

**Academic Senate  
of the  
California State University**

**Student Intellectual Property and Determination as to the Possible Use of  
Generative Artificial Intelligence Detection Tools in Student Course Assignment  
Submissions**

1. **RESOLVED:** That the Academic Senate of the California State University (ASCSU) note that instructional faculty may require students to not use Generative Artificial Intelligence (GenAI) tools in work submitted in fulfillment of a course requirement and that determining if GenAI tools have been used presents a significant equity related problem for faculty; and be it
  
2. **RESOLVED:** That the ASCSU request that the ASCSU Executive Committee seek clarification from the California State University's Office of General Counsel and the California Faculty Association (CFA) on the following questions:
  - Is student work created in fulfillment of a course requirement considered by default to be the student's intellectual property (IP)?
  - May instructors require students to waive their IP rights for an assignment if an equivalent alternative assignment is offered?
  - Is student work created in fulfillment of a course requirement considered to be an information asset as defined and covered by the CSU's [Information Security Responsible Use Policy](#)?
  - Is student work created in fulfillment of a course requirement considered to be an information asset as defined and covered by the [Family Educational Rights and Privacy Act](#) (FERPA)?

; and be it finally

**3. RESOLVED:** That the ASCSU distribute this resolution to:

CSU Board of Trustees  
CSU Chancellor  
CSU campus Presidents  
CSU campus Senate Chairs  
CSU Provosts/Vice Presidents of Academic Affairs  
California State Student Association (CSSA)  
CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA)

**Rationale**

Generative Artificial Intelligence (GenAI) tools present both opportunities and challenges for instructional faculty. For those who chose to incorporate AI into their teaching, the opportunity (and the challenge) is in developing new courses and course assignments. However, instructional faculty may decide that GenAI tools are getting in the way of students learning in their courses and are inconsistent with their teaching methods. For them the challenge is ensuring that submissions for course assignments are not created with the help of GenAI tools.

Working backwards along the assignment submission and grading “timeline”, as is common practice for grading policies in general, instructors should clearly communicate the consequences for violating their rules for GenAI tool use. For example, some faculty members may choose to request a re-submission. Others may have a policy for reducing the assignment grade by a proportion equal to the probability that a GenAI tool was

used. Others may opt for still more stringent sanctions; those choices are, within the constraints of relevant campus policies, at the discretion of each instructor.

Next, and crucially, instructors must have the tools needed to make reasonable determination that GenAI tools were used in the student's submission. This is particularly challenging given the rapid pace of innovation in artificial intelligence tools and the incentive to create "undetectable" content. Last year the Chancellor's Office reported that testing indicated one of the tools they were considering buying for AI content detection had a false positive rate of around 50%. It is clearly not reasonable for an instructor to challenge a student who claims to have created an answer without the use of GenAI when the tools available to faculty are that unreliable. Until tools are more reliable, faculty cannot rely simply on one tool alone. This leads to a related question regarding the use of content created by students in fulfillment of course assignments.

One campus recently issued the following warning:

"As a reminder, submitting a student's intellectual property to an unapproved website or tool is an Information Security issue and violates [University Policy S16-13](#) and the [CSU Information Security Responsible Use Policy](#). The use of such unapproved tools and websites also may violate FERPA, as some third party websites claim ownership of any content submitted to them, including student work".

It is very unclear that any of the cited policies and regulations apply to student submissions. First, if one were to accept the debatable premise that work submitted for a course assignment is necessarily the student's intellectual property, then it would not be covered by the CSU's Information Security Responsible Use Policy which deals with university information assets. And the Family Educational Rights and Privacy Act (FERPA) deals with a student's right to privacy, not ownership of intellectual property.

Nevertheless this assertion by one campus' administration suggests that there is an urgent need for clarity in order not to compromise the quality of education the CSU faculty deliver. Specifically, until there is widespread agreement on the efficacy of any one AI detection tool, faculty members who consider it important to assess student understanding unaided by GenAI must have access to a variety of detection tools in order to create a degree of confidence in their determination as to whether GenAI has or hasn't been used. For example if four of five tools<sup>1</sup> indicate a high likelihood that a submission was Gen AI generated, faculty may be reasonably confident that GenAI was used, something they would not be able to do with a single tool with a false positive rate of 50%.

Again, accepting as a premise for the moment that a student's paper is by default their IP, and that submitting it to a third part may violate their IP rights, we suggest a) that faculty inform students that in turning in work for a course assignment they relinquish their claim to intellectual property protection for that work and b) should students not

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<sup>1</sup> Assuming that they all rely on different back-end algorithms

want to waive their IP rights, that the instructor offer them an equivalent assignment that obviates the need to hand over the work to a third party.

Finally, course instructors should set out in their syllabi their expectations and policies regarding the use of GenAI tools in the course, and ideally remind students for each assignment what their policies are with respect to that assignment specifically.