

Interrupting Implicit Bias in the Workplace

HUMAN RESOURCES DEPARTMENT

PEPPERDINE UNIVERSITY

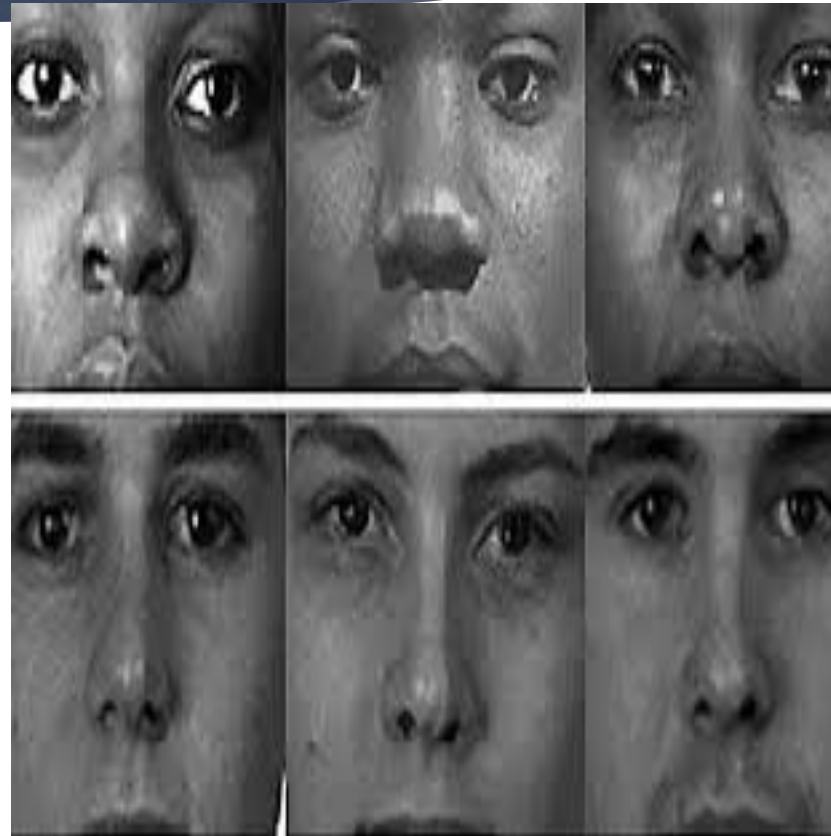
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PEPPERDINE SCHOOL OF LAW

Presentation Overview

- Introduction
- Antidiscrimination Laws
- Statistical Overview
- The Science of Implicit Bias
- Identifying Bias Manifestations
- Tools for Minimizing Biased Decision-making
- Conclusion/
Additional Q & A



Everything that we see is a shadow cast by that which we do not see.



Martin Luther King, Jr.

Why Talk about Bias?

- ▶ Laws and regulations prohibit discrimination
- ▶ Society has made progress in reducing discrimination and bias
- ▶ Higher Education has made progress in reducing discrimination and bias
- ▶ But, bias still impacts our everyday decision-making

Antidiscrimination Laws

Overview

Selected Anti-Discrimination Laws

- ▶ Title VII: Employment Discrimination
- ▶ Equal Pay Act
- ▶ Executive Order 11246 (1978 Amendments)
- ▶ Americans with Disabilities Act
- ▶ Age Discrimination in Employment Act

Selected Anti-Discrimination Laws

- ▶ California Fair Employment & Housing Act
- ▶ California Unruh Act
- ▶ California Fair Pay Act (2015)
- ▶ California Wage Equality Act (2016)

Fair Pay Act (2015); Wage Equality Act (2016)

- ▶ **broadens** existing protections to prohibit paying employees less than those of the opposite sex for “**substantially similar work**,” even those with different titles or work sites.
- ▶ **Employers have the burden** to show that differences are due to other factors, such as merit or seniority; are job-related, reasonable.
- ▶ **Bans employers from retaliating** against employees who discuss pay.
- ▶ **In 2016, race and ethnicity were added to gender**



While the laws prevent
discrimination,
The numbers are out of sync

AND NOT ALL NUMBERS ARE TRACKED

Some Statistics

On Race and Gender at Pepperdine

Instructional Faculty (OIE 2017)

▶ Total	678
▶ Full-time	394 (58.1%)
▶ Part-time	284 (41.9%)
▶ Male	381 (56.2%)
▶ Female	297 (43.8%)
▶ Percent minority	19.6%

Staff Demographics (OIE 2017)

- ▶ **Total** 1,209
- ▶ **Full-time** 1,164 (96.3%)
- ▶ **Part-time** 45 (3.7%)
- ▶ **Male** 530 (43.8%)
- ▶ **Female** 679 (56.2%)
- ▶ **Percent minority** 37.9%

Staff Demographics by Race/Ethnicity (OIE 2017)

STAFF OVERALL

- ▶ https://www.pepperdine.edu/oie/institutional-research/page_staff_all_in_one.htm

MANAGEMENT STAFF

- ▶ https://www.pepperdine.edu/oie/institutional-research/page_staff_all_in_one.htm

Contrasting with students:

- ▶ https://www.pepperdine.edu/oie/institutional-research/0student_fall_semester_enrollment_census.htm

Implicit Bias

The Science and its Critiques

Implicit Bias Research

- ▶ Defining and Identifying Bias
- ▶ Associations based on Race
- ▶ Associations based on Gender
- ▶ Some Critiques and Open Questions

Where do biases begin? With Generalizations

- **Save Time**
- **Often have a basis in reality**
- **Are useful in our everyday lives**
- **Help us make decisions, based on appropriate biases**

But Generalizations also

- **Can rely upon stereotypes**
- **Focus more on reputations and opinions**
- **May ignore specific instances of conduct**
- **And therefore lead to decision-making based on Improper Biases**

Types of Bias

- ▶ Bias is the pre-judging of a person based on his or her (perceived or actual) group status
- ▶ Explicit
- ▶ Implicit
- ▶ Unconscious

Explicit Bias

- ▶ Explicit – **System II thinking**
 - ▶ express,
 - ▶ aware,
 - ▶ animus,
 - ▶ deliberate,
 - ▶ will admit

Implicit Bias

- ▶ Implicit – **System 1 thinking**
 - ▶ intuitive,
 - ▶ reactive,
 - ▶ immediate,
 - ▶ unintentional,
 - ▶ deny,
 - ▶ Automatic

Implicit Bias

- ▶ Shows up when under stress
- ▶ Worsens with short time constraints
- ▶ Surprisingly diverge from expressed intentions
- ▶ Is more pronounced in those who think they are fair

Selected Implicit Attitude Tests

- ▶ Race and Ethnicity
 - ▶ Associating darker skin, particular features with negative stereotypes, and lighter with positive.
- ▶ Women and Home/Career
 - ▶ Associating Home with Women, and disassociating Career with Women
- ▶ Weight
 - ▶ Associating heavier with negative and lighter with positive
- ▶ Age
 - ▶ Associating younger with positive and older with negative

Examples of Biases at Work

INTERVIEWS AND
RECRUITING

PROMOTIONS
AND
ADVANCEMENT

SENIORITY AND
LEAVE

Tools for Minimizing Biased Decision-Making

Identification, Strategies and Approaches

Identify Potential Biases In the Hiring and Promotion Process

- ▶ Pre-existing biases
- ▶ Priming
- ▶ Signals and Responses
- ▶ Impacts on:
 - ▶ Potential Supervisors
 - ▶ Subordinates
 - ▶ Co-Workers
 - ▶ Management

Understand Manifestations of Implicit Bias in the Workplace

- Confirmation Bias
- Expectation Bias
- Availability Bias
- Initial hiring (names and interviews)
- Team-building (in-group preferences and diversifying)
- Informal mentoring and sponsoring

Specific Manifestations of Implicit Gender Bias in the Workplace

- Gender
 - Assertive v. Aggressive
 - Righteously Indignant v. Emotional
 - How Looks Matter
 - The impact of Chivalry
 - Voice Modulation, Tone, Tag Questions
 - Mary, Eve, Wonder Woman

The impact of Double Bias in Higher Education

- ▶ Adding a layer of racial bias
- ▶ Stereotypes, presumptions and assumptions of:
 - ▶ Competence,
 - ▶ Intelligence,
 - ▶ Emotions,
 - ▶ Communication abilities
- ▶ Reactions and Responses
- ▶ Choices and the Benefit of the Doubt

What is NOT Impermissible Bias?

- Neutral evaluations of performance
- Bona fide occupational qualifications
- Serving legitimate client needs and expectations
- Selecting those with demonstrated potential for leadership positions

Approaches for Interrupting Biased Decision-making

Recognize Race and Gender

Be conscientious in Promoting Diversity and Inclusion

Scrutinize Recruiting, Hiring and Promotion Practices

Use Reverse Mentoring to Foster Retention

Watch out for your Gut!

Awareness can make a Difference

Be vigilant about
assumptions

Activate
consciousness

Be deliberative to
avoid defaults to bias

*NOTICE YOUR
MESSAGING*



Questions and Comments?

Selected Articles

Christine Chambers Goodman and Sarah Redfield,
A Teacher Who Looks Like Me, 21 ST. JOHN'S J. C.R. & ECON. DEV. 105 (2013)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2432332

*Nevertheless She Persisted: From Mrs. Bradwell to Annalise Keating,
Gender Bias in the Courtroom*,
24 William & Mary Journal of Women and the Law 167 (2017), available at
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3129114

Shadowing the Bar: Attorneys' Own Implicit Bias, 28 Berkeley La Raza Law Journal 18
(2018) <https://scholarship.law.berkeley.edu/blrlj/>

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