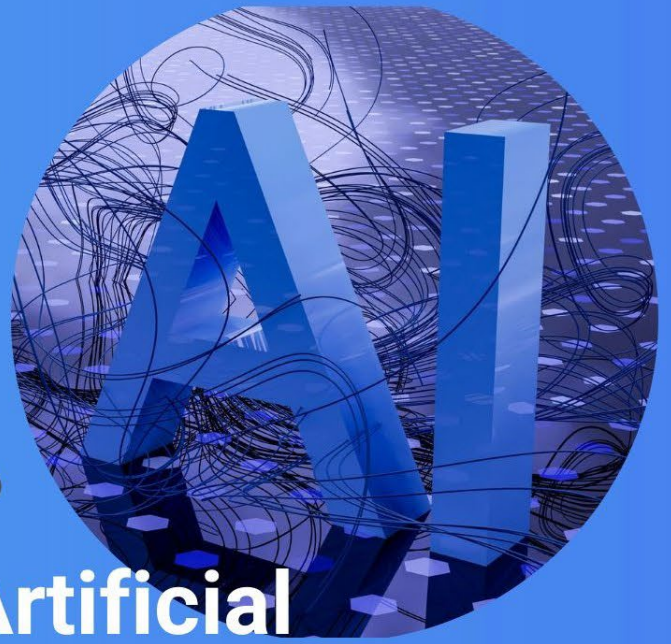
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AI IN HIGHER EDUCATION





ERASMUS+ COOPERATION PARTNERSHIP

Empowering Higher Education through Artificial Intelligence Integration

Desk Research – Legal Framework
EU Global Level
UNIGE

Project nr. 2025-1-LV01-KA220-HED-000359026

KEY DOCUMENTS

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- Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence
- Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law

Differences i) effects ii) scope of application iii) purpose iv) application to HE

Regulation (EU) 2024/1689 AI Act

Purpose:

the development and deployment of trustworthy AI in Europe, ensuring that AI systems are safe, respect fundamental rights, and align with EU values.

The Act aims to create a balanced environment that *promotes innovation* while *protecting citizens* from potential harm caused by AI systems

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Regulation (EU) 2024/1689 AI Act

Scope of application:

all AI systems placed on the EU market or affecting people located in the EU

BUT exceptions (e.g., AI used for military, defence, or national security)

+

AI systems used solely for scientific research and development are generally exempt from most obligations, encouraging innovation in these fields

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Regulation (EU) 2024/1689 AI Act

Key Principles:

1) Risk-Based Regulation
2) Transparency
3) Data Protection and Ethics
4) Human Oversight

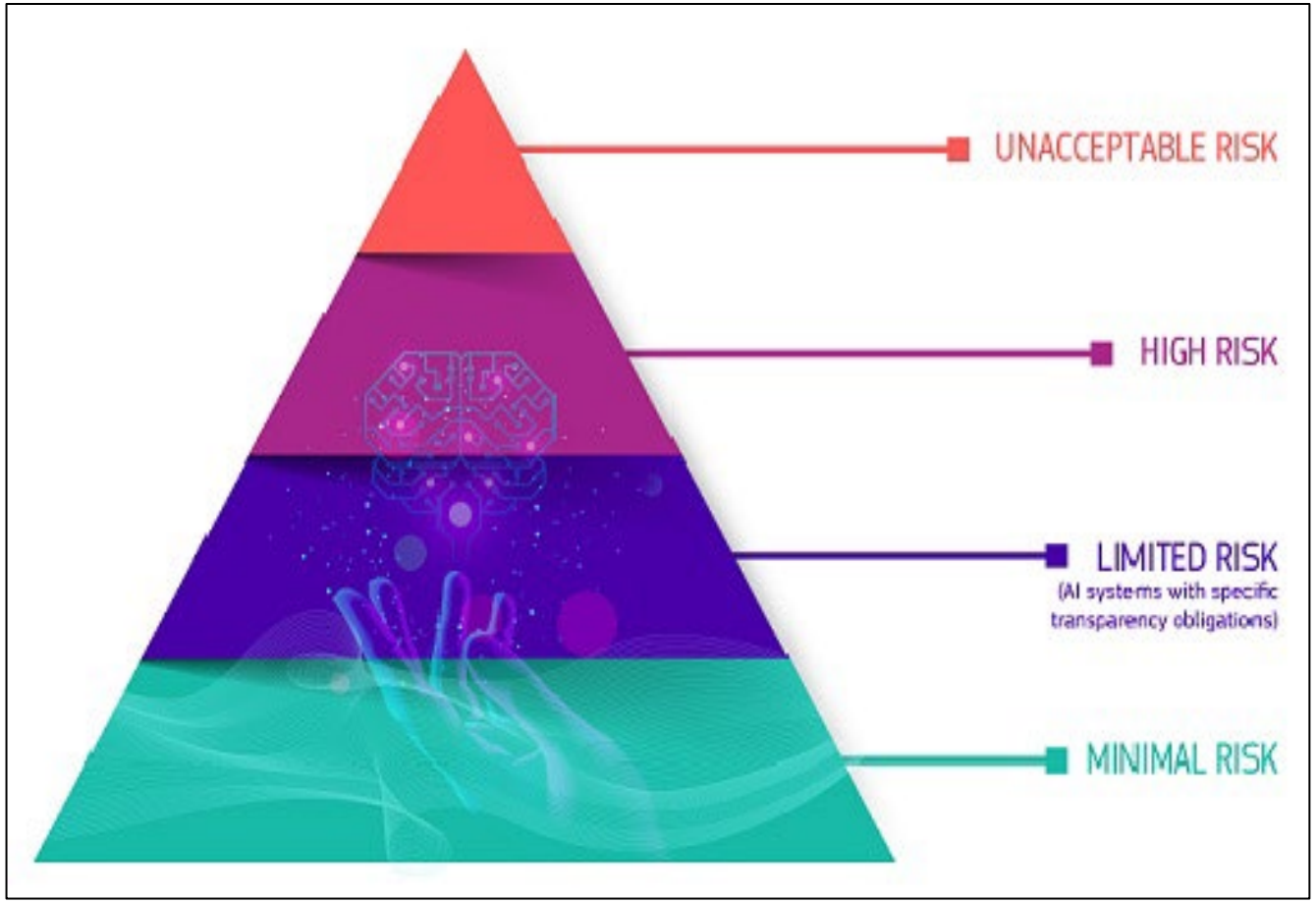
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Regulation (EU) 2024/1689 AI Act

Risk based Regulation

Different legal obligations

High Risk (critical infrastructure, law enforcement, employment) strict compliance obligations, including risk assessments, transparency, and human oversight duties.



AI Act and HE – scientific research and development

The Act does not specifically focus on education, research, or digital skills, but it does include provisions relevant to these areas

AI systems developed **solely** for *scientific research and development* are largely exempt from the Act's most stringent requirements, provided they are not placed on the market or used in high-risk contexts; it allows researchers to experiment with AI technologies without the full burden of compliance

BUT <u>transparency requirements and data protection compliance</u>

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AI Act and HE – teaching and administrative context

AI systems used in teaching or administrative contexts (e.g., automated grading, admissions, or student monitoring) may be classified as **high-risk**

IF they significantly impact individuals' rights or opportunities.

In such cases, institutions must conduct risk assessments, ensure data quality and data protection in compliance with GDPR and provide mechanisms for human oversight and appeal.

HE institutions should assess whether their AI activities fall under exemptions or require compliance, and ensure that any high-risk or market-facing AI systems meet the Act's standards.

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AI Act and HE - Conclusion

HE institutions should assess whether their AI activities fall under exemptions or require compliance, and ensure that any high-risk or market-facing AI systems meet the Act's standards

This duality requires clear internal policies to distinguish between pure research and market-facing applications

Transparency requirements (e.g., documenting training data, model limitations) align with open science principles.

Need for ethics review boards and bias audits in AI research

Need to train students on the use of AI

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Council of Europe Convention

- **Purpose**: addreses governance of AI; to ensure that all activities within the lifecycle of AI systemsare fully consistent with human rights, democracy, and the rule of law, while also fostering technological progress and innovation
- **Scope of application**: AI systems that may interfere with human rights, democracy, or the rule of law,

but **exclusions**: national defense matters and most research and development activities (not if testing of AI systems poses risks to these values)

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Council of Europe Convention – Key Provisions

States shall introduce laws that ask to conduct risk and impact assessments throughout the AI system lifecycle, ensuring that potential adverse effects on human rights, democracy, and the rule of law are identified, prevented, and mitigated.

Core principles: i) transparency, ii) accountability, iii) non-discrimination, iv) privacy, v) reliability

It obliges States to adopt legislative, administrative, or other measures to uphold these standards

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Council of Europe Convention – HE impact

NOT directly addressing AI in HE

BUT core principles apply whenever AI systems are developed, tested, or used in academic settings

Research institutions are generally exempt from the Convention's scope for most research and development activities, unless the testing of AI systems poses risks to human rights, democracy, or the rule of law.

Universities must exercise caution when deploying AI in sensitive areas, such as biometric surveillance, predictive analytics, or automated decision-making, and ensure these applications are subject to ethical review

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Council of Europe Convention – HE impact

Convention puts emphasis on public awareness, informed debate, and interdisciplinary oversight aligns with the mission of higher education to foster critical AI literacy and ethical research practices among students and researchers

HE institutions may need to establish or strengthen AI ethics committees, integrate human rights and democracy considerations into AI curricula, and promote open dialogue on the societal impacts of AI technologies.

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Main outcome (gaps) - international framework

1) boundary between research and commercial (high-risk) applications (e.g., AI used in student admissions or mental health support) can be unclear. Institutions need guidance on when educational AI tools trigger compliance obligations.

2) Administrative burden of compliance, especially for transparency and documentation require-ments

3) Research projects involving non-EU or non-convention partners can be subject to different regulatory frameworks, potentially complicating data sharing and joint AI development

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Main outcome (good practices) - international framework

1. Transparency requirements
2. Risk assessment frameworks
3. Collaborative compliance to reduce burden for HE institutions
4. Public engagement

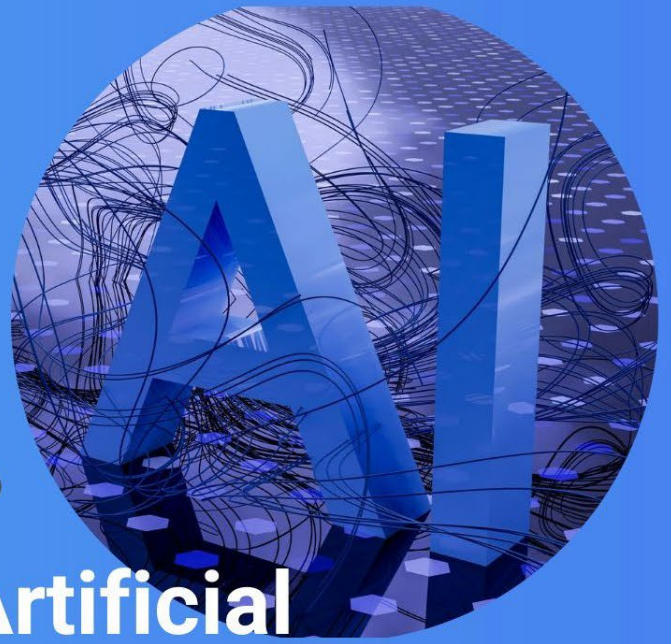
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THANK YOU!

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