Bias, Blinders, and Barriers: Why Finding the Truth is Harder Than it Seems

Jody Shipper, J.D.
Executive Director, Equity and Diversity
Title IX Coordinator
University of Southern California
Review of Bias Basics

• Bias: Implicit (hidden) or express
• A preference, or tendency to like or dislike
• Might result in acting favorably toward, or unfavorably against
• A cognitive process
Unconscious bias is a habit of the mind, learned over time through repeated personal experiences, highly resistant to change.
Another way of looking at this

Bias = Un intentional people preferences that result from socialization and social categorization.
What forms our biases?

• Stereotypes
• Experiences
• Societal norms
• Cultural experiences, background
• The people around you
Be mindful about stereotypes!

Only one of them is a convicted felon.
Academics who interview graduate school applicants systematically favor thinner candidates, according to a study.
Stereotype vs. Bias

• Stereotype is an association with a group or category, and a trait or characteristic.
• Stereotypes can affect judgment about individual members of a group

What associations do you make?
• Women/caregiving
• Fraternities and drinking?
• Women who go out dressed in low-cut dresses and have too many drinks?
What’s Going On?

A man and his son are in a serious car accident. The man dies on the spot, and the son is rushed to the hospital. Upon entering the operating room, the surgeon says, "I can't operate on this boy; he's my son."
Danger of Stereotypes and Bias

When the stereotype or bias leads us to ignore evidence and make assumptions not based on the evidence

Affect how we interpret a person’s behavior (assigning motive, intention)

What we remember about the behavior (witnesses)
“To our knowledge, this is the first time that a police department has been investigated for gender bias,” said Carol E. Tracy, Executive Director of the Women’s Law Project. Ms. Tracy testified before the U.S. Senate Judiciary Subcommittee on Crime and Drugs last September about what she characterized as “the chronic and systemic failure” of police departments in many cities, including New Orleans, to properly investigate sex crimes, the victims of which are disproportionately female.

The Department of Justice Report mirrored Ms. Tracy’s testimony:

We find that NOPD has systematically misclassified large numbers of possible sexual assaults, resulting in a sweeping failure to properly investigate many potential cases of rape, attempted rape, and other sex crimes. We find that in situations where the Department pursues sexual assault complaints, the investigations are seriously deficient, marked by poor victim interviewing skills, missing or inadequate documentation, and minimal efforts to contact witnesses or interrogate suspects. The documentation we reviewed was replete with stereotypical assumptions and judgments about sex crimes and victims of sex crimes, including misguided commentary about the victims’ perceived credibility, sexual history, or delay in contacting the police.

--Investigation of the New Orleans Police Department
http://www.justice.gov/crt/about/spl/nopd.php
Evidence of Bias Still Exists

- Cab drivers / lower tips
- Restaurant tipping
- Men vs. Women
- Thin graduate students
- Curly-haired women
- Height of CEOs
- Judges who set higher bail
- Success rates in harassment cases
In the news . . .

ABC News:
Man Named Kim Adds ‘Mr.’ to Resume, Lands Job
A (Brief) Survey of Bias

Confirmation bias
Affinity bias
Correspondence bias
Responsibility bias
In-group bias
Out-group bias
Causal Reasoning bias

Cognitive biases
Confirmation Bias

Forming a hypothesis – what is the danger? When seek only the evidence that strengthens original hypothesis, or fail to examine alternative, or dismiss evidence that does not “fit.” Weight is given to evidence that confirms existing perceptions, other information is discounted.

• Fingerprint experts
• Experienced investigators
• Reading crime files

Are you interviewing, or validating?
Correspondence Bias

The correspondence bias is the tendency to draw inferences about a person's unique and enduring dispositions from behaviors that can be entirely explained by the situations in which they occur.
—Gilbert and Malone

“We may strive to see people as they really are, but all too often the charlatan wins our praise and the altruist our scorn.” Gilbert and Malone

See Whistling Vivaldi: When given context, teachers give different grades to identical performance
Attribution Errors

Fundamental Attribution Error: Tendency to over-emphasize personality-based explanations for behaviors observed in others.

Gilbert & Malone: people think that others behave as they do because of the kinds of others they are and because of the kinds of situations in which their behaviors unfold.

- We are trying to decide which played the greater role – was it the type of person, or the situation?
Responsibility Bias

• Assumptions of blame “People should be responsible for themselves.”

• Common among jurors, and common for attorneys to exploit: Immediate sense that victim is responsible for the crime that occurred to her.

• Those who try to manipulate this response will emphasize on responsible roles of victim in other circumstances, or may give examples of accused as having tried to avoid responsibilities.
In-Group Bias, Out-Group Bias

A tendency to be more favorable toward those in your group
Stereotype Threat – the Threat from Within

• Risk of confirming, as a self-characteristic, a negative stereotype about one’s own group

• For witnesses and participants: What assumption of your (poor) performance will you adopt?
More than Bias, There are The Blinders That Keep Us From Finding The Truth
A call comes in: Respondent is in a fraternity. He’s arrogant, a liar, and hypermasculine. No respect for boundaries.

Given your expertise, does this trigger a response in you?

Are there other “code” words that trigger a response in you?

Priming = how being exposed to a stimulus will affect how you later respond to a different stimulus.
Framing

The US is preparing for the outbreak of Avian Flu. How will you respond?

Lesson: Respondents tend to give the answer that suggests a gain, rather than a loss. How do you frame your questions?
Inattentinal Blindness

Similar to “Examiner Bias” – filtering out that which doesn’t fit.

Our brains are exposed to 11 million pieces of information at a time. At most, we can process or notice 40 pieces of information at one time.
How careful are you?

Can you count how many times they passed the ball? Can you count how many throws went from white t-shirt to black t-shirt?

http://www.smithsonianmag.com/video/How-Many-Times-Do-They-Pass-the-Ball.html
All Bias = Cognitive bias

We are hard-wired to avoid welcoming “the enemy” into our cave.

A pattern of deviation in judgment, whereby inferences may be drawn in an illogical fashion.
The Mystery of the Amygdala

Processes that go through the cortex: Thoughtful, requires time

Amygdala: Instant activation

Can you over-ride the brain’s wiring: The Wariness Spike

We are programed to be wary to the TYPE, we are not programed to be wary of the INDIVIDUAL
But I’m So Experienced!

- Snap judgments?
- Taking advantage of my experience?
- Mental shortcuts
- Assumptions, shortcuts, educated guesses, intuition, judgment calls: Pieces of information not based on evidence.
- Cass Sunstein: When faced with difficult problems, people search for a familiar problem that’s easier to solve
The Hurdle: The 2 (Conflicting) Hats of the Title IX Investigator

**PRIMING**  **Confirmation Bias**  **CORRESPONDENCE BIAS**

Rape studies, sex role stereotyping, understanding the psychology of rape: All this knowledge is necessary for training, looking for patterns

BUT - Can you set that aside in an investigation to determine whether here, in this case, there was a sexual assault? Can we set stereotypes aside?
Project Implicit, IAT

Studies implicit biases based on race, gender, ethnicity, overweight, age, religion, disability, and sexual orientation.

If you take the test, what do you do with the knowledge?
Effects of Bias on Investigation

RAPPORT: Those who scored high for bias and then interacted with the group against whom they were biased:
• Harder to make connection
• Poor listening skills
• Verbal errors
• Smiled less

WEIGHT given to evidence
BREADTH of the investigation
Did the Hypothesis guide the investigation?
Did you develop an instant sense that one party was credible, another was not?
Was bias at play? Affinity bias, in-group, out-group, inattentiveness . .
• If bias is a cognitive process, can be **unlearned**. Need to write new associations.
• Even if hard-wired, the rational brain has the power to over-ride instinct.
• Instinct, guesses, short-cuts – these are answers not based on evidence
• Talking about it, or asking people to be empathetic – no bias reduction
• What works? Re-learning, creating new associations
To Reduce Risk of Bias

• Question yourself, constantly
• Question your hypotheses – Are you feeding it?
• Checklist before you start meeting people
• Observe your own rapport with each interviewee
• Know you are accountable for assumptions
• Actively search for evidence that contradicts your gut instinct
• Work with others who are less like you
• Understand discomfort – it’s not a bad thing
More steps to reduce bias

• Challenge stereotypes: Incongruous images. Reduction of bias is an active process.
Additional Bias Reduction Strategies

To challenge bias, need deliberative processing: Intention, Attention, and Time

• Spontaneous judgments more likely to yield to stereotypes or bias
• Regard each person as an individual, not as part of a group
• Focus on identity of each person
• “Busyness” – when too busy, overloaded, more likely to let your bias show through
A Parting Thought: Hookworm