26 June 2019

Australian Government
Governance, Quality and Access Branch
highered@education.gov.au

Curtin University – Comments: Exposure draft Bill to prohibit academic cheating services in higher education

Overview

Curtin University welcomes the Government’s proposed legislation to protect and enhance academic integrity by prohibiting contract cheating services.

Academic integrity and student misconduct matters are managed well by Australian universities, with existing oversight by TEQSA. It is important to recognise the substantial work currently undertaken by universities in the prevention of contract and other academic cheating as part of the educative processes in place. Curtin supports the proposed legislation which is aimed at those who provide cheating services, and not to students who might use them.

Legislation prohibiting contract cheating services is needed if for no other reason than the deterrent factor that it will provide, although the complexities of the legal issues, including how Australian legislation will apply to international cheating services, gaps in the Commonwealth/State/Territory powers, among others, may make it difficult to enforce.

Other than the exception provided in the draft legislation for students with special needs, the legislation as proposed is ambiguous regarding individuals who provide legitimate student support, such as tutors or others providing informal assistance. We do not want the legislation to impede the work of providers currently assisting students with perfectly legitimate service provision (e.g. Studiosity, Grammarly). Curtin recommends that the legislation cover only commercial cheating services.

Curtin supports in principle the additional authority to TEQSA to enable the removal of offending websites and banning of advertising by offenders in addition to TEQSA’s ongoing collaborative work with the sector in maintaining best practice for the management of academic integrity. However, the work of continuous vigilance and auditing of websites which will fall to TEQSA could significantly increase the workload required. It would be unfortunate if some of the excellent work of TEQSA on supporting teaching and learning excellence and good practice might be compromised to redirect resources to continual monitoring and checking of online service provision.

Specific points for clarification

It is important to clarify the term “course” where used in relation to the services section, “completing an assignment or any other work that the student is required to complete as part of the course of study”. If course equates to a program rather than a unit, this could exempt the service provider from the legislation if they argue that the student was not enrolled in a program but was studying for a single unit or indeed for a microcredential (which might later be used as CRL for a program of study).
Many advertised services do not claim in any way to provide cheating services, but are hidden under “assignment assistance and editorial” terminology which makes it difficult for students to judge whether or not using their service constitutes cheating, making it challenging to identify clearly those services which do provide contract cheating, with the expectation that the proposed legislation will make it more likely that contract cheating providers will take even more care to disguise their services. As noted previously, we do not wish to see legitimate service assistance whether formal or informal to be impeded by the legislation.

It would be helpful to know the timeframe for injunctions to be obtained that will block website access. These websites can spring up and/or morph in a very short timeframe, during which time students may not be aware that the website has been identified by TEQSA as breaching the legislation.

The burden of proof commentary in the exposure draft is a bit hard to follow. Finding compelling evidence that contract cheating has occurred will continue to be difficult, until technological assistance to cross-check sources of student submissions in a similar way to currently available text-matching software which helps cross-check published work is available. We will need some clarity on who will need to provide proof and what that proof might look like.

Alongside the Act there needs to be a systematic process of reporting that actively investigates 'suspected' contract cheating. Mechanisms for how TEQSA and institutions will interact will need to be codified with clear guidelines for reporting established.