Difficult Conversations:
Talking about Racism and Bias at Work

GREENE ESPEL PLLP

Sybil Dunlop

Agenda

1. What is bias? How is it different from racism?
2. How does it affect our work?
3. Why does it matter?
4. How do we interrupt it?

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What is bias?

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Unconscious Bias:

The **bias in judgment and behavior** that results from subtle cognitive processes that operate below conscious awareness and **without intentional control**

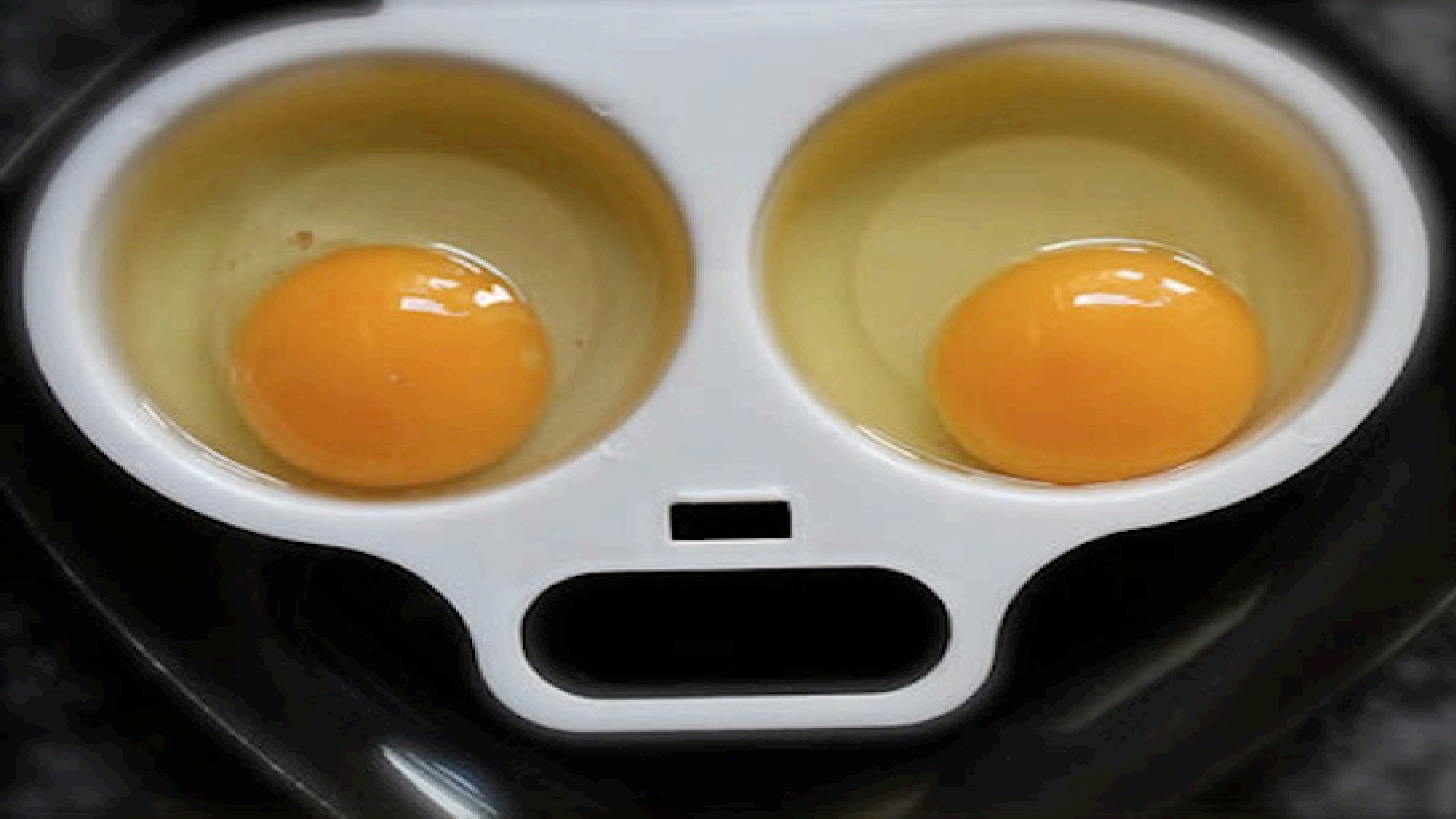
But what about explicit bias?

Labeling behavior as unconscious that could just as easily be described as explicit means much of contemporary discrimination is likely to evade legal liability.

Our brains play tricks on us





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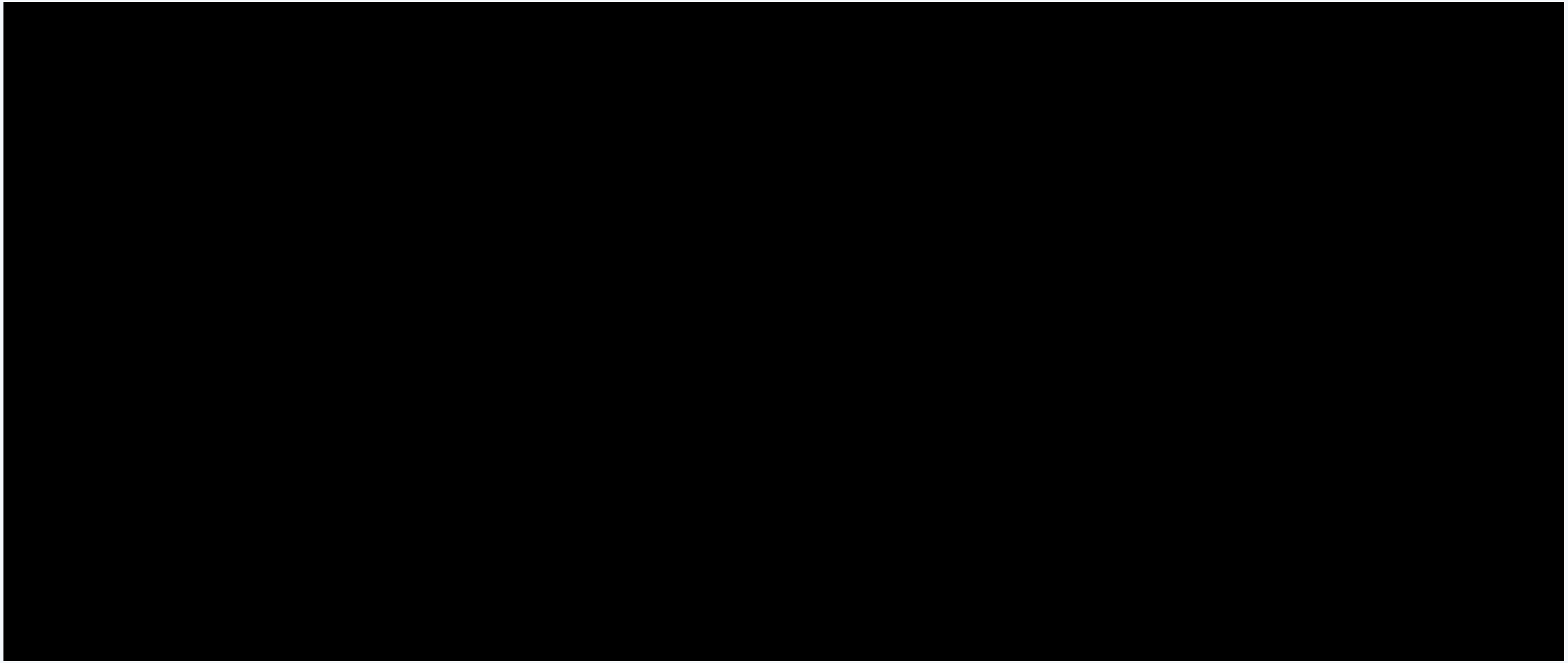






The color of a coffee mug can change the way coffee tastes.

Is there a way to measure this?

#1	#2	#3
SLB	CFLTK	CFLTK
SPRND	HLMG	CFLTK
SLB	SPRND	SLB
SPRND	HLMG	CFLTK

#1	#2	#3
GREEN	BLUE	GREEN
RED	YELLOW	YELLOW
PURPLE	BLUE	RED
GREEN	RED	PURPLE

#1	#2	#3
RED	GREEN	YELLOW
BLUE	GREEN	BROWN
RED	YELLOW	BLUE
BROWN	BROWN	BLUE

Press "E" for

White Americans

Press "I" for

Black Americans

Part 1 of 7

Put a left finger on the **E** key for items that belong to the category White Americans.
Put a right finger on the **I** key for items that belong to the category Black Americans.
Items will appear one at a time.

If you make a mistake, a red **X** will appear. Press the other key to continue.
Go as fast as you can while being accurate.

Press the **space bar** when you are ready to start.

Press "E" for

White Americans

Press "I" for

Black Americans



If you make a mistake, a red **X** will appear. Press the other key to continue.

Press "E" for

White Americans

Press "I" for

Black Americans



If you make a mistake, a red **X** will appear. Press the other key to continue.

Press "E" for

Harmless Objects

Press "I" for

Weapons

Part 2 of 7

Put a left finger on the **E** key for items that belong to the category Harmless Objects.
Put a right finger on the **I** key for items that belong to the category Weapons.

If you make a mistake, a red **X** will appear. Press the other key to continue.
Go as fast as you can while being accurate.

Press the **space bar** when you are ready to start.

Press "E" for

Harmless Objects

Press "I" for

Weapons



If you make a mistake, a red **X** will appear. Press the other key to continue.

Press "E" for

Harmless Objects

Press "I" for

Weapons



If you make a mistake, a red **X** will appear. Press the other key to continue.

Press "E" for

Harmless Objects

or

White Americans

Press "I" for

Weapons

or

Black Americans

Part 3 of 7

Use the **E** key for White Americans and for Harmless Objects.
Use the **I** key for Black Americans and for Weapons.
Each item belongs to only one category.

If you make a mistake, a red **X** will appear. Press the other key to continue.
Go as fast as you can while being accurate.

Press the **space bar** when you are ready to start.

Press "E" for

Harmless Objects

or

Black Americans

Press "I" for

Weapons

or

White Americans

Part 6 of 7

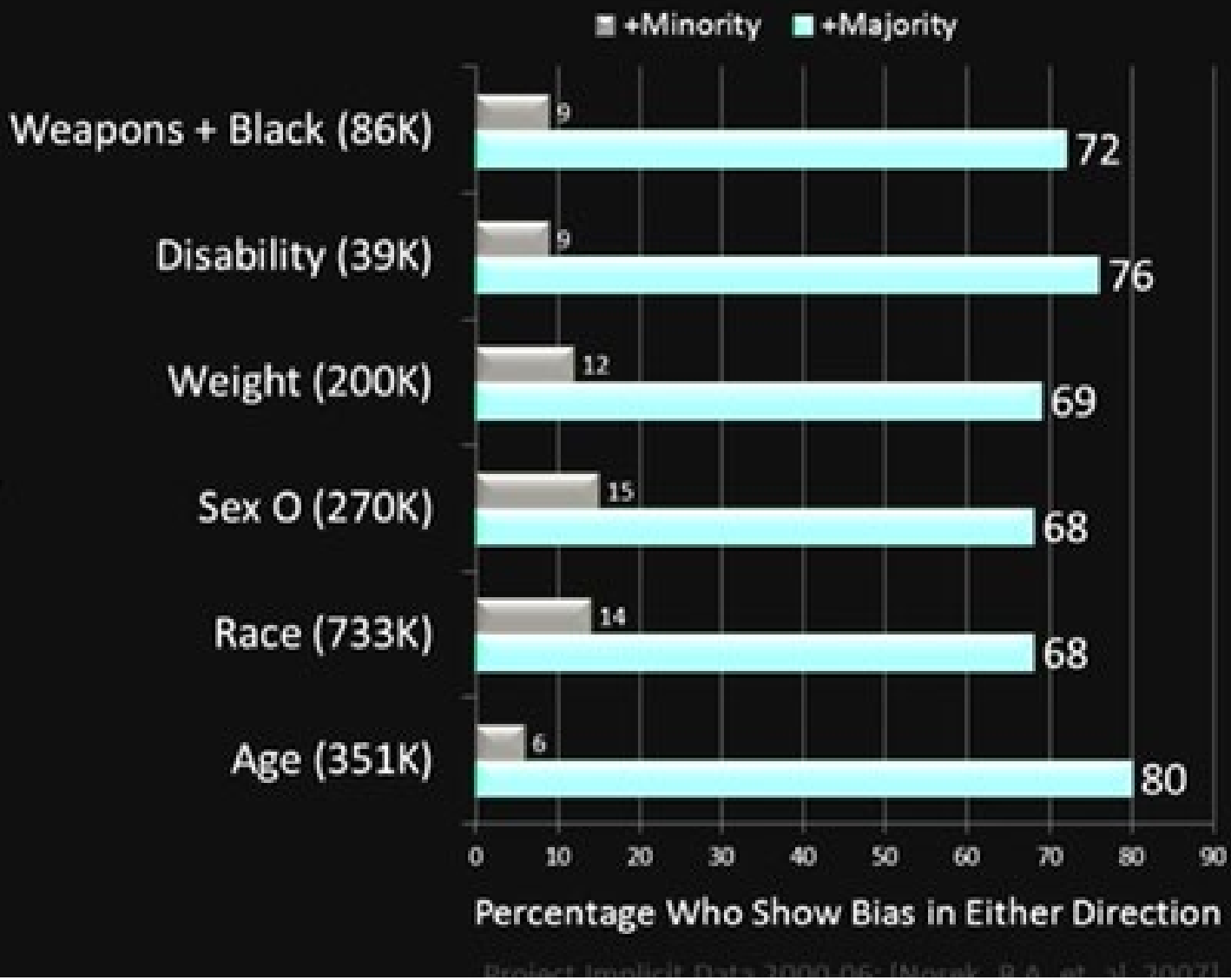
Use the **E** key for Black Americans and for Harmless Objects.
Use the **I** key for White Americans and for Weapons.
Each item belongs to only one category.

If you make a mistake, a red **X** will appear. Press the other key to continue.
Go as fast as you can while being accurate.

Press the **space bar** when you are ready to start.

Pervasive

PROJECT IMPLICIT
B.A. Nosek
M.R. Banaji
A.G. Greenwald



How did your presenter do?

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Here is your result:

Your data suggest no automatic preference between Old people and Young people.

The sorting test you just took is called the Implicit Association Test (IAT). You categorized images of Weapons and Harmless Objects with images of Black Americans and White Americans.

During the IAT you just completed:

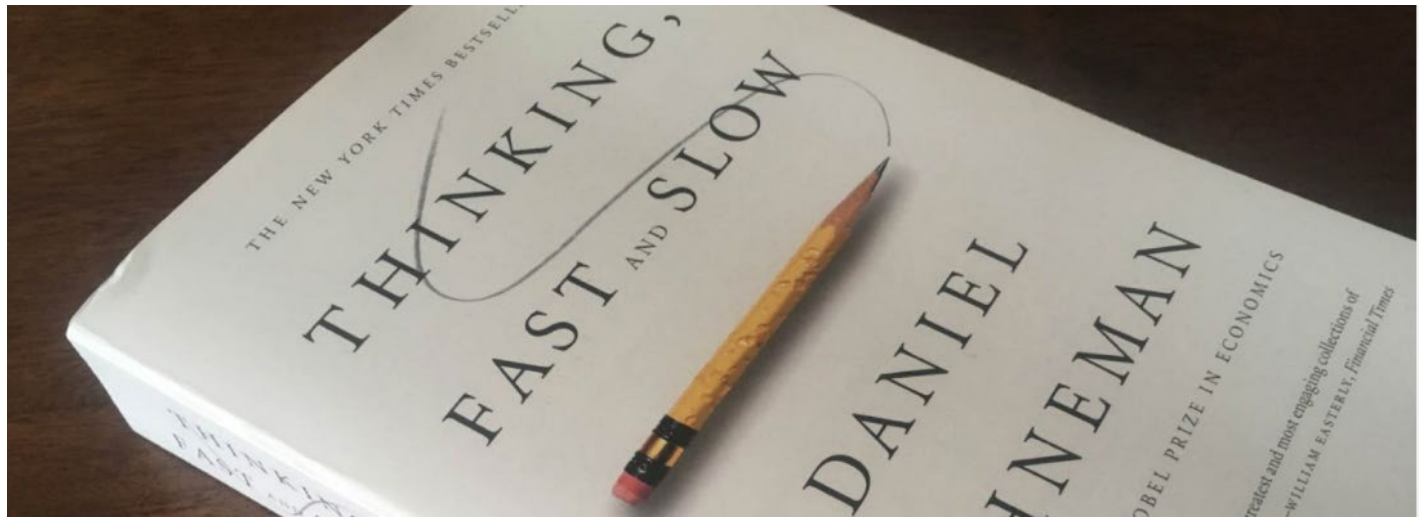
Your responses suggested a moderate automatic association for Harmless Objects with White Americans and Weapons with Black Americans.

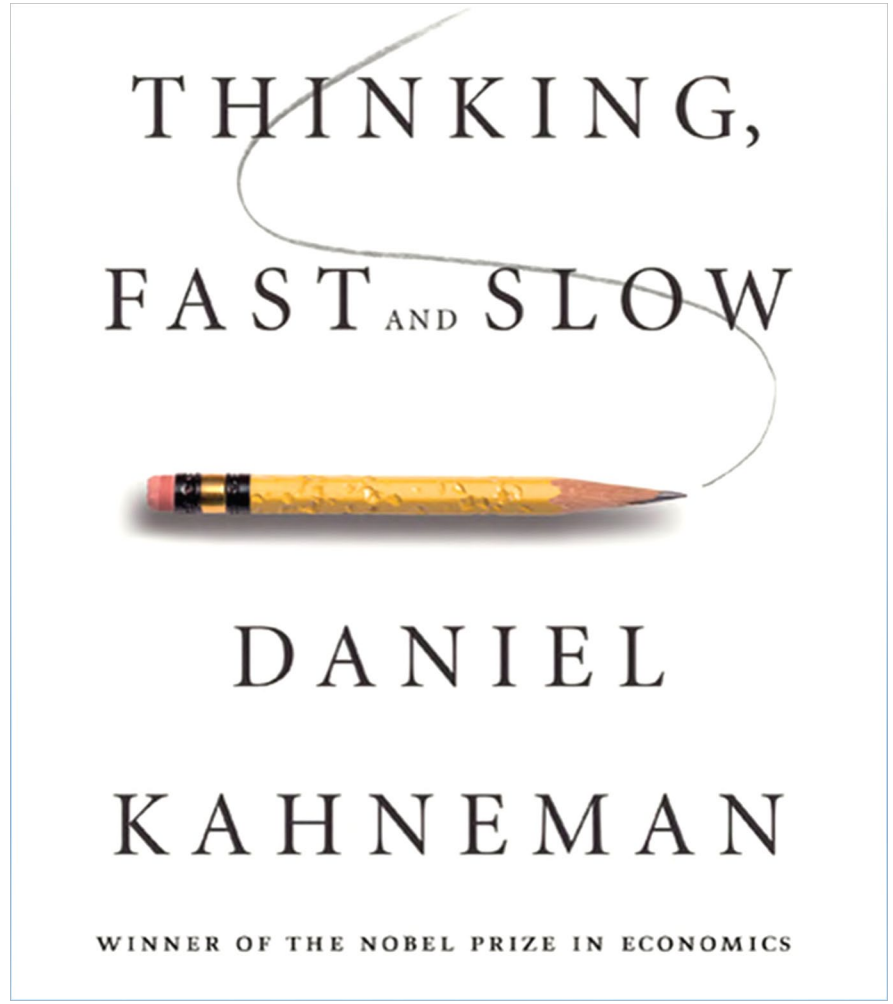
Your result is described as an "Automatic association for White Americans with Weapons" if you were faster responding when *White Americans* and *Weapons* are assigned to the same response key than when *Black Americans* and *Weapons* were classified with the same key. Your score is described as an "Automatic association for Black Americans with Weapons" if the opposite occurred.

Would knowing someone's IAT score help determine whether they are likely to act in discriminatory ways?



Why is this happening?


THE NEW YORK TIMES BESTSELL
THINKING,
FAST AND SLOW
DANIEL
NEMAN
OBEL PRIZE IN ECONOMICS
reatest and most engaging collections of
—WILLIAM EASTERLY, Financial Times


THINKING,
FAST AND SLOW
DANIEL
KAHNEMAN
WINNER OF THE NOBEL PRIZE IN ECONOMICS

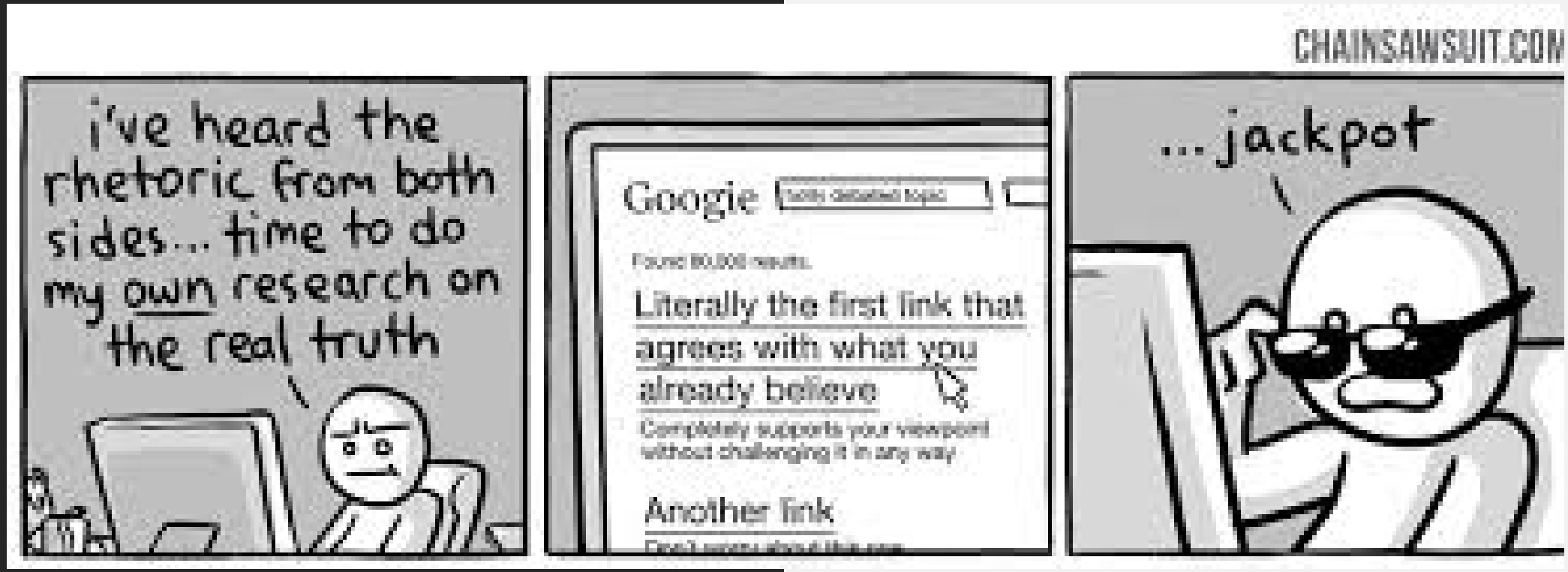

Plunkett





The Linda Problem





Confirmation Bias



Observational Selection Bias



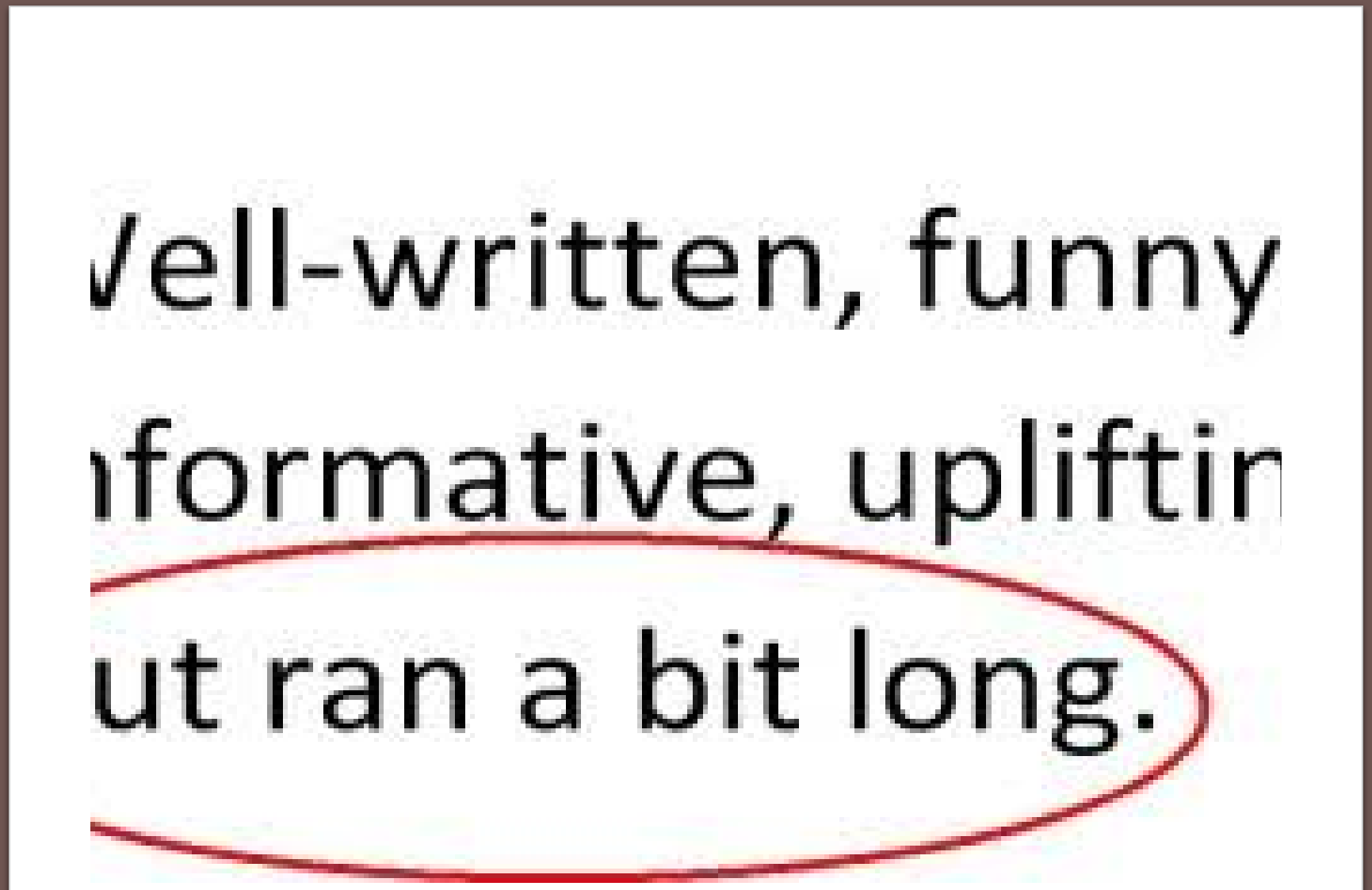
The Anchoring Effect



Current Moment Bias



Bandwagon Effect



Negativity Bias

How are biases influencing our work?

WARNING:
Images may be disturbing

A primary obstacle to the study of police use of force has been the lack of readily available data.

Data on lower level uses of force, which happen more frequently than officer-involved shootings, are virtually non-existent.

This is due, in part, to the fact that most police precincts don’t collect data on use of force.



On non-lethal uses of force, Blacks and Hispanics are more than fifty percent more likely to experience some form of force in interactions with police.

Adding controls that account for important context and civilian behavior reduces, but cannot fully explain, these disparities.



Blacks are 21.3 percent more likely to be involved in an interaction with police in which at least a weapon is drawn than Whites



Based on information from more than two million 911 calls in two US cities, White officers dispatched to Black neighborhoods fired their guns five times as often as Black officers dispatched for similar calls to the same neighborhoods.



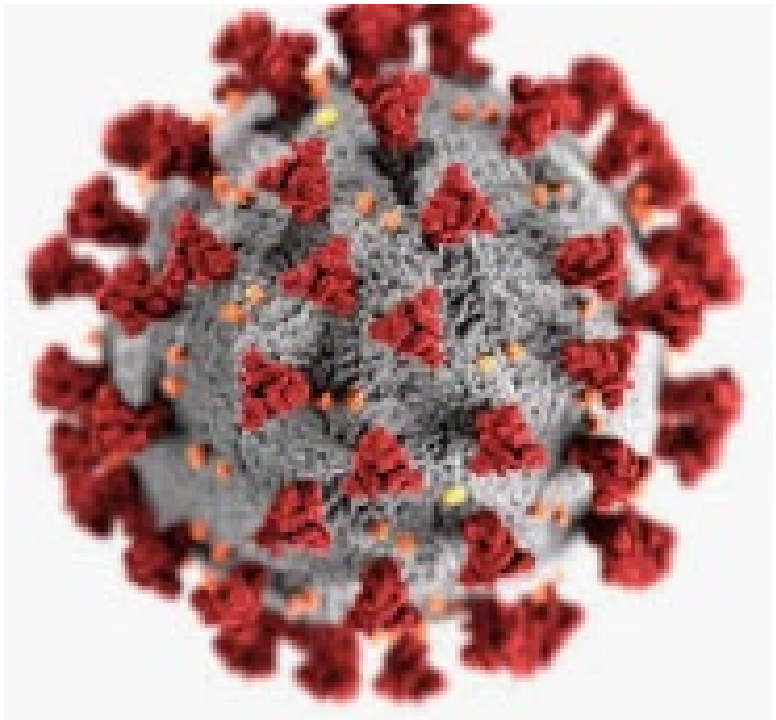
The probability of being Black, unarmed, and shot by police is about 3.5 times the probability of being White, unarmed, and shot by police,



Wrongdoing may be contagious.

One study looked at complaints in Chicago and found that although only a small percentage of officers shoot at civilians, those who have done so often serve as “brokers” in the social networks within policing.

Other officers connected to them were also found to be at greater risk of shooting.



Hiring

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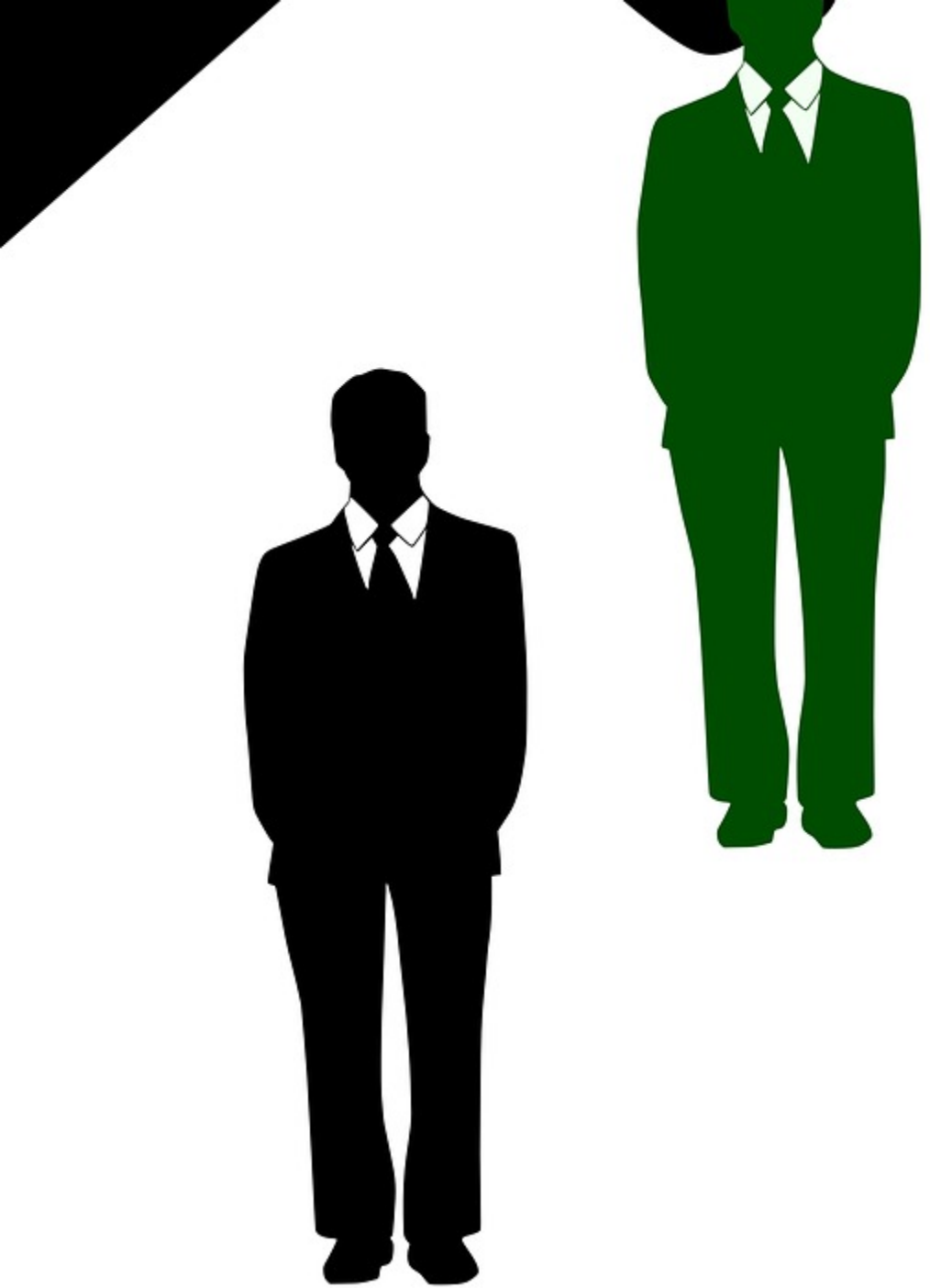
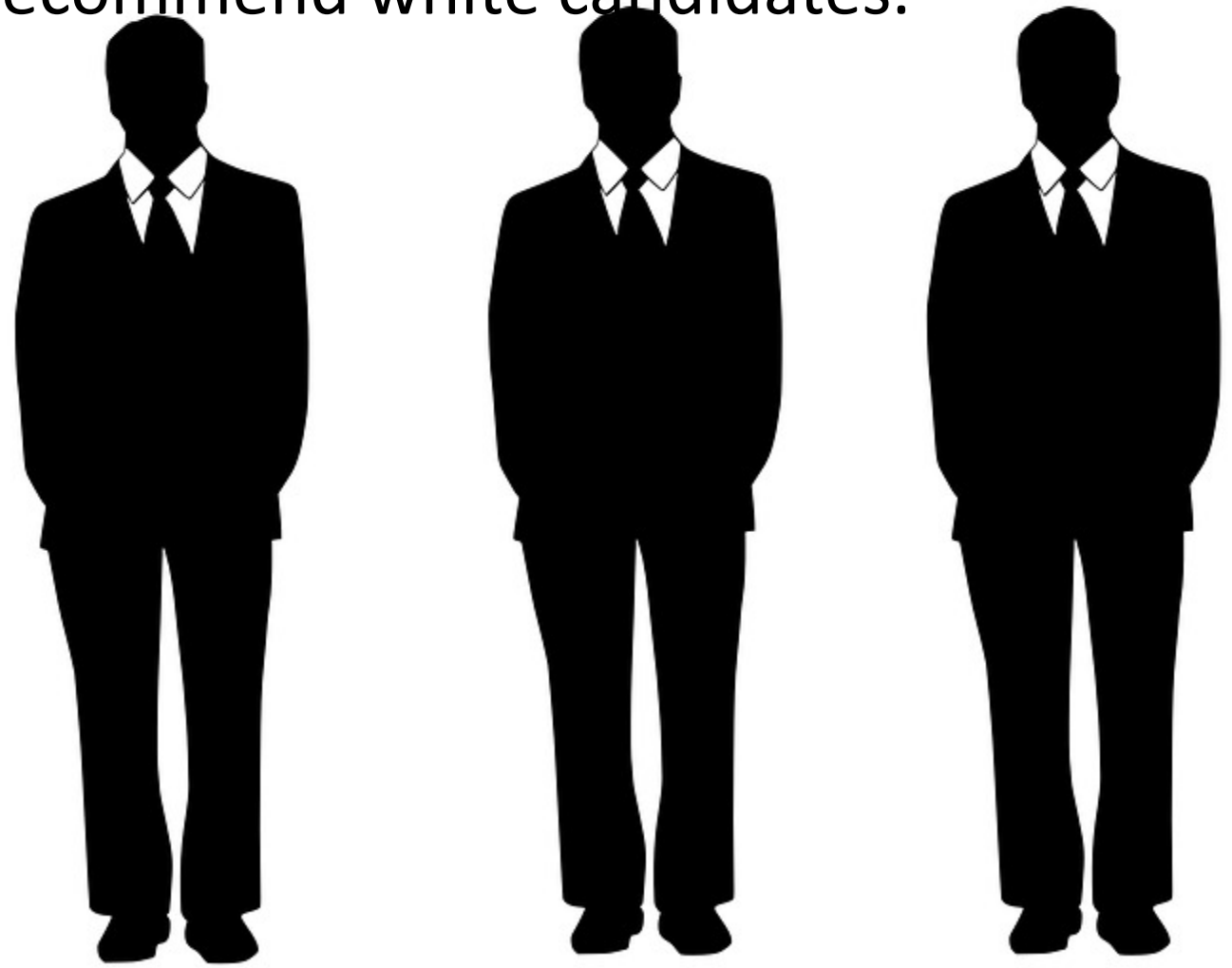
Subjects given identical resumes from applicants with white or black sounding names are significantly more likely to recommend white candidates.





When subjects are given identical resumes (but for motherhood), non-mothers receive 2.1 times as many callbacks and are recommended for hire 1.8 times more.



Promotion

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Name: *Thomas Meyer*	***Name:*** *Thomas Meyer*
Seniority: *3rd Year Associate*	***Seniority:*** *3rd Year Associate*
Alma Mater: *NYU Law School*	***Alma Mater:*** *NYU Law School*
Race/Ethnicity: *African American*	***Race/Ethnicity:*** *Caucasian*

On a five-point scale, reviews for the same memo averaged a 3.2 for the “African American” author and 4.1 for the “Caucasian” author.



The comments were also telling:

“Caucasian” Thomas Meyer

- “generally good writer but needs to work on . . .”
- “has potential”
- “good analytical skills”

“African American” Thomas Meyer

- “needs lots of work”
- “can’t believe he went to NYU”
- “average at best”


PROVE-IT AGAIN!
MENS' SUCCESSES
WOMENS' SUCCESSES
HE'S skilled.
SHE'S lucky.

Retention

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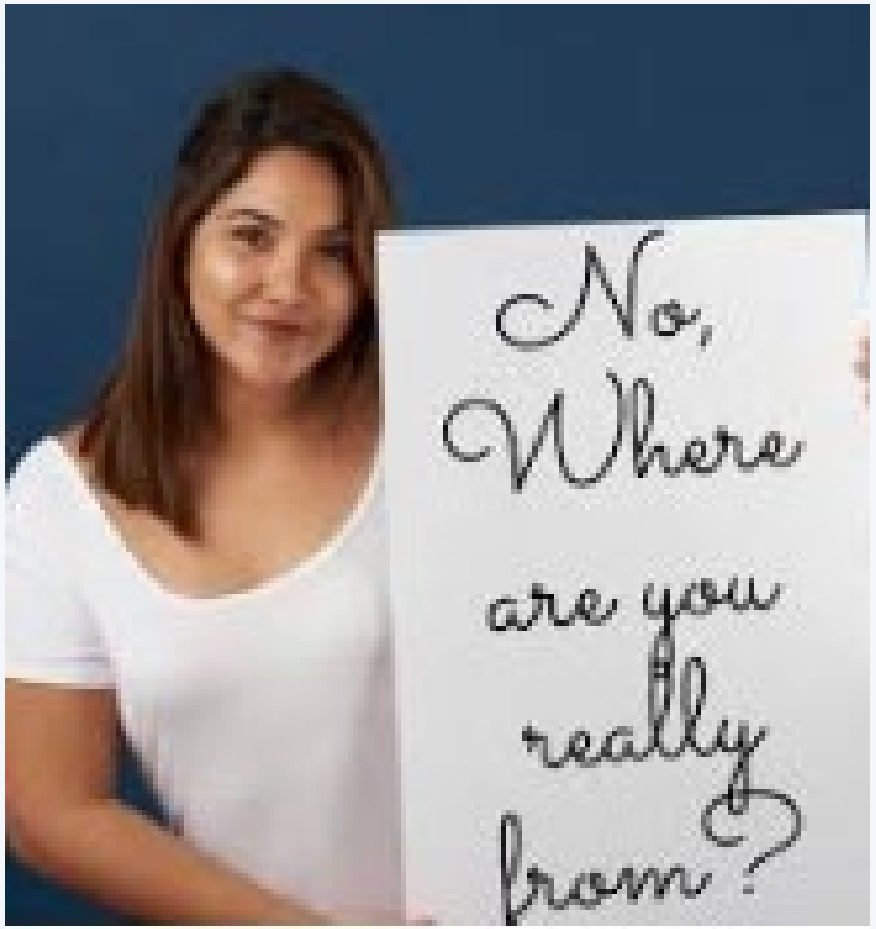

Women of color report that they have been mistaken for administrative staff, court personnel, or janitorial staff at a level 50 % higher than white men.

Why does it matter?

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Chauvin had received 18 complaints against him even before he put his knee on Floyd’s neck.



- A 2015 McKinsey report on 366 public companies found that those in the top quartile for ethnic and racial diversity in management were 35% more likely to have financial returns above their industry mean, and those in the top quartile for gender diversity were 15% more likely to have returns above the industry mean.

- In a global analysis of 2,400 companies by Credit Suisse, organizations with at least one female board member yielded higher return on equity and higher net income growth than those without women on the board.



How do we do better?

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Objectivity is not the answer.





Measure what can be measured



Think about what trainings could be helpful



Engage in tough conversations



Focus on changing the conditions that promote bias rather than simply providing knowledge to people about bias.

Recommended Reading List

- Eberhardt, Jennifer. *Biased: Uncovering the Hidden Prejudice that Shapes What We See, Think, and Do*. Penguin Books, 2019.

- Gladwell, Malcolm. *Blink: the Power of Thinking without Thinking*. Back Bay Books, 2019.

- Ifill, Sherrilyn. *Judicial Diversity*. 13 Green Bag 2D 45, http://www.greenbag.org/v13n1/v13n1_ifill.pdf

- Kahneman, Daniel. *Thinking, Fast and Slow*. Farrar, Straus and Giroux, 2015.

- Kang, Jerry, National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts, *Implicit Bias - A Primer for Courts* (August 2009), http://wp.jerrykang.net.s110363.gridserver.com/wp-content/uploads/2010/10/kang-Implicit-Bias-Primer-for-courts-09.pdf.

- Joan Williams et al., *You Can't Change What You Can't See: Interrupting Racial and Gender Bias in the Legal Profession*, American Bar Association and Minority Corporate Counsel Association, 2018.

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Thank You!

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