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01 March 2019

The Hon. Dan Tehan, MP
Minister for Education
Parliament House
Canberra ACT 2600

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Dear Minister,

The Higher Education Standards Panel's advice regarding commercial (or 'contract') cheating in higher education

The University of Sydney strongly supports the advice provided by the Higher Education Standards Panel (HESP) on tackling contract cheating and the Australian Government's response.

Academic integrity is a core value of the University of Sydney, and we share with the Australian Government and counterpart institutions a deep commitment to preserving the academic integrity of the sector. Since 2015 we have been involved in a range of endeavors with other Australian universities to address issues around educational integrity and welcome this initiative for collective action between governments, the regulator and higher education providers.

The University's commitment to academic integrity, along with its unequivocal opposition to all forms of academic dishonesty and misconduct, is enshrined in the University's [Academic Honesty in Coursework Policy 2015](#), which in Section 9(1) states:

The role of the University is to create, preserve, transmit and apply knowledge through teaching, research, creative works and other forms of scholarship. The University is committed to academic excellence and integrity as the cornerstones of scholastic achievement and quality assurance.

This commitment is further underwritten by a broader institutional framework comprised of a suite of rules, binding codes of conduct for students and staff, and institutional procedures and guidelines for addressing alleged breaches of academic integrity. Insofar as they relate to the University's educational programs and the threat of contract cheating, these include the:

1. [Academic Honesty Procedures 2016](#)
2. [Code of Conduct for Students](#)
3. [Research Code of Conduct 2013](#)
4. [University of Sydney \(Student Discipline\) Rule 2016](#)
5. [Educational Integrity Decision-Making and Penalty Guidelines 2018](#)

The University undertook a comprehensive review of its approach to mitigating and minimising threats to educational integrity following the recommendations of a taskforce established by the Vice-Chancellor in 2015. Among the recommendations of the taskforce was the establishment of an Office of Educational Integrity in the University's central education portfolio. Working under the oversight of the Deputy Vice-Chancellor (Education), this office leads institutional efforts to educate students in academic honesty and to develop strategies for deterring, detecting and investigating academic dishonesty and misconduct.

The University of Sydney supports the recommendations of the HESP on tackling contract cheating and the Australian Government's response. We are particularly encouraged by the HESP's emphasis on developing a consistent approach for communicating the sector's commitment to academic integrity to students. We are equally encouraged by the Australian Government's allocation of additional funding to the Tertiary Education Quality and Standards Agency (TEQSA) to establish and enforce legislation for prohibiting and prosecuting the provision or advertisement of commercial cheating services.

Observations on a standardised statement of personal commitment to academic integrity (Recommendation 1)

We support the initiative to create a standardised template for a statement of personal commitment to academic integrity and believe that crafting such a statement as a unified message from higher education institutions, the regulator and the Australian Government will be beneficial. Many universities, including the University of Sydney, already require such commitments from commencing students but we believe a collective, unambiguous signal from the sector will be stronger and more effective.

We also note the HESP's consideration of the different circumstances of international and domestic students regarding whether additional legislative mechanisms are necessary for addressing contract cheating in each of the respective cohorts. Our view is that the specific risks for international students require attention, particularly in relation to those students for whom English is an additional language.

We believe that the educational potential of the proposed statement for inbound international students would be even stronger if linked with a mandatory, government-authorised education module as discussed in more detail under *Additional Proposals, Option 2* below. At the University of Sydney, a commitment by all commencing undergraduate and postgraduate coursework students is made at the completion of the mandatory Academic Honesty Education Module. Our most recent revision of this module (2019) included additional educational content on contract cheating as a result of additional risks to students that we became aware of during the second half of 2018. Placing the statement as the final task in completing the module maintains the educational emphasis of such statements and ensures that students enter into the commitment with an understanding of the issues. We believe a module for international students endorsed by the Australian Government and all providers would amplify the benefits of a combined statement of commitment.

Observations on a legislative approach for tackling commercial cheating services (Recommendations 2 and 3)

The University of Sydney is keen to see legislative action taken against the provision and advertisement of commercial cheating services and views the legislation in place in New Zealand as a useful starting point. We would, however, draw attention to the limitations of the New Zealand legislation as identified by

Michael J. Draper and Philip M. Newton of Swansea University in the United Kingdom.¹ In particular, they point out that successful prosecution of commercial cheating services under the New Zealand legislation is predicated on proving intent on the part of the defendant. Draper and Newton propose that any such legislation would be more effective if based on principles of 'strict liability'. This would mean that the provision and advertising of commercial cheating services would be illegal regardless of whether the service provider has knowledge of its wrongfulness or recklessness. Ascertaining intent is notoriously difficult, so we encourage the regulator to consider Draper and Newton's analysis in its pursuit of legislation in this area.

In terms of the promotion of commercial cheating services, we note that the New Zealand legislation prohibits the advertising of commercial cheating services and publication of any such advertisements. We suggest that the New Zealand approach does not go far enough in that it fails to address the significant part that global media platforms such as Google, YouTube, Facebook, Twitter and WeChat play in facilitating the advertisement of commercial cheating services.

We are aware that the United Kingdom's Quality Assurance Agency has committed to approaching Google, Facebook and other media companies to ask that they not accept advertisements for commercial cheating services and to have the websites of these services blocked.² We note that YouTube took steps in late 2018 to remove content published by commercial cheating services, albeit only after the publication of an investigation conducted by the BBC.³ The high degree of visibility commercial cheating services have achieved has inevitably been tied to the growth of these global media companies and their associated platforms, so we do not see relying on the goodwill of these companies as sufficient for curbing the threat of contract cheating. The ease (and relative invisibility) with which Chinese-language cheating services have been able to target students coming to us from China through WeChat and other Chinese social media platforms has also emerged as a significant concern. Our view is that any future Australian legislation should seek to address these issues by making it an offence to facilitate the advertisement of commercial cheating services.

Additionally, we suggest consideration be given to empowering the regulator through the legislation to investigate and, where appropriate, take action in the entirely unregulated market in commercial tutoring services where there is evidence that these services are compromising the educational integrity of the higher education sector. In 2018, for instance, we linked potential breaches of academic integrity to three Chinese-language "tutoring colleges", each of which had claimed an affiliation with the University. Also re-emerging in 2018 was the tutoring college linked to the My Master incident, [Yingcredible](#). Yingcredible was found to have been promoting its services through the illegal use of the trademarks of a number of Sydney-based universities, including our own. These universities undertook coordinated action to have our trademarks and illegal use of our intellectual property removed from the company's promotions.

¹ Michael J. Draper & Philip M. Newton (2017) A legal approach to tackling contract cheating?, *International Journal of Educational Integrity* 13:11, DOI: [10.1007/s40979-017-0022-5](https://doi.org/10.1007/s40979-017-0022-5)

² Quality Assurance Agency (2016) *Custom essay writing services: an exploration and next steps for the UK higher education sector*, The Quality Assurance Agency for Higher Education, Gloucester UK, <http://www.qaa.ac.uk/en/Publications/Documents/Plagiarism-in-Higher-Education-2016.pdf>.

³ Branwen Jeffreys & Edward Main (2018) YouTube deletes cheating videos after BBC investigation, 6 December 2018, British Broadcasting Corporation, <https://www.bbc.com/news/blogs-trending-46468389>.

We are concerned that these kinds of services may escape the reach of the proposed legislation through their continued blurring of the boundary between legitimate and illegitimate assistance and by operating in the shadows. Having linked a number of these companies to potential breaches of integrity last year, we also have serious concerns about the quality of the information and instruction they are providing to our students and students across the sector.

Additional proposals for consideration by the Australian Government

In addition to supporting the initiatives proposed by the HESP and the Government, we submit the following suggestions to further consolidate the sector's efforts for consideration.

1. Establish a national code for assuring the academic integrity of the sector

Establishing a national code on academic integrity in higher education would promote a more consistent, sector-wide approach for assuring and communicating the sector's commitment to academic integrity. By establishing a common footing, a national code also has the potential to promote closer collaboration between institutions and across the sector generally. To ensure compliance with the code, universities and other higher education providers would be required to recalibrate their existing institutional codes of conduct and policies, such as is the case with the [Australian Code for the Responsible Conduct of Research, 2018](#). The code could be informed by the proposed statement of personal commitment to academic integrity or, *vice versa*, the code could inform development of the statement. Once a national code is established, it could also be extended to cover the activities of the tutoring colleges we have indicated above.

2. Introduce a compulsory educational module for international students

Modelled on the [British Council's 'Study UK' MOOC](#), the Australian Government could consider developing a compulsory online module that all students offered a visa to study in Australia must complete. The module would seek to educate inbound international students about their obligations under the proposed national code, as well as other issues pertinent to commencing study in Australia, such as their obligations under the ESOS Act and the nature of the Australian healthcare system. Such a module could also be linked with the personal statement as detailed above. Both domestic and international students would still continue to receive education in academic integrity at the institutional level as required under the Higher Education Standards Framework.

3. Facilitate the creation of a national network of academic integrity practitioners

Through our respective offices of academic (or educational) integrity, the University of Sydney and the University of Wollongong having been seeking to establish a national network comprised of staff with a strong academic or professional interest in academic integrity. The University of Sydney and the University of Newcastle were also involved in an earlier initiative to create such a network through the Committee of Chairs of Academic Boards/Senates in NSW and ACT, and we understand the DVC Academic group within Universities Australia has also considered activity in this area. We have found strong support for such initiatives but locating such a structure outside of an institutional framework creates coordination and logistical challenges. We propose that the Australian Government considers providing an additional allocation of funding to establish this network and support a (part-time) national coordinator appointed through an expression of interest process.

4. Institute a national system of mandatory reporting and information sharing

With some precedent in the Provider Registration and International Student Management System (PRISMS), introducing a mandatory system for reporting findings of serious academic misconduct has the potential to achieve the kind of deterrence that we believe the statement of personal commitment cannot achieve alone. Unlike PRISMS, the proposed system would be designed to communicate information between institutions and between the sector and the regulator.

A system of this nature would enable the sector to share intelligence about common threats to academic integrity and address the current ease with which students accused of academic misconduct can seek transfer to another institution without facing the consequences of their actions. Though a finding of academic misconduct should not preclude admission elsewhere, universities would be in a better position to impose appropriate conditions on their enrolments to mitigate risks to academic integrity. Enacting any such system would require that agreement be reached on what constitutes serious academic misconduct, which we suggest could be achieved by way of a common classification system developed through the practitioner network proposed above. Consideration would also need to be given to an appropriate framework for addressing privacy concerns, although we note that there are already examples of exemptions being granted to certain agencies in relation to their ability to properly exercise their complaint handling and investigative functions.⁴

We have found that our adoption of a centralised reporting system across our University in 2016 has vastly improved our understanding of the prevalence of academic misconduct and our ability to respond to emerging threats to the University's educational integrity. This system is now also supporting our ability to identify the services seeking to exploit the vulnerabilities of our students for commercial gain. We believe that the adoption of a sector-wide system would yield similar benefits and could provide the regulator with one means by which to identify commercial cheating services for prosecution under the legislative approach it is now pursuing.

We hope that the information and suggestions we have provided in this response will be of assistance and look forward to working with the Government, the regulator and colleagues across the nation to protect the academic integrity of the sector and the welfare of our students.

Yours sincerely,

Professor Pip Pattison AO
Deputy Vice-Chancellor Education

⁴ See, for instance, [Division 3 of the Privacy and Personal Information Protection Act 1998 \(New South Wales\)](#).