Reducing Implicit Bias in the Workplace

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Presented by
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Your Presenter

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Overview

- The Business Case for Inclusion
- Neuroscience and Implicit Bias
- Measuring Implicit Bias
- Decision-making – Conscious or Unconscious Mind
- Changing Behavior – Addressing implicit bias
  - Our own
  - When you perceive it – either explicit or implicit

The Business Case for Diversity and Inclusion
The Business Case for Diversity

• Research shows diverse groups outperform homogeneous groups
  • When differences were acknowledged
  • When differences were valued
  • When leadership brought group toward common goal
• Reverse is true
  • Diverse teams less effective when differences were ignored or devalued


Pay-Off?

• McKinsey study of 180 publicly traded companies in US, France, Germany and UK from 2008-2010
  • Used women and foreign nationals on senior teams as diversity measure
  • Companies in top quartile diversity
    • Return on equity 53% higher
    • Earnings before interest and taxes 14% higher
      • Than for companies in bottom quartile diversity

Value Creation
Credit Suisse 2016 Report

• “At the senior management level, comparing companies with less than 10% women in top management with those with more than 15% of female top managers on a sector neutral basis, we find that the price to book value premium is just 3%; but the ROE premium is still 18%. In 2014, we found that investors paid a 33% price to book premium, ROEs were 52% higher and the payout ratio was 22% higher. There is still a clear opportunity for investors who understand the value creation of diversity.”


Inclusion Gets Outcomes

D&I Impact on Team Processes and Outcomes

Diversity to Inclusion

- Self-aware
- Aware of others
- Acceptance
- Appreciation
- Seek

Professional Rules
ABA Model Rule 1.1 Competence

• Rule unchanged:
  • “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

ABA Model Rule 8.4 Amended

• ABA Rule amended August 2016
  • “It is professional misconduct for a lawyer to:
  • (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.”
Are We Aware of Differences?

Reality?

Rational Thought  Rational Behavior
Organ Donations?

Johnson & Goldstein (2003)

% of drivers donating organs

Opt-in

- Check the box here if you want to participate in the organ donor program.
- Check this box if you do not want to participate.

Opt-out

- Check the box here if you want to participate in the organ donor program.
- Check this box if you do not want to participate.
Imbue Value from Context

Sway: The Irresistible Pull of Irrational Behavior

- Blind eye to objective information
  - Aversion to loss
  - Commitment
  - Value attribution
    - We “imbue” people with qualities based on perceived value
Rational or Irrational

Be rational. Get real.

I think my brain has a mind of its own.
Our Biased Brains

Energy Conservation – Lazy Brains

- 3% of body weight
- 25% of energy consumed
- Mental shortcuts
Perception is . . .

• Rapid cognition
• May be incompatible with our conscious values
  • Paradox: We feel more confident and effective in homogeneous teams
  • Diverse and inclusive teams improve problem solving, i.e., are smarter

Lake Wobegon Syndrome

• A bias within a bias
  • We trust our own cognitive processes
  • But bias is generally unconscious
  • So we all think we are the exception
In-Group vs. Out-Group Bias

Brains Wired for Social Interaction
Human Brain – Cooperation

Increase in brain size during human evolution

Robbers Cave Experiment

(Below) Intergroup interaction after the introduction of superordinate goals.

Members of both groups climb up to see if the water tank is empty.  Members of both groups cluster around and take turns trying to open the faucet.

The Robbers Cave Experiment, Muzafer Sherif, et al (1954)
“In Group Bias”

• Research
  • We immediately like the “in group” we are a part of and are neutral to the “out-group”
    • Automatic
    • Even if told randomly assigned and never see anyone in the in or out group
    • Tajfel, et al. 1971

How Are We Influenced?

• Unity – shared identity makes you more persuasive/persuadable
  • Shared identity between influencer and influencee
  • Creates a favorable state of mind just before the actual persuasion

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In Group Bias Starts YOUNG

• In study of 1.5-2.5 year olds:
  • “Our work provides new evidence that infants’ reasoning is guided by principles of fairness and ingroup support and, for the first time, demonstrates that infants also follow a context-sensitive ordering of these principles,” Bian said. “When there is enough to go around, fairness is expected to prevail; when there is not enough to go around, however, ingroup support is expected to prevail.”
  • See Melissa De Witte, Stanford study shows that when resources are limited, infants will favor group loyalty over fairness, Stanford News (Feb. 26, 2018)

Social Exclusion

From: Correlates of Social Exclusion in Social Anxiety Disorder: An fMRI study

Similar Neural Response to Social & Physical Pain


Pop Quiz
What Do You See?

Stroop Test

- Ignore word
- Say the color
### Ignore Word, Say Color

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### Ignore Word Say Color

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How Do We Measure Implicit Bias?
Implicit Bias – Studies

- Project Implicit
  - The Implicit Association Test
    - Takes 2 social and 2 evaluative categories
    - Examines which words and concepts are strongly associated (paired) in people’s minds
    - Time difference in the associations are quantified
      - Takes longer for mind to connect concepts you perceive as incompatible
      - www.implicit.harvard.edu

Blind Spot
Some researchers have drafted an article concluding that implicit bias is not predictive of behavior

- “A Meta-Analysis of Change in Implicit Bias” argues that “changes in measured implicit bias are possible, but those changes do not necessarily translate into changes in explicit bias or behavior.” (available at https://www.researchgate.net/publication/308926636_A_Meta-Analysis_of_Change_in_Implicit_Bias)
- Largely based on fact that explicit measures of diversity have not changed dramatically
- Contrast to another recent meta-analysis concluded that:
  - “Unlike explicit measures, implicit measures predicted for all target groups and types of behavior, and implicit, but not explicit, measures were equally associated with behaviors varying in controllability and conscious awareness.”
Two systems when making a decision:

- System 1 is fast and instinctive
- System 2 is slower, deliberative, logical

We have “excessive confidence in what we believe we know, and our apparent inability to acknowledge the full extent of our ignorance and the uncertainty of the world we live in.”
Pop Quiz

- A bat and ball cost $1.10.
- The bat costs one dollar more than the ball.
- How much does the ball cost?

System 1 or 2?

- System 1 – intuitive answer 10¢
  - Wrong – if ball costs 10¢, then total cost would be $1.20, not $1.10
- System 2 – answer is 5¢
- Question: System 2 is supposed to monitor and control system 1 so what happened here?
“Lazy Controller”

- 50% of students at Harvard, MIT and Princeton gave the intuitive, incorrect answer
- Less selective university, rate goes to 88%
- Is it laziness or insufficient motivation
- Conclusion: “many people are overconfident, prone to place too much faith in their intuitions.”

Implicit Bias: Organizational Level
“Orchestrate” Change

• What happened to the percentage of women in professional orchestras once conductors were behind a screen during auditions?


Organizational Best Practices

• Review, Evaluate, Revise practices related to
  • Hiring
  • Evaluations/Advancement
  • Compensation

• Challenge: analyzing/measuring
  • Talent development
  • Sense of belonging/retention
### Deliberative Decision-Making

- Develop a process that is
  - Repeatable
  - Analytic
- Characteristics
  - Slow down
  - Write it down
- Checklists
- Perspective taking

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### Implicit Bias:
Individual Approaches to Changing Ourselves
Awareness

- Self-awareness – patterns of behavior
  - Interrupting
  - Marginalizing
### Recognize Assumptions

- **Education**
  - Awareness of implicit bias
  - One study 45 minute implicit bias training and racial bias
  - One study 2.5 hour implicit bias training and gender bias

### Challenge Assumptions

- **Exposure to counter stereo-typical individuals**
  - New associations
Lower Our Threat Response

- Emphasizing what we have in common
- Intergroup contact
  - Ask about career goals
  - Do something with colleague (publish a paper, co-present)
  - Publicize colleague’s accomplishments

Communicate Clearly

- Are you being specific and sincere in your words, non-verbal cues, and conduct?
Mindfulness and Implicit Bias

• “We focused on the impact of mindfulness on implicit age and racial bias as measured by implicit association tests (IATs). Participants listened to either a mindfulness or a control audio and then completed the race and age IATs. Mindfulness meditation caused an increase in state mindfulness and a decrease in implicit race and age bias. Analyses using the Quad Model showed that this reduction was due to weaker automatically activated associations on the IATs.”

  • See Lueke and Gibson, “Mindfulness Meditation Reduces Implicit Age and Race Bias: The Role of Reduced Automaticity of Responding,” Social Psychological and Personality Science (Nov. 24, 2014)

Jon Kabat-Zinn

“Mindfulness means paying attention in a particular way: on purpose, in the present moment, and nonjudgmentally.”
Other Steps

• Don’t decide for someone else – offer the opportunity
• Give “nudges” reminding others of their own opportunities and voice
• Become an “amplifier”

What Can I Do When I Encounter Implicit Bias?
Bystanders

Before You Respond

• React versus Respond
• What is your goal – what do you want to happen?
Stay on Your Side of the Net

You:
- Intent
- Needs
- Motives
- Situation

Other Person:
- Impact
- Feelings
- Reactions
- Responses

Net:
- Observable Behavior
- Verbal & Non-verbal

Strategies to Speak Up

- Ask a question that invites discussion
  - Can you explain your thought process
  - What do you mean by______?
- Be direct
  - That was unexpected
  - That makes me uncomfortable
  - What you said could be interpreted as ________________
Action: What Will I Do?

Decision-Making Processes

• What can you do to “double-check” your decision-making process to avoid implicit bias?
• What could our teams do to accomplish that?
Which Strateg(ies) Might Work For You?

- Of the strategies discussed, what might work for you?
- What will you do to implement that strategies?
- How will you know if you have been “successful”?

Individual Change – Implementation Intention

- Implementation intention is the receiver turning toward implementation
  - If _____ then _________.
  - If --- when they need to be aware to enact new behavior
  - Then --- what they will do (action)
  - This creates a mental “cue” for the future
    - See Peter Gollwitzer (1999)
- Creating new habits

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Questions?

Conclusion

These materials are intended as an introduction to the subject matter covered in the presentation. The presentation and the materials contained herein do not attempt to provide legal advice for any particular situation. Each particular situation must be analyzed individually in light of all of the surrounding facts and circumstances. Because of the complexity of the legal issues that will always arise in connection with the subject matter hereof, it is critical that counsel be involved. These materials are provided for educational and discussion purposes only and are not to be copied, used or distributed outside of this seminar without the express written consent of Michelle Galloway and Cooley LLP. Copyright Michelle Galloway and Cooley LLP 2019.