



Title IX and Bias Series

Understanding Bias in Charging, Emergency Actions, and

Today's Agenda



Bias: What Is It?



Why Is Bias Important?



How Can Bias Affect Decisions?



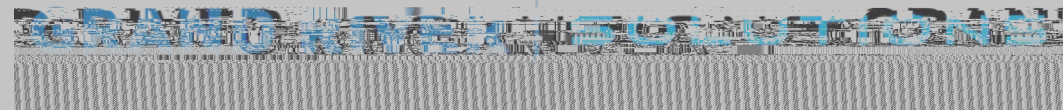
How Can We Mitigate Bias?

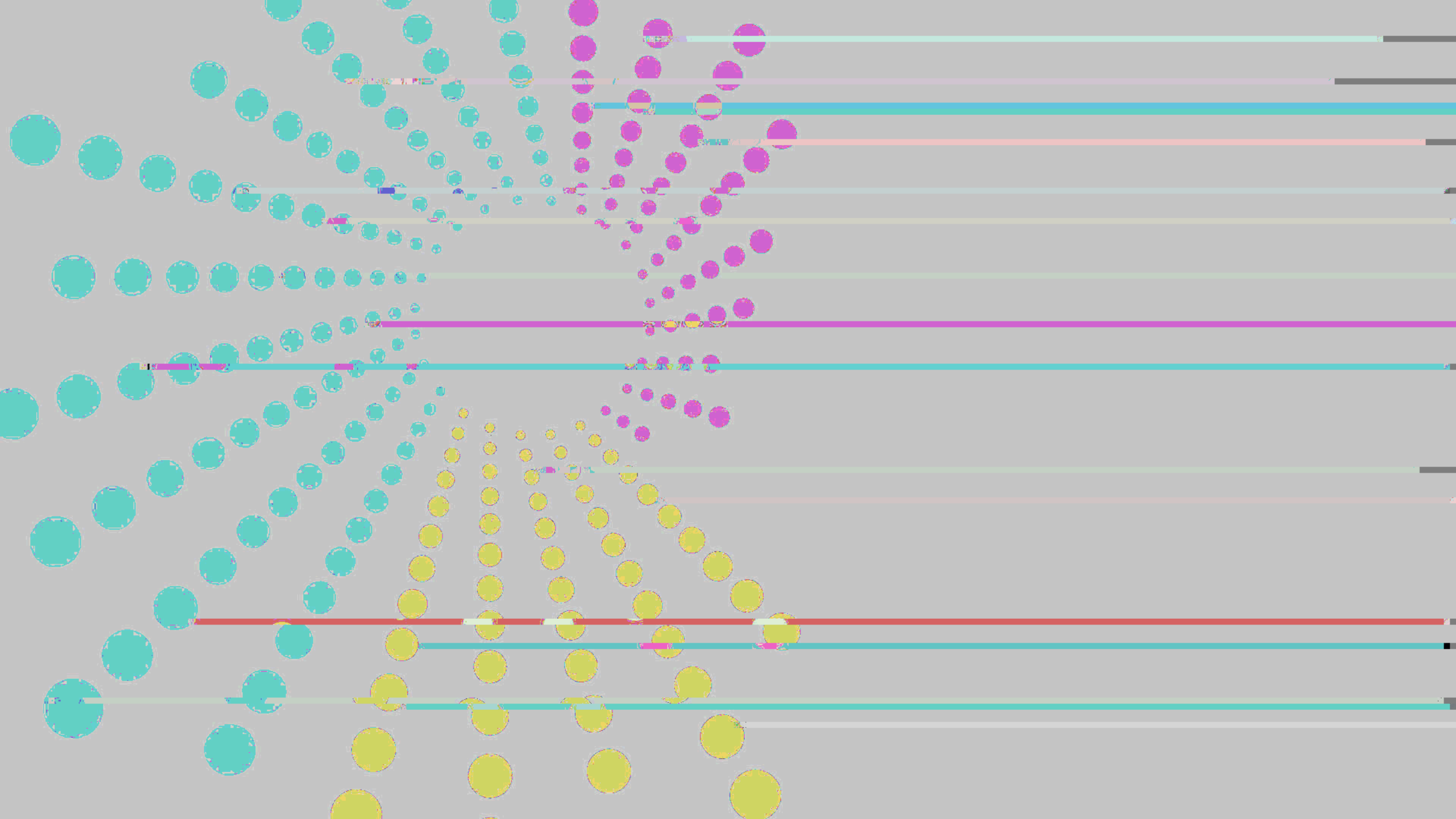


Bias: What Is It?

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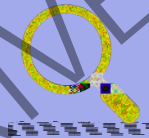
Process Points to Evaluate

Reports

What is showing up?



Supportive Measures



Deciding to Charge/Investigate

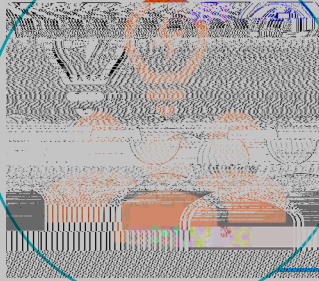


Emergency/Interim Measures

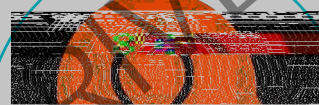
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How Can Bias Affect

Reports and Disclosures



What decisions are we making?



What questions could we be asking?

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Affect Bias

- ! Our emotional state can influence our decision making.
- ! Impacts on our emotional state can include:
 - ! Past lived experiences
 - ! How information is presented
 - ! Other people's emotions
 - ! Other people's perceptions
- ! Positive or negative feelings can change our perception of threats or benefits.



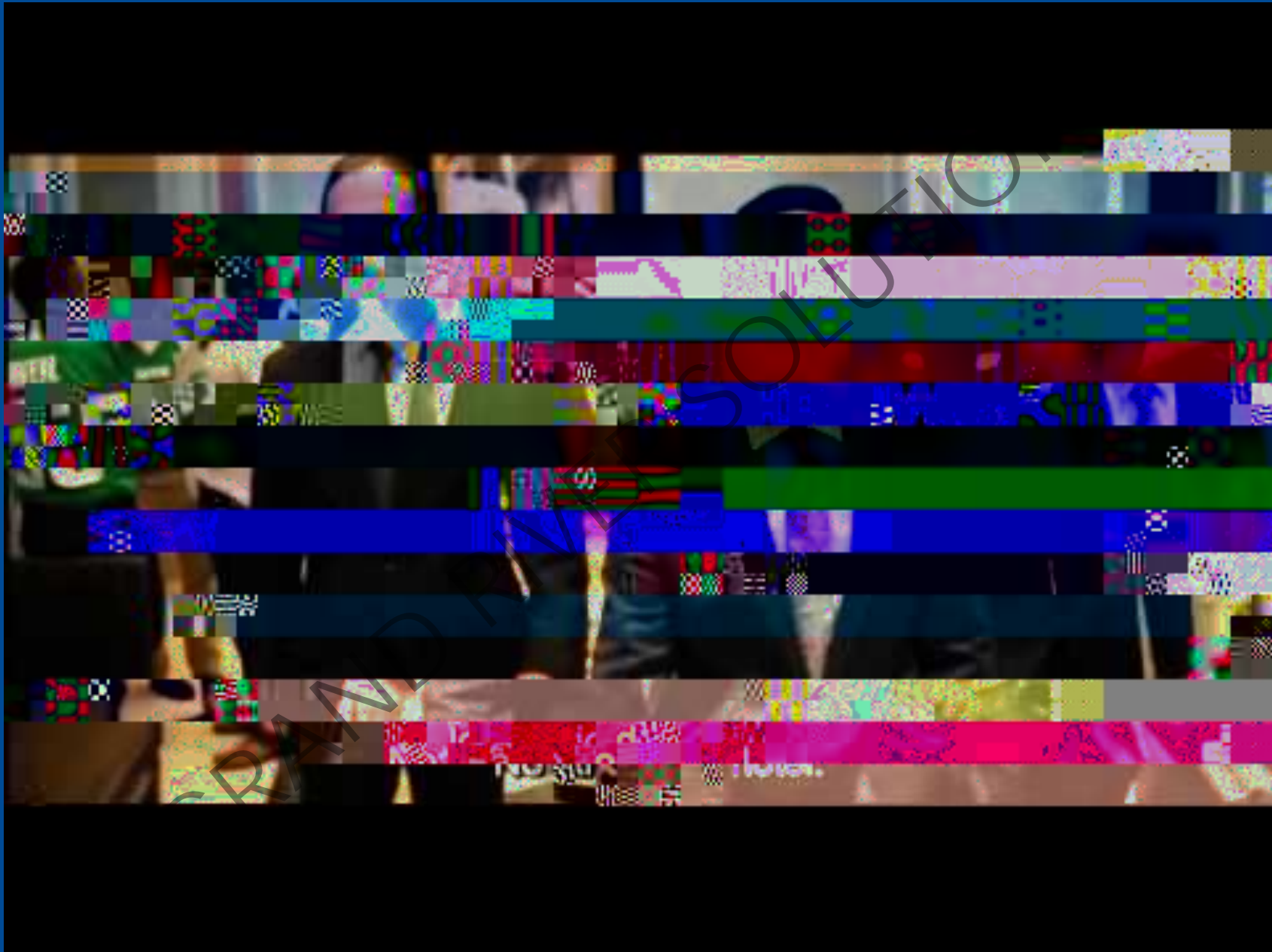
Reflective System



Reactive System

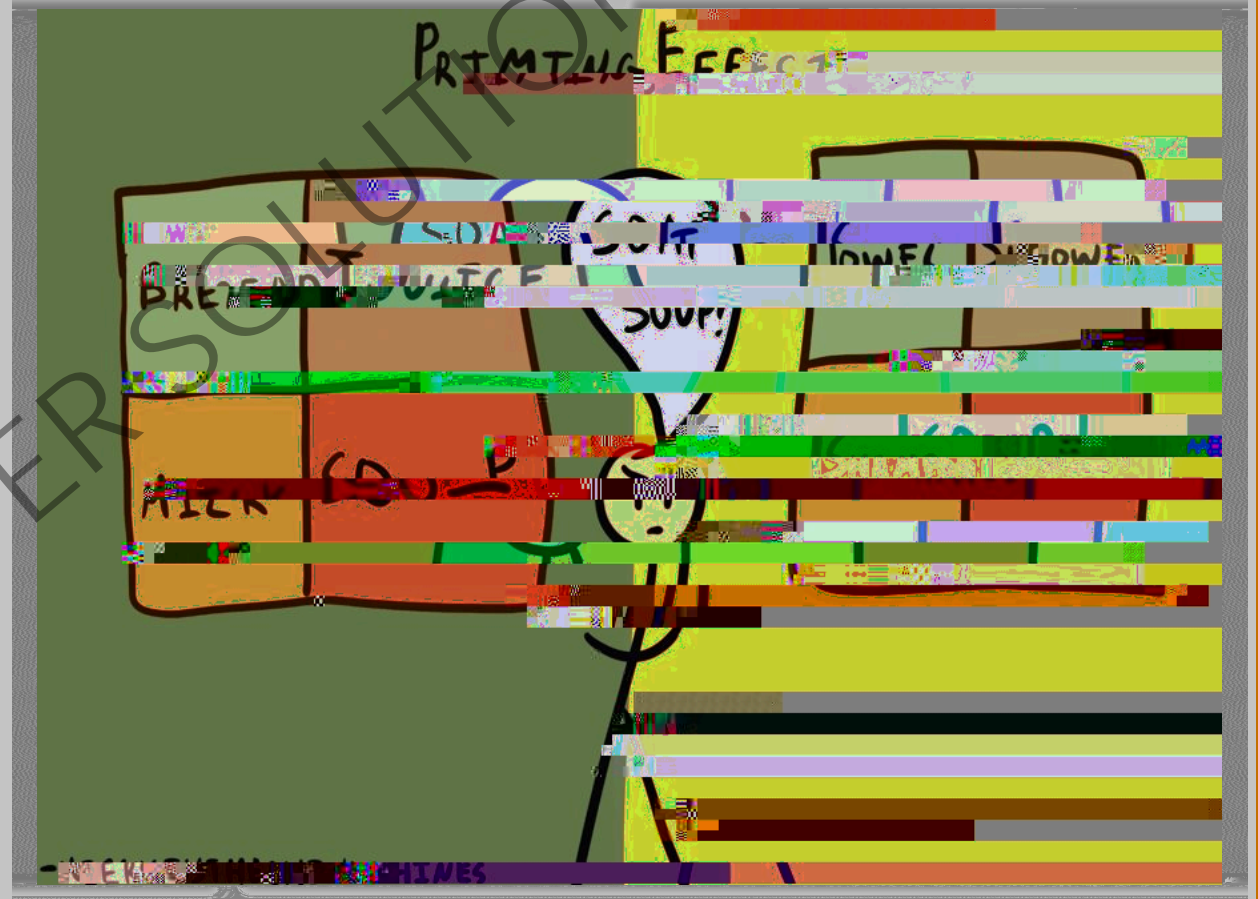
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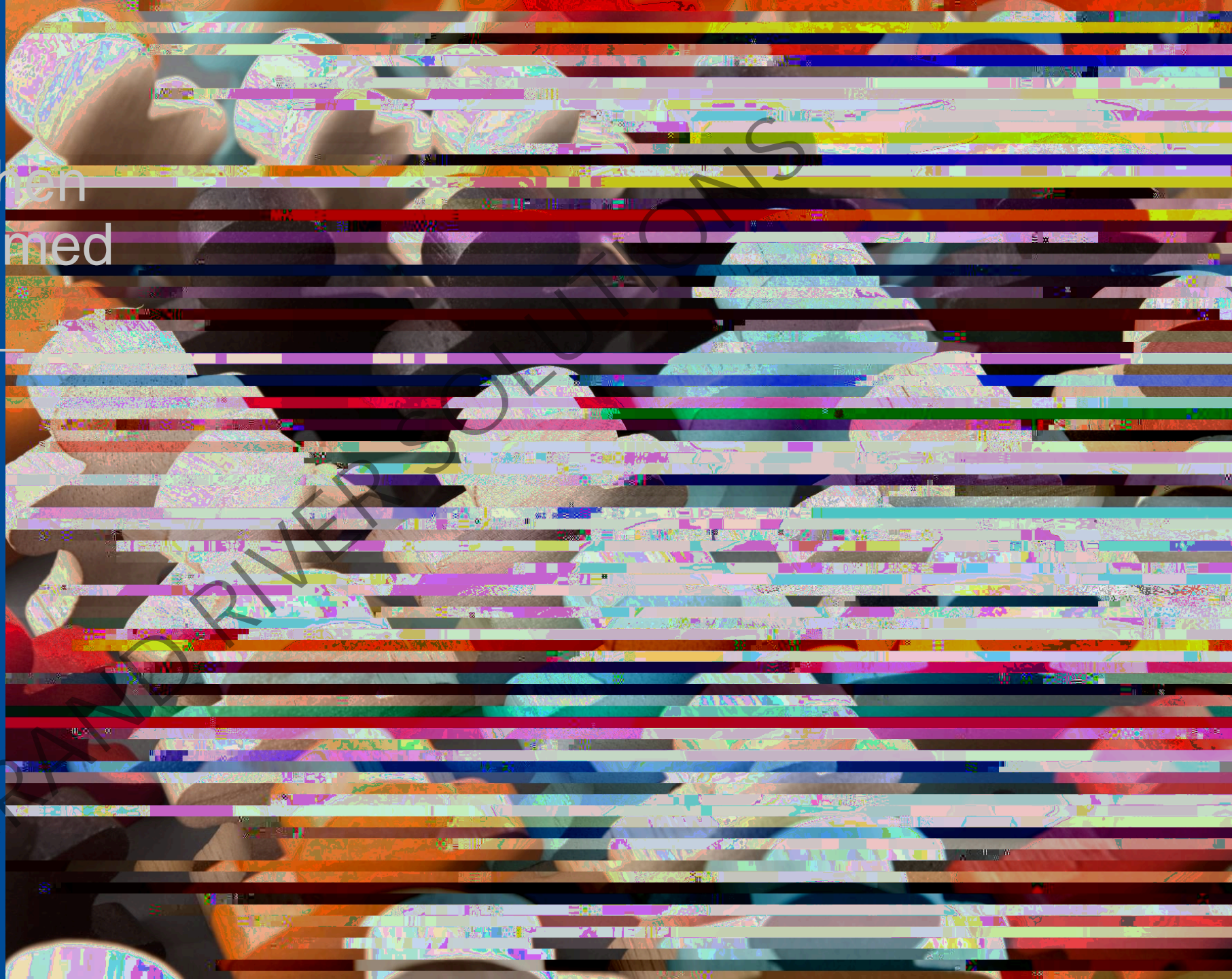


Priming Effect

Activating associations between two things.



What happens when
we have been primed
by society?





ConsiderÉ

Who is receiving the report?

How and when are they receiving the report?

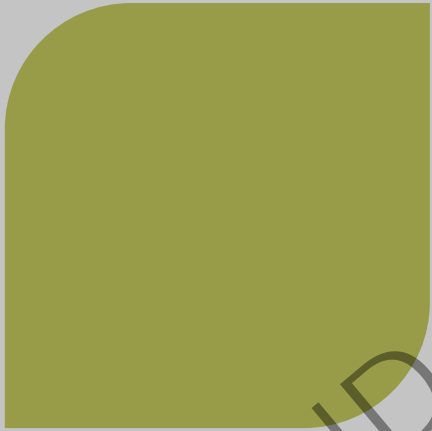
How is the report documented?

How are the statements or allegations characterized or framed?

What else?

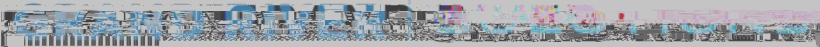


Supportive Measures



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Intergroup/Ingroup Bias

- ! Tendency to respond more positively to people from our ingroups than we do to people from outgroups. (Tajfel, Billig, Bundy, & Flament, 1971)
- ! Biases can manifest among different groups including:
 - ! Nationalities
 - ! Races
 - ! Political
 - !

Examples

Many factors such as personal characteristics can all play a role in intergroup bias. Consider thisÉ

Are male identifying students' requests for an emergency removal downplayed or safety concerns minimized?

Are female identifying students perceived as more fragile and in need of more support services?

Is there an assumption that people with certain identities will need/have access to varying levels of support?

Are assumptions made

Charging & Formal Processes

What decisions are
we making?

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Anchoring Bias

The tendency to be overly influenced by the first piece of information that we hear.



Emergency/Interim Measures

What are they?

- Generally taken pending an investigation/process;
- Impact the conditions of employment, school, extra

Emergency Measures Under Title IX

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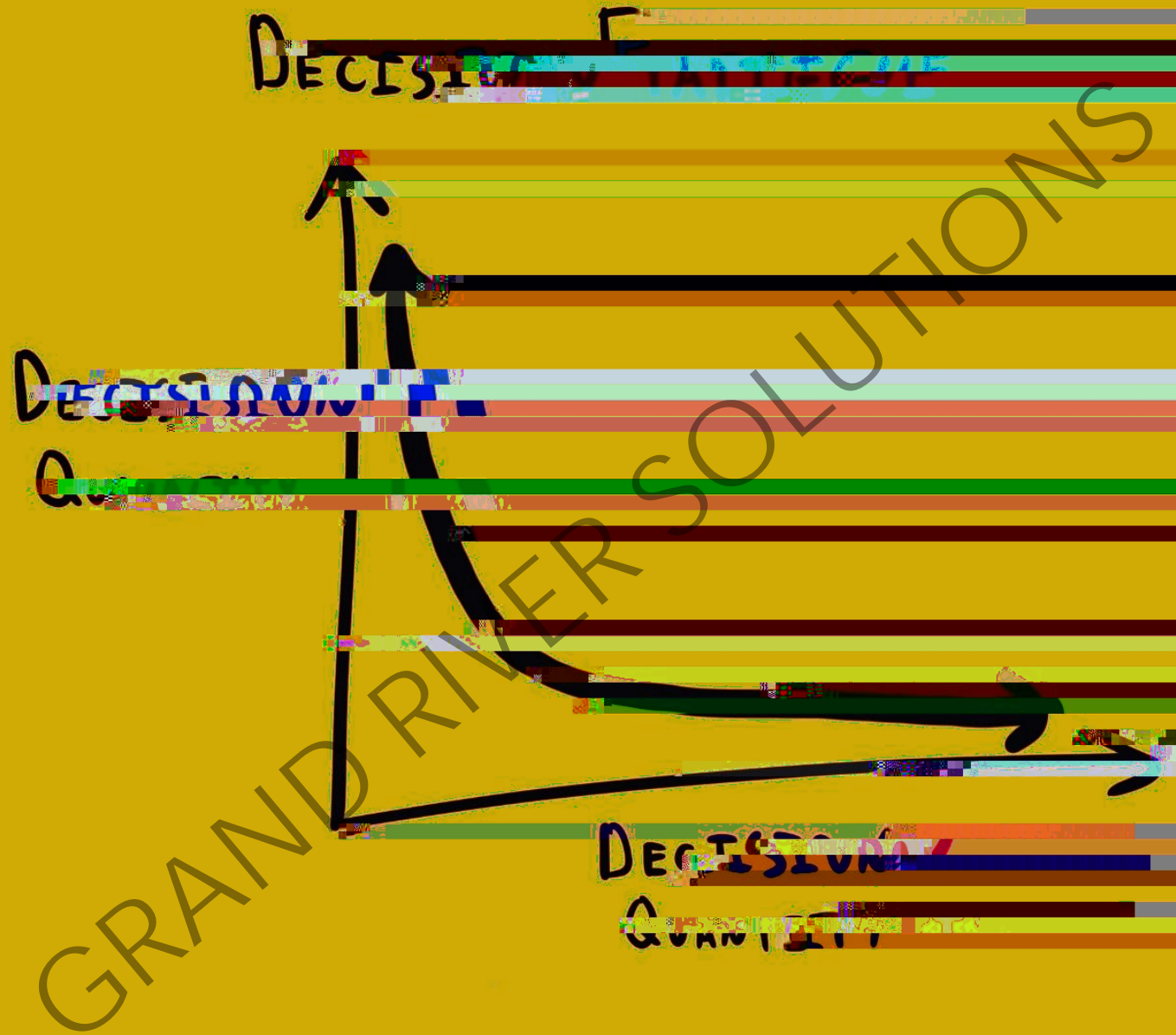
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See 85 Fed. Reg. 30225 (May 19, 2020).



Decision Fatigue

Judicial Decisions

In a 2011 study 1100 parole judge decisions were analyzed, and interesting patterns were uncovered:

- ! Prisoners who appeared before parole judges early in the morning received parole about 70 percent of the time.
- ! Those who appeared late in the day were paroled less than 10 percent of the time.

(Danziger, Levav, & Avnaim-Pesso, 2011)

Why did this occur?



And, hello pandemic brain fog...



The human brain is phenomenally resilient but it gets tired and over the last nine months, it has been on the equivalent of a processing marathon . There has been a tsunami of information and conflicting advice to sift through while trying to keep work and domestic life ticking over against a backdrop of health fears and job worries .



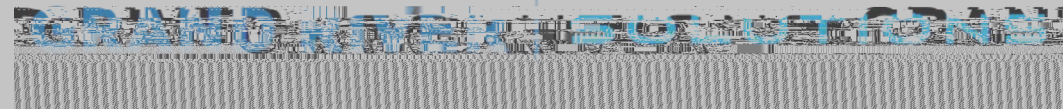
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How Can We Mitigate Bias?

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Bias Mitigation Strategies

- ! Be aware of your emotional response.
- ! Use reflection guides to consider potential bias pitfalls.
- ! Have checks and balances for decision -making.
- ! Remove identity markers and present case for feedback.
- ! Engage in reflective decision -making instead of reactive decision -making.

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Make Decisions Easier

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Have conversations now, not during crisis.

Create well-defined, objective criteria.

Create reference or reflection guides.

Define your thresholds and policy choices.

Write down your process.



Identify and encourage coping techniques.



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Intermittent Limiting, Full Suspension, and Emergency Action Factors to Consider Before Taking Action.

Some examples of intermittent limiting, exclusionary, and emergency actions are:

- No contact with other students;
- Reassignment or rescheduling of academic classes/schedules;
- Temporary exclusion from athletic team;
- Temporary suspension;
- Leave.



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Save the Date!

October 13, 2021

with Chantelle
Cleary Botticelli & Tibusay Hernandez

November 10, 2021

with Kelly Gallagher &
Tibusay Hernandez

December 8, 2021

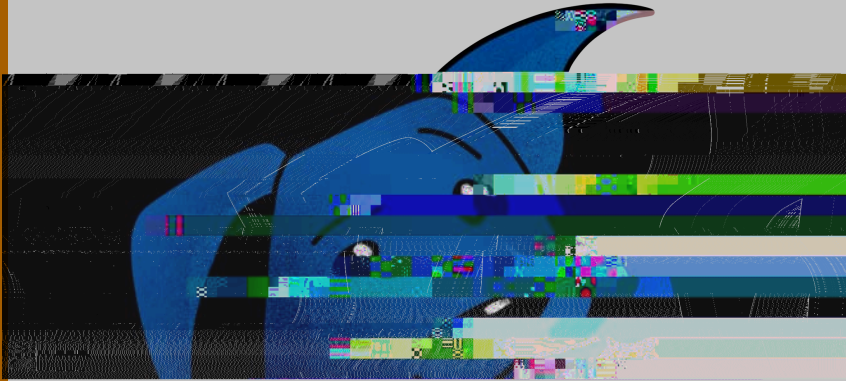
with Jody Shipper &
Tibusay Hernandez

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November 2021

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