



Turn-it-out? Reframing the Academic Integrity Conversation in Online Legal Education

Kim Bailey, Lachlan Kalache and Rebecca Acheson

Charles Sturt University

The challenge of academic integrity in online study is not a new phenomenon. For undergraduate law students, a finding of academic misconduct is especially serious, having ramifications for student eligibility to be admitted to legal practice. To date, higher education strategies to address plagiarism, contract cheating, and collusion have predominantly focused on detection methodology / technology via assessment. Reconceptualising the challenge of academic integrity in online learning requires an iterative understanding of the motivations of online learners, informed by the unique engagement challenges associated with adult online learning. Arguably, the ‘battle’ for integrity can never be won via increased detection and punitive measures; rather a focus on fostering student desire to act with integrity, by helping learners to connect academic integrity with their emerging professional identity is key. This connection must be supported by profession-facing teaching and assessment design, with facilitated learning relationships that build skills and confidence.

Keywords: Academic integrity, online legal education, emerging professional identity, authentic assessment.

Engaging with the concept of academic integrity as an adult learner is a challenging prospect, yet this challenge need not, and arguably should not, be taken alone. Considered through a socio-cultural lens, learning and teaching are both underpinned by relationship building with multiple stakeholder groups, effectively these relationships form the safety net for learning to occur. In the context of Higher Education, specifically online legal education, these relationships provide a vital opportunity for teaching to be informed by the goal of helping students develop an emerging professional identity, directly aligned with the profession students seek to enter. Relationships between faculty/student services and learners, not to mention student peer - peer relationships, are pivotal in supporting this process. Learning experiences should be evaluated in terms of how they can build confidence in learning (Keller, 1987) and enhance these relationships. Learning and assessment need to be facilitated in a way that encourages students to “own” the deep conceptual problems embedded within subject matter and connect this understanding to legal practice itself. Understanding and demonstrating academic integrity are critical to both the learner and graduate legal professional. This skill is further enhanced when the discourse around academic integrity is educative (Brimble, 2015) rather than punitive in approach. Addressing academic misconduct needs to be a “collaborative effort” (Ewing, et al., 2015, p.575) between academics, faculty and student support services focused on building competence and relationship with learners, while also building the capacity of academic staff to provide innovative learning. In this paper, we consider several practical strategies adopted in an online Bachelor of Laws programme, which foster both engagement, student confidence and academic integrity via the channel of emerging professional identity.

Context

The Bachelor of Laws degree at Charles Sturt University is a 3-year (full-time), 6-year (part-time) online programme of study. The degree is accredited by the Legal Profession Admission Board of NSW, which mandates types of assessment (such as examinations) and accredits content of core subjects (the “Priestley 11”) and elective subjects. In terms of teaching, each Priestley 11 subject is an intense and content-heavy journey through 15 weeks of online learning and assessment, culminating in a summative examination.

Generally, the students enrolling in this type of degree align to certain cohort demographics. They are adult learners and frequently first-in-family to have undertaken tertiary education. They are mostly employed and juggling online study with employment and carer responsibilities. Their motivation to study law is often closely tied to a desire to change employment and/or life circumstances. As with many online learners, flexibility in how and when they engage with learning is a key attraction and requirement of online study.

The institutional framework surrounding the enrolment of these learners, Charles Sturt University's Academic Integrity Policy, explicitly requires academics to employ an "educative approach" (Charles Sturt Academic Integrity Policy, 2021). Certainly, this rhetoric is popular among many tertiary institutions (Carroll & Morris, 2015, as cited in Ransome & Newton, 2018). However, interpreting and implementing how such an approach informs learning design and instruction is highly variable and, arguably, "stands outside the mainstream discourse of learning about teaching in higher education" (Ransome & Newton, 2018, p.133). Institutional policy is often left to be translated to learners by the individual academic, on a task-by-task basis, relying heavily on an implicit (yet often incorrect) assumption that those teaching courses are also those who design the assessment regimen. Legal academics have attempted to address academic integrity risk mostly by designing tasks that make it harder to cheat, with a focus on implementing assessment modalities/text types that are less open to plagiarism and cheating (e.g., oral assessment, group work, invigilated exams) and periodic redesigning of the tasks themselves.

At the Centre for Law and Justice, the 'educative approach' to academic integrity is being reconceptualised at a deeper level. Specifically, learner agency in ensuring academic integrity is being progressively engaged, by making explicit the connection between 'learner integrity' and professional identity ("integrity culture"). Confidence is also implicitly nurtured through diverse learning opportunities and relationships that empower individual learning habits and allow for peer-peer consolidation of understanding.

Questioning Our Understanding of Why Students Cheat

There are numerous factors to consider in understanding online law students' motivations to cheat. Success in online legal study requires a significant level of autonomy; the learner needs to be extremely focused, disciplined, and proactive in their learning. These drivers are further accentuated given class attendance is not mandatory, coupled with the oft-marketed element of student choice regarding the 'when', 'how' (and 'if') they engage with learning material. Acknowledging the impact of both learner choice and motivation, we must also consider modality. From a broader perspective, online legal study as a learning environment / experience, is fraught with potential 'threats' to the academic integrity of the learner. Time-poor people, studying in an isolated context are at risk of becoming transactional in their study motivations. The personal and financial costs of online education are high, with students regularly sacrificing time, money, and personal relationships to study. We know that this can create desperation to succeed, which puts students at considerable risk of academic misconduct (Coffey, et al., 2018). The implicit relationship between effective curriculum design, delivery, and learner perception of fairness is well documented by Brimble (2015). Approaches to assessment and delivery that utilise repetitive text types or are inadequately scaffolded foster a perception of "unfairness" and subsequent disengagement by the learner.

The increased commercialisation and availability of cheating sites, coupled with an emerging student perception of progression entitlement, based on personal and financial resources invested, make cheating explicable. Students are also at risk of academic misconduct when they feel they lack the requisite time or skills to successfully complete a task. "When students feel confident, they have the necessary skills to be successful, they are less likely to feel the need to cheat." (Coffey et al., 2018, p.21). Additionally, where there is a disconnect between the perceived relevance of assessment and the skills of lawyering, there is a resulting risk that students will conceptualise assessment tasks as transactional (Harper et al, 2021). Failure to arouse knowledge-seeking curiosity (Keller, 1987) can have implications for the progression and retention of learners, but it also can increase the risk of "outsourcing" assignments, plagiarism, collusion, and contract cheating.

For law students, the stakes with academic integrity are especially high. To be admitted into legal practice in New South Wales graduates are required to demonstrate that they meet a character requirement that they are a "fit and proper person" to practise law. A prior finding of academic misconduct or failure to disclose a misconduct finding can mean a law student will not be eligible for admission as a solicitor, despite having completed their undergraduate degree (Wyburn, 2008).

Approaching a Methodology for Engagement and Integrity

Whilst there is no single methodology that successfully addresses the risk of academic misconduct, Coffey et al. (2018) identify several principles educators should consider in developing student integrity, with each strategy reliant on relational understanding and development.

Firstly, assessment and teaching programmes need to foster a relationship in the student's mind between study success and their emerging professional identity. Employing engaging, profession-facing assessments helps engage genuine student participation, and is a pathway for socialisation of learners into the expectations of the profession. Enabling students to connect academic integrity to the identity of a practising lawyer is essential. Pedagogical approaches based on detection/compliance miss a valuable opportunity to shape emerging professional identity. (James & Mahmud, 2014). This thematic is picked up on by several academics.

Secondly, academic integrity must be practically situated and explained within each assessment task. Instruction that explicitly acknowledges the temptation to cheat yet offers a way of navigating both task and information sources, is a powerful tool in building student integrity. Contextualising university academic misconduct policy at course and subject level is essential, and far more effective than a detection-based approach (Ewing et al., 2015).

Finally, assessment and subject design should foster the relationships and critical evaluation skills students need to study effectively together and on their own. Cultivating relationships with faculty, and relationships with peer learners is pivotal. Building student confidence to attempt assessment and seek help when needed increases student progression and helps achieve academic integrity.

Designing for Relevance and Engagement

In CSU's Bachelor of Laws programme, considerable time has been invested in assessment design and curricula which socialise the learner into an emerging professional identity, helping them to make the connection between academic integrity and professional identity. This is supported by building in opportunities for students to seek additional guidance and develop requisite skills. Central to this development is the design and facilitation of learning opportunities that cater to diverse learners. This approach to curriculum design has been informed by an action research methodology that has iteratively and reflectively enhanced the curriculum. It is informed by progression rates, student feedback, and LMS analytics measured over the past 6 years, to meet the needs of online law students and the legal profession.

This praxis was illustrated in the second-year subject, Civil Procedure. Initially, the subject had a high student failure rate (see table below) and low student engagement, presenting a scenario 'ripe' for academic integrity breaches. Weekly tutorials and lectures were expository, incorporating some multimedia with embedded (pre-recorded) video lectures in the online learning materials. Assessment comprised a 15% quiz, 35% essay and 50% examination. There was a student perception of high failure risk, especially as most learners tend to over-rely on assessment before examinations to achieve passing grade. Waltzer and Dahl (2022, p.1.) identify the relationship between perceived risk of failure and academic integrity breach through "situation specific perception, evaluations and motivations". When students consider they are at risk of failure, the risk of cheating increases.

The subject teaching programme and assessment were redesigned with a profession-facing narrative. Working from the premise that students require a contextual framework to translate procedural law into, we designed a fictional case as the narrative underpinning the whole subject's teaching and assessment regimen. Each assessment task related to the unfolding narrative and required applied problem-solving of procedural rules. Assessment was redesigned to utilise profession appropriate artefacts (file notes, oral application to the court and an annotated statement of claim). Task weightings were adjusted lower, reducing perception of failure risk. Authentic assessment became a central focus of the synchronous weekly tutorials and overall teaching of the subject. This approach was implemented to enhance student motivation and engagement with weekly curriculum. Delivery of each weekly topic utilised case-based learning to enhance authenticity and to situate learning in connection to professional practice.

The use of the case-based narrative, coupled with authentic assessment tasks, directly informed student perception of relevance with each week's learning. Weekly tutorials provided an opportunity to engage with this understanding, via both concept checking within the group, followed by applied problem-solving. The explicit structure and learning opportunity of the online tutorials were entirely transparent and advocated to students frequently, with half of all tutorial time devoted to connecting the learning to the upcoming assessment. As one might expect among pragmatic learners, we found attendance increased when this method was adopted. Students reported in the subject evaluation surveys a significant increase in being able to judge the quality of their own work before submission. The fictional case presented to students allowed them to engage with client issues, while simultaneously scaffolding the understanding and skills required for subsequent assessment completion. The weekly 'case' was also connected to current high-profile litigation taking place in Australian

courts (utilising online court files of actual litigation) and related to both the weekly material and upcoming assessment. A master class on pleading was provided by inviting a barrister to present to students, integrating the ‘voice of the profession’ and making assessment readily relatable to professional skill sets. Implementing this approach, students were able to understand the relevance of ‘dry’ procedural rules to the dynamic practice of litigation. Student evaluation survey responses to the statement: “I could see a clear connection between the learning outcomes, learning activities, and assessment tasks in this subject” increased significantly.

We found this approach not only provided a clear conceptual framework for the students, but heightened learner engagement and interest. Analysis of subject evaluation survey results, student progress and failure rates demonstrated the following trends:

Table 1: Cohort numbers, failure rates and subject evaluation survey question responses

Year/Before Changes or After Changes	Cohort size (n=)	Failure rate (% cohort)	Survey completion (n=)	Student agreement rate to Q7 *	Student agreement rate to Q14**	Student agreement rate to Q15***
2018 (before)	43	28%	15	60.0%	86.7%	53.3%
2019 (before)	39	37%	15	73.3%	93.3%	86.7%
2020 (before)	66	33%	19	47.4%	68.4%	57.9%
2021 (after)	82	11%	32	81.3%	96.9%	84.4%
2022 (after)	82	13%	27	88.9%	100%	96.3%

*Question 7 of the subject evaluation survey each year asked, “The learning activities in this subject created opportunities for me to learn from my peers”.

**Question 14 of the subject evaluation survey each year asked, “I could see a clear connection between the learning outcomes, learning activities and assessment tasks in this subject”.

***Question 15 of the subject evaluation survey each year asked, “The learning activities in this subject enabled me to judge the quality of my own work”.

Learners’ weekly learning in the subject was explicitly directed through a matching weekly study guide. These guides act as a “how-to”, regarding organising study time and navigating subject resources each week. This form of scaffolding includes the provision of key concepts for organising notetaking with integrity, which in turn assists the student in making the connection between that week’s learning with upcoming assessment. Informed by a cognitivist approach, study guides effectively help “chunk” weekly content into sequenced, scaffolded, and manageable tasks that give students a methodology of study, relating the weekly content to prior learning and upcoming assessment.

A series of short ‘concept lecture’ podcasts were progressively recorded each week and made available to students, both within the subject site and via external subscription-based platforms. The concept lectures were an opportunity for the academic to provide a less formal, yet highly targeted artefact to assist with student meaning-making around key concepts. This created an additional channel for self-directed mobile learning, away from embedded media and text within the learning management system (Schommer-Aikins & Easter, 2018). This was positively received by students: ‘Podcasts rocked for the drive or train or even a walk!’ (SuES data, 2022).

The importance of peer-peer learning opportunities was acknowledged through the creation of online study groups. Accessible to students on an ‘opt in’ basis, groups of up to 8 students were provisioned in the learning management system, along with the tools associated with Blackboard groups (file sharing, inter-group email, and discussion boards). It is worth noting that, although the online study groups are first made available to students the subject site, students quickly transition to external communication platforms (e.g., social media or meeting platform the group is most comfortable with). This suggests the initial functionality of the study groups acts as a catalyst for student-led personal learning network development. Drawing on the learning theory of connectivism (Kop, et al., 2008), study groups provide a learning opportunity outside of the formal tutorial structure to evaluate, share and create knowledge through peer-to-peer interaction. Groups were supported with the weekly study guides providing “guiding questions” for groups to consider and discuss relating to assessment. This resulted in increased student learning through peer interaction and potentially contributed a decreased feeling of social isolation for online learners.

Importantly, online study groups created a platform for engaging with academic integrity outside of traditional channels. These provided an opportunity for instruction and targeted discussion around the nature of academic

integrity on a task-by-task basis and within a group context (e.g., collaborating not colluding, not sharing written work, etc.). Anecdotally, our experience has been that students were more inclined to seek clarification of understanding of both content and integrity requirements (especially regarding assessment) as a group, rather than as individual learners. Group discussion of assessment tasks affirmed and validated questions that individual learners privately had and empowered students with a “collective voice” to approach the instructor for understanding. In turn, this interaction informs the academic of content or assessment requirements that may need to be further explained to the whole class, thus acting as a valuable feedback/feedforward loop.

Collectively, our implementation of the measures detailed above has had surprising outcomes. Subject analytics in those subjects where this programme was adopted showed significant increase in optional weekly tutorial attendance and progress rates, together with strong performance within student satisfaction surveys. Importantly, allegations of contract cheating, collusion and plagiarism in those subjects significantly declined. It is our view that this improvement is at least partially attributable to learner perception of relevance of assessment tasks, their achievability and the unique nature of the factual scenario and text types assessed. However, there is little doubt that the relationships formed between peers, the academic and the profession were central in initiating and maintaining student engagement. Students were empowered to clarify expectations of integrity and content. The perception of the relevance of learning and assessment and the explicit connection of learning to legal practice gave students a pathway to professional identity while enhancing academic integrity.

References

- Brimble, M. (2015) Why students cheat. An exploration of the motivators of student academic dishonesty in higher education. In T. Bretag.(Ed) *Handbook of Academic Integrity*. Springer.
- Charles Sturt Academic Integrity Policy (2021) <https://policy.csu.edu.au/document/view-current.php?id=387>
- Coffey, S., Anyinam, C. & Zitzelsberger, H. (2018). Meaningful engagement with academic integrity through a focus on context and relationship. *New Directions for Community Colleges*, 183, 15-23. <https://doi.org/10.1002/cc.20313>
- Ewing, H., Anast, A. & Roehling, T. (2015). Addressing plagiarism in online programmes at a health sciences university: a case study. *Assessment and Evaluation in Higher Education*, 41(4), 575-585. <https://doi.org/10.1080/02602938.2015.1033612>
- Harper, R., Bretag, T. & Rundle, R. (2021). Detecting contract cheating: examining the role of assessment type. *Higher Education Research & Development*, 40(2), 263-278.
- James, C. & Mahmud, S. (2014). Promoting academic integrity in legal education: “Unanswered questions” on disclosure. *International Journal for Educational Integrity*, 10(2), 3-16. <https://doi.org/10.21913/IJIEI.v10i2.1003>
- Keller, J.M. (1987). Development and Use of the ARCS Model of Instructional Design. *Journal of Instructional Development*, 10(2), 2-10. <https://www.jstor.org/stable/30221294>
- Kop, R., Hill, A., Hendersen, S. & Anderson, T (2008) Connectivism: Learning theory of the future or vestige of the past? *International Review of Research in Open and Distributed Learning*, 9(3), 1-13. <https://doi.org/10.19173/irrodl.v9i3.523>
- Schommer-Aikins, M., & Easter, M.(2018) Cognitive flexibility, procrastination, and the need for closure linked to online self-directed learning among students taking online courses. *Journal of Business and Educational Leadership*, 8(1), 112-121.
- Waltzer, T., & Dahl, A. (2022). Why do students cheat? Perceptions, evaluations and motivations. *Ethics and Behaviour*.
- Wyburn, M. (2008). Disclosure of prior student academic misconduct in admission to legal practice: Lessons for universities and the courts. *Queensland University of Technology Law and Justice Journal*, 8(2), 314 - 341. <https://www8.austlii.edu.au/cgi-bin/viewtoc/au/journals/OUTLJJ/2008/>

Bailey, K., Kalache, L. & Acheson, R. (2022). Turnitout? Reframing the Academic Integrity Conversation in Online Legal Education. In S. Wilson, N. Arthurs, D. Wardak, P. Yeoman, E. Kalman, & D.Y.T. Liu (Eds.), *Reconnecting relationships through technology. Proceedings of the 39th International Conference on Innovation, Practice and Research in the Use of Educational Technologies in Tertiary Education, ASCILITE 2022 in Sydney*: e22132. <https://doi.org/10.14742/apubs.2022.132>

Note: All published papers are refereed, having undergone a double-blind peer-review process. The author(s) assign a Creative Commons by attribution licence enabling others to distribute, remix, tweak, and build upon their work, even commercially, as long as credit is given to the author(s) for the original creation.

© Bailey, K., Kalache, L. & Acheson, R. 2022