

POLICY BRIEF

The European AI Act and Its Implications for New York State Higher Education Institutions

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EU Artificial Intelligence Act

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A man and a woman are walking through a server room aisle. The man is on the left, wearing a grey sweater and dark pants, looking at a tablet held by the woman. The woman is on the right, wearing a white shirt and dark pants, pointing at the tablet. They are both wearing lanyards with ID badges. The server racks on either side are illuminated with blue light, and the floor is a light-colored tile.

The European AI Act and Its Implications for New York State Higher Education Institutions

Introduction

The European Union's Artificial Intelligence Act (referred to here as the EU AI Act or the Act),¹ which took effect on August 1, 2024, represents the world's first comprehensive regulatory framework for AI. The EU AI Act takes a risk-based approach that categorizes AI systems based on their potential risks to health, safety, and fundamental rights. The Act is applicable to all players in the AI ecosystem, from developers to exporters to deployers. It not only regulates AI systems (i.e., products and services that are powered by AI) according to their design or model, but also based on the user and uses of those systems, and is particularly focused on those uses that are likely to produce the highest risks.

Like other EU regulatory efforts before it, such as the General Data Protection Regulation,² the EU AI Act will impact industries and educational collaborations beyond the EU's borders. That includes higher education institutions based in New York State and in the United States more broadly that have existing research or programmatic collaborations with EU-based institutions.

As the first compliance deadlines start in the summer of 2026, many higher-education institutions (HEIs) may still be working to grasp the full breadth of the EU AI Act. A clear understanding of the Act's classifications, documentation standards, and interconnected data governance obligations is, however, essential to protect the integrity of ongoing and future collaborations with EU-based education institutions.

Building on this need, this policy brief analyzes the EU AI Act's key provisions and evaluates their impact on New York higher education institutions, with attention to compliance obligations, cross-border data sharing, accreditation processes, and

institutional accountability. By analyzing the first set of the 2025 regulatory changes, New York HEIs can strengthen their readiness, maintain the viability of transatlantic partnerships, and operate within evolving legal frameworks.

Background: The European AI Act's Framework and Higher Education

The EU AI Act sets a baseline for what constitutes AI technology under the rule, defining an AI system as “a machine-based system designed to operate with varying levels of autonomy and that ... infers from the input it receives how to generate outputs” that influence physical or virtual environments.³ Developed in concert with the Digital Education Action Plan (DEAP) and other digital-transition strategies in Europe, the Act introduces structured measures to help ensure that AI systems are transparent, reliable, and accountable throughout their life cycle.⁴

The Act (in Article 3) further defines risk in this context as “the combination of the probability of an occurrence of harm and the severity of that harm.”⁵ Based on this definition, the Act then regulates AI systems according to the level and severity of potential risk to health, safety, and fundamental rights. An AI system's classification depends on three variables: whether it relies on a regulated model such as a general-purpose AI (GPAI) or systemic-risk model, the intended application domain, and the organization's role as provider or user. In short, classification depends on the type of AI model employed, such as general-purpose or high-risk models; the specific context or application for which the AI is utilized; and the role of the entity involved, whether as a developer or as a user of the system. Regulatory obligations increase in proportion to the level of risk associated with the AI system's intended use, with more stringent requirements applied to higher-risk applications

The Act's framework defines four categories of risk with corresponding obligations related to those models, applications, or uses, and users:

- **Unacceptable risk**—Practices that are strictly prohibited, including social scoring, manipulative or subliminal AI, predictive policing, remote biometric identification in public spaces, and emotion-inference systems in workplaces or educational settings.⁶ (For example: emotion recognition in workplaces or schools, e.g., using AI to monitor students' or employees' facial expressions to infer emotions, which is prohibited due to privacy and manipulation concerns)
- **High risk**—AI used in critical areas such as education, healthcare, and law enforcement. Systems in this tier must meet rigorous requirements for data governance, documentation, human oversight, and post-market monitoring.⁷ (For example, an automated system that grades university entrance exams or determines eligibility for scholarships.)
- **Limited risk**—Applications that require specific transparency obligations, such as notifying users that they are interacting with an AI system. (For example: AI feedback on essays or assignments, such as online tools that provide automated feedback on grammar, structure, or argument strength in student essays.)

- **Minimal risk**—Low-risk applications that face only voluntary codes of conduct. (For example: Systems that automatically suggest optimal class schedules or room assignments based on availability.)

Educational applications are further and directly addressed within this framework, with the Act classifying them as high-risk (under Annex III):

High-risk AI systems under Article 6(2) are AI systems listed in any of the following areas: [...]

3. Education and vocational training

(a) AI systems intended to be used to determine access or admission or to assign natural persons to educational and vocational training institutions at all levels;

(b) AI systems intended to be used to evaluate learning outcomes, including when those outcomes are used to steer the learning process of natural persons in educational and vocational training institutions at all levels;

(c) AI systems intended to be used for the purpose of assessing the appropriate level of education that an individual will receive or will be able to access, in the context of or within educational and vocational training institutions at all levels;

(d) AI systems intended to be used for monitoring and detecting prohibited behavior of students during tests in the context of or within educational and vocational training institutions at all levels.”⁸

This classification of AI influencing “educational or vocational training” outcomes as “high-risk” (Annex III (4)) covers a broad spectrum of applications, such as:

- **Adaptive Tutoring Systems:** AI tools that adjust learning pathways based on student performance.
- **Automated Proctoring:** AI systems monitor students during exams.
- **Admission/Financial-Aid Scoring:** AI used to determine access to programs or allocate financial aid.
- **Learning Analytics Dashboards:** AI-driven tools that assess learning outcomes or steer the learning process.
- **Research-Data Tools:** AI applications that might influence educational outcomes or involve sensitive student data.

Emotion-recognition and social-scoring tools are also prohibited outright by (Article 5 of) the Act. In higher education settings, emotion-recognition systems include AI applications that analyze student facial expressions, voice patterns, or biometric indicators to assess engagement, stress levels, or emotional states during lectures, examinations, or online learning sessions, such as:

1. Virtual reality headsets equipped with eye-tracking or physiological monitoring capabilities might be designed to infer student emotional responses during immersive educational experiences.
2. Campus mental health apps that analyze text communications, social media activity, or digital behavior patterns to score emotional states.
3. Student success platforms that monitor email tone, discussion forum participation, or digital engagement patterns to assess emotional or psychological states.

Institutional Responsibilities

The life cycle of an AI system is divided across three primary actors under the Act, with different corresponding responsibilities: The life cycle of an AI system is divided across three primary actors under the Act, with different corresponding responsibilities:

1. **Developers**, referred to as “providers” in Article 3(2), are the natural or legal persons who first place an AI system on the EU market and are required to carry out a conformity assessment, prepare the technical file, and affix the CE marking.⁹ The conformity assessment is the process by which providers demonstrate that the system meets all applicable EU requirements for safety, transparency, and reliability before it is made available. The technical file is the set of documentation that details the system’s design, intended purpose, and evidence of compliance. The CE marking (“Conformité Européenne,” or “European Conformity”) is the label that signals the product meets EU standards and can circulate freely within the European market.
2. **Exporters** or importers are persons established in the Union who make a system developed in a third country available on the EU market; they inherit many provider duties, including verifying that the declaration of conformity and technical documentation exist before releasing the product.¹⁰ In practice, this means importers and exporters must ensure that all required compliance steps and supporting documents are in place before the AI system is distributed in the EU.
3. **Deployers**, defined in Article 3(4) as users operating an AI system under their authority, must follow the provider’s instructions, monitor the system, and log significant incidents, but are not responsible for obligations related to the system’s design or initial compliance.¹¹ Deployers are responsible for the operational phase, including oversight and incident reporting, but not for the technical or regulatory groundwork required before the system enters the market.

This allocation of responsibilities is intended to ensure that compliance and oversight are maintained throughout the AI system’s life cycle, from development to deployment, and that each actor is clear on their obligations under the Act.

A European Commission Q&A has clarified that the three roles can be held by different entities in a single supply chain, and each role triggers a distinct set of compliance tasks.¹² Supply-chain provisions within the Act, for example, place duties on importers, distributors, and deployers of educational technology, roles that HEIs may assume when customizing EU-origin tools.¹³ Post-market rules further require serious malfunctions to be reported within 15 days to the relevant authority.¹⁴ Providers of high-risk systems, such as HEIs using them in educational or vocational training, are mandated to implement:

- A comprehensive life-cycle risk-management system.
- Rigorous data governance and bias testing.
- Detailed technical documentation for transparency and accountability.
- Mandatory human oversight in decision-making processes.
- Extensive logging capabilities for traceability.
- Post-market monitoring to ensure ongoing compliance and safety. A conformity assessment (akin to a “CE-mark”¹⁵) before deployment to demonstrate adherence to EU standards.

Under the Act, practices such as manipulative AI techniques, exploitative targeting of vulnerable groups, and certain forms of biometric categorization became unlawful on February 1, 2025. For new general-purpose AI models, developers were required to submit complete technical documentation to the designated regulatory authorities by August 1, 2025, to ensure transparency and compliance with the Act’s governance framework. High-risk AI systems used in educational contexts, including those for admissions, assessment, or student monitoring, must undergo a formal conformity assessment process by August 1, 2026, to verify adherence to the Act’s safety, data governance, and human oversight requirements.

For entities outside the EU, compliance is typically demonstrated by ensuring records are:

- Maintained in an organized, secure manner at the entity’s main place of business (which could be in the US); and
- readily accessible and electronically transmissible to the competent EU authority or the European AI Office upon request.

The Act’s extraterritorial scope (“Brussels effect”) concerns the applicability of its rules to products and services offered in the EU, not the physical location of documentation. There is no language in the Act or its preparatory materials that requires non-EU providers to store documents in the EU. The key compliance point is timely access and transmission, not physical location.

Noncompliance can trigger significant administrative penalties (as discussed further below).

Extraterritorial Reach and Transnational Student Services

Article 2(1) of the EU AI Act states that it applies to “providers placing on the market or putting into service AI systems, or where the output of an AI system is used in the Union, irrespective of whether those providers are established within the Union or in a third country.”¹⁶ A Commission briefing reiterates that “any AI model whose results are consumed in the EU, even if the infrastructure is hosted abroad, falls under the Act.”¹⁷ The European Parliament describes this as a “Brussels effect” because the rules “also bind non-EU developers whenever their systems reach users inside the Union.”¹⁸ For New York HEIs, four common activities match the Act’s definition of “making an AI system available in the Union”:

- Enrolling EU nationals in distance or hybrid programs that rely on adaptive-learning platforms or AI-supported assessment.
- Operating EU-based study-abroad centers that use home-campus chatbots, learning analytics tools, or proctoring software.
- Licensing ed-tech tools to European partner campuses when the underlying model or content is supplied from the United States.
- Running US-hosted AI systems, whose outputs are viewed or applied inside the Union, for example, research-collaboration portals that generate automated literature reviews for EU-based faculty.

Each scenario meets the threshold of Article 2(1) and therefore imposes full compliance duties under the Act. The extraterritorial clause thus expands EU regulatory requirements well beyond traditional territorial boundaries, obliging institutions to examine every AI-enabled service that can affect users or operations within the European Union.

Financial Implications of Noncompliance

The Act sets a tiered schedule of administrative fines that mirrors the severity of each violation. The Act (under Article 99) assigns the highest penalty to prohibited uses such as social scoring or subliminal manipulation. For these practices, regulators may impose up to €35 million or 7 percent of a company’s worldwide annual turnover, whichever amount is higher.¹⁹ Most other penalties, including those that apply to high-risk educational systems and to providers of general-purpose AI models, carry a maximum fine of €15 million or 3 percent of global turnover.²⁰ Lesser infringements, such as providing incomplete or misleading information to a supervisory authority, incur fines up to €7.5 million or 1 percent of turnover.²¹ Even limited-risk systems must satisfy transparency rules (Article 50) that mandate clear user notification and explicit labelling of AI-generated content.²²

Mini Case Study

Remote-Proctoring at the University of Amsterdam and the EU AI Act

In 2020, the University of Amsterdam and Vrije Universiteit Amsterdam adopted the remote-proctoring software Proctorio to administer online examinations during the COVID-19 pandemic.²³ The Central Student Council contested the decision, arguing that the system's use raised privacy and discrimination concerns. In June 2020, the Amsterdam District Court ruled that the universities' deployment of Proctorio was lawful under Dutch and European Union law.²⁴ In 2021, the Amsterdam Court of Appeal upheld the lower court's ruling, confirming that online proctoring could continue under certain conditions.²⁵

Proctorio's use complies with the General Data Protection Regulation (GDPR)

According to the court, the software meets the requirements of the GDPR. The use of proctoring is necessary within the meaning of the GDPR, in connection with the COVID-19 measures. The collection and processing of personal data does not go beyond what is necessary for the purpose of combating fraud. There is also no adequate alternative. Moreover, no "special" personal data, such as data concerning race or religion, is processed.²⁶

The University of Amsterdam case demonstrates the practical intersection between the European Union's Digital Education Action Plan (DEAP) and the EU AI Act. DEAP advances digital assessment and blended learning as key strategies for widening educational access, strengthening digital skills, and embedding ethical AI literacy in pedagogy.²⁷ However, the use of remote-proctoring platforms such as Proctorio illustrates that digital education initiatives cannot be separated from regulatory oversight. Under Annex III of the AI Act, these platforms are classified as high-risk educational AI systems, which makes them subject to conformity assessment, transparency, and human oversight requirements.²⁸ This case is pertinent because the AI Act applies extraterritorially through Article 2(1). As a result, non-EU institutions coadministering online examinations with European partners would also be required to meet these regulatory obligations. These high-risk classification requirements represent the most demanding compliance obligations under the AI Act and will require institutions to fundamentally restructure their approach to educational technology deployment and governance in their European partnerships.

New York Higher Education and European Partnerships

The Act's extraterritorial scope requires New York HEIs to comply whenever their AI systems deliver outputs to EU-based students, faculty, or administrative units.²⁹ European universities are "about twice as likely to offer at least one joint degree as U.S. institutions."³⁰ Consequently, curriculum-delivery platforms, automated assessment tools, research-collaboration environments, and student-information systems that serve the European components of these partnerships must all be evaluated against AI Act requirements.

New York State institutions engage with European partners through four primary collaboration models:

1. **Dual and Joint Degree Programs**—In *dual degree* programs, students earn a qualification from each partner institution; in *joint degree* programs, they earn a single qualification endorsed by all partners.³¹ Both models require study at both locations, providing a comprehensive academic experience with an international dimension.
2. **Semester or Year-Long Exchange Agreements**—Facilitate student mobility, allowing students to study at a partner institution for a specified period while paying tuition to their home university. This promotes cultural immersion and academic breadth.
3. **Faculty and PhD-Level Collaborative Research Consortia**—Focus on joint research projects, often supported by external funding, enabling faculty and doctoral candidates to work together on shared academic interests, enhancing scholarly output and innovation.
4. **Short-Term, Faculty-Led Field Programs**—Offer New York State academic credit for courses delivered on European soil, providing condensed, immersive learning experiences in specific fields or regions.

The extensive scope of New York State HEIs' engagement with European partners requires their consideration of potential regulatory requirements with which they may need to comply. Many of the engagements New York's HEIs have with Europe are semester exchange programs that guarantee credit transfer and research hubs. For example, students at SUNY Cortland can spend a term at partner institutions such as the University of Salamanca in Spain while paying in-state tuition and transferring graded coursework into their Cortland degree.³² SUNY New Paltz lists bilateral pathways, including a route into the University of Helsinki that integrates Finnish modules directly into SUNY academic plans.³³ Within CUNY, Hunter College operates a reciprocal exchange with the University of Amsterdam that places participants in regular Dutch classes and records each grade on the CUNY transcript.³⁴ A further selection of institutional partnerships, including program types, European partners, and program links, is provided in [Appendix A](#).

European universities are roughly twice as likely as United States institutions to offer at least one joint degree, a disparity documented in a 2009 transatlantic survey.³⁵ This asymmetry magnifies the regulatory exposure of New York State institutions, which must align not only with United States higher-education regulations and accreditation but also with EU AI Act requirements whenever a collaborative program involves EU participants.

Dual Degree and Exchange Programs

New York HEIs such as CUNY, SUNY, Columbia, New York University (NYU), and Cornell operate dual-degree and student-exchange arrangements with European universities. When these partnerships employ automated decision systems, the

Artificial Intelligence Act classifies the applications as high-risk and attaches specific statutory duties.³⁶

- **AI in admissions:** Annex III, point 5, lists “AI systems intended to be used for admission or enrolment at educational institutions” among high-risk uses. Article 14 requires providers to maintain technical documentation that shows “the quality of the data sets used” and “the appropriate design choices,” and to ensure human oversight throughout the decision process.³⁷
- **AI in student assessment:** The same annex covers automated evaluation of learning outcomes. Article 15 states that high-risk educational systems must be transparent enough to let users “interpret the system’s output” and request human review when necessary.³⁸ UNESCO reports that face-recognition proctoring “can undermine due-process guarantees and reproduce bias” in examination settings.³⁹
- **AI-enabled student services:** Article 52 obliges providers to inform users “that they are interacting with an AI system” and to keep logs of those interactions. Hacker and Passoth describe such disclosure as “a precondition for institutional trust in algorithmic advisers.”⁴⁰

Institutions with high volumes of applicants should anticipate that conformity assessment and monitoring requirements will lead to increased compliance costs.

Implications for AI Systems Using Student Data

AI tools that process student data in dual degree programs, such as admissions screeners, adaptive learning engines, or performance dashboards, are high risk under Annex III of the Artificial Intelligence Act.⁴¹ Providers must document data quality and bias testing in the technical file and keep a continuous risk-management log (arts. 13–14). Because these datasets contain personal information, the General Data Protection Regulation applies in parallel, safeguarding lawful processing and students’ rights to access and correction.⁴² Article 15 of the AI Act adds a transparency duty: students must be told when AI influences decisions on grades, scholarships, or placement, and must receive a plain-language explanation of the logic involved. New York institutions that operate such systems with EU partners must align both data governance and algorithmic accountability with these EU standards.

AI in EU Research Collaborations

New York State HEI research teams routinely join European partners to fine-tune publicly available foundation models with proprietary, GDPR-compliant data. When a project’s model is released or its output is used in the European Union, two converging regimes apply: Chapter V establishes baseline duties for every general-purpose AI model, and Article 55 adds “systemic-risk” obligations once cumulative training compute exceeds 10^{25} floating-point operations.⁴³ The European Parliament explains that these rules “also bind non-EU developers whenever their systems reach users inside the Union.”⁴⁴

The compliance clock is precise. Prohibited practices become enforceable on February 1, 2025; August 1, 2025, is the deadline for Annex XI technical files and Annex XII integrator documentation on newly placed general-purpose models; high-risk conformity assessments, where applicable, must be completed by August 1, 2026.⁴⁵ Annex XI requires a purpose statement, acceptable-use policy, architecture description, Application Programming Interface (API) and Software Development Kit (SDK) specifications, optimization targets, full data inventory with bias checks, total compute and hardware characteristics, and metered or derived energy-consumption figures. If the project crosses the systemic-risk threshold, the dossier must also include adversarial testing results and component-architecture diagrams.

These documentary duties reach across multiple scientific domains. Protein-structure prediction models that refine the AlphaFold architecture often exceed the compute ceiling and must submit systemic-risk evaluations.⁴⁶ Generative molecule-design systems used in oncology drug discovery fall under the Act's medical high-risk heading, and the European Medicines Agency states that such AI "must comply with the AI Act in parallel with the Clinical Trials Regulation."⁴⁷ Reinforcement-learning platforms that optimize CRISPR guide RNAs raise dual-use concerns, which the European Group on Ethics says "require heightened scrutiny under the systemic-risk provisions."⁴⁸ Wearable-sensor analytics for outbreak surveillance engage Article 52 disclosure duties, while earth-system climate models running on EU supercomputers must report compute and energy use under Annex XI, section 4.⁴⁹

Risk-management requirements mirror those already described for educational settings. Article 13 directs providers to maintain a continuous risk-assessment system and to ensure that "users are informed when interacting with AI." Article 15 adds that high-risk systems must be transparent enough for users to interpret their outputs, and Article 16 obliges designers to enable human intervention whenever critical decisions are involved.⁵⁰ These layers of record-keeping and scrutiny can slow collaborative timelines, but they now form the mandatory framework for all trans-Atlantic research that employs advanced AI.

Hypothetical Examples of EU AI Act Applications in New York Higher Education Institutions

To illustrate the practical application of the regulatory framework and liability considerations outlined above, the following hypothetical scenarios show how those tiers map onto familiar academic activities that involve New York State HEIs institutions and their European partners.

Unacceptable-Risk Example

A joint campus-safety project installs real-time facial-recognition cameras in outdoor areas to identify students who are under disciplinary sanction. Article 5(1)(d) prohibits remote biometric identification in publicly accessible spaces except for narrowly defined policing uses. Because the system falls inside that prohibition, it cannot be deployed under any risk-mitigation plan.⁵¹

High-Risk Examples

Admissions Prediction

An AI model screens applicants for a dual-degree program and ranks them by predicted academic success. Annex III classifies “AI systems intended to be used for admission or enrolment” as high risk. Articles 14–16 require a documented risk-management system, traceable data sources, human oversight of each recommendation, and transparency for applicants who are evaluated by the model.⁵²

Remote Proctoring

An online examination platform uses face detection to verify identity and track gaze direction during joint assessments delivered from New York to students in Italy. Where biometric identification is continuous, the platform remains at high risk and must satisfy accuracy, robustness, and post-market monitoring obligations; emotion inference is disallowed by Article 5(1)(d). UNESCO notes that biometric proctoring “can undermine due-process guarantees in student assessment.”⁵³

Mental Health Chatbot

A natural-language model provides coping advice and flags potential self-harm risk for transatlantic exchange students. The system processes sensitive personal data and influences mental-health outcomes and therefore falls under Annex III point 5. Article 15 demands that outputs be explainable, and Article 16 requires design features that permit immediate human intervention when a serious risk is detected.

Limited-Risk Examples

Plagiarism Detection

Coursework submitted by visiting students is screened by text-matching software that returns similarity scores for instructor review. Because the tool does not make automated grade decisions, it is treated as a limited risk. Article 52 still obliges providers to inform users that AI is in operation and to supply basic user instructions.

Hypothetical Examples of EU AI Act Applications in New York Higher Education Institutions, cont.

Limited-Risk Examples, cont.

Research Topic Recommender

A machine-learning service suggests topics based on completed courses and stated interests. Recommendations are advisory and subject to academic-advisor approval, which places the tool in the limited-risk tier. Training data must nevertheless be documented and representative, as required by Article 52(3).

Minimal-Risk Example

AI Campus Navigation

A smartphone application forecasts travel time between buildings and locates nearby services. The tool does not take decisions that affect the rights or obligations of users, so it falls into the minimal-risk tier and is subject only to the Act's general principles, such as voluntary codes of conduct.

Coordinated Compliance: Linking DEAP with the AI Act

Both the Digital Education Action Plan (DEAP) and the EU AI Act are coordinated at the European Commission level, but their oversight involves different, yet complementary, directorates-general (DGs). The Directorate-General for Education, Youth, Sport and Culture (DG EAC) is responsible for EU policy on education and training, youth, sport, and culture, including digital transformation in education. DG EAC oversees the implementation of the Digital Education Action Plan, which sets out the EU's strategic vision for high-quality, inclusive, and accessible digital education.

The Directorate-General for Communications Networks, Content and Technology (DG CNECT) leads on digital policy, including artificial intelligence, digital infrastructure, and online platforms. DG CNECT is the primary body responsible for developing and implementing the EU AI Act, ensuring that AI technologies are aligned with EU values and legal frameworks. Both DEAP and the AI Act are coordinated within the European Commission through the Directorate-General for Education, Youth, Sport and Culture and the Directorate-General for Communications Networks, Content and Technology. Progress on both is monitored through the 2030 Digital Compass indicators that support the "Europe Fit for the Digital Age" strategy.⁵⁴ This creates a unified compliance and governance structure where the pursuit of educational innovation is inseparable from meeting other AI standards. DEAP promotes blended-learning models and teacher training in AI literacy, so any adaptive-learning, assessment, or proctoring platform introduced under DEAP must also satisfy the AI Act's requirements.

These regulatory foundations establish the framework within which New York State HEIs must now conceptualize and structure their European partnerships, creating new compliance mechanisms that extend beyond traditional academic governance structures.

The EU AI Act is widely regarded as the first comprehensive and binding legal framework for artificial-intelligence governance. Its extraterritorial reach, often called the ‘Brussels Effect,’⁵⁵ effectively creates a de facto global standard for institutions that work with EU students or staff.⁵⁷ New York State colleges and universities (HEIs), therefore, face novel compliance obligations that transcend traditional jurisdictional boundaries and reshape the regulatory calculus for transatlantic collaboration.

Conclusion

The Act’s extraterritorial scope means that New York State HEIs engaged in activities covered by Article 2(1) are subject to its requirements.⁵⁸ This includes the provision or deployment of AI systems whose output reaches users in the European Union through joint degrees, exchange agreements, or other forms of transatlantic engagement.

The University of Amsterdam’s deployment of remote proctoring software during the COVID-19 pandemic, upheld in Dutch courts despite privacy challenges, illustrates how an educational AI system can be classified as high risk under Annex III, specifically in the category of monitoring prohibited behavior during tests.⁵⁹ A US partner institution coadministering online examinations in such a program would be required to meet the same conformity assessment, transparency, and human oversight obligations outlined in the Act.

Several European universities have proactively integrated compliance structures into their educational governance. Utrecht University in the Netherlands has adopted an AI policy that classifies AI systems by risk level in line with the EU AI Act, introduced an AI Veritas system for preapproving tools, appointed Certified AI Compliance Officers across faculties, and provided AI literacy training for staff and students.⁶⁰ Similarly, the University of Edinburgh has published institutional AI governance guidelines that align with the Act’s principles, including transparency, human oversight, and rights protection for educational AI tools used in teaching and assessment.⁶¹

Three findings summarize this report. First, Annex III labels educational AI as high risk, so admissions screeners, automated proctoring, and mental health chatbots require conformity assessments, technical documentation, and human oversight. Emotion-recognition and social-scoring tools are prohibited outright by Article 5. Second, the AI Act sits beside the GDPR: while the GDPR protects personal data, the AI Act adds model-specific duties such as risk logs (art. 13), user transparency (art. 15), and 10-year documentation retention (art. 18). Third, penalties of up to €35 million or 7 percent of global turnover create financial exposure comparable to the loss of accreditation or federal-aid eligibility.⁶²

Effective governance of AI for educational institutions, therefore, requires more than technical compliance. It demands proactive alignment with the Act’s risk classification framework, adoption of institutional governance mechanisms, and the cultivation of AI literacy across all levels of staff and students. New York State HEIs seeking to maintain and expand EU partnerships should begin by mapping AI use cases against the Act’s risk categories, adopting governance models similar to Utrecht and Edinburgh, and preparing their communities for compliance through open discussions. Some HEIs in New York are attempting to address these gaps. For example, SUNY has recently established the AI Legal Institute at SUNY (ALIS), which provides trainings and comprehensive, practical guidance.⁶³ As AI tools increasingly underpin admissions, assessment, and student support in international partnerships, the AI Act will continue to shape compliance obligations and influence the strategic direction of US-EU higher education collaboration for years to come.⁶⁴

Appendix A

Institution	Program Type	European Partners	Link
Bard College (Annandale-on-Hudson)	3+2 and 4+1 dual-degree pathways (undergrad and grad)	Central European University—Vienna, AT; University of Winchester, UK; others	https://www.bard.edu/academics/dual/
Baruch College—Zicklin School of Business (NYC)	Baruch-sponsored semester exchanges for BBA & MBA students	24 listed universities including Vienna Univ. of Econ. & Bus. (AT), Ghent Univ. (BE), Università Bocconi (IT), Univ. College Dublin (IE), etc.	https://zicklin.baruch.cuny.edu/academic-programs/global-zicklin/
Brooklyn College (CUNY)	Short-term and semester study abroad	Various sites in France, Spain, Germany, and Greece	https://www.brooklyn.edu/study-abroad/programs/
City College of New York (CUNY)	Joint M.A. in English & American Studies	University of Graz (AT), Université Paris Diderot (FR), other consortium partners	https://english.ccny.cuny.edu/joint-ma-in-english-american-studies/
Columbia University SIPA (NYC)	Dual MPA/MIA degrees “Atlantis”	Sciences Po Paris (FR); Hertie School—Berlin (DE)	https://www.sipa.columbia.edu/sipa-education/dual-degree-programs/international-dual-degrees
European Institute, Columbia (NYC)	Jean Monnet Centre of Excellence; EU-funded research mobility	Multiple EU law faculties via JM network	https://europe.columbia.edu/
Fashion Institute of Technology—SUNY (NYC)	Semester exchange for B.S. students	KEA—Copenhagen School of Design & Tech (DK)	https://www.fitnyc.edu/academics/global/study-abroad/index.php
Hofstra University (Hempstead)	European Odyssey mobile semester (GEOG/GLST)	Multicountry field course (FR, DE, IT, HR, etc., taught by Hofstra)	https://www.hofstra.edu/european-odyssey/about.html
Hunter College (CUNY)	German-department bilateral exchange	Philipps-Universität Marburg (DE)	https://www.hunter.cuny.edu/german-for-students/exchange-program
New York University Journalism (NYC)	Global & Joint Program Studies M.A.	NYU + eight EU studies centers (Paris, Berlin, Prague etc.)	https://journalism.nyu.edu/.../global-and-joint-program-studies
NYU—Office of Global Programs	Semester / year exchanges (all disciplines)	18 EU partners including Trinity College Dublin (IE), Univ. of Amsterdam (NL), Free Univ. Berlin (DE), etc.	https://www.nyu.edu/.../partneruniversities.html
NYU Wagner	Dual master’s (MPA/UP)	Sciences Po Paris (FR); Hertie School (DE)	https://wagner.nyu.edu/education/degrees/dual-degree-program
Pace University (NYC)	Pace Travel Courses & semester exchanges	9 EU partners inc. Univ. of Essex (UK), Univ. of Bologna (IT)	https://www.pace.edu/law/academics/dual-and-joint-degrees
Purchase College—SUNY (Purchase)	Semester exchange (new media/design)	KEA—Copenhagen School of Design & Tech (DK)	https://www.purchase.edu/live/profiles/3105-variety-of-majors-copenhagen-school-of-design-and
University of Rochester—Eastman School of Music	Fall/Spring or year exchange	Universität für Musik und darstellende Kunst Wien (AT)	
St. Lawrence University (Canton)	Maastricht Semester, Center for European Studies	Maastricht University (NL)	https://www.stlawu.edu/offices/ciis/netherlands

Institution	Program Type	European Partners	Link
State University of New York (SUNY)	Partnership for AI research and international collaboration	University College Cork (Ireland)	https://www.governor.ny.gov/news/during-visit-ireland-governor-hochul-announces-suny-partnership-university-college-cork
State University of New York at Potsdam (SUNY)	Dual degree program	Kyiv National Economic University (Ukraine)	https://www.potsdam.edu/news/LaunchingDualDegreeProgramKyivNationalEconomicsUniversity
SUNY Empire State University	Undergraduate Degrees/ Dual Degree Opportunities	New York College (Greece); University of New York in Prague (Czech Republic)	https://international-education.sunyempire.edu/international-education/
SUNY Geneseo (Geneseo)	Bilateral semester exchanges	14 EU partners inc. Univ. of Limerick (IE), Univ. of Oulu (FI), Univ. of Seville (ES)	https://www.geneseo.edu/incoming-exchange-students
SUNY New Paltz (New Paltz)	SUNY-wide & campus MOUs; advising hub	Aarhus Univ. (DK), Univ. of Tübingen (DE), etc.	https://international.newpaltz.edu/
Syracuse University Maxwell School (Syracuse)	Atlantis Trans-Atlantic dual MPA	Hertie School (DE)	https://www.hertie-school.org/en/dualdegrees/atlantis-syracuse
University at Albany SUNY (Albany)	Institute for EU Studies (Jean Monnet) & exchanges	Multiple EU universities via SUNY System	https://system.suny.edu/global/sunymeul/
University at Buffalo SUNY (Buffalo)	UB institutional partnerships (>80), many EU	n/s	https://www.buffalo.edu/internationaleducation/services-and-programs/partnerships.html

Appendix B

Date	Requirement / Milestone
February 2, 2025	Prohibited AI practices must be withdrawn from the market.
May 2, 2025	Codes of practice will be ready.
August 2, 2025	General-purpose AI (GPAI) must be in compliance. Governance structure, including the AI Office, European Artificial Intelligence Board, and national market surveillance authorities, must be in place.
February 2, 2026	European Commission to adopt an Implementing Act establishing a template for the post-market monitoring plan and listing required elements to be included in the plan.
August 2, 2026	All rules of the AI Act become applicable, including obligations for high-risk systems defined in Annex III. Member States must ensure at least one operational AI regulatory sandbox is established at the national level.
August 2, 2027	Obligations for high-risk systems defined in Annex I apply. A 36-month transition period applies for certain high-risk systems covered by existing EU harmonization legislation and GPAIs already on the market before August 2, 2025.*

* Elisabetta Righini, Elisabetta, et al., *EU AI Act: Navigating a Brave New World* (New York: Latham & Watkins, July 2024), <https://www.lw.com/en/admin/upload/SiteAttachments/EU-AI-Act-Navigating-a-Brave-New-World.pdf>.

Appendix C

Documents Reviewed in Systematic Search

No.	Institution	Title/Description	Date	URL
1	New York University	"EU AI Act Timeline and Duties"	2025	https://wp.nyu.edu/compliance_enforcement/2025/02/13/the-eu-ai-act-countdown-is-over-first-wave-of-requirements-now-in-force/
2	New York University	"Prohibited AI Practices: A Deep Dive into Article 5"	2024	https://wp.nyu.edu/compliance_enforcement/2024/04/16/prohibited-ai-practices-a-deep-dive-into-article-5-of-the-european-unions-ai-act/
3	Cornell University	<i>Regulation Comes to AI</i>	2024	https://business.cornell.edu/hub/2024/04/19/regulation-comes-to-ai/
4	CUNY Graduate Center	Podcast: How can we reach international consensus on AI regulation?	2024	https://www.gc.cuny.edu/news/how-can-we-reach-international-consensus-ai-regulation
5	Baruch College	"Campus Guidance on EU AI Act Impact"	2024	https://provost.baruch.cuny.edu/artificial-intelligence-think-tank/ai-use-guidance/
54	University of Rochester	"Artificial Intelligence at Rochester"	2024	https://www.rochester.edu/ai/

Appendix D. Existing Regulations & the EU AI Act

General Data Protection Regulation and the European AI Act

The intersection of EU AI Act compliance with existing EU data protection requirements creates additional complexity that New York and other US-based institutions must navigate systematically when managing their European partnerships. The General Data Protection Regulation (GDPR), one such existing set of key protections, is the European Union's core privacy law that sets uniform rules for collecting, processing, and transferring personal data of individuals located in the EU.⁶⁵ The GDPR and the EU AI Act are two distinct pieces of EU legislation that address different aspects of technology regulation:

Key aspects of GDPR that could affect student data sharing include:

Feature	GDPR (General Data Protection Regulation)	European AI Act
Focus	Personal data protection and privacy rights	AI system safety, transparency, and protection of fundamental rights
Enacted	2018	2024 (full enforcement by 2026–27)
Scope	Applies to any processing of personal data of EU residents, regardless of technology used	Applies to AI systems categorized by risk levels (minimal, limited, high, unacceptable)
Key Requirements	Consent mechanisms; rights of data subjects (access, deletion, portability); privacy by design; breach notification; DPO appointment	Risk assessments; transparency and documentation; human oversight; accuracy and robustness; prohibition of certain AI uses (e.g., social scoring)
Penalties	Up to €20 million or 4% of global annual revenue (whichever is higher)	Up to €35 million or 7% of global annual revenue
Technology Scope	Technology-agnostic (applies to any system processing personal data)	AI-specific (targets systems using machine learning or logic-based models)
Regulatory Approach	Data protection impact-based assessments	Risk-based tiered regulation (minimal to unacceptable)
Implementation Status	Fully enforced since 2018	Enacted in 2024; phased implementation ongoing through 2026–27
Overlap and Compatibility	AI systems processing personal data must comply with GDPR	AI Act explicitly incorporates GDPR compliance for AI using personal data

Appendix E. Additional Reading

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