>> SPEAKER: Good morning. I have everyone take your seats as we resume? Thank you. I love the enthusiastic good mornings. My name is Amber Harris. I serve as regional director for the Philadelphia office of the Human Relations Commission. This morning, I have the privilege of introducing our next speaker. Ms. Ariana Aboulafia. Areata is an attorney with a strong background in community centered public advocacy with expertise and disability, technology, - - first introduced to technology policy while serving as fellow to the cyber civil rights initiative where her work included research to further their goal of combating online abuse and protecting civil rights and online spaces. Arianna provided direct representation to clients facing misdemeanor and felony charges. Currently leading the disability rights and tech policy project at the Center for democracy and technology where her work focuses on advancing policies, solutions that maximize benefits and harms of AI, algorithm systems and - - please welcome me in joining Ariana Aboulafia to the stage.

>> ARIANA ABOULAFIA: Hi everyone. Thank you for the introduction and for having me. My name is Ariana Aboulafia, I'm an attorney and I sort of work at the intersection of disability rights and tech policy. I'm going to talk a little bit about what it is that I do and I'm going to talk about the various ways that emerging technology. AI, algorithmic systems impact people with disabilities. I'm going to leave some time for Q&A. Probably because I think this is a topic a lot of folks are hopefully interested in. So, I will leave time at the end for that. Let's see. Look at all of the power I have. I work for an organization called Center for democracy and technology. A tech policy organization that thinks about tech and tech policy through the lens of civil rights and liberties. Based in Washington D.C. Amtrak is my friend, that's how I got here today. When we think about disability rights and tech policy there are a few different ways to think about the ways in which disability and people with disabilities and technology intersects. The most common one is thinking about things like digital accessibility. Making sure technologies are accessible for people with various disabilities. There are so many - - disability rights and justice and technology and policy. Outside of a silo of accessible technology. So, what that means is first of all thinking about the ways outside of accessibility that people with disabilities can be impacted by emerging technologies.

Things like artificial intelligence, things like algorithm systems, etc. Thinking about what it means to combat that. The start of my work is centering those with disabilities about development, procurement, technologies and creation and implementation of tech policies. The creative disability rights movement, initially was a phrase "nothing about us, without us " shortened to, nothing without us. People with disabilities are everywhere. Workers, students, and countering systems and the encounter technologies integrated into those systems every single day. So, it's really important that we make sure affected populations, those with disabilities. I am someone with a disability and work closely with a lot of other people with disabilities every day. It's really important that our community is centered in these conversations. I used a term called tech facilitated disability discrimination. There are elements of ableism, - - some of you in this room know that very well because you combat that for a living. Technology can be, tech tools, AI enabled tools can be what I called force multiplier. Meaning you can take forces that exist like unfortunately ableism that may exist in healthcare or hiring. AI tools can multiply them and make them worse. They can also make them better but that has to be done intentionally. Community engagement in mind. The goals of the work that I do, I talked to tech organizations, developers. Disability justice groups. And I talked to people who care about funding and thinking about these issues for next policymakers to think about best ways to ideally design accessible and inclusive technologies from the outside. If that doesn't happen, be able to identify where this is impacting people with disabilities. Mitigate harms while allowing people with disabilities to experience technological benefits. This is a very basic explainer as to how some algorithmic tools may lead to disability discrimination. There is a phrase, an oversimplification but common. You may have heard of before. When it comes to algorithmic tools, uses the phrase "garbage in, garbage out " which means this is based on data sets. When you have non-inclusive datasets, you may get a discriminatory output. And so, one of the ways to think about fixing these issues from a design perspective is to go back to principles of inclusive design. The vacancy of inclusive design say review design for people with disabilities that everyone benefits. The idea is if you design algorithmic systems more inclusive of people with disabilities everyone can benefit. I want to talk a little bit about what I mean by a discriminatory outcome that could come as a lack of an inclusive data set. An example I can give is retinal scans. A tool that scans someone's retinas. Let's say for biometric identification purposes, for flying, transit, access to a sensitive computer system. If the people who design that are not thinking about design, there are some people who don't have retinas. To retinas. And what does it mean when those systems interact with people with disabilities? People who by definition of a disability might be slightly different from what is typical. The other thing is algorithmic systems provide outputs typically based on basic pattern recognition. They recognize this is the most likely thing so here's your answer. A lot of times people with disabilities and people who have rare disabilities like myself, they may exist by virtue of that pattern. Which makes these technologies someone difficult. This is a cover of a report published in March. Along with the American Association of people with disabilities. The idea is to think about the systems we interact with every day: healthcare; employment; communication technologies for people with disabilities and what it would look like to make those systems disability inclusive. The idea was to think about the different players: attorneys; government actors; disability rights and justice advocates; developers and to think about the role that they could all play depending on what system we are talking about in building an inclusive ecosystem. Too close to the Sunday, okay. That is sort of what I just said. Stakeholders we thought about,

disabled community members, disability rights, justice advocates. Government agencies. Private sector practitioners. People who develop technologies can be everyone from big tech companies but also smaller startups that build ATAC tools for people with disabilities. The systems we focus on our employment, education, - - ICT oftentimes referring to assistive technologies, healthcare and transportation in the legal system. I mention that to say specifically disabled people interact with these tools daily. We are past the point where someone can choose not to interact with these tools. I will start with employment, these three examples quickly because I want to leave time for Q&A. I will take about five minutes for each one. The employment side, these are things you're interested in. There are AI enabled hiring tools that are being integrated. Enter quite a bit of the hiring process. Upwards of 80 percent of employers are using some sort of automated tool and not just in hiring. AI enabled tools are integrated into every aspect of employment from higher to retire. Not only are these impacting people with disabilities but one example I will give is on the hiring tools University of Washington recently did research where they plugged resumes into chat GPT. I'm sure you are quite familiar. And actually, gave them identical resumes except certain resumes had what was referred to as disability owners on scholarships. Something like let's say the Tom Wilson disability justice award. These are things that they made up. But and they ask them to rank the resumes. In chat GPT down ring resumes with disability related scholarships. That's one example of using a large language model. In this case chat GPT. As a resume screener, how I can disproportionately impact applicants with disabilities. Another example of a hiring school that can impact people with disabilities kind of disproportionately. There are tools that can while you are doing a video interview that may run this footage that they took during the interview through an algorithm. That algorithm can rank things like local cadence or eye contact. Except there are people with certain disabilities, like neurodivergence - - used in HR for performance reviews and accommodations. In particular, which can be problematic. I think there are real questions as to how that interactive process is if you are using an AI tool in determining combinations. There is a category referred to as boss where which is like surveillance tools that are used in the workplace and an example of that could be you, let's say your workplace on a computer has a keystroke monitor or a video camera that's making sure that you are online all the time. There might be an employee that has to take extra breaks. There are all sorts of disabilities. I could say any number as an example; wheelchair user may need to take a little bit longer to take a restroom break. That would be protected under the ADA but it could be flagged. Can someone not being on the computer. With these sorts of AI enabled hiring tools. Or sorry, boss where tools. And so, when you have a combination of a tool that is flagging a person with a disability and it may be referred to as an AI tool used in HR. You have potentially people with disabilities who are being unfairly disciplined. - - ADA lawsuit filed, I believe two months ago. On a hiring tools specifically. It may be something to watch if you're interested. The next section, what was I going to talk about? Who knows. We made all sorts of recommendations here. About what people with disabilities should do? Know your rights, think about the individual as an accommodation process. What an employer should do. Tell employees what technologies you're using. Explore different procedures, minimize discriminatory impacts. Do audits. Look at whether or not the tool is working and if it's not working, pull it. Try a different one or try nothing. Hiring did happen before AI tools. And then, we talked about agencies. Right? Issuing guidance to employers on integrated tools in the ADA. Her mind companies of their requirements to provide accommodations under the ADA. This gives an example of how we structure this report and it's also an example of how a structure would work.

Another example in education, education technologies can have discriminatory impacts on students with disabilities which can potentially rise to the level of violating statutes. In the classroom we are not just thinking about the ADA but the IDA, individuals with disabilities education act, section 504, both of which predate the ADA. So, an example would be how tools can impact students with disabilities. Remote proctoring software works very similar to the keystroke monitor boss where that I was just mentioning. A lot of schools use these during remote exams. A graduated law school in 2020, took the bar exam in my childhood bedroom where there absolutely was remote proctoring software. That uses typically your Webcam and microphone to monitor you for cheating. But it could flag disability related behavior as cheating. An example of that is someone like myself, I have very dry eyes which means I blink a lot. That could be flagged potentially as behavior related to cheating. Similar sorts of things. Someone who takes longer during a bathroom break. That could be flagged by the software as being related to cheating. Another example that I will give is generative AI tools. So that includes things like large language models, chat GPT. But it's not chat GPT specific. Gemini, llama are all the same in this context. My organization last year published research that showed special education teachers and parents of students with 504 and IEP plans were disproportionately likely to report that their child or students were being disciplined for using generative AI were being accused of using generative AI. These sorts of tools they're having, these real potential harmful impact on students with disabilities. And so, we thought about how people with disabilities in this context parents of youth with disabilities can engage with schools about the use of technology, raise awareness about these tools and their potential impact on civil rights. We thought about how developers can make sure their tools are accessible but again, accessibility is a four. Test tools for disability related bias before they sell them. Because it's important that these tools are not discriminated against disabled youth. We thought about agencies. And is important to note here that our conceptualization of agencies was not solely federal agencies. There's quite a bit that is state leveled agencies can do. They can collect information on the use of AI tools and how they impact disabled students. They can - - because I do it all the time. The last thing I will mention here and I want to take the last 10 to 15 minutes for questions. I talk about AI enabled assistive technology tools. ICT, information and communication technology. One of the reasons I want to talk about this is this is the area in which people technically say AI is so helpful for disabled people. And the answer is, yes it can be. But the answer to that is also that the center of disability justice is focusing on autonomy of people with disabilities. What that means is people with disabilities get to make the decisions about the tools that we use but we should also get to make the decisions on our privacy. What happens to our data when we use these tools and those sorts of things. That plays a role in autonomy. And so, it is 100 percent accurate. AI enabled ICT tools can help people with disabilities. And that can be apps that help low vision people to navigate streets independently. Communication software for deaf or hard of hearing people. But there are risks. And one of the risks is accuracy which is kind of a basic one. These tools do not always work. And they disproportionately don't work for certain types of people. And here's what I mean by that. A lot of people these days will use AI enabled captions. I use them myself. And AI enabled captions are getting better, to be clear but there is research that shows that they disproportionately make mistakes when they encounter speakers who have speech differences. People who may speak, with a stutter. But also, they disproportionately make mistakes for people with whom English is not their first language. People who speak with an accent. And the reason I bring up those latter things

he was a lot of my work focuses on marginalized people with disabilities. What I mean by that are people with disabilities who face marginalization and some other way as well can be disabled people of color, LGBT Q disabled people, etc. So, it's really important to think about the different ways in which these tools may not work solely for people with disabilities but also for marginalized groups and how those multipliers of the marginalization impacts disabled people disproportionately. In the last thing I will mention and I already mentioned it briefly is privacy. A lot of these tools may not be engaging in a sorts of data privacy that an advocate like myself would desire. They may be collecting all sorts of data that is not necessary to the function of the tool. Collecting location data, they may be collecting things in the background that are not necessary. Then there are questions as to what they are doing with it. Are they selling it to data brokers? Is it being used for advertising? The screenshot down here is an article that I wrote on data privacy as a disability issue and again, I elevate this because I think the, when we think about autonomy for people with disabilities, our privacy, personal but data should be included as part of that. So, we thought about how people with disabilities could think about whether or not they often to sharing all of this information including location sharing. We made recommendations to developers on ensuring privacy is protected and last week I actually came out with a manual for developers full of privacy do and don't's. But if you're building assistive technologies, here's how to do it in a way that is protected for disabilities. We thought about agencies, federal specifically thinking about training 508 coordinator-AI tools. Consider issuing guidance of 508 likely does apply to any AI technologies procured, developed or implemented by federal agencies. And to be clear as a note, it is not that I think all of this guidance, especially the AI related agency guidance will happen immediately or right now but the idea is to lay the groundwork because these tools will continue to be developed. Right? I don't believe that AI is a passing fad. I think that these tools are essentially here to stay. They are incorporated in every system that we are encountering even if we don't know it. So, it's important to think about how they impact us but also how we can build better. And so that sort of the work that I do. And that is the work I am hoping a lot of you will join me on. So, I know that I moved quick. But I would love to open up to some questions because I feel like I'm getting some in the chat. I definitely can't see them but I feel like I'm getting some.

>> SPEAKER: I have two questions. The first is we have noted in preparation for presentations we've done that in housing the logarithm set up for AI in terms of screening and possible tenants are very biased against people of color. They've just been able to do that and I don't know. Have you noted in the research you've done in terms of how that's playing out for people who, with disabilities, have you noted that AI is screening folks with potential for needing special accommodations which could cost a landlord money?

>> ARIANA ABOULAFIA: The main thing I've seen our tenant screening algorithms that include as a negative marker, medical debt. Medical debt disproportionately to people with disabilities experience medical debt. Medical debt from the research I've read and it's not our own research but from the research I've read, medical debt doesn't necessarily have such a significant correlation to a tenant's ability to pay rent. It seems to be some advocates say it should be considered like student loan debt were lots of student loan and getting housing. We have seen in the buying administration there was a proposal from CFPB to remove medical debt from credit reports that I believe was overturned. I'm not 100 percent sure. Someone can fax check me. That's the thing that I've seen mostly in the context of disability and tenant screening algorithms.

>> SPEAKER: A great dovetail into question two. We know now medical debt is going to be on people's credit score, etc. were at least that is the push in current administration. With companies developing AI with a decrease in accountability with regard to DIB, what is in place now to monitor the different types of programming that's coming out that has a greater chance now of flying under the radar when it comes to built in discriminatory?

>> ARIANA ABOULAFIA: So, the question is what is in place to prevent his dormitory outcomes?

>> SPEAKER: I am anticipating the worst common scenario. I don't know why but in light of the fact that there is not going to be the kind of corporate accountability that existed because there is such a lax, I don't need to go into detail, everyone knows little talking about. But what is it that we can do to counteract that? Because I anticipate an uptick in the type of artificial intelligence that's going to allow more discrimination versus less discrimination.

>> ARIANA ABOULAFIA: Sure. So, there is still an avenue to speak to developers and companies. The Avenue is that when technologies don't work for disabled people, disabled people don't buy them and we don't use them. So, it doesn't necessarily have to be like, although I obviously believe people with disabilities should be included. But it doesn't have to be a cultural argument. As far as like cultural inclusion. To be clear, I disagree but I do believe there are arguments to make to companies about just ensuring that the most people possible can buy their products. If you make in an accessible tool to people with disabilities, they can't use it so they are not going to. Let me answer the second part. So, taking outside of the company, I don't want to give up hope because they are a lever. To get to the second point. I think the most important thing we can do is raise awareness. Number one. I think it's very difficult to combat any discrimination if you can't point to it. And that is sort of why when I talk about these things I tried to concretize it and that it is not just AI tools are discriminatory against those with disabilities, it happens in hiring, here's what it looks like. It happens in education, here's what it looks like. An important thing advocates can do is make sure that your raising awareness because eventually you want to get to the point where you are trying to push for some sort of legislation. Or you're talking to a local or state agency about regulation. Or you're writing up comments for regulation from an agency. The best place to do that in the best place to be persuasive there is to read or listen to the resources. In the last thing I would say is talk to people with disabilities and become involved in the community. There's quite a bit of knowledge and expertise on these tools in the disability community. People know how this impacts them. They have the ability to tell you. The best part of my job as I get to communicate every single day. People with disabilities, we can tell you what's going on. It's part of centering people with disabilities. If you're thinking about policy from a state or local level, state and sea level, the best thing to do is build expertise on one end but also to talk with us and engage with us.

>> SPEAKER: Thank you for your comprehensive presentation. My question is specifically related to school children with disabilities and the different other ways that they may be discriminated against. With efforts on remote learning or cyber schooling, what would you suggest? Those of us in the educational field for individuals with special educational needs that we advocate for or do so that the tools students have available to them can really advance their learning experience?

>> ARIANA ABOULAFIA: This is tough because there's a lot of youth with disabilities that find these tools helpful and they can be. There are a lot of tools that can be extremely useful for disabled kids. I think the thing I would recommend most to advocate for if you were someone who has the

ability to talk to school districts or that sort of thing would be pre-and post deployment audits. What that means is a pre-deployment audit means in this case, a school district implements an AI tool, algorithmic system or something like that into their district or classroom that they conduct an audit - - you would do what is called a post deployment audit. After it's been in hand going for a while you conduct an audit again where you not only look at the tool itself but you talk to people who have been interacting with it. In this case I would include parents and their as well. To see the sorts of impacts that it's had. Right? I think that that can be a difficult ask in under resourced districts. But I think it is a really important one because just as you have anyone in a job you don't just hire them and say okay by, hope you do well. You do performance evaluations. And depending on if the performance evaluation says that person did great or not so great, you do something about it. We can do the same thing for tools. And I think it is quite important to. Anyone else?

>> SPEAKER: We have questions from online attendees, policy questions. The first one would be what policies or legal amendments could be enacted to effectively highlight discriminatory bias built into our systems? There was a follow-up about regulations passed in other states and if there is anything you'd highlight as being particularly effective.

>> ARIANA ABOULAFIA: Sure. We are seeing a push now to state-based regulation of things like AI tools and automated decision systems. Part of the challenge, I will mention this briefly. Part of the challenge with regulating AI is that it's difficult for legislators and policymakers to agree with what that is. And so, it's difficult to make a policy for something when we don't know what it is we are regulating. A lot of what we see state level are these broad statutes that regulate things like automated decision systems and employment. Or statutes that regulate the use of automated decision systems in other contexts. In addition, we have seen state-level statutes surrounding things like - -. We have seen a push toward I would not be able to point to any particular state-level statute I think is best. I think there are ways to build AI policies for tech policy in ways that are reflective of and center the rights impacts. The rights impacting effects of these tools. I think that would be a good way to think about if you were to craft a policy. The executive order released under the Biden administration on AI thought about it from the rights impacting framework. I'm borrowing not and there are existing OMB memos that thing about her rights impacting framework. I think that's a good way to think about the types of legislation that would help. As a secondary thing. Towards my last point on ICT and federal privacy legislation could help a lot of privacy impacts here. I don't necessarily know if there will be one all-encompassing civil rights bill for AI on the federal level. There certainly is not one right now. On the disability side, one of the good things is we have the ADA, it's not perfect but it's a really strong statute, a broad antidiscrimination statute that we can think about how I can apply to these scenarios. I wouldn't say we have a single civil rights AI policy. We are seeing more happening state-level. I think the trend will continue. But the hope is not lost when you're thinking about disability discrimination. In a lot of contexts, it is still illegal. It doesn't matter that it's an AI tool that did it. I think we have time for one more. I will let whoever has a microphone choose.

>> SPEAKER: Thanks. I understand some software or apps have recording involved. And in certain states there is two-party consent for recordings. I believe Pennsylvania is one. How have you been able to navigate circumstances like that? Have there been circumstances where a person with a disability has been prohibited from using a software app that could help them because of that?

>> ARIANA ABOULAFIA: Not that precisely but there can be scenarios where people with disabilities are not able to use certain apps because of tech policy. If you want to look into it the Illinois - - framework is possible that I could prevent line from using absent round visual recognition. I don't know that it has happened. Thinking about it in theory, how that works. My instincts with the recording question in particular is that these things may ask for consent. You pull it up and it's like I have access to your microphone? Sure. Right? What's concerned about the recording consent, although a privacy risk still. I'm more concerned with the ways in which even if you consent to being recorded without consenting to being terminated against on the basis of disability. Two separate but potentially related things. You want to look into that more it is worth looking into SP. We have time for one more?

>> ARIANA ABOULAFIA: I'm not the boss.

>> SPEAKER: You mentioned earlier about how not all software is accurate. We have a staff member in our organization is very limited with their hands and it's hard for them to type so they rely on voice to text software. However. The ones they use are very inaccurate. So, I just wanted to ask you, you know if any of the most accurate voice to text software is?

>> ARIANA ABOULAFIA: I really don't. What I will say is in all likelihood software is going to get better over time. Because the more data that goes into them the more accurate they can be. If anyone started using chat GPT when it came out in 2022 you might notice it's getting better. That's because there's more people feeding into it and data to use. Voice to text is one of those things that can be helpful, especially at work with disabilities, unfortunately I don't know if many that are accurate more so than others. They face the same problems, unfortunately. All right. I think we are, thank you all.

>> SPEAKER: Thank you to our speaker Ariana Aboulafia. A timely discussion, as mentioned, I don't think AI is going anywhere anytime soon and there are things to consider as we move forward in technology space. We will shift into our third session. Hearing examiner - - could you please introduce our next speakers?