



7-1-2007

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Recommended Citation

Dhooge, L. J., & Eakin, C. F. (2007). Student Ratings and Evaluation in Undergraduate Business Law Courses: A Modest Correlative Study. *Journal of Legal Studies Education*, 24(2), 203–234. DOI: [10.1111/j.1744-1722.2007.00039.x](https://doi.org/10.1111/j.1744-1722.2007.00039.x)
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Student Ratings and Evaluation in Undergraduate Business Law Courses: A Modest Correlative Study

Lucien J. Dhooge* and Cynthia F. Eakin**

Good teaching is one-fourth preparation and three-fourths theatre.¹

INTRODUCTION

There are few topics more controversial in higher education than the evaluation of teaching effectiveness. The continuing relevancy of issues relating to what constitutes an effective teacher and methods by which to measure such effectiveness is evidenced by the more than 2,000 articles devoted to this topic by researchers in a wide variety of disciplines.²

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¹GAIL GODWIN, *THE ODD WOMAN* 49 (1974).

²See Judith D. Fischer, *How to Improve Student Ratings in Legal Writing Courses: Views from the Trenches*, 34 U. BALT. L. REV. 199, 200 (2004). See also Robin Wilson, *New Research Casts Doubt on Value of Student Evaluations of Professors*, CHRON. HIGHER EDUC., Jan. 16, 1998, at A12. The vast majority of research conducted in this area in the field of legal education is devoted to law schools with particular emphasis on research and writing courses. This is not surprising given the temporary nature of research and writing appointments and consequent pressure to receive positive ratings in order to secure reappointment or transition into a tenure track appointment. However, one recent article addresses ratings in legal environment of business courses. See Pamela Gershuny & Carolyn Rainey, *Nontraditional Students, Accelerated Programs, Grade Expectations and Instructor Evaluations*, 23 J. LEGAL STUD. EDUC. 123 (2006). However, Gershuny and Rainey's findings are of limited relevance to the study undertaken in this article to the extent they focus on ratings and expectations of nontraditional students, who are defined as those students twenty-four years of age or older, in accelerated programs. *Id.* at 124. The focus of the study set forth in this article is traditional undergraduate business students between the ages of eighteen and twenty-one years. As noted by Gershuny and Rainey, "[i]t is especially unwise to compare evaluations by nontraditional students with evaluations by traditional students." *Id.* at 137. See also Michael Theall, *Looking for Bias in All the Wrong Places: A*

The vast majority of these articles are devoted to student ratings of instructor effectiveness and how to improve such ratings.³

Despite these issues, student ratings are a routine and accepted part of every professor's professional life. Student ratings of instructor competence constitute a significant portion of the evaluative process regardless of the size of the institution. Student ratings play an important role in compensation decisions and, most importantly, in the awarding of promotion and tenure.⁴ Thus, junior faculty members seeking tenure and mid-level faculty planning on accession to full professorship are well advised to heed student ratings and strive to improve their scores. For some faculty, this may involve a reevaluation of course rigor and resultant inflation of grades in the hopes of currying favor reflected in subsequent higher ratings.⁵

Search for Truth or a Witch Hunt in Student Ratings of Instruction?, 109 NEW DIRECTIONS FOR INSTITUTIONAL RES. 47, 52 (2001) (contending that a more accurate approach to understanding student ratings takes into consideration student demographics, course enrollment, the ratio of enrolled students to those responding to the survey instrument, the level of the course, and whether the course is required or an elective). For a study on factors impacting student performance in a legal environment of business course, see Paul L. Frantz & Alex H. Wilson, *Student Performance in the Legal Environment Course: Determinants and Comparisons*, 21 J. LEGAL STUD. EDUC. 225 (2004) (concluding that the primary determinant of student performance is prior grade point average rather than gender-based learning differences).

³Fischer, *supra* note 2, at 200. As noted by Fischer, although many of the measurement instruments utilized by students to assess their professors are referred to as "student evaluation," the term "student ratings" has been adopted by the majority of researchers in the field. *Id.* at 200 n.1. The term "student ratings" is deemed more precise because student assessment instruments merely capture data that is subject to later evaluation by administrators and faculty in their individual capacities and as members of various committees, such as those devoted to teaching and promotion and tenure. *Id.* As such, we will use the terminology "student ratings" or "ratings" throughout this article.

⁴See, e.g., KENNETH DOYLE, *STUDENT EVALUATION OF INSTRUCTION* 44 (1975); Fischer, *supra* note 2, at 199 n.4; Kathleen E. McKone, *Analysis of Student Feedback Improves Instructor Effectiveness*, J. MGMT. EDUC. 396, 407 (1999); William A. Roth, *Student Evaluation of Law Teaching*, 17 AKRON L. REV. 609, 612 (1984); Paul T. Wangerin, *The Evaluation of Teaching in Law Schools*, 11 J. LEGAL EDUC. 87, 111 (1993).

⁵See, e.g., Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879, 889–90 (1997); Fischer, *supra* note 2, at 202; Ian Neath, *How to Improve Your Teaching Evaluations Without Improving Your Teaching*, 78 PSYCHOL. REP. 1363, 1365 (1996); Richard John Stapleton & Gene Murkison, *Optimizing the Fairness of Student Evaluations: A Study of Correlations Between Instructor Excellence, Study Production, Learning Production, and Expected Grades*, 25 J. MGMT. EDUC. 269, 279–84 (2001); Paul Trout, *How to Improve Your Teaching Evaluation Scores Without Improving Your Teaching!*, 7 MONT. PROFESSOR. 17, 19 (1997); David. D. Walter, *Student Evaluations—A Tool for Advancing Law Teacher Professionalism and Respect for Students*, 6 LEGAL WRITING 177, 190 (2000); Robert W. Weinbach, *Manipulations of Student Evaluations: No Laughing Matter*, 24 J. SOC. WORK EDUC. 27, 34 (1988).

This article reviews nine years of data and seeks to determine the relationship between student ratings in undergraduate business law courses and student expectations with respect to course grades at the time of completion of an evaluative instrument (Survey). The study examines student ratings in four separate courses encompassing thirty-eight separate sections and more than 1,100 students. The article initially examines applicable literature with respect to the relationship of grades to student ratings and the use of such ratings in the evaluative process. The article then discusses the methods of data collection through administration of the Survey and its utilization at the Eberhardt School of Business at the University of the Pacific.⁶ The article describes the surveyed courses and data evaluation techniques. Finally, the results of the study are set forth and analyzed with possible explanations. Based upon the data collected in this study, the article concludes that there is a negative correlation between student ratings and expected grades in lower-division law courses but a significantly positive correlation in upper-division law courses.

EVALUATION AND STUDENT RATINGS: A BRIEF SURVEY OF APPLICABLE LITERATURE

A significant portion of the literature devoted to discussion of student ratings emphasizes techniques by which instructors may increase their scores.⁷

⁶Founded in 1851, the University of the Pacific is a private coeducational institution with campuses located in Stockton, Sacramento, and San Francisco, California. See Pacific at a Glance, <http://www.pacific.edu/admission/ataglance/index.asp> (last visited June 1, 2007). The university offers eighty majors and eighteen graduate programs in ten schools and colleges. *Id.* Enrollment is 6,200 students, with more than 4,600 students located on the main campus in Stockton. *Id.* Eighty percent of students come from California with the remaining 20 percent from thirty other states and fifty foreign countries. *Id.* The ethnic background of students enrolled in the university is Caucasian (45 percent), Asian/Pacific Islander (28 percent), Hispanic (10 percent), African American (3 percent), Foreign (3 percent), Native American (1 percent), and Multiracial (1 percent). *Id.* Fifty-seven percent of the student body is female. *Id.* Enrollment in the Eberhardt School of Business is 650 undergraduates and 35 graduate students. The Eberhardt School of Business, An Esteemed Business School, at <http://www.pacific.edu/esb/eberhardt-business-school.html> (last visited June 1, 2007). The undergraduate and graduate programs are accredited by the Association to Advance Collegiate Schools of Business. *Id.* In addition, the university is accredited by the Western Association of Schools and Colleges.

⁷See, e.g., Peter A. Cohen, *Effectiveness of Student-Rating Feedback for Improving College Instruction: A Meta-Analysis of Findings*, 13 RES. IN HIGHER EDUC. 321, 332 (1980) (recommending mid-term evaluation of teaching performance by students as a method of improving final ratings); Fischer, *supra* note 2, at 205–10 (recommending improving relationships with students, being

A portion of this literature recommends grade inflation⁸ and lowering course rigor⁹ as methods by which instructors may increase their scores. Other commentators go beyond higher grades and the lowering of standards to recommend outright pandering to students.¹⁰ It has been noted that these methods may encourage instructors to act dishonestly and assumes they are incompetent to the extent that they cannot raise student ratings through effective instruction.¹¹ In addition, this portion of the

yourself, returning graded projects promptly, and being available to meet with students); James A. Kulik, *Student Ratings: Validity, Utility and Controversy*, 109 NEW DIRECTIONS FOR INSTITUTIONAL RES. 9, 15–16 (2001) (recommending midterm evaluation of teaching performance by students as a method of improving final ratings); Walter, *supra* note 5, at 192–218 (recommending professionalism (including clarity in evaluating student work, demonstrated substantive and pedagogical knowledge, preparation and organization, punctuality, fairness, availability outside of class, delivery, and attire) and respect for students (including creation of a friendly classroom atmosphere and empathy)).

⁸See, e.g., Fischer, *supra* note 2, at 202 (noting that “[s]everal scholars have advised those seeking higher ratings to inflate grades”); Anthony G. Greenwald & Gerald M. Gillmore, *Grading Leniency Is a Removable Contaminant of Student Ratings*, 52 AM. PSYCHOL. 1209, 1209–17 (1997) (concluding that giving higher grades will result in higher student ratings); Neath, *supra* note 5, at 1365 (advising professors to “grade leniently”); Trout, *supra* note 5, at 19 (advising professors to “[g]ive lots of high grades!”); Weinbach, *supra* note 5, at 32 (recommending utilization of generous curves on examinations).

⁹See, e.g., PETER SACKS, GENERATION X GOES TO COLLEGE: AN EYE-OPENING ACCOUNT OF TEACHING IN POSTMODERN AMERICA 99–102 (1996) (noting the connection between lowered course rigor and increases in student ratings); Fischer, *supra* note 2, at 202 (noting that “[s]everal scholars have advised those seeking higher ratings to . . . decrease course rigor”); Richard S. Markovits, *The Professional Assessment of Legal Academics: On the Shift from Evaluator Judgment to Market Evaluations*, 48 J. LEGAL EDUC. 417, 427 (1998) (condemning the lowering of standards in “pedagogically unjustified ways to secure better ratings”); Stapleton & Murkison, *supra* note 5, at 280–81 (noting a correlation between increased student workload and lower student ratings); Arthur M. Sullivan & Graham R. Skanes, *Validity of Student Evaluation of Teaching and the Characteristics of Successful Instructors*, 66 J. EDUC. PSYCHOL. 584, 588 (1974) (reporting that increased rigor contributes to lower student ratings); Trout, *supra* note 5, at 6–7 (contending that “lenient standards promote favorable ratings”); Weinbach, *supra* note 5, at 32–33 (referencing methods to lower rigor in order to obtain higher student ratings).

¹⁰See, e.g., Fischer, *supra* note 2, at 208 (noting the advice of a legal research and writing instructor to administer ratings forms at a time when students are “in a good mood” and in conjunction with “coffee and pastries or soda and pizza”); Trout, *supra* note 5, at 19 (advocating throwing a party for students as a method to improve ratings); Weinbach, *supra* note 5, at 31 (suggesting that instructors imply to their students that they are “a group of geniuses”).

¹¹Fines, *supra* note 5, at 889. Fines notes that the characterization of an instructor as an “easy grader” is “extremely values-laden.” *Id.* The label of “easy grader” may imply intellectual dishonesty to the extent that it is presumed the instructor awards grades on an illegitimate basis, such as avoidance of student differentiation, efforts to achieve popularity, increase

literature ignores evidence that rigorous courses generate higher student ratings than less challenging offerings.¹² Nevertheless, there remains a common belief among instructors that inflated grades and lowered expectations translate into higher student ratings.¹³

Despite this belief, there appears to be a number of factors that contribute to student ratings other than grades and course rigor. For example, several studies have suggested a correlation between the personal characteristics of the instructor and the students.¹⁴ Course characteristics, including objectives and organization, may also influence student ratings.¹⁵ The time when the ratings form is administered may also affect the outcome. There is some empirical support for the conclusion that instructors who award grades throughout the semester before students complete their evaluation forms may receive lower ratings as a result of student disappointment or unmet expectations.¹⁶

course enrollment, or improve ratings. *Id.* The label may also imply incompetence to the extent the instructor is unable to create a challenging learning environment or measurement instruments capable of discerning different abilities. *Id.* However, Fines also notes that so-called “easy graders” may be instructors “whose teaching and assessment methods have validity and whose students achieve at a high level because of that teaching.” *Id.* at 890.

¹²See, e.g., JOSEPH LOWMAN, *MASTERING THE TECHNIQUES OF TEACHING* 17 (2d ed. 1995); William E. Cashin, *Student Ratings of Teaching: The Research Revisited* 6 (IDEA, Working Paper No. 32, 1995), available at <http://www.idea.ksu.edu>. However, Fines notes that the “hard grader” may be subject to the same concerns regarding honesty and competency as the “easy grader.” Fines, *supra* note 5, at 890–91. “Hard graders” may be deemed incompetent to the extent they are unable to translate their expertise to a “novice level of communication,” thereby resulting in students unable to demonstrate their mastery of the topic. *Id.* “Hard graders” may also be criticized as dishonest if the intent underlying their standards is ego gratification or a concerted effort to maintain low enrollments, thereby minimizing teaching demands. *Id.* at 891. However, Fines also notes that such graders may be “operating on good faith determinations that high standards of quality can and must be maintained through the grading process.” *Id.*

¹³See, e.g., SACKS, *supra* note 9, at 99–102; Fines, *supra* note 5, at 889; Fischer, *supra* note 2, at 203; Markovits, *supra* note 9, at 427; James G. Nimmer & Eugene F. Stone, *Effects of Grading Practices and Time of Rating on Student Ratings of Faculty Performance and Student Learning*, 32 *RESEARCH IN HIGHER EDUC.* 195, 207–09 (1991).

¹⁴See, e.g., LOWMAN, *supra* note 12, at 5, 257; James M.E. Boyle, *The Role of Interpersonal Psychological Variables in Academic School Learning*, 25 *J. SCHOOL PSYCH.* 389, 390 (1987); Fines, *supra* note 5, at 890; Gershuny & Rainey, *supra* note 2, at 136–39; Walter, *supra* note 5, at 183.

¹⁵See, e.g., LOWMAN, *supra* note 12, at 5, 257; Boyle, *supra* note 14, at 390; Fines, *supra* note 5, at 890; Walter, *supra* note 5, at 183.

¹⁶See, e.g., VALEN E. JOHNSON, *GRADE INFLATION: A CRISIS IN COLLEGE EDUCATION* 52–57 tbl. 1, 63–68 tbl. 2 (2003); Richard Abel, *Evaluating Evaluations: How Should Law Schools Judge Teaching?*, 40 *J. LEGAL EDUC.* 407, 419 (1990); Fischer, *supra* note 2, at 208; Jan Levine, “*You Can’t*

However, the underlying importance of grades to students cannot be minimized. Although criticized as poor indicators of academic ability and content mastery, expectations with respect to course grades remain a significant influencing factor in student ratings.¹⁷ The grade the student expects to receive in the course when completing the evaluative instrument has a direct effect upon the student's rating.¹⁸ The degree of correlation between expected grades and student ratings has been characterized as "moderate to significant positive."¹⁹ Specifically, students receiving grades equal to or better than expected generally rated instructors higher than students whose grades did not match expectations.²⁰ Conversely, students who received disproportionately lower grades compared to the amount of time and effort devoted to the course gave lower ratings.²¹ This correlation becomes more pronounced to the extent students are able to predict their final grades with greater certainty.²²

As a result, there may be a disconnection between student ratings and learning. It is possible for a highly rated instructor to score relatively low with respect to student learning.²³ By contrast, an instructor receiving

Please Everyone, So You'd Better Please Yourself": Directing (or Teaching in) a First-Year Legal Writing Program, 29 VAL. U. L. REV. 611, 617 (1995); Walter, *supra* note 5, at 188.

¹⁷See, e.g., RAYMOND J. WLODKOWSKI & MARGERY B. GINSBERG, DIVERSITY AND MOTIVATION 276–77 (1995); Francis B. Evans, *What Research Says About Grading*, in DEGRADING THE GRADING MYTHS: A PRIMER OF ALTERNATIVES TO GRADES AND MARKS 30, 35 (Sidney B. Simon & James A. Bellanca eds. 1976); Fines, *supra* note 5, at 890; Stapleton & Murkison, *supra* note 5, at 279–84. *But see* Gershuny & Rainey, *supra* note 2, at 1133 (contending that "learning outcomes as measured by final grade do not correlate with higher evaluations for the instructor").

¹⁸JOHNSON, *supra* note 16, at 81–82; Fischer, *supra* note 2, at 203.

¹⁹See Howard K. Wachtel, *Student Evaluation of College Teaching Effectiveness, A Brief Review*, 23 ASSESSMENT & EVALUATION IN HIGHER EDUC. 191, 201 (1998) (finding a consensus that there is a "moderate positive correlation" between expected grades and student ratings). *See also* Walter, *supra* note 5, at 188–89 (finding "significant positive correlations" between student ratings, expected grades, and "the degree of congruence between the expected and actual grades").

²⁰See, e.g., Abel, *supra* note 16, at 418–19; Roth, *supra* note 4, at 611–12; Walter, *supra* note 5, at 189. *But see* Wangerin, *supra* note 4, at 112 (finding that student ratings are not "unduly influenced" by student grades or expectations).

²¹Walter, *supra* note 5, at 189. *See also* Wangerin, *supra* note 4, at 108.

²²Fines, *supra* note 5, at 889. *See also* Nimmer & Stone, *supra* note 13, at 207–09.

²³Stapleton & Murkison, *supra* note 5, at 279–84 (discussing a survey of twenty-nine instructors wherein four who received student ratings in the top 50 percent scored in the lower 50 percent in learning). *Accord* Miriam Rodin & Burton Rodin, *Student Evaluations of Teachers*, 177

low student ratings may score higher than expected with respect to student learning.²⁴ This incongruity serves to undermine the validity of student ratings.²⁵ It also demonstrates the inherent unfairness in utilizing student ratings as the sole assessment technique for determining teaching competence.²⁶ Rather, ratings should be utilized in conjunction with

SCIENCE. 1163, 1163–66 (1972) (finding a negative correlation between student ratings and learning). *But see* Herbert W. Marsh, *Students' Evaluation of University Teaching: Research Findings, Methodological Issues, and Directions for Future Research*, 11 INT'L J. EDUC. RES. 253, 253–388 (1987) (concluding that high student ratings are a reflection of increased student learning). Inherent in this discussion is the assumption that inexperienced teenage students are competent to rate highly educated instructors at all. *See, e.g.*, Peter A. Cohen, *Student Ratings of Instruction and Student Achievement: A Meta-Analysis of Multisection Validity Studies*, 51 REV. EDUC. RES. 281, 281–309 (1981). Regardless of how one assesses student competency in this regard, it is nevertheless problematic when ratings reflect a low perception of learning with respect to a given topic when in fact the students completing the evaluative instrument most likely entered the course without any particular knowledge in the topic whatsoever.

²⁴Stapleton & Murkison, *supra* note 5, at 279–84 (discussing a survey of twenty-nine instructors wherein four who received student ratings in the bottom 50 percent scored in the upper 50 percent in learning).

²⁵*See, e.g.*, Lawrence A. Braskamp, *Toward a More Holistic Approach to Assessing Faculty as Teachers*, 83 NEW DIRECTIONS FOR TEACHING & LEARNING 27 (2000) (criticizing administrators for their overemphasis on student ratings, which in turn, negatively impacts the quality of teaching by discouraging diversity in teaching styles and pedagogical innovation and decreasing sensitivity to individual student needs); Wangerin, *supra* note 4, at 100 (criticizing student ratings as unreliable and invalid in portraying “an accurate picture of a person’s teaching skills”); Weinbach, *supra* note 5, at 34 (questioning the validity of student ratings and characterizing them as “one rather suspect component of a total package of evaluation input”). Walter contends that student ratings are a valuable but limited source of information, as most instructors do not consistently receive negative ratings, ratings do not directly improve teaching, teaching is a complex activity that does not lend itself to irrefutable measurements, and students may not be qualified to evaluate all aspects of an instructor’s performance. Walter, *supra* note 5, at 181. *See also* Abel, *supra* note 16, at 454; Wangerin, *supra* note 4, at 99. As such, student ratings are invalid to the extent they do not evaluate what they are designed to evaluate. Walter, *supra* note 5, at 181. *See also* Abel, *supra* note 16, at 435. It bears noting that there are several different measures of validity. Content validity refers to whether the “measuring instrument measures that which it appears to measure” (facial validity) and whether the instrument “adequately samples the qualities of the behavior being evaluated” (sampling validity). DAVID NACHMIAS & CHAVA NACHMIAS, *RESEARCH METHODS IN THE SOCIAL SCIENCES* 141–42 (2d ed. 1981). By contrast, empirical validity refers to whether the measurement instrument is useful in predicting other outcomes. *Id.* at 142–44. Construct validity relates to the issue of whether the desired variables are realistically measured. *Id.* at 144–46. *See also* E. JERRY PHARES, *CLINICAL PSYCHOLOGY: CONCEPTS, METHODS AND PROFESSION* 240–43 (4th ed. 1991); DANIEL L. STUFFLEBEAM & ANTHONY J. SHINKFIELD, *SYSTEMIC EVALUATION* 101–02 (1985).

²⁶*See, e.g.*, Herbert W. Marsh, *Students' Evaluations of University Teaching: Dimensionality, Reliability, Validity, Potential Biases and Utility*, 76 J. EDUC. PSYCHOL. 707, 729 (1984) (advocating the

student performance, self-evaluation, and evaluation by third parties, including administrators, peers, and outsiders.²⁷ The data gathered from these multiple measures should be analyzed from a quantitative and qualitative standpoint, as well as through consideration of the instructor, and in the context of the course and student characteristics.²⁸ Nevertheless, despite their documented shortcomings, student ratings are often the primary measure of teaching competence and play an outsized role in the promotion and tenure decision-making processes.²⁹

STUDENT RATINGS AND THEIR UTILIZATION AT THE EBERHARDT SCHOOL OF BUSINESS

Data relating to student ratings is collected through administration of the Survey attached hereto as Appendix A. Surveys are administered by each faculty member during a class period selected by the instructor during the last two weeks of the semester. Results for each of the twenty-four questions are reported by the associate dean's office on a scale of one through five with a score of five representing the highest score possible. Although data is collected on all twenty-four questions, traditionally only the results of Questions 22–24 are reported to faculty at the beginning of the spring term for fall courses and during the summer for spring courses. Scores for these questions are reported numerically, as well as compared to the mean score for the entire faculty. Scores are confidential and are only reported to the dean's office and the individual

use of “multiple indicators of effective teaching whenever the evaluation of teaching effectiveness is to be used for personnel/tenure decisions”); Walter, *supra* note 5, at 180, n.12; Wangerin, *supra* note 4, at 100 (characterizing the use of student ratings as the exclusive measure of teaching competence “fundamentally unfair”).

²⁷See, e.g., Theall, *supra* note 2, at 52; Wangerin, *supra* note 4, at 100–17.

²⁸Walter, *supra* note 5, at 183. Walter also advises faculty to analyze student ratings with “a sense of perspective and humor.” *Id.*

²⁹See McKone, *supra* note 4, at 407 (acknowledging that, although improvement of student ratings should not be a professor's primary goal, “ratings are important to tenure and promotion and are an indicator of faculty teaching performance”). See also Theall, *supra* note 2, at 53 (criticizing universities for “simply send[ing] the instructor a computer printout that does little to help teachers improve teaching”); Walter, *supra* note 5, at 182 n.23 (criticizing the summative use of student ratings for promotion and tenure at the expense of formative uses for the purpose of improving teaching).

faculty member. Scores are not available to students or other faculty members.

The results of the Survey are used for three primary purposes. Initially, the scores for Questions 22–24 are discussed by individual faculty members with the dean every spring as part of each faculty member’s annual evaluation. These scores serve, in part, as the basis for salary increases. These scores may also serve as the basis for the dean’s decision with respect to the retention or dismissal of first- and second-year faculty.³⁰

Second, the scores for Questions 22–24 are disclosed by nontenured faculty members to the entire faculty as part of their third-year evaluation. This evaluative process occurs in the spring term of a faculty member’s third academic year and at least three years before the faculty member’s review for promotion and tenure.³¹ This review is conducted by the Faculty Evaluation Committee, which prepares a report evaluating the faculty member’s progress toward achieving promotion and tenure. This report is provided to the individual faculty member and the dean but is not disclosed to the faculty as a whole. The third-year review process is a development tool to provide feedback to faculty members as well as serve as a dry run for promotion and tenure. The results of the third-year evaluation are not reported to university administration.

Most importantly, the results of the Survey serve as primary evidence of teaching ability for purposes of promotion and tenure. The Faculty Evaluation Guidelines require faculty members to “strive to encourage excellence in the quality of teaching.”³² Fifty percent of an individual faculty member’s evaluation for purposes of promotion and tenure is based on teaching performance.³³ This evaluation is based on peer and student sources.³⁴ Peer evaluation focuses on course content and its

³⁰See EBERHARDT SCHOOL OF BUSINESS, UNIVERSITY OF THE PACIFIC, FACULTY EVALUATION GUIDELINES 6 (2005) (providing that evaluation of first- and second-year faculty is “normally conducted by the Dean of the School with input from individual faculty and students as required”).

³¹*Id.* Faculty granted credit toward tenure for three or more years of prior experience at other universities waive their right to a third-year evaluation. *Id.*

³²*Id.* at 1.

³³*Id.*

³⁴*Id.* at 2.

contribution to the curriculum.³⁵ This determination is made through review of syllabi, examinations, assignments, and other course-related materials.³⁶ Student evaluation is primarily based on delivery and course logistics.³⁷ Such evaluation specifically excludes content and student achievement.³⁸ Although the Guidelines do not specify the methods by which faculty may demonstrate excellence in teaching sufficient to satisfy the student component of the evaluative process, in practice this has focused almost exclusively on the ratings received for Questions 22–24 of the Survey.³⁹

A DESCRIPTION OF THE SURVEYED COURSES AND STUDENT RATINGS

BUSI 53—The Legal and Ethical Environment of Business

The courses utilized for purposes of comparison of student ratings with anticipated grades consisted of four undergraduate law courses. The primary course was the Legal and Ethical Environment of Business listed in the catalog as BUSI 53. This course is a lower-division course and the only law course included in the core curriculum. The course is a one-semester, four-unit course covering “[i]ntroduction to Law; court systems and jurisdiction; litigation and other methods of resolving disputes; ethical-decision-making; the Constitution and business; lawmaking and regulation by administrative agencies; international law; business organizations; antitrust law; consumer protection; employment law; contract law; and product liability.”⁴⁰ There are no prerequisites for the course, and it is the only course in the business curriculum qualified for general education credit.⁴¹

³⁵*Id.*

³⁶*Id.*

³⁷*Id.*

³⁸*Id.*

³⁹The Guidelines also acknowledge course innovation and are “sensitive” to teaching load, class size and preparation discrepancies in the assessment of teaching performance. *Id.*

⁴⁰UNIVERSITY OF THE PACIFIC, GENERAL CATALOG 150 (2006–07) [hereinafter CATALOG].

⁴¹BUSI 53 is listed under the heading of “Society and Culture in the United States” in the university’s general education classification. *Id.* at 42.

Table 1

<i>Course</i>	<i>Lowest Enrollment</i>	<i>Highest Enrollment</i>	<i>Average Enrollment</i>
BUSI 53	24	44	36.17
BUSI 127	16	30	23.83
BUSI 157	6	11	9.00
BUSI 167	9	37	25.45

As a result, approximately one-half of the students enrolled in the course are nonbusiness majors. In addition, enrollment includes a wide variety of students, including significant numbers of second-semester freshmen and sophomores, as well as some juniors and seniors.⁴² The course had thirty students at the time of the commencement of this study in fall 1996. Enrollment increased to forty-three students by fall 2005 and now averages over thirty-six students per semester as evidenced in Table 1.

Student evaluation has historically utilized a series of three open-book examinations and a case brief or term paper, each worth 25 percent of the final grade. Commencing in spring 2005, student evaluation was based on three open-book examinations, each worth one-third of the final grade with the option of replacing one examination score through completion of a case brief. The Survey was administered to students in BUSI 53 seven to ten days before the final examination. At this time, students had received the results of the previous two or three examinations constituting 66 to 75 percent of their final grades with scores for the final examination and case brief or term paper yet to be determined.

The grading scale utilized in BUSI 53 assigns the letter grade of “A” to students scoring in the ninetieth percentile, “B” to students scoring in the eightieth percentile, “C” to students scoring in the seventieth percentile, “D” to students scoring in the sixtieth percentile, and “F” to students scoring below the sixtieth percentile. Each percentile is then divided into three sections. Students scoring in the seventieth through ninetieth percentiles in each letter grade receive a plus, and students scoring in the thirtieth percentile or lower in the letter grade receive a minus. Thus, a student whose average score is eighty-two receives a “B–,” while a student whose average score is seventy-seven receives a “C+.”

⁴²Incoming freshmen are prohibited from enrolling in BUSI 53 due to the rigor of the course and consequent historic pattern of underachievement.

Table 2

<i>Semester</i>	<i>Students</i>	<i>Average</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>F</i>	<i>Question 22</i>	<i>Question 23</i>	<i>Question 24</i>
Fall 2005	43	78.00	7	14	13	7	2	4.70	4.62	4.51
Spring 2005	39	78.44	4	20	7	5	3	4.69	4.56	4.56
Fall 2004	37	76.46	5	13	9	5	5	4.76	4.68	4.63
Spring 2004	35	82.31	9	15	7	4	0	4.87	4.78	4.70
Spring 2003	43	77.30	5	19	11	4	4	4.82	4.70	4.61
Fall 2002	35	81.29	6	16	9	4	0	4.79	4.64	4.45
Spring 2002	44	77.64	8	12	16	4	4	4.90	4.84	4.81
Fall 2001	34	80.53	6	17	7	2	2	4.79	4.79	4.72
Spring 2001	40	79.60	6	15	13	5	1	4.85	4.81	4.61
Fall 2000	38	81.55	8	18	7	4	1	4.80	4.58	4.45
Spring 2000	44	81.05	10	17	11	3	3	4.77	4.77	4.71
Fall 1999	35	83.71	7	7	11	0	0	4.92	4.84	4.80
Fall 1998	24	80.38	5	10	6	2	1	4.84	4.84	4.72
Spring 1998	36	77.25	9	12	9	2	4	4.73	4.68	4.72
Fall 1997	32	82.25	9	15	3	3	2	4.42	4.47	4.47
Spring 1997 §1	31	80.55	7	9	11	3	1	4.35	4.42	4.48
Spring 1997 §2	31	80.81	7	11	11	2	0	4.23	4.27	4.31
Fall 1996	30	79.67	4	15	7	2	2	4.28	4.20	4.15
Totals	651	79.93	122	265	168	61	35	4.70	4.64	4.59

Data obtained for BUSI 53 with respect to the relationship between student ratings and grades is set forth in Table 2. This table compares the average of student scores and corresponding letter grades at the time of completion of the Survey to the average of student ratings for Questions 22–24.

BUSI 127—Legal Aspects of Real Estate

The remaining courses included in the Survey are upper-division concentration courses. The prerequisites for each of these concentration courses are completion of BUSI 53 with a grade of “C” or better and junior standing.⁴³ Enrollment in these courses consists almost exclusively of business majors. BUSI 127, the Legal Aspects of Real Estate, is a one-semester, four-unit course covering “real estate and real estate transactions including deeds, listing agreements, title insurance, real estate contracts, closing, property taxation, land use regulations and landlord-tenant

⁴³CATALOG, *supra* note 40, at 147.

Table 3

Semester	Students	Average	A	B	C	D	F	Question 22	Question 23	Question 24
Fall 2005	30	80.90	5	11	11	3	0	4.46	4.54	4.50
Fall 2004	29	84.24	10	12	5	2	0	4.76	4.66	4.59
Fall 2002	21	84.05	6	9	4	2	0	4.87	4.87	4.87
Fall 2001	25	84.60	6	13	6	0	0	4.89	4.84	4.89
Fall 2000	22	79.14	6	9	3	1	3	5.00	4.93	4.93
Fall 1999	16	85.94	4	10	1	1	0	4.78	4.78	4.78
Totals	143	83.59	37	64	30	9	3	4.86	4.82	4.81

relationships.”⁴⁴ The course had sixteen students at the time of the commencement of this study in fall 1999. Enrollment increased to thirty students by the fall 2005 semester and now averages over twenty-three students per semester as evidenced in Table 1.

Student evaluation utilized a series of three open-book examinations worth 30 percent each and a case brief worth 10 percent of the final grade. The Survey was administered to students in BUSI 127 seven to ten days before the final examination. At this time, students had received the results of the previous two examinations and case brief constituting 70 percent of their final grades. The BUSI 127 grading scale is identical to that utilized in BUSI 53.

Data obtained for BUSI 127 with respect to the relationship between student ratings and grades is set forth in Table 3. This table compares the average of student scores and corresponding letter grades at the time of completion of the Survey to the average of student ratings for Questions 22–24.

BUSI 157—Commercial Law

Commercial Law, designated as BUSI 157 in the catalog, is a one-semester, four-unit course covering “[b]asic principles of commercial and trade law; business organizations, including agency, partnerships and corporations; contracts and the Uniform Commercial Code; real and personal property; securities regulation; secured transactions; bankruptcy; professional liability; and negotiable instruments.”⁴⁵ As noted in Table 1, the course

⁴⁴*Id.* at 151.

⁴⁵*Id.* at 151–52.

Table 4

<i>Semester</i>	<i>Students</i>	<i>Average</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>F</i>	<i>Question 22</i>	<i>Question 23</i>	<i>Question 24</i>
Summer 1999	6	85.00	2	2	1	1	0	4.83	4.83	4.66
Fall 1998	11	84.73	2	7	2	0	0	4.88	4.77	4.77
Fall 1997	10	85.70	3	5	2	0	0	4.80	4.83	4.66
Totals	27	85.14	7	14	5	1	0	4.83	4.73	4.64

averaged nine students during the three semesters one of the authors taught the course.⁴⁶

Student evaluation utilized a series of three open-book examinations worth 20 percent each, a mock appellate oral argument worth 30 percent, and a participation grade worth 10 percent of the final grade. The Survey was administered to students in BUSI 157 seven to ten days before the final examination. At this time, students had received the results of the previous two examinations and the mock appellate argument constituting 70 percent of their final grades with the scores for the final examination and class participation yet to be determined. The BUSI 157 grading scale is identical to that utilized in BUSI 53.

Data obtained for BUSI 157 with respect to the relationship between student ratings and grades is set forth in Table 4. This table compares the average of student scores and corresponding letter grades at the time of completion of the Survey to the average of student ratings for Questions 22–24.

BUSI 167—International Business Law

International Business Law, designated as BUSI 167 in the catalog, is a one-semester, four-unit course covering “international sales and commercial transactions; international and domestic laws which directly affect global trade and events which affect international trade such as environmental standards, privatization and intellectual property protection.”⁴⁷ This course was created by one of the authors and first offered as a business concentration course in spring 1999. The course grew from nine students in spring 1999 to forty-one students by spring 2001. At that time,

⁴⁶Teaching responsibilities for BUSI 157 were transferred to another professor in spring 2002 after BUSI 167 (International Business Law) was split into two sections.

⁴⁷CATALOG, *supra* note 40, at 152.

Table 5

<i>Semester</i>	<i>Students</i>	<i>Average</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>F</i>	<i>Question 22</i>	<i>Question 23</i>	<i>Question 24</i>
Spring 2005 §1	32	79.66	3	12	14	3	0	4.74	4.65	4.61
Spring 2005 §2	37	82.38	8	17	9	3	0	4.85	4.67	4.55
Spring 2004 §1	21	79.38	3	8	6	4	0	4.92	4.64	4.71
Spring 2004 §2	17	82.41	4	6	7	0	0	4.77	4.64	4.62
Spring 2003 §1	26	77.81	5	6	7	8	0	4.62	4.45	4.44
Spring 2003 §2	22	79.59	4	6	11	1	0	4.88	4.75	4.81
Spring 2002 §1	29	77.97	6	5	13	4	1	4.75	4.43	4.50
Spring 2002 §2	27	78.04	6	7	8	4	2	4.84	4.68	4.58
Spring 2001	41	77.81	9	11	15	5	1	4.88	4.74	4.60
Spring 2000	19	83.63	7	10	1	0	1	5.00	4.94	4.70
Spring 1999	9	81.33	2	3	4	0	0	4.12	4.12	4.12
Totals	280	80.00	57	91	95	32	5	4.76	4.61	4.57

the course was split into two separate sections. Enrollment continued to increase with sixty-nine students completing the course in spring 2005 and now averages over twenty-five students per section as evidenced in Table 1.

Student evaluation utilized a series of three open-book examinations worth 30 percent each and a case brief worth 10 percent of the final grade. The Survey was administered to students in BUSI 167 seven to ten days before the final examination. At this time, students had received the results of the previous two examinations and case brief constituting 70 percent of their final grades. The BUSI 167 grading scale is identical to that utilized in BUSI 53.

Data obtained for BUSI 167 with respect to the relationship between student ratings and grades is set forth in Table 5. This table compares the average of student scores and corresponding letter grades at the time of completion of the Survey to the average of student ratings for Questions 22–24

CORRELATIONS BETWEEN STUDENTS' GRADE EXPECTATIONS AND RATINGS

Correlations

The Pearson product-moment correlation coefficient was calculated to measure the strength of the linear relationship between the mean evaluation scores and the percentage of students earning an "A" or "B" letter

Table 6

<i>Course (n)</i>	<i>Mean</i>	<i>Median</i>	<i>Range</i>	<i>Standard Deviation</i>
Lower Division	59.9%	61.5%	45.5%–75%	8.2%
Upper Division	62.7%	58.8%	37.9%–89.5%	15.7%

grade at the time of administration of the Survey.⁴⁸ The calculation concentrated on letter grades rather than numerical averages, as students are more likely to focus on their letter grades rather than their course averages. For example, there is considerable numeric difference between averages of 81 percent and 87 percent. However, both scores represent the extremes of the “B” range utilizing the previously described scoring scale. Similarly, there is little numeric difference between averages of 78 percent and 80 percent. Nevertheless, there is a considerable difference between the letter grades they represent (C+ and B–, respectively) utilizing the present scoring scale.

The sample was divided into lower- and upper-division courses due to the differences in student populations between the courses. The lower-division course (BUSI 53) is required for all business majors and minors and most likely is the first business course students will take in the core curriculum. This is not true for upper-division law courses (BUSI 127, 157, and 167), which require completion of the lower-division course with a grade of “C” or better as a prerequisite. Students in these courses have experience with at least one prior business law course, as well as courses in other disciplines in the core curriculum, may have prior experience with the instructor, and most likely will have expectations with respect to the course and their performance.

Table 6 presents the descriptive statistics by lower- and upper-division courses of the percentage of students earning an “A” or “B” at the time the Survey was administered. The percentages are not significantly different between the lower- and upper-division courses.⁴⁹

Tables 7, 8, and 9 present the descriptive statistics for student ratings by lower- and upper-division courses for Questions 22, 23, and 24. The mean ratings are not significantly different between the lower- and

⁴⁸For a general discussion of correlation analysis, see DOUGLAS C. MONTGOMERY & ELIZABETH A. PECK, *INTRODUCTION TO LINEAR REGRESSION ANALYSIS* 45–50 (1982).

⁴⁹The *p* value was 0.511.

Table 7: Question 22

<i>Course</i>	<i>Mean Rating</i>	<i>Standard Deviation</i>
Lower Division	4.695	.218
Upper Division	4.787	.202

Table 8: Question 23

<i>Course</i>	<i>Mean Rating</i>	<i>Standard Deviation</i>
Lower Division	4.638	.193
Upper Division	4.688	.194

Table 9: Question 24

<i>Course</i>	<i>Mean Rating</i>	<i>Standard Deviation</i>
Lower Division	4.578	.174
Upper Division	4.644	.184

upper-division courses for any of the three questions. The p values for these questions were .187, .435, and .263, respectively.

Tables 10, 11, and 12 present the correlation coefficients between the proportion of students earning an “A” or “B” at the time of completion of the Survey and the ratings, as well as the t scores and the p values by lower- and upper-division courses for Questions 22, 23, and 24.

In contrast to much of the previously referenced literature on student ratings, the correlation between the mean ratings scores and the percentage of students earning an “A” or “B” at the time of completion of the Survey was not statistically significant for the lower-division law course.⁵⁰ Even more surprising, the correlation was negative across all three questions. This means that the higher the percentage of students earning an “A” or a “B,” the lower the student rating on instructor effectiveness, the worthwhile nature of the course, and amount of learning. It is especially important to note the negative correlation between expected

⁵⁰See *supra* note 19 and accompanying text.

Table 10: Question 22

<i>Course</i>	<i>Correlation Coefficient</i>	<i>t(df)</i>	<i>P</i>
Lower Division	-.048	.193 (17)	.8439
Upper Division	.331	1.49 (18)	.1535

Table 11: Question 23

<i>Course</i>	<i>Correlation Coefficient</i>	<i>t(df)</i>	<i>P</i>
Lower Division	-.077	.31 (17)	.761
Upper Division	.591	3.108 (18)	.006

Table 12: Question 24

<i>Course</i>	<i>Correlation Coefficient</i>	<i>t(df)</i>	<i>P</i>
Lower Division	-.099	.401 (17)	.694
Upper Division	.449	2.131 (18)	.0471

grades and student perceptions with respect to learning.⁵¹ Thus, the reduction of rigor will not necessarily produce higher student ratings in the lower-division law course.

The absence of correlation in the lower-division course also refutes empirical evidence supporting the conclusion that instructors who award grades throughout the semester before students complete evaluation forms receive lower ratings.⁵² Such does not appear to be the experience in BUSI 53 where students often have two or three graded assignments determining as much as 75 percent of their grades prior to completion of the Survey.

One explanation for the lack of significant correlation between grades and student ratings is that BUSI 53 students may be less able to predict their final grades than students in upper-division courses. This explanation is consistent with applicable literature that found a more pronounced correlation between the degree to which students are able to

⁵¹See, e.g., Eberhardt School of Business, BUSI 53 Survey, Student Comments (Fall 2001) (in which one student wrote “I learned a lot, yet I feel that I did not get a grade that showed that”). See also *supra* notes 23–25 and accompanying text.

⁵²See *supra* note 16 and accompanying text.

predict their grades and ratings.⁵³ Although students in BUSI 53 are more able to predict their performance on the final examination in the course and thus their final grade given their previous experience with two or three prior examinations, such predictability may be disrupted by the uncertainty posed by the written project submitted at the end of the course.⁵⁴ This uncertainty has been exacerbated in recent semesters when the instructor switched to an optional case brief project. Students undertaking this assignment had diminished expectations with respect to the ultimate outcome, given that the vast majority of them had never read an unedited case or prepared a brief prior to this project. The lack of experience with such projects and resultant uncertainty of the outcome is consistent with the absence of correlation between expected grades and ratings.

The results for the upper-division courses were markedly different. Across all three questions, the correlation between the mean rating and the percentage of students earning an “A” or a “B” were positive. This means that the higher the percentage of students earning an “A” or “B,” the higher the student rating of the instructor. In addition, for Questions 23 and 24 relating to the worthwhile nature of the course and the amount of student learning, the correlations were statistically significant. This means that the higher the students’ grades at the time of completion of the Survey in upper-division courses, the more worthwhile students deemed the course and the more learning they believed to have occurred.

The results of the study with respect to upper-division courses are far more consistent with applicable literature than the results for the lower-division course. The correlation between expected grades and ratings in the upper-division courses is consistent with literature suggesting a relationship between expected grades and ratings.⁵⁵ Specifically, courses where students received grades equal to or better than expected rated

⁵³See *supra* note 22 and accompanying text.

⁵⁴See, e.g., Eberhardt School of Business, BUSI 53 Survey, Student Comments (Fall 2005) (requesting “increased guidance and instruction” and that the instructor be “a little more clear on the case brief”); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Spring 1997) (complaining that the instructor was not specific enough on the term paper project).

⁵⁵See *supra* note 19 and accompanying text.

the instructor higher than courses where students received grades not matching their expectations.⁵⁶

The results for the upper-division courses also are consistent with applicable literature that found a more pronounced correlation between the degree to which students are able to predict their grades and ratings.⁵⁷ Students in upper-division courses are far more able to predict their ultimate course performance than students in the lower-division course. Students in the upper-division courses have received grades on two examinations and their case brief at the time of the completion of the Survey. The only remaining grade is the final examination, their performance on which students may be able to predict with some degree of certainty given their previous experience with prior examinations in the course. This certainty may increase to the extent students enrolled in upper-division law courses have taken other law courses from the instructor. The experience gained from prior examinations and the relative degree of certainty with respect to the outcome is consistent with the correlation between expected grades and ratings. However, in a manner similar to BUSI 53, there does not appear to be support for the conclusion that awarding grades throughout the semester before students completed the Survey resulted in lower ratings.⁵⁸ Rather, the awarding of grades throughout the semester may increase student certainty with respect to the ultimate outcome in the course, which, in turn, may positively or negatively impact ratings.

Most distressing is the statistically significant correlation between expected grades and perceived student learning.⁵⁹ The strength of this correlation raises concern regarding disconnection between ratings and learning. Specifically, the strength of the correlation with respect to Question 24 raises the possibility that perceived learning by students has been skewed by expectations with respect to higher grades in the course. Conversely, although receiving the same material, courses in which students' expectations with respect to grades have not been met perceive a lesser degree of learning. While acknowledging that a degree of student motivation is attributable to grades, this possibility is nonetheless distressing to

⁵⁶See *supra* note 20 and accompanying text.

⁵⁷See *supra* note 22 and accompanying text.

⁵⁸See *supra* note 16 and accompanying text.

⁵⁹See *supra* notes 23–25 and accompanying text.

the instructor's perception of learning as an opportunity for self-betterment. This result also calls into question the validity of student ratings and the need for other measures for purposes of assessing student learning.⁶⁰

Analysis of Results

Comparisons between the lower-division law course and upper-division courses are difficult. The content of each of the surveyed courses is different. BUSI 53 is a "basic information" course tailored to a freshmen and sophomore audience with a scattershot approach to sixteen often very different topics. Each topic is usually covered in two class periods with no more than one week for any given topic.

By contrast, BUSI 127, 157, and 167 are upper-division courses with a concentrated focus. Despite their shared upper-division status, these courses are diverse from one another. BUSI 127 and BUSI 157 are nuts-and-bolts courses with considerable attention placed upon issue recognition, document review, and drafting and problem solving. Individual topics are usually covered in no less than one-week increments. By contrast, BUSI 167 has traditionally been viewed by business students as the most difficult undergraduate law course perhaps due to their lack of global awareness, the focus upon legal systems outside the United States, and in-depth study of topics that were only introduced in the most cursory of manners in BUSI 53. Although BUSI 167 shares some real-life attributes with BUSI 127 and BUSI 157, there are topics such as the World Trade Organization and the European Union that the vast majority of students will never directly encounter outside of the classroom. Additionally, unlike its counterparts, BUSI 167 also contains a substantial amount of history and economics, which may be contributing factors to the course's perceived difficulty. In the same manner as the other upper-division law courses, individual topics in BUSI 167 are usually covered in no less than one-week increments. The difficulty in comparing lower- and upper-division courses is increased by the incongruence in the results of this study.

Several explanations for the results of this study can be eliminated. One such explanation is utilization of the factors referenced in the literature as contributing to higher ratings. These factors included delivery of a well-organized course, communication of instructor expectations to students in a timely manner, punctuality, professional attire, return of

⁶⁰See *supra* note 25 and accompanying text.

graded material in a timely manner, student evaluation of the course at midterm, the demonstration of respect for students, and the creation of a friendly learning environment.⁶¹ These are goals that the instructor strives to achieve every semester regardless of whether the course is in the lower or upper division. Although achievement of such factors may have different impacts on different students, the commonality of such goals and corresponding instructor behavior across sections eliminates these factors as possible explanations for the discrepancy in results.

Another explanation that may be eliminated is differences in course delivery. Despite differences in the content in each course, the method of course delivery is very similar. For example, each course utilizes a standard syllabus identical in form and substance (such as learning objectives, grading scale, and classroom policies) except for the listing of topics to be covered and reading assignments. Each course is delivered in a similar manner through a combination of lectures, case studies, videos, and current legal events presentations. Students in every upper-division course are required to prepare a case brief, and students in BUSI 53 have the option of preparing a case brief to replace one examination score.

Examinations are also uniform throughout all lower- and upper-division courses. Examinations in all courses consist entirely of short fact patterns followed by a series of questions requiring students to respond in essay format. Each question is assigned a predetermined number of points that is disclosed to students on the examination. These points relate to the instructor's four primary goals in every law course, specifically, issue recognition, identification of applicable legal principles, demonstration of student understanding of such principles, and the application of such principles to fact patterns. The commonality in course delivery across sections eliminates this factor as a possible explanation for the discrepancy in results.

The timing of administration of the Survey also is not an explanation for the differences in results. The Survey administered in each of the courses was identical. Furthermore, as previously noted, the Survey was uniformly administered seven to ten days before the final examination in each course. Students had received grades on at least two examinations and possibly a written case brief by the time of completion of the Survey.

⁶¹See *supra* note 7 and accompanying text.

The commonality in administration of the Survey eliminates this factor as a possible explanation for the discrepancy in results.

Possible explanations for the diverging results consist of two separate factors. The first factor is differences between students enrolled in lower- and upper-division law courses. The lower-division law course consists of younger students, primarily second-semester freshmen and sophomores. These students are less experienced than their upper-division counterparts, as BUSI 53 is usually the first business course taken in the major. As a result, these students may have no preconceived notion about business education and may be less cynical with respect to rating instructors and grades. These students also may be less concerned about grades early in their college careers than their upper-division counterparts. Student interest in grades in BUSI 53 may be further affected by the fact that the course is required for all business students regardless of their level of interest in legal studies. Students in BUSI 53 may have little or no interest in legal studies, but rather may be trying to simply pass the course and proceed with their business education without seeking to maximize their performance. It bears to note however that the impact of these characteristics may be marginalized to the extent juniors and seniors are enrolled in the course, as well as nonbusiness students who are presumably taking the course out of interest rather than necessity.

By contrast, students in upper-division courses presumably have some interest in legal studies that may impact their desire to perform at a higher level. Some of these students may be focusing their studies in business law or a related field that requires legal studies (such as real estate), while other students enrolled in these courses are applying to attend law school or at least contemplating application. Such students are juniors and seniors and are almost uniformly business majors. Two or three years of college experience may have affected the judgment of some of these students with respect to rating instructors and grades.⁶² Furthermore, grades may be important to this group of students as they contemplate job interviews and entry into the workforce or graduate studies. Unlike the general content of BUSI 53, the information imparted in law concentration courses may be deemed more relevant to upper-division students in

⁶²See Gershuny & Rainey, *supra* note 2, at 132 (noting that the grade expectations of the students surveyed in the study were “very high” with 70 percent of nontraditional students expecting to receive an “A” or “B” and all of the traditional students expecting to receive an “A” or “B”).

terms of future career plans. This is most certainly the case for those students in BUSI 127 who are enrolled in the real estate concentration and for students in BUSI 167 who are enrolled in the international business concentration.

Perhaps the most important characteristic of students enrolled in upper-division law courses is the prevalence of repeat students. Unlike BUSI 53, where none of the students have previously interacted with the instructor, approximately one-half of the students enrolled in upper-division law courses have previously completed another law course with the instructor. A significant minority of these students may be taking a course from the instructor for the third time. Given the uniformity of approaches taken by the instructor in different courses, these students have significant familiarity with the instructor's teaching style, expectations, examination format, and, most importantly, grading policies.

Additionally, student satisfaction, and consequently student ratings, may increase to the extent students in the upper-division law courses know one another from previous courses with the instructor or one another. Although peer relationships may suffer as a result of competition for favorable grades, there is support for the proposition that strong peer relationships enhance student satisfaction and learning outcomes.⁶³ Familiarity with the instructor and their peers thus may impact student expectations and ratings. Of course, these factors may be reduced to the extent student motivation is adversely affected by the imminence of graduation or avoidance of courses in other disciplines deemed to be more difficult only to discover upper-division law courses are just as demanding.⁶⁴

The instructor's ratings in the lower-division course are not statistically lower than those received in the upper-division courses, but there is

⁶³*Id.* at 136. See also Janet M. Bilson & Richard G. Tiberius, *Effective Social Arrangements for Teaching and Learning*, in COLLEGE TEACHING: FROM THEORY TO PRACTICE 45 (Robert J. Menges & M.D. Svincki eds. 1991).

⁶⁴These statements are particularly relevant in BUSI 167, which is offered every spring and is often taken by graduating seniors in their last semester. All students at the Eberhardt School of Business must take one international business course as a graduation requirement. Some students may enroll in BUSI 167 in order to avoid a course in international finance, which is deemed to be more difficult. However, some students, including those who have taken other courses with the instructor, have expressed surprise at the difficulty of the material in BUSI 167 in written comments appended to Surveys and informal remarks to the instructor. See *infra* note 69 and accompanying text.

no correlation between anticipated grades and ratings in the lower-division course. The differing characteristics of students in these courses undoubtedly impact expectations. These expectations may be the ultimate explanation of the different results in the lower- and upper-division law courses. The lower-division course consists primarily of younger and less experienced students taking their first business course. These students may have no expectations about the course. Conversely, some of these students may have negative expectations derived from a perceived lack of interest in the topic. Other students may be concerned or worried about the course given that it is the first course in their major.

The ratings may reflect course satisfaction for lower-division students with no preconceived notions at the time of enrollment. These students may enjoy the course or at least be content with completing it and moving forward with more interesting business courses. Similarly, students with negative expectations may be surprised to find that they enjoyed the course or that it was not as bad or as difficult as expected.⁶⁵ Surveys completed by students concerned or worried about completing the first course in their major also may reflect this surprise or relief that the first course in their selected field of study was successful or at least tolerable. In a manner similar to students with negative expectations, evaluations completed by worried or concerned students may reflect relief with respect to the level of course rigor. For students in these two categories, the course perhaps met students' preconceived notions with respect to the degree of rigor expected in business courses without exceeding expectations as to prevent students from believing they could be successful.⁶⁶ Regardless of expectations

⁶⁵See, e.g., Eberhardt School of Business, BUSI 53 Survey, Student Comments (Fall 2004) (in which one student wrote "Excellent job in guiding us through this boring topic"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Spring 2003) (in which one student noted "Professor's teaching style helps make the class run quickly and helped make boring material not so boring, almost exciting"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Fall 2002) (in which one student wrote "Did well for course material being pretty dry"); BUSI 53 Fall 2001 Survey, *supra* note 51 (in which one student wrote "I actually looked forward to go to this class for some reason The only class I haven't fallen asleep in"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Fall 1999) (in which one student wrote "Dhooge's stories made potentially boring material interesting. Dhooge brought law to life").

⁶⁶See, e.g., Eberhardt School of Business, BUSI 53 Survey, Student Comments (Spring 2005) (noting that the grading system was "fair" and adequately reflected the course materials); BUSI 53 Spring 2003 Survey, *supra* note 65 (noting that the grading system was "fair" and "structured"); BUSI 53 Fall 2001 Survey, *supra* note 51 (noting that "tests were fairly graded"

or the absence thereof, the vast majority of these students have no experience in other business courses by which to compare their level of satisfaction in BUSI 53. The instructor in the lower-division law course thus has the benefit of working with a largely blank slate.

The contrasting results in the upper-division courses may also be attributed to student expectations. Students enrolling in these courses do so freely and, most likely, out of their interest in law. As previously noted, approximately half of these students have taken one or more courses from the instructor in the past, including several who completed BUSI 53. At least some of the students enrolling in upper-division law courses without previous experience with the instructor may do so upon the recommendation of classmates. Other possible reasons for enrolling in upper-division law courses include a desire to avoid upper-division quantitative courses, such as those in finance and accounting, and, in the case of BUSI 167, to avoid courses perceived to be more difficult, such as international finance. Regardless of their motivation, these students share three characteristics. Specifically, these students are older than their BUSI 53 counterparts, have experience with other business courses prior to enrollment in upper-division law courses, and are more sensitive to grades given the immediacy of their entry into the job market or application for graduate studies.

These characteristics and their distinct difference from students enrolled in BUSI 53 may result in different expectations that explain the correlation between expected course grades and ratings. Ratings given by students who enrolled based upon their perceived interest in law may reflect the degree to which that interest translated into success in upper-division courses. Higher grades consistent with such students' perceived interest in legal studies may have translated into higher ratings. The

and commenting that the instructor "did not try to trick us. Dhooge was very honest"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Spring 2001) (characterizing the degree of rigor as "very fair"); Eberhardt School of Business, BUSI 53 Spring 1997 Survey, *supra* note 54 (describing the grading system as "pretty fair"). *But see* BUSI 53 Fall 2002 Survey, *supra* note 65 (referring to the course as "hard" and requesting "easier grading"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Spring 2002) (advising the instructor not to grade "so specifically" on examinations); BUSI 53 Fall 2001 Survey, *supra* note 51 (recommending that the instructor "grade more easily" and characterizing the course as "rough and rigorous"); BUSI 53, Spring 2001 Survey, *supra* (characterizing course grading as "picky"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Fall 2000) (expressing the view that "grading was not as precise and fair as it could have been"); Eberhardt School of Business, BUSI 53 Survey, Student Comments (Spring 2000) (advising the instructor not to grade "so tough on essays").

similarity of the outcome in an upper-division course to the student's experience in BUSI 53 also may have a role in this equation. In this regard, it may be concluded that a higher or at least similar grade in the upper-division course to that received in the lower-division course may translate into higher ratings.⁶⁷ By contrast, a significantly lower grade in an upper-division course than that received in BUSI 53 or other business courses may manifest itself in student disappointment and lower ratings.⁶⁸ Students, whose interest in legal studies does not correspond with success as measured by grades, may penalize the instructor while the positive expectations of those students whose interest corresponds to success in the classroom are reinforced, thereby resulting in higher ratings.

Expectations of students enrolled in upper-division law courses are probably stronger if they have previously completed one or more courses with the instructor. These students are most likely interested in law, as well as taking another course from the instructor. Their familiarity with the instructor and the uniform model of teaching and evaluation utilized in all law courses may create a stronger set of expectations for these students relative to their counterparts who are encountering the instructor for the first time. Expectations may be further strengthened by the success of these students in the instructor's other courses, especially BUSI 53, which is a prerequisite and in which students must receive a "C" or better to advance to upper-division law courses. Given this familiarity and history, these students expect success in upper-division law courses. When their performance exceeds or matches this expectation, students believe they have learned more and may reward the instructor with higher ratings. Students whose performance does not match that in other courses taken

⁶⁷See, e.g., Eberhardt School of Business, BUSI 127 Survey, Student Comments (Fall 2004) (in which a student wrote "This is a great class because Dhooge teaches it"); Eberhardt School of Business, BUSI 127 Survey, Student Comments (Fall 2002) (in which a student wrote that "[in] Dhooge's classes, I feel like I actually get my money's worth").

⁶⁸An example in this regard is from the student comment section of the Survey in which one student wrote, "[a] student can attend every class, know the material very well and still manage to screw up their grade by misinterpreting one essay question on a test." BUSI 127 Fall 2004 Survey, *supra* note 67. See also Eberhardt School of Business, BUSI 167 Survey, Student Comments (Spring 2002) (in which two students wrote, "I am an "A" student but couldn't achieve it in the structure of this class" and "[My grade] did not reflect my understanding of the subject matter"). But see Eberhardt School of Business, BUSI 167 Survey, Student Comments (Spring 2005) (in which one student stated that the examinations were "very straightforward, practical and fair" and "as long as you came to class, took notes and made sure you understood the subject, you were fine").

with the instructor may believe they have not learned as much as anticipated and may give lower ratings. Such expectations and results may also exist to a lesser degree for students who enroll in upper-division law courses without prior experience with the instructor but rather upon the recommendation of others.

Students interested in law, having prior experience with the instructor, or enrolling in upper-division law courses in order to avoid other courses deemed more difficult share an expectation that also may impact ratings. Students may be surprised to discover that upper-division law courses are more rigorous, detail oriented, and time consuming. The cursory approach to topics utilized in BUSI 53 is abandoned for a fifteen-week course on a specific topic previously covered in one or two class sessions. This has been the instructor's particular experience with BUSI 167. Students have expressed surprise at the greater amount of effort necessary to master this subject compared to BUSI 53.⁶⁹ Students enrolled in the course with the expectation that international business law would be easier than other international business courses may be particularly sensitive in this regard upon discovering that reality does not match their expectation. Students successfully adapting to these changed circumstances as measured by grades meeting or exceeding their expectations may believe they have learned more and may consequently reward the instructor with higher ratings. Those students who perceive themselves as unsuccessfully adapting to the increased rigor of upper-division legal studies courses, as reflected in grades lower than expected, may believe they have not had an optimal learning experience and may give lower ratings.

Two other shared expectations may cause correlation between grades and ratings in the surveyed upper-division courses. Initially, older students are generally more experienced than their lower-division counterparts. Unlike BUSI 53 students, the instructor does not have the luxury of painting on a blank canvas but rather encounters older students, most of who are in their final year of college and have completed the majority of their business education with a wide variety of instructors. The individual

⁶⁹Student comments appended to the Survey have described the materials in BUSI 167 as "dense," "detailed," and "constant information." See Eberhardt School of Business, BUSI 167 Survey, Student Comments (Spring 2003–Spring 2005). The comments of one particular student are exemplary of unmet expectations in BUSI 167. This particular student wrote that "I liked BUSI 53 and the real estate law courses a little better. This one didn't seem as interesting to me. Dhooge is very knowledgeable though, and he tried to make things fun and interesting, which made it better." BUSI 167 Spring 2005 Survey, *supra* note 68.

experiences of these students may impact ratings in upper-division law courses. Such students also may be more sensitive to grades given their imminent entry into the job market or pending application to graduate school. Grades that were acceptable as freshmen may no longer be satisfactory to graduating seniors. This may especially be the case for students attempting to meet rising expectations for admission to graduate programs or students attempting to compensate for lower grades received as underclassmen when their study habits were perhaps not as well developed.

CONCLUSION

The data adduced from this study confirm the importance of student expectations with respect to grades on the ratings received by the instructor in upper-division law courses populated by older and more experienced students. Given this importance, the validity of ratings utilizing the Survey is dependent on what is attempting to be measured. If the instrument is to serve a purpose analogous to a customer survey, then it is most likely facially valid to the extent it measures whether the course resulted in student satisfaction. The wide variety of questions in the Survey, as well as the open-ended questions, provides students with numerous opportunities to express whether the course met with their expectations. It also appears that the Survey has some empirical validity as a measure of student satisfaction to the extent it is beneficial to the instructor in predicting outcomes should current pedagogical methods remain unchanged in future courses.

However, if the purpose of the Survey is to measure teaching competence, it is subject to serious question if student expectations are the controlling factor. One issue that arises in this regard is whether the Survey, as presently constructed, truly measures teaching excellence. Although meeting student expectations may be one attribute of a good teacher, it is undoubtedly not the only characteristic or the most important. Furthermore, the Survey may lack sampling validity to the extent it only provides answers to a series of questions from one group. The opinions of administration and peers are not only disregarded but are not even requested or collected. Once again, although our students are our customers and thus the most important constituency, they are not the only constituency that should be consulted. This is especially true given the stakes involved, specifically, a lifetime appointment or promotion riding on

the opinions of young adults possessing no preexisting expertise in a particular field. Furthermore, although useful in predicting future student satisfaction if a particular method of instruction is continued into the future, the Survey may be of limited value in assessing whether these methods constitute good teaching.

The frailties of the Survey strongly suggest that it should not serve as the exclusive method for evaluation of teaching competence.⁷⁰ Instructor satisfaction of student expectations should be only one component of teaching evaluation. Ideally, multiple indicators, such as a combination of student surveys and performance, self-evaluation, and administrative and peer review, should be utilized in measuring teaching competence.⁷¹ However, creating and implementing such a system is easier said than done. Issues, such as defining universal qualities of teaching excellence and developing adequate measurement tools, must first be resolved. These issues are particularly thorny given their interaction with concerns such as academic freedom and judging competency across the multiplicity of disciplines populating modern business school curricula as well as the highly personal nature of the educative process. The number of articles in this field will continue to grow until such time as these issues are resolved to the satisfaction of all impacted constituencies.

⁷⁰See *supra* note 26 and accompanying text.

⁷¹See *supra* note 27 and accompanying text.

APPENDIX A

Eberhardt School of Business

Please provide your rating of this course by marking the score which is most accurate for each question.

	Excellent	Good	Average	Below Average	Poor
1. Course organization was:					
2. Lectures and explanations by instructor were:					
3. Instructor's use of examples and illustrations were:					
4. Student confidence in instructor's knowledge was:					
5. Quality of questions raised by instructor was:					
6. Instructor's enthusiasm was:					
7. Encouragement given students to express themselves was:					
8. Consultation and advising with students were:					
9. Appropriate use of instructional technology:					
10. Evaluative and grading techniques:					
11. Reasonableness of assigned work was:					
12. Clarity of student responsibilities and requirements:					
13. Text was:					
14. Other readings were:					
15. Cases were:					
16. Individual written assignments were:					
17. Class discussion was:					
18. Exercises/role plays in class were:					
19. Class discussion projects were:					
20. Timeliness of instructor's feedback on work was:					
21. Usefulness of instructor's feedback on work was:					
22. Overall, how effective was the instructor?					
23. Overall, how worthwhile was the course?					
24. Overall, how much did you learn?					

Student Comments

Describe one or more things about the course that you find helpful:

What suggestions do you have about how the course might be improved?

Do you have other comments?