

A new law to tackle contract cheating and Essay Mills?

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The academics propose that the new law should be applicable in many countries around the world and is described in a study "A legal approach to tackling contract cheating?" co-authored by Michael Draper, an Associate Professor in the College of Law and Professor Phil Newton from the Swansea University Medical School, an expert in contract cheating, which has been published by the *International Journal for Educational Integrity*.

The explosion of so-called "[contract cheating](#)" services has created a headache for policymakers around the world. Current laws were not designed to address the 21st century nature of the problem, and a proposal to incorporate existing laws from New Zealand into UK law failed earlier this year after the government indicated it would not be effective and may inadvertently target companies providing legitimate study guidance.

Earlier research from the same academics also showed that contract cheating services protect themselves by using terms and conditions that keep the risk of 'intent' to cheat with the student, despite those services offering to write assignments to exact specifications. The newly proposed law addresses these limitations, using the principle of 'strict liability', which places the 'intent' onto the providers of the services. Similar principles are used in cases like car insurance, where intent is irrelevant and violators are prosecuted for being uninsured even if they simply forgot to renew.

The authors also propose an updated definition of contract cheating, to counteract legal loopholes that might otherwise be exploited by essay mills and other contract cheating services.

Speaking on the principle of strict liability, Mr Draper explained; " The public interest in the integrity of University awards demands that law enforcers should be able to insist that those that provide such services are automatically liable unless they positively demonstrate that they have taken all necessary steps to ensure students do not submit essays as their own, rather than the prosecution having to establish liability on the part of the contract cheating service"

Both Newton and Draper are also co-authors of recent QAA guidance document on contract cheating which recommended that universities implement a broad range of measures to address the problem of contract cheating, including measures to address the education of educators around [academic integrity](#) and contract cheating, which is currently lacking, and steps to ensure that students understand contract cheating and how to avoid it.

Professor Newton (@newtonsneurosci) explained: " A holistic approach is required to promote Academic Integrity and address the ease with which contract cheating providers can exploit the current Higher Education system. Education of staff and students, improved assessment design and legal/regulatory approaches, including this new law, are the pillars upon which a holistic approach can be built."

More information: Michael J. Draper et al, A legal approach to tackling contract cheating?, *International Journal for Educational Integrity* (2017). [DOI: 10.1007/s40979-017-0022-5](https://doi.org/10.1007/s40979-017-0022-5)

The QAA guidance document for universities 'Contracting to Cheat in Higher Education - How to Address Contract Cheating, the Use of Third-

Party Services and Essay Mills" can be found here;
www.qaa.ac.uk/publications/information?Publication?PubID=3200

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