

## MEMORANDUM

To: Dean David Moore

From: Law School Technology Committee

Date: September 5, 2023

Re: *Report on University AI Policy Development &  
Sample Syllabus Language for Generative AI Policies*

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### I. Introduction

The Law School Technology Committee was charged with exploring the issues around the “question of how should we both regulate and integrate the use of generative AI in our program of legal education?” This included “finding out what the University is doing to address generative AI.”

Larry Howell, Associate Academic Vice President, confirmed that the University is “working on a potential AI statement, but . . . [we] are leaning toward something that points to general principles and then suggests that details should be determined within individual disciplines.”

After Nick Hafen researched and drafted an initial report and recommendation, the committee reviewed his proposal and now make the following four recommendations.

1. Faculty members should be encouraged to address the appropriate use of AI in their course syllabus to set student expectations. (For those who have not yet addressed AI in their course syllabus, we recommend appending an AI policy to the syllabus or otherwise distributing such a policy as early as possible in the semester.)
2. Though the law school should not require specific language, when drafting their own language, faculty members should be encouraged to consider the effects of AI in courses in at least three areas discussed below: *Originality and Attribution, Synthesizing Skills, Course Pedagogy Versus Practical Experience*.
3. Academic discipline for students who violate syllabus language should follow the existing Law School General Policy K.
4. Because of the many unknowns when applying new and developing technology to coursework, faculty members should be strongly encouraged

to include notice that an instructor may amend AI use rules, provided that it is done in writing with appropriate notice.

Though specific language is not required, this memorandum provides faculty with sample language that can be used in drafting generative AI policies for their course syllabi. Section II sets forth a set of general, broadly-applicable principles. Section III contains assembled sample policies that address AI use in different course types and activities. While language along these lines could eventually be incorporated in Law School's Policies and Procedures, they are offered now to help faculty members think through potential costs and benefits when regulating AI use in specific settings. Section IV contains sample syllabus language for the faculty's consideration. Two appendices documenting AI policies from other law schools and publishers are also provided. We recommend that instructors be invited to choose and adapt the suggestions set forth in this memo as needed in their courses.

## **II. General Principles**

We encourage faculty members to consider the following general principles in crafting their policies.

1. *Originality and Attribution.* While originality and attribution matter a great deal in some contexts (when writing an academic research paper, for example), it may be less important for other legal functions like drafting legal documents. Instructors in skills courses and clinics might desire to permit or encourage the use of generative AI in ways that would be unacceptable in other types of courses.
2. *Synthesizing Skills.* Accurately summarizing and synthesizing information are among a lawyer's core competencies. Although generative AI tools often excel at summarization and synthesis, instructors should consider whether allowing such use limits students' development in these core skills. Additionally, students should learn that they cannot rely on general-purpose generative AI tools to produce accurate information.
3. *Course Pedagogy Versus Practical Experience.* It may often make sense to set boundaries on the use of generative AI for pedagogical reasons. However, students may be at a disadvantage if they graduate without an understanding of generative AI tools and their ethical implications, as employers may expect students to use these tools in practice. Faculty should take this trade-off into consideration when formulating AI policies in their courses.

### III. Sample Policies

#### A. Doctrinal Course with Exam

Generative AI software may not be used for any purpose in any exam situation.

Generative AI software may be used for tasks such as preparing for class, studying for exams, and brainstorming for assignments. Students should not use AI software in place of course materials such as casebooks and other assigned readings.

This policy will be enforced according to the Law School's existing [Student Discipline Procedures](#). The instructor may amend these rules, provided that they do so in writing and with appropriate notice.

#### B. Doctrinal Course with Paper

Generative AI software may be used to perform research in ways similar to search engines such as Google, for correction of grammar, and for other functions attendant to completing an assignment. The software may not be used to compose any part of the submitted assignment. Students must submit a certification with their papers in the following form:

By submitting this paper, I certify that I have not utilized unauthorized materials, including any artificial intelligence or machine-learning tools, to compose any part of the paper.

This policy will be enforced according to the Law School's existing [Student Discipline Procedures](#). The instructor may amend these rules, provided that they do so in writing and with appropriate notice.

#### C. Clinics and Skills Courses

Generative AI software may be used to complete assignments in this course, subject to the Law School's [plagiarism policy](#) and these guidelines. Thinking and writing are two of a lawyer's core competencies. Students should consider whether a given use of a generative AI tool impairs their development as legal thinkers and writers. Students are encouraged to discuss proposed uses of these tools with the instructor prior to using the tools. Students using generative AI to complete assignments must submit with the assignment an explanation of their use, including the tool used, the full text of the prompt and any relevant previous prompts, and the full text of the response.

This policy will be enforced according to the Law School's existing [Student Discipline Procedures](#). The instructor may amend these rules, provided that they do so in writing and with appropriate notice.

#### **IV. Sample Syllabus Language**

##### **A. Exams**

Not allowed:

Generative AI software may not be used for any purpose in any exam situation.

##### **B. Written Work**

Use generally allowed (may be appropriate for skills courses and clinics):

Generative AI software may be used to complete assignments in this course, subject to the Law School's [plagiarism policy](#).

Limited use allowed:

Generative AI software may be used to perform research in ways similar to search engines such as Google, for correction of grammar, and for other functions attendant to completing an assignment. The software may not be used to compose any part of the submitted assignment.

Not allowed:

Generative AI software may not be used in completing assignments for this course, including for brainstorming, researching, editing, and proofreading.

If use is allowed for completing assignments, consider the following guidance:

- If you copy language verbatim from a Generative AI tool, you must use quotation marks and provide a citation to indicate that the words used were not your own. [You must also provide the prompt used to generate the copied language.]
- If you paraphrase an output from a Generative AI tool, you must provide a citation indicating that the idea, format, and syntax were not originally your own.
- It may be appropriate to include language in any assignment where you used a Generative AI tool to explain what you used the AI for and what prompts you used to get the results.
- Failure to provide proper attribution and citations violates the academic honesty policies.

### C. Additional Optional Language

General caution:

Thinking and writing are two of a lawyer's core competencies. [In general, students are discouraged from using Generative AI software in this course. If they do use such tools,] Students should consider whether a given use impairs their development as legal thinkers and writers. Students are encouraged to discuss proposed uses of these tools with the instructor prior to using the tools.

Clarification on permitted uses:

Generative AI software may be used for tasks such as preparing for class, studying for exams, and brainstorming for assignments. Students should not use AI software in place of course materials such as casebooks and other assigned readings.

Instructors may amend the policy:

The instructor may amend these rules, provided that they do so in writing and with appropriate notice.

Plagiarism clarification:

Generative AI software may not be employed for a use that would constitute [plagiarism](#) if the generative AI source were a human or organizational author.

Enforcement through existing policies and procedures:

This policy will be enforced according to the Law School's existing [Student Discipline Procedures](#).

Enforcement by student self-certification:

By submitting this [exam/paper/assignment], I certify that I have not utilized unauthorized materials, including any artificial intelligence or machine-learning tools, to complete the [exam/paper/assignment].

Requiring disclosure:

Students using generative AI to complete assignments must submit with the assignment an explanation of their use, including the tool used, the full text of the prompt and any relevant previous prompts, and the full text of the response.

## APPENDIX A. LAW SCHOOL POLICIES

### I. Berkeley Law Policy on the Use of Generative AI Software

*Source: Prof. Chris Hoofnagle*

Generative AI is software, for example, ChatGPT, that can perform advanced processing of text at skill levels that at least appear similar to a human's. Generative AI software is quickly being adopted in legal practice, and many internet services and ordinary programs will soon include generative AI software. At the same time, Generative AI presents risks to our shared pedagogical mission. For this reason, we adopt the following default rule, which enables some uses of Generative AI but also bans uses of Generative AI that would be plagiaristic if Generative AI's output had been composed by a human author.

The class of generative AI software:

- May be used to perform research in ways similar to search engines such as Google, for correction of grammar, and for other functions attendant to completing an assignment. The software may not be used to compose any part of the submitted assignment.
- May not be used for any purpose in any exam situation.
- Never may be employed for a use that would constitute plagiarism if the generative AI source were a human or organizational author. For discussion of plagiarism, see <https://gsi.berkeley.edu/gsi-guide-contents/academic-misconduct-intro/plagiarism/>

Instructors have discretion to deviate from the default rule, provided that they do so in writing and with appropriate notice.

### II. Fordham Law School

*Source: [School of Law Code of Academic Responsibility](#)*

In general, Fordham has encouraged each professor to allow generative AI at the level they are most comfortable with and provided them with boilerplate language if they want to completely ban it. Fordham also added the following language to its code of academic responsibility:

The term "cheating" includes but is not limited to:

- a. providing, acquiring, or utilizing unauthorized assistance, including using artificial intelligence or machine learning tools, during examinations;
- b. Using or providing sources beyond those authorized by the faculty member, including but not limited to artificial intelligence or machine learning tools, in writing papers or carrying out other assignments, including the submission of work done for one assignment or course

- for another assignment or course without the permission of both faculty members; or
- c. acquiring, using, or providing, without permission, tests or other academic material belonging to a faculty member or any University official.

The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another, without full and clear acknowledgment. It also includes the use of materials prepared by another engaged in the selling of term papers or other academic materials.

Additionally, Fordham includes the following on all take-home exams:

By submitting this exam, I certify that I have not consulted, collaborated, or shared any information with anyone, nor have I utilized unauthorized materials, including any artificial intelligence or machine-learning tools, during this exam.

### **III. Howard University School of Law, Advanced Legal Writing Course**

*Source: Prof. Matthew Bruckner*

I expect you to use technology in this class. Technology can be as useful for writers as a calculator is for mathematicians. Some tools, such as styles and automated cross-references and tables of contents in MS Word, may already be familiar to you. Other tools, such as Zotero for citation management, West or Lexis’ brief-check tools, or ChatGPT for summarizing articles, may be less so.

Learning to use technology appropriately is important for lawyers. We will cover some of them in class. Others you are expected to experiment with at home. You must use them in order to learn their limits. Generative AI tools can be invaluable for generating ideas, identifying sources, synthesizing text, and starting to understand what is essential about a topic. But YOU must guide, verify and craft your work product; do not just cut and paste without understanding.

In particular, I want to warn you about the limits of tools like ChatGPT:

- If you provide minimum effort prompts, you will get low quality results. You will need to refine your prompts in order to get good outcomes. This will take work.
- Don’t trust anything it says. If it gives you a number or fact, assume it is wrong unless you either know the answer or can check in with another source. You will be responsible for any errors or omissions provided by the tool. It works best for topics you understand.
- AI is a tool, but one that you need to acknowledge using. Often that means a citation explaining what tool you used and how you used it that follows immediately after its use. Using these tools without proper citation constitutes plagiarism.

- If you copy verbatim from an AI tool, you must provide a citation and quotation marks, which will indicate that the words used were not your own.
- If you paraphrase an output from an AI tool, you must provide a citation (but not necessarily quotation marks), indicating that the idea, format, and syntax were not originally your own.
- Other times, it may be appropriate to include a paragraph at the end of any assignment where you used an AI tool in which you explain what you used the AI for and what prompts you used to get the results.
- Failure to do so is in violation of the academic honesty policies because the information derived from these tools is based on previously published materials and is not the product of your own, unaided mind.

#### IV. University of Michigan Law School Statement on Admissions

Source: <https://michigan.law.umich.edu/admissions/apply-jd-program> (click subheading “Written Submissions: Personal Statement, Optional Essays, and Addenda”)

The University of Michigan Law School has long understood that enrolling students with a broad range of perspectives and experiences generates a vibrant culture of comprehensive debate and discussion. Written submissions are an extremely helpful tool for evaluating potential contributions to our community. **Please note that for all written submissions, we expect that the work is the applicant’s own, meaning that the ideas and expressions originated with the applicant, and that the applicant wrote all drafts and the final product.** Applicants ought not use ChatGPT or other artificial intelligence tools as part of their drafting process. Applicants may, however, ask pre-law advisors, mentors, friends, or others for basic proofreading assistance and general feedback and critiques. (*emphasis in original*)

#### V. Arizona State University Law School Statement on Admissions

Source: <https://law.asu.edu/newsroom/asu-law-permit-use-generative-ai-applications>

The Sandra Day O’Connor College of Law at Arizona State University, ranked the nation’s most innovative university since 2016, announces that applicants to its degree programs are permitted to use generative artificial intelligence (AI) in the preparation of their application and certify that the information they submit is accurate, beginning in August 2023.

## APPENDIX B. PUBLISHER POLICIES

(Provided by University Library Directory Rick Anderson)

### Elsevier

Policy/guidelines document: <https://tinyurl.com/2p863kma>

Pull quote: “We consider the real-world impact of our solutions on people; We take action to prevent the creation or reinforcement of unfair bias; We can explain how our solutions work; We create accountability through human oversight; We respect privacy and champion robust data governance.

### Wiley

Policy/guidelines document: <https://tinyurl.com/2ypca33b>

Pull quote: “If an author has used [Artificial Intelligence Generated Content (AIGC) tools] to develop any portion of a manuscript, its use must be described, transparently and in detail, in the Methods or Acknowledgements section”

### Taylor & Francis

Policy/guidelines document: <https://tinyurl.com/yc3k3v9u>

Pull quote: “Authors are accountable for the originality, validity and integrity of the content of their submissions. In choosing to use AI tools, authors are expected to do so responsibly and in accordance with our editorial policies on authorship and principles of publishing ethics.”

### Springer

Policy/guidelines document: <https://tinyurl.com/2s3seznp>

Pull quote: “Large Language Models (LLMs), such as ChatGPT, do not currently satisfy our [authorship](#) criteria. Notably an attribution of authorship carries with it accountability for the work, which cannot be effectively applied to LLMs. Use of an LLM should be properly documented in the Methods section (and if a Methods section is not available, in a suitable alternative part) of the manuscript.”

### IEEE

Policy/guidelines document: <https://tinyurl.com/ykc6n7t4>

Pull quote: “The use of artificial intelligence (AI)–generated text in an article shall be disclosed in the acknowledgements section of any paper submitted to an IEEE Conference or Periodical. The sections of the paper that use AI-generated text shall have a citation to the AI system used to generate the text.”

## AMA

Policy/guidelines document:

<https://jamanetwork.com/journals/jama/fullarticle/2807956>

Pull quote: “To assist authors and after reminding them of these new policies, JAMA and the JAMA Network journals will ask authors to address this question in the manuscript submission systems:

*Did you use AI, a language model, machine learning, or similar technologies to create or assist with creation or editing of any of the content in this submission (eg, text, tables, figures, video)? (Note: this does not include basic tools for checking grammar, spelling, references, etc.)?*

And those authors who answer yes to this question will be prompted to address 2 follow-up questions:

*Please provide a description of the AI-generated content that is included in this submission and the name of the model or tool used, version and extension numbers, and manufacturer in the space below.*

*Please confirm that you take responsibility for the integrity of the content generated by these tools and that you have provided a description of such generated content and the name of the model or tool used, version and extension numbers, and manufacturer in the Acknowledgment or Methods section of the manuscript.*

(See also the AMA’s guidelines for AI in health care more generally, at <https://www.ama-assn.org/system/files/2019-01/augmented-intelligence-policy-report.pdf>