

# Unconscious Bias: What Is It and What To Do About It

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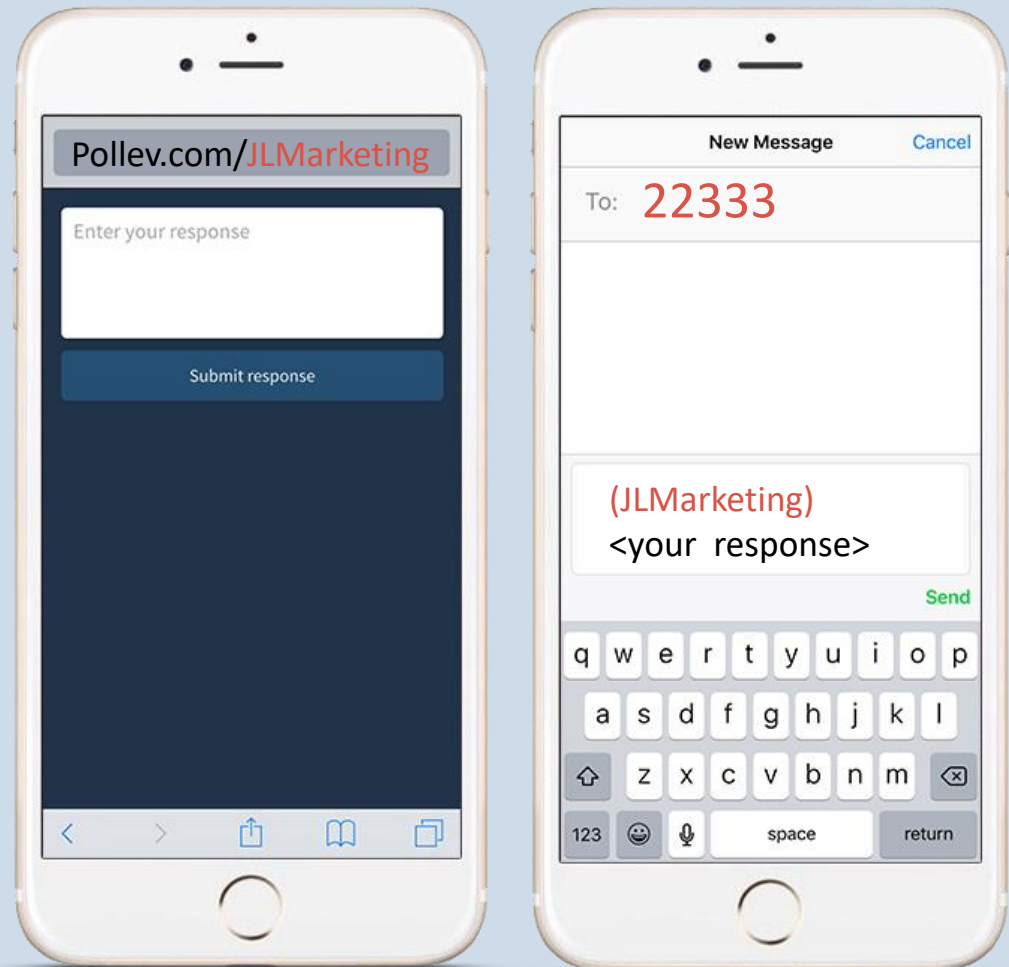
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If you want to use multiple words, use underscores:

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# One Thing Before We Get Started...

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# Agenda

- ◆ Diversity and inclusion basics
- ◆ Unconscious bias theory and types of UB
- ◆ Bias “interrupters”



# **WHAT'S DIVERSITY AND INCLUSION GOT TO DO WITH IT ANYWAY?**

# Diversity v. Inclusion

## Diversity

- ◆ Who you are – the numbers
- ◆ How many social identities in the workplace?

## Inclusion

- ◆ What you do – the “process”
- ◆ Processes to ensure that no one is leaving identity at the door

# Social Identities





# What's Wrong With This Picture?



# UNCONSCIOUS BIAS THEORY

# Unconscious Bias



- ◆ The brain takes in **11 million** pieces of information at any one point in time

**but**

- ◆ The brain can process **only 40 pieces** of information at any one point in time
- ◆ We need filters

# Unconscious Bias, cont'd

- ◆ Unconscious biases are the automatic mental shortcuts used to process information and make decisions quickly
- ◆ These mental shortcuts and quick decisions are based on past experiences and may be based on cultural stereotypes

# What might we use to fill in the blanks?

Family history

Personal experiences

Personal values

Educational experiences

Historical influences

Cultural influences – e.g., in media

All of the above

# Filling In the Blanks; Answer: All of the above

## ◆ What might we use to fill in the blanks?

- Family history
- Personal experiences
- Personal values
- Educational experiences
- Historical influences
- Cultural influences – *e.g.*, in media



# What kind of car was it?





## Were the two people in the car...







# What about the police officers?

2 women

1 man, 1  
woman

2 men

Other



**A father and his son are in a car accident. The father dies at the scene and the son, badly injured, is rushed to the hospital. In the operating room, the surgeon looks at the boy and says, "I can't operate on this boy. He is my son." How can this be?**

# Unconscious Thought is Very Valuable

- ◆ Shortcuts and categories
  - Save time and energy
  - Help us make sense of the world
- ◆ Sometimes efficiency comes at the price of accuracy



# **COGNITIVE BIASES**

**A cognitive bias is a systematic error in thinking that affects the decisions and judgments that people make**

# Some Types of Biases

- ◆ Availability
- ◆ Attribution
- ◆ Anchoring
- ◆ Confirmation
- ◆ Affinity

# Availability Bias



- ◆ Top of mind - estimating what's more likely based on availability in memory
- ◆ E.g., work assignments, who do you go to for help?

# Attribution Bias

## ◆ Infer causes of events or behaviors

- In-group judged as individuals (you make excuses for your in-group)
- Out-group judged by group stereotypes (no excuses)
- *E.g.*, performance attribution affected by gender and/or race; response attribution



# Confirmation Bias

- ◆ Pay more attention to information that confirms a pre-existing belief or valuation
- ◆ *E.g.*, GM placed ads to break stereotype that Millennials don't buy Buicks





# Anchoring Bias



- ◆ The initial valuation influences the final valuation without you even knowing it
- ◆ *E.g.*, prior pay history; California Labor Code section 432.3 prohibits employers from asking job applicants about their salary histories



# Affinity Bias

- ◆ Favoring people who are like you and/or have similar interests and backgrounds
- ◆ *E.g.*, easy interviews; go-tos

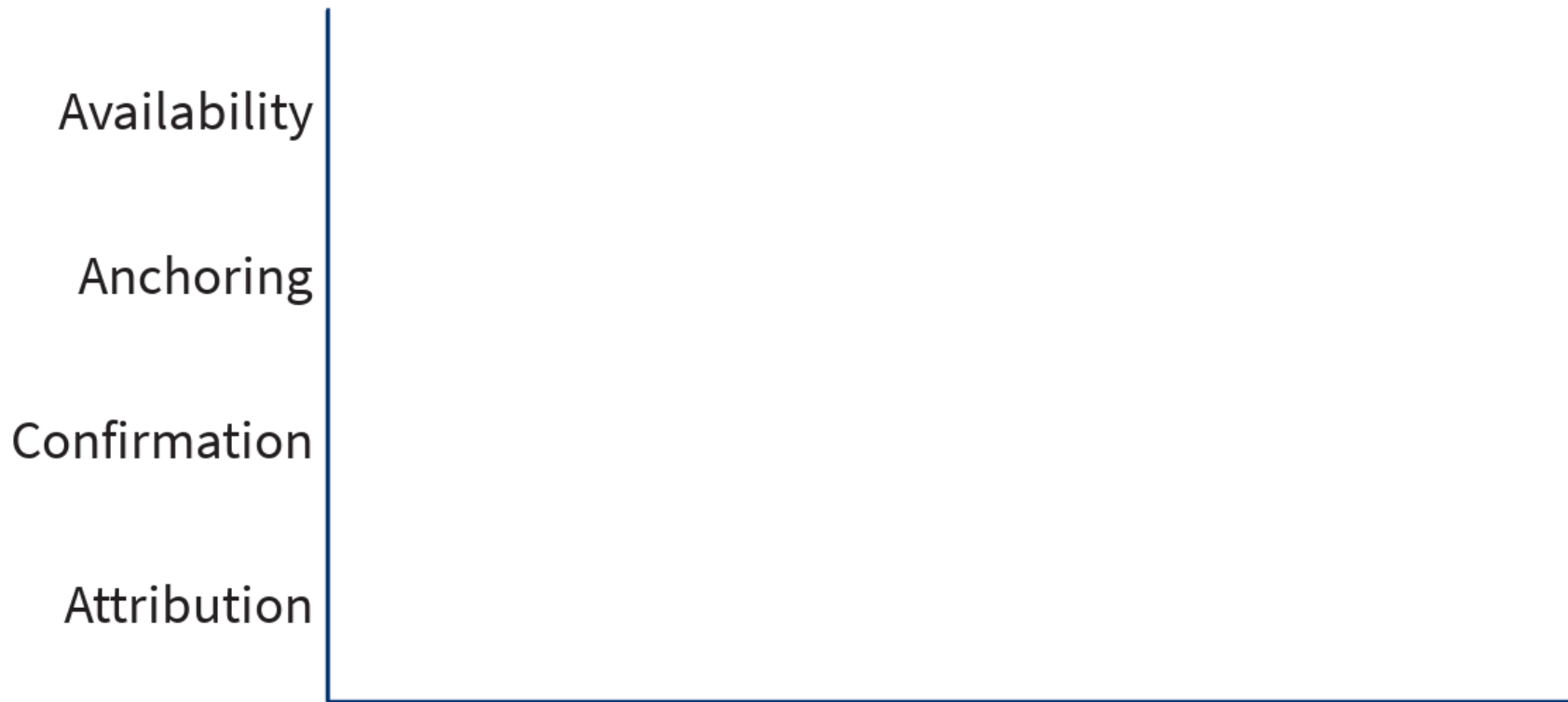




***NAME THAT BIAS!***



**You are shopping for outside counsel. First, you interview an attorney who charges \$1,000 per hour. The next candidate is only \$500 per hour. You hire the first candidate, assuming that the second one must not be as good. What type of bias is at play?**



# What kind of bias is at play?

- ◆ Susan and Sam are both asked to write memos for their boss. The boss thinks Sam underperforms, but Susan can do no wrong and is, by all accounts, a super-star. Sam and Susan are friends and Susan agrees to swap memos with Sam. The boss' feedback on the memo Susan submitted – actually authored by Sam – is positive. The one Sam submitted – authored by Susan – comes back completely re-written and the boss sends it to HR as an example of Sam's lousy work.



## What type of bias is at play?

Availability

Attribution

Confirmation

None of the  
above.

Both Attribution  
and Confirmation

# What kind of bias is at play?

- ◆ A General Counsel is hiring for a new AGC position. The first candidate is **Stephanie**, who happened to go to the same law school as the GC, and looks just like his sister, who he is very close with. That gives him the warm fuzzies.
- ◆ The second candidate is **Billy**, who mentions during his interview that he grew up someplace far away, and that the past three generations of his family are from there. The GC is unfamiliar with the place, but read someplace that its schools really struggled.
- ◆ The third candidate is **Chris**. He described his upbringing as growing up in the “inner city.”
- ◆ The GC recommends hiring Stephanie, and says that he’s not sure Billy or Chris will be up to the rigors of working in a big city corporate environment. He’s concerned they won’t fit in with the others.



# What kind of bias is at play?

Attribution bias

Get the GC some EEO  
training and FAST!

Affinity bias

All of the above



A blurred background image of an office interior, showing a desk, a chair, and a window with a view of a building.

# **UNCONSCIOUS BIAS AT WORK & INTERRUPTING IT**

# Unconscious Bias Can Create Hidden Barriers

- ◆ Networking opportunities
- ◆ Information access/internal networks
- ◆ Work assignments
- ◆ Mentoring and sponsors
- ◆ Training and development
- ◆ Substantive contact with clients/customers
- ◆ Access to information/decision-makers/stake-holders
- ◆ Inadequate feedback / soft or bare evaluations
- ◆ Denied advancement opportunities

A blurred background of an office interior, showing a bookshelf on the left and a person standing near a window on the right.

**WHAT CAN YOU DO ABOUT  
IT? INTERRUPT IT.**

“Between stimulus and response there is a space. In that space is the power to choose our response.”

**Victor Frankl\*** (quoted by Ed Maxwell in Ted Talk, *Mind Your Bias*)

\* Quote is widely attributed to Victor Frankl, but some controversy exists as to its source

# Interrupt Unconscious Bias

## MORE LIKELY TO SHOW UP:

- Cognitive overload
- Time pressured
- Stressful situations
- Unstructured processes
- Ambiguous situations
- Subjective decisions

## GENERAL TACTICS:

- Remind yourself about impact of implicit biases
- Slow down decision-making
- De-stress
- Add structure to processes
- Embed bias-busters
- Add in oversight

# Exercise Your “ABS”

- ◆ Awareness
- ◆ Behavioral Changes
- ◆ Structural Changes

# Awareness Interruptors

- ◆ Pay attention to surprises and times when you might have made a mistake due to failure to look through a “non-salient” lens
  - Pay attention to discomfort – it may be an “ah-ha” moment
- ◆ Use those “ah-ha” moments to pull up and look through a different lens – make the non-salient more salient

# Behavioral Interruptors

- ◆ Actively seek out diversity and opportunities for inclusion
- ◆ Oppose yourself on your traditional thinking
- ◆ Find commonalities (rather than focus on differences)
- ◆ Audit decisions for affinity bias



# BEHAVIOR CHANGES

Replace stereotypical images with counter-stereotypes



Mass Mutual TV Spot, 'Dad'



**YES**

# Examples of Potential Structural Interruptors

- ◆ Hiring processes
  - E.g., name blind resumes; interview panels
- ◆ Work assignment processes
- ◆ Mentorship programs
- ◆ Performance review oversight
- ◆ Promotion criteria

# Take-Aways

## ◆ Awareness

- Pay attention to the a-ha moments

## ◆ Behavior

- Mix-it-up
- Do things a little differently
- Pull-up the non-salient hoops once in a while

## ◆ Structure

- Innovation in how we do things – a work in progress everywhere

# ISSUES TO CONSIDER

# What does the Law Say Anyway?

- ◆ Is unconscious bias actionable under federal anti-discrimination laws?
- ◆ How does it show up?
  - Evidence of discrimination
  - Introduction of expert testimony on unconscious bias?

# Issues To Consider When Designing UB Training

- ◆ What is the goal?
- ◆ Who is the audience?
- ◆ Have there been issues?
- ◆ Training most suited to management
- ◆ EEOC is focused on unconscious bias
  - The U.S. [Equal Employment Opportunity Commission](#) targeted implicit bias in its five-year "Eradicating Racism and Colorism from Employment" (E-RACE) initiative from 2008 to 2013 and committed to holding public meetings that would address implicit bias.
  - The EEOC also tackled implicit bias through guidance defining "intentional discrimination" to include unconscious stereotypes regarding the abilities, traits or performance of individuals belonging to certain racial groups.
- ◆ Courts have not taken a consistent stance on implicit bias theory in the context of employment discrimination law

# Speakers

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