



All academic misconduct behaviours are equal, but some are more equal than others: exploring educator perceptions of the impact of criminalising contract cheating on the academic misconduct landscape in the UK, through the lens of TPA

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Abstract

Using thematic analysis and the Theory of Practice Architectures (TPA), this study assessed educator perceptions of the 2022 criminalisation of providing or advertising contract cheating (CC) services in the United Kingdom (UK). Semi-structured interviews were conducted with ten participants from ten different UK-based Higher Education Institutions (HEIs), all of whom taught/were currently teaching at a HEI and had interacted with at least one academic misconduct case in the last five years. Educators were asked to share their own perceptions, in addition to those they believed their students held on the criminalisation of CC. Thematic analysis revealed four key themes: indifference, confusion, support and Generative-Artificial Intelligence (Gen-AI), which were then aligned to the arrangements of TPA to highlight how these themes may be influencing the practice of contract cheating. The study found that educators were indifferent towards CC criminalisation, and that many educators felt unsupported in the pursuit of academic misconduct cases. Respondents were more concerned about the rise of Gen-AI and its impact on future academic integrity.

Keywords: academic misconduct; contract cheating; higher education; theory of practice architectures.

Introduction

While students engaging with academic misconduct behaviours is not a new phenomenon in education, the predatory nature of contract cheating (CC) is a cause for concern. Essay mills, the companies which provide CC services, have been found to resort to blackmailing students (Draper et al., 2021), often enforcing hidden clauses to trap learners in CC behaviours, and make use of aggressive marketing techniques (Lancaster, 2020) to encourage academic misconduct engagement. In attempts to be recognised as leading research institutions, higher education (HE) is creating an increasingly competitive environment for learners (Musselin, 2018). This environment is a leading cause of stress in learner populations (Randstad, 2022), an emotional state often linked with cheating behaviours (Srikanth and Asmatulu, 2014), something which essay mills are exploiting. In some circumstances, essay mill companies provide 'guarantees' for the quality of assignments produced to tempt learners but fail to deliver products of the promised standard. Premium quality work orders, with larger purchase fees, provide a minimal increase in marks awarded in comparison to standard quality work orders, and in 52% of cases, work provided by essay mills failed to meet the requisite pass mark (Sutherland-Smith and Dullaghan, 2019). Promises of 24/7 support and quick turnarounds tempt learners to use these services (Sutherland-Smith and Dullaghan, 2019), yet marketing material regularly and directly contradicts the terms and conditions of the transaction (Draper et al., 2017).

Contract cheating, first defined by Clarke and Lancaster (2006), refers to the process of a learner tendering another individual to complete an assignment for them. The transaction usually occurs online, with students intending to submit obtained work as their own, to receive academic credit (Walker and Townley, 2012). In the late 2010s, CC cases were found to be rising (Newton, 2018), prompting support to legislate against the behaviour. Increases in the behaviour were attributed to technological advances (Lancaster, 2020), alongside greater knowledge of the behaviour – the more learners know about CC, the more likely and willing they are to engage with and demonstrate the behaviour (Lancaster, 2020).

CC is understood to be one of the fastest evolving forms of academic misconduct (Spruin, 2022), so it is unsurprising that its definition is also changing. It is now more widely understood to describe the behaviour of a student obtaining work that has been completed

and provided to them by a third party, with or without payment (Awdry, 2021; Bretag et al., 2019; Harper et al., 2019). Research suggests that more students are receiving contract cheating services for free from friends, family, or peers than by paying essay mill companies (Awdry, 2021).

However, rates of CC are still lower than other forms of academic misconduct. Plagiarism is the most common form of academic misconduct (Stone, 2023) and increased among undergraduates during COVID-19 lockdowns (Dukhan, 2021). This rise in misconduct has posed challenges for understaffed teams addressing it (Chang et al., 2021). However, many learners remain unclear about what constitutes plagiarism (Stone, 2023), partly due to inconsistent definitions (Perry, 2010).

Another academic misconduct area of concern for HEIs is the use of Gen-AI within academia. Gen-AI is defined as computational techniques which can generate novel and meaningful content such as text, images or audio from a set/sets of training data (Feuerriegel et al., 2024). Attitudes towards the use of Gen-AI in academia are polarised; some believe in the assistive nature of the technology, arguing it may improve educational outcomes (Barua et al., 2022). Others are concerned that current assessment designs need overhauling to overcome the negative impact of AI (Sweeney, 2023), especially given the difficulty in detecting its use, even by experienced markers (Hassoulas et al., 2023) and by AI itself (Chaka, 2024). While plagiarism detection software is improving, the growth of Gen-AI already has profound implications for the HE sector (Sweeney, 2023).

At the time of writing, the provision of CC services is an offence under sections 26, 27, and 28 of the *Skills and Post-16 Education Act 2022*. Whilst the behaviour is understood to be difficult to detect, it is not as common as plagiarism, and unlike the use of Gen-AI in assignment submission, it has always been understood to be an academic misconduct offence.

The purpose of this study is to better understand the perceptions educators hold towards the criminalisation of providing and/or advertising CC services in the UK. The study will explore what educators think their students feel about the criminalisation, in addition to exploring if the criminalisation has led to a change in academic misconduct behaviours.

Literature review

To better understand the impact the criminalisation of CC has had on the UK academic misconduct landscape, a literature search was performed to identify possible areas worthy of further exploration and research. A Scopus search was conducted using keywords: 'academic misconduct' OR 'academic integrity' AND 'higher education' AND 'UK', excluding 'exam' in the title. The search covered 2019 to present, with filters for English language, peer-reviewed articles. This resulted in 28 documents, narrowed down to six discussing CC or related terms, four of which were published after changes to UK legislation on the issue.

Pre-UK legislation change

In 2014, it was estimated that around 3.5% of student populations were committing CC offences (Newton, 2018), but in 2018, 15% of students admitted to committing this offence. With CC on the rise, and evolving quickly, Spruin (2022) conducted a study to assess the impact of CC on stakeholders from various settings, including the education sector. After identifying a group of seven stakeholders, findings showed that CC was a growing threat to standards and individual providers in the HE sector, and a multi-level solution involving all key stakeholders was suggested as a requirement to combat the behaviour (Spruin, 2022). While the study did not directly call for criminalisation, it did highlight that a targeted approach was required to overcome the associated impact of the behaviours for the UK HE sector.

Awdry and Newton (2019) compared staff perceptions of CC via an online survey with groups from Australia and the UK. Of 196 respondents, 78% came from Australia and 22% from the UK. The survey was conducted before either country criminalised the behaviour, but asked staff members to provide views on whether or not essay mill companies, or the use of them by students, should be illegal, finding the majority of staff were in favour of criminalisation (Awdry and Newton, 2019). Free text responses from 18 participants directly engaged with the legal issue of CC, but four respondents already thought the behaviour was illegal (Awdry and Newton, 2019). While support for criminalisation was high among respondents, many provided caveats on how criminality should be dealt with in the instance of the students, suggesting that criminality was clearer in the instance of essay mill companies (Awdry and Newton, 2019). The study acknowledged changes to the

legality of CC behaviours could have knock-on impacts that would need to be considered – criminality should initially concern the companies selling the work, rather than students purchasing it (Awdry and Newton, 2019).

Post-UK legislation change

This section reviews four articles published following the change to UK legislation regarding CC, to highlight differences between findings of literature published pre- and post-legislation change. One study focused on discourse analysis of the comments section of two articles about CC in the Daily Mail (Roe, 2023). Roe's study aimed to reveal the impressions the commenters held of such behaviours following the pandemic, a time when the general discourse within the UK was anti-expert. The study found several discourses present, including historical degradation, elitism, and political affiliations (Roe, 2023). Ultimately, comments held a negative attitude towards CC behaviours, but attributed the cause to many different factors, including Tony Blair's educational policies, holding a 'remain' position during Brexit, or being a member of the 'snowflake' generation (Roe, 2023). Roe's findings align with Groves and Nagy (2022), who found the criminalisation of CC to mirror political discourses and ultimately simplify a nuanced problem with a one-size-fits-all solution. None of the selected comments from Roe's study discussed a desire for the criminality of CC, perhaps suggesting that the public, while holding strong opinions on cheating behaviours in education, were not aware of the calls for criminalisation from the education sector.

Rahimi et al. (2024) covered the criminality of CC in their study by asking a small number of students to detail their experiences of CC, including procedures involved, in addition to the drivers for performing such behaviours (Rahimi et al., 2024). Findings suggested that students may benefit from more leniency regarding academic misconduct earlier into their courses, and to be made aware of the pitfalls of CC beyond the educational impact, such as the risk of blackmail (Rahimi et al., 2024). While this study did acknowledge the criminality of CC, it did not gather perceptions of this directly from students, instead focusing on the fact that very few prosecutions have occurred in relation to CC, in countries where the services have been criminalised (Rahimi et al., 2024). High rates of CC within the UK suggest that 8 to 9% of degrees awarded are 'unsafe' (Rahimi et al., 2024), given learners are obtaining degrees for skills they have not acquired (Spruin, 2022; Sweeney, 2023). Yet prosecution levels remain low, and it is unclear if this is due to

a lack of desire to pursue cases from academic institutions, or the high threshold of proof/evidence required for a prosecution to be successful (Draper, 2022), with crown prosecutors requiring a 'realistic prospect of conviction' to take a case forward (Crown Prosecution Service, 2018).

Ajit et al. (2024) found that most of the students they surveyed understood the concepts of academic integrity and CC. The study comprised an online questionnaire of ten questions, which was attempted by 13,000 students over the course of three months (Ajit et al., 2024) and found 75.2% of student respondents were familiar with the term academic integrity. Only completed responses were analysed, meaning data produced came from 117 students, 88% of whom indicated an international background (Ajit et al., 2024). This is especially relevant as there is disagreement in present literature surrounding the representation of international students in CC; some findings suggest that overseas students, particularly those for whom English is a second language, are at greater risk of CC (Sweeney, 2023), while others have found international students are not more likely to cheat due to their international status (Bretag et al., 2019). Once again, this study did not focus on the criminal aspect of CC.

The final study from this literature search focused on student insights into academic integrity, from a Russell Group university based in the UK. While this study largely addressed generic academic misconduct, it included contract-cheating-specific questions (Campbell and Waddington, 2024). The study comprised two surveys, which gathered responses from 221 and 474 students, respectively (Campbell and Waddington, 2024). 60% of students responded that CC was not actively discussed between staff and students (Campbell and Waddington, 2024). 99% of students surveyed were aware that CC constituted serious academic misconduct (Campbell and Waddington, 2024), yet most essay mills market themselves as general educational support services (Gaumann and Veale, 2024), suggesting that students are aware of the severity of CC from a source outside of their educational settings. Articles written before the change to UK CC legislation appear to support the need for tougher regulation, highlighting the problems for students, universities, and future employers (Spruin, 2022). However, most of the articles written since the changes do not appear to reflect that awareness of the change has permeated society or student populations. This suggests a potential disconnect between attitudes towards CC, detection of the behaviour and understanding of the consequences of CC. Ultimately, if individuals are not aware of the changes to legislation, then it is likely

failing to reduce such behaviour. Furthermore, if student populations are not aware of the criminality of CC, this could suggest the language-focused cultural-discursive arrangements of the practice are acting as an enabler for CC-related academic misconduct offences, rather than a constrainer.

This literature review highlights an opportunity for further research in relation to the impact of changes to CC legislation in the UK, to add to existing knowledge. Therefore, the purpose of this study is to explore how educators feel about the change to CC legislation, and to understand if this change has had an impact on the types of misconduct identified since the change. The study did not directly ask participants about the arrangements which may enable or constrain academic misconduct behaviours, but did identify them at the point of data analysis, to better understand which arrangements may be most strongly influencing CC and academic misconduct.

Research questions

1. How do educators perceive the criminalisation of contract cheating in the UK to have changed the academic misconduct landscape?
2. How do educators feel student attitudes towards contract cheating in the UK have changed due to criminalisation?
3. From an educator's perspective, has the criminalisation of contract cheating led to a student perception that other forms of academic misconduct behaviours are less serious?

Methodology

This case study aimed to understand educator perceptions of the decision to criminalise CC in the UK and its impact on CC and other academic misconduct in assignment submissions. Theory of Practice Architectures (TPA) was applied to explore how practice architectures — the social, cultural, and material conditions shaping practices (Kemmis et al., 2014) — have influenced academic misconduct both currently and historically. Practices are shaped by sayings (cultural-discursive), doings (material-economic) and relatings (social-political), which are found in or brought to sites where practices occur

(Kemmis et al., 2014). In other words, practices are enabled or constrained by a multitude of specific and unique arrangements which can fall into one of the three categories. TPA was selected as the midrange theory to underpin this study, given its focus on social aspects, which aligns with the belief that cheating behaviours are a social phenomenon (Monteiro et al., 2018). Examination settings were not part of this case study. Aligned with the researcher's ontological and epistemological views, the research was exploratory. While clarity and transparency are crucial for trustworthy research (Adler, 2022), unconstrained conversation can reveal how people perceive and understand the world (Ruslin et al., 2022). Therefore, semi-structured interviews were chosen to provide a balance of focus and flexibility, allowing for further exploration during the interview (Adeoye-Olatunde and Olenik, 2021).

Research design

Semi-structured interviews were conducted with educators, using five pre-planned questions and the option for follow-up questions if necessary. Participant calls were shared on social media platforms like X and LinkedIn, as well as through the SEDA and plagiarism Jisc mailing lists. To be eligible, participants needed to have taught at a UK HEI and been involved in an academic misconduct case within the last five years. All participants had experience reporting and gathering evidence for academic misconduct hearings, with some also participating in the hearings themselves. Interviews were conducted via Microsoft Teams and transcribed using the Microsoft Teams Gen-AI transcription tool, cross-referenced with the recorded interview for accuracy. Transcripts were anonymised to remove personally identifiable information, including names and institution details, and were subjected to thematic analysis following Clarke and Braun's (2006) fifteen-point checklist. Ten educators from ten different UK HEIs were interviewed, nine from England and one from Wales. Most participants held additional roles related to academic misconduct, giving them extensive exposure to such cases throughout their careers.

Findings

Participants were first asked to describe the types of academic misconduct cases they had encountered, with follow-up questions if needed for clarification. Seven of the ten participants reported plagiarism as the most common form of academic misconduct, two

mentioned CC, and one cited the misuse of Gen-AI. Additionally, 40% of educators interviewed were unaware that CC had become a criminal offence. Some had not heard any discussion of criminality, while others knew about calls for criminalisation but were unaware that it had been enacted. Direct responses indicated that educators did not feel the criminalisation of CC had impacted the academic misconduct landscape. When asked about student attitudes toward CC post-legislation, most participants felt unable to provide an accurate answer, as they did not wish to speak on the students' behalf. Thematic data analysis, based on an initial thematic map and refined through further development (Clarke and Braun, 2006), revealed key themes related to the research question: 'How do educators perceive the criminalisation of CC in the UK to have changed the academic misconduct landscape?' These themes are presented below, along with relevant transcript excerpts.

Confusion

Educators were often confused about what the legislation against CC covered, with many individuals unsure if students were liable for criminal prosecution, or only essay mill companies. This mirrors findings on the confusion surrounding other types of academic misconduct behaviours, such as definitions of plagiarism (Stone, 2023). In other instances, confusion stemmed from what educators believed their students felt about CC:

I don't think that students know that contract cheating is legally illegal (P1).

I don't even know how widely it's been published that it's been criminalised (P10).

Indifference

Indifference towards the criminalisation of CC was a common theme across interviewed participants. Most believed that the changes to the criminalisation were not making a difference to the sector, with some believing the criminalisation was an unnecessary step for something that was already captured under academic misconduct policies:

I don't see it making any kind of difference (P1).

I think it can be perfectly well policed within universities (P2).

Support

Interviews revealed three distinct discussions around support: supporting students to ensure they do not feel the need to perform academic misconduct behaviours; support for educators from university establishments; and conducting academic misconduct hearings in a supportive manner. There were polarised views regarding supporting students to try and prevent academic misconduct, with some educators feeling it best not to provide great amounts of detail on CC. This echoed Lancaster's (2020) findings, which suggested the more students knew about the behaviour, the more likely they would demonstrate it. Contrastingly, some participants shared that they explicitly inform students of the behaviour, hoping that clear and accessible knowledge of CC would help them understand the problematic nature of the behaviour (Campbell and Waddington, 2024):

I personally try not to highlight that contract cheating exists to students, but try and highlight the, you know, the honesty. Your work should be your work (P7).

I think we spend time letting them know what it is, so I think they are aware (P2).

Some participants discussed the need to support students through academic misconduct procedures, acknowledging the pressures and reasoning behind why a learner may seek out engagement with essay mills:

We don't have loads of academic misconduct, but we also have people who are, of course, under lots of pressure, often from family members or external sources or internal sources (P2).

I conduct my academic misconduct meetings in a way which is which is largely supportive (P9).

Finally, some participants shared their experiences on the support they received from the university itself:

[The student had a] very, very high similarity rating, and this was the third time that he had that (P5).

It took me hours, hours, maybe half a day. Maybe a day's work to build up this case. Nothing happened (P1).

Gen-AI

Many of the participants discussed their concerns around the use of Gen-AI within assignment submissions, with several suggesting that growing and continued use of Gen-AI will push CC to the fringes of academic misconduct:

I don't know now whether the technology has just left this for dead, why would you contact a human when ChatGPT will do it for free? (P8)

I foresee contract cheating going down, and AI-generated content being, yeah, it's so easy these days to generate your own content. Why would you pay anyone to do it? And so, I don't see contract cheating really as being a massive issue (P1).

Well, you know, if students are going to take shortcuts, they will find ways of taking shortcuts and at the moment it seems like AI is there (P3).

Discussion

Existing scholarship has highlighted the calls for stricter regulation surrounding CC, and the relative lack of acknowledgement of any changes in CC behaviour following the criminalisation of such behaviour following its criminalisation in the UK in 2022. The findings of this paper evidence the opinions held by educators on the practice of academic misconduct and CC. Following thematic analysis, four key themes were revealed: indifference, confusion, support and Gen-AI. These four themes will be discussed in this section, in the context of their relevant practice architecture arrangements.

Cultural-discursive

Cultural-discursive arrangements are usually presented through the language surrounding a particular practice (Kemmis et al., 2014). This case study found a great deal of confusion around the topic of CC, with many being unsure where the burden of criminalisation lay, and others not knowing CC was a criminal offence at all. Additionally, participants were unsure if their students even knew that CC was a criminal offence. Existing literature has demonstrated confusion surrounding student knowledge on and of CC – some students are overwhelmingly aware that CC constitutes serious academic misconduct (Campbell and Waddington, 2024), while other literature suggests students do not engage with CC due to a lack of awareness until provided a definition (Rundle et al., 2019).

Findings from this study, combined with findings by Campbell and Waddington (2024), suggest that the language used in relation to the practice of academic misconduct may be a more important factor in helping reduce academic misconduct offences. Language itself may even be more important in reducing the behaviour than the threat of criminality. Suggestions that the more students know about CC, the more likely they are to exhibit it (Lancaster, 2020) were found before the behaviour was criminalised. This study highlights a lack of understanding of the criminal severity of CC. Educating students about the behaviour, using language which is student-friendly and easy to understand (Campbell and Waddington, 2024) may increase understanding of the pitfalls of CC, and act as a cultural-discursive arrangement which constrains the behaviour, beyond the criminalisation itself.

The fact that educators did not wish to answer on behalf of students provides further insight into the cultural-discursive aspects impacting CC. This echoes the confusion theme, educators do not have a clear understanding of what and how students feel, so are uncomfortable speaking on their behalf. This also highlights the need for more discussion surrounding CC, in line with Campbell and Waddington's (2024) findings, so educators and HEIs can better understand how student populations view CC, the severity of the behaviour, and if the changes to criminalisation have had the desired impact on student perceptions and engagement.

Material-economic

Many educators in the study displayed indifference towards the criminality of CC, with several believing the changes had not made a difference, and others being confused as to why the change had been made at all, given the behaviour was already addressed under the provision of university academic misconduct policies. Material-economic arrangements are those which enable or constrain the *doing* of a practice. The findings gathered from interviews suggested that educators believed 'students cheat if they can' (P8), indicating that for some, the change in legislation has and will not constrain the 'doing' of academic misconduct behaviours generally. With this in mind, we turn to another theme found in this study: support. The support offered to students can be instrumental in enabling and constraining academic misconduct behaviours, and it is important for both educators and HEIs to recognise this could be a way to reduce academic misconduct instances.

Promises of 24/7 support offerings from essay mill companies (Sutherland-Smith and

Dullaghan, 2019) could enable academic misconduct for students who feel unable to complete their assignments. The enabling effects are likely to increase if students feel unsupported by their educators or dissatisfied with the teaching they receive (Bretag et al., 2019). Academic misconduct behaviours could potentially be constrained if students can receive the support they require, thus helping them understand there are other options available (Miles et al., 2022).

Social-political

Social-political arrangements involve the power dynamics within a practice and are often reflected in interpersonal relationships (Kemmis et al., 2014). Power can also relate to the relationship between a worker and their employer. Findings demonstrated a disconnect in the relationship of support between the university establishment and its employees. Some participants reported investing time into academic misconduct proceedings only for the matter to go no further, or holding beliefs that universities would not pursue criminal proceedings against CC because they could not afford it. If educators feel disenfranchised with the reporting process and subsequent support on offer during academic misconduct proceedings, they may stop reporting instances altogether (Harper et al., 2019). This could act as a potential enabler for students who find out they will not be reported for academic misconduct offences.

Educators were also consistently concerned by Gen-AI. Gen-AI could be described as a constrainer of CC behaviours – educators believe that students will move away from CC in favour of AI. This also suggests the rising use of this technology within the HE sector could be an enabler of academic misconduct overall. Gen-AI is notoriously difficult to detect (Perkins et al., 2024), even for experienced markers (Hassoulas et al., 2023), and its use presently has no associated criminality, potentially making it a more attractive alternative for students who embark on the practice of academic misconduct. Therefore, in response to the first research question (RQ1), no matter the arrangements which constrain or enable the practice of academic misconduct, responses from educators suggested they did not feel the criminalisation of CC had made a marked difference to the behaviour.

Consistently, educators felt more concerned about the impact Gen-AI would have on the academic misconduct landscape, rather than the criminality of CC. It is unclear from this study if educators feel the criminalisation of CC has led to a rise in the use of Gen-AI, and therefore this is an area of exploration recommended for future research.

In response to RQ2, this study did not find any evidence that student attitudes towards CC had changed since changes to the legislation, with most educators feeling uneasy about answering questions relating to this aspect on behalf of their students. This is a limitation of this study, and it is suggested that future research on this topic aims to assess this directly with students to be able to obtain an understanding of how the criminalisation has impacted their attitudes towards CC. When considering RQ3, findings supported that most educators were concerned about the rise of the use of Gen-AI within academic settings, and the implications this had for academic misconduct. Some believed that the move to legislate CC made the use of Gen-AI a more 'acceptable' option to students who wished to engage with academic misconduct behaviours.

Finally, as a piece of exploratory research, it is important to recognise its limitations. Some educators were unaware of the criminalisation of CC, and this should be acknowledged within the scope of the study, as a limitation to the findings in relation to RQ1. It may be of benefit to repeat this study with a group of educators who are aware of the criminalisation, to see if different results are yielded.

Conclusion

Before the 2022 criminalisation of CC in the UK, literature called for tighter regulation to reduce its impact on students, universities, and employers (Spruin, 2022). However, post-criminalisation, research indicates little societal or student awareness of the criminality of CC. This study aimed to explore educator perceptions of these changes using TPA to assess the constraints and enablers present, with 10 participants from 10 UK HEIs. Findings revealed that while educators understood CC is academic misconduct, many were unaware of its criminal status.

Four key themes emerged: indifference, confusion, support, and Gen-AI. The study found that language around academic misconduct could help constrain such behaviour and raise awareness of consequences, aligning with other research. While the small sample of this study limits the findings, findings of note were present. Future research may yield different results and could benefit from exploring student opinions on criminalisation and refining question wording to encourage educator responses.

This study concluded that criminalisation has not impacted CC behaviours, but Gen-AI poses new concerns. Educators expressed great concern over the rise of Gen-AI ahead of the criminalisation of CC, and therefore, future studies may wish to focus on supporting staff in detecting Gen-AI use.

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