

 [Jenny Baker](#) / Thursday, September 8, 2022 / Categories: [Member News](#), [Items of Interest](#), [Governance](#)

# Position Statement: In Support of EEOC/DOJ Warning Against Disability Discrimination When Using AI

Description: Suggested DIAC position statement from SIOP regarding DOJ/EEOC initiative (May 2022);

Revised for SIOP EB review on August 3, 2022

On May 12, 2022, the U.S. Department of Justice (DOJ) and Equal Employment Opportunity Commission (EEOC) launched a joint initiative to combat the discrimination faced by individuals with disabilities (IWDs) who are involved in organizational recruitment and selection processes that involve the use of artificial intelligence (AI): “the broad class of technologies that allow a computer to perform tasks that normally require human cognition, including adaptive decision making” (Tambe et al., 2019, p. 16; U.S. Equal Employment Opportunity Commission, 2022). The use of AI during selection raises three specific concerns for IWDs, including: (1) equitable access to hiring opportunities (e.g., IWDs’ right to accommodation being circumvented), (2) disparate impact (e.g., IWDs being hired at disproportionately lower rates due to adverse impact of the tools themselves), and (3) the potential for accessing protected and private information without individuals’ consent as described by the Americans with Disabilities Act Amendments Act of 2008. For these reasons, the Society for Industrial and Organizational Psychology (SIOP) supports the U.S. DOJ and EEOC in efforts to raise awareness of these potential threats and to take a proactive stance in preventing and combatting potential discrimination against IWDs during hiring. These threats are further [elaborated upon in this supplement](#), but professional employment test standards can be found in the [SIOP Principles for the Validation and Use of Personnel Selection Procedures](#) (5th Edition, SIOP, 2018, p. 39) and the [Standards for Educational and Psychological Testing](#) (AERA/APA/NCME, 2014, Ch. 3).

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