TEQSA: Assessment reform for the age of artificial intelligence

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Introduction

As the peak body representing Australia's 39 comprehensive universities, Universities Australia (UA) welcomes the opportunity to provide feedback on TEQSA's *Assessment reform for the age of artificial intelligence* consultation paper.

UA supports the consultation paper's aim to respond to the rapid advancements in AI technologies by promoting a comprehensive approach that combines diverse learning and assessment methods (which may include the use of AI technologies) whilst upholding academic integrity and quality. Importantly, the document emphasises the need to integrate AI technologies to equip students with informed and ethical uses of such technologies as part of their learning and work. However, UA has several concerns with the consultation paper, including the intent, audience, structure and content. These concerns and key recommendations are outlined below.

RECOMMENDATIONS

UA recommends that guidance documents would be better based on a sector-identified need due to the cost-recovery arrangements implemented by Government: costs for guidance documents are recovered from the sector; therefore, TEQSA should be responding to a sector need before commencing any work on such documents. Whilst AI technologies are changing functions of learning and teaching in universities, there is yet no need for a regulator to be involved in learning and teaching innovation.

UA recommends any discussion of AI technology be incorporated into existing guidance documents, such as that on Technology-Enhanced Learning, Academic Integrity, Academic Quality Assurance and/or Course Design (including learning outcomes and assessment).

UA recommends that TEQSA remove prescriptive terms such as 'non-negotiable'. Under the *TEQSA ACT*, activities designed for the purposes of quality improvement; building communities of practice and providing advice on 'best practice' to the higher education sector do not affect a provider's accreditation or responsibilities. Language that implies a compulsory or regulatory response from the sector is therefore misleading and beyond the powers conferred by the Act. TEQSA should make efforts to ensure these types of documents are clearly understood to be recommended/suggested approaches designed to assist providers in engaging with artificial intelligence.

UA recommends that any future discussion papers should not, wherever practicable, include jargon and non-specific nomenclature, such as 'artefact', and in papers. This language makes the document's purpose and scope unclear to the reader.

Purpose of the consultation paper

The consultation paper asks three questions:

1. What feedback do you have on the two principles and five propositions?
2. Thinking about the application of these principles and propositions to your specific context, do you have examples of where these will work or not work?
3. What do you think needs to happen next to support the required change in the sector and/or at your institution?

Whilst these questions are useful to think about from an individual provider and course convenor perspective, UA suggests it is too early in the uptake and innovative processes of current AI engagement to apply these questions through a regulatory lens, and instead offers suggestions on how TEQSA could engage with AI in other meaningful ways. UA also provides some recommendations to clarify the purpose, scope and accessibility of future discussions on the use of AI technologies in assessment.

Purpose of guidelines and guidance notes

The consultation paper notes that feedback will be used to create a set of guidelines or Guidance Practice notes. As UA has emphasised previously, these guidance notes do not have any regulatory powers under the *TEQSA Act* and should reflect a sector-wide need to respond to issues affecting regulatory responsibilities.

TEQSA's role in providing these guidance notes remains unclear. For example, language included in the discussion paper on words to the effect of 'non-negotiable' or compulsory may contravene TEQSA's remit and should be removed. It should also be made clear that the outcome of this document, namely guidance principles and related guidance notes – are to be encouraged but not considered a high priority at this point. At this stage of AI technology innovation, TEQSA's creation of guidance notes, in particular with discussion around AI technologies and generative AI, could be confusing and lead to restricted innovation practices but the sector.

Furthermore, the production of guidance notes should, if they are to be created, only be undertaken after a regulatory need has been identified by the sector. In consideration of the new cost-recovery measures, the costs to produce guidance documents are now sourced directly from higher education providers. Therefore, a need must be identified from the sector before TEQSA undertakes such activities when it is unclear whether the sector requires such documents. Currently, many of the principles and practices in AI teaching and learning assessment are already governed by the Threshold standards and other existing guidance documents.

Consultation paper purpose and audience

Currently, it is unclear what is the purpose and audience of the consultation paper. If intended to become a guidance note, it would be more effective for the consultation paper to align with the different components of the *TEQSA Act* and the *Higher Education Standards Framework (Threshold Standards) (2021)* throughout the document. For example, the structure should be similar to other notes (e.g., introduction, issues/risks, intent of the guidance documents, articulation with relevant Acts, standards and frameworks, and what TEQSA will look for) for ease of access and impact.

Furthermore, UA recommends integrating a range of documents that reflect the intent of this document. This integration will help with sector engagement and provide measurables for TEQSA to consider in what it looks for regarding assessment. Some of these documents are noted below:

- AAIN Generative Artificial Intelligence Guidelines (teqsa.gov.au)
- EdArXiv Preprints | Working paper: Responding to Generative AI in Australian Higher Education (osf.io)
- Recommendation on the Ethics of Artificial Intelligence - UNESCO Digital Library
- AI and education: guidance for policy-makers - UNESCO Digital Library

Integrating these documents with specific references to sections in the *Threshold Standards*, similar to other guidelines and guidance notes, could improve the overall impact of this document.

However, UA recommends discussions and guidance on AI should, at present, be included within existing guidance documents to reflect their integrated nature and normalize the use of AI technologies in education. This could help clarify the role of TEQSA – as the sector regulator – when engaging with AI.

Guiding Principles for the use of AI in assessment

The consultation paper outlines two suggested guiding principles:

1. Assessment and learning experiences equip students to participate ethically and actively in a society pervaded with AI.
2. Forming trustworthy judgements about student learning in a time of AI requires multiple, inclusive and contextualised approaches to assessment.

Whilst advancing a principles-based approach, only the first suggestion is a principle that provides guidance, the second suggestion is an assertion about the need for different assessment types.

Regarding the first suggestion, the language around 'pervaded' (p.2) implies conflict or unwanted encroachment of AI in society. The intent of the consultation paper is not to dissuade the use of AI, which the paper notes will be an important aspect of different work and occupations now and in the future. Consistent language in the integration and use of AI in society with ethically informed use is important in providing commentary on AI usage in higher education assessments. UA suggests this language be refined and made consistent to ensure clearer language and messaging about the use of AI.

It is also misleading to suggest AI is a 'catalyst unlike anything else in the past' (p.2). There are equally strong arguments to suggest that, as with other technological, pedagogical, and research-based changes to teaching and learning, AI represents another iteration of transformational technology and approaches to learning and working, similar to the digital calculator, internet, and online education. In other words, AI is an innovation, not a revolution in teaching and learning assessment. Thus, we believe it is beyond the scope of TEQSA to posit an opinion on the net benefit or detriment of AI – a guidance note is likely to have greater impact if it remains neutral in its guidance.

Regarding the second suggestion, noting that differential assessments will be important in meeting the learning needs of future generations is useful. UA suggests that this second

suggestion be phrased along the lines of 'Learning experiences could combine authentic assessment with AI to create meaningful and beneficial learning experiences for students engaging with new knowledges in diverse ways.'

As with existing measures for teaching and learning, a diversity of assessment types is already an integral part of pedagogy and curricula in ensuring students experience a range of interpretative and engagement strategies when learning at universities.

Propositions for the use of AI in assessment

It is unclear what is the rationale for creating these propositions, noting TEQSA's guidance notes on Technology-Enhanced Learning, Academic Integrity, Academic Quality Assurance and/or Course Design (including learning outcomes and assessment) would be a more suitable place for inclusion of AI technologies.

Each of these documents already articulates quality outcomes for assessment. UA suggests it could be a more effective asset to update these with the inclusion of AI, particularly as each of the subsections is already covered, in part, in each of the above listed documents.

In general, this section could be clearer and more consistent in the language used. At present, each subsection has a range of terms that are unclear (such as 'artefact', 'authentic', and 'programmatic/systemic approach'). Furthermore, it remains unclear how these subsections differ from regular teaching and learning pedagogy and curriculum design that warrants the creation of specific guidance on the use of AI.

Conclusion

Ultimately, as self-accrediting institutions of higher education, universities respond to new, emerging and oftentimes transformative technologies that impact teaching and learning and research. As the discussion paper articulates, the use of AI technology will continue to be an important part of educating future generations of learners (p.6). Whilst the paper identifies the importance of ethical and trustworthy engagement, it is unclear who is the intended audience of the document, what the role of TEQSA (as the sector regulator) is in engaging with AI technology, and what is the purpose of the document.

Currently, many of the issues surrounding AI technology, from a regulatory perspective, is covered by the *Threshold Standards* and existing guidance documents. Accordingly, it is unclear what, as a sector, needs to change when individual providers adapt their course and program offerings to include AI technologies, nor what the role of the regulator should be in this regard at this time.

As the discussion paper recognises, however, TEQSA's role may change regarding the use of AI Technologies, yet this is dependent on an identified sector need and a document that addresses a specific issue with the use of AI technologies in assessment and teaching and learning.

UA recommends clarification on the purpose and scope of the document, the role of TEQSA in this space and alternative mechanisms for sharing good practice when engaging with AI technologies for learning and teaching assessment.

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