



PROJECT 21
Black Leadership
Network

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April 23, 2018

Acting Chairman Victoria Lipnic
Equal Employment Opportunity Commission
131 M Street NE
Washington, DC 20507

Dear Acting Chairman Lipnic:

I am writing you regarding a troubling trend in employment practices that implicates Title VII of the Civil Rights Act of 1964. This trend involves employment training and related workplace practices focusing on "implicit" or "unconscious" bias.

I am the co-chairman of the Project 21 black leadership network, an initiative of the National Center for Public Policy Research. Project 21 pursues the interests of black Americans advocating smaller government and free-market economic policies as well as the color-blind principles of the civil rights pioneer Rev. Martin Luther King, Jr.

Title VII of the Civil Rights Act of 1964 is the federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion.

Title VII specifically bars rejecting a job applicant because of his or her race, religion, sex or national origin. It also means that an employer may not turn down an employee for a promotion, decide not to give him or her a particular assignment or in some other way discriminate against that person because he or she was black or white, Jewish, Muslim or Christian, a man or a woman or Italian, German or Swedish.

Employers are increasingly adopting so-called "implicit bias" training, which targets employees by race or gender. Not only are the tests associated with unconscious bias well short of meeting scientific standards, but - because they purport to aid employers in targeting employees primarily based on their race or ethnicity and/or their gender - they potentially allow employees to be assessed, disciplined or promoted on the basis of race or gender activity which Title VII specifically bars. Whether based on good intentions or not, an employer's plan to hire, promote or advance employees who are minority and/or female using implicit bias as a motive disadvantages non-minority and male employees.

At Project 21, we believe that this employment technique is a violation of the Civil Rights Act. It is within the scope of the Equal Employment Opportunity Commission that "implicit bias" programs that affect hiring and promotion be examined thoroughly to ensure compliance with Title VII and that employers are specifically informed that such activity could result in sanctions.

Thank you for attention to this pressing and very important matter.

Sincerely,

Horace Cooper
Co-Chairman