

Implicit Bias

HEARING PANELIST TRAINING
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Fact:

Hearing panel
resolutions are not
based on reality.



Reality or Perception?

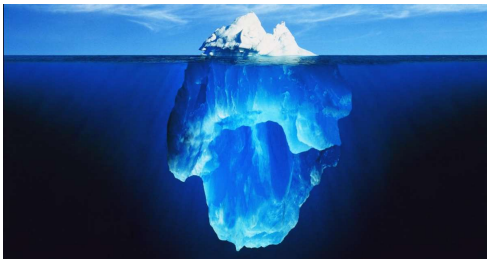
Reality cannot be known by a panelist unless they actually experienced the events firsthand.

Instead, a panelist bases their decisions upon their perceptions of reality.

Theoretically, perceptions are derived through evidence and testimony as presented by the investigation report and exhibits and during the hearing itself.

However, panelists enter the hearing with biases and preloaded perceptions that may be very influential on the decision-making process.

Perception, Defined



Perception is our **own vision or version** of reality.

We see the world not as it is, but **as we are**.

If our senses **can be misled into perceiving** that something is so, we will believe it.

Once we believe that something is so, even though it is not, **we accept it**.

Perceptions of reality often prevail over reality.

Challenges of Perception

We are sponges, **constantly absorbing new information** and sifting it through our extensive assortment of biases to reduce our situational anxiety.

Preconceived notions, ideas, generalizations, and stereotypes which make up the collective biases of a panelist are a very important source of information which is used in decision-making.

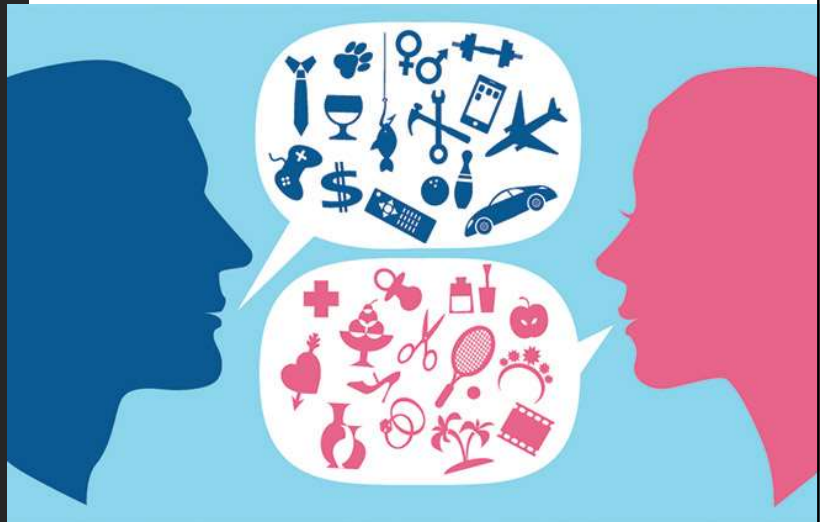
Why does this matter?

Decision-makers often see **evidence that aligns with their beliefs** in a **positive** manner and **ignore evidence that does not**.

In some instances, decision-makers might **disregard and distort evidence** that does not confirm their own beliefs.

Fact:

We all bring biases to the table.



Basics of Bias

EXPLICIT BIASES

Our **declared beliefs** and **conscious values**

Consideration is the result of **deliberate thought**

Social norms of **equity** and **impartiality** often diminish their effect in decision-making



IMPLICIT BIASES

Possessed by **everyone**, even those with strong outward commitments to impartiality and equity

Do not necessarily align with our declared beliefs

Often **influence decisions** more than conscious values

Can be **activated by any number of identities** perceived in others

Once activated, work **quickly and automatically**

Tend to **favor natural chemistry** or **common interests**

Bases for Bias

- Age
- Ability, disability
- Political affiliation
- Criminal history
- Physical appearance
- Socioeconomic status
- Veteran status, military status
- Language, characteristics of speech
- Family medical history, genetic makeup
- Affectional orientation, sexual orientation
- Sex, gender, gender identity, gender expression
- Marital status, familial status, pregnancy, familial responsibilities
- Race, color, national or ethnic origin, nationality, ancestry, immigration status
- Religion, creed, faith beliefs, spiritual beliefs – or the absence of these



Fact:

Implicit biases are nearly impossible to eliminate but their effects can be reduced.



“Bias isn’t like an upset stomach that an individual can take an antacid to fix... The outcome of any implicit bias training shouldn’t be to cure people’s bias or make them more objective—it should be to make people bias-aware.”

Identifying Implicit Bias

Implicit Association Test (IAT)

- Measures the strength of associations between identity characteristics and descriptive terms
 - Identity characteristics – bases for bias
 - Descriptive terms – good, bad, clumsy, smart, etc.
- Limited in that it will only tell you whether on any given day, you have a slight to significant preference for one group over another
- However, the IAT modules will act as a starting point for introspection
 - Both your results and the process of responding to the IAT itself are valuable

Introspection & Mindfulness

- When making decisions in the below situations, observe what you consider as relevant and what weight you place on the information
 - High ambiguity (open to multiple interpretations)
 - Incomplete information
 - Overload of information and steps required to reach a decision
- Practice slowing down and viewing all situations from a variety of perspectives as you make decisions
- Be critical of the information you consume on a daily basis

Addressing Implicit Bias

1. Be informed of the presence of bias and possible affects on decision-making
 - a. Research indicates warning of bias can reduce its affects on the hearing process
 - b. When you become **bias-aware**, you are able to act with less bias **without focusing on being unbiased**
 - i. Using knowledge about your own biases will cause you to review your decisions and course-correct if appropriate, adding accountability and intentionality to the process
2. If you are aware of a bias you have that may influence your ability to act as an equitable and impartial panelist, you should decline to serve for that complaint

Addressing Implicit Bias

3. Provide panelists “decision aids” to assist in making a determination
 - a. Research indicates structured tools used to guide the process of decision-making may reduce the affects of bias
 - i. Provides a guide to logically justify your determinations based on the applicable policies
4. Work with others on the panel to be self-aware
 - a. Be agreeable to reconsidering the evidence and any decisions on its relevancy to the complaint
 - b. If you are the outlier on a decision, reconsider your stance, looking for any evidence of bias influence
 - c. If you are in a “majority rules” decision with one outlier, review the evidence carefully for possible group-think influences

Addressing Implicit Bias

5. Engage in high-effort, deliberate thought processes
 - a. Even if the resolution seems straightforward, consider every piece of evidence and all testimony as you’ll need to indicate how each was included or excluded as part of your resolution
 - b. Credibility determinations should be examined with a critical view to reduce the influence of bias
 - i. Can you objectively illustrate the reason(s) you feel the party or witness is accurately portraying the relevant facts?
 - c. Appreciate that making a decision based on your “gut” or “intuition” increases the likelihood of bias