

Higher Education - Guidance by the QAA on 'How to Address Contract Cheating, the Use of Third-Party Services and Essay Mills' By Dr Rosanna Cooper

This article explores the guidance published in October 2017, by the independent quality body for UK higher education, the Quality Assurance Agency ('QAA') to deal with the growing trend of **contract cheating**, the use of online companies known as **essay mills** and the risk they pose to the education system in the United Kingdom ('UK'). The **QAA** was commissioned by the UK Government to work with Universities UK (UUK) and the National Union of Students (NUS) to develop guidance for **higher education providers ('providers')**, as well as providing standalone advice for students. The guidance does not form part of the **UK Quality Code for Higher Education ('Quality Code')**, which universities have to adhere to.

The guidance are well drafted and seek to address the problem of **contract cheating** and provide practical solutions to **providers** to rid them of the problem created by this growing trend and to restore confidence in the quality of the awards granted by providers.

1. Introduction

A UK qualification is well respected anywhere in the world and contract cheating can **damage not only the reputation of the UK providers, it also threatens the credibility of the qualifications** as the standards will diminish if contract cheating is not brought under control by providers.

There are clear, significant risks to the public if students are graduating with an award gained after having used contract cheating services, as graduates may be practising with inadequate professional skills. This is especially pertinent in relation to programmes that are professionally accredited or otherwise lead to professional status. Here there is a real risk that contract cheating can endanger property, liberty, and lives.

The issue that providers face is the growth in the number of third parties offering such services to assist students to cheat (essay mill websites are prevalent in 2017). Typically, a student will commission an assignment through an online essay mill; **the production of that assignment would then be outsourced by the essay mill**, usually using legitimate copywriting websites where writers bid for pieces of work. The student/essay mill elements of the transaction will not be searchable, although the essay mill/writer bidding elements may be.

As the assignments are custom written, text-matching tools widely used to detect plagiarism are less effective. Amassing strong evidence to challenge such behaviour makes it difficult to prove, and can deter academics from reporting or pursuing suspected cases. The more students escape detection, the more normalised this practice becomes. At present, there is no specific prohibition in law on the operation or use of contract cheating services.

The question is why students cheat. According to the QAA, **students' cheat for a number of reasons:**

- ❖ Not having good research;
- ❖ Attribution and essay writing skills;
- ❖ Feeling unable to seek support from their providers;

- ❖ Lack of confidence, interest or ability in the subject or topic of study;
- ❖ Lack of engagement with studies;
- ❖ Poor time management;
- ❖ Lack of understanding of an assessment's requirements;
- ❖ Habitual behaviour;
- ❖ Health or personal issues which affect studies; and
- ❖ May not understand how inappropriate cheating is or what the likely consequences.

There are additional pressures on international students that providers should keep in mind, including difficulties with the English language (which may not be unique to international students), a lack of understanding of assignment requirements, and the perceived approachability of teaching staff.

The **QAA** emphasises in the guidance that students ought to be made aware that if found guilty of cheating, this would **act as a barrier to entering certain professions** (law, medicine or engineering). Our firm has found that students are unaware of the implication of cheating (outside of being expelled) and we agree wholeheartedly with the QAA that if students were to be enlightened about the consequences of cheating on their future careers, this may act as a deterrent:

Many PSRBs [professional, statutory and regulatory bodies (PSRBs)] have a statutory duty to consider the character and suitability of anyone who wishes to enter their profession. They must ensure that any individual admitted into their profession has, and maintains, the level of honesty, integrity and professionalism expected by the public, and does not pose a risk to the public or profession. The exact nature of the requirement will vary according to the particular rules of the PSRB, and the nature of the profession. When it comes to demonstrating a level of honesty, students need to be made aware of the seriousness of contract cheating and the possible negative impact it may have on their future careers as a result. Students should be made aware that their application to be admitted into a regulated profession may be put at risk if they have committed and/or have been judged by a provider to have committed a deliberate assessment offence, which amounts to plagiarism or cheating, in order to gain an advantage for themselves or others.

According to the **QAA** the guidance provides:

- ❖ Practical solutions;
- ❖ Aims to support **providers** in addressing contract cheating;
- ❖ Provides steps to remedy the growing problem; and
- ❖ Solutions to meet emerging regulatory requirements in the future.

'This guidance sets out best practice around promoting academic integrity in higher education, through tackling students' use of third parties' services in order to cheat. It covers the use of essay mills and other forms of contract cheating. It describes the issues, and sets out the steps providers can take to deal with these.'

<http://www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=3200#.WfxGC2i0PSE>

In accordance with the **Quality Code** education providers must ensure that **assessments are conducted in an equitable, valid and reliable manner**. The assessments have to be reliable as they are meant to accurately reflect or test the extent to which students have achieved the **learning outcomes of their programmes**. Therefore, the use of **contract cheating services** by students poses a substantial risk to higher education providers meeting the obligations laid down by the **Quality Code**:

This guidance sets out best practice around promoting academic integrity in higher education, through tackling students' use of third parties' services in order to cheat. It covers the use of essay mills and other forms of contract cheating. It describes the issues, and sets out the steps providers can take to:

- educate staff and students about contract cheating
- promote and encourage academic integrity, and deter students from committing academic misconduct
- detect cheating when it happens
- set effective academic regulations to handle the issue
- deal with cases.

The guidance is specifically designed to help you if you are:

- senior leadership in a higher education provider
- working in a quality setting
- involved in the design, delivery and review of assessments in higher education
- working with procedures and regulations governing academic conduct and integrity
- responsible for investigating cases of academic misconduct
- involved in student engagement and want to raise awareness of contract cheating.

It may also be useful for providers of education at other levels, such as further education, as well as professional, statutory and regulatory bodies (PSRBs) that have an interest in the integrity of individuals seeking professional qualification, and which operate accreditation procedures for providers

According to the **QAA**, 'The typical view on contract cheating is that it cannot be picked up by existing 'plagiarism detection' software solutions as the work is normally bespoke and unlikely to use copied text.'

2. Definitions

Some important definitions as set out in the guidance are as follows:

❖ **Contract cheating** happens when a third party completes work for a student who then submits it to an education provider as their own, where such input is not permitted. **It is distinct from collusion**, as the student contracts the third party to provide the assessment, usually a company or individual using a website to promote themselves and receive orders. Such companies have become known as '**essay mills**', even though they supply more than just essays. The common approach is for the work to be outsourced once again by the mills to individual writers.

Some third parties will also provide proofreading and copyediting services. While these two services may not in and of themselves constitute cheating, it can depend on scale: major changes can lead to work being submitted by the student that is substantially different from what they originally wrote. Such services can be a gateway to full-scale contract cheating.

Contract cheating services include the preparation of essays, lab reports, reflective journals, dissertations, computer programming, thesis, film editing and other services.

❖ **Academic integrity** is defined as 'a commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. From these values flow principles of behaviour that enable academic communities to translate ideals to action.'

❖ **Collusion** is defined as a form of cheating which occurs when people work together in a deceitful way to develop a submission for an assessment where such input is not permitted. It is distinct from contract cheating in this guidance as collusion does not depend on a fee being paid for the work.

It should be noted that **collaborative learning is a valuable part of the educational process** and does not fall within the definition of collusion.

❖ **Contract cheating** is defined as a form of cheating where a student submits work to a higher education provider for assessment, **where they have used one or more of a range of services provided by a third party**, and such input is not permitted. The contract with the student can include payment or other favours, but this is not always the case.

- **'Services'** may include **essays or other types of assignments, conducting research, impersonation in exams and other forms of unfair assistance for completing assessed work.**
- **'Third parties'** include **web-based companies or auction sites (essay mills), sharing websites (including essay banks), or an individual such as a lecturer, colleague, friend or relative.**
- **'Input'** means that the third party **makes a contribution to the work of the student**, such that **there is reasonable doubt as to whose work the assessment represents.**

❖ **Essay mill** is defined as an organisation or individual, usually with a web presence, that contracts with students to complete an assignment or assignments for a student for a fee.

❖ **Plagiarism** is defined as where a student passes off someone else's work, intentionally or unintentionally, as their own, for their own benefit. In this guidance we use the term 'plagiarism' broadly, encompassing contract cheating and collusion as well as other forms of misconduct, in order to give contract cheating a discrete meaning.

❖ **Sanctions** are defined as an outcome imposed in response to, and in order to penalise, contract cheating. Providers will typically use a range of terms here (such as sanction, outcome or penalty) with different descriptors. We are using 'sanction' to reflect the potential impact for students and the potential deterrent value associated with the term. An outcome of withdrawal from a provider or loss of marks in relation to a level of study is a sanction.

3. Recommendations of the QAA

Despite the recommendations in the guidance there is still a substantial risk of contract cheating as new technology become accessible to the essay mills and the use of such essay mills become more and more widespread. The QAA recommends the following to tackle contract cheating:

❖ **Education (for students and staff)**

Ensure that **staff are kept up to date with academic regulations on assessment**, and their responsibility to uphold academic standards and integrity. Ensure that staff are familiar with the concept of contract cheating, and the procedures to be followed when it is suspected

Going forward, providers will have to be constantly updating their regulations and policies. The guidelines state that 'All members of the academic community (students, academic staff, leadership, management and professional staff) need to be familiar and kept up to date with the academic regulations that apply to all forms of assessment, and their roles and responsibilities in upholding academic standards and maintaining academic integrity'. This has to be the case for integrity to be upheld.

However, considering the seriousness of contract cheating, and the potential complexity of matters, adjudication should be conducted by a panel (this could include academic staff, senior management, students, students' union representatives, professional staff), with an independent chair, to ensure consistency and fairness. Panels can also consider appeals from first instance decisions from individual officers. All persons involved in considering academic misconduct should be trained and qualified to undertake their roles. They should not have been involved with investigation of the matter or given advice on how to proceed.

The procedures for handling allegations can be complex and involve many

people institution-wide. To ensure consistency of process and a supportive but timely student experience, it may be helpful to create flowcharts, with associated standard documentation, setting out timescales and including notification methods and intervals for scheduling meetings.

❖ Prevention

Consider **'authentic assessment'**, with a mixture of assessment methods where possible. Think about **how to limit cheating opportunities when designing and reviewing courses and setting assignments**. Consider blocking essay mill websites from your IT equipment. Be alert to advertising methods such as posters, flyers and social media, and take steps to minimise/counter them when detected

According to the guidelines: '...there is much that providers can do to reduce the opportunities for students to behave dishonestly when under assessment, and to prevent organisations and individuals from profiting from such behaviour'. Therefore, the providers will have to be one step ahead as of this point as they are being out-smarted by the essay mills.

❖ Detection; and

Consider organisation-wide detection methods. Consider **linguistic analysis tools** to complement text-matching software. Get to know your students' styles and capabilities, and be alert to unexpected peaks in a student's assessment performance. Consider formal processes for alerting PSRBs of misconduct by students where programmes are part of, or are likely to lead to, professional qualification.

In the guidelines, the QAA recommends that staff members' document and share procedures/techniques that they use to build up a bank of information that will be useful for all providers. Some other recommendations include :

- **Interviewing students, after their work has been assessed, as an effective way of detecting third-party written assignments.**
- **Providers to actively search online** to block the essay mills websites
- Providers to get to know students
- Use of grade shifts
- Whistleblowing
- Reporting of cheating offence to professional bodies.

Where providers are aware of students who have been involved in contract cheating, they may be required to report this to the relevant PSRB and provide it with the student's details, including their name, date of birth and address. Providers will need to consider how to do this and comply with data protection law. A copy of the final decision should also be included, after consideration of any appeals. It is not for the provider to judge the seriousness of the offence. It is for PSRBs to make that judgement and to take appropriate action in the context of their professional rules and codes of conduct.

➤ Marking

Essay mill products are of variable quality, and one aspect that may help to identify them is a failure to align with the assignments set. There may be a failure to recognise, or a tendency to ignore, themes and topics discussed during

lectures. Different sections may be written in an obviously different style or voice. Generic terms may be used, as might spellings or phrases not typically used in the UK. It is rarely this easy, but there have been reports of different fonts and styles being used in word processed documents, indicating cutting and pasting.

One of the disadvantages of using anonymous marking systems is that the opportunities to detect contract cheating are vastly reduced. However, work may still be identified by candidate numbers and these can allow comparison of assignments. Providers need to balance the disadvantages of anonymous marking with the long-established positives of reducing discrimination in assessment.

➤ Detection software

New software solutions are being developed in the area of stylometry, using linguistic analysis for text analysis and authorship attribution. Their usage and effectiveness is not currently clear, but this is an area that providers may want to pay attention to as it develops.

❖ Regulations/policies

A strong commitment to academic integrity can be signalled through institutional values or mission statement. Make regulations and guidance as clear as possible, available in a range of formats and languages. Have an explicit procedure to follow to report a suspicion of academic misconduct, determining who to report to and how to report it.

Designated and specially trained academic conduct officers may adjudicate on routine matters. Use a panel to adjudicate on serious and/or complex allegations of academic misconduct, and appeals, with members supported and trained appropriately. Record statistics for cheating cases in sufficient detail to allow effective analysis.

The QAA recommends providers to **adopt a culture of academic integrity, underpinned by a strategy for encouraging scholarship and discouraging all forms of academic misconduct by adopting transparent and consistently applied policies, combined with fair and proportional sanctions**. The QAA acknowledges in the guidelines that investigating and prosecuting instances of cheating can be highly time consuming and expensive.

The most effective ways to manage contract cheating involve addressing cheating strategically, looking at a provider's planning and values, and operating robust academic regulations, policies, procedures, and decision making. The regulations, policies and procedures should flow from the provider's values, mission statement, and strategy (where a commitment to integrity can be explicitly stated). Providers could begin by reviewing their regulations and policies to see whether they are fit for dealing with contract cheating.

4. Students

The guidance as they relate to students to prevent contract cheating are as follows. Providers to:

- ❖ Provide clear information for students on the risks of cheating, including **academic misconduct being reported to relevant professional bodies**;
- ❖ Ensure that programmes of study include assessments that allow students to demonstrate

their learning practically;

- ❖ Discuss ethics and the expectations of professions with students
- ❖ Provide support for students to **develop independent study skills, including academic writing using a range of assessment methods to limit opportunities for cheating**;
- ❖ Block essay mill sites and **take action against essay mill advertising on campus**;
- ❖ Use **smarter detection**, including new software and greater familiarity with students' personal styles and capabilities;
- ❖ Use appropriate **support for whistle blowing** - to protect accusers as well as the accused;
- ❖ Include student involvement on academic misconduct policies and panels;
- ❖ Promote academic **integrity and the need for honesty**;
- ❖ Ensure that students need know that the providers take these issues seriously and that there is a high likelihood of being caught if they were tempted to cheat;
- ❖ Ensure Students **sign declarations stating that all work is original**;
- ❖ Ensure students **receive support to gain the necessary skills for studying, academic writing, use and acknowledgement of academic sources**, correct referencing, paraphrasing and research, to enable them to succeed without resorting to contract cheating;
- ❖ Prepare **new students for HE assessment**, which may be more demanding than they are used to, can minimise the temptation to cheat amongst inexperienced students. Such preparation could take the form of information provision, tutorials, and formal and/or informal feedback;
- ❖ Consider the **needs of students with English as a second language** when promoting and developing their support services;
- ❖ Ensure that all **relevant staff are familiar with the concept of contract cheating**, the signs to look for, and the procedures to be followed when contract cheating is suspected;
- ❖ Make clear to students that they will become so familiar with their work that examples of cheating will be obvious in terms of style, ability, attitudes, and confidence
- ❖ Engage further with local schools and further education providers to encourage the **development of good academic skills and academic integrity prior to entering HE**;
- ❖ Consider **the design and use of resilient assessment methods**, or methods that are more resistant to the challenges of contract cheating;
- ❖ **Reduce this risk by setting specific assignments that enable easier cheating detection, with 'checkpoints' or early drafts where research and findings can be discussed including presentation requirements**, online testing, workplace attestation, group work, and the use of 'in class' IT equipment'

- ❖ Consider **using a mixture of assessment methods**, controlled and 'uncontrolled' (where no environment or time conditions are set), written and oral, clinical, presentations and portfolios, as well as group and peer assessment;

A fundamental rethinking of the format and processes, even the structure of programmes, is a more extreme response to the threat of contract cheating but can provide a valuable opportunity to consider how best to 'design out' cheating in this way. Changing assessment methods in the ways suggested in this report is also likely to have the benefit of improving assessment generally by focusing on what students can do, rather than what they

- ❖ Blocking access to essay mills from computers and Wi-Fi systems on their property;

Disrupting opportunities to advertise

The advertising activity of essay mills has increased in recent years. Advertising space has been purchased on search engines and in Tube stations, flyers and business cards are handed out on campuses, social media accounts target students who say they are struggling with assignments, and in some cases mailing lists from providers have been obtained by mills and used for direct emails. Providers should be alert to these methods, including any advertising that takes place in languages other than English, and consider ways of removing this kind of advertising when it occurs.

While posters can be removed, and pamphlet distributors can be asked to leave a providers' property, social media or email contact can be harder to counter. If activity is detected, providers could use their own social media and email accounts to contact their students, directly or indirectly, warning them about contact from particular sites and companies and re-stressing the need for academic integrity.

- ❖ Make the **act of 'supply' an explicit offence** within their disciplinary procedures, which are separate to the contract and can be adjusted more easily.

Providers may wish to consider making explicit within each staff contract that assisting a student to commit an academic offence, or ignoring evidence of misconduct, would be cause for a staff disciplinary investigation.

5. Decisions and sanctions

Contract cheating is regarded as **extremely serious** under the guidelines and this will be adopted by providers. The guidelines recommend some leniency where there are mitigating circumstances which ought to be taken into account.

Contract cheating might normally be considered an extremely serious matter because the deliberate, intentional decision of a student to engage a third party to complete work for them elevates the seriousness of contract cheating above what would normally apply to a case of plagiarism. The recommended sanction for extremely serious academic misconduct should be suspension or expulsion.

Regulations and policies should be clear about the standard of proof to be applied. We recommend 'the balance of probabilities'; this is the standard applied by the courts in civil matters and by some regulators in professional admission cases where the character of the applicant is in question. The higher alternative, 'beyond reasonable doubt', may seem proportionate given the seriousness of the potential sanctions but may be too strict to enable effective decision making.

There may be extenuating or mitigating circumstances where some leniency in the sanction applied could be justified, for example newly arrived students in their first assessment period in UK HE who have had no access to information about the institutional expectations, norms and consequences, or students under extreme

pressure following close bereavement or serious family crisis. It is important to ensure that any mitigation applies to the sanction imposed, rather than the decision on whether contract cheating has occurred.

Providers should have a clear policy on what amounts to exceptional and mitigating circumstances, but should be careful not to fetter the decision makers' discretion by producing inflexible or exhaustive lists, as this would be unfair and decisions could be challenged. Where sanctions are mitigated, and indeed for any sanction lower than exclusion, we recommend incorporating an educational element around academic integrity.

The overarching point is that the **regulations must be clear and address how any student found guilty of contract cheating will be dealt with and the exemptions that may apply.**

Appeals process

Regulations should be clear about the grounds on which appeals can be made, and make this information available to any student that would benefit from it.

6. Conclusion

Providers must ensure that the standards of the qualifications that they award are not undermined by contract cheating.

Dr Rosanna Cooper has had tremendous success in acting for students and medical doctors in appeal cases and complaints to the OIA respectively. In terms of doctors, Dr Cooper has specialism in ARCP, MRCP(UK), Intercollegiate MRCS, MRCOG, MRCPsych and fitness to practise appeal and review cases.

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