

WORKSHOP:

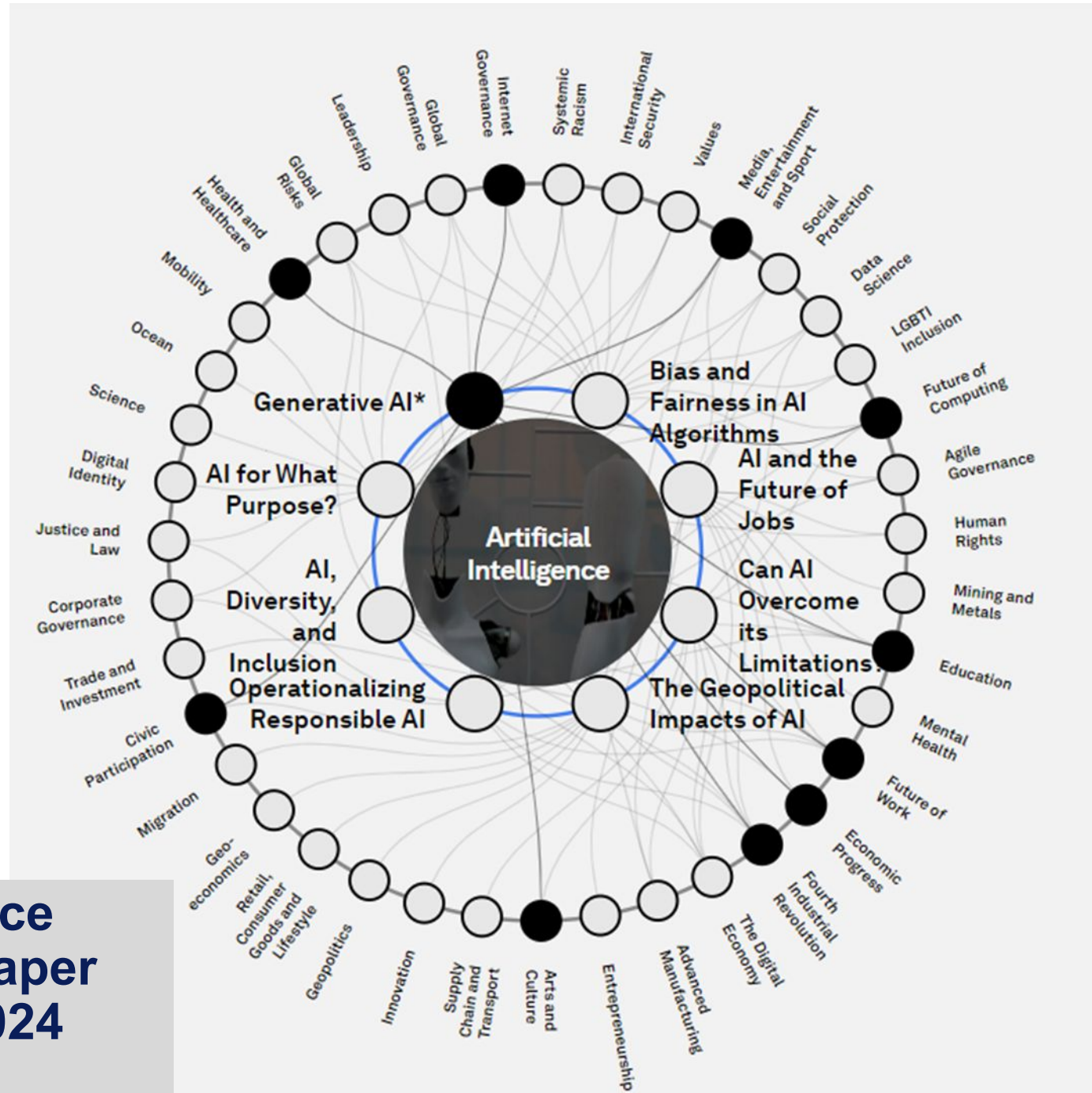
A better friend, a better cheater or a better tutor? Generative AI and the Law

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Responsible Transformation

The organizational effort and orientation to harness the opportunities and benefits of generative AI while mitigating the risks to individuals, organizations and society.

Responsible transformation is strategic coordination and change across an organization's governance, operations, talent and communications.



WEF AI Governance Alliance, Briefing Paper Series, January 2024

The Guidance: Designing best practices

The purpose of the guidance is to ensure that educators, learners and education institutions are responsible stewards for using these tools in the broader setting of academic integrity by embedding the guidance in a governance structure that addresses the challenges and opportunities and mitigates the harms that generative AI tools present.

The Guidance: Designing best practices

The study aims to develop a guidance for educators (and learners) in improving legal literacy

- Develop a base knowledge of LLMs' potential legal risks
- Equip educators and learners to minimize impact of these risks
 - Mitigate harms – safeguard measures and human oversight
- Build stewardship and governance

The Study

Study of GenAI platforms:

- Review of terms and conditions
- Legal risks emerging from the operationality of the platforms

Questionnaires (educators):

- To assess the level of awareness and knowledge of risk and vulnerabilities
- To assess the extent of use of any form of guardrails

Benchmarking

EU: The EU AI Act. Use of AI in education is classified as high-risk.

Council of Europe: 1. Council of Europe Standing Conference of Ministers of Education - Regulating Artificial Intelligence in Education. 2. Learners First, Council of Europe Education Strategy 2030

UNESCO: Guidance for generative AI in education and research

OECD: Opportunities, guidelines and guardrails for effective and equitable use of AI in education

UK Department for Education: 1. Policy Paper, Generative artificial intelligence (AI) in education (October 2023). 2. Generative AI in Education: Educator and expert views (January 2024)

Singapore: Proposed Model of AI Governance Framework for Generative AI: Fostering a trusted ecosystem (January 2024).

AI – Artificial Intelligence meets Academic Integrity: The legal issues

Traditional:

Intellectual property

Novel/Emerging:

Privacy and data protection of learners

Freedom of thought

Freedom of speech and expression

(Mis)(Dis)(Mal)Information

Equity/Parity/Equality



Implications...in Higher Education

1. Learner

- Personal and emotional support
- Content creation
 - to generate assessed material.
 - learning/knowledge/researching/ programming

2. Educator

- not being able to rely on current assessment strategies.
- not knowing how to create new reliable assessment regimes.

...[when] engaging with the students in conversations around AI. The focus should be about the students' education after all, as they are the ones the university exists to serve. Looking beyond education and forward to the industries in which the students will be working, observing how AI is being engaged would be an important informative process for educators.

Daniel Lee et al, 'The impact of generative AI on higher education learning and teaching: A study of educators' perspectives' (2024) 6 Computers and Education: Artificial Intelligence 100221, <https://doi.org/10.1016/j.caeai.2024.100221>.

Implications...at the Workplace

1. Automation and augmentation of work.
 - Job losses
 - New way of working
2. Job description that requires proficiency in the use of GAI tools and some qualification in prompt engineering.
3. Reliance on self-governance
 - Codes of conduct
 - Ethical Frameworks
 - AI Policies

While early studies of potential AI adoption identified low-skill, repetitive and routine jobs as those with the highest potential of automation (e.g., McKinsey 2016; Frey and Osborne 2017), in which a computer-based system could be coupled with a machine to replace a human in manual production jobs (Autor 2015; Acemoglu and Restrepo 2020), more **recent literature** has highlighted the ability of Machine Learning systems **to improve their performance in non-routine tasks** (Brynjolfsson et al., 2018; Ernst et al., 2019; Webb 2019; Lane and Saint-Martin 2021). We argue that the emergence of GPT reinforces this **shifting picture**, due to its refined ability to perform cognitive tasks, such as analysing text, drafting documents and messages, or searching through private repositories and the web for additional information...this new wave of automation will focus on a different group of workers, typically associated with **“knowledge work”** (Surawski 2019).

[ILO Report, 'Generative AI and jobs: A global analysis of potential effects on job quantity and quality'](#)

Outline

1. Different types of GAI
2. Legal Literacy
 - a. Terms and Conditions
 - b. Misinformation
 - c. Freedom of thought
3. Other considerations – Ethical Literacy
4. Tools to Navigate
5. Recommendations

1. Different Types of GAI

Text Generators

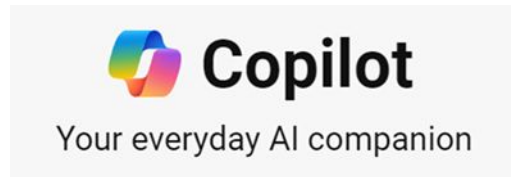
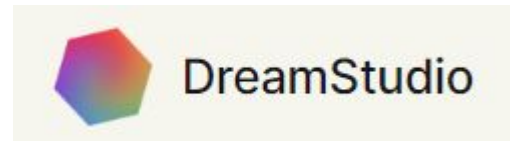
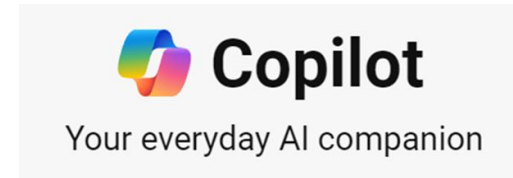


Image Generators



Text, Image and More



2. Legal Literacy

a. Terms and Conditions

Age requirement?

- No age requirement
- 13 years and above
- 13 years and above but with parental consent
- 18 years and above only
- Age requirement in different jurisdictions

2. Legal Literacy

a. Terms and Conditions

Copyright ownership?

- What is stated in the terms of the licence?
- Will the use of “fair use” exception apply to education?

Content

Your content. You may provide input to the Services (“**Input**”), and receive output from the Services based on the Input (“**Output**”). Input and Output are collectively “**Content**”. You are responsible for Content, including ensuring that it does not violate any applicable law or these Terms. You represent and warrant that you have all rights, licences, and permissions needed to provide Input to our Services.

Ownership of content. As between you and OpenAI, and to the extent permitted by applicable law, you (a) retain your ownership rights in Input and (b) own the Output. We hereby assign to you all our right, title, and interest, if any, in and to Output.

Similarity of content. Due to the nature of our Services and artificial intelligence generally, Output may not be unique and other users may receive similar output from our Services. Our assignment above does not extend to other users’ output or any Third Party Output.

Our use of content. We can use your Content worldwide to provide, maintain, develop, and improve our Services, comply with applicable law, enforce our terms and policies and keep our Services safe.

✓ If Microsoft does not own customer output content, can I claim copyright protection of my Copilot output?

Microsoft does not claim ownership of the output of the service. That said, we do not make a determination on whether a customer's output is copyright protected or enforceable against other users. This is because generative AI systems may produce similar responses to similar prompts or queries from multiple customers. Consequently, multiple customers may have or claim rights in content that is the same or substantially similar.

<https://www.microsoft.com/en-us/licensing/news/microsoft-copilot-copyright-commitment>

2. Legal Literacy

a. Terms and Conditions

Training data

- Up to when?
- Does it access the Internet?

Is user's input used to train AI models?

- Is there an opt-out?

2. Legal Literacy

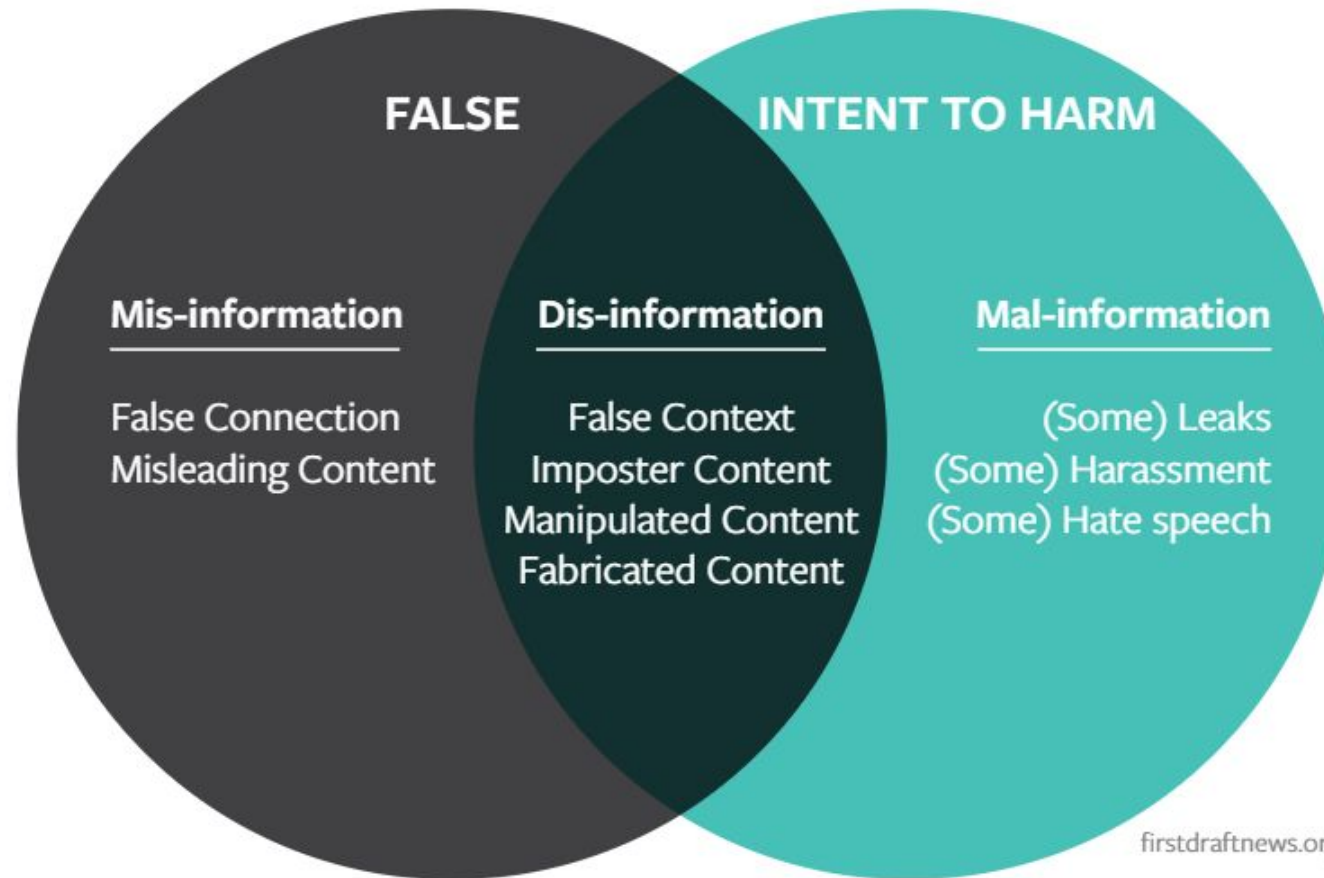
b. Misinformation



Source: Gemini



What is misinformation?



<https://unesdoc.unesco.org/ark:/48223/pf0000265552>

2. Legal Literacy

c. Freedom of Thought

Article 18. Universal Declaration of Human Rights. 1948.

Everyone has the right to freedom of thought, conscience and religion.

Article 18(1). International Covenant on Civil and Political Rights. 1966.

...no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice...freedom to manifest one's religion or beliefs...

Ahmed Shaheed, Interim report of the Special Rapporteur on freedom of religion or belief: Freedom of thought (5 October 2021, A/76/380)

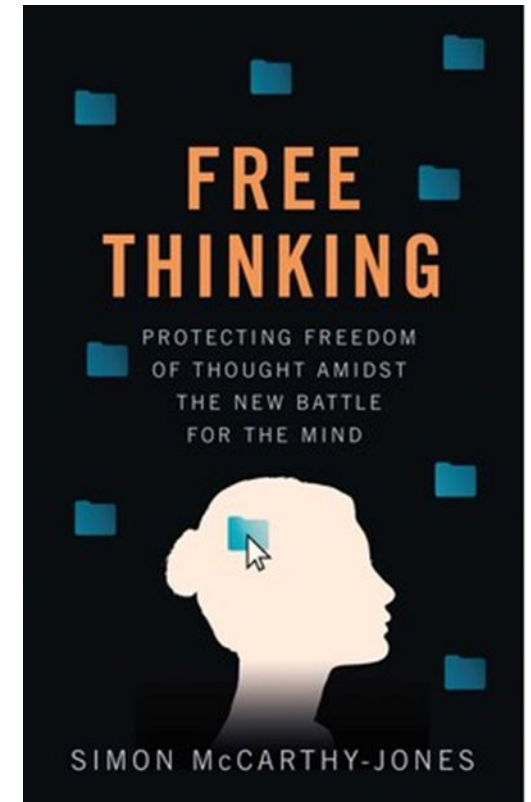
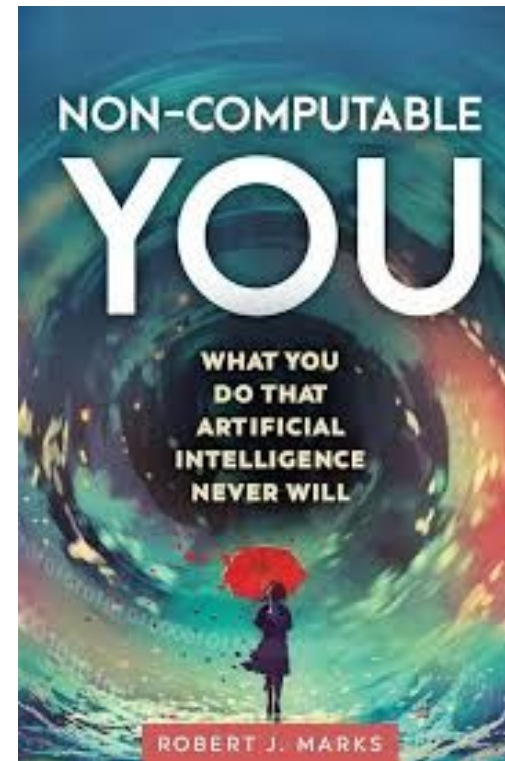
2. Legal Literacy

c. Freedom of Thought

Early advocates of freedom of thought spoke of the “human person,” whose sacred and inviolable possessions are his mind and conscience.

AI as a Super Sophist (Simon McCarthy-Jones, Trinity College Dublin).

“Use of language by AI to persuade us of falsehoods.”



3. Ethical Literacy



- a. Equality and Parity – Digital Inequalities
- b. Attribution – regardless of non-existence of legal right

Source: Adobe

Jisc

Innovation > Artificial intelligence

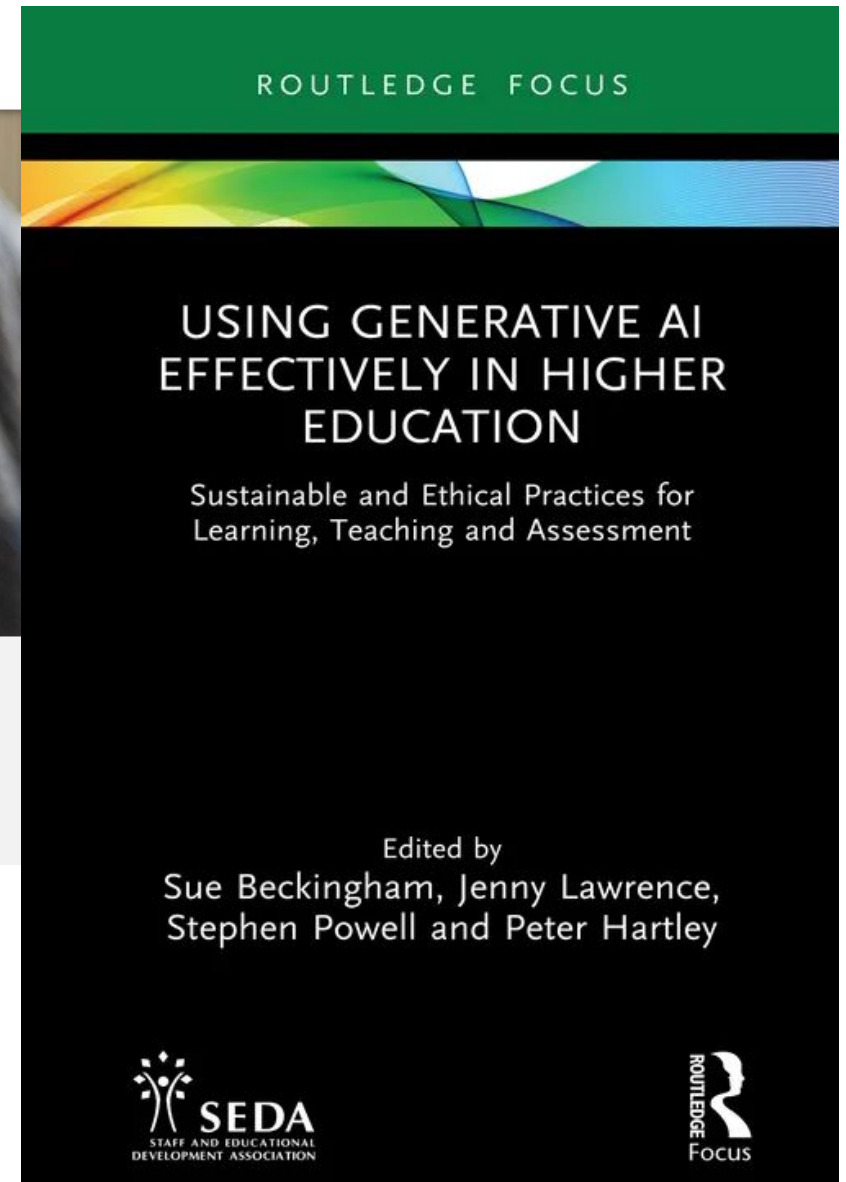
Artificial intelligence

Embrace artificial intelligence (AI) with confidence.

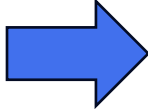


Supporting human-led education

4. Tools to Navigate



5. Recommendations

1. Experiment, explore, excoriate...TESTING the various platforms.
 2. Checklist of legal issues to consider 
 3. Incident reporting
 4. Encourage discussion and disclosure
- Contractual terms
 - Copyright
 - Data protection
 - Privacy
 - Confidentiality – loss of original ideas
 - Equality and parity
 - Content provenance

Thank you for participating.



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