AI and Student Conduct on Campus

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Bricker Graydon

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EXPERIENCE + CAREERS + CONTACT +

Why Bricker Graydon + Industries & Practices + Team Insights & Resources +

Higher Education

OVERVIEW EXPERIENCE PROFESSIONALS INSIGHTS

Clients trust us to navigate the complex legal landscape of higher education, ensuring colleges, universities, and organizations can focus on building and sustaining thriving campuses.

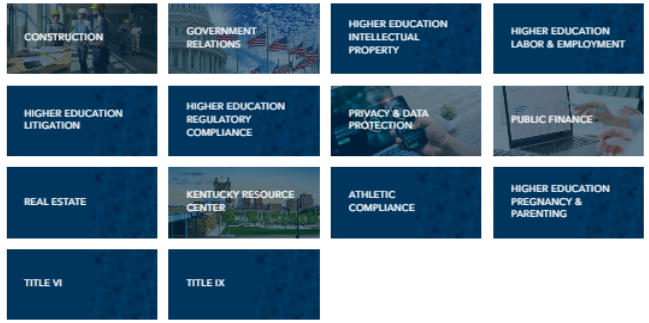
Our dedicated team of attorneys understand that higher education institutions face unique legal challenges and complexities in today's rapidly changing landscape. With decades of experience, our attorneys are trusted partners for colleges, universities, and other organizations in the higher education sector. We are committed to providing tailored legal solutions that enable our clients to navigate the intricate legal terrain while focusing on their core mission of education.

Who We Represent

- State Universities
- Independent colleges and universities
- Community colleges
- Non-traditional education providers
- Career/technical schools

2024-2025 HIGHER ED FREE WEBINAR SERIES +

Focus Areas



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Related Practices

Education (Pre-K to 12)
Public Sector

Artificial Intelligence (AI)

OVERVIEW PROFESSIONALS INSIGHTS

We approach artificial intelligence and machine learning technologies thoughtfully, with an emphasis on the ethical, legal, and social implications these advanced systems entail. When advising AI companies and organizations looking to deploy AI, our attorneys focus on core areas like ethics, governance, bias prevention, privacy, intellectual property, and overall safety. Our expertise in AI regulations, standards, and best practices allows us to guide clients in building and using AI legally and responsibly. We aim to help ensure these innovative technologies follow principles of transparency, accountability, and serving society while minimizing risks. Contact our experienced AI legal team to discuss how we can assist your organization with implementing AI ethically and reducing liability.

Our services include:

• **AI Strategy:** Assisting clients in developing comprehensive strategies for implementing and managing AI systems in alignment with business goals and legal/ethical best practices.

• **Contracts & Licensing:** Reviewing, drafting, and negotiating contracts and licensing agreements related to AI technologies and data. Our team has particular experience in licensing data to be used to train generative AI and machine learning platforms.

• **Governance Frameworks:** Working with clients as they develop frameworks, policies, and procedures for responsible governance and oversight of AI systems.

• **Regulatory Compliance:** As AI and generative AI proliferate, we help ensure AI systems comply with applicable regulations across various industries and jurisdictions.

• **Intellectual Property:** Counseling clients on the rapidly evolving intersection of AI and IP. We work closely with clients who are exploring how to ensure their IP is protected and how to make use of AI and generative AI technologies in the workplace.

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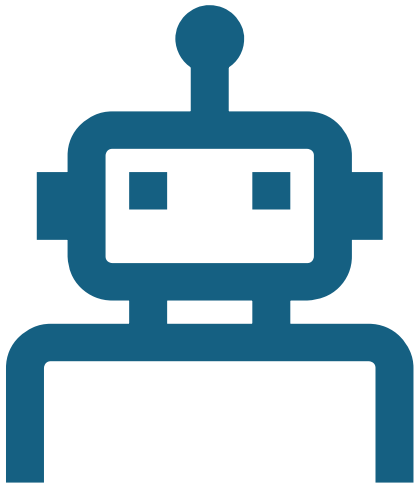
Related Practices

Cyber Security & Incident Response
Data Privacy
Privacy & Data Protection
Telehealth & Health Information Technology (HIT)



AI

AI refers to technologies that simulate human perception, behavior and decision-making.

Natural Language Processing

A branch of AI focused on enabling computers to understand, interpret, and generate human language.

Machine Learning

A subset of AI that enables computers to learn from data and improve their performance on a task over time without being explicitly programmed.

GenAI

AI that can create new content such as text, images, audio, or code based on patterns learned from existing data

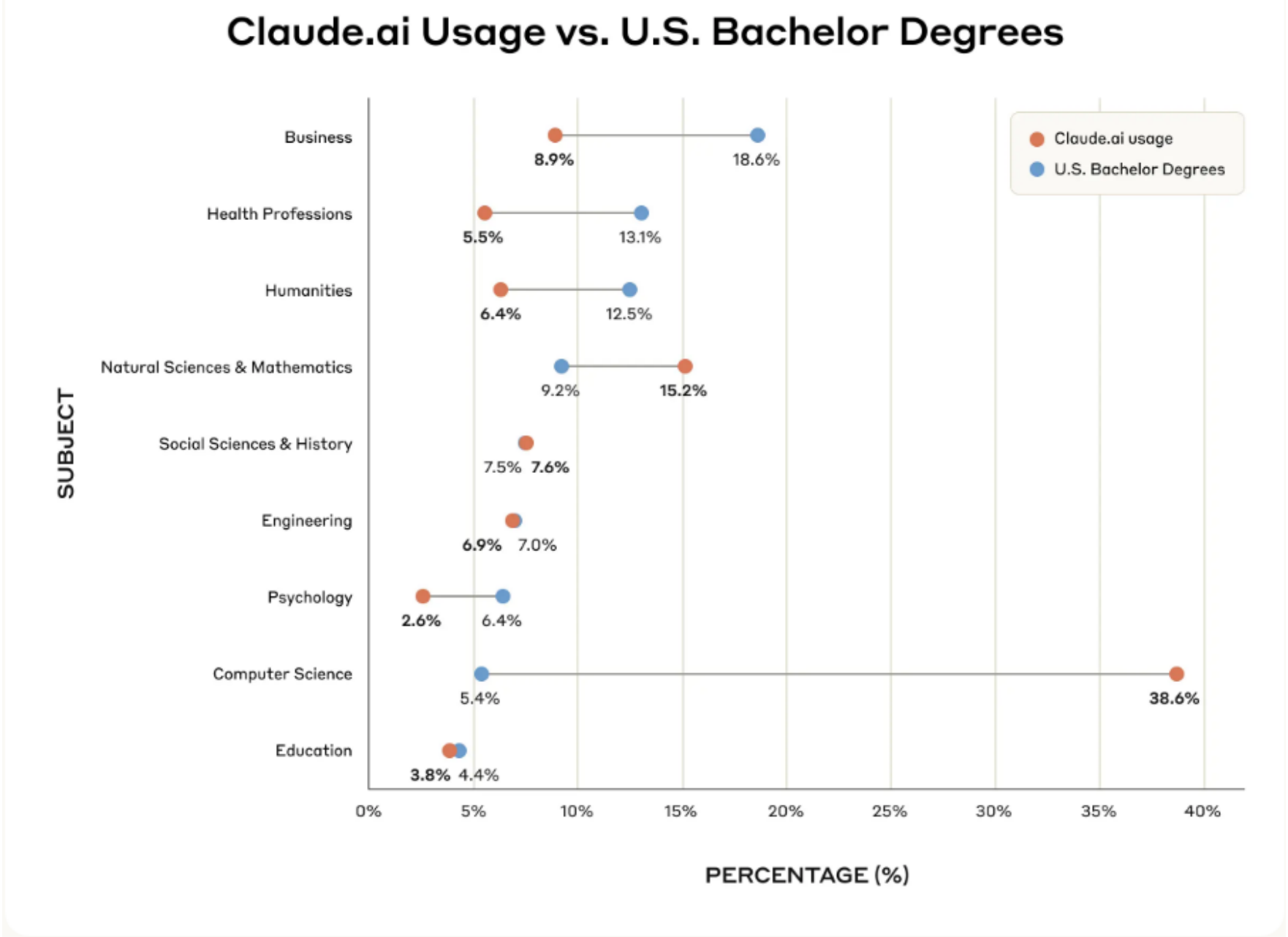
AI Comes to Campus (1 of 2)

- Overview of Predominant AI Tools and Platforms

  - Examples: ChatGPT, Grammarly, Copilot, coding assistants, data analysis tools.
    - ChatGPT (66%)
    - Copilot (25%)
    - Grammarly (25%)

    Digital Education Council, 2024 Global AI Student Survey

  - Application in academic coursework, research methodologies, and scholarly activities.
    - Grammar check
    - Summarization
    - Paraphrasing
    - First drafts
    - Searches



Comparing the percentage of Claude.ai student conversations that are related to an National Center for Education Statistics (NCES) subject area (gray) to the percentage of U.S. college students with an associated major (orange). Note that percentages don't sum to 100% as some conversations were classified under the "Other" category from the NCES which we exclude from our analysis.

AI Comes to Campus (2 of 2)

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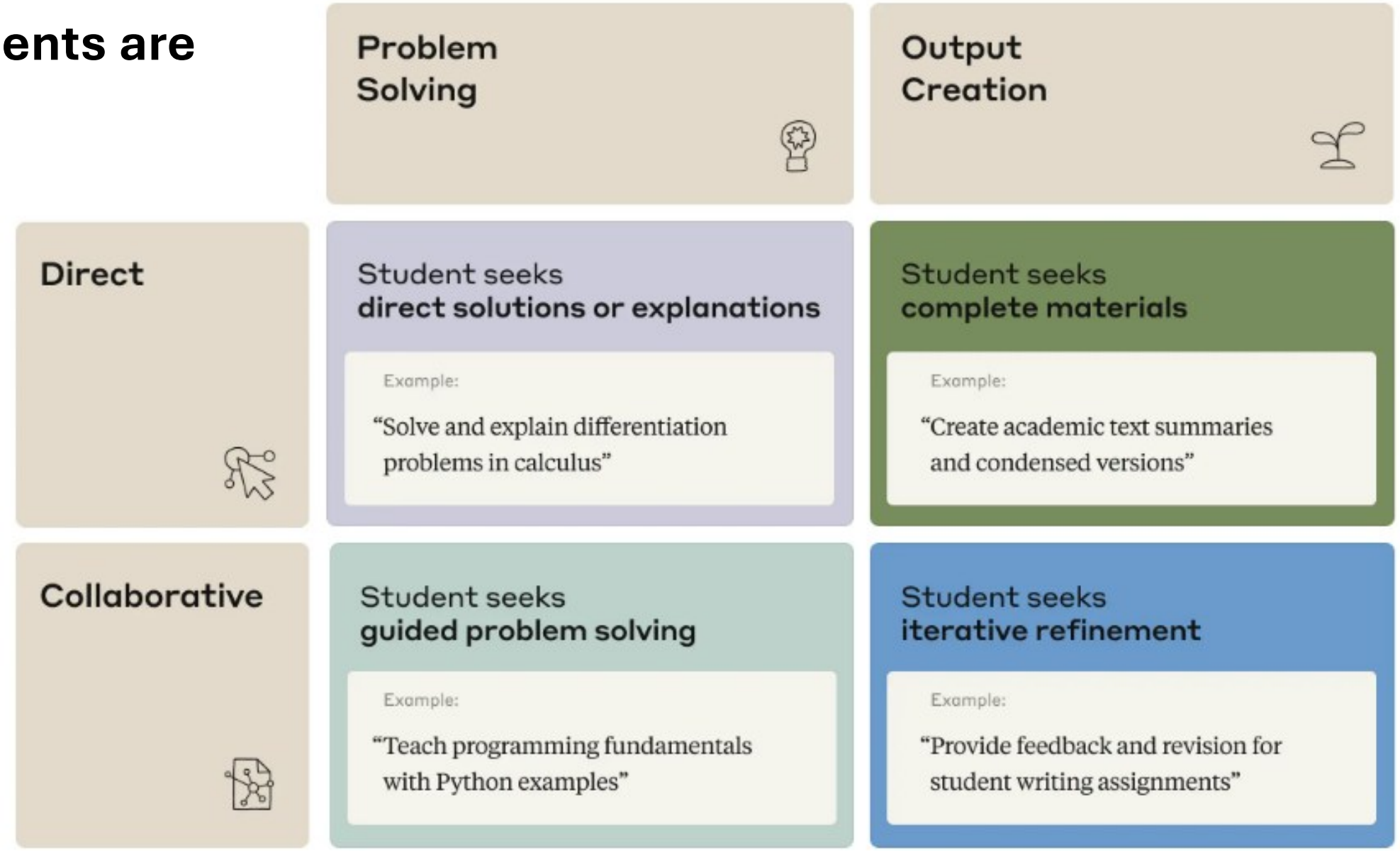
- Impact on Academic Integrity and Performance
  - Differentiating between legitimate academic support and potential misconduct.
    - What did the student contribute? 10% vs 90%
  - Exploring the boundaries of beneficial AI usage versus academic dishonesty.
    - Strengthening student outcomes
    - Equipping students to use AI responsibly
- Avoiding Anti-intellectualism.
  - Students still need to learn!

What Students are asking AI.



Potential for Misconduct

- Types of AI-related Academic Misconduct
  - Generation of essays or code via AI.
  - Automated paraphrasing or humanizing of text.
  - Fabrication of data.
  - Utilization of chatbots or shared AI accounts.

- Hypothetical scenario: "Utilizing ChatGPT for outline creation while independently composing the remainder."

Reshaping the Student Conduct Process

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- **Policy and Procedural Revisions**
  - Necessity for updating traditional policies to address AI usage.
  - Establishing clear guidelines on permissible versus impermissible AI assistance.
- **Challenges in Investigation and Evidence Collection**
  - Techniques for detecting AI-generated text: tools and methodologies.
  - Determining acceptable thresholds for AI-generated content in academic work.
  - Additional procedural requirements for thorough investigation.
- **Adapting Sanctioning and Educational Outcomes**
  - Transitioning from punitive measures to educational sanctions (e.g., AI literacy training).

Limitations and Ethical Nuances of AI

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- **Limitations of AI Detection Tools**
  - Issues of reliability and accuracy.
  - Risks of false positives and negatives.
  - Ethical considerations in scanning student submissions and handling educational records.
- **Institutional Preparedness**
  - Assessing faculty and staff training and technical support needs.
  - Preparing for the evolving capabilities of AI tools.
- **Broader Ethical Considerations**
  - Defining the boundary between skill-building with AI and academic misconduct.
  - Exploring the concept of originality in academic work.

Legal & Regulatory Considerations

FERPA & Privacy: Confidential handling of student data when using AI tools; possible data-sharing/consent requirements

Copyright & Authorship: AI-generated works typically lack traditional copyright; potential misrepresentation if presented as original

Detection & Due Process: AI tools can produce false positives; ensure fairness, transparency, and an appeals process

Bias & Discrimination Concerns: Possible Title VI/Title IX implications if AI tools affect certain groups disproportionately

Accreditation & Policy Alignment: Updating academic integrity standards to address AI usage and meet accreditor requirements

Thank you!

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