

SRHE DIGITAL UNIVERSITY NETWORK SEMINAR

Governing AI in higher education: applying human rights to the post-AI condition

Convened by Janja Komljenovic

Organised by Janja Komljenovic and Ayça Atabey

25 September 2026, 14.00 – 15.30

Edinburgh Futures Institute, University of Edinburgh

About the seminar

This seminar is dedicated to exploring and challenging ideas about AI's impact on higher education. We consider higher education in its broadest sense, including teaching, learning, research, knowledge dissemination, and academic work. Our focus will be on AI governance as the most fundamental aspect of AI's functioning and its impact on the higher education and research sector and its stakeholders.

We frame our discussion on AI governance within a 'post-AI condition' – not in a philosophical or ontological sense where authors argue that reflection is externalised (Mahardhika, 2026¹) or where humans evolve alongside machines (Andoniou, 2025²). Instead, we view the post-AI condition as an environment emerging from socio-technical, legal, political-economic, and cultural dynamics. In this environment, AI is omnipresent, yet it both delivers and withholds social transformation; policy and regulation continually struggle to keep pace with the power of Big Tech and Big AI and their investors; and human rights are challenged, possibly needing complete redefinition.

In this environment, surveillance is normalised; algorithmic and automated decision-making are implemented across state, public, and private sectors; synthetic data already dominates public and institutional knowledge systems, such as the internet and academic publishing. Evidence reveal the faults and harms of this new environment, yet interventions and regulations do not address problems at their core.

¹ <https://philpapers.org/rec/MAHPOA-3>

² <https://sci-cult.com/wp-content/uploads/2026/01/SC28-5080-Ready-final-1.pdf>

We attack this condition by focusing our discussion on understanding and managing democracy in such environments; and how we can align human rights with AI governance. We do this by focusing on higher education and research. This sector is paramount because universities are long-established systems and institutions for the production and dissemination of trusted knowledge. Therefore, how AI impacts this sector, and what higher education can or cannot do to AI (as institutionally intervening in governance of AI), are arguably the most important questions for the future of our democracies.

We approach these key questions from the perspective of human rights as a legal framework that must be translated into the governance of AI systems in higher education and research. The key question is whether human rights can meaningfully shape governance.

Agenda

14.00 – 14.10: Welcome and introduction

14.10 – 15.00: Speakers' contributions

- 14.10 – 14.25 Aída Ponce Del Castillo, ETUI: How AI challenges human rights for academic labour
- 14.25 – 14. 40 Klaus Beiter, North-West University: Public AI and Rights to Science and Education
- 14.40 – 14.55 Ayça Atabey, University of Edinburgh: AI impact on data privacy and citizens' agency

15.00 – 15.30: Q&A

Speakers' contributions

[Aída Ponce Del Castillo, ETUI: How AI challenges human rights for academic labour](#)

My contribution focuses on the governance layer through which AI operates in higher education. I will discuss how AI systems are integrated through services, platforms, data infrastructures and other institutional processes that reorganise academic work, evaluations and decision-making. This becomes visible in the working conditions of academics and researchers, where AI systems reshape their autonomy, pedagogical autonomy, agency, allocation of responsibilities, and continuously monitor them. This governance is particularly structured at the point of procurement, where higher education institutions select, configure, and contract AI systems. It is at this stage that the conditions under which these systems operate are defined, often without sufficient involvement of those affected, including workers and learners.

We have a tension: human rights frameworks are articulated at the level of principles, and AI governance is exercised through these organisational and technical infrastructures. Key questions emerge:

1. How can human rights be translated into effective governance?
2. What collective forms of organisation can intervene in the procurement of these systems?
3. What collective forms of organisation or agency can influence the governance and the conditions in which these systems are used and operate?

Unless human rights are translated into enforceable conditions at the level of procurement, system design and deployment, they remain weakly connected to how AI actually operates in higher education. This shifts attention to collective actors. Trade unions, worker representatives and institutional bodies become central in shaping these systems, particularly at the point of procurement and in their subsequent use.

Without a collective intervention, AI integration risks reinforcing existing patterns of worker exclusion, transferring control towards technology providers and embedding forms of governance that are neither transparent nor democratically accountable. This points to the need to embed governance mechanisms directly into procurement and institutional decision-making, including transparent processes and meaningful worker participation in the adoption and use of these systems.

If genuine governance happens at the level of infrastructures and procurement, then rights and labour power must be embedded at that same level, otherwise they remain ineffective.

[Klaus Beiter, North-West University: Public AI and Rights to Science and Education](#)

AI-based technologies are integrated into institutional and learning management platforms, used in the design, monitoring, and improvement of teaching, and employed in what is called “personalised learning.” They are used in research, for example, in text and data mining, plagiarism detection software, and publishers’ online platforms. It is, however, essentially large private companies that currently control the AI “tech stack.” Copyright licensing facilitates “assetisation” in higher education and research. It creates not only a perpetual stream of income for these companies, but also entails a new way of governance in higher education and research.

There have thus been calls for “public AI.” This envisages the establishment of public platforms at both horizontal and vertical levels of the AI tech stack. Such platforms are to ensure access, accountability, and permanency. A public AI approach is a component of, but needs to be embedded within a wider human rights approach.

Human rights to education and science in international human rights law emphasise the personal dimension and create legal obligations for states. While public AI clearly emphasises access to AI, rights to education and science also cover a right, or even a duty, to opt out of

AI in certain cases. In its Blueprint for an AI Bill of Rights, the White House alludes to a right to “human alternatives.” Used in education, for example, AI applications, such as ChatGPT, have been shown to weaken cognitive capabilities. There is evidence of a flood of AI-assisted research that weakens the quality of science. AI-driven “personalised learning” raises profound ethical questions from a right to education perspective. AI-driven research and publication ecosystems impact scientific freedom in various ways.

While the creation of public datasets of good quality would be invaluable for scientific progress, the question is to what extent this can be realised in the current science system, in which a private publishing industry is in control of most quality data. The major publishing platforms are no longer merely journals, but evolving into AI-driven research environments that integrate datasets and TDM capabilities. What scope is there for public AI in this context? Or does public AI envisage access to quality data under expensive licensing schemes that would be a burden on public revenue? A legally binding right to science would certainly require a fundamentally different publishing and research system.

[Ayça Atabey, University of Edinburgh: AI impact on data privacy and citizens’ agency](#)

My contribution focuses on how AI governance in education affects individual rights (both for students and staff), particularly rights to privacy, data protection, non-discrimination, and impact on their agency. In universities, AI is increasingly embedded not only in teaching and assessment tools, but also in student support, proctoring, admissions, research management, and other systems that classify, predict, recommend, and make decisions about students and staff. With significant data processing that takes place, AI systems shape the conditions under which students and staff can act, participate, and contest decisions.

From this perspective, algorithmic decision-making is not only a technical or administrative issue but a governance issue that has significant legal implications in relation to fundamental human rights protected both in international legal instruments such as UDHR but also in national laws. When AI systems infer behaviour, profile users, or automate decision-making, they can redistribute power away from individuals and towards institutions and technology providers in ways that are often opaque and difficult to challenge. These issues are particularly significant in the context of the growing hype around and uptake of GenAI tools, which not only intensify existing concerns but also generate new risks, including the fabrication or misrepresentation of personal data. Such processes can have immediate consequences for individuals’ educational lives and, depending on how the resulting data are retained, circulated, or relied upon, may also affect their future opportunities, including their career prospects. This raises questions about whether existing rights protections are being operationalised in practice, or whether they are reduced to notice-based compliance while deeper concerns about fairness, opacity, dependency, and loss of agency remain insufficiently addressed.

I am interested in how agency should be understood and safeguarded in the post-AI condition of higher education. This entails ensuring that students, academics, and researchers can identify when AI systems influence outcomes, challenge or seek human review of decisions where appropriate, and retain meaningful control over how they are represented in data-driven systems. It further requires attention to those who may be disproportionately burdened by these systems, especially individuals occupying more vulnerable positions within institutional hierarchies.

This leads to a broader question: how can human rights be translated into institutional governance practices that shape AI procurement, design, deployment, and oversight in universities, and what role can current privacy and data protection laws play in supporting individual agency? My contribution considers whether rights such as privacy and protections relating to automated decision-making can still operate as meaningful safeguards in highly datafied educational environments, and what accountability mechanisms are needed if those rights are to enable individuals to understand, question, and challenge decisions that affect them.

[Janja Komljenovic, University of Edinburgh: Chairing](#)

My chairing will stimulate individual contributions and foster synergies around their key points. Each speaker will contribute a specific piece towards a common framework for adopting human rights as a key framework for governing AI in higher education. I will ensure we unpack key concepts clearly, including how we can understand and think about human rights in the post-AI condition, what the right to education and science mean in the context of AI, how we can protect human rights, and how the post-AI condition affects academic labour, academic freedom, and the student right to education. I will ensure a constructive, collaborative environment in which speakers and participants can engage with one another.

Speakers bio

[Ayça Atabey, University of Edinburgh](#)

Ayça Atabey is lawyer and multidisciplinary researcher working with and for children and young people, and a certified data privacy and management expert in the EU and the UK. She currently works as a post-doctoral researcher at the University of Edinburgh. She holds a PhD from the University of Edinburgh, where she conducted interdisciplinary research at the intersection of law, education, and human–computer interaction, focusing on data protection fairness and ethical data practices in AI-EdTech design. She received a PhD enrichment award from the Alan Turing Institute, contributing to the Public Policy Children’s Rights and AI team and to child-centred AI projects, including Council of Europe mapping studies on legal frameworks relating to AI and human rights. She has worked as a consultant, adviser, and

researcher with NGOs, international organisations, and research institutions, including United Nations Women, BILGI IT Law Institute, University of Edinburgh, the Digital Futures for Children centre (LSE/5Rights Foundation), and UNICEF, with roles spanning responsible GenAI in schools, rights-respecting AI regulation and use in education, and cross-country, regional evaluation research.

[Klaus D. Beiter, North-West University](#)

Klaus D. Beiter is a Research Professor in the Faculty of Law at North-West University. He holds law degrees from the University of South Africa and a doctorate in international human rights law from the University of Munich, Germany. Throughout his career, he has taught International Human Right Law, Intellectual Property Law, Socio-Economic Rights, and International Social Justice in Germany, the U.K., and South Africa. His research focuses on the right to science, academic/scientific freedom, the right to education, IP law and creators' rights, and law and development. He is a member of the South African Academy of Science (ASSAf). He is admitted as a Legal Practitioner of the High Court of Namibia and a member of the Namibian government's Team of International Law Experts. He is an ad hoc consultant to UNESCO and the U.N. Human Rights Council and its procedures.

[Janja Komljenovic, University of Edinburgh](#)

Janja Komljenovic is a Senior Lecturer in Education Futures at the University of Edinburgh. Her research focuses on the political economy of higher education and the digitalisation, datafication, and platformisation of universities. Her approach intersects economic sociology, science and technology studies, and higher education research. She has published internationally on higher education policy, higher education markets, and educational technology. Janja acts as a consultant on various international higher education policy projects, serves as an evaluator for national quality assurance agencies, and is a member of committees within international organisations. She directs the MSc Digital Education at the University of Edinburgh and is a Coordinating Editor for Higher Education.

[Aída Ponce Del Castillo, ETUI](#)

Aída Ponce Del Castillo is a lawyer and bioethicist and a senior researcher at the European Trade Union Institute (ETUI) in Brussels. Her research focuses on the intersection between science, emerging technologies and governance, with particular attention to their ethical, social and legal implications. She leads foresight projects on the future of work and technological transformation. Her work examines how technological systems are translated into governance, including in employment contexts, and how they shape working conditions, decision-making and accountability. She is a member of the committee for the National Convergence Plan for the Development of AI in Belgium and participates in several working parties at the Organisation for Economic Co-operation and Development (OECD), including

those on biotechnology, nanotechnology, converging technologies and AI governance. She previously headed the ETUI's Health and Safety Unit and coordinated the Workers' Interest Group at the Advisory Committee on Safety and Health at Work of the European Commission.