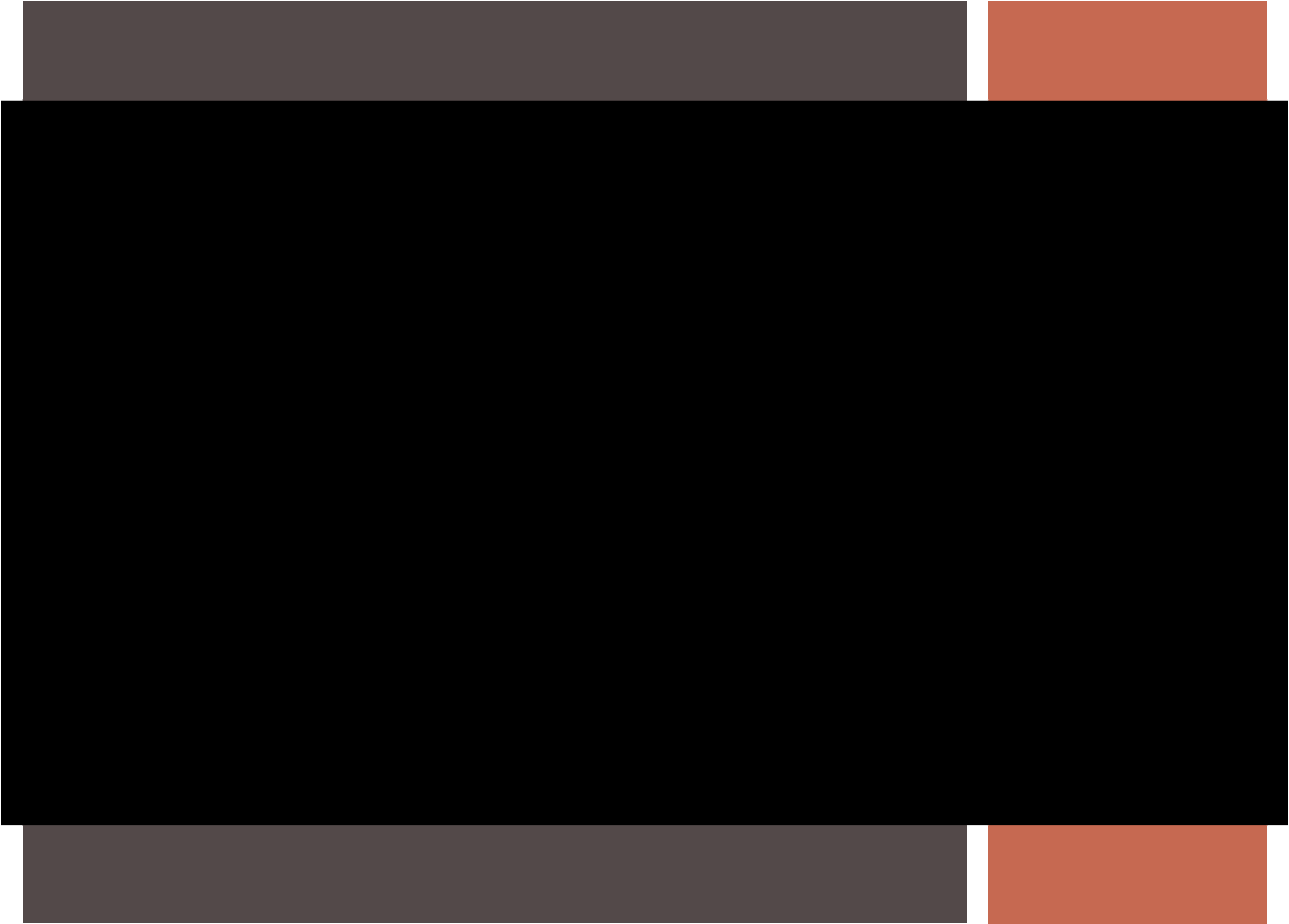




# BIAS: IMPACT ON DECISION- MAKING

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Implicit Bias: Impact on  
Decision-Making





# SCHOOLS NOT PRISONS WHAT WE INVEST IN GROWS



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# RACIAL HARASSMENT IN SCHOOLS RISING

- Black children are more than twice as likely as white kids to be arrested, but the data shows this disparity is not because black kids are committing more crimes, *Mother Jones* reports. Black youth are burdened by a presumption of guilt and dangerousness — a legacy of our history of racial injustice that marks youth of color for disparately frequent stops, searches, and violence and leads to higher rates of childhood suspension, expulsion, and arrest at school; disproportionate contact with the juvenile justice system; harsher charging decisions and disadvantaged plea negotiations; a greater likelihood of being denied bail and diversion; an increased risk of wrongful convictions and unfair sentences; and higher rates of probation and parole revocation. (Equal Justice Initiative)

# KIDS COME AS STUDENTS LEAVE AS FELONS

- Texas: Kids come in as students and leave as felons...
- In June, the Department of Education announced it was scaling back investigations into civil rights violations in public schools and universities.
- Office of Civil Rights staff was reduced more than any other unit in the department last year, proposed 2019 budget would cut more than 40 OCR staff.

# THERE IS DISPROPORTIONALITY AND DISPARITIES IN EVERY YOUTH SERVING SYSTEM

- Every year, The U.S. spends \$10,500 per child on education and \$88,000 on each child incarcerated. Sixty-six percent of children who have been incarcerated never return to school. The U.S. incarcerates five times more children than any other nation state in the world. Is this the best that America can offer the child in the 21st Century?

*(The School to Prison Pipeline is Institutional Racism, Huffington Post September 2016)*



## ARE BIASES CONTRIBUTING TO DISPARITIES IN DATA?

Nationally Black and Latino students are suspended and expelled at much higher rates than white students.

In middle school:

- Black students suspended 4 times more often than their white counterparts, Latino students suspended 2 times more often than their white counterparts.
- Black boys, students with disabilities, black girls, gender non-conforming youth, LGBTQ are increasingly facing disciplinary exclusion and criminal sanctions.



Our unconscious biases cause us to discriminate in subtle but consequential ways...

**When decisions are informed by subjective and discretionary decision-making, black kids experience harsher discipline.**

**Biases can effect how school policies are applied and enforced.**

- **Whether an incident results in a “teachable moment” or “kids will be kids” response or**
- **Whether a student is perceived as rude, disrespectful, aggressive, insubordinate or belligerent and/or is referred to law enforcement.**





UNLIKE HISTORIC RACISM  
BLATANT AND INCONTROVERTIBLE, MODERN  
BIASES REFLECTED IN MICRO-AGGRESSIONS

## Historic vs. Contemporary Bias

- Modern racism which often appears to have no bearing on race, results in the differential application of policies, and procedures.
- Micro-Aggressions everyday verbal, non-verbal and environmental slights, snubs, insults whether intentional or unintentional which communicate hostile, derogatory or negative messages. (Derald Sue)



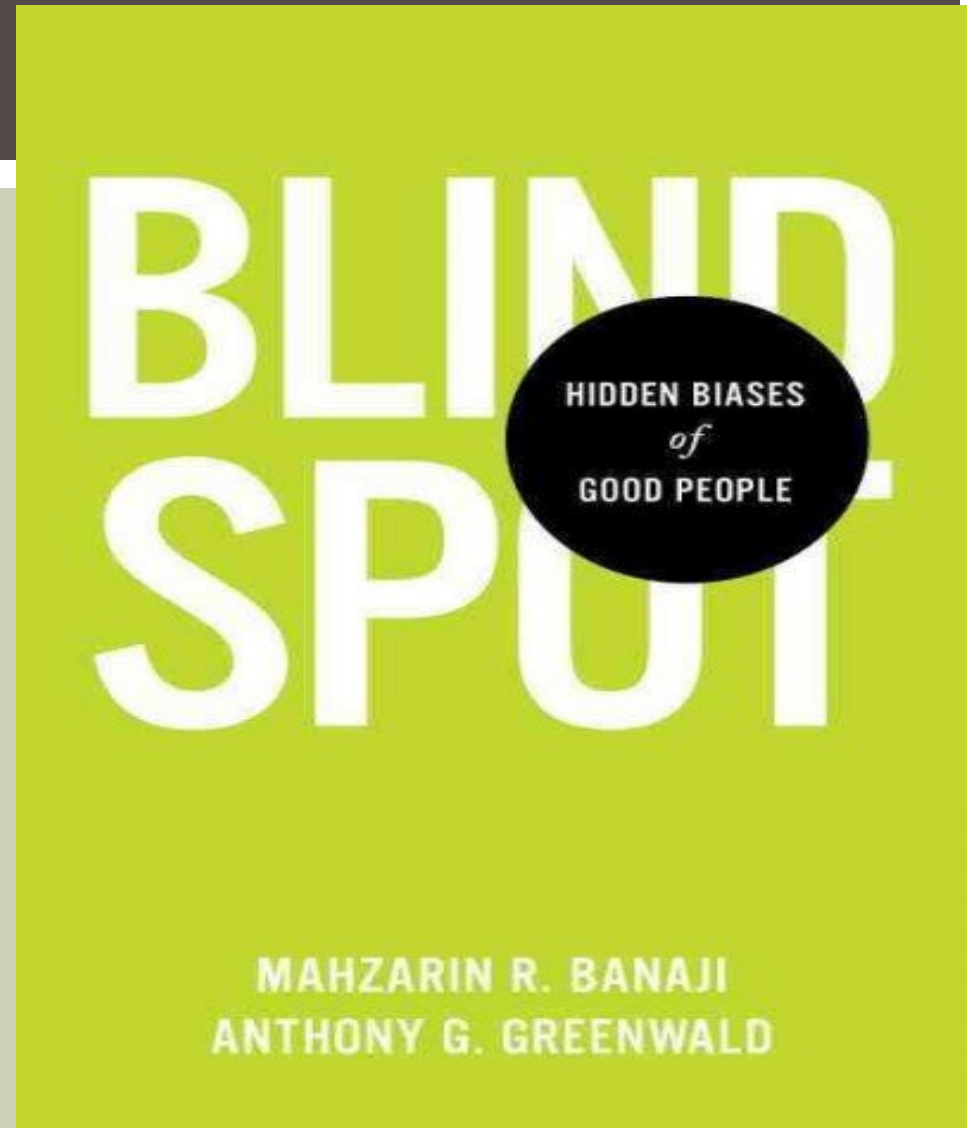
## RACIAL PROFILING: EVERYPLACE! WE'RE ALL IN ON IT!

- **Retail:** *Lady, can you afford to buy this purse*
- **Emergency Rooms:** White children 8 times more likely to be misdiagnosed for *Abusive Head Trauma*. (*Dorothy Roberts*)
- **Child Welfare:** Poverty mimics neglect/abuse.
- **Gaslighting and Dog Whistle Politics:** The use of subliminal racial grievances that are inaudible and easily denied in one range, signifying coded racial messages in another, e.g., tough on crime, war on drugs, welfare reform have historically been racially coded.

*(Dog Whistle Politics, Ian Haney Lopez)*



**Implicit bias: The attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner. Activated involuntarily, without awareness or intentional control. Can be either positive or negative. Everyone is susceptible. (Kirwan Institute, State of Science 2017)**



# BAD OR WORSE BEHAVIOR IS NOT THE EXPLANATION

- According to the U.S. Department of Education's Department of Civil Rights, discipline and other disparities based on race cannot be explained by more frequent or serious misbehavior of minority students...
- ...“in our investigations we have found cases where African-American students were disciplined more harshly and more frequently because of their race than similarly situated white students.”
- The Discipline Disparity Collaborative reports, ‘studies have provided little to no evidence that African-American students in the same school or district are engaging in more seriously disruptive behavior that could warrant higher rates of exclusion.’”





# WHAT IS IMPLICIT BIAS: IT'S NEUROSCIENCE!



**“If scientists could scan our brains when we see spiders or snakes, they would see that the area of our brains that focuses on fear, threat, anxiety and distrust is triggered or, as neuroscientists say, “activates.” Studies have shown that the same area of the brain activates more when people see pictures of African American faces than when they see pictures of Caucasian ones.”**

*(An overview of Implicit Bias by the Equal Justice Society)*



# **3 FACTORS THAT MASK BIAS AND PROMOTE RACE AND ETHNIC DISPARITIES**

- 1. Colorblindness**
- 2. Stereotypes**
- 3. Institutional and Structural Racism**



# COLORBLINDNESS

- Suppresses the public discourse on race and masks discrepancies in decision-making.
- Even in the non-mention of race, the racialization process continues.
- VIDEO

<https://youtu.be/6jAPwWKpiNU>

*You shouldn't talk about race, think about race, because race doesn't matter; but whoever mentions race first, is the racist in the room.*

-Lani Guinier



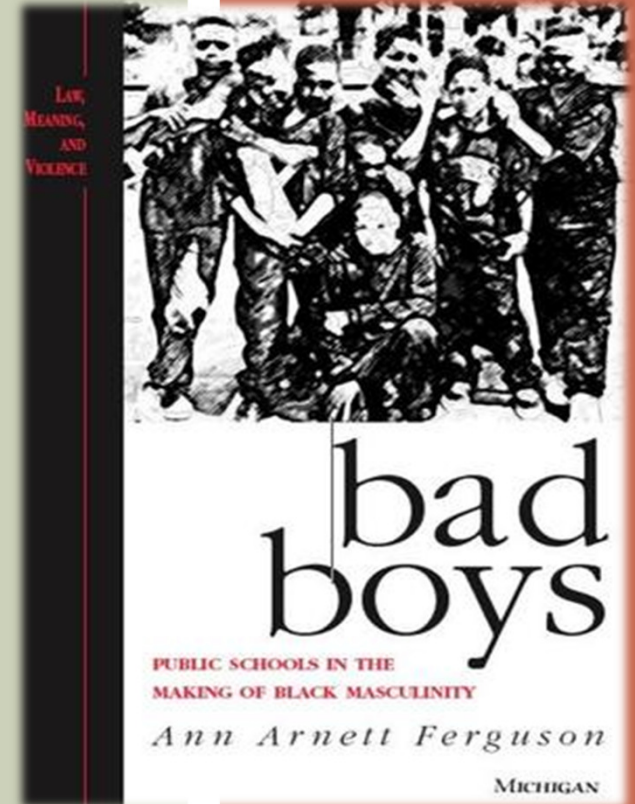


# STEREOTYPES CONSTRUCT CRIMINALITY

- Dreadlocks
- Swagger
- Sagging pants
- Communication style
- Dialect

2003 study found that students who displayed a “swagger” or a “black walking style” were perceived by their teachers as lower in academic achievement, highly aggressive and more likely to be in need of special education services.

*(Kirwan Institute)*



*Ann Ferguson-The Making of  
Black Masculinity America's  
Public School System*

# LOOKING DEATHWORTHY

- *“People associate Black physical traits with criminality in particular. The more stereotypically Black a person’s physical traits appear to be, the more criminal that person is perceived to be. Defendants who possessed the most stereotypically Black facial features served up to 8 months longer in prison for felonies than those with the least stereotypical Black features.”*

*(Jennifer Eberhardt)*



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## DISCRETIONARY DECISION-MAKING- PRE-SCHOOL SUSPENSIONS

- Black public preschool children are suspended from school at high rates: Black preschool children are 3.6 times as likely to receive one or more out-of school suspensions as white children.
- Black children represent 19% of preschool enrollment, 47% of preschool children receiving one or more out-of-school suspensions.
- White children represent 41% of preschool enrollment, 28% of preschool children receiving one or more out-of-school suspensions.
- *(2013-14 Civil Rights Data Collection)*



## BIAS DETERMINES HOW CHILDREN ARE PERCEIVED AND TREATED



A new report by the Equal Justice Initiative indicate that stereotypes of black women and girls *"paint Black females as hypersexual, boisterous, aggressive, and unscrupulous."*

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**Bias  
Against  
Black  
girls  
and  
women**

■ Black girls are five times more likely to be suspended than white girls, and twice as likely to be suspended as white boys. Black girls are nearly three times as likely to be referred to the juvenile justice system, and 20 percent more likely to be charged with a crime than white girls.

One study found that prosecutors dismissed only 30 percent of cases against African American girls, while dismissing 70 percent against white girls.

## Bias Against Black Girls



# STEREOTYPES: BIAS ENCODED IN LANGUAGE

## Colorblind practices:

- I don't notice race, I treat everyone the same
- I just follow the rules.
- Judges: I just read what's in the court reports.

## Racially coded language:

Embedded in school records, child welfare case notes, medical records, arrest and court reports can promote bias at every subsequent decision point.



A young man walks through chest-deep flood waters after looting a grocery store in New Orleans on Tuesday.



Two residents wade through chest-deep water after finding bread and soda from a local grocery store in New Orleans, Louisiana.





# BIAS- LANGUAGE EMBEDDED IN SCHOOL RECORDS, COURT REPORTS, PETITIONS, CASE FILES, AFFIDAVITS

## Child Welfare:

- Differential choice of words
- White mother “upset”
- Black mother “angry”
- Disparities in how reports are written and interpreted
- White mother “no drug involvement”
- Black mother “denies” or “alleges” no drug involvement

## Education:

A student who took too long on a restroom pass was referred to as a “fugitive” student v. a student “took too long on a restroom pass.”

## Some groups are described by race and others are not:

- 7-year-old African American boy;
- 7-year-old Hispanic boy; or simply
- 7-year-old “boy”



# LABELS, LAWS, PRACTICES

- Subjective words like disrespectful, rude, “willful defiance” or refused/declined services can mislead, exaggerate and distort the facts. Subjective and ambiguous words, e.g., disrespectful, rude, threatening, hostile, belligerent, or labels, e.g., thugs, super-predators can mislead, exaggerate and distort the facts.
- School or Agency narratives based on stereotypes: These kids are “monsters” or the “*worst of the worst*”...
- Juvenile Justice: laws written, applied and enforced differentially:
  - sagging pants → indecent exposure
  - watching a fight → inciting a riot

# GENDER: IMPACT OF LANGUAGE

## Letters of Recommendation-

- In subtle but damaging ways, the letters for women were significantly weaker than those for men, e.g., Negative language, hedges, faint praise and irrelevant asides than those for men.

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# INSTITUTIONAL BIAS

- School to Prison Pipeline, War on Drugs and Zero Tolerance policies, promote the criminalization of kids.
- *Criminalization: having police nearby transforms the daily school experience into a minefield of potential crimes:*
  - *fighting in the hallway → battery*
  - *swiping a classmates cell phone → theft or robbery*
  - *talking back to an officer/teacher → disorderly conduct*
  - *school discipline → arrest*
  - *Language: “Outburst of Violence”*

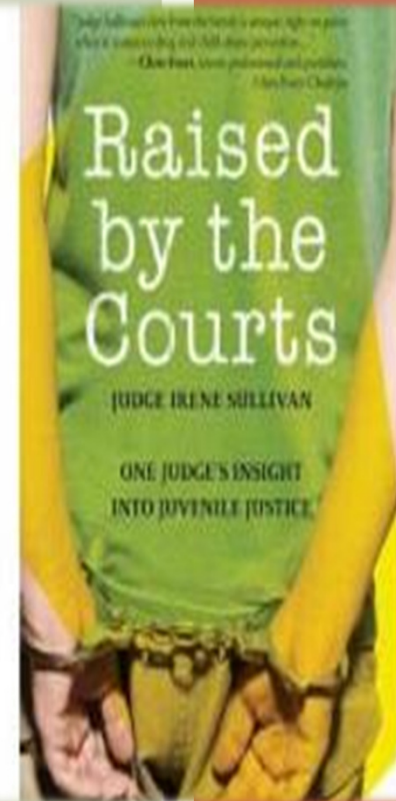




# RAISED BY THE COURTS: JUDGE IRENE SULLIVAN

*“Every week in my court, kids are charged as delinquents under criminal statutes written for adults. Only the penalties are different...”*

- *“Ricky threw an egg at a moving vehicle, and he’s charged with a felony for throwing a “deadly missile”.*
- *“Alexia grabbed her friend’s cell phone out of her hand at the bus stop and threw it in the grass. She too is charged with a felony; robbery by sudden snatching”.*





## BIAS ENCODED IN LANGUAGE CAN DETERMINE OUTCOMES AT EVERY SUBSEQUENT DECISION POINT

*6 year-old kindergartner was booked in the Highland County jail; charged with a felony and two misdemeanors.*

### **Kindergarten Girl Handcuffed, Arrested at School**

AVON PARK, Fla. — Police arrested a 6-year-old Florida girl and even handcuffed her when she acted out in class. Police officers said Desre'e Watson, a kindergarten student at Avon Elementary School in Highlands County, **had a violent run-in with a teacher.** "I was scared," the little girl said.

Police claim the little girl got angry and began kicking and scratching. She even hit a teacher attempting to intervene in the disturbance.

**"When there is an outburst of violence,** we have a duty to protect and make that school a safe environment for the students, staff and faculty. That's why, at this point, the person was arrested regardless what the age," said Chief Frank Mercurio, Avon Park Police Department.



# TRAUMA INFORMED DECISION- MAKING-INSTITUTIONAL TRAUMA

**Repeated exposure to micro-aggressions in schools-** *verbal, non-verbal and environmental slights, snubs, insults whether intentional or unintentional which communicate hostile, derogatory or negative messages.* Derald Sue  
e.g., demeaning comments related to academic ability, dress, or culture, “he looks like inmate,” fugitive student, these kids are “worst of worst” or witnessing disparities in school discipline, can have a more detrimental effect on school performance and engagement than the more blatant forms of discrimination.



# HOW TO PROMOTE A DIVERSE AND INCLUSIVE CAMPUS

- Do posters, websites, promotional materials, and merchandise reflect diversity, e.g.,
- Magazines, newsletters.
- Bookstore items (hair products).
- Food venues
- Do graduation ceremonies recognize diverse cultural celebrations?
- Promote community collaborations bring organizations to improve campus climate.
- Collect diversity data so you will have facts to support your diversity initiatives.

# INDIVIDUAL BIASES OF FACULTY AND ADMINISTRATIVE DECISIONS

- Individual biases of faculty (and administrative decisions)
- Biases will affect budget and policy priorities.
- Biases can affect perceptions related to disciplinary and academic probation.
- Biases can affect student retention, student discipline and Title IX investigations.
- Biases can affect major selection and degree completion.

# CLASSROOM STRATEGIES FOR DIVERSITY

- Use informal discussions at the start of class to promote class/group participation.
- Apply the classroom management rules the same, e.g., attendance or late assignments. Sometimes we notice the behaviors of groups according to stereotypes, (Yale study) such as when a black person arrives late to class we remind the class of the attendance policy.
- Do you give women and people of color the same focus when they are talking as you might give someone who holds more social standing or are you more likely to check the time and become distracted?
- Use diverse examples to support teaching; normalize women, women of color, and disabled individuals in non-stereotypical ways, e.g., women of any race and ethnicity as the CEO of major corporation.
- Recognize how your implicit biases affect your perceptions of student success and potential for higher education. Are you uncomfortable with a student because of tattoos, dress, use of slang?

# CLASSROOM STRATEGIES FOR DIVERSITY

- Use diverse teaching and evaluation strategies to accommodate diverse learning styles, e.g., writing, oral presentations, class participation, small groups etc.
- Be creative with seating arrangements. Circles are good and encourage engagement.
- Use applied learning techniques. How can students apply what they've learned to their own experiences.
- Ask student what they prefer to be called (or what gender pronouns they prefer).
- Use informal discussions at the start of class to promote class/group participation.

(continued)

# HIRING FOR DIVERSITY

- Understanding diversity should be skill-based: colorblind approaches are ineffective. Ask candidates what experience they have working with diverse communities. Make sure it's measurable by asking *in what capacity*; some educational institutions incentivize mentoring underrepresented students.
- Do individuals on hiring committees recognize their own implicit biases; race, gender, sexuality, religion etc. ?
- Gender bias in selection process, e.g., names that are white sounding vs. black sounding, names that are typically female vs. male might influence perceptions of the “most qualified” candidates.

# PROMOTING CAMPUS DIVERSITY AND INCLUSION

- Do posters, websites, promotional materials, and merchandise reflect diversity, e.g.,
- Magazines, newsletters.
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- Do graduation ceremonies recognize diverse cultural celebrations?
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# CONSIDER...

- Are some departments gender-race segregated due to subject matter?
- Do you have trouble attracting women and people of color? (They don't want to come here because they can make more money (elsewhere)? Is this true?
- Is the administration diverse? Is the faculty diverse? A diverse administration and faculty are ideal recruitment tools.
- Stereotypes can effect how teachers and administrators react to student disciplinary matters despite use of risk assessment instruments. (rigid discipline matrix).



## CONCLUSION AND CONTACT INFORMATION

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