hidden bias

overt racism

Appendix - A

Understanding Modern Bias

Thomas Newkirk
Newkirk Law Firm PLC
515 E. Locust, Suite 300
Des Moines, Iowa 50309
(515) 883-2000
tnewkirk@newkirklaw.com

Figure A-1 - Scale of Bias

- Hatred
- Overt racism and sexism
- Dislike
- Discomfort
- High Stereotypes
- Negative feelings
- Everything in-between
- Positive self group bias
- Low stereotype
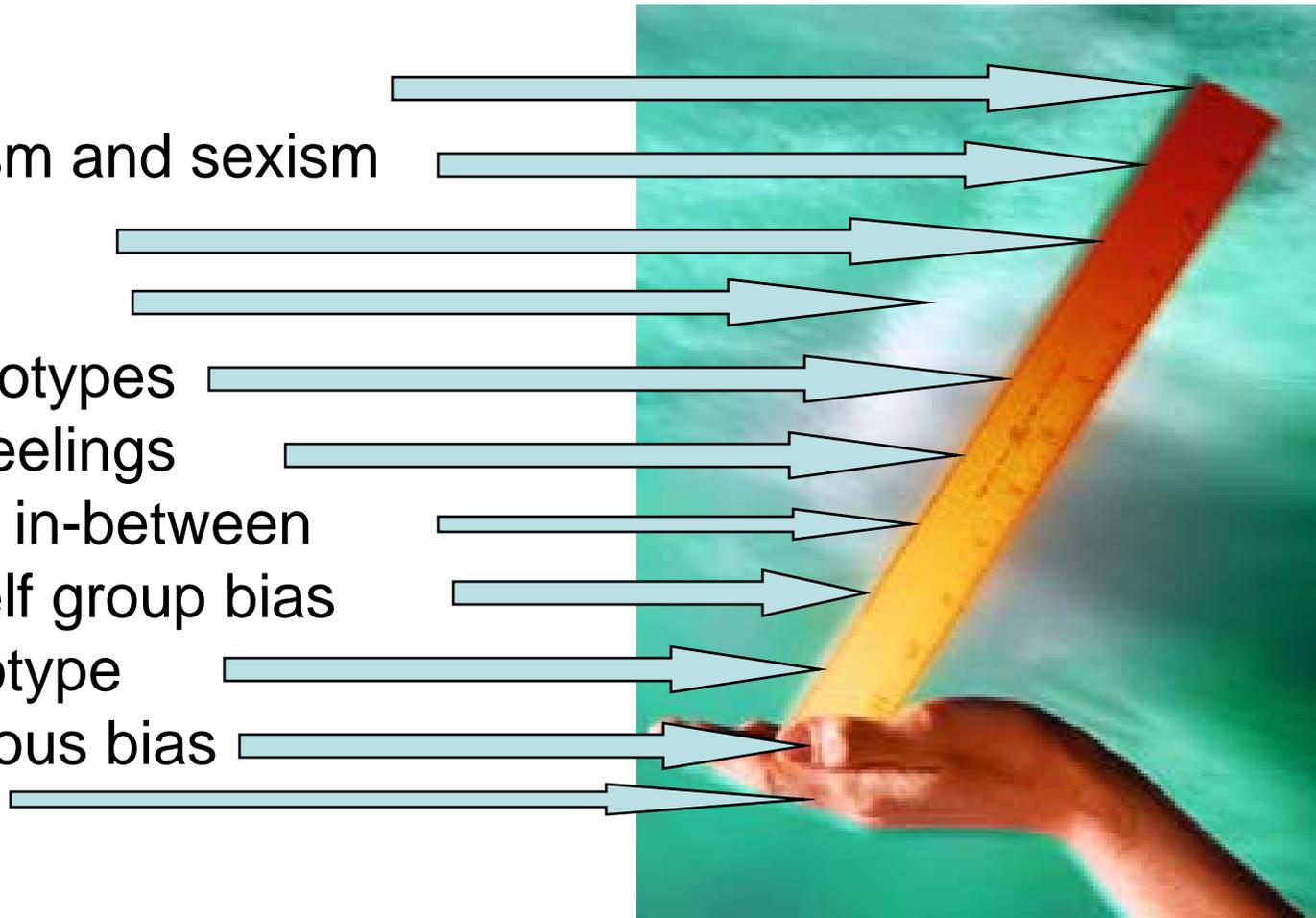- Subconscious bias
- No bias

Figure A-2

Racist/Sexist/Ageist

Current legal theory is still shaped by how the average person thinks of bias or racism, which is a overt belief in racist or sexist stereotypes and ideals
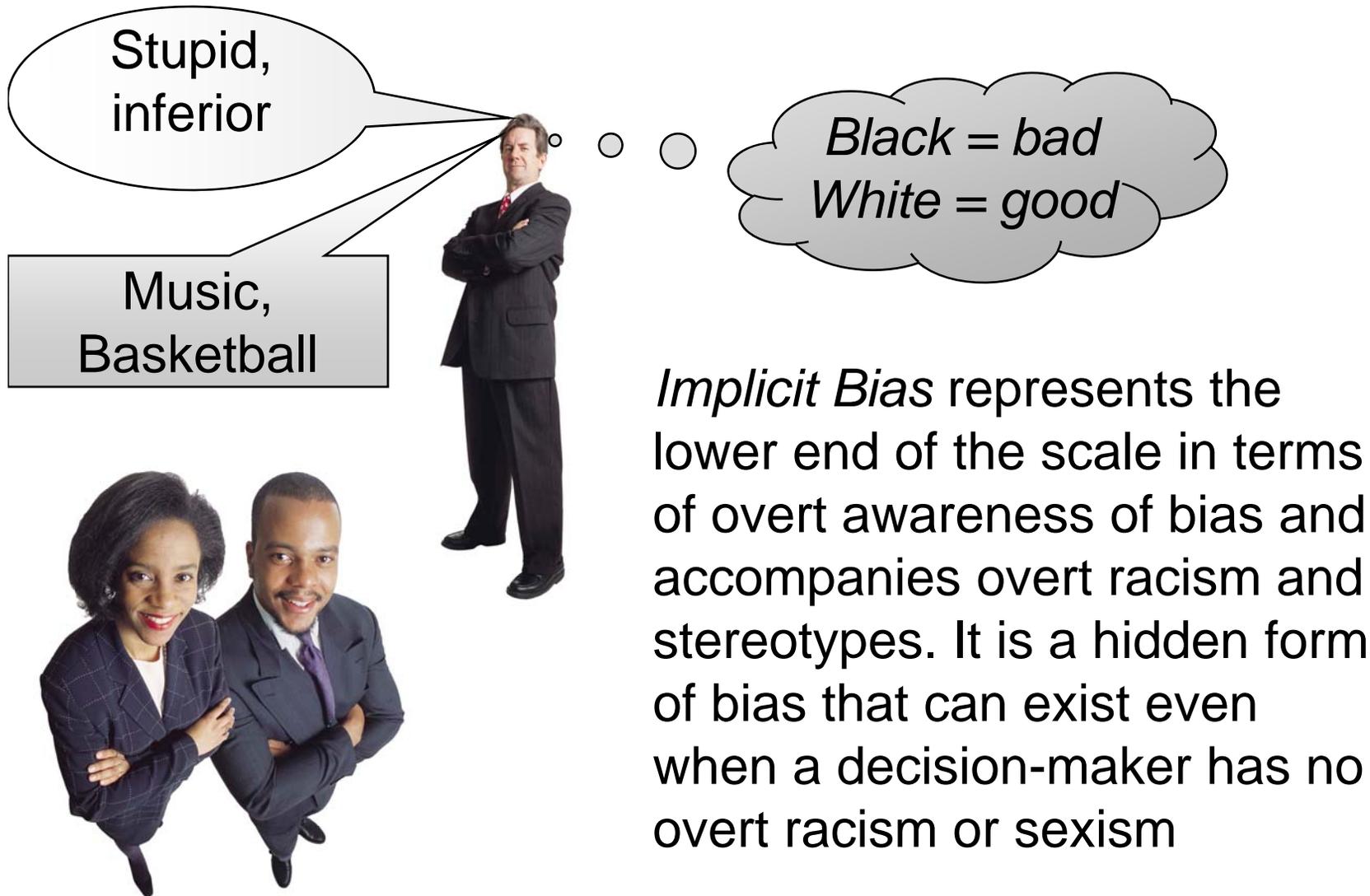
Figure A-3 - Implicit Bias

Stupid, inferior

Music, Basketball

Black = bad
White = good

Implicit Bias represents the lower end of the scale in terms of overt awareness of bias and accompanies overt racism and stereotypes. It is a hidden form of bias that can exist even when a decision-maker has no overt racism or sexism

Figure A-4 - Negative Bias + Positive Bias

Figure A- 5
Positive Implicit Bias Does Not Always Favor Your Own Group

Figure A - 6 - Bias can be triggered

Noticed

Trigger Points

Something negative

I have a young child

I date outside my race
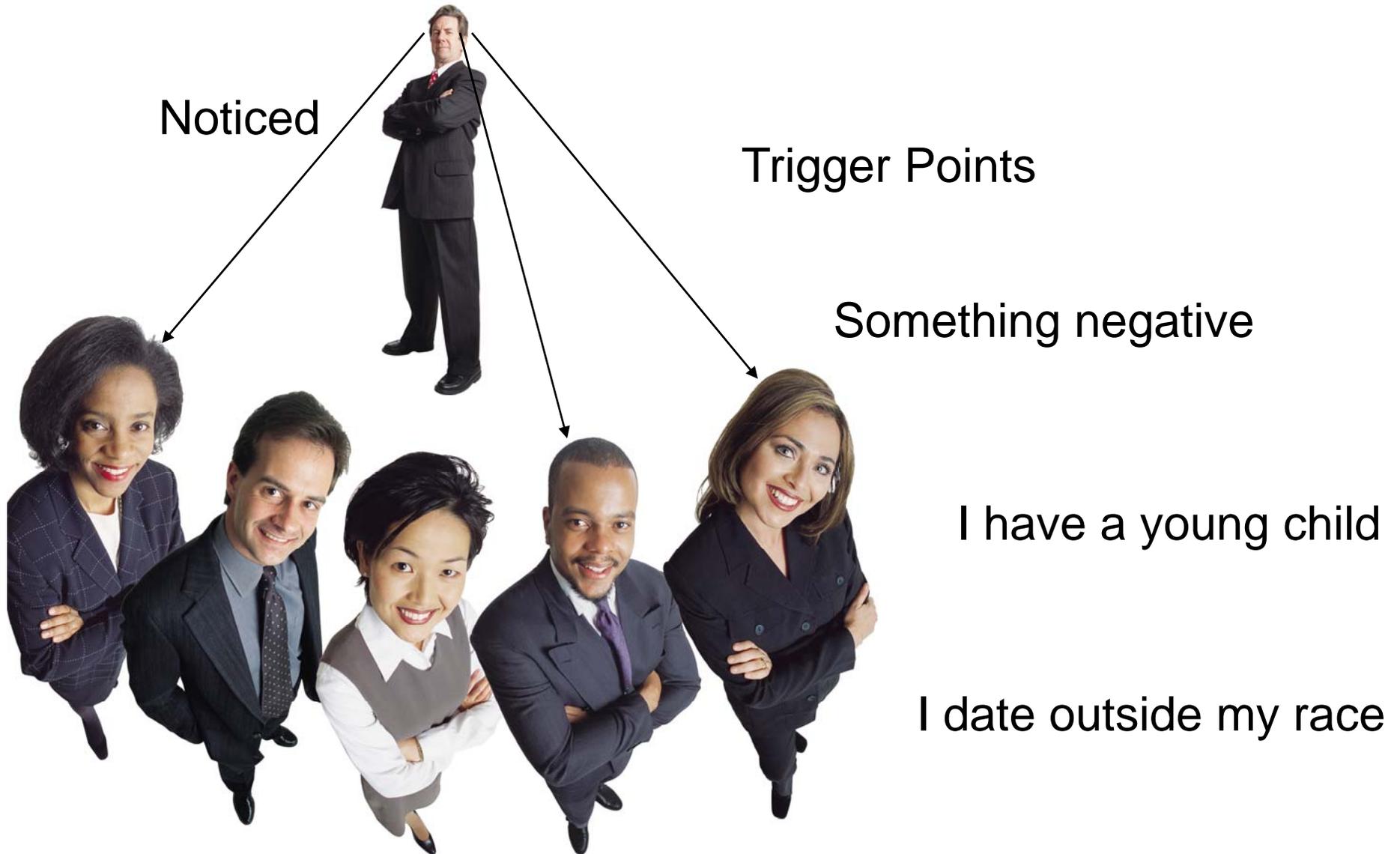
Figure A - 7 - Any Chain of Decision-Makers Is At Risk

CEO

Judge

Admissions

Manager

Prosecutor

Principal

Supervisor

Police Officer

Teacher

Figure A - 8 - Any Chain of Decisions

"Do I hold you to a higher standard?"

"Do I overemphasize your error?"

"Do I underestimate your ability?"

"In" -

Hiring

Discipline

Observations

Opinions
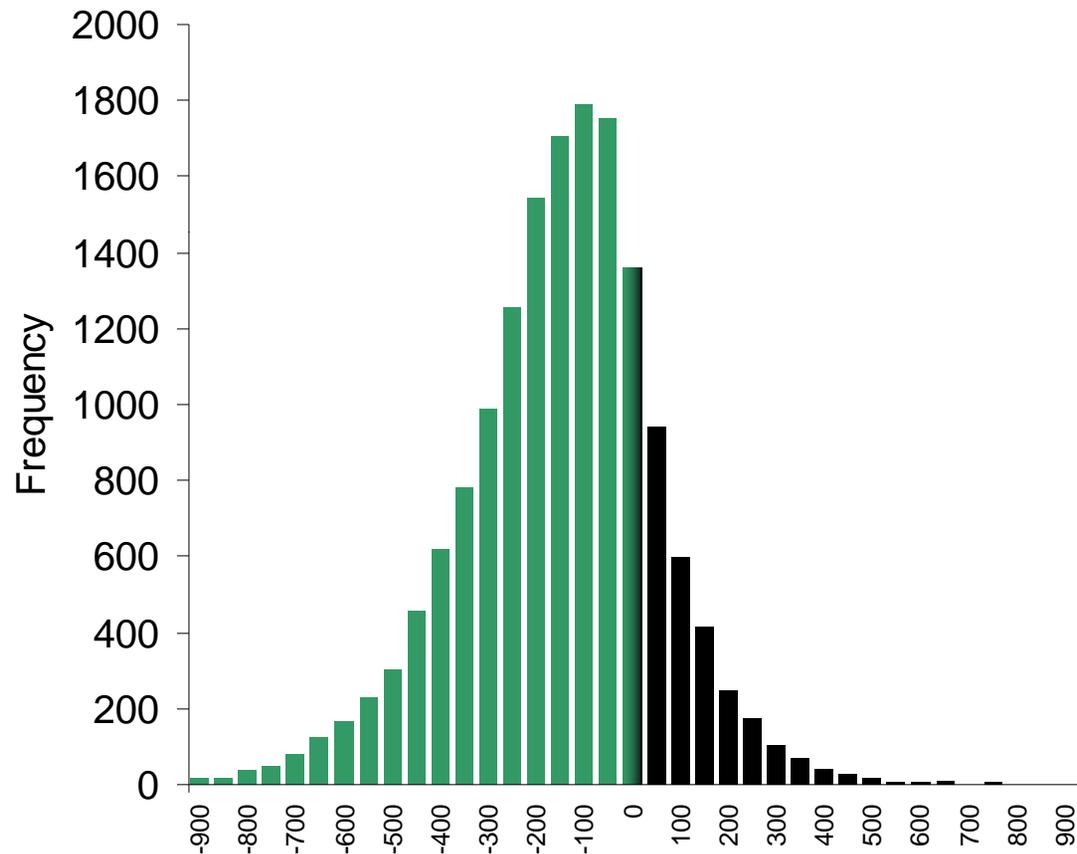
Promotions

Termination

Recommendations

2nd Chances

Opportunities

Expectations

The law usually focuses on *one* primary adverse decision. Most of the time that decision is affected by hundreds of others that are are influenced by bias, but are ignored
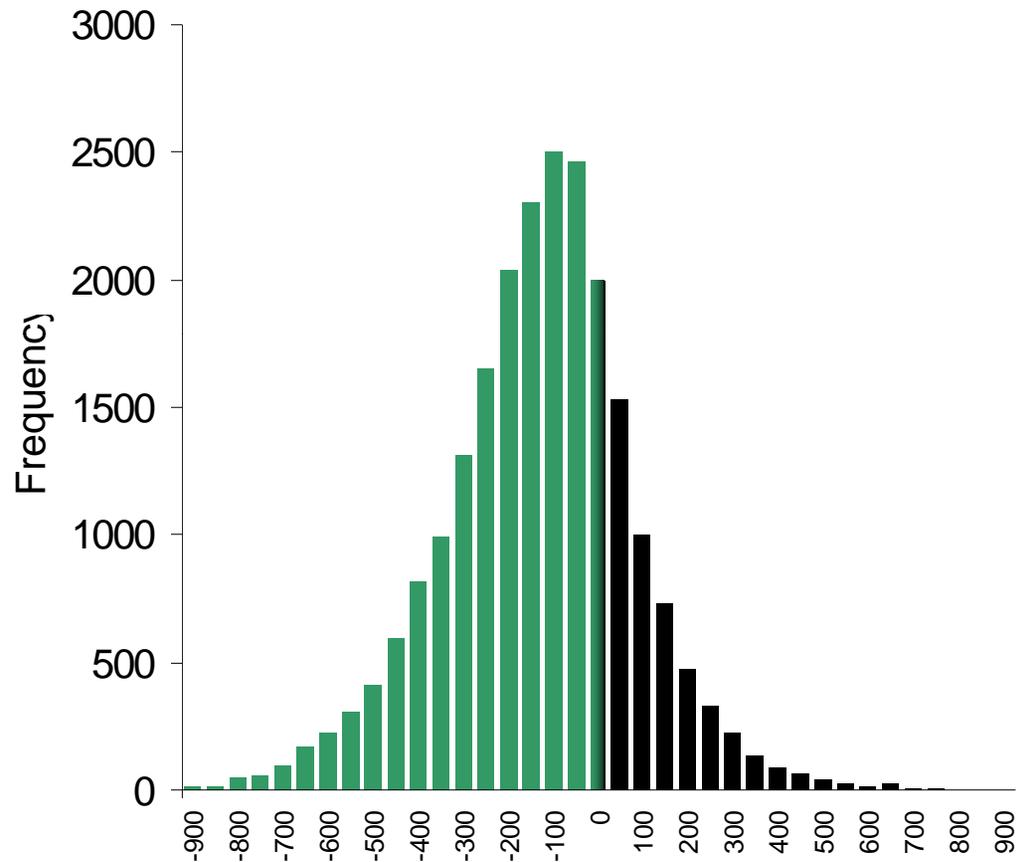
Race IAT – White Subjects

Frequency (y-axis): 0, 200, 400, 600, 800, 1000, 1200, 1400, 1600, 1800, 2000

(x-axis): -900, -800, -700, -600, -500, -400, -300, -200, -100, 0, 100, 200, 300, 400, 500, 600, 700, 800, 900

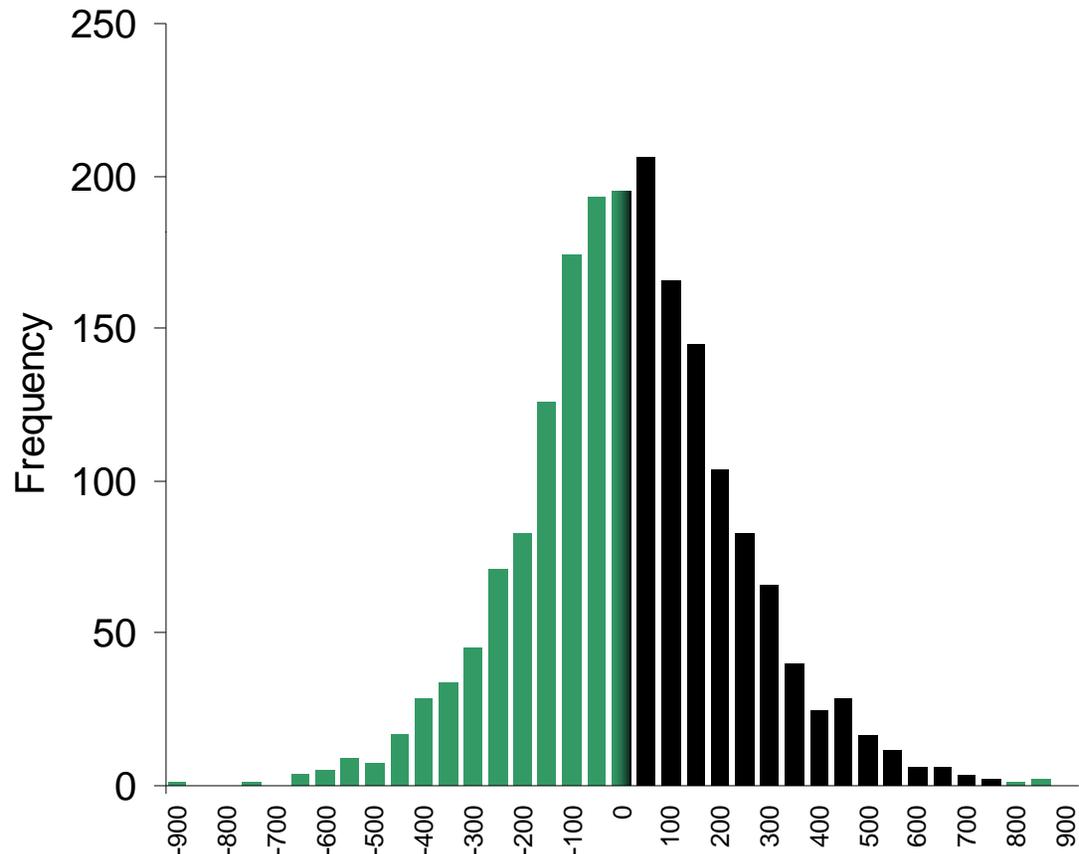*White Ss*: 75% pro-white, 16% pro-black

FIGURE A-9

Race IAT - Overall

Overall: 70% pro-White, 21% Pro-black
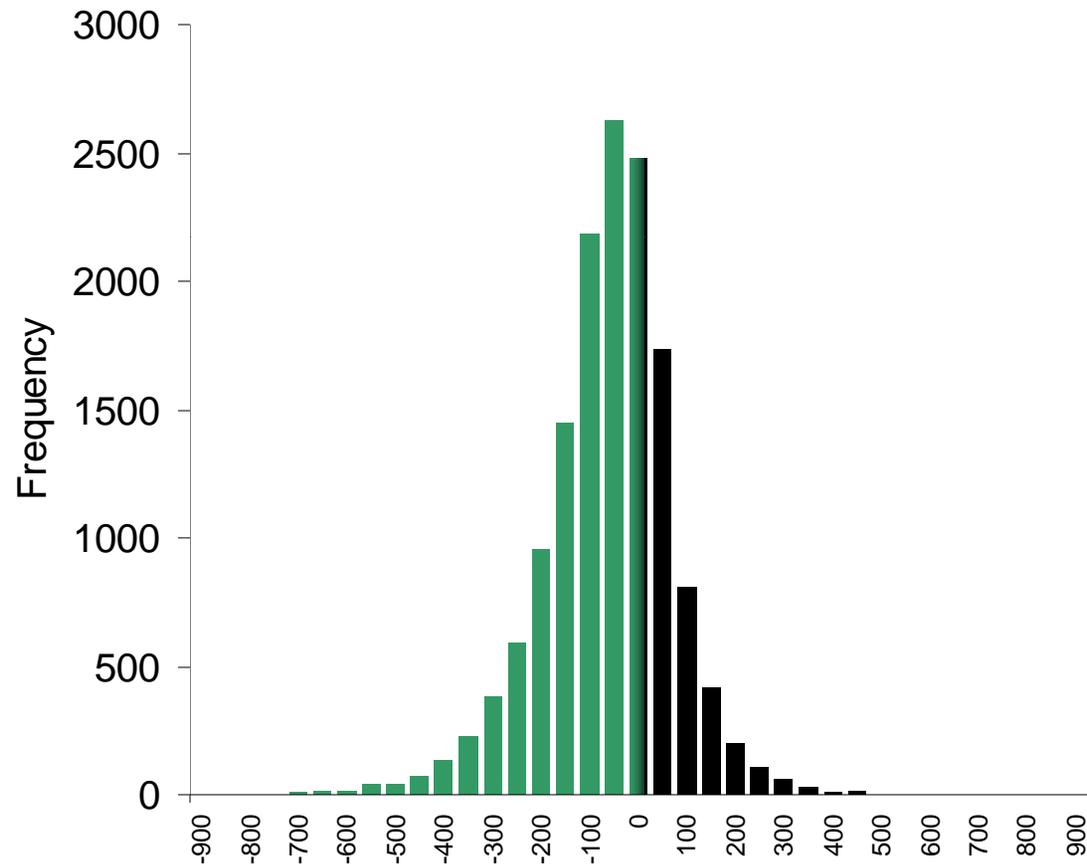
FIGURE A-10

Race IAT – Black Subjects

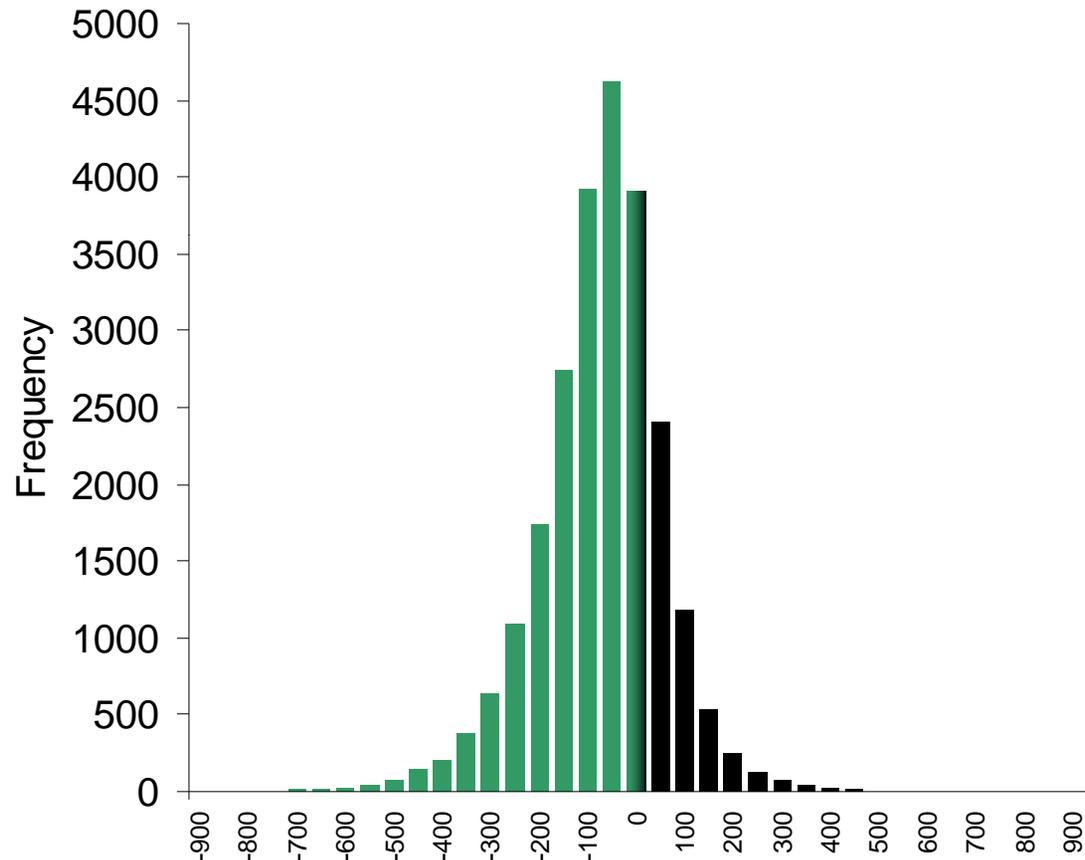*Black Ss*: 42% pro-white, 48% pro-black

FIGURE A-11

Gender+Career IAT – Male Subjects

Male Ss: 60% female+family, 23% female+career   FIGURE A-12

Gender+Career IAT – Female Subjects

Female Ss: 65% female+family, 19% female+career

FIGURE A-13