

Warwick Law School

Policy on the use of Artificial Intelligence (AI)

(1) Our approach to Artificial Intelligence (AI)

Warwick Law School is committed to developing a holistic approach to AI in all aspects of our education. We seek to develop AI literacy among our students to instil good practice regarding the responsible use of AI as a tool to assist (but not replace) their learning and skills development. This includes promoting awareness about the ethical use of AI as well as about the concerns over the robustness and bias of many AI systems. We will monitor the use of AI by students to ensure that this is done responsibly and ethically. This includes monitoring the impact the use of AI has on development of essential academic skills by our students. Academic integrity must be ensured in all activities involving the use of AI.

We are committed to understanding the implications of AI for our own subjects as well as the ethical issues raised in all aspects of AI and to ensuring that what we teach includes consideration of the legal and ethical challenges brought about by the use of AI.

(2) Artificial Intelligence (AI)

(a) AI Technologies

Artificial Intelligence is an umbrella term covering a wide range of algorithmic and data-driven software systems. There are different types of algorithms (and combinations of different approaches) with varying capabilities, either of a deterministic or adaptive machine-learning type. AI performs a wide variety of tasks, not always clearly identified as “AI” in people’s minds (e.g., spell-checkers, auto-complete, recommendations on shopping websites or streaming services, etc).

The Organisation for Economic Co-operation and Development (OECD) defines an *AI system* as “a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their

levels of autonomy and adaptiveness after deployment”.¹ All AI systems have in common that they offer varying degrees of automation for particular tasks, often more efficiently and quicker than humans.

A particular sub-category of AI is *Generative AI Systems (“GenAI”)*. They can be useful for some academic tasks but can also be misused in a way that violates our standards and expectations as to academic integrity.

GenAI, such as ChatGPT or Claude, is based on deep-learning neural networks utilising “transformer” technology. They are trained on vast amounts of data and produces outputs based on that data. The robustness and reliability of outputs can vary dramatically, and there are many *caveats* to the use of generative AI systems.

(b) Limitations of GenAI

Importantly, AI does not process information in the way humans do. It does not develop knowledge. It lacks common sense and the ability to locate information in a wider context/experience. Its outputs are generally based on the data on which it was trained, and, in the case of “self-learning” (adaptive) algorithms, data acquired during deployment; it therefore lacks the ability to produce truly original and creative outputs. It does not have the ability for critical thinking – one of the key academic skills we seek to instil and develop in our students.

AI can be a very useful tool to help with certain tasks. It can uncover connections in data that might not be apparent to humans (although it is at risk of overfitting, or “hallucinating”, such connections) and can structure data better and faster than humans.

Recent advances in the performance and capability of certain AI systems, particularly generative AI systems, have renewed interest in this technology, and have led to an explosion in academic, policy and legislative work. A lot of unsubstantiated or exaggerated claims are made about AI, and it is sometimes difficult to get a clear sense of what the technology is capable of and what its limitations are. There are also concerns about the quality of the data on which AI systems are trained, particularly regarding its robustness and accuracy, and biases. Furthermore, the degree of energy use and the resulting environmental impact of the infrastructure (e.g., data centres) required for some AI systems is starting to attract more attention and concern.

¹ *Recommendation of the Council on Artificial Intelligence*, version of 3 May 2024; available at <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>

(3) AI in *what* we teach

The potential applications of AI technology in many fields will also raise questions for many of the modules we teach. This is not just specific to obvious modules such as those on data protection and profiling but will be relevant to many other modules. For instance, there are issues in IP Law, contract law (algorithmic contracts), tort law (liability questions), criminal law, employment/labour law, administrative law, and many others.

At Warwick Law School, we endeavour to progressively integrate the impact of AI into our modules where relevant and to critically think about the implications of AI technology for many areas of law, as well as the ethical implications of using AI.

Furthermore, we will explore how we can offer a general introduction to AI to all our students to ensure that they have a baseline understanding of this technology, its capabilities and limitations, and the risks associated with its use. The School will work with the Faculty Education Committee and central University departments as required to ensure that there is a consistent approach across the University.

(4) AI use in the classroom

When it comes to using AI tools in the classroom, we distinguish between unilateral use of such tools by students (e.g., using ChatGPT to answer a question or translation software to translate an answer from the student's first language) and the deliberate use of AI in teaching (e.g., a workshop focusing on the use of AI for a particular task and how to utilise an AI output subsequently).

(a) AI use in teaching

Teaching may, on occasion, integrate the use of specific AI systems/tools, whether for skills development or to test a specific application of AI. Here, the use of an AI system/tool will be specified by the seminar tutor and/or in the seminar instructions. The way in which the AI system/tool is to be used will be explained during the seminar. Students will work on specific tasks under the guidance of their seminar tutor (e.g., the creation of a short answer to a specific prompt which is then reviewed for accuracy and sense, or testing the outputs of an AI system to a particular input/prompt).

(b) Unilateral use of AI tools by students during class

Some AI tools are integrated into software applications used by students all the time (such as spellchecking, or database searches). These are mostly unproblematic (although see below

regarding permitted and prohibited uses). However, GenAI raises particular concerns and is problematic. Unacceptable uses include students using a GenAI output and presenting this as their own work in an (oral) response to a question. This is problematic pedagogically because students will not engage in the thought processes they should be engaging in during seminars, so their own learning experience is adversely affected. It can also be problematic from an academic integrity perspective; for instance, reading out an AI-generated response to a question suggests that this is the student's own contribution when it is not.

Other AI tools are also problematic both for pedagogic and other reasons (including compliance with University policies and legislation). This includes live transcription software and live translation software.

The Law School does not allow the use of GenAI tools in the way described above. We also do not allow the use of live translation software or live transcription software.

Information for Students:

You are not permitted to use generative AI tools such as ChatGPT during the class unless your tutor expressly authorises this for a particular seminar or lecture task. It is important that you use class discussions to develop your own understanding and knowledge of each topic. Your contributions should be your own to provide you with the opportunity to test your knowledge and understanding of the material, and to get feedback from your tutor.

You **may** use GenAI tools as part of your seminar preparation, provided that you do not use it to generate answers to seminar questions.

You are **not permitted** to use live translation or live transcription software that translates the seminar discussion or lecture as it happens. Using such software involves the recording or capture of voices and transfer of voice data outside the University. This is not compatible with University policies and may also contravene data protection laws.

If English is not your first language, you are allowed to use a translation tool that does not involve voice recording or voice capture other than your own to help you formulate your response during the seminar if you are unsure about the right wording. However, it is always better just to try - you will learn from practice and gain more confidence.

More generally, you are **not permitted** to make any recordings of your seminars. Recording seminar discussions is contrary to University policy. Where applicable, lecture elements will be captured using the University's lecture recording system and will be made available subsequently (please ask your tutor).

If you do not follow the above guidance, you might be asked to leave the class and to delete any recordings you have made. You might also be referred for disciplinary action.

(5) AI use in assessment

AI tools can be used in a variety of ways in preparing an assessment. Some AI tools are unproblematic (e.g., spell-checkers, databases etc). However, much greater care must be taken with regard to GenAI tools, which generate text in response to specific prompts (such as an essay question or similar). The use of GenAI systems in the context of all assessment types can raise serious questions about academic integrity. However, whether the use of a GenAI system in an individual case amounts to academic misconduct will depend on (i) how the GenAI system is used; and (ii) whether any restrictions on GenAI systems are imposed as part of the assessment instructions.

(a) “Designing out” GenAI use when setting assessment tasks

Whether the use of generative AI would produce an output that could score high marks can depend on the way the assessment task is designed. In particular, tasks which prioritise focused, critical discussion over knowledge reproduction are less suitable for preparation by a GenAI system. Furthermore, requiring, as a learning outcome to be demonstrated by students, the use of the essential and recommended reading from the module can further limit the value to be gained from using AI. Also, a question with a precise task such as a statement for discussion that takes a very strong position on matters covered on the module will make the use of AI systems insufficient for obtaining good marks. These are all factors to bear in mind when setting assessment tasks. Assessment tasks are reviewed during our vetting process, which includes consideration of how “GenAI proof” an assessment task is.

(b) “Designing in” GenAI use for an assessment tasks

In some instances, the design of an assessment tasks might require or allow the use of AI. **The extent to which GenAI use is permitted for an assessment task will be stated clearly in the assessment rubric (instructions).**

AI could be used for assessment tasks in a variety of ways:

- Students may be given an output by a generative AI system and will be asked to review the output for accuracy and critique it more generally;
- Students may be asked to use a generative AI system to create an output themselves and critically review that output;
- Students might be asked to use the same prompt to produce outputs from several different generative AI systems and then critically review and compare these outputs.

The directed use of GenAI systems in an assessment task can have pedagogic value. It can be useful in promoting AI literacy, and the considered and careful use of new technologies. Equally, it should be balanced to ensure that students continue to appreciate the need for their own academic rigour in developing reasoned responses to assessment tasks and the need to demonstrate their own critical thinking abilities.

In setting an assessment task requiring the student's use of an AI system, it is important to bear in mind whether the AI system is made freely available only, or whether it is made available in both free and paid-for versions. In the latter case, it needs to be considered whether the paid-for version is accessible to all students without relying on their own resources to ensure that all students have the same opportunity to tackle the assessment.

(6) Academic Integrity

With regard to academic integrity, our policy builds on the University's [*Institutional Approach to Artificial Intelligence and Academic Integrity*](#). Any changes to the University's *Institutional Approach*, or any new University policies on the use of AI take precedence over this policy whenever there is a conflict between them.

In accordance with both the University's and the Law School's academic integrity policy, **the Law School prohibits copying/paraphrasing either whole outputs or elements of outputs generated by a GenAI system and submitted by students as their own work**. Similarly, **the use of AI to complete certain parts of an assessment, such as analysis or evaluation, is not permitted**.

However, even where the use of GenAI systems is not prohibited, the **Law School discourages the use of such outputs even with correct and complete attribution**. Assessments should be used by students to demonstrate their knowledge of the subject (i.e., what has been taught, including set readings) and their understanding and ability to utilise this in responding to specific questions. The use of GenAI in this process might make it more difficult for markers to establish how well a student has demonstrated this. The way in which such outputs are used as part of an assessment will be considered in grading the assessment against our marking criteria.

The use of an AI system for any aspect of completing an assessment must be disclosed by a student. A failure to do so constitutes an academic misconduct. Such a disclosure must cover the following points:

- Why was a GenAI system used (help in understanding the question; help in structuring work based on arguments developed; assist with initial summary of readings etc) ?
- Which GenAI system or systems was/were used (e.g., ChatGPT, Claude etc)?

- How has the AI output been used in preparing the assessment? (as a research tool, to test arguments etc; see table below for acceptable uses).

(7) Permitted and prohibited uses of GenAI – Guidance to Students

Unless expressly required for a specific assessment task, **Warwick Law School does not encourage the use of GenAI tools for assessments**. Students should be aware that GenAI tools can weaken the quality of your work – particularly if you rely on GenAI for accuracy, relevance and rigour. You should be particularly mindful of the tendency of GenAI tools to cite non-existent resources or information (“hallucinations”). GenAI may generate inaccurate or otherwise poorly constructed arguments. GenAI does not have the ability to demonstrate critical thinking, nor the ability to be genuinely creative. Most importantly, assessments are there for you to demonstrate to us (and to yourself!) how well you have understood what you have studied.

Nevertheless, WLS acknowledges that some students may use GenAI technology when preparing for assessments and writing essays, and may want to gain experience of utilising it for their future legal careers. Below, we provide a clear rule and interpretative guidance on what would constitute tolerated and prohibited use of GenAI. **This is always subject to specific instructions given for each assessment.**

Rule and Guidance

The key overarching rule is: GenAI **can** act as a personal assistant for you (e.g. assistance in understanding key issues, help with research, proof-reading your work etc.). **However, it must never be used to create the work, or certain parts of the work, for you. You must not submit any AI-generated output as your own work.**

The table below summarises what is acceptable and what is prohibited in a bit more detail. **Note that any use of GenAI may be prohibited for specific assessment tasks.** This might be the case e.g., where the assessment tests your key legal or academic skills. Here, your own unaided work would be essential. **Always check the assessment instructions before you use any GenAI tool!**

YOU CAN	YOU MUST NOT
<ul style="list-style-type: none"> • Ask questions to GenAI to check your understanding of your assessment question <ul style="list-style-type: none"> ○ Example prompt: “Is the following question asking for a discussion on topic X?” • Ask GenAI to suggest an outline of the essay you are going to write, based on the points <u>you</u> provide to it. <ul style="list-style-type: none"> ○ Careful here! Do not simply ask GenAI to prepare an outline for you. Do your preliminary research and have your points ready. Even slight variations in the prompt can produce vastly different results as can repeating the same prompt twice or more. ○ Example prompt: “Suggest an outline for the essay I am going to write on the topic X. I will argue for/against Y and the points I will make in my essay are A, B and C. My supporting evidence/examples are D and E.” or “What would be the best order to argue for/against Y with the points A, B and C, and examples D and E?” • Ask GenAI to check the grammar, flow, consistency, language, tone and style of the essay. <ul style="list-style-type: none"> ○ Example prompt: “Please proof read this essay and correct/highlight any errors in spelling, language or grammar” ○ Example prompt: “Check the tone and style of this essay and highlight the parts that need to be rewritten, but do not rewrite them!” 	<ul style="list-style-type: none"> • Ask GenAI to generate your assessment answer for you. Therefore, you should never start a chat with an GenAI tool, in which the GenAI would generate points for you to include in your essay. You must have developed your own initial thoughts about the question, and you should have developed provisional arguments, examples, ideas and your overall response to the essay question (e.g. do you agree/disagree and why) before seeking the assistance of an GenAI tool. <ul style="list-style-type: none"> ○ Example prompt: “I need to write an essay, but I could not understand the question. Can you write me an essay on the following essay question: [the essay question].” • Ask GenAI to generate some ideas, arguments, examples from scratch. <ul style="list-style-type: none"> ○ Example prompt: “I need to write an essay on the topic X, what should I argue, what should my stance be? Can you suggest some arguments I could use?” ○ You can only ask GenAI to provide guidance on the accuracy or validity of your arguments or improve the ideas you already have. Asking GenAI to generate ideas and arguments do not result in accurate or original supervised projects. Therefore, you must always double check what the GenAI tools suggest to you and never substitute them for your own voice. • Ask GenAI to rewrite any part of your essay. <ul style="list-style-type: none"> ○ Example prompt: “Provide some feedback on the following essay and rewrite the parts that need

- **Use GenAI as a search engine/database to find further sources.**

- **Careful here!** GenAI tools may sometimes generate sources that do not exist. Always remember to check that the source exists; that the reference/citation is accurate (check books and journals through the library pages; check case databases for cases); verify that any quotations were taken from the indicated source etc.

- **Ask GenAI to summarise the content of academic articles, books, reports or other sources, although if the work is relevant to your research, you should then read it in full.**

Careful here! Be mindful that uploading material protected by copyright can infringe copyright rules. If you are unsure, please enquire with the library first.

- Ask GenAI to provide feedback on the project you wrote, before submitting it.
 - **Example prompt:** “Provide some feedback on the consistency of the arguments made in the project, **without rewriting it for me.**”
 - Please remember that GenAI feedback may not reflect the assessment criteria. It’s important to refer to the module’s assessment criteria to fully understand the expectations.

improvement.” or “Can you provide some feedback on the following essay?” (**Careful here!** GenAI tools usually tend to rewrite/revise the text you provide them, unless you clearly restrict them and/or prohibit them from rewriting the whole text in accordance with the feedback they provide. Therefore, even when you ask for feedback, you must ensure that **it is you who makes the necessary changes** depending on that feedback, not AI.)

- **Example prompt:** “Check the tone and style of the following essay and make the necessary changes/improvements to make it sound more formal.” (You should only ask for suggestions or for some emphasis to be made on the parts that need improvement, you should **never** ask any GenAI tool to change the sentences you have written. **Remember, it should entirely be your own work, GenAI should not and cannot be a contributing author!**)

(8) Excluding or permitting the use of AI in specific assessment tasks

For each assessment task, staff setting the assessment will consider whether there should be specific instructions regarding the use of AI, including a complete prohibition on its use. Where nothing is said, the rule and guidance in the previous section applies.

The University's *Institutional Approach* recommends the following wording, depending on whether AI is required, prohibited, or tolerated (see pp.35-36). The wording is reproduced here:

“8.2.4 Suggested assignment briefing text where student AI use forms part of the assessment

This wording is suggested, any appropriate wording that gives sufficient clarity is equally valid. It is expected that such assessments would contain specific directions on the tool's use and how it should be presented. That may render separate wording redundant.

In this assessment you will need to use [AI Tool/Service] as instructed.

You MUST set out clearly [in the body of the answer/in an appendix] how you used the tool/service, and you SHOULD keep good records such as screen captures for later reference in case you are called for a viva or other enquiries.

You MUST set out clearly what output from the tool/service has been included, and where you have altered, adopted, or built on that output.

Assessment briefs must make it clear if a specific tool or service is to be used, or if a student can choose. If certain tools are not permissible, such as a paid-for service, that must be made clear in the assessment brief, such as

You MUST NOT use any tool or service requiring any subscription; or

You MUST select from the following: [LIST]

Clear consequences of not abiding by the instructions should be set out, such as a zero grade, mark cap, mark reduction etc and how such would work.

8.2.5 Suggested wording for the prohibition on the use of AI

This wording is suggested, any appropriate wording that gives sufficient clarity is equally valid.

You MUST NOT use any generative Artificial Intelligence in this assessment unless specifically authorised for reasonable adjustments. You MAY use non-generative tools such as a spell-check, basic grammar check (non-generative), calculator or similar. If you have any doubts about a tool or service, you plan to use please contact the tutor.

OR

You MUST NOT use any form of Artificial Intelligence in this assessment unless specifically authorised for reasonable adjustments. This includes non-generative AI such as spell-checks, grammar checks or calculators. If you have any doubts about a tool or service, you plan to use please contact the tutor.

OR

You MUST NOT use any form of Artificial Intelligence in this assessment unless specifically authorised for reasonable adjustments. You may use any or all the following tools/services [LIST]. No other tools or services are permitted.

Clear consequences of not abiding by the instructions should be set out, such as a zero grade, mark cap, mark reduction etc and how such would work.

8.2.6 Suggested wording for ambivalence towards the use of AI

This wording is suggested, any appropriate wording that gives sufficient clarity is equally valid.

If you use a generative Artificial Intelligence (GAI) in the process of completing this assignment you MUST set out clearly before the bibliography/ references [or other suitable place] the following:

- *WHY you used a GAI*
- *WHAT it was used for*
- *Which AI was used; and*
- *If any generated content has been used directly in this submission, if so where.*

You will also have to confirm in your declaration that the work remains yours and you have intellectual ownership of it. You may be called for viva or other interview to demonstrate such intellectual ownership. A failure to disclose the use of AI, or the use of a misleading description of its use may have significant consequences for your studies. As a result, keeping good records of your interactions is strongly advised."

The way AI generated outputs are used by a student in drafting their assessments will be taken into account when grading the assessment against the generic grade descriptors and assessment-specific marking criteria.

Academic Integrity Declaration

The University has updated its Academic Integrity Declaration, which now includes the following paragraph: “Where a generative Artificial Intelligence such as ChatGPT has been used I confirm I have abided by both the University guidance and specific requirements as set out in the Student Handbook and the Assessment brief. I have clearly acknowledged the use of any generative Artificial Intelligence in my submission, my reasoning for using it and which generative AI (or AIs) I have used. Except where indicated the work is otherwise entirely my own.”

REVIEW

This policy will continue to evolve and will be reviewed at least annually at the first Education Committee meeting of the academic year. It will also be reviewed in light of any policy developments at University level or legislative developments.