



**Testimony of Jiny Kim
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**Before the
United States House Subcommittee on Consumer Protection and Commerce
of the Committee on Energy and Commerce**

**Hearing on “Inclusion in Tech: How Diversity Benefits All Americans”
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Good morning, Chairwoman Schakowsky, Ranking Member McMorris Rodgers, and Members of the Subcommittee. Thank you for the opportunity to testify on the importance of diversity in the technology sector. My name is Jiny Kim, and I am the Vice President of Policy and Programs at Asian Americans Advancing Justice | AAJC, a national civil rights organization founded in 1991 that is dedicated to advancing the civil and human rights of Asian Americans, as well as building and promoting a fair and equitable society for all. To pursue our mission, we work with over 160 community partners across the country, as well as in coalition with other civil society organizations that represent diverse constituencies. In our technology work, we hold private sector entities accountable to ensure that communities of color are not left behind in the world of innovation and advancement.

With millions of jobs created each year by the tech industry, there is no reason anyone should be left behind. However, the case for diversity is more than just a moral one – there’s a real economic advantage that must be recognized. While many technology companies have taken the important step of addressing their lack of racial and gender diversity in the tech sector by releasing annual updates on diversity, there is still little overall progress being made. Further, companies have yet to collectively build effective tools for retaining, recruiting, and promoting those employees from diverse backgrounds. What is more concerning is that the programs,



products, and services created by these companies not only reflect this lack of diversity, but also have a disproportionately negative impact on communities of color. Effective reform will take more than just hiring reform, but a strong collaboration with civil society organizations to change a deep-seated culture in tech companies.

THE ECONOMIC ARGUMENT FOR DIVERSITY

Beyond the moral reasoning behind hiring diverse staff and creating products without troubling impacts on communities of color, the economic reasoning behind diversity has been well-documented in numerous studies, including ones referenced in Open MIC's 2017 report on investing in racial diversity in tech, which I have included for your reference. In fact, companies in the top quartile in terms of racial diversity are thirty-five percent more likely to have financial returns higher than the national median in their industry. This is even more true for the tech sector where products are the result of creative collaboration, so any edge you can gain on creativity will be lucrative.

DIVERSITY DATA IN TECH COMPANIES: A CLOSER LOOK

The unfortunate reality is that the massive success of tech companies comes at the cost of excluding women and people of color not only from their employment listings, but also from positions of leadership. According to the U.S. Equal Employment Opportunity Commission's study of tech sector employment data in 2014, African Americans and Latinos are underrepresented in tech by sixteen-to-eighteen percentage points compared with their presence in the American labor force overall. While there is higher representation of Asians in the tech workforce, they are still underrepresented in non-technical roles compared to their presence in technical roles and they are disproportionately left out of C-suite positions. In fact, white



employees are represented at a higher rate in the tech sector's executives category: the same EEOC study referenced above showed an 83% representation of white employees as tech executives in technical positions.

Data released by the top five tech companies this past year reflect a similar trend. Facebook reported having representation by African Americans grow from 2% to 4%, while Microsoft reported an overall 0.1% growth of African American staff from 2017 to 2018. While Amazon reported 63% of their leadership representation to be white in 2017, Google reported in 2018 that their white leadership representation was 66.9%. Finally, Apple reported that their leadership representation of Latinos stayed the same from 2016 to 2017 – at 7%. These numbers are disappointing given the fact that tech companies have committed to recruiting diverse staff and leadership, as well as investing in pipeline programs for at least the past five years.

While the effort companies are making to provide transparency in their diversity data should be appreciated, there remain several issues in how that data is reported. For example, the Asian American and Pacific Islander community represents over fifty different ethnic groups and 100 languages and/or dialects. Yet, in reporting their data, companies fail to disaggregate the data, resulting in overlooking those groups that have a lack of educational attainment, higher rates of poverty, and larger populations with limited-English proficiency. When these groups are left out, those efforts by tech companies and other stakeholders to encourage recruitment from diverse communities or increase investment in STEM programs is incomplete. Finally, we are encouraged to see that some companies are specifically listing data for Native American, Native Hawaiian & other Pacific Islander communities, but this is still not a mainstream practice.



ISSUES WITH RECRUITMENT, PROMOTION, AND RETENTION

Not surprisingly, tech companies have developed digital tools to review the myriad of applicants who apply for positions in their companies. Similar tools are also used to assess qualifications for promotion within the company. The problem with this approach is that the ideal profile being used as a model applicant reflects a majority white culture and the resulting unconscious bias. Posted job listings also use racially or gender-conforming language to push a white, male cultural norm which is incorporated into the initial screening process. To address these issues, companies should avoid using racially or gendered-coded terminology, as well as implement anonymous hiring tools to screen candidates without seeing personally identifiable information that may indicate age, gender, or race. Finally, training hiring teams and committees to identify unconscious and interpersonal bias will help improve hiring outcomes.

Greater effort is also needed to retain employees of color and women. In research conducted by the Level Playing Field Institute (LPFI), young women of color perceived race-based stereotypes as much more ominous barriers than those based on gender. Additionally, a 2007 Corporate Leavers Survey conducted by LPFI showed that white women are 1.5 times more likely than white men to leave the workplace due to the cumulative effect of subtle biases. People of color, regardless of gender, leave at more than 3.5 times that rate solely due to unfairness.

Some tech companies have taken the important step of reporting attrition rates of employees from diverse backgrounds. We applaud this effort as one step towards understanding what mechanisms and environmental factors are needed to retain diverse staff and eventually place them in the leadership pipeline. Companies that focus on supporting their employees through mentorship programs and Employee Resource Groups are also taking critical steps



towards retaining employees.

BIAS AND DISCRIMINATION IN TECH PRODUCTS

It is a common understanding among civil society organizations that the prejudice, ignorance, and hate we combat in real life live in the digital space at the same level, if not a greater magnitude. Similarly, tech companies that foster a majority white male employee base simply feed their own biases into the machines they create. We see this often in the search results for popular search engines. For example, type in “Asian girls” or “Latina girls” into a search and what will come up will be explicit images or other mature suggestive content. Given the fact that these searches are driven by predictive technologies created by human beings, the results are troubling.

In the criminal justice system, we see other disturbing examples of algorithmic bias. When a popular algorithm designed to predict when and where crimes will take place was used by police in Oakland, California, the program repeatedly sent officers to neighborhoods with a high proportion of people from racial minority groups, regardless of the true crime rate in those areas. Courts have also begun using predictive software to sentence convicted individuals. ProPublica published an account of two individuals who separately committed shoplifting – one individual was African American and the other was white. When a sentencing algorithm was used to predict the likelihood of each committing a future crime, the African American individual was rated a higher risk, even though he had only committed misdemeanors as a juvenile prior to the current offense, while the white individual had been convicted of attempted armed robbery as an adult prior to the current offense. Two years later, the computer algorithm was proven wrong with only the white individual having committed a felony.



Algorithmic bias has also shown up in housing, an area that has a long history of discriminatory practices against communities of color. A University of California Berkeley study found that both online and face-to-face lenders charge higher interest rates to African American and Latino borrowers, earning 11 to 17 percent higher profits on such loans. The algorithm, in this instance, was able to determine which applicants might do less comparison shopping and accept higher-priced offerings by the lender. The result was a disproportionate impact on minorities applying for loans. There are many reasons why communities of color may shop around less. One reason may be that they live in areas with less access to a range of financial products.

The most alarming practice by technology companies is commercializing products that have clear algorithmic bias. Facial recognition technology has a long history of bias which notably came to the spotlight when an African American man in 2015 was shocked to find an album of his digital photos titled “Gorillas” in which the software categorized him and his friend as primates. Regardless of the controversy surrounding the incident, companies have still failed to take adequate action. A study published in February of last year by researchers from MIT Media Lab found that facial recognition algorithms designed by IBM, Microsoft, and Face++ had error rates of up to thirty-five percent higher when detecting the gender of darker-skinned women compared to lighter-skinned men. Now companies such as Microsoft and Amazon have begun engaging government entities on the sale of such products. While some companies have developed internal principles around the ethical use of artificial intelligence, we cannot underestimate a private company’s desire to edge out competition and maximize profit in any given sector.



THE ROLE OF CIVIL SOCIETY

There is a serious culture shift that must take place within these companies, and civil society, and specifically, civil rights organizations like Asian Americans Advancing Justice | AAJC have already begun to play their part in this long overdue change. For example, Facebook with its well-documented issues, is taking part in a civil rights audit where several civil rights groups, like The Leadership Conference on Civil and Human Rights, will provide feedback on areas ranging from social media ads to company culture. Other tech companies have begun engaging civil society on diversity and inclusion issues, even sharing diversity data before it is publicly released. We have also joined our civil society partners in advocating for diverse communities in all aspects of tech policy. Last week, this subcommittee heard from Ms. Brandi Collins-Dexter from Color of Change who referenced the letter sent to Congressional leaders by 40 advocacy groups urging leaders to put civil and human rights at the center of the digital privacy discourse. I've included that letter for your reference.

CONCLUSION

The tech sector has transformed the way we communicate and connect with one another. Technological tools, which were once a benefit to have, have now become a critical necessity. We must ensure that the development of these products, services, and experiences leave no one behind and do not harm communities of color. In order to do so, employees who create these innovative tools must reflect the diversity of the communities that companies seek to reach. Thank you for providing me with the opportunity to testify on this important subject. I look forward to answering your questions.

