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From AI Permission to Proof: Procedural Dependence and the Limits of Repair in University Misconduct Decisions

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Abstract

Evidence that generative artificial intelligence contributed to an assessment does not establish that a student breached its governing rule. This inference gap becomes decisive when universities permit some assistance while prohibiting other forms of substitution. This article develops a conceptual and legal account of procedural continuity in AI-related misconduct decisions, drawing on English and Australian doctrine, assessment scholarship, and procedural justice theory. Its central claim is that safeguards are dependent and conditionally non-compensatory: a later safeguard can repair an earlier defect only if it restores the decision-making function that the defect impaired. The article distinguishes foundational defects, reconstructable participation defects, and irreversible losses of evidence or opportunity. It proposes four conditions for an adequate repair: lawful authority, informational reconstruction, fresh consideration, and an effective response to consequential harm. The analysis also explains why requests for unannounced draft histories can transfer the practical burden of proof to students, and why academic judgment cannot answer every factual or procedural challenge. Short institutional illustrations and two contrasting published complaint summaries expose the mechanisms without serving as an empirical sample. The resulting account shifts university AI governance from the presence of procedural provisions to the preservation, or restoration, of a defensible route from an applicable rule to a proved breach and an effective remedy.

Introduction

A university permits students to use generative artificial intelligence (AI) to improve expression, while requiring them to produce their own analysis. A submitted essay contains passages that an investigator considers machine-generated. What must the university establish before imposing a misconduct penalty? The answer cannot stop at AI involvement. The institution must identify the operative rule, explain the prohibited conduct, establish that conduct through relevant evidence, consider the student's account, and justify the finding and its consequences. Each step depends on work done at another. A carefully conducted hearing cannot supply a prohibition that did not govern the assessment. An appeal cannot recover a writing history that disappeared before the student knew it mattered.

These dependencies are becoming more consequential as higher education moves beyond a binary choice between allowing and banning AI. The AI Assessment Scale differentiates permissible forms of assistance and links those choices to task design (Perkins et al. 2024, 2025). Assessment reform supported by the Tertiary Education Quality and Standards Agency (TEQSA) addresses both trustworthy judgments of learning and preparation for participation in a society pervaded by AI (Lodge et al. 2023; TEQSA 2025). Sydney's two-lane approach similarly combines secure assessment with open opportunities for supported AI use (Bridgeman and Liu 2024). These developments improve the specification of educational expectations. They also make proof of a breach more exacting: the question becomes which assistance occurred, under which conditions, with what acknowledgment, and with what relationship to the competence being assessed.

Academic integrity scholarship already places substantial responsibility on institutions. Bretag et al. (2011) locate exemplary policy in access, approach, responsibility, detail, and support. Dawson (2021) connects integrity with assessment security and institutional design. Eaton's (2023) account of postplagiarism challenges inherited assumptions about human and technological contributions to writing. General AI policy frameworks and comparative governance research have widened the discussion further (Chan 2023; Li M et al. 2026). This article addresses a narrower problem within that discussion: when does a procedural safeguard remain effective as an allegation passes between an assessment brief, an investigation, a disciplinary decision, and review?

The article's contribution is an account of procedural dependence and repair. The familiar protections of notice, disclosure, response, reasons, and review supply its starting point. The proposed extension concerns their relationship: the adequacy of one protection depends on the information, authority, and opportunity supplied by others. Where a material dependency fails, additional protections elsewhere cannot automatically compensate. Repair is possible where a subsequent process restores the impaired function; it is inadequate where it merely adds another procedural stage. This conditional non-compensatory claim supplies a way to distinguish defects that require reconsideration from defects that defeat the existing allegation or demand remedies beyond reversal.

The inquiry is conceptual and legal. It develops the argument through assessment validity, procedural justice, contestability, and selected English and Australian authorities. Official university pages and published complaint summaries provide bounded illustrations. The article does not infer institutional performance from a document sample. Its research question is: under what conditions can universities establish and, when challenged, repair the procedural basis of an AI-related misconduct finding? The argument answers this question by separating the inference required to prove misconduct from the conditions required to sustain a fair decision-making pathway.

Methods

This is a conceptual and doctrinal article. Its design combines theoretical synthesis with a typology of defects, following the principle that conceptual work must explain the role of its theoretical ingredients (Jaakkola 2020). Assessment validity identifies the object of proof; procedural justice identifies participation functions; contestability connects explanations to challenge; and doctrine tests the proposed limits on review and repair. Authorities were selected for these functions and their educational relevance.

This conceptual and legal article uses published scholarship, legislation, judgments, official guidance, and published complaint summaries. It reports no participant research, original case-file dataset, systematic institutional sample, or independent coding exercise. The institutional materials illustrate analytical mechanisms. The legal analysis concerns selected English and Australian authorities, with England and Wales distinguished from the wider United Kingdom. Sources and web versions were

checked during preparation on 5 October 2026; Additional file 1 identifies the legal and institutional locators used.

Use of large language models

OpenAI ChatGPT was used to assist with source discovery, interpretation of public materials and language editing. The authors developed and drafted the argument, used the sources selectively for citations and references, and take full responsibility for the content of this article. ChatGPT does not meet the journal's authorship criteria and is not listed as an author.

Foundations: assessment, justice, and contestability

Assessment design determines the object of proof

Permission to use a tool derives its educational meaning from the assessment's purpose. Assistance that is compatible with demonstrating disciplinary reasoning may undermine a task designed to assess unaided linguistic production. Li G (2026) develops this distinction through language equity and the boundary between support and substitution. Recommendations from the European Network for Academic Integrity (ENAI) likewise distinguish authorized, acknowledged use from improper use (Foltýnek et al. 2023). The disciplinary implication is precise: a panel must connect its factual finding to the competence and restriction actually specified for the assessment. General concern about originality cannot silently replace a communicated permission rule.

Kane's (2013) argument-based approach to validity provides a useful discipline for examining that transition. An inference supporting an interpretation requires justification, and a subsequent use introduces further assumptions. Applied here, a claim about the production of text and a claim authorizing punishment require different warrants. A detector indication may support further inquiry into production. A disciplinary finding additionally requires an applicable norm, evidence addressing its elements, and a defensible treatment of alternatives. Assessment validity reasoning therefore helps locate the inference gap without converting disciplinary adjudication into psychometric testing.

Assessment reform can reduce exposure to uncertain authorship judgments. Secure tasks can supply evidence of individual attainment; open tasks can develop disciplined use of AI. Yet each design leaves distinct misconduct questions. Unauthorized access during a supervised assessment concerns conduct within specified conditions. Failure to acknowledge permitted assistance concerns disclosure. Substitution of generated reasoning for required student reasoning concerns the production process. The AI Assessment Scale and its revision offer resources for communicating these distinctions (Perkins et al. 2024, 2025), while the pilot implementation reported by Furze et al. (2024) illustrates their practical educational use. A disciplinary procedure must preserve whichever distinction the assessment adopted.

Procedural justice supplies functions, not interchangeable benefits

Thibaut and Walker (1975) distinguish control over the presentation of a case from control over its final resolution. The distinction explains why a student can receive a legitimate adverse finding while retaining meaningful participation. Lind and Tyler (1988) and Tyler (2006) further connect fair procedures with the relationship between people and authority. Within higher education, Główczewski and Burdziej (2023) examine procedural fairness, academic identification, and perceived legitimacy. These accounts support attention to student voice and institutional treatment, while leaving the truth of a particular allegation to evidential inquiry.

The present argument treats participation as functionally dependent on disclosure and specification. A student cannot use the opportunity to respond effectively without knowing the conduct alleged and the material carrying the allegation. Informational justice and procedural justice remain analytically distinguishable (Colquitt 2001), but in an adjudicative sequence the first can condition the operation of the second. Similarly, reasons make review intelligible by identifying what was decided and why. A formally available appeal may have little corrective value if the student must challenge an unexplained inference within a short deadline.

These relationships explain why counting safeguards is insufficient. A system could provide excellent support, courteous hearings, and an accessible appeal while retaining an undisclosed decisive comparison of the student's work. The strengths matter, but they do not answer the particular failure. Procedural dependence concerns whether the institution has preserved the conditions necessary for each protection to perform its function. It complements research on perceived fairness by identifying conditions for justified decision-making that need not track satisfaction with an outcome.

Accountability requires a decision-specific explanation

Algorithmic accountability scholarship distinguishes technical visibility from effective institutional challenge. Burrell (2016) identifies different sources of opacity in machine learning. Kroll et al. (2017) develop accountability mechanisms that extend beyond making code visible. Citron (2008) shows how automated administration can impair procedural protection and require changes to the surrounding process. Alfrink et al. (2023) place contestability across the system lifecycle. Together, these approaches direct attention to what an affected person can question and what the institution can change.

Debates about a right to explanation reinforce the distinction between information about a system and reasons for a consequential decision (Edwards and Veale 2017; Selbst and Powles 2017; Wachter et al. 2017). Their interpretation of European data protection law cannot simply be imported into university disciplinary rules. Their conceptual relevance is that disclosure of an output, or a generic account of a model, may still leave its institutional use unjustified. Bovens's (2007) actor–forum account of accountability makes questioning and consequences integral to answerability. In a misconduct case, an

explanation must identify the evidential claim the university adopted and the route by which it treated that claim as proof.

The same requirement applies when no algorithm is used. An academic's impression that an essay is unusually polished also needs an articulated basis. Selbst et al. (2019) warn against abstracting fairness from the social system in which a technical intervention operates. University adjudication exemplifies that risk: assessment conditions, linguistic expectations, disability adjustments, authority, and review powers shape the significance of an evidential signal. Procedural continuity concerns the entire decision pathway, including pathways that rely on human suspicion.

Legal foundations and the boundaries of review

English law: contract and academic judgment

In Clark v University of Lincolnshire and Humberside [2000] EWCA Civ 129, the Court of Appeal recognized the contractual character of the relationship with a fee-paying student and rejected a blanket proposition that university contract disputes were non-justiciable. The judgment also distinguished disputes suitable for judicial adjudication from matters requiring academic or pastoral expertise (paras. 12–13, 38). Its importance here is the coexistence of academic autonomy and enforceable procedural arrangements. A university's educational expertise does not eliminate questions about compliance with the procedures governing its decision.

That boundary also appears in the jurisdiction of the Office of the Independent Adjudicator for Higher Education (OIA). Section 12(2) of the Higher Education Act 2004 excludes matters of academic judgment from qualifying complaints. The OIA's disciplinary guidance nevertheless distinguishes academic judgments, questions of fact, and penalty decisions; it expects academic judgments to have an evidential basis and recommends sharing the academic analysis of a software report with the student (OIA 2018, paras. 44–47). The doctrinal and institutional categories overlap without becoming identical. Judicial enforceability, contractual obligation, and an ombudsman's assessment of fairness must be kept distinct.

This distinction has direct consequences for AI allegations. Whether an argument meets a disciplinary standard may require academic expertise. Whether a student was told of a restriction, whether a passage was generated, whether a declaration was supplied, and whether decisive evidence was disclosed introduce factual and procedural questions. A challenge can contain both academic and non-academic components. Describing the entire determination as academic judgment would obscure the components that an internal reviewer or external body can properly examine. Procedural continuity requires reasons sufficiently differentiated to make that boundary usable.

Proof: Re B and Briginshaw

Re B (Children) [2008] UKHL 35 clarifies the single civil standard: the fact in issue must be more likely than not (para. 13). Seriousness does not itself establish inherent improbability; both must be considered in their actual context (paras. 14–15, 70–73). The OIA recommends the balance of probabilities for disciplinary cases and places the burden on the provider (OIA 2018, paras. 10–11). University adjudication therefore requires evidential persuasion about the alleged breach, rather than suspicion followed by a demand that the student prove innocence.

Australian doctrine supplies a related but distinct emphasis. In Briginshaw v Briginshaw (1938) 60 CLR 336, Dixon J explained that reasonable satisfaction on a civil issue takes account of the allegation's seriousness, its inherent likelihood, and the consequences of the finding (pp. 361–363). The principle concerns the cogency required to reach satisfaction on the balance of probabilities. It creates neither a third standard nor a general requirement for proof beyond reasonable doubt. Its application in a university depends on the governing legal and institutional setting; the argument here uses it to illuminate responsible evaluation of serious allegations.

The practical implication is that multiple weak indications do not become cogent simply through accumulation. Three expressions of the same stylistic suspicion may be highly dependent. An alleged discrepancy between oral performance and written work may have explanations involving anxiety, language, disability, preparation, or elapsed time. Decision-makers should assess how each item supports the particular allegation and whether apparent corroboration supplies independent information. How far the severity of a penalty should affect that assessment depends on the jurisdiction, as the next paragraph explains; in neither does it authorize an invented numerical threshold.

The two approaches diverge, and the divergence matters for AI allegations. In Re B, the House of Lords rejected the proposition that the seriousness of an allegation or its consequences alters what is required to prove it: inherent probabilities are taken into account where relevant, but seriousness is not itself a reason to demand more cogent evidence (paras. 15, 70). Briginshaw, by contrast, treats gravity and consequence as matters bearing on reasonable satisfaction, an approach now reflected for federal courts in section 140(2)(c) of the Evidence Act 1995 (Cth) and its counterparts in the uniform evidence legislation. Neither rule binds a university panel as such; each informs how an internal reviewer, an external body, or a court is likely to evaluate the panel’s reasoning. The practical consequence is that an identical AI allegation leading to exclusion may warrant a differently articulated finding in Sydney and in London. An Australian panel should explain why the evidence is sufficiently cogent given the gravity of the finding. An English panel, following Re B, should not treat seriousness as a reason for doubt, but must still explain why the evidence makes the specific breach more probable than not, taking account of any genuine inherent improbability in the circumstances. The shared governance lesson is therefore procedural rather than doctrinal: under either approach, a panel must state why the actual evidence establishes the actual breach under the applicable standard. Neither authority permits a detector percentage to stand in for that reasoning. Nor does either require direct evidence in every case. Circumstantial evidence may be sufficient when its connections and competing explanations are properly assessed.

Australia: reviewability and regulatory obligations

Griffith University v Tang [2005] HCA 7 concerned exclusion from doctoral candidature and statutory review under Queensland's Judicial Review Act 1991. The majority's test required both statutory authorization of the decision and an effect on legal rights or obligations deriving from the enactment (para. 89). The exclusion did not satisfy the statutory route. The Court did not determine whether remedies under contract, the common law, or other powers were available (para. 3). Tang consequently prevents an assumption that every decision of a statutory university is reviewable under that particular model of statutory review. It does not establish universal immunity for university discipline.

That jurisdictional boundary increases the significance of institutional procedures and regulatory standards. The Higher Education Standards Framework (Threshold Standards) 2021 requires processes addressing misconduct and allegations, preventive action, and student guidance on integrity (standard 5.2). It also specifies fair and timely complaint and appeal processes, written outcomes and reasons, independent third-party review where internal processes fail, and prompt action following upheld complaints (standard 2.4). This article uses compilation F2026C00804 of 14 July 2026. The instrument includes staged application provisions for some 2026 amendments; its presence in a compilation alone does not establish that every amended obligation already applies to every provider.

These are regulatory requirements within TEQSA's framework. They do not automatically create an individual cause of action for every procedural defect. Their analytical significance is the connection between integrity governance and mechanisms for challenge. Student protection cannot be reduced to an AI permission statement when the regulatory structure also addresses allegations, complaint handling, and academic authority. The particular remedial route remains sensitive to institutional status, applicable legislation, and the legal basis of the student relationship.

Fair hearing, materiality, and subsequent repair

SZBEL v Minister for Immigration and Multicultural and Indigenous Affairs [2006] HCA 63 connects a meaningful hearing with knowledge of the issues on which an adverse decision may turn (paras. 32–35). Its statutory immigration setting differs from university discipline, but the procedural dependence is instructive: an invitation to speak does not ensure a chance to address an undisclosed decisive issue. MZAPC v Minister for Immigration and Border Protection [2021] HCA 17 examines materiality in statutory judicial review through the realistic possibility of a different decision (paras. 37–39). That doctrine cannot be converted into a universal university appeal rule. It nevertheless prompts a useful question about the decision-making function a defect impaired.

A purely outcome-based account is incomplete. In Osborn v Parole Board [2013] UKSC 61, the Supreme Court connects fair participation with respect for affected persons as well as better decision-making (paras. 67–71). Participation can matter even where an official considers a different result unlikely. The framework developed here therefore distinguishes evidential materiality, participatory injury, and consequential harm. An institution should identify which is at issue before selecting a remedy.

Calvin v Carr [1979] UKPC 1; [1980] AC 574 supplies the crucial qualification. The Privy Council rejected an absolute rule about whether an appeal can cure defects of natural justice at an original hearing, directing attention to the particular arrangements and course of proceedings (pp. 592–593). Some reconsiderations can supersede an earlier process; serious defects and consequences can make even a fair later hearing insufficient. Procedural continuity must accommodate both possibilities. Its contribution lies in specifying what a subsequent procedure would need to restore, rather than asserting that appeal always cures or never cures.

The inference gap and the practical burden of proof

From assistance to an established offence

An AI-related allegation contains at least three inferential transitions. First, evidence must support a finding about conduct: what the student or tool did. Second, that conduct must satisfy the elements of the rule governing the submission. Third, the institution must justify the consequence under its penalty rules. Each transition can fail independently. Strong evidence that AI was used can coexist with lawful permission. Strong evidence of prohibited use can coexist with an unjustified sanction. A proportionate sanction cannot establish that the prohibited conduct occurred.

Consider the opening example in more detail. The brief permits linguistic editing, prohibits generated analysis, and requires a declaration of assistance. The student declares language editing. An investigator identifies polished phrasing and a detector indication. Those observations may motivate inquiry. They are consistent with more than one production process, including permitted editing. To establish generated analysis, the panel needs evidence relevant to the origin of the reasoning, such as process records, an adequately examined account of how the argument was developed, or other reliable circumstances. It must then explain why permitted editing is an insufficient account of the material evidence.

If the declaration was missing, a different allegation becomes available where the rules make non-disclosure an offence. The institution must specify and give an opportunity to answer that allegation. A panel should not begin with prohibited generation and end with non-disclosure merely because the first claim proves difficult. The two allegations may involve different facts, defences, and penalty considerations. Keeping them distinct preserves the student's ability to direct a response to the issue that will decide the case.

Detection research supports scrutiny of the initial production inference. Liang et al. (2023) identify bias affecting non-native English writers in the systems and samples they studied. Weber-Wulff et al. (2023) examine accuracy and robustness limitations across tested tools. These findings establish reasons to investigate error mechanisms; they do not supply the performance characteristics of every later product. The university's responsibility is to justify the relevance of the tool and output used in its own case, including the text conditions, limitations, and meaning of the reported measure. A percentage of passages classified by a system is not the probability that the student breached the assessment rule.

Unannounced retention expectations and evidential asymmetry

Drafts, notes, prompts, and version histories can provide valuable evidence. Their availability also depends on the workflow students were entitled and able to use. A student may compose offline, overwrite a local file, dictate and revise text, or move between software systems. Unless an accessible retention requirement was communicated, the absence of a particular record cannot straightforwardly establish misconduct. The university cannot fairly treat a documentation practice introduced during investigation as though it governed assessment preparation.

Three burdens should be distinguished. The institution carries the persuasive burden of establishing the offence under its procedure. A student may face a practical evidential burden to explain an adverse circumstance or produce material uniquely accessible to them. Separately, a rule may impose a prospective obligation to retain and submit specified process evidence. Confusing these burdens permits a weak institutional case to succeed because a student lacks documentation that no one required. The OIA's AI casework guidance locates responsibility for establishing misconduct with the provider and emphasizes clear allegations and access to relevant material (OIA n.d.).

An adverse inference from missing material therefore needs its own justification. The institution should identify why the record would ordinarily exist, why this student could reasonably access it, what prior obligation or expectation applied, and what its absence actually suggests. The opportunity to explain loss or non-creation matters. So does the distinction between failure to comply with a known process requirement and proof of unauthorized generation. The first can be a separate breach when validly specified; it does not automatically prove the second. Deliberate destruction after a clear, lawful preservation request presents a different evidential situation, still requiring assessment in context.

The temporal structure produces an asymmetry. A university may preserve detector reports and comparison scripts when suspicion arises. The student may first learn months later that transient records would have assisted a defence. A subsequent appeal can extend response time, but it cannot recreate deleted drafts. The institution should evaluate the case on the evidence that remains, including alternative forms of explanation. Where that evidence cannot establish the breach, the finding should be withdrawn. Lost evidence does not mechanically bar every determination: independent reliable evidence may still resolve the allegation. The critical question is whether the unavailable material leaves an essential inference unestablished or a meaningful challenge impossible.

Prospective process requirements can address some of this problem, provided they serve a defined educational or evidential purpose and are feasible. Instructions should specify what to retain, for how long, and through which supported tools, alongside accessible alternatives. Requiring an entire personal device or account history introduces proportionality and privacy concerns beyond a targeted request for assignment material. Sydney's student guidance, for example, recommends keeping records of permitted AI use and allows coordinators to require input–output logs (University of Sydney 2026). That

current guidance establishes neither what every student historically received nor a general presumption of guilt when logs are absent.

Procedural continuity as dependence and repair

The contribution beyond a safeguards checklist

Procedural continuity is the preservation, or effective restoration, of the information, authority, and opportunity needed to justify and contest a misconduct decision across its stages. Its unit of analysis is the connection between procedural functions. Notice identifies the conduct requiring a response. Disclosure supplies material needed to challenge an inference. The response supplies explanations that reasons must address. Reasons define the questions for review. Review powers determine whether an identified defect can actually be corrected. These connections are represented in Fig. 1.

Solid arrows show the ordinary pathway and repair within it: a reconstructable defect at the allegation, evidence, or response stage returns the case to the impaired stage for fresh determination, subject to repair conditions 1–3. Dashed outcomes end the pathway for the affected finding: a foundational defect cannot be cured by any later stage, and an irreversible loss defeats the finding where the remaining evidence cannot support it. Consequential harm engages condition 4 and may require a response even after the finding is corrected.

The six stages organize established protections. The contribution is the rule for evaluating their interaction: strength at one stage compensates for a defect elsewhere only where it restores the function that was lost. A thorough hearing can cure a late disclosure if the material is supplied in time for an informed response and genuine reconsideration. The same hearing cannot make a retrospective prohibition prospective. An appeal able to reduce a sanction may provide useful relief while leaving a defective finding intact. A count of safeguards would treat these institutions similarly; a dependence analysis separates their capabilities.

The account is conditionally non-compensatory. It rejects unrestricted substitution between safeguards while admitting functionally adequate repair. This avoids an excessively strong weakest-link model in which every imperfection invalidates the whole process. Minor clerical mistakes, immaterial delays, and deficiencies corrected before they impair participation require different treatment from defects that alter the object of proof or eliminate an effective defence. Continuity is assessed against the alleged breach and the impaired function, rather than an abstract ideal of flawless procedure.

Foundational defects

Foundational defects concern the basis on which the institution may make the finding. If no applicable rule prohibited the conduct, improved disclosure and a fresh hearing cannot justify punishment under a later restriction. The appropriate response is to abandon that allegation and clarify future requirements. Ambiguity is more demanding than simple absence: decision-makers must examine the contemporaneous brief, incorporated rules, and communications to determine whether a defensible

interpretation was available. Calling a clarification merely explanatory does not settle whether it added a new obligation.

Authority is another foundation. A staff member's power to set assessment conditions, investigate, decide misconduct, or review a decision must derive from the relevant institutional arrangements. An unauthorized determination cannot acquire authority merely because the student attended a meeting. A duly authorized body may be able to make a new decision through a valid process. That is a replacement determination, with its own legal basis and safeguards, rather than retrospective authorization of everything done earlier. Whether such a new process is available depends on the governing rules, including finality and restrictions on reconsidering allegations.

Foundational defects are fatal to the justification of the affected finding, not necessarily to every possible future proceeding. A missing prohibition defeats a particular allegation. A mistaken identification of the rule may be repairable if the contemporaneous rule actually governed the conduct and the student receives a proper opportunity to answer the corrected allegation. The distinction prevents procedural continuity from becoming either immunity from discipline or a licence to reconstruct offences after submission.

Reconstructable participation defects

Undisclosed evidence, inadequate time to respond, and an allegation formulated too broadly may be reconstructable. A subsequent process can provide the material, specify the actual issue, allow preparation and support, and reconsider the finding. The decisive question is whether the student can now exercise substantially the function denied earlier. A review confined to checking whether the original decision was reasonable may be unable to perform that repair. Remittal to a properly constituted panel, or a review with authority to hear and determine the relevant factual issue, may be required.

Repair also requires an open decision. A panel that receives a student's explanation while treating the initial finding as presumptively correct does not restore the lost opportunity to influence determination. The institution should identify what is reconsidered, who carries the burden, and how the new decision supersedes or affects the old one. Disclosure of additional adverse material at appeal can create a further break unless the student can address it before determination. The architecture should therefore permit backward movement to the stage at which fair consideration can resume.

Reasons present a related distinction. An incomplete notification may be corrected by supplying an existing, adequate decision record and reopening the challenge period. Reasons that never addressed a decisive alternative explanation require reconsideration of that issue. A new account written to defend a challenged result cannot automatically establish what the original panel considered. The relevant difference is between communicating an existing justification and producing a new justification through a fresh exercise of decision-making authority.

Irreversible losses and consequential harm

Some defects remove resources that later process cannot restore. Lost drafts, unavailable comparison work, an unrecorded decisive viva, or a technical output that cannot be reconstructed may obstruct testing of a material inference. The institution should assess whether the remaining record supports a fair new determination. If it does not, continuation of the finding lacks an adequate basis. Excluding an unusable item and reassessing independent evidence may sometimes resolve the defect; simply repeating confidence in the original conclusion does not.

A distinct loss concerns consequences. Delayed graduation, an exclusion that interrupts study, or dissemination of a misconduct finding may produce harm beyond the formal sanction. A later reversal can correct the record while leaving some effects outstanding. The extent of legally available compensation or other relief varies, but governance should distinguish correcting a finding from repairing its consequences. A remedial response might include expedited reassessment, restoration of progression, correction of communications, or removal of the finding from records. The institution should explain what remains unremedied.

This distinction places limits on treating appeal as routine insurance against first-instance failure. Calvin permits attention to the overall process; Osborn makes respectful participation independently significant. Read together for the present conceptual purpose, they support a system that uses review to repair identifiable defects while maintaining a duty to conduct the initial process fairly. The possibility of a later hearing does not make avoidable exclusion from the first hearing inconsequential.

Four conditions for adequate repair

Four conditions operationalize the argument. First, lawful competence: the reviewing or replacement body must have authority to decide the issue and provide the required remedy. Second, informational reconstruction: the material needed to understand and test the allegation must remain available or be recoverable through a reliable equivalent. Third, fresh consideration: the student's response must be capable of influencing a determination under the proper burden and standard of proof. Fourth, consequential effectiveness: the institution must address the effects of the defect, including timing and record correction, and identify any residual harm.

These conditions require judgment rather than an additive score. A review that satisfies three cannot compensate for lacking power to correct the finding. Equally, a defect in the first process need not defeat a later determination when the appropriate functions have been restored. Table 1 applies the distinction to typical AI-related failures. The categories concern the justification of a university decision and the design of its remedy; legal invalidity in litigation remains governed by the applicable doctrine.

Table 1
Defects, repair conditions, and remedial responses

Defect and impaired function	Condition of repair	Response when the condition fails
No applicable prohibition Basis for alleging an offence	An existing contemporaneous rule can be identified; a corrected allegation receives a fair response.	Withdraw the unsupported allegation. A later restriction governs future work.
Decision outside delegated authority Competence to determine	An authorized body can lawfully undertake a replacement process under the governing rules.	Set aside the affected determination; identify whether any fresh process is available.
Late disclosure or unclear allegation Informed participation	Material remains intact; the student has preparation time and a fresh determination of the corrected case.	Remit or replace the process. A review confined to sanction cannot repair a disputed finding.
Inadequate reasons Intelligible challenge	Communicate an adequate existing record and reopen review time, or reconsider the unresolved issue.	Withdraw or remit the unsupported finding; avoid treating a new defence of it as its original reasons.
Lost material evidence Ability to test an essential inference	A reliable substitute or independent evidence permits a fair new determination.	Exclude the unusable item and reassess. Withdraw the finding if the remaining case is insufficient.
Irreversible or continuing consequences Effective remedy	Correct the finding and record; restore opportunities and address consequences within available powers.	Identify residual harm and the further route for relief; reversal alone may leave harm unresolved.

Institutional illustrations and implications

Detector policy does not settle procedural adequacy

Oxford, University College London (UCL), and Sydney provide different public positions on AI detection. Oxford restricts use to endorsed tools and states that none had endorsement at the page's last update. UCL says it is not investing in detection software and prohibits staff from uploading student work to such tools. Sydney's guidance permits a detection indication to be considered with other relevant evidence (University of Oxford 2025; University College London n.d.; University of Sydney 2026). The passages describe public policy or guidance at the retrieval date, rather than observed case handling.

The contrast exposes two routes to the same inferential responsibility. Institutions using detectors must justify the output's role in proof. Institutions relying on academic observations must justify those

observations. Both need a contemporaneous assessment rule and a response addressed to the allegation. UCL's category guidance explicitly gives assessment briefs precedence and identifies the categories as a communication resource rather than formal policy. Sydney's two-lane approach connects permitted use with secure and open assessment (Bridgeman and Liu 2024). These arrangements make the applicable assessment conditions, rather than an institutional AI label, the first link in the disciplinary pathway.

Assessment reform and adjudicative fairness consequently operate together. Better design can reduce uncertain production inferences and clarify retained evidence. A fair procedure can expose gaps that should feed back into design. TEQSA's 2025 resource advances implementation of assessment reform; it does not replace the separate requirements for handling an allegation. The institution should preserve the educational distinction chosen by an assessment when translating concern about performance into misconduct proceedings.

Two complaint summaries and the limits of illustration

The OIA's CS072501 concerned a student who denied AI use and supplied planning and preparation material. The OIA accepted that the panel engaged with the essay's substance as well as a detector report. It nevertheless upheld the complaint because the panel had not properly considered the student's evidence, had relied on undisclosed comparison material, and had supplied insufficient reasons for the finding and penalty. It recommended reconsideration and clearer policy and allegation specification (OIA 2025a). The mechanism is a break between evidence, response, and reasons; the published summary does not support a detector-only explanation.

In CS072503, the student acknowledged AI assistance in a viva and agreed that it had not been referenced. The OIA found that the provider considered the viva, draft notes, and responses, applied a policy defining acceptable and improper use, and gave a fair opportunity to respond. It did not uphold the complaint and accepted the proportionality of the penalty (OIA 2025b). Here, the account links conduct, a disclosure requirement, evidence, and decision. Procedural fairness can sustain a finding against the student.

The summaries neither validate the framework nor establish which safeguards statistically predict outcomes. They are selective published accounts from anonymized providers, with no asserted connection to the universities above. Their contrasting results make two analytical points: apparent corroboration leaves disclosure and consideration duties intact, and adequate participation is compatible with an adverse outcome. A stronger empirical test would need to establish the policy in force, examine the relevant case record, and assess repair rather than infer it from a favorable complaint result.

Governance priorities and testable implications

Universities should retain the brief and rule version governing each assessment and carry their identifiers into allegation and decision records. Investigators should distinguish evidence of production, evidence of non-disclosure, and evidence addressing prohibited substitution. Decision records should identify the material response and explain why it does or does not alter the inference. Review rules should provide a route for the actual challenged issue, including remittal where review powers cannot reconstruct a fair determination. These measures locate responsibility at the points where the relevant information and authority originate.

The framework also generates three defeasible expectations for future research. First, cases with prospectively unspecified retention expectations will show a higher frequency of reasoning that relies on missing student records than comparable cases with clear requirements and accessible preservation tools. This expectation would be challenged by evidence that absence of records is equally salient regardless of prior notice, or that institutions routinely establish breaches through independent evidence. The outcome of interest is practical burden transfer, operationalized through the reasoning record, rather than whether a student succeeds on appeal.

Second, early defects involving unavailable material evidence will be less often resolved through reconsideration than late disclosure defects involving an intact record, after accounting for the allegation, sanction, and powers of the reviewing body. A study should distinguish procedural correction, a changed finding, and the student's ultimate complaint outcome. Frequent effective repair of genuinely unavailable material evidence would challenge the proposed distinction, particularly where a reliable evidential substitute restored the missing function.

Third, AI-related decisions that expressly address permitted-use alternatives will attract fewer upheld complaints about evidential reasoning than comparable decisions that move directly from AI involvement to misconduct. This relationship could disappear after adjustment for case difficulty, admissions, policy clarity, representation, and selection into external review. Reasons may also become more explicit precisely because difficult cases are already at greater risk of challenge. A longitudinal or matched case analysis would therefore be more informative than a simple count of safeguards and favorable outcomes.

These expectations require records with enough detail to distinguish real procedural conditions from omissions in a published summary. A future study could use administrative decisions, ombudsman files where access is authorized, or reasoned published outcomes. Public summaries alone would support a narrower study of reported reasoning. Independent coding, temporal rule matching, and explicit negative cases would improve such research, but they are tasks for empirical validation rather than procedures claimed by this article.

Conclusion

AI-related misconduct requires proof of a breach under an applicable assessment rule. Evidence of possible assistance supplies only part of that argument. As institutions authorize differentiated forms of

AI use, the distinction between production, permitted support, prohibited substitution, and non-disclosure becomes central to justified adjudication.

Procedural continuity explains how that adjudication depends on connected functions. A safeguard is effective when the institution supplies the information, authority, and opportunity it needs. A later process repairs an earlier defect only where it restores the impaired function and addresses the resulting consequences. Foundational rule defects, reconstructable participation defects, and irreversible losses therefore demand different responses. The framework provides a disciplined account of those differences while preserving the possibility of valid adverse findings. Its central governance demand is that universities maintain a defensible route from permission to proof, and a remedial route capable of addressing the particular failure when that route breaks.

Abbreviations

AI
artificial intelligence
ENAI
European Network for Academic Integrity
OIA
Office of the Independent Adjudicator for Higher Education
TEQSA
Tertiary Education Quality and Standards Agency
UCL
University College London

Declarations

Author Contribution

All authors contributed towards the conclusion of the manuscript. Farid Abdallah conceived the study, developed the conceptual and legal framework, and drafted the manuscript. Mirna Safi contributed to the literature review, Bodour Alshakhss conducted the analysis of the institutional and OIA materials and Jawad Chahine contributed to the source verification and critically revised the manuscript. All authors read and approved the final manuscript.

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Figures

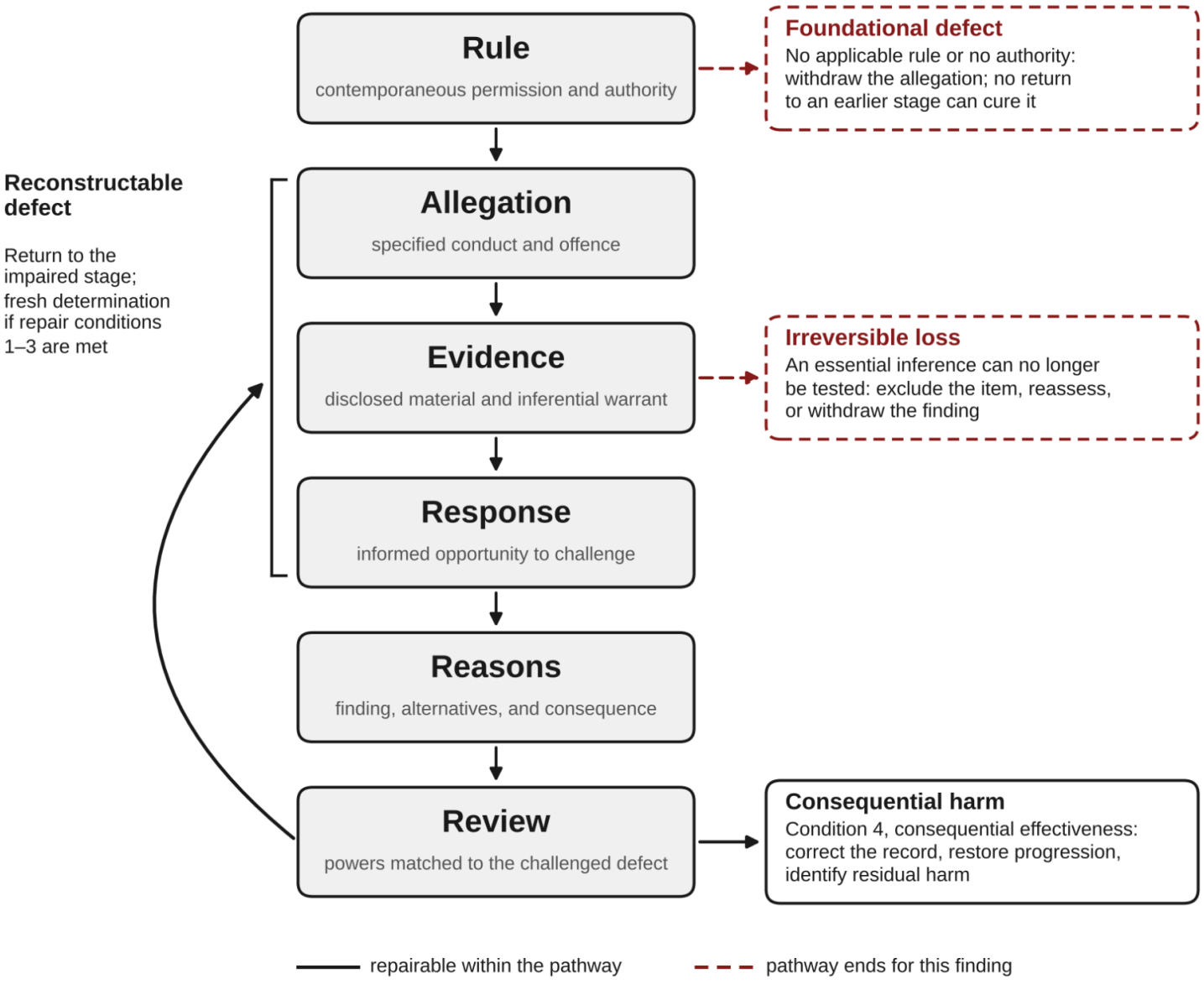


Figure 1

The decision pathway and its procedural dependencies

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