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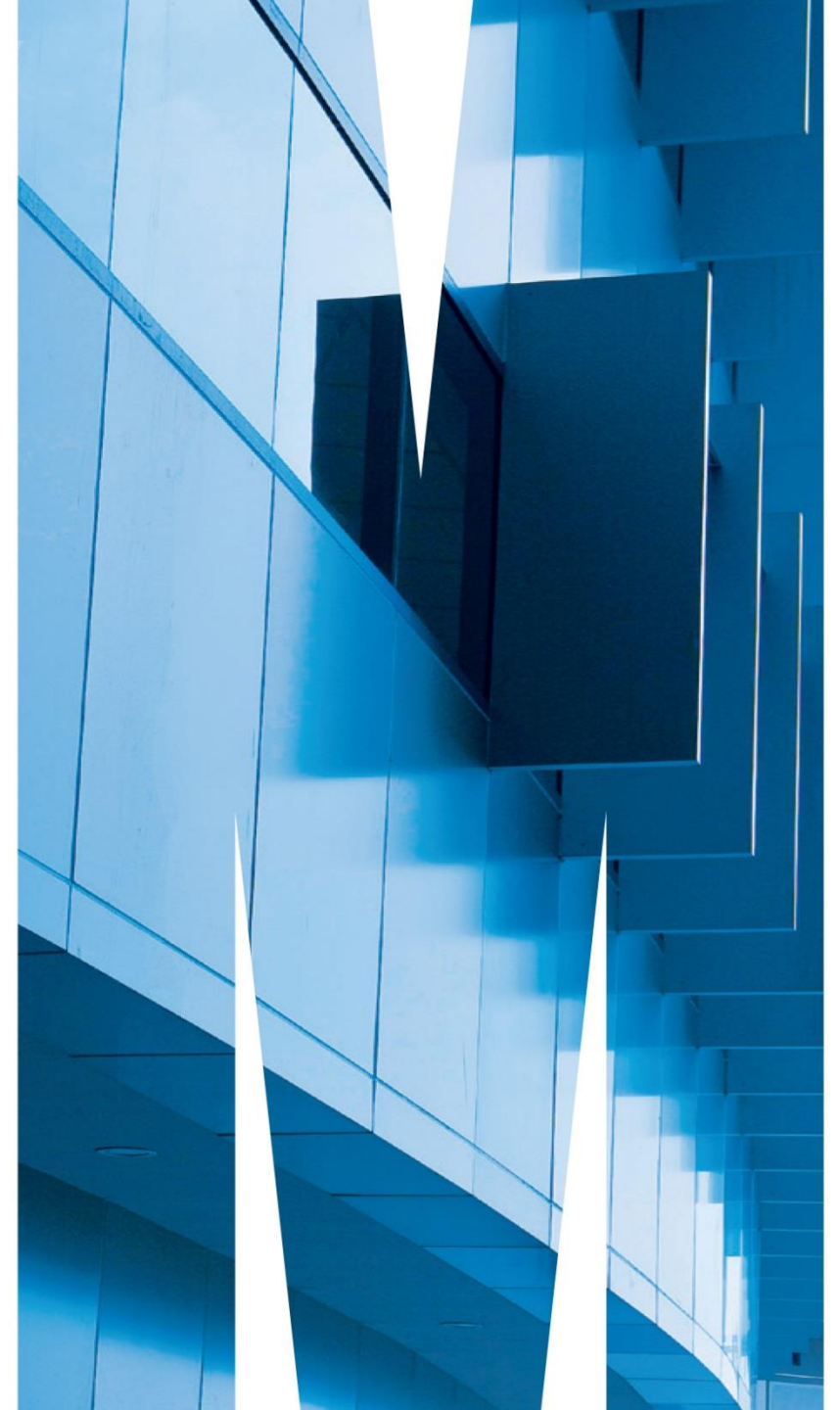
Using the Researcher Skill Development Framework
to Construct Marking Rubrics for Law Assessments



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Using the RSD Framework to Construct Marking Rubrics for Law Assessments

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Practice paper documenting the use of the RSD framework in constructing:

(a) assignment marking rubrics for in-semester assessments of International Trade Law, a core unit under the Master of International Business (MIB) programme in Monash University Malaysia; and

(b) conference paper marking rubrics for an undergraduate conference, Genderworks: Dialogue and Action Across Our Differences.



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Why and how the RSD framework was aligned to learning outcomes and the key assessment criteria for law assignments particularly for units taken by non-law postgraduate students.

Used to create objective marking criterion for undergraduate conference papers.

There is a need to obtain student feedback and reflection on the *effectiveness* of the RSD for law assignments.

Why the RSD?

- Attended workshop in Sept 2016 - RSD introduced as a non-prescriptive framework that provided a structure through which higher education academics can teach research skills to undergraduate & postgraduate students.
- RSD malleable enough to incorporate into assessment design and key marking criteria.
- First hurdle - can RSD be used for law assessments?
- Second hurdle - students were not law students.
- So how to align RSD to law-based assessment criteria and legal research, as well as relevant learning outcomes for business students?

- Practice gap incorporating research skills in the MIB unit International Trade Law, as previous focus of law assessment was “problem-based” rather than “research-based”.
- Problem-based teaching approach - uses legal reasoning method known as “Issue Rule Application Conclusion” or IRAC method of analysis. A linear method - legal issues identified, relevant laws, applying the law to the issues, and conclude.
- Purpose of IRAC - to inculcate legal reasoning skills and train students to “think like a lawyer”. But the MIB students are not law students.

- Current approach to teaching law for non-law students is problem-based, the 'environmentalist' or contextual approach - how is the law relevant to business?
- Gaps in incorporating a research framework - which is relevant for *postgraduate* students undertaking a law unit. A higher standard of research-informed curriculum and assessment is required.
- How to fill this gap?
 - 1st step - how is the *law* relevant to business students?
 - 2nd step - to what extent is research relevant to *postgraduate* business students?

How the RSD was utilised.

- International Trade Law for MIB.
- There was a need to infuse both legal and research skills into assessment questions and criteria as well as marking rubrics. RSD became useful.
- Process - Monash University Malaysia librarians and learning advisors - crucial stakeholders, assisting with continuous suggestions and feedback. On-going dialogue has kept the assessment rubric fluid and flexible.
- Attempts made to align RSD facets to IRAC Method and humanities/social-science type essay writing criteria.

Marking Rubric (Annex 1)

Annex 1: Rubric for International Trade Law (Semester 2 2017) In-Semester Assessment *

Criterion	High Distinction (80-100)	Distinction (70-79)	Credit (60-69)	Pass (50-59)	Fail (49-0)
Embark and Clarify <input type="checkbox"/> Aligned with the assessment task/question. *Evident from the introduction/overall arguments in the answer.	<ul style="list-style-type: none"> Establishes a <i>very strong</i> connection to the task/question. Identifies <i>all</i> the relevant legal issues and sets the scope of the task <i>very well</i>. 	<ul style="list-style-type: none"> Establishes a <i>strong</i> connection to the task/question. Identifies <i>most</i> of the relevant legal issues and sets the scope of the task <i>well</i>. 	<ul style="list-style-type: none"> Establishes an <i>adequate</i> connection to the task/question. <i>Adequately</i> identifies the relevant legal issues and <i>adequately</i> sets the scope of the task. 	<ul style="list-style-type: none"> Establishes a <i>weak</i> connection to the task/question. Identifies <i>some</i> of the relevant legal issues and <i>somewhat</i> sets the scope of the task. 	<ul style="list-style-type: none"> <i>No or very weak connection</i> to the task/question. <i>No or very little</i> identification of the relevant legal issues; <i>fails</i> to set the scope of the task.
Total Marks: [15]	[12.0 – 15.0]	[10.5 – 11.9]	[9.0 – 10.4]	[7.5 – 8.9]	[0 – 7.4]
Find and Generate <input type="checkbox"/> Relevance and credibility of sources. <input type="checkbox"/> Diverse source base includes scholarly books, journal articles, statutes & legal cases. *Evident from footnotes/reference list.	<ul style="list-style-type: none"> Sources are <i>all highly</i> relevant and credible, well-chosen, and <i>numerous</i> (eight and above). <i>Very diverse</i> source base. 	<ul style="list-style-type: none"> Sources are <i>mostly</i> relevant and credible, well-chosen, and, <i>sufficiently numerous</i> (six to seven). <i>Diverse</i> source base. 	<ul style="list-style-type: none"> Sources are <i>reasonably</i> relevant, credible, well-chosen, and <i>adequate</i> in number (four to five). <i>Sufficiently diverse</i> source base. 	<ul style="list-style-type: none"> Sources are <i>mostly irrelevant</i>, not credible nor well-chosen and <i>few</i> in number (three to four). <i>Somewhat narrow</i> or similar source base. 	<ul style="list-style-type: none"> Sources are <i>all irrelevant</i>, not credible nor well-chosen and <i>very few</i> in number (two to none). <i>Excessively narrow</i> or similar source base.
Total Marks: [20]	[16 – 20]	[14 – 15.8]	[12 – 13.8]	[10 – 11.8]	[0 – 9.8]
Evaluate and Reflect <input type="checkbox"/> Quality and strength of analysis and knowledge <input type="checkbox"/> Key arguments *Evident from the body of the answer.	<ul style="list-style-type: none"> Demonstrates <i>very high</i> degree of originality and complexity in clear and direct response to key aspects of the question. <i>Fully accurate</i> understanding of relevant knowledge. <i>Very strong analysis</i> and <i>highly analytical</i>. <i>Highly original</i> and <i>very clear</i> argumentation 	<ul style="list-style-type: none"> Demonstrates <i>high</i> degree of originality and complexity in clear and direct response to key aspects of the question. <i>Mostly accurate</i> understanding of relevant knowledge. <i>Strong analysis</i> and <i>more analytical</i> than narrative. <i>Mostly original</i> and <i>clear</i> argumentation. 	<ul style="list-style-type: none"> Demonstrates <i>adequate</i> degree of originality and complexity in clear and direct response to key aspects of the question. <i>Adequately accurate</i> understanding of relevant knowledge. <i>Sufficient analysis</i>; <i>more narrative</i> than analytical. <i>Lacks originality</i> but <i>sufficiently clear</i> argumentation. 	<ul style="list-style-type: none"> Demonstrates <i>inadequate</i> degree of originality and complexity in clear and direct response to key aspects of the question. <i>Somewhat inaccurate</i> understanding of relevant knowledge. <i>Insufficient analysis</i>; <i>mostly narrative</i>. <i>Very little originality</i> and <i>unclear</i> argumentation. 	<ul style="list-style-type: none"> <i>Fails</i> to directly respond to and address the key aspects of the question. <i>Fully inaccurate</i> understanding of relevant knowledge. <i>Excessively or fully narrative</i>, with <i>no analysis</i>. <i>No originality</i> and no clear argumentation.
Total Marks: [20]	[16 – 20]	[14 – 15.8]	[12 – 13.8]	[10 – 11.8]	[0 – 9.8]

Marking Rubric (Annex 1)

Criterion	High Distinction (80-100)	Distinction (70-79)	Credit (60-69)	Pass (50-59)	Fail (49-0)
Organise and Manage <input type="checkbox"/> Plan and Structure *Evident from the overall answer.	<ul style="list-style-type: none"> Very clear/excellent identification and separation of relevant ideas and arguments with details. Very strong structure, with very clearly outlined arguments, provides very strong introduction and conclusion. 	<ul style="list-style-type: none"> Clear/good identification and separation of relevant ideas and arguments with details. Strong structure, with clearly outlined arguments, provides strong introduction and conclusion. 	<ul style="list-style-type: none"> Sufficiently clear identification and separation of relevant ideas and arguments with details. Sufficient structure, with sufficiently outlined arguments, provides adequate introduction and conclusion. 	<ul style="list-style-type: none"> Somewhat unclear identification and separation of relevant ideas and arguments with details. Weak structure, that lacks a clear contention, with some outlined arguments, provides weak introduction and conclusion. 	<ul style="list-style-type: none"> Very unclear identification and separation of relevant ideas and arguments with details. Very weak structure, with no outlined arguments, provides very weak or no introduction and conclusion.
Total Marks: [15]	[12.0 – 15.0]	[10.5 – 11.9]	[9.0 – 10.4]	[7.5 – 8.9]	[0 – 7.4]
Analyse and Synthesise <input type="checkbox"/> Development of analysis *Evident from the final conclusion of the answer.	<ul style="list-style-type: none"> Final conclusion very coherently and logically links arguments from paragraph to paragraph. Provides a very strong, clear and concise final conclusion, fully synthesising and linking all the key arguments made. 	<ul style="list-style-type: none"> Final conclusion coherently and logically links arguments from paragraph to paragraph. Provides a strong, clear and concise final conclusion, synthesising and linking all the key arguments made. 	<ul style="list-style-type: none"> Final conclusion adequately links arguments from paragraph to paragraph, with minor shortcomings. Provides an adequate, and sufficiently clear and concise final conclusion, with minor shortcomings in synthesising and linking key arguments made. 	<ul style="list-style-type: none"> Final conclusion inadequately links arguments from paragraph to paragraph, with major shortcomings. Provides an inadequate, and insufficiently clear and concise final conclusion, with major shortcomings in synthesising and linking key arguments made. 	<ul style="list-style-type: none"> No or very weak final conclusion which fails to links arguments from paragraph to paragraph. Provides no or very weak final conclusion, with no synthesis/linking of key arguments made (if any).
Total Marks: [15]	[12.0 – 15.0]	[10.5 – 11.9]	[9.0 – 10.4]	[7.5 – 8.9]	[0 – 7.4]
Communicate and Apply <input type="checkbox"/> Written expression: language and grammar <input type="checkbox"/> Use of Australian Guide to Legal Citation (AGLC) Referencing Style and List of References.	<ul style="list-style-type: none"> Writing style is very clear and concise with very few or no errors in English grammar, spelling, and punctuation; no typographical errors. Very effective/ excellent articulation of ideas. All correct and consistent citations according to AGLC referencing style. Provides a fully complete list of references. 	<ul style="list-style-type: none"> Writing style clear and coherent with few minor errors in English grammar, spelling, and punctuation; few minor typographical errors. Effective/ good articulation of ideas. Almost all correct and consistent citations with few minor errors in AGLC referencing style. Provides an almost complete list of references. 	<ul style="list-style-type: none"> Writing style adequately clear with frequent minor errors in English grammar, spelling, and punctuation; frequent minor typographical errors. Generally effective articulation of ideas. Generally correct and consistent citations with frequent minor errors in AGLC referencing style. Provides an adequate list of references. 	<ul style="list-style-type: none"> Writing style unclear or incoherent. Few major errors in English grammar, spelling, and punctuation; few major typographical errors. Poor quality of writing impedes the author's ability to articulate ideas. Incorrect and inconsistent citations with few major errors in AGLC referencing style. Provides an inadequate list of references. 	<ul style="list-style-type: none"> Writing style very unclear or very incoherent. Frequent major errors in English grammar, spelling, and punctuation; frequent major typographical errors. Very poor quality of writing which seriously impedes the author's ability to articulate ideas. Fails to use AGLC referencing style. Fails to provide any list of references.
Total Marks: [15]	[12.0 – 15.0]	[10.5 – 11.9]	[9.0 – 10.4]	[7.5 – 8.9]	[0 – 7.4]

- **“Embark and Clarify”** → Identifying the Legal *Issue*;
- **“Find and Generate”** → Identifying the Relevant *Rule(s)*;
- **“Evaluate and Reflect”** → *Applying* the Rules/Laws to the Legal Issue;
- **“Analyse and Synthesis”** → Ascertain the *Conclusion*.
- **“Organise and Manage” & “Communicate and Apply”**
→ Structuring the answer, linking arguments, legal citation and referencing.

- By using the RSD and IRAC Method in the marking rubrics, the students were encouraged to use both research skills and legal analytical skills.
- Comparing results - students who used the rubric scored better marks for the in-semester assessments.
- Future - there is a need to *measure* student feedback. Informal feedback suggests
- Future plan for *curriculum design* - in order to construct a research-based unit.

How the RSD was utilised.

- Genderworks Conference
- Interdisciplinary conference on gender and law themes including human rights, media and politics.
- Mostly law students took part, but included students undertaking gender studies, engineering, and medicine. Diverse - from both HASS and STEM.
- A need to construct a “neutral” rubric. RSD was used, but this time not aligned to the law problem-based approach. More focused on HASS/social science criteria in research assignments.
- RSD provided “objective” criteria. Three judges marked the papers - during moderation found that marks were allocated fairly due to objective criterion.

Marking Rubric (Annex 2)

Annex 2: Rubric for Papers Submitted to the Genderworks Undergraduate Conference*



Criterion	EXCELLENT (80-100)	GOOD (60-79)	AVERAGE (40-59)	POOR (0-39)	COMMENTS/MARKS
1. Embark and Clarify <input type="checkbox"/> <i>Aligned with conference track/theme.</i> <i>*Evident from the introduction/overall arguments in the paper.</i>	<ul style="list-style-type: none"> Establishes a <i>very strong connection</i> to conference theme (gender) and relevant track. Identifies <i>all</i> the relevant issues/arguments and sets the scope of the paper <i>very well</i>. 	<ul style="list-style-type: none"> Establishes a <i>generally strong connection</i> to conference theme (gender) and relevant track. Identifies <i>most</i> of the relevant issues/arguments and sets the scope of the paper <i>well</i>. 	<ul style="list-style-type: none"> Establishes an <i>adequate connection</i> to conference theme (gender) and relevant track. Identifies <i>some</i> of the relevant issues/arguments and <i>adequately</i> sets the scope of the paper. 	<ul style="list-style-type: none"> <i>Weak/poor</i> connection to conference theme (gender) and relevant track. <i>Missing or flawed</i> identification of the relevant issues/arguments and poorly sets the scope of the paper. 	▪ []
Total Marks: [15]	[12.0 – 15.0]	[9.0 – 11.9]	[6.0 – 8.9]	[< 5.9]	
2. Find and Generate <input type="checkbox"/> <i>Relevance and credibility of sources.</i> <input type="checkbox"/> <i>Diverse source base includes: e.g. books, journal articles, statutes, legal cases and commentaries, newspaper articles.</i> <i>* Evident from footnotes/endnotes/ reference list.</i>	<ul style="list-style-type: none"> Sources are <i>all</i> relevant and credible, well-chosen, and <i>numerous</i> (eight and above). <i>Very</i> diverse source base. 	<ul style="list-style-type: none"> Sources are <i>mostly</i> relevant and credible, well-chosen, and, <i>sufficiently numerous</i> (six to seven). <i>Sufficiently</i> diverse source base. 	<ul style="list-style-type: none"> Sources are reasonably relevant, credible, well-chosen, and <i>adequate</i> in number (four to five). <i>Somewhat narrow</i> or similar source base. 	<ul style="list-style-type: none"> Sources are mostly irrelevant, not credible nor well-chosen and <i>very few</i> in number (less than four). <i>Excessively narrow</i> or similar source base. 	▪ []
Total Marks: [20]	[16.0 – 20.0]	[12 – 15.9]	[8.0 – 11.9]	[< 7.9]	
3. Evaluate and Reflect <input type="checkbox"/> <i>Quality and strength of analysis and knowledge.</i> <input type="checkbox"/> <i>Key arguments</i> <i>*Evident from the body of the paper.</i>	<ul style="list-style-type: none"> Demonstrates <i>very high</i> degree of originality and complexity in clear and direct response to key aspects of the conference theme/ track. <i>Fully</i> accurate understanding of relevant knowledge. <i>Very strong</i> analysis. <i>Highly original</i> and clear argumentation. Uses sources <i>very effectively</i> in support of arguments. 	<ul style="list-style-type: none"> Demonstrates <i>sufficiently high</i> degree of originality and complexity in clear and direct response to key aspects of the conference theme/ track. <i>Mostly</i> accurate understanding of relevant knowledge. <i>More analytical</i> than narrative. <i>Sufficiently original</i> and clear argumentation. Uses sources <i>effectively</i> in support of arguments. 	<ul style="list-style-type: none"> Demonstrates <i>small</i> degree of originality and <i>adequate</i> complexity in clear and direct response to key aspects of the conference theme/ track. <i>Adequately</i> accurate understanding of relevant knowledge. <i>More narrative</i> than analytical. <i>Somewhat</i> clear argumentation. Uses sources <i>adequately</i> in support of arguments. 	<ul style="list-style-type: none"> Demonstrates <i>inadequate</i> complexity in clear and direct response to key aspects of the conference theme/ track. <i>Inaccurate</i> understanding of relevant knowledge or source base. <i>Excessively narrative</i> with very little analysis. <i>Unclear</i> argumentation. <i>Inadequate</i> use of sources in support of arguments. 	▪ []

Marking Rubric (Annex 2)

Criterion	EXCELLENT (80-100)	GOOD (60-79)	AVERAGE (40-59)	POOR (0-39)	COMMENTS/MARKS
4. Organise and Manage <input type="checkbox"/> <i>Plan and Structure</i>	<ul style="list-style-type: none"> Very clear/excellent identification and separation of relevant ideas and arguments with details. Very strong structure, with very clearly outlined arguments, provides very strong introduction and conclusion. 	<ul style="list-style-type: none"> Sufficiently clear identification and separation of relevant ideas and arguments with details. Sufficiently strong structure, with clearly outlined arguments, provides sufficiently strong introduction and conclusion. 	<ul style="list-style-type: none"> Some identification and separation of relevant ideas and arguments with adequate details. Adequate structure, with adequately outlined arguments, provides an introduction and conclusion but with some shortcomings. 	<ul style="list-style-type: none"> Some distinction of ideas but not consistent. Disorganised or weak structure that lacks a clear contention, introduction and conclusion, or provides an introduction and conclusion with many shortcomings. 	<ul style="list-style-type: none"> []
Total Marks: [15]	[12.0 – 15.0]	[9.0 – 11.9]	[6.0 – 8.9]	[< 5.9]	
5. Analyse and Synthesise <input type="checkbox"/> <i>Arguments and data are critically synthesised to produce coherent understanding. * Evident from the final conclusion or outcome of the paper.</i>	<ul style="list-style-type: none"> Final conclusion very coherently and logically links arguments from paragraph to paragraph. Provides a very strong, clear and concise final conclusion, fully synthesising and linking all the key arguments made. 	<ul style="list-style-type: none"> Final conclusion coherently and logically links arguments from paragraph to paragraph. Provides a sufficiently strong clear and concise final conclusion, sufficiently synthesising and linking all the key arguments made. 	<ul style="list-style-type: none"> Final conclusion adequately links arguments from paragraph to paragraph, with some shortcomings. Provides an adequate, clear and somewhat concise final conclusion, with shortcomings in synthesising and linking all the key arguments made. 	<ul style="list-style-type: none"> Final conclusion inadequately links arguments from paragraph to paragraph, with serious shortcomings. Provides an inadequate, unclear or verbose conclusion, with serious shortcomings in synthesising and linking all the key arguments made. 	<ul style="list-style-type: none"> []
Total Marks: [15]	[12.0 – 15.0]	[9.0 – 11.9]	[6.0 – 8.9]	[< 5.9]	
6. Communicate and Apply <input type="checkbox"/> <i>Written expression: Language and grammar.</i> <input type="checkbox"/> <i>Referencing Style and List of References appropriate to discipline (e.g. OSCOLA, Bluebook or AGLC for law, Harvard, APA or Chicago for humanities and social sciences).</i>	<ul style="list-style-type: none"> Writing style is very clear and concise with very few or no errors in English grammar, spelling, and punctuation. Very effective articulation of ideas. All correct and consistent citations according to chosen referencing style. Provides a fully complete list of references. 	<ul style="list-style-type: none"> Writing style clear and coherent with minor errors in English grammar, spelling, and punctuation, as well as minor typographical errors. Effective articulation of ideas. Almost all correct and consistent citations with some minor errors in referencing. Provides an almost complete list of references. 	<ul style="list-style-type: none"> Writing style adequately clear with frequent errors in English grammar, spelling, and punctuation. Frequent typographical errors. Generally effective articulation of ideas. Generally correct and consistent citations with frequent errors in referencing. Provides an adequate list of references. 	<ul style="list-style-type: none"> Writing style unclear or incoherent. Major errors in English grammar, spelling, and punctuation. Major typographical errors. Poor quality of writing impedes the author's ability to articulate ideas. Incorrectly cites sources and/or inconsistent referencing style. Provides an inadequate list of references. 	<ul style="list-style-type: none"> []

Concluding Remarks

- Reflection based on experience “experimenting” on the RSD for two marking rubrics - the MIB postgraduate unit, and undergraduate conference.
- RSD can be used for law-based assessment, incorporating legal methods of analysis and legal essay writing. Requires a shift in “thinking”.
- RSD works well with conference papers - especially if there are more than one ‘judge’.
- Next step- obtaining student feedback and using the RSD for curriculum design.

THANK YOU