The ALIS *Playbook*

A practical guide to integrating artificial intelligence in organizations.

FIRST EDITION

SUNY The State University of New York

Introducing *the AI Legal Institute at SUNY*

ALIS is...

the comprehensive national legal resource and standard bearer for AI legal policies, guidance, and training.

The AI Legal Institute at SUNY (ALIS) is a pioneering initiative at the intersection of artificial intelligence and the law, furthering SUNY's mission to harness AI's potential for the public good. ALIS is a critical resource, providing comprehensive legal guidance and best practices for the responsible implementation and utilization of AI tools across public and private organizations. A collaboration between industry leaders and legal scholars, ALIS develops and provides expert legal resources that organizations may adapt to maximize AI's transformative benefits while enhancing institutional integrity and workforce empowerment.

As artificial intelligence rapidly evolves, so too must our legal and regulatory frameworks. Through policy development, regulatory guidance, risk forecasting, and professional training, ALIS establishes best practices that enable institutions to integrate AI responsibly, ethically, and effectively without the expense of high-profile law firms.

ALIS is releasing its first Playbook, offering organizations legally vetted and practical strategies for AI implementation. Our Playbooks will provide template policies and guidance documents that any organization may adapt and tailor to their specific needs when implementing and utilizing generative AI tools.

ALIS will continue to release Playbooks—updating existing guidance and tackling specific AI tool innovations—so organizations will remain up-to-date with AI advancements. Additionally, ALIS will offer rapid response bulletins and forecasting reports to help institutions anticipate and prepare for future advancements.

ALIS will also host an annual conference to gather the greatest minds at the intersection of AI and the law to share knowledge and provide specialized training.

The solutions to the challenges facing your organization begin on the next page...

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PLAYBOOK *DEVELOPMENT*

This ALIS Playbook is a result of a collaborative and participatory effort incorporating insights from policy experts, technical experts, and operations experts from across the State University of New York system. The State University of New York ("SUNY") is the largest comprehensive system of higher education in the United States and oversees nearly a quarter of academic research in New York. Research expenditures system-wide are nearly $1.16 billion in fiscal year 2024 (see https://www.suny.edu/impact/report-card/moreinfo/acny_1.cfm), including significant contributions from students and faculty.

The process of developing the ALIS Playbook was spearheaded by the AI Legal Institute at SUNY ("ALIS") supported by SUNY's Board of Trustees, SUNY's Chancellor John B. King Jr., and their inspirational vision for SUNY.

Senior Vice Chancellor for Legal Affairs and General Counsel, Kapil Longani, convened a multi-disciplinary team of attorneys with experience handling technology and AI-related matters-the ALIS Team. ALIS' operational team consists of attorneys Hannah Hage, Mairead Jones- Kennelly, and Nihla Sikkander. The team is supported in a legal advisory capacity by Kapil Longani, Senior Vice Chancellor for Legal Affairs & General Counsel, Bess Chiu, Chief Deputy General Counsel & Chief of Staff, Adam Haney, Deputy General Counsel, Cara Palumbo Schrantz, Deputy General Counsel, Michael Cusack, Managing Counsel-Contracts, Erica Pritchard, Managing Counsel-Litigation and Labor, Elise Puzio, Managing Counsel-General Affairs & Intellectual Property, and Kelly Hendricken, Managing-Counsel-Student Affairs. This operational and advisory team reviewed current AI and technology based legal developments both in the United States and globally to prepare the first draft of the ALIS Playbook.

This Playbook would not have been possible without the guidance and feedback of F. Shadi Sandvik, SUNY's Senior Vice Chancellor for Research Innovation & Economic Development, whose partnership enabled the ALIS team to consult with research and development experts across the SUNY System. To conduct a widespread analysis of legal best practices and compliance nuance, the ALIS team researched the legal industry at large to design a comprehensive legal resource that private and public institutions can use to their benefit as they navigate the ever-changing regulatory landscape governing the use of artificial intelligence.

The final version of the ALIS Playbook is a product of the ALIS Team's engagement of various interdisciplinary experts to obtain valuable review and feedback. ALIS acknowledges the support of the following individuals in this endeavor:

- SUNY Board of Trustees
- SUNY Chancellor John B. King Jr.
- SUNY Legal Accountability Committee's past and current members to include Ian Rosenblum, Senior Vice Chancellor for Policy Implementation & Chief of Staff, Dr. Mantosh Dewan, SUNY Upstate, Dr. Bonita Durand, SUNY Buffalo State, Dr Alexander Enyedi, SUNY Plattsburgh, Dr. Heidi Macpherson, SUNY Brockport, Joanie Mahoney, J.D., SUNY Environmental, Sciences and Forestry, Dr. Peter Nwosu, SUNY Oswego, Dr. Wayne Riley, SUNY Downstate, Dr. Havidán Rodriguez, President

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at the University of Albany, Dr. Timothy Sams, SUNY Old Westbury, Dr. Winston Oluwole Soboyejo, SUNY Polytechnic, Dr. Zvi Szafran, SUNY Canton, Dr. Marion Terenzio, SUNY Cobleskill, Dr. Satish Tripathi, President at the University of Buffalo, Dr. David Troilo, SUNY Optometry, Dr. Darrell Wheeler, SUNY New Paltz,

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- Attorneys and administrative staff at SUNY's Office of General Counsel

Thus, after extensive research, peer-review, and expert consultation, the ALIS team brings you the First Edition ALIS Playbook—the first of its kind, but certainly not the last...

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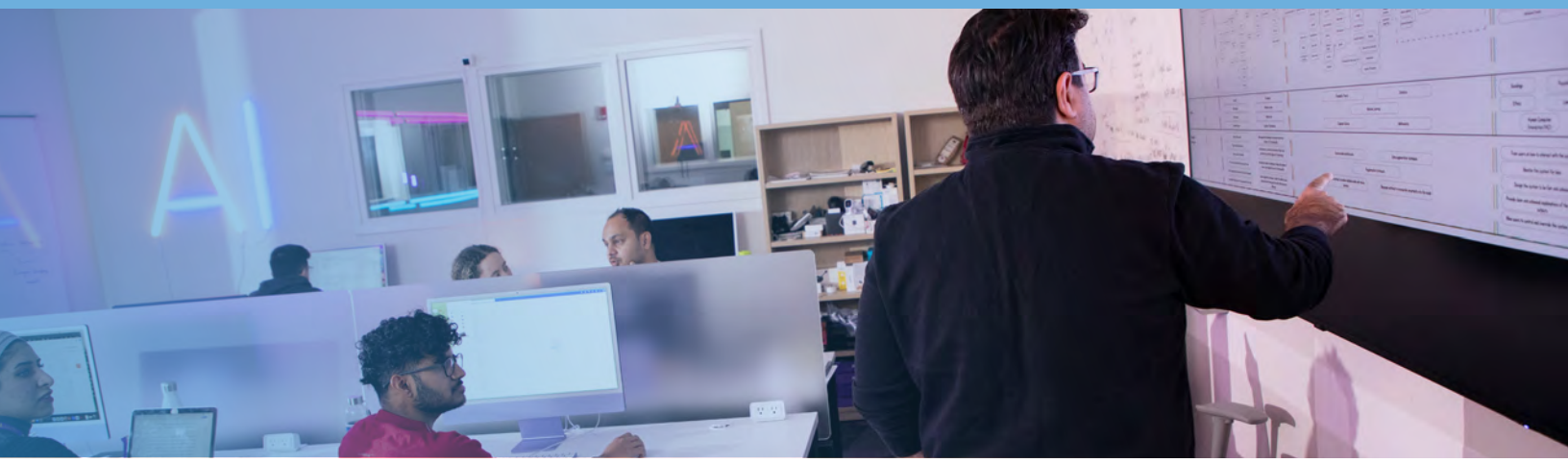

The First Edition ALIS Playbook consists of six parts: the ALIS Strategy Framework; Sample Definitions; Sample Guidance for General Use of AI; Sample Ethical Use Guidelines; Sample Data Governance Guidelines; Sample Model Policy for the Use of AI in Recruitment and Selection. This Playbook serves as a wholistic resource of critical considerations for private and public institutions that wish to incorporate high caliber ethical, privacy, and general use standards into their adoption of AI tools—a starting place for developing well-informed compliance policies and procedures that can be specifically tailored to an organization's desired implementation strategy. In short, **The Playbook is offered for consideration and should be adapted to suit each individual organization prior to implementation.**

The ALIS Framework is designed to guide organizational discussion for a multi-disciplinary approach to the integration of artificial intelligence with ethics and legal compliance at the forefront.

The ALIS Sample Definitions provide a starting point to gain an introductory understanding of terms that are commonly used in the context of artificial intelligence. These definitions will require periodic review as the legal landscape changes.

The ALIS Sample Guidance for General Use of AI provides a broad range of critical topics to consider when developing organizational policies and procedures governing the general use of artificial intelligence. The guidance will need to be adjusted to accommodate industry or organization specific requirements.

The ALIS Sample Ethical AI Use Guidance Principles serve to aid in the prevention of potential bias implications of artificial intelligence tools and provide insightful ways to mitigate such risks by encouraging legal compliance with human oversight standards and bias assessments.

The ALIS Sample Key AI Data Governance Guidelines detail regulatory considerations and potential language for tailoring organizational policies, procedures, and procurement practices. These principles address legal privacy and cybersecurity interests to support organizational efforts for appropriately safeguarding data and complying with various privacy regulations.

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HOW TO USE *THIS PLAYBOOK*

The ALIS Playbook is available, free of charge, to any organization that is proactively adapting artificial intelligence tools to support its organizational needs. Additional editions will be co-developed and curated with pertinent partners.

If you use, revise, or edit the ALIS Playbook, any of its additional editions, or content created by ALIS' team, we ask that you credit ALIS. A great deal of collaboration, research, and effort went into the development of the ALIS Playbook resources, and we would like to ensure that those that contributed towards this effort receive the recognition that they deserve.

Please review the disclaimers included within this document.

A NOTE TO RESEARCHERS & DEVELOPERS

Research institutions interested in engaging with this First Edition Playbook are encouraged to tailor its contents to their needs while balancing the groundbreaking scientific efforts they aspire to achieve in this unchartered territory. While legally robust, the Playbook's materials may cause innovation-focused institutions to grapple with adopting it in whole. As with all organizations, we encourage anyone interested in adopting the Playbook – in whole or in part – to tailor the guidance to your specific institution in consultation with legal counsel and informational technology offices. ALIS aims to support the R&D community and move alongside the R&D industry, keeping up with advances, partnering in consultation, and providing legal guidance and support in the future.

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ALIS provides...

a strategic and comprehensive framework for AI integration.

THE ALIS *STRATEGIC FRAMEWORK*

The ALIS Strategic Model provides a comprehensive legal framework for institutions to approach AI integration with clarity and confidence. Our policies and best practices are designed to inform strategic planning, decision-making, and governance in alignment with institutional goals. The model is structured around six key domains with a focus on legal compliance.

MISSION ALIGNMENT

Aligning AI strategies and technology use to SUNY and its Campus' mission, business needs, and desired AI outcomes.

TECHNOLOGY INFRASTRUCTURE

Assessing and upgrading technology infrastructure(s) needed to achieve desired AI technology outcomes.

DATA GOVERNANCE

Providing for the management of data when using AI tools; including providing for data security, data privacy, confidentiality of information; and ensuring protections for intellectual property considerations.

WORKFORCE EMPOWERMENT

Ensuring human oversight and intervention in the use of AI; bias mitigation; and training and skill development of AI tools users.

CONTINUOUS IMPROVEMENT

Adapting policies and practices in response to technological advancements.

ETHICS AND TRANSPARENCY

Mitigating biases and ensuring AI-driven decisions uphold fairness and equity.

Each policy and best practice developed by ALIS operates within this holistic framework, enabling institutions to leverage AI technology while mitigating risk, enhancing operational efficiency, and improving institutional outcomes.

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» User training
» Human oversight and intervention
» Bias mitigation
MISSION ALIGNMENT
» Assess existing technological infrastructure
» Assess technology needs to support AI implementation and use
» Upgrade infrastructure to align with desired AI implementation outcomes
TECHNOLOGY INFRASTRUCTURE
ALIS STRATEGIC FRAMEWORK
WORKFORCE EMPOWERMENT
» Assess business needs
» Determine expected outcomes
» Engage stakeholders
DATA GOVERNANCE
» Data quality management
» Data security, privacy, and confidentiality
» Copyright and Intellectual Property considerations
ETHICS
TRANSPARENCY • FAIRNESS • NOTIFICATION • REPORTING
CONTINOUS IMPROVEMENT
MONITOR • EVALUATE • IMPROVE
USER EXPERIENCE
LEADERSHIP EXPERIENCE • EMPLOYEE (STAFF/FACULTY) EXPERIENCE • STUDENT/CLIENT EXPERIENCE
LEGAL COMPLIANCE

ALIS *SAMPLE DEFINITIONS*

The ALIS Sample Definitions provide a starting point to gain an introductory understanding of terms used throughout the Playbook. These definitions require periodic review and updating, as needed, to keep pace with the changing legal and technological landscape.

a) Artificial intelligence (AI)

A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. Artificial intelligence systems use machine- and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inferences to formulate options for information or action. The definition does not include basic calculations like Excel formulas, basic automation, or pre-recorded automated response systems.

b) AI System

Any technology system, whether developed internally or obtained from a third party, utilizes artificial intelligence technology.

c) AI Bias

AI Bias occurs when AI systems produce results skewed by human biases that were inputted into the system. This typically occurs when the data used to train AI Tools contains biases, when the AI Tools' algorithms are not designed to account for un-biased outcomes and thus introduce bias, and/or when the humans that design, train and administer AI tools introduce their conscious and subconscious bias to the AI tools. AI bias can lead to unlawful discrimination based on an individual's protected characteristics.

d) AI Hallucinations

AI hallucinations refer to instances where an artificial intelligence system generates incorrect or nonsensical information that sounds coherent but is factually incorrect or entirely made up. These hallucinations may occur when the AI does not have sufficient relevant data to generate accurate responses, or when tasks are inherently complex. AI also may overcompensate for uncertainty and generate information with high (but false) confidence.

e) AI Tool

> **(a)** AI Tool is any app, software, system, or an add-on component to existing organizational technology tools that can independently change its own analytical methods and utilizes artificial intelligence (including Generative and Algorithmic AI), machine learning, or other advanced algorithms to perform tasks, analyze data, or make (or assist in making) predictions, recommendation, or decisions influencing real or virtual environments. AI Tools may use GAI, AAI, or both. An AI tool is likely integrated into most software products an organization utilizes.
>
> **(b)** This definition does not include basic calculations, basic automation, or basic automated response tools. [NOTE: IT IS RECOMMENDED THAT ORGANIZATIONS INCLUDE LEGALLY COMPLIANT EXCEPTIONS TO THIS DEFINITION BASED ON THEIR USE OF VARIOUS AI TOOLS]

f) AI User

An AI User leverages AI technologies to perform tasks, solve problems, or enhance their experiences. Typically, this is an authorized individual within an organization who interacts

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with artificial intelligence systems or applications such as virtual assistants like Siri or Alexa, engaging with chatbots for customer service, utilizing AI-powered tools for tasks like image recognition or language translation, and more.

g) Algorithmic AI

Algorithmic AI (AAI) is a technology that analyzes data with machine-learning algorithms and can make decisions or predictions based on the data.

h) Automated Decision System

Any algorithm, including one incorporating machine learning or other artificial intelligence techniques, which uses data-based analytics to make or support decisions, judgments, or conclusions.

i) Automated Employment Decision Tools (AEDT)

Technology-based tools that use machine learning, statistical modeling, data analytics, or artificial intelligence to help employers and employment agencies make employment decisions, and substantially assist or replace discretionary decision-making.

j) AI Work Product

AI work product refers to the output generated by AI Tools, systems, or processes.

k) Bias Audit [RECOMMENDED BASED ON DEVELOPING LAW. PLEASE CONSULT WITH COUNSEL]

An AI Bias Audit is an evaluation or review process conducted with substantial human oversight designed to identify and address biases in AI Tools and automated systems. Generally, this involves examining the data, algorithms, and results produced by the AI Tool to ensure that it does not create an unlawful discriminatory impact based on an individual's protected characteristics.

[Note: Some jurisdictions have begun to include these types of audits as a requirement to mitigate AI bias, especially when AI Tools are used as a decision-making tool impacting individuals in the context of employment and elsewhere. A qualified third-party auditor or internal employee with relevant training may conduct these audits. In the alternative, organizations may wish to request that their AI Tool vendors provide them with independent audits of their AI Tools.]

l) Client Separation

Client Separation, also known as data segregation, is the isolation of a specific AI User dataset and workload based on specific criteria to enhance security and privacy by limiting access to sensitive information and by limiting aggregation of the client's dataset with the remainder of the AI Tool's third-party clients or users. This can be achieved through physical or logical separation, such as using separate databases or schemas, and implementing strict access controls.

m) Confidential Information

Confidential Information includes, but is not limited to, all information belonging to an organization not generally known to the public, spoken, printed, electronic, or in any other form/medium, which was obtained from an organization, or which was learned, discovered, developed, conceived, originated, or prepared by an employee in the scope and course of employment, relating directly or indirectly to business processes. This type of data typically includes sensitive information such as personal identification details, financial records, proprietary business information, and other data that, if disclosed, could lead to harm or loss.

n) Generative AI

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Generative AI (GAI) is technology that can create new content in response to prompts, including but not limited to text, speech, and images (e.g., ChatGPT). Generative AI models learn the patterns and structure of their input training data and then generate new data that has similar characteristics.

o) Large Language Model (LLM)

Large Language Model (LLM) is a type of language model notable for its ability to achieve general-purpose language understanding and generation. LLMs acquire these abilities by using massive amounts of data to learn billions of parameters during training and consuming large computational resources during their training and operation. LLMs are artificial neural networks pre-trained using self-supervised and semi-supervised learning.

p) Machine Learning (ML)

Machine Learning (ML) is a subset of AI that involves the use of algorithms and statistical models to enable computers to improve their performance on a task through experience and data.

q) Natural language processing

Natural Language Processing (NLP) is a field of AI focused on the interaction between computers and humans through natural language, enabling machines to understand, interpret, and generate human language.

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SELECT CONSIDERATIONS *FOR GENERAL USE OF AI*

The ALIS Playbook is available, free of charge, to any organization that is proactively adapting artificial intelligence tools to support its organizational needs. Accordingly, the ALIS Sample Guidance for General Use of AI provides a broad range of critical legal topics to consider when developing organizational policies and procedures governing the general use of artificial intelligence. The guidance will need to be modified to accommodate industry or organization specific requirements.

For example, higher education institutions may wish to implement a separate set of considerations for researchers and faculty members to foster a research-forward educational institution.

[Note: "Data" is capitalized in this sample language based on the general practice that organizations have their own defined terms regarding what data elements are encapsulated by the use of "[NAME OF ORGANIZATION] Data."]

A. Overview

The Considerations for General Use of AI ("Considerations") are designed to assist [NAME OF ORGANIZATION] in its integration of artificial intelligence tools by providing a source of guidance about applicable laws, rules, regulations, policies, and practices for the appropriate use of artificial intelligence technologies. Deviations from these Considerations should be discussed with the appropriate departments [LIST RELEVANT DEPARTMENTS].

The use of artificial intelligence technologies at [NAME OF ORGANIZATION] shall be used in accordance with all applicable [NAME OF ORGANIZATION] policies and procedures, and all applicable state and federal laws. It is the responsibility of every [NAME OF ORGANIZATION] employee to use artificial intelligence technologies in an ethical and transparent manner. A non-exhaustive list of relevant citations and related documents are provided at the end of this document. Please reference the Definitions index for defined terms as they apply to this document.

B. Approved AI Tools and AI User Approval Procedure [OPTIONAL AND RECOMMEND STAKEHOLDER CONSENSUS]

I. Prior Review and Approval of AI Tools. [NOTE: CONSIDER IF YOUR ORGANIZATION NEEDS AN APPROVAL PROCESS FOR AI TOOL USE]. IF YOUR ORGANIZATION WISHES TO USE AN APPROVAL PROCESS CONSIDER THE FOLLOWING:

The use of AI Tools, not already provided by [NAME OF ORGANIZTION] is subject to the review and approval of [NAME OF ORGANIZATION] and its designated Information Technology office(s) [UPDATE AS APPROPRIATE], taking into account the following factors, without limitation:

> **i.** compliance with applicable federal and state laws, rules, and regulations;
>
> **ii.** management of risk, including without limitation, whether the proposed AI Tool provides Client Separation (i.e., AI Tool structure that protects the privacy and security of [NAME OF ORGANIZATION] Data and restricts the unqualified transfer or use of [NAME OF

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ORGANIZATION] Data for any purposes, including without limitation, training of AI systems or technology) or is based upon an unrestricted (open source) model or technology; and

iii. promotion of accountability, safety, fairness, and/or equity.

II. Confidentiality and Ownership of [NAME OF ORGANIZATION] Data. Use of AI Tools shall respect and preserve [NAME OF ORGANIZATION] ownership of all [NAME OF ORGANIZATION] Data provided or made available by [NAME OF ORGANIZATION] (regardless of form, format, or content), including without limitation, data made available during the authorized operation and use of the AI Tool. Such AI Tool shall be designed to compartmentalize any such [NAME OF ORGANIZATION] Data in a manner which maintains the confidentiality of this information and [NAME OF ORGANIZATION] 's exclusive ownership and control of [NAME OF ORGANIZATION] Data.

III. Human oversight. In approving the use of AI Tools, consideration shall be given to the required degree of human oversight in the case-specific use of such technology. Except as permitted by applicable federal and/or state laws, rules, regulations, and/or policies, use of any AI Tools that would authorize (or have the effect of authorizing) automatic decision-making with no (zero) human oversight shall be prohibited.

IV. Discrimination and Bias. It is recommended that all AI Tools undergo a bias audit prior to implementation. Use of [NAME OF ORGANIZATION] Data by any AI Tools in a manner that would result in (or have the effect of resulting in) any discrimination or bias, as defined under current or future applicable [New York State] [EDIT JURISDICTION AS APPROPRIATE] or federal laws, rules and/or regulations, shall be prohibited.

An AI Bias Audit is an evaluation or review process conducted with substantial human oversight designed to identify and address biases in AI Tools and systems. Generally, this involves examining the data, algorithms, and results produced by the AI Tool to ensure that it does not create a disparate impact based on an individual's protected characteristics.

Note: Some jurisdictions have begun to include these types of audits as a requirement to mitigate AI bias, especially when AI Tools are used as a decision-making tool impacting individuals in the context of employment and elsewhere. A qualified third-party auditor or internal employee with relevant training may conduct these audits. In the alternative, organizations may wish to request that their AI Tool vendors provide them with independent audits of their AI Tools.

V. AI Users shall only log into AI Tools with their [NAME OF ORGANIZATION] -provided email address and permit the AI Tool to track their prompt history. Prompt history should not be erased or tampered with subject to the Organization's record retention policies and procedures. [OPTIONAL].

VI. Tracking and Inventory of AI Tools. [OPTIONAL AND RECOMMEND CONSULTATION WITH TECHNOLOGY OPERATIONS DEPARTMENT]. [NAME OF ORGANIZATION] will each maintain a list of AI Tools that have been approved for use, with a specific indication as to who may use each tool. Questions concerning whether an application is an AI Tool but is not yet included on the list as an AI Tool should be referred to the [INSERT APPROPRIATE INDIVIDUAL OR DEPARTMENT].

VII. AI Users must at all times comply with [NAME OF ORGANIZATION] 's policies concerning data and record retention, and the proper storage, handling, hosting, and sharing

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of sensitive information. For AI Tools that do not separate and wholly isolate [NAME OF ORGANIZATION] Data from aggregated data, input of [NAME OF ORGANIZATION] Data cannot be done live unless such input is limited to Directory Information [as defined by FERPA [ADD CURRENT PINCITE AS OF EFFECTIVE POLICY DATE].

C. Considerations for General Use of AI

I. Use AI Tools to enhance/assist job-related tasks:

AI Users may only use the AI Tools in circumstances when they enhance or assist the AI Users in performing their job-related tasks by improving productivity, efficiency, and decision-making.

> **i.** AI Tools utilized in open-source search engines: AI Users must adhere to all [NAME OF ORGANIZATION] policies and procedures for the use of any open-source search engine that produces results using artificial intelligence. The AI User of any such search engine is responsible for the mitigation and oversight of AI Hallucinations, citations, and resource materials produced by the search engine. AI Users shall refrain from inputting any prompt, question, or information into an open-source search engine that is not appropriate for public consumption

II. Acknowledge and account for AI Tools errors and bias:

AI Users must be aware that AI Tools may produce erroneous or nonsensical information or results that are not real. Additionally, AI Bias occurs when AI systems produce results that are skewed by human biases that were input to the system. This typically occurs when the data used to train AI Tools contains biases, when the AI Tools' algorithms are not designed to account for unbiased outcomes and thus introduce biases, or when the humans that design, train and administer AI Tools introduce their conscious and subconscious bias to the AI Tools. AI bias can lead to unlawful discrimination including disparate impact. AI Tools should not be relied upon exclusively or without verification for decision making and/or the creation of content. Note that AI Tools are meant to complement human decision making and do not serve as a replacement or substitute.

III. AI User oversight of AI work product is essential:

When AI Users utilize AI Tools, they must closely review and verify any output generated by the AI Tool before using it or forwarding it to anyone else (whether inside or outside of the organization). This should include reviewing that AI has not generated any content in violation of [NAME OF ORGANIZATION]'s anti-harassment/equal employment opportunity policies, in violation of intellectual property and copyright law, that no confidential information has been disclosed, and that the information generated is accurate.

IV. Comply with the law:

AI Users should not use AI to conduct, engage in, or solicit illegal activities. When using AI Tools, comply with all applicable [NAME OF ORGANIZATION] policies, laws, and regulations, including data protection and privacy laws.

V. Comply with [NAME OF ORGANIZATION] policies:

AI Users must comply with all applicable [NAME OF ORGANIZATION] policies and procedures, including but not limited to information technology, procurement, privacy, fraud, security, anti-harassment, and other compliance [NOTE: CONSIDER ADDING FERPA, HIPAA OR OTHER APPLICABLE COMPLIANCE REQUIREMENTS].

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VI. Protect Confidential Information and privacy:

Identify Client Separation/no Client Separation. If none, AI Users should not input confidential, proprietary, sensitive, and/or personally identifiable information into AI Tools, whether their own or that of a co-worker, client, customer, or vendor, unless approved in this policy or by [INSERT APPROPRIATE ORGANIZATION SUPERVISOR(S) AND DEPARTMENT(S)]. [IF ORGANIZATION IS SUBJECT TO FERPA: AI Users may input "Directory Information" as defined by [NAME OF ORGANIZATION] in accordance with FERPA.]

VII. Respect Intellectual Property rights:

AI Users should not represent AI work as their own, original work and must disclose if AI was used for communication with external stakeholders.

VIII. Be Professional:

AI Users should not enter any offensive, discriminatory, or inappropriate content into an AI Tool.

IX. Protect Data:

AI Tools must be used in a manner that protects the organization's data and systems from unauthorized access and cyber threats.

X. Data must remain in the United States:

[NOTE: CONSULT WITH STAKEHOLDERS TO CONFIRM IF ADDITIONAL CRITERIA MAY CONSTITUTE AN EXEMPTION TO THIS PRINCIPLE. THIS IS A RECOMMENDATION BASED ON CURRENT DEVELOPING LAW]

No AI Tool may be approved for use without agreeing that [NAME OF ORGANIZATION]'S [student], [faculty], [employee]'s personal identifying information is stored exclusively in the United States.

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SAMPLE ETHICAL USE *GUIDANCE*

The ALIS Sample Ethical Use Guidance serves to aid in the prevention of potential bias implications of artificial intelligence tools and provide insightful ways to mitigate such risks by encouraging legal compliance with human oversight standards and bias assessments. This guidance should be viewed as supplemental, and not a replacement, to your organization's existing ethics policies and procedures.

A. Ethical Use of AI

Each AI User's ethical engagement with AI technologies is vital to [NAME OF ORGANIZATION]. [NAME OF ORGANIZATION] expects AI Users to use AI Tools in a manner that reflects [NAME OF ORGANIZATION] 's commitment to ethics, transparency, honesty, respect for others' rights, and a general standard of fairness.

Ultimately, the ethical use of AI is governed by the [NAME OF ORGANIZATION]'s ethics policies and procedures. [REFERENCE THESE POLICIES HERE]

I. AI Users must have some degree of training or demonstrated competence prior to utilizing any individual AI Tool.

II. AI Users must communicate with their supervisors related to AI Tool utilization in their work product.

III. AI Users must use best efforts to independently verify data and work products developed with the assistance of AI Tools. Where independent verification is not feasible, final decision-makers must be made aware that verification was not feasible or possible.

IV. Transparency related to AI Tool use in public-facing work products must be disclosed.

V. AI Tools may never be utilized to engage in activities that are illegal, unethical, or harmful to individuals or to [NAME OF ORGANIZATION] and its stakeholders.

B. Reporting Procedures

a) AI Users are expected to contact [INSERT ACCORDING TO ORGANIZATIONAL REQUIREMENTS: their supervisor/manager/other appropriate individual or department name] immediately if they become aware of:

> **i.** An actual or possible violation of ethical principles;
>
> **ii.** A breach of data privacy or security;
>
> **iii.** AI system failure; or
>
> **iv.** A circumstance where an AI Tool is generating output which is: 1) erroneous, 2) incomplete, 3) misleading, 4) offensive, 5) harassing, 6) discriminatory, 7) which causes an employee to have other concern(s), or 8) which violates any [NAME OF ORGANIZATION] policy.

b) Reports made under this section will be investigated by designated individuals at [NAME OF ORGANIZAION], and AI Users must cooperate with any such investigation.

c) [NAME OF ORGANIZATION] may, in its sole discretion, decide to suspend use of the AI Tool during any such investigation.

d) To the extent corrective measures are required following the investigation, AI Users must cooperate in the implementation of those measures.

e) [INSERT ORGANIZATIONAL NOTIFICATION PROCESS AND CHAIN OF COMMAND].

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SAMPLE AI DATA GOVERNANCE *GUIDELINES*

The ALIS Sample Data Governance Guidelines detail regulatory considerations and potential language for tailoring organizational policies, procedures, and procurement practices. These principles address legal privacy and cybersecurity interests to support organizational efforts for appropriately safeguarding data and complying with various privacy regulations.

OVERVIEW

The AI Data Governance Guidelines ("Guidelines") presented in this document are designed to assist [NAME OF ORGANIZATION] in effectively governing the use of and access to [NAME OF ORGANIZATION] data by artificial intelligence tools by providing a source of guidance about applicable laws, rules, regulations, policies, and practices for the appropriate use of artificial intelligence technologies. Deviations from these Guidelines should be discussed with appropriate departments [INSERT RELEVANT DEPARTMENTS AS NEEDED].

The use of artificial intelligence technologies at [NAME OF ORGANIZATION] shall be used in accordance with all applicable [NAME OF ORGANIZATION] policies and procedures, and all applicable state and federal laws. It is the responsibility of every [NAME OF ORGANIZATION] employee to protect [NAME OF ORGANIZATION] data and use artificial intelligence technologies in an ethical and transparent manner. A non-exhaustive list of relevant citations and related documents are provided at the end of this document. Please reference the Definitions index for ALIS defined terms as they apply to this document.

C. Data Governance

Data Management: Prior to the use, installation, implementation, or integration of any AI Tool, all AI Users should review all applicable [NAME OF ORGANIZATION] policies and procedures, including but not limited to [NAME OF ORGANIZATION] 's [INSERT RELEVANT ORGANIZATION POLICIES] [FOR SUNY ONLY: REVIEW Data Transparency and Reporting Policy No.1100, Information Security Policy No. 6900, Records Retention and Disposition Policy No. 6609, Compliance with Freedom of Information Law Procedure No. 6601, and Compliance with FERPA Procedure No. 6600].

[NAME OF ORGANIZATION] employees shall only use, access, input or review personal information in conjunction with permitted AI Tools when acting and carrying out tasks within the scope of their employment and shall not share personal information with, or disclose it to, any third-party or AI Tool managed, controlled, designed, or implemented by any third-party without the prior written consent of the [NAME OF INDIVIDUAL/DEPARTMENT], except as required by law.

General principles include but are not limited to,

> **(a)** all [NAME OF ORGANIZATION] data provided and made available by [NAME OF ORGANIZATION] to any third-party (regardless of form, format, or content) is and at all times shall remain exclusively owned by, and under the control of, [NAME OF ORGANIZATION];
>
> **(b)** third-parties are prohibited from re-identifying [NAME OF ORGANIZATION]

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data [(including without limitation personal information protected by [INSERT RELEVANT POLICIES], and [NOTE: FOR EDUCATIONAL INSTITUTIONS ONLY: education records or personally identifiable information (PII) from education records protected by FERPA)], in whole or in part, through any means, including without limitation, any system, algorithm, computational model, AI, machine language or other software or technology;

(c) use of [NAME OF ORGANIZATION] data by any AI Tool that would authorize or have the effect of authorizing automatic decision-making without human oversight shall be prohibited;

(d) use of [NAME OF ORGANIZATION] data by any AI Tool in a manner that would result in or have the effect of resulting in any discrimination or bias, as defined under current or future applicable [New York State] [INSERT APPLICABLE JURISDICTION] or federal laws, rules and/or regulations, is prohibited;

(e) [NAME OF ORGANIZATION] data made available through authorized operation and use of an AI Tool (including, without limitation, education records or PII from education records), shall only be accessed, used, disclosed and/or maintained in a manner consistent with the AI system's core purpose and [NAME OF ORGANIZATION] 's core function, and the AI Tool shall be designed to process and/or compartmentalize any such [NAME OF ORGANIZATION] data in a manner which maintains the confidentiality of this information and [NAME OF ORGANIZATION] 's exclusive ownership and control of same (referred to as "Client Separation," see Definitions document).

Collection and Disclosure of Personal Information: As provided in [New York] [NOTE: UPDATE JURISDICTION AS NEEDED] Law, only collect authorized data.

Personal information collected by [NAME OF ORGANIZATION] , regardless of deidentification or aggregation, shall not be permitted for use of training, improving, or enhancing any AI technologies, Generative AI technologies, Algorithmic AI, or other AI models (including but not limited to large language models, predictive models, machine learning models, natural language processing models, or otherwise) unless expressly granted permission in writing by a [INSERT NAME OF INDIVIDUAL/DEPARTMENT].

[NAME OF ORGANIZATION] shall not collect personal information concerning a [student], employee, or prospective employee or disclose personal information concerning a [student], employee, or prospective employee to any person, firm, partnership, corporation, limited liability company or other entity, including internal staff who do not need the information in the performance of their official duties pursuant to a [NAME OF ORGANIZATION] purpose (1) unless such [student], employee, or prospective employee has granted prior informed written consent to the collection or disclosure of such personal information, or (2) unless authorized by law. For the purposes of this section, the voluntary disclosure of personal information to [NAME OF ORGANIZATION] by a [student,] employee, or prospective employee, whether solicited or unsolicited, shall constitute consent to the collection or disclosure of the information by [NAME OF ORGANIZATION] for the purposes for which the [student], employee, or prospective employee disclosed it to [NAME OF

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ORGANIZATION], as reasonably ascertainable from the nature and terms of the disclosure.

Access to Personal Information: Except as otherwise provided by law, [NAME OF ORGANIZATION] shall provide employees, [students], and prospective employees with access to all personal information pertaining to such individual which has been collected through [NAME OF ORGANIZATION] 's use of any AI Tool. Access to such personal information and the opportunity to request, correct, or amend such personal information shall be provided to [students], employees, and prospective employees in the manner provided for access to and correction or amendment of personal information [NOTE: FOR SUNY ONLY: under section ninety-five of the public officer's law]. [NAME OF ORGANIZATION] shall provide access to such personal information via the internet when such access is feasible and only if that access can be provided in a secure manner.

Biometric Identifying Technology: [NAME OF ORGANIZATION] employees may only utilize biometric identifying technology for the following purposes: (i) fingerprint identification of [students] and/or prospective employees where utilized for the purpose of compliance with the law [NOTE: FOR SUNY ONLY: a provision of the education law or the regulations of the commissioner of education; or (ii) to exclusively identify students and employees that have consented in writing to the use of such technology or in the case of employees represented under article fourteen of the civil service law, where the employee organization representing such employee has consented in writing to the use of such technology.]

[THE FOLLOWING SECTION IS SPECIFIC TO NEW YORK STATE LAW AND SHOULD BE TAILORED TO OTHER JURISDICTIONAL GOVERNANCE WHEN NECESSARY]

[NAME OF ORGANIZATION] employees shall not authorize the purchase or utilization of biometric identifying technology, including but not limited to facial recognition technology, without the [INSERT NAME OF INDIVIDUAL/DEPARTMENT] first issuing a report to evaluate and present recommendations concerning:

i. the privacy implications of collecting, storing, and/or sharing biometric information of students, faculty, staff, personnel, and prospective employees;

ii. the potential impact of the use of biometric identifying technology on individual civil liberties and civil rights, including the risks and implications of the technology resulting in false facial identifications, and whether the risks of false facial identifications differs for different subgroups of individuals based on race, national origin, gender, age and other factors, and any other reasonable accuracy concerns with respect to technology;

iii. whether, and under what circumstances, such technology may be used for [NAME OF ORGANIZATION] security and the effectiveness of such technology to protect students and personnel;

iv. whether, and under what circumstances, and in what manner, information collected may be used by such technology and shared with outside agencies including law enforcement agencies, individuals, litigants, the courts, and any other third-parties;

v. the length of time biometric information may be retained and whether, and in what manner, such information may be required to be permanently destroyed;

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vi. the risk of an unauthorized breach of biometric information and appropriate consequences therefor;

vii. expected maintenance costs resulting from the storage and use of facial recognition images and other biometric information, including the cost of appropriately securing sensitive data, performing required updates to protect against an unauthorized breach of data, and potential costs associated with an unauthorized breach of data;

viii. analysis of other schools and organizations, if any, that have implemented facial recognition technology and other biometric identifying technology programs;

ix. the appropriateness and potential implications of using any existing databases, including but not limited to, local law enforcement databases, as part of biometric identifying technology;

x. whether, and in what manner, such biometric identifying technology should be assessed and audited, including but not limited to, vendor datasets, adherence to appropriate standards of algorithmic fairness, accuracy, and other performance metrics, including with respect to subgroups of persons based on race, national origin, gender, and age;

xi. whether, and in what manner, the use of such technology should be disclosed by signs and the like in such schools, as well as communicated to parents, guardians, students, and district residents; and

xii. existing legislation, including but not limited to section two-d of the education law, which may be implicated by or in conflict with biometric technology to ensure the maintenance of records related to the use of such technology, protect the privacy interests of data subjects, and avoid any breaches of data.

Data Security: Prior to any use of AI Tools, such Tool shall first be vetted and approved by [NAME OF ORGANIZATION] [INSERT NAME OF DEPARTMENT(S)] department(s) and shall ensure proper data security measures that are in accordance with applicable [NAME OF ORGANIZATION] Policies and Procedures, including but not limited to those cited at the end of this document, and the all applicable federal and state laws, including but not limited to [Article 2 of the N.Y. State Technology Law]. [NAME OF ORGANIZATION] Data shall not be stored outside of the United States [NOTE: RECOMMENDED BASED ON CURRENT DEVELOPING LAW] by any AI Tools used by [NAME OF ORGANIZATION] employees for recruitment, discipline, transfer of duties, or counseling.

Confidentiality: As standard practice, all [NAME OF ORGANIZATION] employees should treat all [NAME OF ORGANIZATION] Data as confidential information. The input of confidential or sensitive information into an AI Tool could result in the disclosure of such information to third parties. When using AI Tools, AI Users should comply with [NAME OF ORGANIZATION] policies concerning confidentiality, non-disclosure of trade secrets or intellectual property, IT/computer use policy, etc. Confidential information includes, but is not limited to, trade secrets, intellectual property, business strategies, financial information, and personal data of employees or clients. AI Users are prohibited from disclosing or sharing any such confidential information while using AI Tools.

D. Intellectual Property

In using AI Tools, AI Users should be mindful of potential infringements on copyrights,

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trademarks, patents, or other legal protections from the input or output generated from AI Tools.

AI Users inputting data and information into an AI Tool are prohibited from disclosing trade secrets, confidential or proprietary business information belonging to [NAME OF ORGANIZATION] or its [clients/customers], or from infringing upon the intellectual property of [NAME OF ORGANIZATION] or others.

To the extent information is licensed from a third-party, the output may be subject to restrictions on the use of the information contained therein. Inputting such licensed information into an AI Tool could constitute a breach by the user of those third-party restrictions.

Note that the publication or distribution of the output of an AI Tool could result in the violation of the intellectual property rights of third parties. Prior to publishing or distributing content generated by AI Tools (in whole or in part), an AI User should receive approval from [supervisor/manager]. When publishing or distributing content generated by AI Tools (in whole or in part), AI Users should make known –through a disclaimer or otherwise – that the content has been generated by AI.

AI Users should at all times comply with [NAME OF ORGANIZATION] 's policies concerning data and record retention, and the proper storage, handling and sharing of sensitive information.

Relevant Documents and Citations

[INSERT AS APPROPRIATE]

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TEMPLATE: MODEL POLICY ON THE USE OF ARTIFICIAL INTELLIGENCE *IN RECRUITMENT AND SELECTION OF EMPLOYEES*

1. Purpose

The purpose of this policy is to establish guidelines for the responsible, ethical, and appropriate use of artificial intelligence (AI) in recruitment and selection of employees in the workplace at "[NAME OF ORGANIZATION]".

This policy aims to ensure that AI technology is used to enhance operational efficiencies, manage risk, drive innovation while complying with applicable law and ethical responsibilities to better serve [NAME OF ORGANIZATION]'s stakeholders in this fast-growing area of technology. [CONSIDER: Please consult the Definitions document for defined terms used and referenced throughout.]

Please note that:

- In the context of this policy, AI Tools are intended to help identify candidate strengths in the recruitment process and to improve efficiency in application review.
- AI Tools should not be relied upon exclusively or without verification for decision making and/or the creation of content. Accordingly, AI Tools are not intended to make hiring or any other employment/human resources related decisions. Note that AI Tools are meant to complement human decision making and do not serve as a replacement or substitute.
- AI Users are required to take steps to ensure that their use of AI does not introduce bias into the hiring process. AI Users must acknowledge that AI Tools may produce erroneous or nonsensical information or results that are not real. Additionally, AI Bias may occur when AI systems produce results that are skewed by human biases that were inputted into the system. This typically occurs when the data used to train AI Tools contains biases, when the AI Tools' algorithms are not designed to account for unbiased outcomes and thus introduce bias, or when the humans that design, train and administer AI Tools introduce their conscious and subconscious bias to the AI Tools. AI bias can lead to discrimination including disparate impact and is not in accordance with [NAME OF ORGANIZATION'S] anti-discrimination policies.

2. Scope

This policy applies to all employees and contractors who interact with, develop, or implement AI Tools within [NAME OF ORGANIZATION] (collectively, AI Users). It covers all AI technologies, including, but not limited to, machine learning, natural language processing, generative AI Tools, and computer vision.

[NOTE: USE AS APPLICABLE: Bargaining unit employees should refer to the applicable Collective Bargaining Agreement (CBA) for any provisions concerning job openings and hiring. Should this Policy conflict with any of the provisions in a CBA, the CBA shall apply.]

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3. Definitions

Terms used within this policy are defined in the "Definitions" document of the ALIS Playbook.

4. Policy

E. Approved AI Tools, AI Users and AI Use Principles

This Policy incorporates the guidance and procedures for authorization of AI Tools and AI Users and adopts the AI Use Principles included within the [NOTE: REFERENCE ALIS Playbook's Sample General Use Guidance Document].

F. Principles on the Use of AI in Recruitment and Selection

Note that this Policy is intended to be supplementary to [NAME OF ORGANIZATION]'s established recruitment, selection, and hiring policies and procedures. While AI and other technology may offer benefits, the practical application of a seemingly neutral AI Tool in recruitment and selection of employees could result in a discriminatory effect on one or more protected categories.

Below are general principles to keep in mind when using AI Tools within the recruitment, hiring and selection process.

- **Selection of AI Recruitment and Selection Tools:**
  - When selecting AI Tools for recruitment and selection purposes, determine whether the potential AI Tool vendor has trained and tested the tool to ensure its compliance with applicable employment laws and that the tool does not engage in discrimination. Consider requesting this information during the review process prior to purchasing new Tools from vendors. For existing vendors, consider requesting the vendor's bias audits or testing protocol.
  - Designated individuals within the organization should periodically, as determined by the organization, test AI Tools to determine if it is screening out applicants on the basis of their protected characteristics.
  - It is recommended that bias audits, via substantial human oversight, be conducted annually to ensure AI Tools do not produce bias and maintain compliance with applicable anti-discrimination federal and state laws. An AI Bias Audit is an impartial evaluation or review process conducted with substantial human oversight designed to identify and address biases in AI Tools and systems. Generally, this involves examining the data, algorithms and results produced by the AI Tool to ensure that it does not create a disparate impact based on an individual's protected characteristics. Consult with IT, legal counsel, and other related parties to know what and how to test and audit.
  - a) Bias audit [RECOMMENDED BASED ON DEVELOPING LAW. PLEASE CONSULT WITH COUNSEL]
  - An AI Bias Audit is an evaluation or review process conducted with substantial human oversight designed to identify and address biases in AI Tools and systems. Generally, this involves examining the data, algorithms and results produced by the AI tool to ensure that it does not create an unlawful discriminatory impact based on an individual's protected characteristics.

Note: Some jurisdictions have begun to include these types of audits as a requirement to mitigate AI bias, especially when AI Tools are used as a decision-making tool impacting individuals

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in the context of employment and elsewhere. A qualified third-party auditor or internal employee with relevant training may conduct these audits. In the alternative, organizations may wish to request that their AI Tool vendors provide them with independent audits of their AI Tools.

- » Confirm with the vendor that the AI Tool does not impermissibly seek or elicit information about an individual's disability or health, except as allowed regarding reasonable accommodation requests. Consider requesting this information from the vendor during the selection/procurement process and at least on an annual basis.
- » Know that AI Tools are only as good as the information provided to them. AI Bias occurs when AI systems produce results that are skewed by human biases that were inputted into the system. This typically occurs when the data used to train AI Tools contains biases, when the AI Tools' algorithms are not designed to account for unbiased outcomes and thus introduce bias, or when the humans that design, train and administer AI Tools introduce their conscious and subconscious bias to the AI Tools. AI bias can lead to discrimination including disparate impact. Depending on the available data set and the algorithms used, AI recruiting Tools may duplicate and proliferate past discriminatory practices that favors one group of individuals over another. Steps must be taken to ensure, via human oversight, that unlawful discrimination does not occur.

- **Disclosures to and from Applicants and Employees regarding AI usage**
  - » Applicants and employees must be informed of how their data is utilized for AI decision making. Consider providing this notification on the organization's recruitment page and within the application process, as applicable.
  - » Consent for personal data usage by an AI Tool must be obtained from a candidate/employee prior to such use. Consider utilizing the recruitment website and application process for these purposes.
  - » The organization may request applicants to disclose if they have utilized AI Tools when participating in the recruitment process including in resume and portfolio generation, or virtual interviews. [OPTIONAL]
- **Data Privacy and Security**
  - » Please refer to [NAME OF ORGANIZATION] 's policy on Data Governance.
- **Ethics**
  - » Please refer to [NAME OF ORGANIZATION] 's policy on Ethical Use of AI.
- **Sourcing and Screening Candidates**
  - » When using targeted job posts or leveraging social media to source candidates, ensure that the AI Tool is following equal employment opportunity principles.
  - » The organization should monitor the processes and results of AI Tools to ensure that they are not screening out potential candidates who need accommodations to perform analytical or other tasks in the hiring process or the essential job functions once hired. This may occur when competency or skills assessments are conducted. Consult with your legal counsel.
  - » Human oversight and screening of all applications is required.

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- **Testing and Assessments**
  - » Avoid using testing software that provides a score for "job fit" according to personality, aptitudes, cognitive skills, or perceived "cultural fit" based on games or tests. If such Tools are used, human oversight is required to ensure that the assessment is legally compliant.
- **Interviews**
  - » Avoid using AI-powered video interviewing technology that evaluates candidates based on facial expressions or speech patterns.
  - » The organization may choose to ask candidates if an AI-powered bot or avatar is interviewing in their stead at the virtual interview meeting.
- **Background and Reference Check**s
  - » Organizations that use AI screening and recruiting Tools with access to criminal records or other information retrieved in a typical background check must be mindful of their compliance obligations under the Fair Credit Reporting Act (FCRA) and applicable state background check laws.
  - » AI Tools with access to the same information may qualify as a consumer reporting agency and therefore trigger disclosure and reporting obligations under the FCRA. Please consult with legal counsel in this area.
- **Human Oversight**
  - » AI Users shall not use AI exclusively to make employment decisions. This includes decisions regarding the hiring, discipline, suspension, termination, promotion, demotion, or salary increase/decrease of employees.
  - » No AI User may use AI Tools for personnel decision-making purposes without the express written consent of [HR or an HR designee], including application rejections or advancement.
- **Continuous Monitoring**
  - » [NAME OF ORGANIZATION] may require that AI Users receive training, either in-house or through a third-party vendor, concerning the potential benefits and risks associated with using AI Tools and on the operation and use of approved AI Tools. In some instances, AI Users may be required to complete mandatory training prior to accessing and using AI Tools for work-related purposes.
  - » [NAME OF ORGANIZATION] is committed to regularly updating this policy and AI Tools based on feedback, technological advancements, and changes in regulations. To achieve these outcomes, AI Users must ensure compliance with this policy and report any misuse of AI technologies. Information Technology offices at [NAME OF ORGANIZATION] must regularly provide guidance on the secure and ethical use of AI Tools and conduct regular audits. Supervisors must address policy violations.

G. Interaction with Related Policies

Other [NAME OF ORGANIZATION] policies, practices and procedures may affect or relate to an employee's use of AI Tools and must continue to be followed. These include but are not limited to the following:

- Code of Ethics
- Anti-Harassment/EEO
- Computer Security
- Confidential Information/Confidentiality Agreements

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- HIPAA privacy practices
- Affiliation Agreements
- Collective Bargaining Agreements
- Vendor Agreements
- [INSERT RELEVANT POLICIES]

H. Amendments

AI technology and the laws and regulations governing AI are rapidly evolving and these policies may be amended from time to time to reflect the evolving landscape. This policy will be reviewed annually.

5. Other Related Information

6. Related Procedures

7. Forms

There are no forms relevant to this policy.

8. Authority

9. History

10. Appendices

- ALIS Strategy Framework
- Implementation Guidance and Checklists

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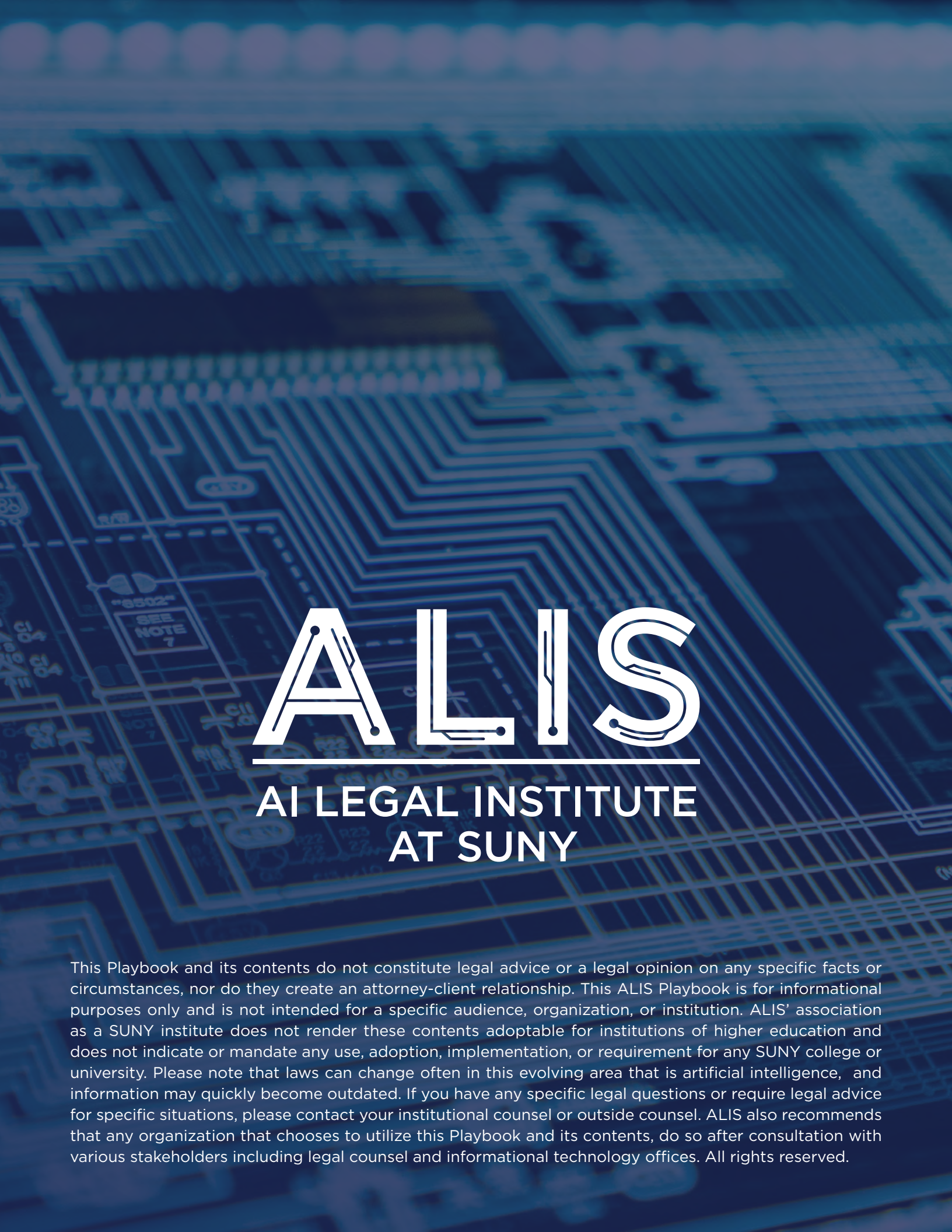

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