


Mitigating and Responding to Bias in your Title IX Process



Jeanine Bias-Nelson

Director, Office of Equity and Inclusion/Title IX Coordinator
Sam Houston State University

Jeanine.bias@gmail.com



learning
OUTCOM
E

After participating, you will be able to identify and mitigate your personal bias during your Title IX process.



Section 1: Defining Bias

- What bias is and is not
- Self Awareness

Section 2: Recognizing Bias

- How it appears in your Title IX process
- Evaluate a Title IX scenario

Section 3: Responding to and Mitigating Bias

- How to respond to and mitigate bias before, during and after the critical steps of your Title IX process
- Tips and Best Practices
- Reducing the Culture around Bias ³



1

Defining Bias

Final Rule Requirements Regarding Bias

Regulations require no bias or conflicts of interest:

- § 106.45(a) provides: An IHE's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.
- § 106.45(b)(1)(iii) provides: any individual designated by an IHE as a Title IX Coordinator, investigator, decisionmaker, or any person designated by an IHE to facilitate an informal resolution process, cannot have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- §106.45(b)(1)(iii) further provides: that all Title IX Coordinators investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. In conducting Title IX proceedings, all such persons must not rely on sex stereotypes—typical notions of what men or women do or do not do—and must promote impartial investigations and adjudications of formal complaints of sexual harassment.
- Note – However, the regulations do not provide a definition for conflicts of interest, bias or impartiality

ACTIVITY



Icebreaker

What is the safer method of transport?



OR



What are you most afraid of?



OR



OR



Who is more competent?



OR



Does this information change your mind?

The chances of dying in a vehicle accident is 1 in 84, as opposed to a 1 in 5,000 chance of dying in a airplane crash...



Are you more afraid of the shark or the lion?

The World Health Organization estimates that more than 1 million people die yearly due to **mosquito bites**.

Statistics show that falling coconuts are a much more likely to hit us than to be attacked by a shark.



Does this information change your mind?

The smoker was Germany's Chancellor for 8 years – Helmut Schmidt



The nicely dressed doctor on the left is on German TV daily to give his expertise for advertisement purposes only. He has nothing to do with health concerns nor is he a doctor.

Guiding Principles

01

Bias IS NOT Bad – what you do based on bias could potentially be harmful.

02

Being different and recognizing differences is “okay.”

03

Our view of the world (worldview) is shaped by values, perceptions, assumptions and expectations.



Are you biased? I am.

Jumpstarting Our Understanding of Biases



Define: What are biases? What types of bias exist?



Recognize: Where do my biases come from? How do they influence my actions and the actions of groups I identify with?



Overcome: What can we do about them? Individually? As Interviewers?



B.I.A.S

- Beliefs
- Ideas
- Assumptions
- Stories

Defining Bias

There are 2 forms of biases:

- Conscious bias (also known as explicit bias) and
- Unconscious bias (also known as implicit bias)

It is important to note that biases, conscious or unconscious, are not limited to ethnicity and race. Though racial bias and discrimination are well documented, biases may exist toward any social group. One's age, gender, gender identity physical abilities, religion, sexual orientation, weight, and many other characteristics are subject to bias.

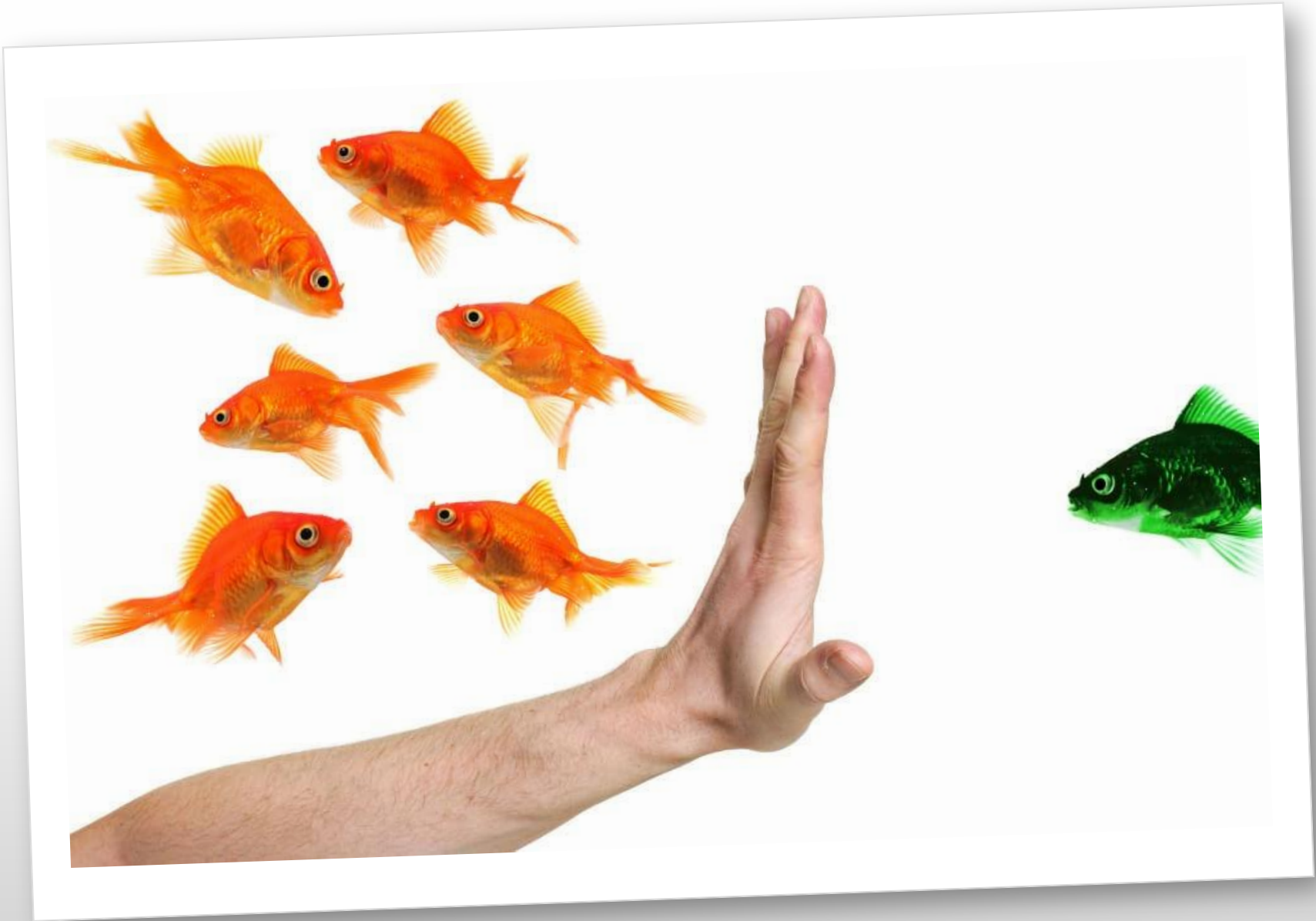
Being of Two Minds

- Our mind operates in both conscious and unconscious modes
- Human beings can think, feel and behave in ways that run counter to their explicitly held and expressed views
- **Reflective system** for controlled processing
 - Conscious, explicit
 - Effortful, requires motivation
 - Takes more time
- **Reflexive system** for automatic processing
 - Often unconscious, implicit
 - Requires little effort
 - Fast



2

Recognizing Bias



ACTIVITY



Identifying Potential Bias

Common Bias in Title IX Process

- Affinity Bias
- Anchoring Bias
- Halo Effect
- Confirmation Bias
- Priming
- Authority Bias



Affinity Bias

Affinity bias is the unconscious tendency to get along with others who are like us



TV Star...



Anchoring Bias

- Fixate on initial information and fail to adjust for subsequent information.
- This also happens when we are blinded by first impressions or influenced by first impressions, ideas, prices, or estimates relative to info received later.

Halo Effect



The halo effect occurs when an initial positive judgment about a person unconsciously colors the perception of the individual as a whole.



Confirmation Bias



Form of Selective Perception



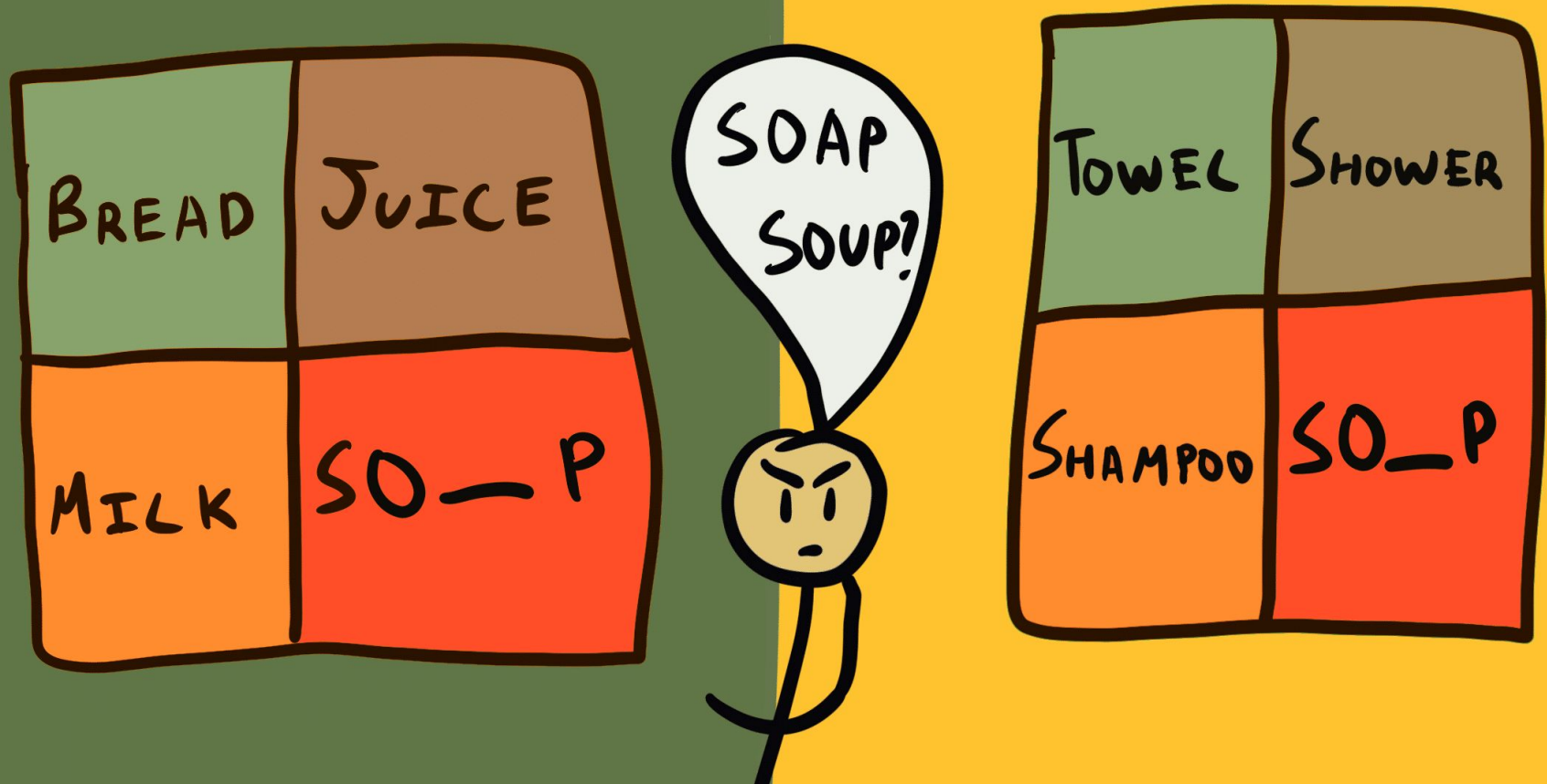
See things from our own personal perspective



Organize and interpret events/information based on this perception



Influences what we pay attention to and the problems we identify, and the alternatives we develop or consider.



Priming Effect

Priming, or, the *Priming Effect*, occurs when an individual's exposure to a certain stimulus influences his or her response to a subsequent stimulus, without any awareness of the connection. These stimuli are often related to words or images that people see during their day-to-day lives.



Authority Bias

It is the tendency to attribute greater accuracy to the opinion of an authority figure (unrelated to its content) and be more influenced by that opinion

ACTIVITY



Evaluate the Scenario



3

Responding to and Mitigating Bias

Responding to Bias Under in Specific Roles

Bias of Investigator

Bias of the Interviewee

Bias during a Live Hearing

Bias of the Title IX
Coordinator/ Process



Mitigating Investigator Bias

- Pre-planning
- Checks and balances/
accountability partner
- Avoid pre judgement
- Impartiality
- Let the investigation lead you
not the other way around
- Notice trends
- Assess your process from
beginning to end



Specific Implications of Bias for Investigators

Interview
Report Writing

Responding to Interview Bias



- Prompt Scheduling
- Rapport Building
- Consistency
- Questioning

Specific Implications of Bias for Decision Makers

- Notice Your Reaction
- Review all information before the hearing
- Presence of the Advisor
- Authority Bias and Group Think
- Appeals





Specific Implications of Bias for Title IX Coordinator/ Process

Impartiality
Training and Presentations
Perceptions
Reputation

Best Practices in Mitigating Bias

Avoid Stereotypes



Appearance of Bias vs Actual Bias



Show Your Work



Be Thorough

Best Practices in Mitigating Bias



Separating intake from investigation



Pre-investigation checklist



Investigation Meetings with Title IX Coordinator/other staff



Evaluation of Title IX Team



Evaluation of Title IX Process

QUESTIONS?

Thank you!

Please remember to complete the *event evaluation*.
Your comments will help us continually improve the
quality of our programs.