

Public Engagement Showreel

Int 1894

“I would like to know how to minimize bias when I apply as a racial minority.”

“Is there any way to tell if a company or job posting is using AI?”

“The employer should be responsible for ensuring that tools are built and used appropriately.”

“I don't think I have a choice to not share my data.”

“Can you weigh the risk of the efficacy of AI in hiring vs the risk of reduction in personnel in the HR department?”

Mission. The Center for Responsible AI at NYU (R/AI) has a mission to educate and engage the public in questions pertaining to the responsible design, deployment, and regulation of automated decision systems (ADS), including those that use artificial intelligence (AI). This is grounded in the firm conviction that genuine, equitable, and democratic oversight of ADS can only be achieved through ensuring that policymakers and the general public have sufficient knowledge about the technical processes of ADS, as well as their social implications. This document showcases R/AI's leadership in public engagement and education activities related to the use of ADS in hiring and employment, and specifically to Int 1894-2020. **It sets out to support City Council members who must step up their own critical understanding of ADS by partnering with experts in the field, such as R/AI and others, and meaningfully involve the public in their policy regime for ADS in hiring.** It is important to note that R/AI's public engagement was successful despite Covid-19 limitations. Within a 10-week period, R/AI was able to reach and actively engage a broad and diverse cross-section of New Yorkers with over 300 people participating in R/AI events.

Key Take-Aways.

- **New Yorkers are particularly interested to learn about the risks of ADS.** Main concerns were that potential biases in ADS disproportionately affect historically disadvantaged communities, and little-to-no transparency regarding deployment in hiring and employment.
- **New Yorkers want to be engaged in the design and use of hiring and employment ADS.** They were engaged in R/AI's activities and had many questions that were answered by our experts, underscoring a growing desire for transparency and notification. There is a clear demand for delivering broader public education on ADS.
- **Experts support Int 1894 but also outline key areas for improvement to make the bill effective:** (1) standardize ADS effectiveness measures and bias criteria, and (2) require transparency and public disclosure about training data, features, and liability regimes.

Background. Algorithms are changing how critical systems respond to human need, catalyzing a growing demand across government and civil society for responsible and [actionable guidance](#). While ADS [assessments are proliferating](#), they remain aspirational. Little has been done to operationalize oversight standards with concrete technological recommendations and input from stakeholders, including those most affected by the outcomes of biased decisions.

As states across the country grapple with the Covid-19 public health crisis, many employers are quickly turning to **hiring assessment technologies** that promise neutral protocols and virtual employment matches made through data-driven predictive hiring tools. **Despite claims that the use of ADS in hiring will reduce subjectivity, many of these systems, which currently lack sufficient regulatory guardrails, raise substantial concerns because of their potential for reinforcing discriminatory patterns and creating new barriers to employment for marginalized communities.**

In New York, there is an effort to address this issue head on: [Int 1894](#) offers a legislative opportunity to bring transparency and fairness to the automated tools that are quietly reshaping the City’s employment landscape. Specifically, the bill would prohibit the sale of employment decision tools¹ if these tools “were not the subject of an audit for bias in the past year prior to sale, were not sold with a yearly bias audit service at no additional cost, and were not accompanied by a notice that the tool is subject to the provisions of this bill.” The bill also requires employers to disclose the use of such tools to candidates, as well as “job qualifications or characteristics for which the tool was used to screen.” Violations would incur a penalty.

A bill like Int 1894 would potentially impact millions of people, in NYC and beyond, and some of the country’s biggest employers in [eight core industries](#): construction; trade, transportation and utilities; information; financial activities; professional and business services; educational services; health care and social assistance; and leisure and hospitality.

“As legislators in a city home to some of the world’s largest corporations, we must intervene and prevent unjust hiring.”
— City Council member Laurie Cumbo, Int 1894’s sponsor.

The significant job loss that occurred in NYC due to the Covid-19 pandemic underscores the importance of Int 1894: [by October 2020](#), private sector jobs in NYC had fallen by 553,900 compared to the previous year, NYC’s private sector rate of change of -13.5% compared to a 6.2% decline for the nation, and the seasonally adjusted unemployment rate was 13.2%. As New Yorkers look for jobs, employers turn to ADS to manage the volume of applications, but without an understanding of their liability for embedded bias.

By affecting one of the biggest economic and urban powerhouses in the U.S., the bill would have a substantial signalling effect across the nation, and globally. It is poised to set a new

¹ In Bill 1894, employment decision tools are defined as “certain systems that use algorithmic methodologies to filter candidates for hire or to make decisions regarding any other term, condition or privilege of employment.”

standard for transparency and fairness for ADS in general. New York City has already established leadership in this respect, with the [New York City Automated Decision Systems Task Force](#), [Local Law 49 of 2018](#) in relation to ADS used by agencies, [a moratorium on use of facial recognition technology in schools](#), and the recently passed [Int 1170](#), which imposes restrictions regarding how businesses can use facial recognition technology and requires business owners to post a warning about collecting biometric data.

Education and Engagement. R/AI ran a rapid series of virtual ADS workshops and public engagement events to raise awareness and to solicit concerns, questions, and feedback for the City to consider in its adoption of Int 1894.

Despite the engagement limitations imposed by Covid-19, R/AI successfully collaborated with [Queens Public Library](#) and its Adult Learning division's Job & Business Academy to conduct three well-attended **public workshops**; with Schneps Media to hold a **public forum**; and successfully supported sourcing **expert testimonies** for the City's Council's hearing on Int 1894.

Within 10 weeks, R/AI reached over 300 people in tailored events that provided education about the technical and social aspects of hiring and employment ADS. At these events, New Yorkers actively engaged with Int 1894 and provided feedback on the kinds of public oversight that will help improve fairness and transparency in the use of these systems.

[Queens Public Library Workshop Series](#) (9/22/2020, 9/25/2020, 11/17/2020): Working closely with Queens Public Library, R/AI developed three 1-hour virtual workshops to introduce ADS concepts using the approachable metaphor of a [sourdough recipe](#) and of [nutritional labels](#) to explain algorithms, data, and decisions, while also exploring bias embedded in these systems and the importance of public input into legislation such as Int 1894. In addition, there were opportunities for sharing tips and techniques regarding resume building and submissions in the AI era. Nearly 100 New Yorkers attended the workshops, representing a broad range of residents, from new jobseekers and older professionals to millennial freelancers and people working from home. Core concerns that emerged were: using ADS to an advantage as a job candidate; transparency about ADS use; the multiple risks of using ADS in the employment context; and bias embedded in ADS.

[Public Forum](#) (11/19/2020): Hosted by Schneps Media, the event featured R/AI directors Prof. Julia Stoyanovich and Steven Kuyan, as well as R/AI Affiliate Eric Corbett and The GovLab co-founder Stefaan Verhulst speaking to the importance of responsible AI as standard for the field. They addressed the underlying structural inequities and pervasive biases that can surface in AI systems that impact outcomes in medicine, employment, education, and the law. The public forum also presented the opportunity of Int 1894, explored data responsibility, and discussed the urgent need for public education on ADS itself through "AI literacies" and accessible engagement strategies. Participants engaged actively in the discussion; Prof. Stoyanovich answered questions in detail during Q&A, helping attendees gain an understanding of ADS and their use in hiring and employment. Concerns voiced by attendees were about the disparate

impact of ADS on under- represented groups, risk and compliance, the limits of bias audits without more insight into datasets and processes, and the importance of literacies and public trust. The public forum reached 140 people live, received positive press coverage (see below), and continues to be downloaded and watched.

[City's Council's Hearing for Bill 1894](#) (11/13/2020): In preparation for the City's Council Hearing for Bill 1894, R/AI [mobilized key experts](#) in the field of responsible AI, data science and engineering, robotics, and entrepreneurship to provide written and oral testimonies that contributed a diversity of opinion and insight. Testimonies were educational and explained how ADS work in the context of employment. They also outlined how job seekers, vendors, and employers would benefit from the bill. But most importantly, they outlined **three main areas of improvement**:

- **Audits** need to be (1) clearly defined, impartial, independent, and transparent to the public, happen yearly, and qualify or disqualify the legal use of the tools by employers within New York City; (2) encompass a clear definition of discrimination that includes a wide range of sources of discrimination that sometimes are undisclosed (such as sexual orientation or disability status); (3) investigate proxy variables and training data; (4) use predetermined metrics that quantify what is acceptable bias; and (5) examine the tool's effectiveness.
- **Transparency** has to be created about (1) the data used to train the ADS, and the possible sources of bias; (2) the performance objectives of the ADS itself; (3) the liability regimes that are in place; (4) the job qualifications or characteristics on which the system focuses, presented in a manner that is comprehensible to job seekers.
- **ADS design for hiring and employment** should (1) be standardized; (2) prioritize fairness metrics that speak to the interested applicants rather than to the interest of employers or vendors; (3) use the most relevant training data.

Speakers underscored the importance of well-funded, equitable, and strategic **public education** about data, algorithms, and automated decision making (using hiring ADS as a concrete example), so that Int 1894 can be truly effective. They also underscored the importance of **regulation as a first step** to address the issue that audits offered by industry are currently limited due to the lack of clarity and consensus on what to audit for. Lastly, they highlighted shortcomings in current interpretations of **anti-discrimination law**, which do not preclude all discriminatory behavior that algorithms can exhibit, underscored the importance of **standardized third-party audits**, and suggested a **progressive fine** for non-compliance with the bill.

Summary.

There is an **urgent need** to develop effective regulatory mechanisms for ADS. New York City has been at the forefront of this work with its [Local Law 49 of 2018](#) in relation to automated decision systems used by agencies, and the establishment of the [Automated Decision Systems Task Force](#). The Task Force made important progress but did not go far in terms of making concrete recommendations on ADS management and oversight. Int 1894 is a unique

opportunity to act on this urgency in a concrete domain—hiring and employment—where the use of ADS is as impactful as it is unaccountable.

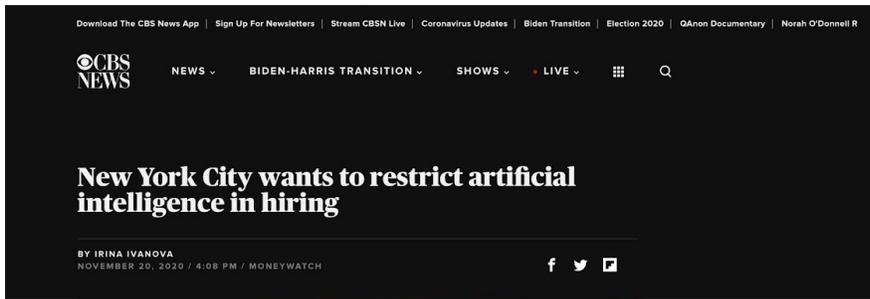
As a policy strategy, **public engagement** in ADS auditing and regulation must be prioritized for the government to effectively respond to diverse civic concerns for fairness, transparency, and accessible notification requirements. High-quality public engagement can be enabled by a two-pronged approach to **public education**, requiring both: (1) **accessible and creative educational tactics** designed to bridge the technical elements of AI/ADS with the daily experience of people’s lives and needs; and (2) **intentional pathways**, such as library-based workshops, curricula, and forums, through which a broad public can explore the topic, get rigorously researched information, and leave armed with critical insight into the potential for anti-bias audits and accountability measures.

Dr. Julia Stoyanovich, Steven Kuyan - R/AI Directors
Meghan McDermott, Maria Grillo, Dr. Mona Sloane - R/AI Affiliates

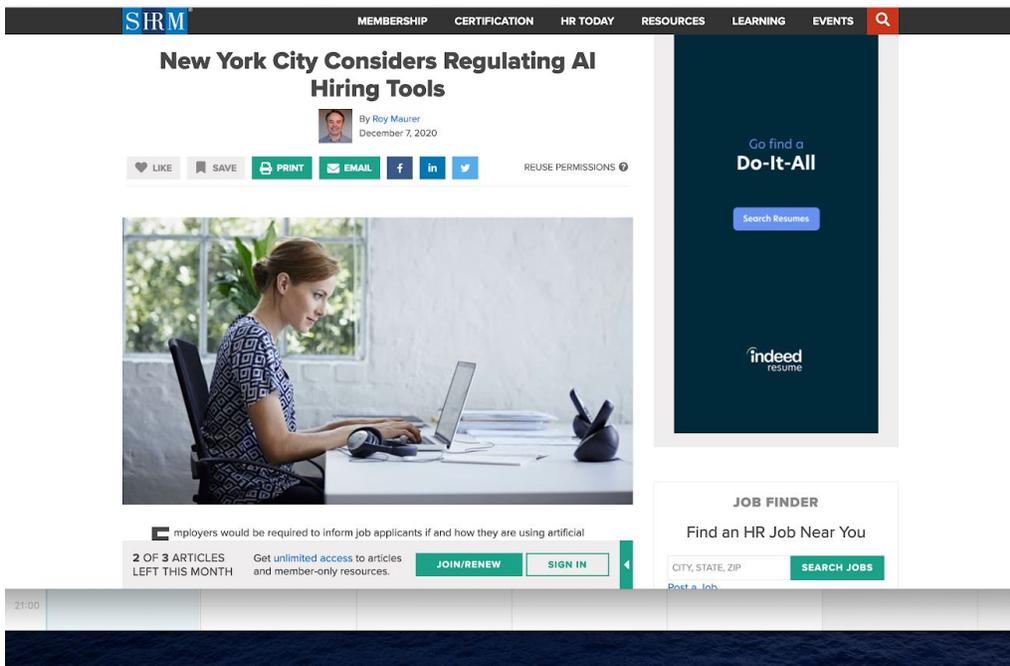
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