

Date Published 10-1-2014

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Recommended Citation

Owings, S., & Nelson, J. (2014). The Essay Industry. *Mountain Plains Journal of Business and Economics*, 15(1). Retrieved from <https://openspaces.unk.edu/mpjbt/vol15/iss1/1>

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THE ESSAY INDUSTRY

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ABSTRACT

This paper considers the essay industry. The essay industry is an Internet-based collection of firms that provide students with papers, written by others, which satisfy their coursework assignments. We find that the industry is thriving. The firm failure rate is low, profits are high and revenues are, at a minimum, \$100 million. Although there are laws in many states prohibiting the sale of essays, we find that these laws are not generally enforced. We review the pricing structure of the industry and the typical compensation rates of their employees. We consider anti-plagiarism software and conclude that it has limited effectiveness in undermining the essay industry. We compare the cost of the product offered by the essay industry to the out-of-pocket cost of tuition and conclude that it is relatively affordable. All of these findings lead us to conclude that the industry will not expire of its own accord. Faculty and administrators need to be cognizant of its existence and structure coursework so as to minimize the utilization of the services the industry provides.

INTRODUCTION

Any assignment that is to be completed outside of class is vulnerable to misrepresentation of authorship. But the advent of the Internet may have increased the frequency of cheating.

Prior to the commercialization of essay writing, it was possible for one student to be persuaded to complete another's assignment. As long as this was a voluntary exchange both students must have believed they received something of value from the transaction. Transactions of this nature are often barter arrangements; no money trades hands. However, barter arrangements impede trade while money facilitates exchange. Without money, trading partners must have a "double-coincidence-of-wants." That is to say, each party must have something (s)he is willing to trade and that the other party wants. Because of the search time involved in finding an appropriate trading partner, societies based on barter transactions generally have low levels of economic activity. Once money is introduced, aggregate economic activity rises. As a result, there is every reason to believe that commercialization of essay writing increased the incidence of misrepresentation of authorship.

Prior to the advent of the Internet, there were storefronts, which offered essay-writing services (Standler 2012). Thus, the Internet itself did not lead to the commercialization of essay writing. The essay writing industry existed prior to introduction of the Internet. However, these storefront services, like adult movie

houses, have been largely supplanted by Internet offerings. This suggests that, although the essay industry existed prior to the arrival of the Internet, the Internet provides a superior business model for this industry.

This paper will consider the current state of the essay industry. The essay industry can be broken into two categories: custom essays and paper mills. Paper mills provide pre-written papers on commonly assigned topics. Customers download these papers and submit them as their own. We will discuss the Internet service Turnitin, and other, similar sites, which compare submitted student work with existing sources. These anti-plagiarism sites undermine the value of the product offered by paper mills. With custom essays, an author is hired to write an original document conforming to an assigned topic. Because of the unique nature of the product, it is considerably more challenging to detect plagiarized papers purchased from custom essay services.

Our research finds an industry that has annual revenues somewhere upward of \$100 million with estimated minimum profits of \$50 million. There are no publicly traded firms in the essay industry because the product they are offering is often illegal. Therefore, revenues and profits must be estimated. We find an essay industry business failure rate of only 2.4% per annum over a four-year period. We consider the relative cost of purchasing a custom essay compared to the out-of-pocket expense of attending college. We find cost to be a trivial deterrent except, perhaps, for students in writing-intensive disciplines at public institutions. Our research shows that, although there are state level laws against the sale of essays, these laws are typically not enforced. We could find no examples of any essay firms who were prosecuted under these laws. We conclude that the industry is flourishing and likely to remain so. Given this finding, we recommend that faculty structure coursework so as to minimize student utilization of the services the industry provides.

LITERATURE REVIEW

Academic Dishonesty

There is a substantial literature on college-level cheating. This literature makes it clear that there is a great deal of cheating that occurs in college and this has been true for decades. Virtually all the research in this area is survey based.

The Pew Research Center, working with the Chronicle of Higher Education, conducted an online survey of college presidents (see Parker, Lenhart and Moore, 2011). These presidents were from two-year and four-year, private, public and for-profit colleges and universities. When asked about plagiarism in papers, 55% of respondents said that it had increased in the past decade. These findings were similar across different types of college and universities (from liberal arts colleges to research universities and across all levels of admissions selectivity). Of the 556 who believed that plagiarism had increased, 89% believed that computers and the Internet have played a major role in that increase.

Donald L. McCabe is a highly prolific researcher on the topic of academic dishonesty. McCabe, Trevino and Butterfield (2001) contrast the findings of Bowers (1964) with McCabe and Trevino's (1997) findings regarding cheating behavior. In 1963, 75% of college and university students admitted to at least one incident of "serious" cheating. By 1993 that number had increased to 82%. However, the incidence of "serious" cheating on written work (which is defined to include: plagiarism, fabricating or falsifying a bibliography, turning in work done by someone else and copying without footnoting) did not change over that time period; it remained fixed at essentially 2/3rds of the respondents.

Klein, Levenburg, McKendall, and Mothersell (2007) address the question of whether business school students cheat more than other professional school students. They find, via survey, that there is no significant difference between the overall self-reported cheating rates of business students and other professional students. "Approximately, 86% of the students responding reported that they have cheated during their college career" (p. 201). Of particular interest to us, they find that 2.3% of all surveyed students had obtained at least one research paper from the Web and handed that paper in as their own work. The findings of Klein et al are not congruent to those of Baird (1980) and McCabe and Trevino (1995). Baird found business school majors were more likely to cheat on tests than liberal arts or education majors. McCabe and Trevino's 1995 study found that students who were planning careers in business reported more cheating than students with career plans in other areas.

McCabe, Butterfield and Trevino (2006) analyze survey data collected by the Center for Academic Integrity. Surveys were distributed in the academic years 2002-03 and 2003-04. They compare responses from students in graduate business programs to students in other graduate programs. They find 56% of students in graduate business programs admit to some form of cheating as compared to 47% of students in non-business graduate programs. However, when it came to the most serious forms of test cheating the difference between graduate business students and non-business graduate students was statistically insignificant.

Premeaux (2005) contrasts cheating behavior at Tier 1 and Tier 2 AACSB accredited business schools. Premeaux distinguishes between Tier 1 and Tier 2 schools: "Tier 1 school are usually more expensive to attend, have significantly higher entrance requirements, attract very capable students from throughout the United States and abroad, and have the financial resources to employ the best and brightest professors available" (p. 408). He finds a majority of students at both type of schools cheat. Of specific interest to us, he finds about 60% of students at both schools believe that between fifty and seventy percent of their colleagues cheat on a typical written assignment. However, the survey does not distinguish between plagiarism and outright purchase of another's essay. Students in his study answer a survey using a 5-point scale ranging from 1 (complete disagreement), 2 (disagreement), 3 (moderate agreement), 4 (agreement), and 5 (complete agreement). The Tier 1 mean rating for the question "I have cheated on a written assignment" was 4.48 while it was 4.01 for Tier 2 schools, a statistically significant difference. For the question "I frequently cheat on written

assignments” the Tier 1 mean rating was 3.59 while the Tier 2 mean rating was 3.08. Again, that difference was statistically significant.

Jones (2011) reports the results from a survey of business communications students. She found that 92% of those surveyed knew someone who had cheated or had themselves cheated. Fifty percent of the students indicated they had, or knew someone who had, engaged in Internet plagiarism. Only 33% indicated that, because of ethics, they would never plagiarize an assignment. When asked to identify what constitutes plagiarism/cheating, 100% of those surveyed indicated turning in another person’s assignment as your own qualifies while only 75% indicated that purchasing a paper from a research service or downloading one from the Internet qualifies.

Virtually all of the authors comment on the relationship between academic honesty and workplace ethics. They are concerned that low integrity in college foreshadows low workplace integrity. Sims (1993) finds that academic dishonesty is correlated with work-related dishonesty and that those who engaged in more severe forms of academic dishonesty also engaged in more severe forms of work-place dishonesty.

A Perspective from Inside the Custom Essay Industry

Dave Tomar is the consummate industry insider. He worked for six years as a writer in the custom essay industry. He reports that, in his last year of work, he earned \$66,000 (Dante 2010, p. 3). He describes his experiences under the pseudonym Ed Dante (2010) and a book (Tomar, 2012). It is possible to question the accuracy of what Mr. Tomar reports because he chose employment in an industry that assists students in cheating. However, he has no incentive to lie. Unlike a jailhouse snitch, Mr. Tomar gains nothing from inaccurately reporting his experiences in the industry.

According to his description, the firms in this industry essentially function as brokers. They connect those who wish to buy an essay with those who wish to sell their essay writing skills. As the agent of both parties, the Internet firm serves as the financial intermediary. They collect the payment from the customer and disburse it to the writer. The essay writing firm also provides the platform that allows the two parties to meet and serves as a moderator if the parties have a disagreement.

The price of a custom essay is determined in a variety of ways. Some firms Tomar worked for charged customers a per page rate that depended upon the due date for the essay. The closer the due date the higher the per page fee (p. 68). Based on our review of websites, this is by far the most common pricing plan in the industry. Some sites allow customers to post certain details of their assignment (topic, required number of pages, due date, year in college or high school, citation style) and potential writers respond with a dollar bid on the project (Tomar, p. 140). Other sites allow the customer to post a price they are willing to pay and then the customer must wait and see if a writer steps up and accepts the project for that price (Tomar, p. 49).

According to Tomar, the industry pay standard is that the writer collects half the total price charged for the essay and the Internet broker retains the other half (p. 141). Rush orders would earn Tomar between \$15 and \$20 per page (p. 99). But the typical pay rate for the industry was \$10 - \$20 per page (p. 157).

Tomar cites a web page posted by Coastal Carolina University (<http://www.coastal.edu/library/presentations/mills2.html>) as a comprehensive list of the major players in the industry (p. 139). There are 317 links on the site but not all are to custom essay sites. Some are essay banks offering access to their stock of papers in exchange for submitting a paper. Some offer book summaries and subject specific study guides. The page was last updated in March of 2009. Of the 317 links, only 28 no longer link to active sites (as of December 2012). This is an annual industry failure rate of only 2.4%. Thus, the industry does not appear to be characterized by frequent turnover. The Coastal Carolina University link sheet also lists 80 links to subject specific sites. For instance, there is NursingPapers.com and Walt-Whitman-Esaays.com.

Anti-Plagiarism Software

One measure of the extent of plagiarism is the size of the industry that has arisen to help fight it. A major player in this industry is Turnitin.com. According to their website, they employ close to 100 full-time employees. They serve about 10,000 institutions in 126 countries and their service examines about 40 million papers per year (Simpson, 2012). Their anti-plagiarism product is OriginalityCheck. According to their website, this service uses a computer data base of more than 20 billion web pages and more than 220 million student papers to compare submitted student work with existing sources. It provides a "similarity index score" which informs the user of the percent of submitted content that matches content from the database. This service is only available, on a subscription basis, to educators; students have access to the system only if their educational institution provides it.

Some plagiarism detection firms straddle the student and educator markets. For instance, PlagiarismDetect.com offers to scan documents and indicate where plagiarism may have occurred for a price of 50 cents per page to anyone. They assure students that professors cannot check whether they have used the services of PlagiarismDetect. However, they target educators by offering discounts for bulk scans for educational institutions. Their website indicates that they do not save or sell the content that is submitted.

Viper.com is registered in the United Kingdom and its target market is clearly U.K. students. It offers its plagiarism checking service for free to both students and faculty. It claims to check any submitted paper against a database in excess of 10 billion sources. Every submitted paper makes that database grow. It makes its money from its editing services. Editing can be used both to improve an original paper and to transform a plagiarized paper into something that won't be detected by plagiarism scanners. It ran an on-line poll asking its customers if they had "ever used a plagiarism checker to help you cheat." Thirty-percent of respondents answered affirmatively.

Note that many of the websites we reviewed make their plagiarism-checking algorithms available to both faculty and students. Thus, a student who buys a paper from a paper mill and is concerned that this might be detected by a faculty member can test the likelihood of discovery in advance. Many of these websites offer editing services as well. Presumably a purchased paper that is well-edited can avoid computer detection. Tomar, the custom writer, admits that he sometimes “recycled” content. To avoid detection by anti-plagiarism software, he would use a thesaurus to replace key words. Using this technique, he asserts that his recycled work was never detected (pp. 123-124).

Some paper mills openly solicit term papers directly from college students. For instance, *ibuyessays.com* advertises “Get beer money or money for whatever you want by submitting your college term paper or essay for cold hard cash!” The business viability of *ibuyessays.com* would seem to be limited by Turnitin and other such sites. However, we tracked *ibuyessays.com* for 20 months and they still have an active web page.

Jones (2009) observes that all anti-plagiarism software is challenged by the phenomena of back-translation. A plagiarizer using back-translation runs his/her paper through a foreign language translator and then runs the foreign language version of the paper through another translator to convert it back into English. Jones believes that this is an intractable problem and, as a result, suggests that “assignment tasks should be written so that students cannot be tempted to use online resources” (p. 5). For instance, he suggests that students be given out-of-class research assignments but be required to write essays on the research topic during class time (p. 6).

Dr. Deborah Weber-Wulff has conducted several comprehensive plagiarism checker tests (Bailey, 2011). Her most recent set of tests compared the abilities of 48 different plagiarism checkers. She categorized all plagiarism checker services that she reviewed as being “below useful” primarily because of their inability to identify translated plagiarism. Turnitin was one of the five top services that were deemed “partially useful.”

There is not always a neat dichotomy between paper mills and custom essay sites. There are some sites that offer to sell you an essay from their essay bank or to write a custom essay for you.

The Custom Essay Industry

Custom essays have the advantage of being unlikely to be flagged by a service such as Turnitin. The material has not been plagiarized from another source. The student is paying a writer/researcher to complete an assignment for him/her.

In the course of our research, we thoroughly reviewed a selection of on-line custom essay sites. Most custom essay sites offer a plethora of products. They offer to write custom essays of any nature. Beyond research papers, reaction papers, term papers, book reports/reviews and movie reviews they also offer to write admission essays, personal statements and scholarship essays. They will write papers for high

school students, undergraduates and graduate students. Tomar offers an extensive description of a doctoral dissertation, on international financial reporting standards, he was hired to write (pp. 175 – 185). But custom essay sites don't stop at offering to write papers. They will solve homework problems, answer multiple-choice questions, and participate in on-line course discussions for you. If you wish, they will create a PowerPoint presentation for you.

BestEssays.com and customwritingservice.com stood out in the group of websites that we reviewed because they provided company-specific information beyond their pricing. We were specifically looking for clues as to a custom essay firm's business volume. BestEssays.com claims to have close to 2900 writers on-staff. Its website states that it was originally formed as an off-line service in 1997. By 2004 they had gone on-line and received their 25,000th order. By 2008 the on-line site was receiving 5,000 visits per day. By 2009 they had served more 100,000 customers. Their growth rate between 2004 and 2009 suggests they serve approximately 15,000 customers per year. Their web site also has a dashboard that depicts the activity of the day. On a day in mid-September of 2012, they claimed to be preparing 957 orders using 650 active writers.

Customwritingservice.com is another custom essay service typical of the industry. They are unusual in that their website provides a dashboard that reveals the last fifteen projects that have been delivered to their customers. The information on the dashboard specifies the length of the paper (in pages), the school level of the customer (high school, college, graduate level), and when the product was delivered. Regular observations of the information provided by this dashboard were made during the months of September through December of 2012. We found an average page length of 3.9 pages. We found about 74% of their papers were purchased by college undergraduates, about 6% went to students in graduate level programs, and the rest were sold to high school students.

Between the hours of 6:00 AM and 10:00 PM Customwritingservice.com produced, on average, 2.3 pages per minute. Using this information, we calculate a low-ball estimate of annual revenues equal to \$9.5 million. This number assumes that all pages are billed at the rate which pertains to a due date of 7 – 10 days in the future (non-rush) and that no pages are produced for the three months of summer and no pages are submitted between the hours of 10:00 PM and 6:00 AM. However, even on Dec. 26th the Customwritingservice.com dashboard was still showing papers that had been delivered. The average page per minute rate, however, had dropped to 1/2 page per minute. Using this as the per minute page rate for summer and overnight, and allowing 10% of their clients to select 48 hour rush jobs, we estimate annual revenues of \$12.3 million.

Recall the Coastal Carolina file listed 289 active firms in the industry. For a conservative estimate, we will round down and assume there are 250 custom essay firms in the industry. Assuming that Customwritingservice.com has revenues that are typical of firms in the industry, the overall industry would have revenues of \$3 billion. However, this is probably an over-estimate; many of the other firms in the industry have a less prominent web presence.

Another approach to estimating the size of the industry is to use Klein et al's finding that 2.3% of all surveyed students had obtained at least one research paper from the Web. As of 2009, there were 20,428,000 students enrolled in college in public, private, and for-profit institutions studying for 2-year or 4-year degrees (Census Bureau, 2012). Tomar claimed an industry pay rate between \$10 and \$20 per page, with the custom essay firm charging twice what he was earning. This implies an average per page price of \$30 which is consistent with our website observations. A conservative estimate assuming a paper of 4 pages is average, as we found from observing the Customwritingservice.com site, gives industry revenues of approximately \$56 million (see Table 1). Note, this is a "low-ball figure" for several reasons: Klein et al found that 2.3% of all survey students had obtained *at least* (italics added) one paper from the Web. No doubt, some students have purchased more than one paper. Also, twenty percent of Customwritingservice.com's customers were high school students and 6% were graduate students. In Table 2 we expand the market to include high school and graduate students. This would generate revenues of a little more than \$76 million. This is still a low-ball estimate because we continue to assume that there is no repeat business. If we assume 10% of industry customers order two papers, this implies industry revenues of close to \$84 million. This also underestimates industry revenues because most custom essay sites offer additional services (problem solving, admissions essays, on-line question answers, etc.). In addition, we are considering only U.S. students. It is clear, from the various custom essay web-sites, that their customer base reaches all students who are required to write papers in English. If 16% of industry revenue came from non-essay-writing projects and non-U.S. students then industry revenues would be equal to \$100 million.

TABLE 1
LOW-BALL ESTIMATE: COLLEGE STUDENTS ONLY

Number of Students In College	20,428,000
Students Who Obtained at Least One Paper from the Web	x 2.3%
Estimated Number of Papers Purchased	<u>469,844</u>
Average Essay Length (In Pages)	4
Price per Page	x \$30
Estimate of Revenue Per Paper	<u>\$120</u>
Estimated Number of Papers Purchased	469,844
Estimate of Revenue Per Paper	x \$120
Estimate of Industry Revenue	<u>\$56,381,280</u>

Tomar states that it is the industry standard that the Internet broker charges the customer twice the rate the writer receives (p. 141). Beyond maintaining the web site, the Internet broker should have few expenses. Non-payment rates should be close to zero since payment is required before work on the product commences. This suggests a

profit rate of close to 50%. For the industry this would mean, at a minimum, profits equal to \$50 million.

TABLE 2
ESTIMATE: ALL STUDENTS

Estimated Number of Papers Purchased by College Students	469,844
Students Who Are In College	÷ 74%
Estimated Number of Papers Purchased	634,924
Average Essay Length (In Pages)	4
Price per Page	x \$30
Estimate of Revenue Per Paper	\$120
Estimated Number of Papers Purchased	469,844
Estimate of Revenue Per Paper	x \$120
Estimate of Industry Revenue	\$76,190,918

PRODUCT QUALITY

In our investigation of custom essay sites, we discovered other sites (*Voir Dire . . . Vitam Impendere Vero*, 2012, TheGradCafe.com, 2013, and the EssayScam.org Forum, 2013) where there were postings concerning the business operations of custom essay firms. Some postings purport to come from students and complain of late delivery and poor product quality. Others claim to be from custom essay employees who charge they had not been paid for the essays they had written. Some postings warned of sham firms; they purportedly collected money from students but never provided a product. Like all such forums, you are never completely confident of the true identity of the poster. It is tempting for competitors to create a fictitious Internet identity and use such sites to smear their competition. A search of these web sites reveals a great deal of name-calling and accusations leveled across a variety of essay firms.

One frequent accusation is that a particular essay firm is owned and operated outside of the U.S. For instance, it is claimed that Best Essays.com, SuperiorPapers.com, BestTermPapers.com, EssayWriters.net, as well as many other such web companies were owned and operated by the parent organization Universal Research LLC and Universal Research, Inc. The managing members of Universal Research LLC and the Incorporators of Universal Research, Inc. apparently are Ukrainians who have organized their business in the United States, with false US addresses to lead people into believing that the companies are US businesses and therefore more credible. The implication behind alleging foreign ownership is that American consumers will not have recourse to the US judicial system if they have a dispute with a foreign owned business. Of course, this is a spurious contention since a U.S. Court typically will not enforce contracts where the subject matter of the contract is illegal.

Tomar mentions, in passing, “shady Eastern European websites without phone numbers or direct e-mail addresses” (p. 140). Although these firms offered him a lower pay rate than he was accustomed to, they did still pay him. He describes his primary employer as being “one of the best and most ethical companies that I have ever worked for” (p. 75). He points out that “the common impression that many of the paper-writing companies are scams demonstrates a critical misunderstanding of how the paper-mill economy works...Repeat business, good word of mouth, and consistent results are very important to success in a service industry” (p. 76). That is, customers in the essay industry usually learn about its existence from another satisfied customer rather than via a blind search of the Internet. If they are satisfied with the product they are likely to return. Remember, there is an annual industry failure rate of only 2.4%. This is not indicative of an industry where it is a common practice to cheat customers.

COST AS A POSSIBLE DETERRENT

According to the College Board Advocacy and Policy Center (2012, p. 4), the net average annual cost to attend a public four-year institution was \$2,900. This figure reflects average aid received from all sources. The out-of-pocket cost to attend a private four-year institution was \$13,380. An industry average cost of \$15 per page allows us to calculate the relative cost of fulfilling essay assignments by purchase:

Scenario 1: the student attends a public, four-year institution and purchases one, 10-page paper, per semester. That would be a total annual expenditure on purchased essays of \$300, or approximately 10% of the out-of-pocket cost of tuition.

Scenario 2: the student attends a public, four-year institution and purchases one, 10-page paper per class. That would be a total annual expenditure on purchased essays of \$1200. Assuming the student took four classes, essay costs would be 41% of the out-of-pocket cost of tuition.

Scenario 3: the student attends a private, four-year institution and purchases one, 10-page paper, per semester. Essay costs for this student would represent about 2% of the out-of-pocket cost of tuition.

Scenario 4: the student attends a private, four-year institution and purchases one, 10-page paper per class. Essay costs for this student would represent about 9% of the out-of-pocket cost of tuition.

Based on these calculations we conclude the cost of purchasing essays, relative to the cost of attending college, is only substantial for those in writing-intensive majors at public institutions. In general, cost is unlikely deter many students from fulfilling an essay assignment by purchasing a paper.

DETECTION AS A POSSIBLE DETERRENT

Any statistics regarding the number of students who have been sanctioned at the college level for cheating will substantially underestimate the level of cheating which actually occurs. For instance, a survey of 380 undergraduate students found 205 that had cheated, some multiple times, but only 5 reported being caught (LaBeff et al., 1990). Of those who are caught cheating, many won't be disciplined at the college level. Whitley and Keith-Spiegel (2002) report "...at institutions that require faculty members to report suspected cases of academic dishonesty, 70% - 80% of those who do take action ignore the reporting requirement and handle the incident themselves" (p. 8).

In the LaBeff et al. study (1990), "Much cheating took the form of looking on someone else's paper, copying homework, and either buying term papers or getting friends to write papers for them." Looking at someone else's paper is an in-class infraction that occurs during a quiz or examination. In-class cheating is relatively easy to identify and defend against; exams can be proctored and students can be seated with space between each other. Out-of-class cheating, particularly the purchase of a custom essay, is more difficult to detect. Tomar (Dante, p. 9), indicates that no client ever contacted him to "complain that he'd been expelled from school, that the originality of his work had been questioned, (or) that some disciplinary action had been taken. As far as I know, not one of my customers has ever been caught."

Although the possible penalties that a student caught cheating could receive are quite significant, the probability of being caught appears to be very low. As a result, the expected cost of cheating, particularly if the cheating occurs outside of class, is small. In our opinion, the expected cost of detection is unlikely deter many students from fulfilling an essay assignment by purchasing a paper.

HONOR CODES AS A POSSIBLE DETERRENT

Schools with academic honor codes appear, on average, to experience less cheating than do schools without such codes (McCabe 2001, p. 223). McCabe (1999, p. 213) uses Melendez's (1985) definition of an honor code: "a policy that includes one or more of the following elements: a written pledge in which students affirm that their work will be or has been done honestly; the majority of the judiciary that hears alleged violations of academic dishonesty is comprised of students or the chair of this group is a student; unproctored examinations; and a clause that places some degree of obligation on students to report incidents of cheating they learn about or observe." McCabe (1999, p. 213) categorizes a school as an honor code school if it meets at least two of these requirements.

McCabe, Trevino, and Butterfield (1999, p. 227) finds that almost four times more students at honor code schools are concerned with the "relative improbability of being caught" cheating than are students who attend non-code schools. This concern seems to stem from a lack of supervision and monitoring and leads to expressed student dissatisfaction. Since schools only needed two of the four Melendez characteristics to be categorized as an honor code institution, it is possible that this measured gap

underestimates the actual difference. That is, some schools could be categorized as honor code schools even if they did not offer unproctored examinations. Students from this type of school would not express dissatisfaction with unproctored examinations since they would not experience unproctored examinations.

Although academic honor code schools have lower average levels of cheating, McCabe, Trevino, and Butterfield (2001) observe that one of the lowest levels of cheating in their sample occurred at a school that lacked an honor code and one of the higher levels of cheating occurred at a school that had a 100-year honor code tradition. The suggested explanation for this was that the non-code school had developed a culture that emphasized academic integrity and clearly communicated expectations to students regarding cheating. The honor code school, in contrast, had allowed their honor code culture to languish and the tradition of academic integrity had withered. Clearly it takes time, work and effort to maintain a culture of academic integrity. Likewise, there are opportunity costs associated with developing an honor code. Resources must be devoted to formal ethics instruction and the creation of an ethical community.

McCabe (2001, p. 231) states that “The real power of honor codes may be in the desire of students to belong to such a community...” This observation brings the issue of self-selection to the forefront. It may be that the observed difference between cheating levels at honor code schools and non-code schools is due to the fact that those who are less likely to cheat self-select into honor code schools. That is, it may be that students who value ethical behavior choose to attend schools with honor codes. If this is true then it is not the honor code itself that is reducing the level of cheating. Instead, the honor code is attracting students who already had a well-developed sense of ethics. This is an issue of causality. If students who are pre-disposed to act ethically choose, disproportionately, to attend honor code schools then it is not the honor code itself that alters behavior. Indeed, McCabe (2001, p. 231) observes “honor codes are not a panacea and will not work on every campus.” That is, honor codes are not a silver bullet that will eliminate cheating.

In personal correspondence with McCabe (April, 2014), he affirms that issues of self-selection may bias the reported incidence of cheating at code relative to non-code schools. He also expressed concerns “that students at code schools may be more reluctant to admit that they have cheated...” as compared to students at non-code schools. Furthermore, he suggests that code schools are disproportionately prestigious institutions and that students at prestigious schools may feel less pressure to cheat than other students. That is, a diploma from a prestigious school with a middling GPA might be more valuable than a diploma from a middling school with a high GPA. All of these factors cast doubt on the notion that adopting an honor code, in and of itself, would lead to a decrease in cheating.

THE LAW AS A POSSIBLE DETERRENT

Many state legislatures have responded to the need to support academia in its fight against the essay industry. These legislative responses address the industry’s actions instead of that of the individual student and range from civil actions that allow

injunctive and other equitable relief, including civil fines, to criminal actions, which impose various criminal penalties and sanctions. These are reviewed and summarized in Table 3:

Many of these state statutes were enacted prior to the wide spread use of the Internet, however, they are just as relevant today as they were when they were enacted. That being said, both searches by Standler (2012) and our search of the case databases for the states listed herein, showed only a few appellate cases that have dealt with the use of these statutes. See *Minuteman Research, Inc. v. Lefkowitz*, 69 Misc.2d 330, 329 N.Y.S.2d 969 (1972), *People v. Magee*, 102 Misc.2d 345, 423 N.Y.S.2d 417 (1979) and *State v. Saksniit*, 69 Misc.2d 554, 332 N.Y.S.2d 343 (1972).

In both *Saksniit* and *Magee*, the Defendants argued that the disclaimers provided by their companies to their customers prevented prosecution under the New York statutes listed above (*Saksniit* 69 Misc.2d at 559-560 & *Magee* 102 Misc.2d at 345 - 346). These disclaimers were similar to those claimed by Tomar. Tomar stated his initial employer always included a disclaimer, with every finished order, warning the customer not to submit this work as if they had written it themselves. The finished essay was referred to as a “study guide” or “research supplement” to emphasize to the customer that they bore all risk associated with claiming the essay as their own creation. Tomar contends only the reputable, long-lived, firms in the industry chose to legally protect themselves by including a disclaimer of this sort (p. 78). However, this type of disclaimer is not always successful against legal prosecution. The companies in *Saksniit* and *Magee* argued they were merely providing “material to be used for research and reference purposes only” and that the material provided was never intended to be turned in as the customer’s own. Neither of the courts in these cases accepted the Defendants’ arguments. They found that based upon the advertising and conduct of these defendants’ they had violated New York Education law. (*Saksniit* 69 Misc.2d at 559-560 & *Magee* 102 Misc.2d at 345-346). *Saksniit* and *Magee* both occurred in the 1970’s. The Courts dealt appropriately with the companies and their principles, yet, paper mills and the custom essay industry continue to exist today, more than 30 years later. Clearly, the above statutes have not been consistently enforced nor prevented the plagiaristic activity of students.

In addition to the above statutes, there are other legal theories that can be used against the plagiarism industry. Standler (2012) discusses various tort theories that could be used to combat the use of paper mills and custom essay services. The tort theory that he states would most likely be successful against students turning in a plagiarized paper is that of Fraud. The tort of Fraud generally requires three elements be present:

A false statement, misrepresentation, or concealment of a material fact;

TABLE 3
SOME STATE STATUTES TARGETING PLAGIARISM IN EDUCATION

State	Statutes	Civil	Criminal	Fine	Jail
Colorado	C.R.S. §23-4-101 et. seq. (2012)	Yes; enjoin activity	No	N/A	N/A
Illinois	§110 ILCS 5/1 (2013)	Yes; enjoin activity	No	N/A	N/A
California	Ca.Educ.Code §66400 (2103)	Yes; enjoin activity	No	N/A	N/A
New Jersey	N.J.S. §18A:2-3 (2013)	Yes; enjoin activity	No	Up to \$1000	N/A
Washington	R.C.W. §§28B.10.584 & 28B.10.580 (2013)	Yes; enjoin activity	No	Not more than \$1000; repeat violations up to \$10,000	N/A
Connecticut	Conn. Gen. Stat. §53-392 et. seq. (2013)	No	Yes; misdemeanor & enjoin activity	Up to \$1000	Not more than 6 months
Florida	Fla. Stat. §§877.17, 775.082 & 775.083 (2013)	No	Yes; misdemeanor	Not more than \$500	Not more than 60 days

TABLE 3 CONTINUED

Maine	17-A MRSA §§705(1)(B)(1), 705, 1252(2)(E) & 1301 (2011)	No	Yes; misdemeanor	Not more than \$1000 for individual; not more than \$10,000 for an organization	Not more than 6 months
Massachusetts	G.L.C. §271:50 (2011)	No	Yes; misdemeanor	Not more than \$100	Not more than 6 months
Nevada	NRS §§207.320 & 193.150 (2011)	No	Yes; misdemeanor	Up to \$1000	Not more than 6 months or community service in lieu of jail
New York	NYCL EDU. §213-B & NYCL Penal §§80.05(2) & (5) & 70.15(2) (2013)	Yes; enjoin activity	Yes; misdemeanor	Civil: not more than \$1000, Criminal: not more than \$500 or not more than double the gain from the offense	Not more than 3 months
North Carolina	N.C.G.S. §§14-118.2, 14-31 & 15-1340.23(d) (2013)	No	Yes; misdemeanor	Up to \$1000	Not less than 30 days/not more than 6 months
Pennsylvania	18 Pa.C.S. §§7324, 1101(6) & 1104(3) (2013)	Yes; enjoin activity	Yes; misdemeanor	Up to \$2500	Up to 1 year
Virginia	Va. Code §§18.2-505, 18.2- 507, 18.2-508, 18.2-12 & 18.2-11(a) (2013)	No	Yes; misdemeanor & enjoin activity	Up to \$1000 plus court costs, damages, attorney's fees and costs	Up to 1 year

The individual or entity makes such statement, misrepresentation, or concealment , either knowingly or with a reckless disregard or indifference to the truth; and

The statement, misrepresentation or concealment was made with the intent to induce another to give some benefit to the perpetrator of the fraud.

Standler argues that students commit fraud when they misrepresent the authorship of plagiarized text, thereby concealing the true author's name. They know they have not prepared the paper on their own, or that they have copied or paraphrased plagiarized text without the proper acknowledgment to the author. Finally, the students intend to gain benefit (a grade, degree, authorship) from another (professor, instructor or institution) based upon the false statement, misrepresentation or concealment. However, Standler observes that even though he believes plagiarism to be fraud, courts rarely comment on the fraud aspect of plagiarism and those that do only give "lip service" to it (pp. 31-33).

Stuart P. Green (2002) in his law review article "Plagiarism, Norms, and Limits of Theft Law: Some Observations on the Use of Criminal Sanctions in Enforcing Intellectual Property Rights" discusses different laws (copyright infringement, unfair competition, European Doctrine of Moral Rights and theft) that could potentially be used to deter and or sanction a plagiarist. However, because of different interests or cross purposes, these laws are not always applicable or effective against plagiarist activity. Green ultimately determines that plagiarist activity should not be criminalized and prosecuted as theft. He even goes as far to say that plagiarism has never been prosecuted as theft (p. 241).

A review of the cases Standler (2012) cites in his article and our search of relevant case databases indicates that most appellate court cases involving plagiarism arise out of civil law suits against educational institutions. These cases are often filed by a student or professor who suffered academic or job-related consequences resulting from their plagiaristic behavior. Even though there are various legal tools to address the issue at hand, there appears to be no political or legal will to declare "war" on the cheating industry itself. Again, because of an apparent lack of uniform enforcement, it seems the paper mills and custom essay sites can generally act with impunity.

CONCLUSION

We have described an industry that is highly profitable and has a low business failure rate. They offer a product at a low cost relative to what students are paying, out-of-pocket, in tuition. We have described a student culture in which cheating is endemic and a legal culture that is indifferent to enforcing laws prohibiting the sale of the product. Although the potential penalties if caught cheating are high we found the probability of being caught is very low. As a result, we believe the expected cost of detection is unlikely to deter students from fulfilling an essay assignment by purchasing a paper. Clearly, the problem of plagiarism is not going away. Turnitin and other anti-

plagiarism tools combat only the very grossest forms of plagiarism and do nothing to undermine the custom essay industry. Professors and administrators who are concerned about the integrity of their diplomas need to be cognizant of the robustness of the industry.

Although it is difficult to detect cheating which occurs outside of class, this is not to suggest that out-of-class assignments should be eschewed. Graded homework and research papers should remain as part of the student evaluation portfolio. Honesty should be encouraged via a system that emphasizes the value of reputation and trustworthiness. However, in our opinion, the final grade that a student receives in a class should be substantially based on in-class work. This is a variant of the maxim “trust but verify.” That is, trust that out-of-class assignments have been honestly completed but verify a student’s learning in a proctored, in-class, setting. We are not alone in holding this opinion. For instance Maclean (2009), in response to the ability to purchase homework and test-taking services on-line, supports the position of mathematics educators in Ohio that 80% of a course grade should come from proctored assessments. Recall that Jones (2009) recommended that students be given out-of-class research projects but be required to write an essay on that topic during class. In fact, proctoring is so important that a for-profit industry has developed to provide proctoring services for on-line classes. ProctorU and Kryterion provide very thorough distance monitoring and student authentication services.

RECOMMENDATIONS FOR FURTHER STUDY

We believe Tomar to be a credible industry insider; there is no gain to him in misrepresenting his pay-rate, the number of firms in the industry, and the details of how custom essay sites connect customers with writers. His writings certainly include much self-description that is unflattering (see, for instance, p. 111). However, if a less tainted reference is desired, we suggest a scholar embed him/herself as a writer for a custom essay firm, contribute his/her earnings to charity, and report back on any discrepancies with Tomar’s description of the industry. Pioneering work of this nature was done when Sudhir Venkatesh embedded himself with a drug gang (Levitt, C. 3). However, in the case of Levitt and Venkatesh’s work, there was not a pre-existing, articulate, industry-insider who had come forward and published his observations.

In regards to the gains from establishing an honor-code culture, we would love to see work on the issue of self-selection. The question is do non-cheaters have a propensity to choose to attend schools with honor codes? A clear-cut way to obtain such insight is to gather data on a student’s cheating behavior in high school. If students at higher education institutions with honor codes cheated at a less frequent rate in high school than those at non-honor code institutions then it is likely that there are issues of self-selection confounding the effects of honor-code studies.

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