to avoid liability for negligence.

   Answer: F
   An individual with knowledge, skill, or intelligence superior to that of an ordinary person has a higher standard of care—their duty is that which is reasonable in light of those capabilities.

9. Under the doctrine of strict liability, liability is imposed for reasons other than fault.

   Answer: T

Multiple-Choice Questions

1. Rudra owns Rudra's Computer Store. Rudra sees Nan, a customer, pick up software from a shelf and put it in her bag. As Nan is about to leave, Rudra tells her that she can't leave until he checks her bag. If Nan sues Rudra for false imprisonment, Nan will
   a. win, because a merchant cannot delay a customer on a mere suspicion.
   b. win, because Nan did not first commit a tort.
   c. lose, because a merchant may delay a suspected shoplifter for a reasonable time based on probable cause.
   d. lose, because Rudra did not intend to commit the tort of false imprisonment.

   Answer: C
   To delay a customer suspected of shoplifting, a merchant must have probable cause (which requires more than a mere suspicion). A customer's concealing merchandise in their bag and leaving the store without paying for it would constitute probable cause.

2. Walking in Don's air-conditioned market on a hot day with her sisters, four-year-old Silvia drops her ice cream on the floor near the dairy case. Two hours later, Jan stops to buy milk, slips on the ice cream puddle, and breaks her arm. Don is
   a. liable, because a merchant is always liable for customers' actions.
   b. liable, if Don failed to take all reasonable precautions against Jan's injury.
   c. not liable, because Jan's injury was her own fault.
   d. not liable, because Jan's injury was Silvia's fault.

   Answer: B
   Failing to exercise reasonable care is potentially tortious conduct. Whether conduct is unreasonable depends on a number of factors, including how easily the injury could have been guarded against. Unless a retail firm has taken all reasonable precautions against injuries to its customers, it may be held to have breached its duty of care to those invitees.

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3. Gus sends a letter to José in which he falsely accuses José of embezzling. José's secretary, Tina, reads the letter. If José sues Gus for defamation, José will
   a. win, because Tina's reading of the letter satisfies the publication element.
   b. win, because Gus's writing of the letter satisfies the publication element.
   c. lose, because the letter is not proof that José is an embezzler.
   d. lose, because the publication element is not satisfied.

   Answer: A
   The basis of the tort of defamation is publication of a statement that holds an individual up to contempt, ridicule, or hatred. Publication means that statements are made to or within the hearing of persons other than the defamed party. Dictating a letter to a secretary constitutes publication; a secretary reading a letter constitutes publication.

4. Online Services Company (OSC) is an internet service provider. Ads Unlimited, Inc., sends spam to OSC's customers, and some of them then cancel OSC's services. Ads Unlimited is most likely liable for
   a. intentional infliction of emotional distress.
   b. disparagement of property.
   c. fraud.
   d. wrongful interference with a business relationship.

   Answer: C
   Trespass to personal property is intentional physical contact with another's personal property that causes damage. Sending spam through an Internet service provider (ISP) is intentional contact with the ISP's computer systems. A negative impact on the value of the ISP's equipment, by using its processing power to transmit e-mail, constitutes damage (the resources are not available for the ISP's customers). Also, service cancellations harm an ISP's business reputation and goodwill.

5. Bio Box Company advertises so effectively that Product Packaging, Inc., stops doing business with Styro Cartons, Inc. Bio is
   a. liable to Styro for wrongful interference with a contractual relationship.
   b. liable to Styro for wrongful interference with a business relationship.
   c. liable to Styro for disparagement of property.
   d. not liable.

   Answer: D
   Advertising is bona fide competitive behavior, which is not a tort even if it results in the breaking of a contract. Obtaining more customers is one of the goals of effective advertising.

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6. Rimsha borrows Desmond's iPad. When he asks for his iPad back, Rimsha says that she gave it to Austen as a birthday gift. In this situation, Desmond can sue Rimsha for
   a. conversion.
   b. fraud.
   c. wrongful interference.
   d. nothing.

   Answer: A
   Conversion is any act depriving an owner of personal property without the owner's permission or just cause. When, as in this question, property is wrongfully kept from its owner, conversion occurs. Conversion is the civil side of crimes related to theft.

7. Banele buys a warehouse with a defective waste disposal system. He replaces part of the system and puts the property up for sale. His marketing sheet states, "Disposal system totally new—each part totally replaced." Relying on this representation, Kris buys the warehouse. Banele is most likely liable for
   a. conversion.
   b. disparagement of property.
   c. fraud.
   d. nothing.

   Answer: C
   A misrepresentation can lead a person to believe in a condition that is different from the condition that actually exists. Intentional misrepresentation is fraud. Besides a knowing misrepresentation, the tort requires justifiable reliance on the misrepresentation, an injury as a result, and a causal connection between the misrepresentation and the injury.

8. Driving his car negligently, Cam crashes into a light pole. The pole falls, smashing through the roof of a house onto Tanner, who is killed. But for Cam's negligence, Tanner would not have died. Regarding Tanner's death, Cam's crash is the
   a. cause in fact.
   b. proximate cause.
   c. intervening cause.
   d. superseding cause.

   Answer: A
   To satisfy the elements of a negligence cause of action, a breach of a duty of care must cause the harm. If an injury would not have occurred without the breach, there is causation in fact. Causation in fact can usually be determined by the but-for test: But for the wrongful act, the injury would not have occurred.

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Answering More Legal Problems

1. During a professional hockey game, Anton, a player for the Devils, collides with Alexei, a player for the Bruins, and falls, hitting his head hard against the ice. Dazed, Anton tells his coach that he thinks he might have a concussion. The coach orders him to "man up" and get back in the game. Anton suffers a second collision with Alexei and is removed from the game unconscious. He is later diagnosed with a brain injury.

   Has a tort been committed? If so, what is it, and who committed it? What is this party's best defense? The tort that has most likely been committed is _____. The elements are (1) a duty of care, (2) a breach of the duty, and (3) the breach's causation of (4) an injury. The coach has a duty to exercise _____care within the context of the game. Ordering a player with a possible concussion to "man up" is likely not an exercise of reasonable care. This breach leads to further injuries to Anton. The coach's best defense is _____ _____ _____. A party who voluntarily enters into a situation—such as a hockey game—knowing the risk involved cannot recover if the party suffers an injury as a consequence. The requirements are knowledge of the risk and a voluntary assumption of it. As a player of the game, Anton most likely meets both requirements.

   Answer:
   negligence; reasonable; assumption of risk

2. Fernanda is an assistant to the undergraduate dean at State University. As part of her duties, she helps students qualify for various summer internship programs around the state. The student website publishes an article about the university's success in placing students in these programs. The article includes a photo of Fernanda with the caption that reads "Director of Dirty Little Secrets." Fernanda files a lawsuit against the student website, arguing that the insult implies that she does not conduct herself ethically while doing her job.

   Which tort is most likely the basis for Fernanda's claim? How does it apply to these facts? The tort most likely to form the basis for Fernanda's complaint is _____. To establish this tort, a plaintiff must prove that the defendant made a false _____ of _____. This must _____ the plaintiff's reputation, and it must be _____. Here, the defendant's best defense is that the phrase is not _____. It may be in bad taste, but it cannot be read as stating a _____. The article otherwise appears to present a positive view of Fernanda.

   Answer:
   defamation; statement; fact; harm; false; factual; fact

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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.

Learning Outcomes

The following objectives are addressed in this chapter:

- Define "law.
- List the major sources of law.
- Identify the supreme law of the land.
- Distinguish different global legal systems.

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What's New in This Chapter

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

- New **Conflict Presented** on OpenAI's use of a computer-generated voice that sounded similar to the voice of actress Scarlett Johansson.
- New **Real Case** on the constitutionality of a Texas law that prohibited large social media companies from regulating the content of users' postings.
- New **Real Law** critical thinking question on *stare decisis*. Should Gateway Hotels be awarded attorney's fees after successfully defending itself against a nonfrivolous lawsuit claiming that its website did not comply with the ADA?
- New **Ethical Question** concerns whether federal government should be able to require that employees working under certain federal contracts be vaccinated against COVID-19.

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Chapter Outline

I. What Is Law (PPT Slides 3)

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

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b. Many sets of rules declare what is right and what is wrong (from religion, philosophy, and scholarly sources or those that arise from peer pressure, customs, and social conventions).
c. To be effective, rules must be enforced with penalties when they are broken.
d. **Law** — Enforceable rules governing individuals and their society

II. Business Activities and the Legal Environment (PPT Slides 4–6)

a. Knowledge of the laws and regulations governing business is essential to making good business decisions.
b. The study of business law also involves an ethical dimension.
c. Many different laws can affect a single business transaction
d. The role of law in small business covers everything from HR, to financing, to advertising.

III. Sources of American Law (PPT Slides 7–13)

a. The Common Law
    i. **Common law** — A body of law developed from court decisions
        - Originated in medieval England
        - **Precedent** — A court decision that guides subsequent decisions
        - **Case Law** — Rules of law announced in court decisions
    ii. The Doctrine of Precedent
        - **Stare decisis** — A doctrine under which judges follow established precedents
        - **Jurisdiction** — The authority of a court to decide a specific dispute
        - **Action** — A court proceeding to enforce or protect a right or to redress or prevent a wrong
    iii. Departures from Precedent
        - A court may decide that a precedent is incorrect or that a change in society or technology has rendered it inapplicable.
        - Sometimes, there is no precedent, or there are conflicting precedents.
    iv. Equity
        - **Remedy** — The means to enforce a right or compensate for a wrong
        - **Damages** — Money sought as a remedy for a harm suffered
        - **Equity** — Fairness; types of relief other than legal remedies
        - **Injunction** — A court order to do or not do a certain act

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b. Constitutional Law
    i. The U.S. Constitution is the supreme law of the land and will take precedence over state constitutions.
    ii. Unless it conflicts with the U.S. Constitution, a state constitution is supreme within the state's borders.
c. Statutory Law
    i. **Statutory law** — Laws enacted by a legislative body
    ii. Statutes are enacted by legislatures (Congress). This type of law also includes ordinances passed by cities and states.
    iii. Each state has the option to adopt a uniform law (or even a part of the uniform law). Examples include the Uniform Commercial Code (UCC).
d. Administrative Law
    i. **Administrative law** — The rules, orders, and decisions created by administrative agencies
    ii. Rules issued by administrative agencies affect almost every aspect of a business's operations.
e. Knowledge Check 1 (PPT Slide 13)
    i. Which of the following are sources of American Law?
    ii. Answer: D. All of the Above (State Legislative Bodies, Administrative Agencies, U.S. Constitution)

IV. Civil Law Versus Criminal Law (PPT Slides 14–15)

a. **Civil law** — Law that defines and enforces all private and public rights, as opposed to criminal matters
b. **Criminal law** — Law that defines crimes and subjects criminals to punishment
c. Criminal acts are prohibited by local, state, or federal government statutes.
d. Knowledge Check 2 (PPT Slide 15)
    i. A suit involving breach of contract would be covered by:
    ii. Answer: B. Civil law

V. National Law Around the World (PPT Slide 16)

a. Common law systems: United States, Australia, Canada, India
b. **Civil law system** — a legal system based on a statutory code
    i. Civil law systems are based on codified law where the primary source of law is a statutory code and precedents do not bind courts.
    ii. Used by most European nations, countries that were once their colonies, and Louisiana.

VI. International Law (PPT Slide 17)

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a. **International law** — The law that governs relations among nations
b. It consists of a body of written and unwritten laws observed by independent nations that governs the acts of individuals as well as governments (Examples: international customs and treaties).
c. 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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APPENDIX—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 templates as you wish.

WRITING RUBRIC [40 POINTS]

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 contains two or fewer grammatical and spelling errors. 5 points	The assignment contains three to five grammatical and spelling errors. 3 points	The assignment is incomplete or unintelligible. 0 points

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Discussion Rubric [30 points]

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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