

A discussion of potential institutional responses to the issue of blackmail and disclosure in contract cheating

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Synopsis

Within this presentation the issue of blackmail associated with contract cheating is examined. Drawing on recent research completed by the authors, we examine possible institutional responses to the issue of blackmail, including potential approaches to be taken on receiving a disclosure from an affected student.

Contract Cheating

‘Contract cheating’, a term coined by Clarke and Lancaster (2006) describes the situation where a student procures another party to complete work on their behalf, which is then submitted without adequate acknowledgement of the source. Contract cheating transactions pose a significant risk to academic integrity and the assurance of learning, which places the perceived or actual quality of an institution’s graduates at risk. In turn, this weakens the level of trust accorded to the sector more broadly. There is evidence to suggest that contract cheating is a globally recognised academic issue (Bretag et al., 2018), which may be increasing in scale (Newton 2018).

Blackmail

Blackmail constitutes a coercive arrangement involving two aspects: a proposal, and an agreement (Galoob, 2016). The proposal constitutes a threat that information will be revealed; the agreement defines the conditions under which the threat will be withdrawn. Blackmail occupies a contested space in law (Berman, 2011), in that it is arguable that a public good is served when undesirable activities are exposed. However, any sense that the process of blackmail follows a defined trajectory should be dismissed since it is possible that *neither* party will behave according to the ‘deal’: a blackmailer may still reveal information despite having received a payment, or a recipient may attempt to counter the blackmailer.

Within the United Kingdom, the issue of blackmail associated with contract cheating was identified by Lancaster (2016). Within Australia, the spectre of blackmail was given prominence when the Chief Commissioner of Australia’s national regulator (Tertiary Education Quality and Standards Agency) identified the issue within his keynote speech at the TEQSA Conference 2018. More recently, two Australian

researchers (Sutherland-Smith & Dullaghan, 2019) identified that participants in their study had anecdotally reported that blackmailers had threatened to reveal student identities to their institution unless money was paid.

Students' experience of blackmail

Research conducted by the authors (under review) examined students' knowledge and experience of blackmail, identifying that the 587 participants in a single-institution sample were largely unaware of the existence of blackmail. Unsurprisingly, the prospect of blackmail was seen to be a source of considerable stress and anxiety. Drawing on this research, we suggest that there are at several possible student responses to the potential or actual threat of blackmail. A student may:

- i. Choose to disclose to the institution even if there has been no actual demand made from a potential blackmailer;
- ii. Contact police or a lawyer, rather than the institution. (Under certain jurisdictions existing or proposed legislation may serve to make contract cheating an offence);
- iii. Attempt to re-negotiate a deal to secure a less expensive outcome;
- iv. Choose to ignore the request, in the hope that the blackmailer would not follow through with the demand;
- v. Simply pay the request (which may lead to further requests for payment);
- vi. Disclose the issue to the institution, despite the risk that this might pose to their academic progress.

Institutional responses to blackmail

Possible institutional responses to the problem of blackmail involve prevention and treatment. With respect to prevention, suitable training could be incorporated into programs for both students and staff to raise levels of awareness, which may act as some form of deterrent. The actions that an institution might take in response to an instance of blackmail span two areas, the first being pastoral support, the second relating to the issue of how the academic penalty and re-assessment of the learning outcomes is managed. Pastoral support is relatively straightforward, and involves establishing counselling, support, and advice from university or student assistance groups.

The key question, to be explored within this presentation, is how an institution should respond to a disclosure, and specifically how the student academic result should be treated. This second question is not trivial, and a number of possible institutional responses to the academic treatment for the issue of blackmail are examined below.

It is acknowledged that across (and occasionally within) institutions, different penalties are applied to cases of contract cheating (e.g. mark reduction, zero marks for assessment item,

zero marks for unit, unit annulled due to misconduct). For the purposes of this discussion, the penalty of an annulled unit is taken to be a conventional outcome of an instance of contract cheating, although we note the observation by Harper et al., 2019 that penalties for contract cheating may be comparatively lenient.

Amnesty

One aspect to consider is whether the student has come forward voluntarily or whether they have been identified by a blackmailer to the institution. An amnesty may be seen as a method to encourage students to come forward (even if they have not been subjected to blackmail) but this raises issues of equity, which are examined below. However, the notion that a lesser penalty could be accorded to those that come forward is a suggestion worthy of further examination.

Maintain standard penalties

One possible option is to ensure that the standard penalty for contract cheating continues to apply. In the case of a unit annulled due to misconduct, this penalty would be applied, irrespective of whether the student voluntarily disclosed or not. Whilst this approach is consistent, it is unlikely to encourage students to come forward unless they are seriously concerned about the prospect of blackmail or are experiencing considerable stress from being blackmailed.

Variation to the standard penalty

An alternative to the standard penalty approach would see a lesser penalty applied in cases where the student had come forward voluntarily. This approach may help ‘shift the balance’ to favor proactive action on the part of the student. To illustrate, if the standard penalty for cases of contract cheating is an annulment, then an alternative may be to award a fail grade for the unit of study within which the misconduct occurred. The difference may appear to be insignificant on first reading, but an annulled grade would usually be accompanied by a narrative on an academic transcript to explain that the grade was annulled due to misconduct, whereas a fail commonly receives no such annotation.

Repeat the assessment

A failure of the unit of study (whether caused by an annulment, a zeroing of marks, or a depletion of marks to a point where the unit is considered to have been failed) will lead to the need for the unit to be retaken. This raises two issues. Firstly, if the assessment tasks are largely or wholly the same, then the student has received a considerable advantage in having acquired the material from the contract cheating source. This material then supports the

second iteration of the assessment task, giving the student an advantage which is arguably unfair. Given that assessment reuse is commonplace, this issue is significant (Brimble, 2016).

The second issue concerns the matter of cost. If the unit of study is repeated, this has a cost to the student. The cost of repeating the unit serves as a barrier to voluntary disclosure, and the issue then becomes a cost/benefit exercise to compare the cost of repeating the unit versus costs of paying the blackmailer. The suggestion that a repeat unit might be discounted in terms of cost is highly problematic: whilst it solves the issue of lowering the barrier to disclosure, it is immediately unfair to those students who have studied the material without cheating and simply failed.

Concluding remarks

It is clear that there are a number of issues to be considered in determining institutional responses to the issue of blackmail and voluntary disclosure by students. There is a considerable danger in creating a situation whereby the bar to contract cheating becomes lowered, if responses to voluntary disclosure are inappropriately configured. Within this discussion we have highlighted the issue of equity with other students who have failed without cheating, and there is a powerful argument for maintaining a ‘parity of response’ with this group. Finally, it would be a truly ironic and highly unfortunate outcome if the prevalence of contract cheating increased as a response to new policy positions on blackmail and voluntary disclosure.

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