



Queer in AI Response to NIST RFI NIST-2023-0009

Queer in AI¹, a subsidiary of Out in STEM², is a grassroots advocacy organization that raises awareness of queer issues in artificial intelligence (AI) and supports LGBTQIA+ researchers. Queer in AI has over 1,000 members, spanning industry, academia, and nonprofits and many areas of AI research, development, deployment, and regulation. Queer in AI is recognized as a leader in using participatory methods, which center the needs and knowledge of impacted communities, to shape AI research, development, and deployment. Our recent paper *Queer In AI: A Case Study in Community-Led Participatory AI*[1] on this topic was recognized with a best paper award at FAccT 2023, a top AI ethics conference. We recently ran community workshops on critiquing and redesigning bias bounties, a form of red teaming, surfacing many fundamental and practical critiques of bias bounties from the queer community. This work was presented in *Bound by the Bounty: Collaboratively Shaping Evaluation Processes for Queer AI Harms* at AIES 2023[2], another top AI ethics conference.

If AI is not designed with queer harms (e.g., violence, stigma, discrimination) in mind, AI only stands to reproduce these harms, posing risks to the civil rights, civil liberties, and opportunities of LGBTQIA+ individuals.

Large language models are trained on data that: (1) contain queerphobic hate speech; (2) lack queer-affirmative language and representation of diverse genders & pronouns; and (3) are stripped of references to LGBTQIA+ identities. Hence, such models regurgitate stereotypes and harmful narratives about queer people, contributing to their misgendering, alienation, and erasure. In addition, content moderation AI often fails to flag queerphobic hate speech, yet incorrectly classifies queer content as harmful and censors it; for example, the statement "I'm queer" might be marked as "toxic" and automatically removed. Queer people simultaneously face hypervisibility and privacy violations, e.g., through outing via location data and monitoring on dating and social apps. Furthermore, AI has given a dangerous veneer of legitimacy to physiognomy and phrenology, including using computer vision to identify queer people and infer gender from faces.

Furthermore, biometrics assume that gender expression is immutable, and hence could work poorly for trans and non-binary people who physically transition. Therefore, the deployment of biometrics to verify identity or detect fraud: (1) can out trans people and cause them gender dysphoria; (2) incorrectly classify gender minorities as security risks, subjecting them to police violence; and (3) discriminate against gender minorities trying to enter the U.S. or access essential health, employment, and housing services.

¹ <https://www.queerinaai.com/>

² <https://ostem.org/>

We urge standards and regulations that **redline pseudoscientific uses of AI**. Government agencies, at all costs, should *not* deploy and should explicitly advise *against* pseudoscientific uses of AI that fundamentally cannot work, e.g., emotion detection and gender recognition. Such applications, which make problematic assumptions about normative body presentation, inevitably lead to discrimination against LGBTQIA+ people (e.g., in law enforcement) and reinforce cis and heteronormativity.

We urge NIST to **engage LGBTQIA+ participation in development of standards and regulations**. Government agencies must engage in public consultation and practice stakeholder engagement with diverse, intersectionality oppressed LGBTQIA+ communities *throughout* the design, development, and deployment of AI. Seemingly benign measures to ensure, for example, child safety, can have adverse effects on LGBTQIA+ youth because many states deem queerness itself to be inappropriate for children. Importantly, LGBTQIA+ people should have the right to refuse certain AI at any part of the development process. Queer people should further have processes for reporting, mitigation, and redress of harms.

In summary, we urge the development of AI standards and regulations to realize the AI Bill of Rights. Further, we urge that AI standards and regulation creation and the ongoing process of enforcing these standards use participatory methods to center communities most impacted by AI, including the queer community.

References

- [1] QueerInAI, Organizers Of, et al. "Queer In AI: A Case Study in Community-Led Participatory AI." Proceedings of the 2023 ACM Conference on Fairness, Accountability, and Transparency. 2023.
- [2] Dennler, Nathan, et al. "Bound by the Bounty: Collaboratively Shaping Evaluation Processes for Queer AI Harms." Proceedings of the 2023 AAAI/ACM Conference on AI, Ethics, and Society. 2023.