

University of Otago
Faculty of Law

Generative AI and Academic Integrity

1. Purpose

The purpose of this policy is to set out the expectations and responsibilities of the Faculty of Law staff and students regarding the use of generative AI in a manner that is consistent with the University of Otago's commitment to academic integrity.

In particular, this policy responds to the University of Otago's [Generative AI Policy](#), which provides that:

- A. it is the responsibility of staff to provide clear written guidance to students on acceptable use of Gen-AIs for every assessment, including what Gen-AI tools students are permitted to use and why, clearly outlining that any unacceptable use of Gen-AI tools will be considered academic misconduct; and
- B. it is the responsibility of students to be aware that the unacceptable or unauthorised use of Gen-AIs constitutes academic misconduct.

2. Definition

Generative AI (Gen AI) refers to Generative Artificial Intelligences and autonomous content generation tools, which are Artificial Intelligence models capable of generating text, images, code, video, audio, and other creative outputs. Gen-AIs use machine learning to do this. Examples include large language model chatbots such as ChatGPT, Copilot, Gemini and LLaMA, text-to-image generators such as Stable Diffusion, Midjourney and DALL-E, and text-to-video generators such as Sora.

3. General principles

As a general principle, students are permitted to make use of generative AI to supplement their learning. This reflects both the increasing ubiquity of generative AI in the workplace and the responsibility on students to manage their own learning in a way that best meets their needs.

However, student use of generative AI in the context of Faculty assessment can raise issues of academic integrity. In this context, the applicable principles are that:

- A. any use of generative AI must be disclosed; and
- B. use of generative AI must not substitute for the exercise of judgement, skill, and legal analysis that is being assessed.

4. Course-specific requirements

Course instructors may notify students in writing of specific requirements and prohibitions in respect of the use of generative AI for assessment for particular courses, which may be more or less permissive than this general policy. In general, it is expected that this written notification would be included in the course outline or assessment instructions. Any such course-specific requirements, communicated explicitly and in writing, take precedence over this policy.

A violation of notified course-specific requirements on the use of generative AI constitutes academic misconduct as defined in the University of Otago's [Academic Integrity Policy](#).

5. Copyright

The default position for any course instructor's assessment question or task that constitutes a copyright work is that the course instructor grants no licence for that work to be used as a prompt to Generative AI.

6. Permitted uses (where not otherwise prohibited)

In the absence of course-specific requirements and prohibitions, student use of generative AI for the following purposes will generally be permitted on the basis that these uses are consistent with a student going on to demonstrate their own exercise of judgement, skill, and legal analysis in the work product submitted for assessment:

- A. initial research, such as identification of potential sources; and
- B. non-substantive writing improvement, such as correcting for typographical and grammatical errors, provided that the submitting student exercises their own judgement during this process.

7. Student disclosure obligation

All use of generative AI undertaken in relation to the assessment must be disclosed by the submitting student (unless otherwise specified by the course instructor) at the time of submission. Such disclosure includes:

- A. a description of the prompts fed into the generative AI.
- B. a description of the use of any outputs generated by the generative AI; and
- C. if requested, documentation, files, or other evidence which substantiate the above (it being the responsibility of the student to retain all such records).

Student disclosures in compliance with this policy do not form part of the word count for assessment purposes.

8. Prohibited uses (where not otherwise permitted)

In the absence of express permission from the course instructor, student use of generative AI for the following purposes will generally be prohibited:

- A. substantive text or other content generation, where:
 - i. the output, or a substantial part of the output, is directly submitted for assessment; or
 - ii. the output is otherwise used as a substitute for the submitting student's own judgement, skill, and legal analysis in the work product submitted for assessment; and
- B. issue identification for assessment based on problem questions.

Use of generative AI for prohibited purposes will constitute academic misconduct as defined in the University of Otago's [Academic Integrity Policy](#).

9. Other uses and general guidance

Use of generative AI that is neither expressly permitted nor prohibited under this policy is subject to the general requirements of the University of Otago's [Academic Integrity Policy](#).

As a guide, use of generative AI is likely to constitute academic misconduct where:

- A. generative AI is used in circumstances where having a classmate or another person undertake the same task would constitute academic misconduct; and
- B. generative AI is used to generate outputs that form a substantial part of the work product that is submitted for assessment, rather than being used to inform the student's own exercise of judgement and application of legal analysis.

Appendix I

Examples of prohibited use (where not otherwise permitted)

Examples of use prohibited by 8.A.i.

- John prompts ChatGPT to “write an essay about the tort of conversion” and copy-pastes the output directly into a document which is then submitted.
- As above, but John copies the output manually, involving superficial and non-substantive changes in wording and leaving the substantive content and ideas largely the same.
- Jollie prompts ChatGPT to “write an introduction/conclusion to an essay about the tort of conversion” and copy-pastes the output directly into a document which is then submitted.
- As above, but Jollie copies the output manually, involving superficial and non-substantive changes in wording and leaving the substantive content and ideas largely the same.

Examples of use prohibited by 8.A. ii.

- Peter asks Gemini whether a legal contract can be made over SMS between two individuals; Gemini provides a response and Peter uncritically and without any further consideration incorporates this response into what he submits as his own work for assessment.
- Penny asks Gemini to tell her how to structure an opinion advising on whether the offence of murder is likely to be proved. With no further thought Penny directly applies the specific structure Gemini provides in what she submits as her own work for assessment.

Examples of use prohibited by 8.B.

- Noah copy-pastes an assignment fact hypothetical into ChatGPT and asks for it to identify the legal issues and problems which might arise. (This may also be prohibited by 4B)
- Nelly, after identifying some issues in a problem question on her own, rephrases portions of the problem and puts them into ChatGPT to see what other issues it identifies.

Note that any use of generative AI which would count as [unauthorised collaboration](#) if questions or topics of a similar kind or specificity were explored together with a classmate will count as prohibited use of AI, as per 9.A

Appendix II

Examples of permitted use (where not otherwise prohibited)

Examples of use permitted by 6.A.

- Tania is starting a Research and Writing assignment in Jurisprudence and asks ChatGPT to “list some central readings on Ronald Dworkin’s theory of law, including short synopses” before proceeding to choose which readings to find and read herself for further research; she keeps records of all interactions with the generative AI and shares them, along with a description of how generative AI was used, along with her assessment.

Note that a similar request made of a staff member or fellow student would not be academic misconduct.

Examples of use permitted by 6.B.

- Tycho is nearly finished his assignment. He wants to make sure he doesn’t have any spelling errors in his work and, backing up the original version of his document, copy-pastes it into Gemini, asking it to fix spelling; he takes the fixed-up document and looks over it carefully before submitting it, noting the alterations Gemini made. He submits the document along with a description of how AI was used, including reference to the fact that relevant files and records are available.

Note that no substantive content has been used from AI, and steps have been taken to avoid its generation. Asking a flatmate (who is not undertaking the same paper at the same time) to look over spelling and grammar, subject to the submitting student’s review, would not be academic misconduct.