

# BEYOND THE STATEMENT: TECH FRAMEWORK

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Hello



As our world becomes increasingly dependent on technology for our day-to-day activities, digital technology firms must proactively take steps to preserve and enhance the civil rights of their users. Many tech corporations made public remarks that touted their solidarity with Black people and recognized the need for racial justice following the countless murders of Black Americans by police and extrajudicial vigilantes that continue today. **However, remarks without actions to accompany them are meaningless.** It is crucial that tech companies across the sector address discrimination in their businesses from noxious white nationalist content on social platforms to targeted and predatory advertising to biased algorithmic decisionmaking to inequitable work environments. The efforts outlined below represent concrete actions technology firms must take, at minimum, to act in alignment with their values and ensure a more humane and less hostile world for Black people.

## INCREASE TRANSPARENCY

Increased transparency in the form of algorithmic and platform bias assessments, audits, and publicly shared anti-discrimination efforts and procedures is critical in the elimination of discriminatory features of products. Audits provide the general public with knowledge of where a company stands regarding the diversity of its staff, whereas algorithmic and platform bias assessments make tech executives and employees aware of any discriminatory product features.

More importantly, these audits provide executives with the knowledge necessary to precisely determine where in the product development process discrimination manifests. This knowledge aids executives in strategically addressing and eliminating discrimination within their organization and from their products.

### Recommendation 1a—Conduct a racial equity audit

All tech companies must conduct a public, independent racial equity audit, at minimum, to determine their shortcomings and strengths regarding civil rights and racial equity. An analysis of products, policies, and procedures as well as workforce and environment will help corporations determine where they must most urgently dedicate their time to further racial justice and equity within their firm.

### Recommendation 1b—Exclude discrimination provisions from non-disclosure agreements and implement and enforce a non-retaliation policy

Tech firms must also allow their employees this same level of transparency with their supervisors and the general public if a corporation and its products are to be completely free of discrimination and hate. Currently, far too many Black technologists and executives are bound to non-disclosure agreements that prohibit them from fully holding their organization accountable due to fear of financial and reputational retribution.<sup>1</sup> Instead, tech companies should severely restrict the use of non-disclosure agreements or explicitly exclude discrimination and hate from the

<sup>1</sup> Emily Birnbaum, "A wall of silence holding back racial progress in tech: NDAs," Protocol, July 1, 2020, <https://www.protocol.com/nda-racism-equality-diversity-tech>.

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banner of non-disclosure in the agreement. Tech companies should also implement and enforce non-retaliation policies in an effort to create a safe, inclusive environment where employees feel empowered to inform leadership of any discrimination or bias they face or witness. The enforcement of such policy allows a level of transparency that informs leadership of any persistent discrimination or bias that they can correct before the issue metastasizes. The exclusion of discrimination provisions from non-disclosure agreements and the enforcement of non-retaliation policies should not be pigeonholed to human resources alone, as they are a critical component in creating a culture of transparency, accountability, and support.

**Recommendation 1c—Share interfaces, anonymized data, and internal research with academics and independent researchers**

To meaningfully address and eliminate discrimination, users’ personal information from these audits and assessments must be anonymized and made available to academics and researchers to independently analyze and evaluate levels of discrimination. Furthermore, interfaces must also be shared with academics and independent researchers to evaluate technology products and services for discrimination. Project Lighthouse, a partnership between Airbnb and Color Of Change, serves as an exemplar for the study of discrimination on a tech platform.<sup>2</sup>

**EVALUATE PRODUCTS FOR DISCRIMINATION**

All technology products must be tested and evaluated for discriminatory impact and threat to civil rights. These assessments will ensure that products developed will be created with intentionality and with thoughtful consideration given to the experience of Black users.

**Recommendation 2a—Evaluate policies, product(s), and data used to develop product(s) for discrimination**

All policies and technological products must be evaluated for discrimination and civil rights violations regarding the experiences of and impact(s) on users. Ethical technology experts must lead the creation of these evaluations, and their expertise must include specific pillars regarding racial discrimination. Furthermore, during all phases of the product development process, technologists must prioritize and adhere to civil rights and nondiscrimination standards prior to the product being publicly released. These evaluations must also apply to the data used to make product decisions because data is often a reflection of the discrimination that occurs in the real world. If the data being used is the product of real-world prejudice or further perpetuates discrimination, said data should not be used to develop any technological products. All internal research about technological products and the policies that govern them must be prioritized and shared in its entirety, regardless of the conclusions, in an effort to make nondiscriminatory technology a reality.

**Recommendation 2b—Create systems that allow users to share feedback, and ensure that feedback is shared openly and transparently**

Any firm that genuinely values and prioritizes racial equity and civil rights will solicit feedback from and listen to product users. Product feedback from a diverse range of stakeholders will ensure that technology firms adjust their products to prevent the metastasization of any blindspots. This makes user feedback critical. There will inevitably

<sup>2</sup> Airbnb, “A new way we’re fighting discrimination Airbnb,” Airbnb, June 15, 2020, <https://www.airbnb.com/resources/hosting-homes/a/a-new-way-were-fighting-discrimination-on-airbnb-201>.

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be instances where a firm’s staff will not realize the discriminatory impact of a product feature or the harm it has caused, so the creation of user feedback systems will prove beyond valuable. When users give feedback, firms also have a responsibility to reply. These responses demonstrate that a firm is concerned with and listens to user feedback. Furthermore, firms must also inform users beforehand as to how feedback will be used and implemented, so users know the time they spend giving constructive feedback is seriously considered and acted upon.

**Recommendation 2c—Ensure that developers and engineers prioritize civil rights and anti-discrimination when creating products**

A diverse team is simply the first step in the development of equitable and just product(s) and features, but diversity alone is not enough. A robust knowledge of civil rights and anti-discrimination along with performance metrics related to the prioritization of these categories will result in development and engineering teams that create products that are fair and just with an optimal user experience.

**RECRUIT, HIRE, AND SUPPORT A DIVERSE WORKFORCE**

Tech firms must make concerted efforts to remedy existing racial disparities within their own workforces. A racially diverse and aware workforce is crucial in the production and implementation of racially just tech products. When there is a critical mass of employees that are aware of the origins and impacts of white supremacy and anti-Blackness across all vertical and horizontal work streams, a shift in culture is possible.<sup>3</sup> Thus, it is imperative that tech firms put resources behind hiring underrepresented groups and increasing the awareness of all its employees through comprehensive racial justice trainings and initiatives.

**Recommendation 3a—Alter hiring metrics**

To attract Black talent in particular, tech firms must alter their definitions of merit, quality, and qualified in addition to acknowledging that there is no objective definition of merit. The narrow and limited definitions that firms use do not take into account the systemic barriers that Black people and other underrepresented groups must overcome to become employed at their highly selective firms. This biased meter stick perpetuates centuries of inequality and allows executives to avoid diversifying their workforces through the lazy excuse of a pipeline problem. Black talent exists and, if given the opportunity, can excel.

**Recommendation 3b—Increase recruitment efforts at HBCUs and state universities**

In order to diversify their workforces, tech firms should place more emphasis on recruiting from HBCUs, state colleges and universities, and the networks of employee resource groups. An article from the Harvard Business Review notes that current recruitment initiatives disadvantage Black talent in that they often only recruit from elite universities and depend on internal referrals whose networks are often racially homogenous.<sup>4</sup>

**Recommendation 3c—Create an inclusive company culture to improve the retention of Black employees**

Efforts to create a diverse and inclusive workforce must not stop at the recruitment of employees or the celebration of underrepresented groups. The retention of underrepresented employees is critical to ensuring an inclusive work

<sup>3</sup> Ed Yong, “The Tipping Point When Minority Views Takeover,” The Atlantic, June 7, 2018, <https://www.theatlantic.com/science/archive/2018/06/the-tipping-point-when-minority-views-take-over/562307/>.  
<sup>4</sup> <https://hbr.org/2019/01/how-organizations-are-failing-black-workers-and-how-to-do-better>

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environment and racially equitable products. Black employees in tech face company cultures riddled with prejudice, discrimination, and pay disparities, and their experiences are becoming public knowledge.<sup>5</sup> Their experiences make it clear that the onus to change is on non-Black employees and company culture. Company leadership has the power and authority to make these changes a reality. Countless articles, studies, and research studies can be leveraged to inform the initiatives created and implemented to retain Black employees and foster the relationships necessary for them to garner greater influence within an organization. At minimum, firms must repair any harms or enforce consequences when transgressions, whether they be intentional or not, are committed against Black employees.

**Recommendation 3d—Treat workers essential to business functions as employees**

Many technology platforms depend on contractors for their businesses to function, yet too many of these technology firms treat contractors as disposable commodities. A firm’s commitment to racial justice is inadequate without improved working conditions, benefits, and pay for contractors since Black contractors represent a greater share of the tech ecosystem than Black full-time employees.

Contracted workers do not receive the same benefits and protections as official company employees. Hiring contractors as employees would allow these essential workers to collect unemployment insurance, take sick and family leave, and unionize for labor protections. These protections safeguard employees from hardships, especially during the current worldwide pandemic. These contracted employees, whether they be content moderators or rideshare drivers, are essential to the business function of tech firms and must be treated as such. Contractors deserve to be treated with dignity and respect for the critical work they do.

**HIRE AND EMPOWER INTERNAL CIVIL RIGHTS STAFF**

Tech and Silicon Valley in particular have a culture that rewards “moving fast and breaking things.” Moving fast and breaking things should never cost Black people their humanity or liberty. This culture needs to be reversed so that the products developed do not further harm Black users but, rather, act as tools that foster racial equity.

**Recommendation 4a—Hire a C-suite level civil rights leader and civil rights staff**

A C-suite level leader with civil rights expertise must lead an internal civil rights office to ensure that products developed do not perpetuate the injustices Black people and other historically marginalized communities already face. The C-suite level leader must report to the CEO to ensure that civil rights are prioritized and be given the influence required to meaningfully achieve a racially just corporation. Further, any Diversity, Equity, and Inclusion (DEI) departments must be housed under the civil rights office so that any and all DEI efforts are not pigeonholed to human resources but given the comprehensive scope they necessitate.

**Recommendation 4—Grant civil rights executives and staff critical decision-making power**

Civil rights staffers must test and review all technologies to prevent any products from adversely impacting Black users. This office must also be given the liberty and authority to independently create a comprehensive set of

<sup>5</sup> Katharine Schwab, “Discrimination charges at Pinterest reveal a hidden Silicon Valley hiring problem,” Fast Company, July 2, 2020, <https://www.fastcompany.com/90523292/discrimination-charges-at-pinterest-reveal-a-hidden-silicon-valley-hiring-problem>; Sara Ashley O’Brien, “Google has a hard time keeping its black employees,” CNN Business, June 15, 2018, <https://money.cnn.com/2018/06/15/technology/google-diversity-report/index.html>; Nick Bastone, “Google employees are circulating a memo written by a former Googler who says they encountered racism and ‘never stopped feeling the burden of being black’ while working there,” Business Insider, August 15, 2019, <https://www.businessinsider.com/black-former-google-employee-writes-memo-about-racism-at-company-2019-8>.

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criteria and an evaluative system to judge products against. The C-suite level civil rights executive must also be a frequently consulted, decision-making stakeholder regarding business and product decisions given their expertise and research produced from the civil rights office. These decision-making powers must include go/no/go power over products, hiring and firing power, power over promotions, and power over the flow of people, product, and money, among many others.

## HOLD INTERNAL DECISION MAKERS ACCOUNTABLE

Racial justice programming alone will not curb the implicit or explicit biases of tech product developers and executives. Protocols must be in place that hold software developers, engineers, and executives accountable for any products that result in discrimination regardless of their intent, and plans of action to repair harm must be implemented and enforced. The impact of discriminatory products on the lived experiences of Black people far outweighs the intent or remorse of any developer or executive.

### Recommendation 5a—Create civil rights-oriented accountability systems tied to performance evaluations

In order to create anti-discriminatory products, the internal civil rights office must be allowed to independently create anti-discrimination accountability systems for all levels of staff and leadership. Accountability systems created must be tied to performance reviews and key performance indicators to maximize the level of investment from all staff.

### Recommendation 5b—Routinely measure user product experience and impact by race

These accountability systems must begin with the measurement of racial and demographic differences regarding user experience of all products. This data can then be used to strategically address any discrimination occurring on the platform and to meaningfully hold the correspondent software developers, engineers, and/or executives accountable for a discriminatory product. The accountability systems created must also be tied to performance reviews and key performance indicators in order to maximize the level of investment from all staff.

## DIVEST FROM POLICE AND MASS INCARCERATION

Tech firms must not use technological innovation and their economic power to prop up local police departments and other authorities who threaten and exploit Black lives or promote anti-Black practices. Instead, where tech firms possess or can build the power to do so, they should advocate for alternatives and reinvestment in Black communities.

### Recommendation 6a—Terminate partnerships with law enforcement agencies that advance the use of surveillance technology, inclusive of predictive policing

Law enforcement agencies use surveillance technology to police Black communities with fewer consequences for themselves while those they police still suffer the same harmful outcomes. Technology firms that create and/or sell surveillance technology are complicit in the harms Black communities face since these technologies replicate the biases deeply embedded in the world around us while moving those directly responsible for harm further away from blame. Creating ethical technology alone will not solve this problem when there are people with bias who develop this technology and law enforcement agents—whether they be state, local, or federal—who weaponize this technology to further traumatize the most marginalized communities.

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**Recommendation 6b—Implement a business model that divests from police and mass incarceration, especially regarding financial investments and labor**

Any racially just and equitable technology firms must make business decisions that affirm decarceration and community safety. Business acquisitions, financial investments, and labor decisions that sustain the prison-industrial complex and further the surveillance of Black communities pose an immediate threat to the well-being and safety of Black people. A technology firm that believes in racial equity must not use prison labor, invest in private equity or mutual funds whose profit margins depend on imprisonment, or acquire carceral industry or surveillance firms. Instead, technology firms should prioritize and invest in ethical financial and labor investments in addition to acquisitions separate from the prison-industrial complex.

**Recommendation 6c—End support of police foundations and financing of law enforcement nonprofits**

Technology firms must cancel all current and future sponsorship deals with police foundations or law enforcement nonprofits, including event partnerships, participation in galas or fundraisers, and in-kind donations of money, employee matching funds, equipment, software, data, or technology. Furthermore, current employees—at all levels—who sit on a police foundation’s board should immediately step down from those boards. Future employees should be banned from representing their employers on any police foundation board or in any law enforcement nonprofit organization.

**Recommendation 6d—Invest in the safety of Black communities**

Where technology firms can use their voice, they must keep up the pressure on local governments to reduce spending on police and prisons, to adopt transformative changes in the criminal legal system, and to shift investments to Black communities.

**If you’d like to adopt the framework for your company please email [BTSTech@colorofchange.org](mailto:BTSTech@colorofchange.org).**

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