



When the Algorithm Is Wrong: AI Detection and Due Process on Campus

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Higher education's response to student use of generative AI has moved from policy debate to courtroom battle, and the stakes are becoming clear. Institutions that rely on AI-detection tools to identify improper student use of AI risk exposing themselves to significant legal liability if those tools are treated as conclusive evidence.

The most prominent case involves a French-born student in Yale School of Management's executive MBA program who is suing the university after being accused of using AI on a final exam. His lawsuit alleges he was coerced toward a false confession, denied due process, and discriminated against as a non-native English speaker. He was ultimately suspended for a year, reportedly not for cheating itself but for allegedly failing to be forthcoming during the investigation. A federal judge has so far declined to grant him injunctive relief, and the underlying suit remains pending.

A similar case involving an international doctoral student in health economics at the University of Minnesota resulted in the student's expulsion. A faculty grading panel reportedly suspected the student's exam essays were AI-generated, citing unfamiliar terminology and stylistic red flags. The student sued, alleging manipulated evidence and violations of due process. A state appeals court has since upheld the university's decision, and the student's broader legal challenge continues.

Underlying these cases is the fallibility of AI-detection technology. One peer-reviewed study has been widely cited for finding that popular GPT detectors misclassified essays written by non-native English speakers as AI-generated at rates as high as 61%, while flagging almost no essays from native speakers. A 2025 review of the research literature similarly concluded that detection accuracy degrades sharply when evaluating edited or paraphrased text and remains especially unreliable for multilingual writers. Even Turnitin, one of the most widely deployed AI-detection tools, has publicly cautioned that its AI score is not proof of misconduct and should not be the sole basis for a finding.

The limitations of AI detection compound the challenges colleges and universities face regarding AI use. Most colleges and universities still lack formal, campus-wide AI-use policies, leaving individual instructors and departments to develop their own rules and enforcement standards, often inconsistently. Appropriate guidance should caution instructors not to treat AI-detection output as conclusive evidence, and should encourage them instead to weigh it alongside other evidence such as drafts, revision histories, and in-person discussion with students.

This patchwork framework creates conditions for legal exposure: inconsistent processes, contested and potentially unreliable evidence, and severe consequences including suspension, expulsion, and, particularly for international students, impacts on visa status. Courts have not yet settled how much liability attaches when an institution's adverse action rests on a flawed algorithm rather than direct evidence of misconduct, but the Yale and Minnesota cases indicate that question is now squarely before them. Institutions would be well served to review and strengthen policies and procedures now rather than wait for definitive rulings.

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