

**Contact**

Danielle Snell  
Managing Director & Co-Founder  
E [dsnell@elitlaw.com.au](mailto:dsnell@elitlaw.com.au)  
M 0401 812 885

**Our Reference** 8326

20 August 2025

Lori Youmshajekian  
Science Journalist  
Retraction Watch ([retractionwatch.com](http://retractionwatch.com))  
121 W 36<sup>th</sup> Street  
Suite 209  
New York, NY 10018

**BY EMAIL: [lori.youm@gmail.com](mailto:lori.youm@gmail.com)**

Dear Ms Youmshajekian,

1. We act on behalf of Professor John Hattie ONZM. We are responding on behalf of Professor Hattie to your emails to him on 28 July 2025 and 11 August 2025.
2. While your emails have not indicated whether his responses will be treated as on or off the record, you are welcome to publish the statements made in this letter. Please direct any future correspondence directly to our firm.

**Factual background**

3. In short, Dr Stephen Vainker's claims of academic misconduct and plagiarism against Professor Hattie are categorically false.
4. Professor Hattie is a highly respected and internationally renowned researcher, author and academic in the field of educational research. He has particular expertise in psychometrics and statistics used to measure and improve school student achievement. He is the author of the book, *Visible Learning* (Routledge, 2009), and more recently *Visible Learning: The Sequel* (Routledge, 2023), as well as numerous other publications.
5. Professor Hattie does not personally know Dr Vainker. We understand that Dr Vainker previously worked at St Mary's University in the United Kingdom, however we are unaware of whether he is currently working as an academic at any university. In an article entitled, 'John Hattie's failures of academic integrity and the fragility of the education reform movement', published on websites that do not require peer review, (**the Article**), Dr Vainker has expressed his opposition to modern methods of teaching which he says are based on Professor Hattie's work. He has, in breach of all academic standards, urged that the way to bring about education reform is to attack the academic reputation of Professor Hattie and his work. He has done this by making allegations of academic misconduct, dishonesty and plagiarism. The article you provided via a hyperlink, 'The Career of John Hattie: Plagiarism, Misconduct, and The Coarsening of Education', is merely another publication in Dr Vainker's campaign against Professor Hattie.
6. Dr Vainker has also defamed Professor Hattie by publishing numerous, bizarre posts about Professor Hattie on the social media platform, X.

7. After Dr Vainker refused to take down the Article or the X posts, Professor Hattie commenced defamation proceedings against him in the Supreme Court of Victoria, Australia, on 28 May 2025. That legal proceeding is ongoing.

#### **Quote from Professor Hattie**

8. Below is a statement from Professor Hattie in response to your enquiry:

"I have never plagiarised another person's work. I have always welcomed the fair and objective academic critique of my research and of *Visible Learning*. However, Dr Vainker's article and his posts about me on X go well beyond this. He has engaged in a deliberate and personal attack on my reputation.

"Dr Vainker has published a voluminous number of posts and comments about me on X which he has acknowledged are designed to ruin my reputation and thereby bring an end to the education reform movement.

"In engaging in this vitriolic campaign against me and my work, Dr Vainker has himself failed to act with academic integrity. He has instead acted with malice.

"On 1 August 2024, I sent Dr Vainker an email in which I advised Dr Vainker that his allegations about my citation practices are incorrect. I invited Dr Vainker to retract those allegations from the Article. Dr Vainker did not respond to my email. He has not retracted those allegations in the Article, removed them from the four websites where the Article was published, or deleted the 12 defamatory publications on X. Dr Vainker has failed to offer an apology or take any further step to make amends.

"Dr Vainker has never sought to discuss his views about my work with me or correspond with me in a respectful way as one would expect of a fellow academic. In those circumstances, his allegations that I have acted dishonestly and without integrity are simply indefensible.

"Publishing the article and his posts on X about me are part of a broader campaign Dr Vainker has waged against me, which is nothing short of cyber-bullying and trolling."

#### **Responses to your questions**

9. Below are the responses to the list of questions set out in your email dated 28 July 2025.
10. In response to your questions at bullet points one to three, Professor Hattie has never plagiarised another person's work. The allegations made by Dr Vainker in his article, "The Career of John Hattie - Plagiarism, Misconduct, and The Coarsening of Education" which you refer to are entirely misconceived. As set out above in Professor Hattie's statement, this latest publication forms part of a broader malicious campaign by Dr Vainker.

Professor Hattie's research involves the collation of meta-analyses of other researchers' findings. Professor Hattie has always provided appropriate citations and credit to the work of those researchers. Indeed, the subtitle of Professor Hattie's book, *Visible Learning*, is "A synthesis of over 800 meta-analyses relating to achievement". The subtitle of *Visible Learning: The Sequel* is "A Synthesis of Over 2,100 Meta-Analyses Relating to Achievement". His website, <https://www.visiblelearningmetax.com>, states that it "represents more than 2,103 meta-analyses comprising more than 132,000 studies." Professor Hattie makes clear in all of his work that the research he refers to is not his own original findings. In doing so, Professor Hattie has complied with the APA Style for in-text citations in order to credit the work of the researchers he refers to, while also avoiding the risk of over citation in-text.

11. As is the case with any lengthy publication, minor typographical errors and errors in citations can and do occur. Where any typographical errors have been identified, Professor Hattie has endeavoured to correct these as soon as they have come to his attention.

12. In response to your question at bullet point five, Professor Hattie is aware of the blog post published by George Lilley on 18 January 2016 via the hyperlink you have provided, <https://visiblelearning.blogspot.com/>. As set out in his statement above, Professor Hattie welcomes healthy and respectful academic debate about his publications. It is unfortunate that Mr Lilley chose to write a blog post rather than contacting Professor Hattie so they could engage in a discussion about their differing views. Professor Hattie disagrees with the criticisms made about *Visible Learning* in that blog post but otherwise considers the blog post to be trivial in nature.
13. Professor Hattie is also aware of the article written by Pierre-Jérôme Bergeron (and translated to English by Lysanne Rivard) on 7 July 2017 via the hyperlink, <https://mje.mcgill.ca/article/view/9475m>. Again, he disagrees with the criticisms of his publications while also allowing for healthy and respectful academic debate.
14. Professor Hattie responded to the critiques of his work, including in the publications by Mr Lilley, and Mr Bergeron and Ms Rivard, in a Gold Paper (available via the URL <https://www.visiblelearning.com/content/gold-papers>). The Gold Paper contains a robust discussion about research methods, including meta-analysis, and second-order meta-analyses. In Chapter 2 of *Visible Learning: The Sequel*, he has also provided a robust defence of his methods including those mentioned in the publications by Mr Lilley, and Mr Bergeron and Ms Rivard.
15. In response to your question at bullet point four, Professor Hattie is unable to comment in detail about Dr Vainker's complaint to The Office of Research Ethics and Integrity (**OREI**) of The University of Melbourne, as the University has asked that it remain confidential. Professor Hattie has provided all necessary information to the OREI. We are of the view that Dr Vainker's complaint to the OREI is entirely unsubstantiated. Unfortunately, we are unable to provide you with any further information about the OREI at this time.
16. In response to your question at bullet point six, it is most unfortunate that Dr Vainker did not engage in the appropriate academic processes if he disagreed with any part of Professor Hattie's research. Instead, Dr Vainker has resorted to defaming Professor Hattie on social media and has uploaded articles about Professor Hattie to websites which have not been peer-reviewed. Because Dr Vainker has refused to remove this defamatory material from the Internet after being invited to do so, and because Dr Vainker seems to no longer be employed by St Mary's University and thus not subject to its disciplinary processes, Professor Hattie has had no option other than to issue legal proceedings in order to have the material removed from the Internet and obtain damages for the serious harm he has suffered, and is likely to suffer, to his reputation.

#### Next steps

17. On behalf of Professor Hattie, we appreciate you providing these questions to him to give him the opportunity to set out the context in which Dr Vainker has engaged in this protracted, and unfounded, malicious campaign against Professor Hattie.
18. We note that your emails to him did not contain a deadline, or set out where you intend to publish your article. As a courtesy to Professor Hattie, please advise us when the article will be published as well as where it will be published. Please provide us with a copy of the article as soon as it is published.
19. Please do not hesitate to contact us if you require any further comment from Professor Hattie.
20. Should you have any queries, please do not hesitate to contact our office.

Yours Faithfully  
ELIT LAWYERS BY MCGIRR & SNELL

