MCRC GUIDING PRINCIPLES FOR THE ELIMINATION AND PREVENTION OF ARTIFICIAL INTELLIGENCE BIAS AND DISCRIMINATION

(Adopted October 2024)

The White House Office of Science and Technology Policy has provided a blueprint for an Artificial Intelligence (AI) Bill of Rights by identifing five principal guidelines for the design, use, and deployment of automated systems to protect the American public in the age of artificial intelligence.

The Michigan Civil Rights Commission affirms these guidelines as practical and necessary to secure human technological advancement that observes and respects the civil rights of the People of Michigan:

1. **The public should be protected from unsafe or ineffective AI systems.**
2. **The public should not face discrimination by algorithms and AI systems should be used and designed in an equitable way.**
3. **The public should be protected from abusive data practices via built-in protections and should have agency over how data about them is used.**
4. **The public should know that an AI empowered automated system is being used and understand how and why it contributes to outcomes that impacts them.**
5. The public **should be able to opt out, where appropriate, and have access to a person who can quickly consider and remedy problems we encounter.**

Ref: https://www.whitehouse.gov/ostp/ai-bill-of-rights/

The Michigan Civil Rights Commission believes that early and thoughtful government action at all levels of government is necessary to address the actual and potential harms of AI systems. The Michigan Civil Rights Commission is aware of the increasing instances of discrimination based on the deployment of AI systems and the inevitable potential for further discriminatory outcomes if fundamental principles and objective guidelines are not put in place to prevent and overcome potential discriminatory outcomes.

In this age of artificial intelligence, the Michigan Civil Rights Commission commits to securing civil rights protections to individuals within the great State of Michigan who enjoy

the protections of the Elliott Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act, through the adoption of the following principles:

1. Individuals within the State of Michigan that are subject to the protections of its civil rights laws (hereinafter, "The People of Michigan") **should be protected from unsafe or ineffective systems.** Therefore, automated AI systems should be vetted in consultation with diverse stakeholders and communities throughout the state to identify concerns, impacts, and risks.

2. **The People of Michigan should not face discrimination by algorithms and systems employing such algorithms should be used and designed in an equitable way.** Therefore, legislation supporting prevention of algorithmic discrimination which occurs when AI empowered automated systems contribute to unjustified different treatment or impacts disfavoring people based on protected classes should be drafted and introduced.

3. **The People of Michigan should be protected from abusive data practices via built-in protections and should have agency over how personal data is used. Therefore, protection** from violations of privacy through design choices which create or perpetuate inequity and bias should be ensured, and monitored through ongoing assessment by a designated task force to determine data collection conforms to reasonable expectations and that only data strictly necessary for the specific context is collected. The construction, build out and design of AI software, algorithms and systems should incorporate testing and remediation to address bias prior to implementation. Regular assessments and evaluations for potential bias and discriminatory outcomes and impacts is also necessary.

4. **The People of Michigan should know that an AI empowered automated system is being used and understand its impact.** Therefore, designers, developers, and deployers of AI empowered automated systems should provide clear descriptions of the role AI empowered automation plays in any system and explanations of anticipated outcomes via timely documentation in clear, accessible language.

5. **The People of Michigan should be afforded the option to opt out from AI empowered automated systems in favor of a human alternative where appropriate, with necessary accommodations for persons with disabilities. Therefore, state and local entities should develop and integrate viable, responsive and equitable human systems as appropriate alternate options.**

6. **The People of Michigan should be served by a Commission on the Responsible Use of Artificial Intelligence, comprised of AI experts, stakeholders, government officials, disability community, academic experts,**

K-12 education community and community members who will measure, monitor, and evaluate the impact of AI in an effort to anticipate and prevent any unintended outcomes that may lead to harmful impacts, including discriminatory practices and procedures, and offer practical government and private sector solutions and policies.

7. **Michigan's state, local and county governments should implement measures, procedures, best practices and appropriate internal task forces to assure their constituents are not subject to discriminatory AI practices and policy decisions.**

8. **State, local and county governments should partner with the above-proposed Commission on the Responsible Use of Artificial Intelligence and the Council for Government and Education on Equity and Inclusion to promote and advocate for legislation and policy changes that provide civil rights protections from AI empowered automated systems in relationship to hiring, retention, recruitment, and promotion of the workforce; access to and use of public resources and public accommodations; and other areas deemed appropriate and necessary to safeguard civil rights.**