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Legal and Policy Challenges in Regulating Artificial Intelligence in Higher Education: A Comparative Study of Selected Countries

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Abstract

AI is transforming Higher Education with tools such as AI-powered assessment, learning analytics, virtual assistants, AI assistance for research, and generative capabilities, but legal and policy responses are varied between countries. The article analysed the challenges from the regulatory perspective of using AI in higher education by adopting a qualitative comparative approach that included selected national laws, policy documents, institutional guidelines and academic literature. The results indicated that data protection was more salient than transparency, explainability, appeal rights, academic integrity, IP rights, bias control and institutional liability. Universities generally adopted general legal provisions and rudimentary in-house guidance instead of in-depth internal guidance to educational AI. Additionally, disparities emerged in terms of enforcement, need for human oversight, safeguards for students, and accountability for harmful or inaccurate AI-driven decisions. The article proposes a coordinated government, regulatory, university, technology provider, teacher and student approach to responsible governance. There must be transparency and clarity in disclosure, authorship, privacy, fairness, risk assessment, complaint resolution and periodic review. The protection would also help to eliminate regulatory uncertainty and to foster uniform institutional application in the different legal and educational systems. There is a need for a flexible, rights-based approach that will enable innovation and maintain academic integrity, institutional accountability and public confidence in the higher education sector.

Keywords: Artificial Intelligence, Higher Education, AI Regulation, Institutional Governance, Academic Integrity

1. Introduction

Artificial Intelligence is no longer a niche technological area, but is now woven into the everyday activities of the university in the context of its teaching and assessment processes, research, administration, students' services, and planning. It is a rapidly growing field, which is opening up new avenues for personalised learning, automated feedback, predictive analysis, language support, and more efficient academic processes. Meanwhile, however, the speed of uptake has sometimes been faster than that of the evolution of sound legal frameworks and institutional protections. Previous studies on the use of AI in higher education focused on technical aspects and on educators, institutional governance, and broader social impact, in comparison with the less extended use of AI tools (Zawacki-Richter et al., 2019).

The implementation of AI in education is not without its challenges. There can be concerns beyond functionality when implementing AI in education. Automated systems can perpetuate social bias; can be used to process sensitive student information; can affect access to learning opportunities; and can make decisions that are hard to explain and/or difficult to argue with. The risks call for fairness, accountability, privacy, transparency, human oversight and safeguarding of learner autonomy to be taken into account by institutions. Significant ethical issues that arise in educational contexts show that there is no separation between the positive impact of AI and the issues of responsibility and unequal impacts of technology on learners (Akgun & Greenhow, 2022). Therefore, ethical governance should be considered an integral component of educational AI policy instead of an afterthought following the implementation of educational AI systems (Ng et al., 2023).

AI has been brought in by higher education institutions in their student recruitment programs, learning analytics, virtual assistance, automated grading, academic writing, and research-related activities. With this growth comes growth of the need for rules that define acceptable use, outline responsibilities for error, and insure students and staff from harmful and discriminatory outcomes. Overall, the field appears to be beginning to diversify with the adoption of AI, although the governance structures are not established uniformly in institutions/national systems (Crompton & Burke, 2023). With the advent of ChatGPT, these worries were further exacerbated as students and teachers now have instant access to tools that can produce fluent text, explanations, summaries and academic answers (Tlili et al., 2023).

While large language models can aid in brainstorming, tutoring, translation, accessibility, and personalised feedback, they also have the potential to provide false or fabricated information, biased content, and misleading explanations. The use of their products raises challenging questions regarding the accountability of those who might create harm to students, in the classroom, legally, or reputationally with AI-generated content. The benefits of such systems are only realised when they are carefully deployed, well-informed by users and have institutional mechanisms in place to ensure innovation is balanced with critical oversight (Kasneci et al., 2023). Academic integrity is particularly important because of the potential that students can use generative AI to misrepresent authorship, or to help with their work, while claiming it as their own. (Perkins, 2023)

The question is not if, but when, generative AI should be used in the classroom. The concept of the independent academic task must be rethought, as do the design of assessment, learning outcomes, the nature of authorship and disclosure. While generative AI can drive reform in education, it can also undermine current practices if the institutions react to it without a coordinated policy and adequate staff training (Lim et al., 2023). Due to this, ethical guidelines have been increasingly emphasized regarding transparency, acknowledging the use of AI, human responsibility, fairness, and the prevention of misuse in educational settings (Foltýnek et al., 2023). However, traditional assessment methods are particularly sensitive since AI-provided answers can undermine traditional ways of verifying students' knowledge and personal contribution (Rudolph et al., 2023).

There has been a wide range of institutional reaction. Many universities have established explicit policies, and others have made ad hoc policies, left it to department discretion, or have adopted a more general policy on academic misconduct. The advantages and disadvantages of ChatGPT demonstrate that education benefits can only be realized when education institutions tackle the issues of inaccuracy, dependency, bias, privacy, and unequal access to ChatGPT (Farrokhnia et al., 2024). Worries about cheating also highlight the importance of policies which clarify the difference between helpful support and dishonest substitution and that support and guidance are provided clearly for both students and teachers (Cotton et al., 2024).

In this context, this article explored the legal/policy issues of the regulation of AI in higher education in selected countries. Analysed different national approaches in regulation, responsibilities of institutions, data protection, academic integrity regulations, accountability and current governance practice. The study sought to share: common problems; key differences; and policy issues impacting the responsible adoption of AI in Universities. The major objectives of this study are:

To compare the legal and policy frameworks governing artificial intelligence in higher education across selected countries.

To identify major regulatory challenges related to privacy, accountability, transparency, academic integrity, and intellectual property.

To assess institutional governance practices and propose measures for responsible AI regulation in higher education.

2. Methodology

2.1 Research Design

The study used a qualitative comparative research design to study the legal and policy issues related to AI in higher education. It highlighted differences and similarities in the national regulatory approach, institutional responsibility and policy response in selected countries. The comparative design of the study allowed for the examination of the influence of legal frameworks, educational institutions, data protection regulations, and national AI policies on AI governance in universities. Formal legislation and policy based guidance were focused on. This was deemed a suitable design since the purpose of this study was to explain rather than quantify

the relationships among the regulatory patterns.

2.2 Selection of Countries and Sources

The countries were chosen based on their representativeness in terms of legal systems, technological development and governance of AI. Higher education policies, national AI policies, data protection policies and institutional guidelines were also taken into account in the selection. Statutes, government regulations, national policy documents, official University guidelines and regulatory reports were the primary sources used. Peer-reviewed journal articles, legal commentaries, policy analyses and reports from recognised educational and international organisations were used as secondary sources. Documents were included where there was a direct reference to AI, governance of Higher Education, academic integrity, privacy, accountability, transparency, and/or the responsibility of the institution.

2.3 Data Collection Procedure

All relevant documents have been collected following a structured review process by the themes and inclusion criteria defined. Materials in English or available in a reliable English translation were taken into consideration. The review focused on national policies, ethical guidelines, legal frameworks, regulations in higher education and institutional policies and rules related to the use of artificial intelligence. Relevance to student data, automated decision making, generative AI, assessment, research practices, authorship and intellectual property were considered. Where there were duplicate, out-of-date or irrelevant materials, these were not duplicated. Selected documents were then sorted by country, legal status, policy area, institutional level and regulatory purpose, for the purposes of comparison.

2.4 Comparative Analysis and Reliability

The materials gathered were analysed in thematic and comparative analysis. Data Privacy, Academic Integrity, Algorithmic Bias, Transparency, Accountability, IP, Human Oversight, Accessibility and Institutional Liability were key themes. The extent of the legal framework, enforcement, policy clarity and responsibilities of HEIs were evaluated for each country. There were similarities and differences between the selected jurisdictions as well as gaps in the regulation and new practices noted. The process of repeated readings of the documents, the application of the same comparison categories and the comparison of legal provisions with institutional guidelines and with official explanations of policy, in turn reinforced the reliability of the documents.

3. Results

3.1 Variation in National Regulatory Approaches

The comparison showed that there is a significant diversity in the governance of AI in higher education. Both binding data-protection, consumer-protection, and anti-discrimination laws and mainly national AI strategies and voluntary ethical guidance

were utilized by some countries. The stronger the legal obligations were reinforced by institutional compliance obligations and independent oversight, the more mature the regulation was. With less developed systems, universities had more flexibility on when and how to implement and oversee AI. While the selected countries had some laws and regulations addressing the use of AI in admissions and assessment, in research, teaching, and support for students, none of these legal provisions covers all these use cases comprehensively, leading to uneven and fragmented use in all institutions.

Table 1. Comparative characteristics of national AI governance approaches

Regulatory dimension	Country Group A	Country Group B	Country Group C
Main approach	Binding legislation	Mixed regulation and guidance	Voluntary policy guidance
Institutional obligations	Clearly defined	Partially defined	Limited
External oversight	Strong	Moderate	Weak
Higher education specificity	Moderate	Limited	Minimal

3.2 Data Protection, Transparency, and Student Rights

Data protection was the most common area that was regulated, but regulations varied in terms of the level of protection. The collection and processing of students' information were generally justified by universities, although policies seldom detailed the purpose for using the information to train or enhance AI. The standards of transparency were greater for automated decisions in the areas of admissions, progression and disciplinary decisions than for decisions in the classroom. Student consent provisions tended to be very general and included in general institutional policies. The results indicated that the problems with disclosure, the appeal process, and understanding algorithms hampered students' capacity to contest AI-backed decisions successfully.

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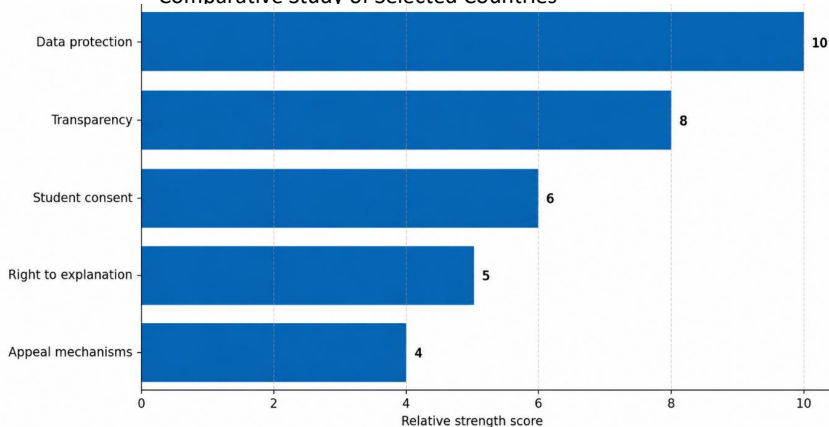


Figure 1. Relative strength of regulatory protection across major AI governance areas

3.3 Academic Integrity and Intellectual Property Challenges

The changes to academic integrity policies had been more rapid than legislative changes. A significant variation emerged in terms of how generative AI is being allowed to be used and in the disclosure restrictions. Most institutions had instituted policies for generative AI in assignments, exams, authorship and research. While some universities considered the usage of AI tools as cheating, others granted some flexibility in their usage provided it is properly cited. It was unclear who owned the copyright of the AI-generated content, especially if students, faculty, universities, and commercial providers had been involved with the final product. The results also indicated lack of consistency in deciding who is responsible for creating false citations, content inaccuracies, unauthorized duplication and misuse of copyrighted training materials.

Table 2. Major legal and policy challenges identified in higher education

Challenge	Regulatory clarity	Institutional preparedness	Observed policy gap
Generative AI in assessment	Moderate	High	Inconsistent disclosure rules
AI-generated authorship	Low	Moderate	Unclear ownership
Fabricated academic content	Moderate	Moderate	Uncertain responsibility
Copyright infringement	Low	Low	Limited institutional guidance

3.4 Accountability, Bias, and Institutional Governance

Accountability remained the weakest area across the selected countries. Institutional policies commonly required human oversight, fairness, and responsible use, yet they rarely specified who would be legally responsible when AI systems produced discriminatory, inaccurate, or harmful outcomes. Bias risks were recognised in admissions, student profiling, automated grading, and predictive analytics, but regular auditing requirements were uncommon. Universities with centralised AI governance committees demonstrated clearer approval and review procedures than institutions relying on individual departments. The comparative results indicated that effective governance depended on defined responsibility, documented risk assessment, human review, accessible complaint mechanisms, and periodic evaluation of AI systems.



Figure 2. Comparative pathway for institutional AI accountability

4. Discussion

The analysis revealed that the AI regulation in HE is still fragmented in selected countries, and there are significant variations in legal powers, institutional accountability and regulatory capacity. The right to data protection was the most advanced, and the rights to explanation, the right to appeal and the obligation for accountability in the event of harm were less advanced. This indicated that current bodies of law were more effective at controlling the collection and processing of personal data than at providing for the broader impacts of automated academic decision making. The results also showed that universities frequently relied on general legislation in areas of protection of personal data, consumers, equality and intellectual property instead of specific legislation for higher education AI. Academic integrity policies have developed quicker than the formal laws, as universities

needed to react to the use of generative AI in assignments, exams and research quickly. However, some inconsistencies with the disclosure rules, types of assistance allowed and the rules for authorship led to confusion among students and staff. Limited use of a regular bias audit and clearly defined complaint procedure also indicated that there was not always a connection between ethical principles and enforceable institutional practices.

The results corroborated previous studies demonstrating that AI governance is not about preventing specific uses, but instead needs to be integrated in institutional policies in four areas: teaching, learning, assessment, responsibility, and staff development (Chan, 2023). The identified weaknesses of accountability, transparency and stakeholder participation also highlighted the call for the development of educational AI ethics to be done within a community-wide process, encompassing stakeholders including students, teachers, institutions, developers and regulators (Holmes et al., 2022). Variations in institutional policies on acceptable AI assistance raised concerns about the increasing challenges of applying traditional notions of originality and 'misconduct' in AI-supported assessment (Luo, 2024). There was also a lack of uniformity in access to guidance, training, and standards for the use of generative AI among universities, which also reflected the findings from the evidence on the variation in interpretation of and governance of generative AI use across institutions (Wang et al., 2024). The performance of universities with centralised governance committees was more similar to that of large American universities, where centralised guidance created more clarity on the policies, but the gaps in enforcement and accountability remained (Wu et al., 2024). Additionally, findings of this study showed that there was variability across legal systems and national policy traditions, which aligns with the rest of the research, which indicated that these national policy frameworks influenced responses to generative AI in higher education (Capano et al., 2025). The description of stimulating institutional measures and unmet policy challenges observed was similar to that found in Asian universities, especially in terms of transparency, equity, assessment and staff preparation (Dai et al., 2025). The wider disparities between countries found in the comparison also provided global evidence that institutional policies on AI continued to vary in scope, maturity and the level of detail (Jin et al., 2025).

The findings had a number of implications for policymakers, regulators, and colleges and universities. National governments need to have more definitive guidelines for high impact applications of educational AI, such as AI systems in admissions, student profiling, automated marking, disciplinary decisions and academic progression. AI governance committees should be established at universities on a permanent basis that include representatives from academics, administrative staff, legal experts, students, and technical staff. Rules and procedures for AI-assisted decisions, data responsibilities, authorship guidelines, and disclosure policies should be defined by institutional policies. However, human oversight should be required in all situations where the outcome of an automated process might have a material impact on the academic status, access and/or rights of a student. Universities need to also conduct impact assessments prior to the implementation of new systems – such as those

related to data quality, discriminatory impact, security concerns, accessibility, and accountability of vendors. Affected students and staff will be able to appeal and complain, and have meaningful explanations provided through clear complaint and appeal system. The frequency of policy reviews would have to be adjusted in the future as AI applications, institutional practices and legal expectations continue to rapidly evolve.

Some caveats need to be kept in mind in interpreting the results. The study used primarily public legal documents, policies and institutional documents, and these may not have reflected informal practices or levels of compliance in practice. Documents published in English or translated to English via reliable translation may have been represented more than documents published only in national/regional languages. The countries selected purposefully allowed for meaningful comparisons while decreasing the extent to which the findings could be considered representative of all higher education systems. Changes take place in the law at varying rates, and some legal documents might have been updated since the review period. An analysis of rules and responsibilities as stated, rather than as experienced by students, teachers or administrators. Other studies that could be carried out would involve interviewing, surveying, conducting case studies, and monitoring the policy over time to see if the formal policies brought about uniform institutional action and protection outcomes.

5. Conclusion

AI has become a part of higher education, but regulation is inconsistent, siloed, and sometimes just sporadic. Selected countries were compared and it was found that data protection was more of a concern than accountability, transparency, appeal rights, academic integrity, and institutional liability. Universities often relied on general legislation and guidance instead of specific legislation for educational AI. This caused problems with responsibility if automated systems yielded skewed, inaccurate or adverse results.

There is a need for increased coordination between different governments and the regulatory bodies, with universities, technology providers, teachers and students. National level standards for privacy, fairness, human oversight, explainability, IP and review of automated decisions should be set. Universities should have central governance bodies to do risk assessment and bias testing, clearly articulate appropriate uses of generative AI and make complaint and appeal processes easily accessible. Policies also need to protect academic freedom and ensure transparency and accountability of AI-driven teaching, assessment, research and administration.

A balance is required as the over-restriction could hinder innovation, and the laxness of regulation could give significant legal and ethical problems to learners and institutions. Higher education institutions can use independent oversight, students' awareness, staff training, and regular policy reviews to responsibly utilize AI. A clear, flexible, rights-based governance will be important to ensure that trust and integrity in education is maintained.

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