NO PREP

When Hiring AI Discriminates

Real Cases

Includes: Student reading, case study, differentiated questions, teacher key

Name: Period: Date:

When Hiring AI Discriminates: Real Cases

The Promise of the Algorithm

In the early 2010s, companies began experimenting with artificial intelligence in their hiring processes. The appeal was straightforward: human recruiters are expensive, slow, and inconsistent. They get tired. They have unconscious preferences. They sometimes favor candidates who went to the same school, share the same hobbies, or remind them of themselves. An algorithm, the thinking went, would cut through all that subjectivity. It would evaluate resumes and applications based purely on relevant factors — skills, experience, results — and produce a ranked list of the best candidates. Bias would finally be removed from the process. The reality turned out to be far more complicated. AI hiring tools did not eliminate human bias from recruitment. In several high-profile cases, they systematized it — taking patterns of discrimination

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Amazon's Résumé Screener

Amazon began building an AI resume screening tool around 2014. The company had enormous hiring needs and mountains of historical data: hundreds of thousands of resumes from applicants over many years, along with records of who had been hired and who had been successful on the job. The AI was supposed to learn from this data and identify patterns associated with successful Amazon employees. By 2015, Amazon's engineers discovered that the tool was systematically penalizing resumes that included the word "women's," as in "women's chess club" or "women's college." It was also downgrading graduates of all-women's colleges. The reason was not that anyone programmed the tool to discriminate against women. The reason was that

Amazon's historical hiring data, like most technology company data from that era, was dominated by male employees. The AI learned that the pattern associated with successful hires at Amazon was "male," without that word ever appearing in any line of code. Amazon disbanded the project in 2018 without ever deploying the tool at scale, but the case became one of the most cited examples of AI bias in hiring worldwide.

HireVue and the Black Box Interview

HireVue is a company that offers video interview software powered by artificial intelligence. Job candidates record themselves answering questions, and the software analyzes their responses (including, at various points in the company's history, their facial expressions, voice tone, and word choice) to generate scores that employers use to screen applicants. Millions of job seekers have been evaluated by HireVue's software. Critics raised serious concerns about what the system was actually measuring. Facial expression analysis assumes that emotions are expressed the same way across cultures. Research has challenged that assumption. Voice tone analysis can disadvantage candidates with accents or speech differences. In 2020, following an investigation by the Electronic Privacy Information Center (EPIC) and criticism from researchers, HireVue announced it was dropping facial analysis from its evaluations. But the company still uses other AI-based scoring methods, and advocates point out that candidates are rarely told exactly how they are being evaluated or why they received the scores they did.

Predictive Tools and the "Culture Fit" Problem

Beyond resume screening and video interviews, some companies use AI-powered personality assessments, game-based evaluations, and predictive scoring tools that claim to measure traits like "grit," "coachability," or "culture fit." These tools generate a numerical score that employers use to rank applicants. The problem is that "culture fit" often functions as a stand-in for "similar to current employees." If current employees skew toward a particular demographic group, the AI will learn to favor applicants who resemble that group — even if no one intended to create a discriminatory system. Researchers at the Harvard Business School and other institutions have found that many of these tools lack scientific validation. The personality traits they claim to measure may not actually predict job performance. The scores they generate can reflect the demographics of the populations used to

validate the tool rather than any genuine insight into whether a candidate will succeed. In a 2019 report, researchers warned that many AI hiring tools are built and sold faster than they can be scientifically validated, leaving employers and job seekers without reliable information about whether the systems actually work.

Legal Frameworks and the Gap They Leave

In the United States, employment discrimination law prohibits employers from using hiring criteria that have a "disparate impact" on protected groups — meaning criteria that disproportionately screen out people based on race, sex, religion, national origin, or other protected characteristics — unless those criteria are job-related and consistent with business necessity. The challenge is that these laws were written long before AI hiring tools existed, and enforcement requires that discrimination be identified, measured, and proven. When an algorithm makes thousands of decisions automatically and its internal reasoning is not visible to applicants, identifying disparate impact is enormously difficult. New York City passed a law in 2021 requiring employers who use AI hiring tools to conduct annual bias audits and disclose the results to job seekers. Illinois passed a law requiring companies using AI video interviews to notify candidates and obtain consent. But as of 2026, no comprehensive federal law in the United States specifically governs AI in employment. The European Union's AI Act, which took effect in 2024, classifies AI systems used in hiring as "high-risk" and requires transparency, documentation, and human oversight — but enforcement is still in early stages. The gap between how fast these tools are being deployed and how fast regulation is developing remains significant. Beyond the high-profile cases, researchers estimate that AI hiring tools are now used by a large majority of Fortune 500 companies and a growing proportion of mid-size employers. Job seekers who do not know whether an AI system is screening them — let alone how it is designed — face a structural information asymmetry. The company knows what the algorithm values; the applicant does not. This imbalance is particularly consequential for job seekers from non-traditional backgrounds: people who took time away from formal employment to caregiving responsibilities, people whose work histories do not follow linear corporate-ladder patterns, people whose educational credentials come from institutions or pathways that the algorithm has seen fewer examples of. The design choice that determines whether a gap year or a community college credential counts against a candidate may

be made by a team of engineers who have never experienced either. These questions remain open and consequential.

Key Information: AI Hiring Discrimination Cases

Detail	Information
Amazon case (2014-2018)	AI resume tool downgraded women's colleges and resumes with 'women's' in text
Root cause in Amazon case	Historical hiring data was male-dominated; AI learned male as the success pattern
HireVue	Video interview AI that analyzed facial expressions, voice, and word choice
HireVue 2020 change	Dropped facial analysis after EPIC investigation and researcher criticism
"Culture fit" problem	AI learns to favor candidates similar to existing employees, encoding demographic bias
U.S. law gap	Existing employment law predates AI and requires proving bias that is hard to detect
New York City law (2021)	Requires annual bias audits and disclosure for AI hiring tools
EU AI Act (2024)	Classifies hiring AI as high-risk; requires transparency and human oversight

Case Study: DeShawn's Interview Score

DeShawn is 22 and applying for an entry-level analyst position at a financial services firm. He has a 3.7 GPA, two internships, and strong references. The company uses an AI-powered video interview platform. DeShawn records himself answering five questions on his laptop in his apartment. A week later, he receives a form rejection email. No explanation. No feedback. His roommate, who applied to the same position, also did a video interview. His roommate passed the screening and got an in-person interview. DeShawn cannot figure out what was different. He looked up the platform and learned that the software analyzes word choice, pacing, and what it calls "energy patterns." He wonders if his answers sounded different because he was nervous, or because he paused to think carefully, or because his vocal patterns did not match whatever the algorithm considered "confident." "I can't fix what I don't know," he tells his advisor. "They won't tell me what I did wrong. I don't even know if I did anything wrong."

1. Based on the reading, what specific concerns does DeShawn's experience raise about AI video interview tools like HireVue?

2. The reading mentions that AI hiring tools often lack transparency. Why is lack of transparency a problem for job seekers like DeShawn, and what does the reading say has been done to address it?

Multiple Choice

1. Why did Amazon's AI resume screening tool discriminate against women, according to the reading?

a) The tool was designed to favor candidates from Ivy League schools

b) Engineers deliberately coded gender bias into the algorithm

c) The tool was trained on historical hiring data dominated by male employees

d) Women's resumes were much shorter on average and scored lower based on length

2. What change did HireVue make in 2020, and why?

a) It stopped using AI entirely and returned to human-only screening

b) It dropped facial expression analysis after criticism from researchers and a privacy organization

c) It began requiring candidates to submit detailed written essays instead of video responses in 2020

d) It started publishing full algorithmic scores for all rejected candidates

3. According to the reading, what is the main problem with the "culture fit" criteria that some AI hiring tools measure?

a) It tends to favor candidates similar to existing employees, encoding demographic bias

b) Culture fit is too vague to be programmed into any computer system

c) Culture fit scores are always higher for candidates with graduate degrees

d) Most employers do not actually care much about culture fit when reviewing a candidate

Matching

Write the letter of the correct definition on the line next to each term.

Term	Definition
1. ___ Disparate impact	A) A hiring criterion that often functions as a stand-in for demographic similarity
2. ___ HireVue	B) An independent review of an AI system to detect and measure discriminatory patterns
3. ___ Bias audit	C) AI video interview software that analyzes candidate responses for employer scoring
4. ___ Culture fit	D) AI resume tool that penalized resumes mentioning women's organizations or colleges
5. ___ Amazon case	E) When a hiring criterion disproportionately screens out people from a protected group

Fill-in-the-Blank

1. Amazon's AI hiring tool was disbanded in _____ without ever being deployed at full scale.

2. New York City passed a law in 2021 requiring employers using AI hiring tools to conduct annual _____ audits.

3. The EU AI Act classifies hiring AI as "_____-risk" and requires transparency and human oversight.

Short Answer

Answer each question in 2-4 complete sentences.

1. Explain in your own words why Amazon's AI resume tool discriminated against women, even though no one programmed it to do so.

2. What is the "culture fit" problem in AI hiring tools, and why does it risk producing biased outcomes?

3. The reading says there is a gap between how fast AI hiring tools are deployed and how fast regulation is developing. Why is this gap a problem for job seekers?