

Minimizing Implicit Bias

Presented by:

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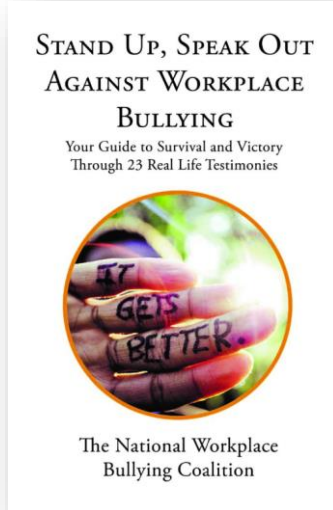
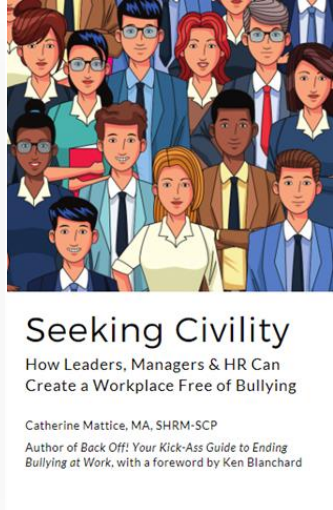
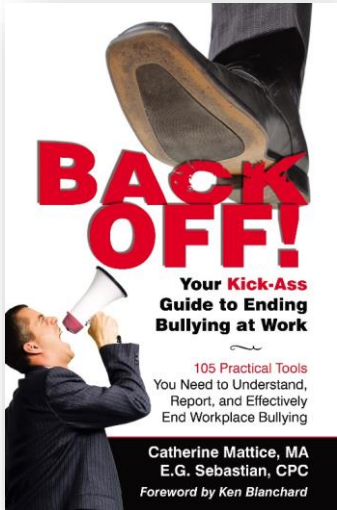


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FIFTEEN
= YEARS =

1

**WORKFORCE
SURVEYS**

Climate
Assessments
that measure
culture.

2

**ACTION PLANS
FOR CHANGE**

Planning and
implementation
of strategies that
make change.

3

**TRAINING
PROGRAMS**

A system of
learning and
practicing skills.

4

COACHING

For abrasive
leaders.

INDUSTRIES SERVED

- Aerospace
- Construction
- Banking & finance
- Healthcare
- Higher education
- IT
- K-12 schools
- Legal
- Manufacturing
- Technology
- U.S. Military
- Water authorities
- City, county & federal government
- Family owned
- Nonprofits, both large and small
- Privately held
- Union environments

CLIENTS INCLUDE



Bloomberg
BNA

TEDx

MSNBC

TIME

td
talent development

NBC

FOX
BUSINESS

Psychology Today

CNN

FAST
COMPANY

USA
TODAY

Forbes

Inc.

The San Diego
Union-Tribune.

THE
HUFFINGTON
POST

THE
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AGENDA

SAN DIEGO
BUSINESS
JOURNAL

ALJAZEERA
AMERICA

n p r

Entrepreneur

abc NEWS

600KOGO
NEWSRADIO

The Washington Times

SIRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

As Seen In



Agenda

- Define bias
- Bias and the law
- Duties concerning bias
- Origins of bias
- Compensate for bias



I am satisfied with my organization's diversity, equity, and inclusion initiatives.

Put your answers in the chat!





Did you see:

- Eyes? Or Narrow Eyes?
- Hair? Or Curly Hair?
- Skin? Or Brown Skin?

Our brains are programmed to scan for race, gender and age within one second of encountering another person.



How We Respond To Information:

Reflex arc	Cortex (subliminal) activity	Base executive function	Thinking, and consciously deciding
<p>Natural instincts cause a physical or mental reflex to save time and reduce injury (e.g., light causes pupils to contract)</p>	<p>Further reflexes to save time, reduce injury, increase survival (e.g., pupils dilate when we like or love someone)</p>	<p>Ability to engage in further survival activities like memory, self control, time management (e.g., remembering a first-date candlelight dinner)</p>	<p>Insightful action (e.g., planning an anniversary candlelight dinner for your partner)</p>



Conscious mind

Subconscious

Unconscious



Behavior

**Beliefs
Values**



Behavior: More likely to act on an idea provided by a person similar to yourself.

Belief: People who look like me are similar to me in ways of thinking and doing things.

Value: Sameness = Safety

Origins of Bias

- Gender
- Physical abilities
- Mental abilities
- Religion
- Income
- Age
- Sexual orientation
- Culture
- Ethnicity
- Seniority
- Marital status
- Appearance
- Education
- Upbringing
- Experience



How do you
define bias?

Diagonal to the grain

Inclination

Tendency

Unreasoned judgement

Statistical deviation

Systematic error in sample or test to encourage specific outcome

Reference level for operation

Prejudice



“The unconscious mind... always reaches a result, regardless of whether there is ‘enough’ or contradicting information. It is built to resolve ambiguity, and so it frequently jumps to conclusions.”

Karnow, Deciding.

Y0UR M1ND 15 R34D1NG
7H15 4U70M471C4LLY
W17H0U7 3V3N 7H1NK1NG
4B0U7 17.

Four Types of Bias



Confirmation
Bias

Cognitive
Dissonance

Attribution Bias

Associative
Reasoning



Confirmation Bias

We seek out information that confirms our beliefs.

22

We interpret that new information as confirmation of our existing beliefs.



Attribution Bias

Assumptions about the reasons behind a person's behavior, often negative assumptions for others and positive for you.



Cognitive Dissonance

Inconsistency in thoughts and behavior causes discomfort, and drives us to strive for consistency.

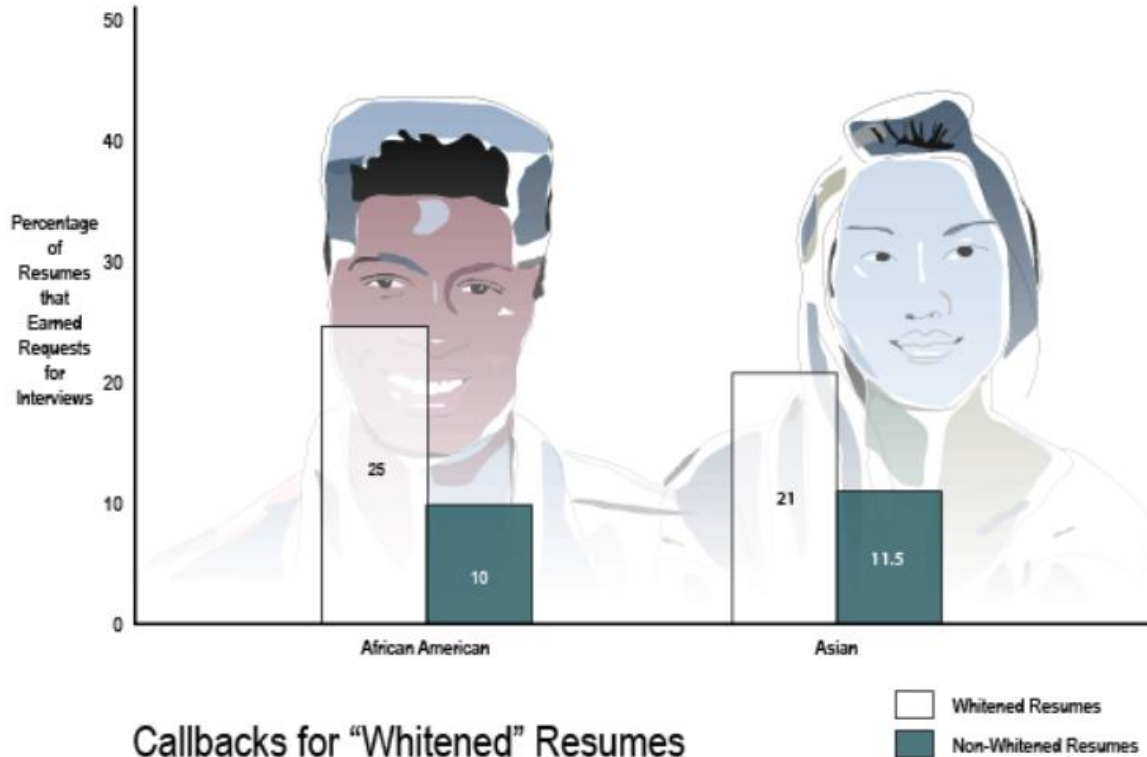


Associative Reasoning

Filling the gaps by associating one thing with another, whether accurately or not.



'Whitened' resumes produce more job call-backs for African Americans



Callbacks for "Whitened" Resumes

“Minorities who whiten job resumes get more interviews,”
Harvard Business School

White Thomas Meyer's Memo

- 4.1 out of 5 rating
- Praised for potential and analytical skills
- Found 2.9 out of 7 spelling/grammatical errors

Black Thomas Meyer's Memo

- 3.2 out of 5 rating
- Criticized as average at best and needing a lot of work
- Found 5.8 out of 7 errors

Bias & The Law





Bias can be found in...

- Jury instructions
- Statutes
- Case law
- Black's Law Dictionary
- CA Rules of Professional Conduct

CALCRIM 200 (Duties of Judge and Jury)

Do not let **bias**, sympathy, prejudice, or public opinion influence your decision. **Bias** includes, but is not limited to, **bias** for or against the witnesses, attorneys, defendant[s] or alleged victim[s], based on disability, gender, nationality, national origin, race or ethnicity, religion, gender identity, sexual orientation, age, [or] socioeconomic status (./,) [or ____<*insert any other impermissible basis for **bias** as appropriate*> .]



“Inclination; prejudice.”

Black’s Law Dictionary (10th Ed. 2014)

<https://libguides.law.uconn.edu/implicit>

Bias as an Element of Crime

- CALCRIM 761 (Death Penalty, Duty of Jury)
- CALCRIM 523 (First Degree Murder: Hate Crime)
- CALCRIM 902 Assault on Military Personnel
- CALCRIM 1350, 1351 & 1354 Hate Crime

*No definition of bias provided

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Bias as an Element of Crime

- CACI 100, Preliminary Admonitions;
- CACI 107, Introductory Instructions, Witnesses;
- CACI 113, Introductory Instructions, Bias;
- CACI 5003, Concluding Instructions, Witnesses.

*No definition of bias provided

California Statutes and Bias

- None. LARMAC 2016:
- “Challenge as juror, for implied or actual: Pen § 1073 [*Repealed 1988* – “See CCP §§ 227, 229, 231”].
- “Judge, of: CCP §§ 170 to 170.7.
- “Officer summoning jury, of challenge to panel for: Pen § 1064.
- “Peremptory challenge to juror based on presumed bias: CCP § 231.5.
- “School policy, Safe place to learn act. [1] Discrimination and harassment in schools: ED §§ 234 to 234.5. [2] Enforcement: Ed § 261, 262.4.”
- **Alas, no definition.**



**How can you
eliminate
minimize bias?**

Get humble





Reduce the risk factors that enhance use of bias.

Are there times we might lean on bias
more than other times?

- Certain emotional states (anger, frustration, fatigue)
- Ambiguous situations
- Underrepresented people in a room of highly represented people
- You perceive low effort is needed
- Distractions
- Pressured decision-making
- Lack of feedback or accountability

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How can
you
counter
these risk
factors?

Countering Risk Factors

- Educate yourself on the experiences of other groups
- Remove or reduce distractions
- Reduce ambiguity as much as possible
- Institute feedback mechanisms
- Seek familiarity in those who seem different
- Use and maintain quality control of your processes (e.g. interviewing new hires with a diverse panel)

**Interrupt the bias
by being an ally**



Allyship



Amplify ideas and give credit to people

Respond to showboating by pointing out expertise and experience of others

Kick questions back to the right person

Step in (see handout for 16 options)

Check out the DEIB learning path on LinkedIn Learning, including my Bystander to Upstander course.



50+ courses in 11 languages



Over 2.5M global learners



58K LinkedIn followers

The screenshot shows the LinkedIn Learning interface. At the top, there's a search bar with the text "What do you want to learn today?". Below it, the course title "Practicing Fairness as a Manager" is displayed, along with a "Welcome" message, a "Leave a review" button, and statistics: 2,766 likes and 13,915 views. The video player shows a woman in a blue blazer speaking. The left sidebar contains a "Contents" menu with sections: "Introduction", "Welcome" (1m 29s), "1. Introduction to Fairness in the Workplace", "What does it mean to be fair in the workplace?" (3m 54s), "Why people perceive things as fair or unfair" (4m 46s), "Chapter Quiz" (1 question), "2. Principles of Fairness", "Your role in showing fairness" (3m 31s), "Distributive fairness" (3m 26s), and "Procedural fairness" (2m 29s). Below the video player, there are tabs for "Overview", "Q&A", "Notebook", and "Transcript". The "INSTRUCTOR" section identifies Catherine Mattice as a "Professional consultant and trainer specializing in corporate culture" with a "Follow on LinkedIn" button. The "RELATED TO THIS COURSE" section lists "Exercise Files", "Certificates", and "Certifying Organizations". A "Give feedback" button is located at the bottom right.



We also have the
**Civility in the Legal
Profession** MCLE
accredited course!



A Better Workplace Awaits

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