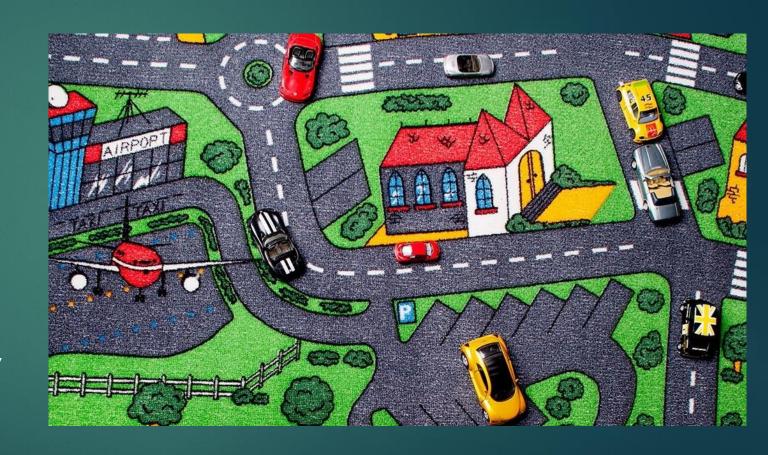# Developing an Effective AI Policy with Robust Institutional Buy-In – Balancing Legal and Ethical Approaches

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Special Thanks –

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A roadmap for policy development

▶ The why and the how

▶ Before the first session

▶ Values drive policy

▶ Redlining and legalese: a survival guide

▶ A new policy is born! Now what? Earning buy-in

Balancing Legal & Ethical - Why Important?

- Both an ethical approach and a legal approach to academic integrity policy-making are key
- Discussion should provide a focus that enables you to look through the lens of your policy when attending other sessions
- A merge of both approaches creates the ideal policy and process structure
- Each institution has a unique culture, and therefore will strike a different balance between the approaches – this is OK!!!
- Give you tools to honestly analyze and assess your policies through these lenses

So you want a new AI policy

▶ First, your current policy. You have a policy, right?

▶ Does it need translation?

▶ What's not working? What is?

▶ Where is it posted? How do students, faculty, and staff locate and use it?

Gathering the data

- Making the argument
  - Do you even have data?
- Compare the size of your institution to the number of cases
  - There is no "good" or "bad" number here
  - Higher reports may mean your policy is effective!
- Are there any things that stick out in your data?
  - Departments, demographics, time of year, etc.
- Who are your stakeholders? Invite them! Multiple times!
  - Go beyond the obvious
  - Student government, chairs, clubs, athletics, student life, dormitories, faculty senate, online services, diversity

What do we mean by "Ethical Approach"?

- Ethical (or Academic) Approach
  - What do we normally think of when we discuss ethics or integrity?
- Values
- Right vs. Wrong – where does the institution draw the line?
- Setting Standards
- Responsibilities and duties of the entire academic community
  - Faculty, Staff, Students

Values drive policy

- Gather your stakeholders, as many as you can

- Ask: What are the values of your institution?
  - Collaborative atmosphere
  - Ask online and off!

- Are these values represented in your current policy?
  - If not, how can they be?

- What kind of policies represent the values you're looking for?

- Possible attributes: facilitator models, restorative justice, zero-tolerance, formal/informal processes, advocates...

What do we mean by "Legal Approach"?

- Legal Approach
  - What do we normally think of when someone speaks of a legal approach to a policy or problem?
- What is permitted and what is prohibited
- Rules
- Process
- Fairness
- Adjudication of Rights

Why Ethical Approach is Important in AI Policy-Making

► The ethical approach:

  ► Frames the values and articulates the expectations for the University community with regard to academic integrity.

  ► provides the lens through which these types of institutional policies are implemented with the ultimate goal of the academy in mind: **good global citizenship.**

Why Legal Approach is Important

- Supports Fairness and Ensures Certain Standards and Robust Decision-Making
  - Transparency
  - Right to Receive Reasons
  - Reasonable Notice
  - Right to be Heard and to Know the Case Against You
  - Impartial Decision-Makers
  - Right to Appeal

Competing or Complementary Approaches?

- Legal Approach and Ethical Approach - appear to be at odds, but both are valuable and consistent with each other

- Culture of Institution will inform the Balance Between the Two policy approaches – institution's policy is informed by its own culture

- What is institutional or organizational culture?

- https://en.wikipedia.org/wiki/Organizational_culture

- https://gothamculture.com/what-is-organizational-culture-definition/

Competing or Complementary Approaches? - Continued

- Best Practice - Policies that Balance these two approaches:
  - Ethics and Integrity as an institutional value; PLUS
  - Legal approach ensures there is robust decision-making in the event of an ethical breach prohibited by policy

Analyzing AI Policies

▶ Does your Policy balance the two approaches?

▶ If yes, in what ways?

▶ If not, why?

  ▶ Look at the history – Authorship? Legal review? Number of cases historically? Who is the decision maker?

  ▶ Has there been a high profile issue that placed or re-balanced the emphasis in the policy on one approach over the other?

  ▶ What is the legal regime where you are?

Analyzing AI Policies - Continued

► Ethical Approach – does your policy say why AI is important as an institutional value?

► Is Academic Integrity explicitly or implicitly articulated in your institution's values?

► Does your policy set out the responsibilities of all community members – faculty, staff and students?

► Does it contain an educational or remedial component?

► Does your policy clearly lay out step by step what happens if there is a "breach?"

► Is your policy clear and accessible to all readers?

► Does your process contemplate "due process" considerations, i.e. *the right to be heard*?

Mechanics – What goes in the Actual Policy?

- Policy – large P policy
- Rules
- Procedure Documents
- Guidelines
- Other - General Communications

What legalese do you need?

SORRY I ANNOYED YOU

WITH THE 14TH AMENDMENT

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- ▶ Real answer: precious little
- ▶ American law?
- ▶ 14th Amendment and process
  - ▶ Whatever you got, you gotta follow it
- ▶ The greater the stakes, the greater the process
- ▶ Standards of proof
  - ▶ Arbitrary and capricious
  - ▶ Substantial Evidence
  - ▶ Preponderance of evidence
  - ▶ Clear and convincing
  - ▶ Beyond a reasonable doubt
- ▶ FERPA, ADA
- ▶ Syllabus as literal contract

The Teachable Moment

- Procedure is great, education is better
- What is the goal of higher education?
- Prevent worse future issues
- Two tracks
- Student success

MY WEAKNESSES?

I CARE TOO MUCH AND TRY TOO HARD.

quickmeme.com

Let us proceed!

- ▶ Find your champions
- ▶ Go to where they are, mentally and physically
- ▶ Talk and listen
- ▶ Marketing!
- ▶ Make it as simple as possible
- ▶ Reminding of purpose

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SPC's Academic Integrity Procedure
Faculty Update & Discussion

Join the October meeting on your campus!

Campus	Organizer	Date & Time	Location
HEC	Kate Woods	Thurs, Oct 3, 12-1 PM	177S
Gibbs	Carol Weideman	Thurs, Oct 3, 12:45-1:30 PM	SA 228
CL	Anja Norman, Bonnie Jefferis	Thurs, Oct 10, 12:45-2:00 PM	ES 222
SE	Kevin Morgan	Tues, Oct 15, 12:30-1:30 PM	UP 154
TS	Heather Roberson	Tues, Oct 15, 12:30-1:30 PM	BB 212
Vet Tech	Trish Gorham	Wed, Oct 16, 12-1 PM	Meeting room at VT
DT/MT	Mark Nusspickel	Tues, Oct 24, 12:30-1:30 PM	DC 230

You are welcome to attend any session, regardless of your home campus.

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