# Tool G: Debiasing Techniques – The Law Office of William Kennedy – Race Equity Project

The starting point for any debiasing intervention is implicit bias training. A group of interactive exercises that allow the participant to experience the functions, quirks and limitations of their own brain, creates a starting point to understand ones' own bias and provides insight into the formation of bias in others. It provides the language of the cognitive processes that opens the door to a discussion of debiasing. Implicit bias training implicates our life personally, interpersonally, in our programs and in our advocacy. It is the necessary starting point for any debiasing effort.

Debiasing techniques are designed to interrupt decision making process at the unconscious level where bias resides and to insert into the thought process filters and associations that may lead to more equitable outcomes. In this intervention guide you will find brief summaries of successful debiasing techniques that have been tested and peer reviewed by cognitive scientists. We then, offer examples of applications of these techniques in the context of legal services delivery. The examples are not intended to be exhaustive. They are a starting point for examination of debiasing interventions in your program. All will need to be contextualized to the systems in each program.

Ten year ago, debiasing studies focused on interventions at each point in a decision-making process seeking to reduce the automaticity of certain negative associations related to race, ethnicity, gender, LGBTQ issues et al. Recently cognitive scientists and social psychologists have found that success in mitigation requires programs to simultaneously take stock of **racial anxiety** and **stereotype threat** that may exist in the culture of the program in which the decision-making process unfolds. Following their lead, this list of interventions in this manual has five sections. They are:

**Introduction -**
- I.     Building the Foundation – Awareness of Implicit Bias
- II.    Fostering Diversity in the Workplace
  - A.  Direct Intergroup Contact
  - B.  Indirect Intergroup Contact
- III.   Strategies to Address Racial Anxiety for new employees
- IV.   Stereotype Threat Interventions

**Case Handling -**
- V.    Debiasing Decision Making in The Case Handling Process
  - A.  Exercise

**Hiring –**
- VI.   Hiring: Debiasing the Recruitment & Hiring Process
  - A.  Exercise

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## Introduction

| I. Building the Foundation | |
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| **Intervention 1** | AWARENESS OF IMPLICIT BIAS |
| Summary of Science | It is not sufficient to adopt a commitment to anti-bias practices.  This external motivation will likely have negligible effect upon the implicit bias that manifests in the workplace. (Devine et al., 2002; Hausmann & Ryan, 2004).  The first step to overcoming implicit bias in systems is to have individuals believe that it exists and then act upon it. (Dasgupta & Rivera, 2006; Devine et al., 2002; Hausmann & Ryan, 2004) (Benaji & Greenwald, Blindspot, p. 149).   These are the goals of awareness interventions. |
| Goals | <ul><li>Create a foundation for understanding implicit bias, racial anxiety and stereotype threat.</li><li>Create the language necessary to undertake debiasing.</li><li>Debias through education and awareness</li><li>Understand the manifestations of implicit bias & preference, cognitive dissonance, change blindness, cognitive modeling, inattentional blindness, task driven understanding, etc.</li><li>Create safe space for voluntary discussion of social issues.</li><li>Avoid accusatory tones and negative associations</li><li>Incorporate implicit bias lessons in all aspects of (1) program services, operations and management, and (2) all steps in the recruitment & hiring process.</li></ul> |
| Examples | <ul><li>Early and ongoing implicit bias training for all staff. Contextualize the training for staff that hold various positions in your program.</li><li>Contextualize the training for staff that hold various positions in your program.</li><li>Encourage & make time to take the implicit associations tests.[1]</li><li>Schedule time for staff to discuss their experience with the IAT's.</li><li>Amend new employee orientation process to include racial justice training.</li><li>Discuss current events to examine the role implicit bias may have played.  Focus on the specific manifestation of bias in each case.</li><li>Share studies that discuss bias in the communities you serve.</li><li>Share articles, video lectures and media about implicit bias with staff.</li><li>Use program media/listserv to discuss, disseminate and share information on racial justice advocacy.  Manage listserv to show application in social justice and service provider communities.</li></ul> |

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[1] Since bias can manifest at all levels in a system it is important that all staff participate in this activity. Our experience suggests that these tests should be taken alone and with sufficient time to process the results.

| II.  Fostering Diversity in the Workplace<br>A.   Creating Direct Intergroup Contact | |
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| **Intervention 2** | **RECRUIT, HIRE & MAINTAIN A DIVERSE STAFF** |
| Summary of the Science | This complex subject will be addressed in a separate exercise but many of the decision-making interventions we will be using in this exercise are also relevant to debiasing the hiring process. |
| Goals | • Cultivate a diverse applicant pool.<br>• Debias hiring process to check implicit bias.<br>• Provide internship and fellowship opportunities using the same criteria as used in hiring.<br>• Retain diverse staff through inclusivity & acceptance.<br>• Internships and collaborations can diversify staff as short-term interventions. |
| Examples | • Outreach for candidates is an ongoing effort.<br>• Link internship and volunteer programs to hiring.<br>• Conduct a "pre-mortem" meeting prior to having a vacancy. Identify filters that may unnecessarily limit the talent pool.<br>• Review hiring practices<br>  o Use a diverse hiring committee<br>  o Set and commit to criteria that value diversity.<br>  o Do not review resumes or applications until criteria are agreed upon.<br>  o Use the same "areas of inquiry" for all candidates tied to hiring criteria.<br>  o Allow time for reflection between last interview and hiring decision.<br>• Debias workplace, project handling, and case handling structures.<br>• Create regularly scheduled racial justice discussion groups in office/program. Teach facilitation *Conversations About Race Equity* (CARE discussions).<br>• Implement suggested interventions for racial anxiety and stereotype threat.<br>• Ensure that diverse voices are welcomed and present in major structural, goal setting, mission and scope of work decision. |

| Intervention 3 | DIRECT INTERGROUP CONTACT |
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| Summary of the Science | Face to face interaction between groups has been shown to reduce prejudice and stereotypes. [Kang & Banaji, Fiske & Gilbert, Asgari, Dasgupta & Asgari].  There are several key conditions necessary for positive effects to emerge from intergroup contact, including individuals sharing equal status and common goals, a cooperative rather than a competitive environment and the presence of support from authority figures, rules and customs.  [Allport, 1954] |
| Goals | • Encourage frequent intergroup integration to reduce bias and racial anxiety.<br>• Foster and reward collegiality and not hierarchy in working groups.<br>• Communicate explicit common goals for staff.<br>• Diversify workgroups, boards, and community alliances.<br>• Minimize fear and competition which leads to heightened group preference. |
| Examples | • Allow diverse leadership in working groups without regard to tenure or position.<br>• Create shared opportunities to talk about the racial aspects of events and share perspectives without immediately trying to problem solve.[2]<br>• Adopt a community lawyering practice where staff is required to meet clients in the community.<br>• Hire diverse interns and actively learn from them by soliciting their perspectives and ideas on projects.  Learn from your interns as they learn from you.<br>• Sponsor events with other firms who have diverse staff.  Listen closely to their perspectives. |

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[2]  Racial anxiety often causes participant feeling discomfort that fuels a desire to move from sharing perspectives to a discussion of the solution which ends the conversation.  The open sharing of perspectives is the primary goal in these discussions.

## II. Fostering Diversity in The Workplace
### B.  Indirect Group Contact

When direct intergroup contact is not available within the program or cannot be sustained, cognitive scientists have found the next three interventions to show promising results.  Counter stereotype training, stereotype replacement and counter stereotype imaging used in combination with other interventions can reduce the activation of negative associations and racial anxiety in a workplace

| Intervention 4 | COUNTER STEREOTYPE TRAINING |
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| Summary of the Science | It is, by far, easier for people to learn *new* implicit associations about groups than to unlearn old stereotypic associations (Gawronski et al, 2007; Gregg, Seibt & Banaji, 2006).  How is this done?  Cognitive scientists suggest it may be as simple as showing images representing a negative stereotype and having the subjects say out loud "no" to them and "yes" to images of positive associations. *(Kawakami, et al., 2000).*  These findings emphasize the importance of not just counter-stereotypic instruction, but also the need for consistent repetition of this instruction over time.  (see Kawakami, Dovidio, & Kamp, 2005). |
| Goals | <ul><li>Foster learning of *new* implicit associations about groups</li><li>Debias through initial <u>and</u> ongoing trainings</li><ul><li>Central goal → to develop new, positive associations</li><li>Create space to challenge perceiver to deal with stereotype-inconsistent information & discuss results.</li></ul><li>Challenge staff to recognize stereotype activation and work on preconscious control.</li><li>Create space in meetings to challenge perceiver to deal with stereotype-inconsistent information & discuss results</li></ul> |
| Examples | <ul><li>Set schedule of ongoing trainings and discussions of debiasing.</li><li>Discuss role of "context" in stereotype formation when evaluating the merits of a project, case, or the level of service to be provided.</li><li>Staff should identify stereotypes at play in the community they serve.</li><li>Take time at staff meetings to tell stories and show images that create positive associations with people from all races and ethnicities.</li><li>Training people to avoid bias works best if instructions are concrete and specific rather than abstract.</li></ul> |
| Intervention 5 | STEREOTYPE REPLACEMENT |
| Summary of the Science | This strategy involves replacing stereotypical responses with non-stereotypical responses. Using this strategy involves recognizing that a response is based on stereotypes, labeling the response as stereotypical, and reflecting on why the biased response occurred. |

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| | Next, one considers how the biased response could be avoided in the future and replaces it with an unbiased response (Monteith, 1993). |
| Goals | • Interrupting the automaticity of stereotypical associations.<br>• Developing a practice of replacing stereotypical associations with non-stereotypical associations.<br>• Shift focus from group characteristics to individual characteristics. |
| Examples | • Discuss common stereotypes attached to clients in different neighborhoods and how framing and individuation may counter their negative aspects.<br>• Discuss how stereotypes are manifest in court or at hearings. Discuss framing pleadings and arguments to mitigate stereotype formation or to create positive associations.<br>• Translate the discussion of external stereotyping to mitigate possible activation in your program.<br>• Develop a supportive practice of calling colleagues when stereotyping may be occurring. (We all do it!) |
| **Intervention 6** | **COUNTER STEREOTYPE IMAGING** |
| Summary of the Science | Some cognitive scientists and social psychologists have found that exposure to non-stereotypical exemplars decreased the automatic White preference effect as measured by the IAT. Emphasizing that implicit biases change, the authors suggest that "creating environments that highlight admired and disliked members of various groups … may, over time, render these exemplars chronically accessible so that they can consistently and automatically override preexisting biases" (Dasgupta & Greenwald, 2001, p. 807). The effect of these interventions has been mixed but early success and the ease of implementation suggests that these interventions should be considered. |
| Goals | • Create inclusive, positive work environment.<br>• Exposure to positive exemplars that promote favorable imagery activation.<br>• Accessibility with a particular focus on language access<br>• Use debiasing agents to decrease automatic preference<br>• Make debiasing agents the norm, not the exception<br>• The strategy makes positive exemplars salient and accessible when challenging a stereotype's validity. |
| Examples | • Examine posters, pamphlets, photographs and public materials that may reveal negative implicit associations. Show ordinary people in counter stereotypical settings to activate favorable schemas.<br>• Review office for micro messaging where small messages are sent, typically without conscious thought or intent.<br>• Take time at staff meetings to tell stories and show images that create positive associations with people from all races and ethnicities.<br>• Create a screen saver with counter stereotypical exemplars. |

## III. STRATEGIES TO ADDRESS RACIAL ANXIETY

The mechanisms for reducing racial anxiety are related to – but are not identical to – the reduction of implicit bias. They are distinguished primarily by the goal of the interventions. A combination of intervention strategies is vastly more likely to be successful than either approach in isolation.

| Intervention 7 | INTERGROUP CONTACT |
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| Description | The role of intergroup contact in reducing anxiety and bias underscores the role of emotion in racial interactions. It is not enough for people to be taught that negative stereotypes are false or to believe in the morality of non-prejudice. People need to feel a connection to others outside of their group; once people feel connected, their racial anxiety decreases and so does their bias (Pettigrew & Tropp, 2008; Voci & Hewstone, 2003). |
| Goals | <ul><li>Create a shared sense of identity.</li><li>Frequent intergroup integration to reduce bias and racial anxiety.</li><li>Foster collegiality and not hierarchy in working groups</li><li>Communicate explicit common goals for staff</li><li>Diversify workgroups, boards, community alliances</li><li>Minimize fear and competition which leads to heightened group preference.</li></ul> |
| Examples | <ul><li>Sponsor intergroup social interactions for staff. Friendships are most effective way of dealing with racial anxiety.</li><li>Foster diversity through inter office work groups.</li><li>Prime staff to think of prior positive intergroup experiences.</li><li>Establish equal status between group's members, cooperation, common goals, and institutional support for the contact.</li><li>If your staff is not diverse sponsor events with other firms who have diverse staff. Listen closely to their perspectives.</li><li>Adopt community lawyering as one aspect of service delivery.</li></ul> |
| Intervention 8 | INDIRECT OR EXTENDED CONTACT |
| Description | *Considering current patterns of racial segregation in so many life domains, sustained interracial interaction may not always be easy to achieve (powell, 2012). Racial anxiety is often a byproduct of living in a racially homogenous environment, which renders future intergroup interaction less likely and increases the chances that it will be less positive if it does occur (Plant & Devine, 2003).*<br><br>*One important approach is known as the "extended contact" effect, which refers to the idea that knowing that members of your group have friends in the other group can positively shift your attitudes toward and expectations for contact with members of those other* |

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| | groups (Wright et al., 1997; Turner et al., 2008; Gómez et al., 2011). Extended contact research shows that even if a person does not have opportunities to interact directly with members of other groups, knowing that others in their own group have positive relations can help to shift their own attitudes more positively toward members of other groups.[3] |
| Goals | • Establish positive intergroup attitudes through perspective sharing.<br>• Highlight the role that norms play in shaping attitudes toward other groups and expectations for cross-group interaction |
| Examples | • Train managers of the value of eliciting many perspectives on issues affecting clients.<br>• Establish norms including both in-group norms demonstrating how members of our group should relate to others and out-group norms indicating how we can expect to be received by members of other groups.<br>• Encourage staff to gather and share perspective on client & community issues. |

## IV.   STEREOTYPE THREAT INTERVENTIONS

These interventions are largely premised on the idea that, so long as a person is not worrying that he or she will be judged or presumed to confirm a stereotype about her or his group, the threat will not be triggered, and the behavioral effects of the threat will not occur. The mechanisms to address ability threat and character threat are quite similar – and sometimes overlap.  In most cases the same interventions that reduce the negative aspects of stereotype threat can also reduce the conduct of the actor that triggers the threat.

| Intervention 9 | SOCIAL BELONGING INTERVENTIONS |
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| Description | When people worry that they don't belong or aren't valued because of their race, they are likely to interpret experiences in a new environment as evidence that their race is an impediment to their belonging and success. The "social belonging" intervention in the context of education is based on survey results showing that upper-year students of all races felt out of place when they began, but that the feeling abated over time. In a study of this intervention, both black and white students were given this information, along with a series of reflection exercises. The intervention resulted in improvement in black students' grades, at the same time as it had no effect on the grades of white students (Walton & Cohen, 2007). As such, the intervention protected students of color "from inferring that they did not belong in general on campus when they encountered |

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[3] THE SCIENCE OF EQUALITY, VOLUME 1: ADDRESSING IMPLICIT BIAS, RACIAL ANXIETY, AND STEREOTYPE THREAT IN EDUCATION AND HEALTH CARE  pps. 50-51.

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| | social adversity" (Erman & Walton, in press) and helped them develop resilience in the face of adversity. |
| Goals | • Reduce the sense of isolation in the work setting.<br>• Develop resilience in the face of workplace adversity. |
| Examples | • At orientation of new employees, share stories that show that all staff struggle to find their place in the program.<br>• Establish a peer to peer mentorship program to discuss challenges of adjustment and progress toward personal & professional goals. [4]<br>• Direct mindfulness exercises at belonging.<br>• Use website & media to associate staff with values. |
| **Intervention 10** | **WISE CRITICISM** |
| Description | A significant challenge for people of color in school or work settings is determining whether negative feedback is a result of bias or, just as detrimental, whether positive feedback is a form of racial condescension. This uncertainty – coined attributional ambiguity by Crocker and Major (Crocker et al., 1991) – hinders improvement by putting people of color in a quandary in terms of deciding how to respond to feedback. Cohen et al. (1999) developed an intervention used with college students that addresses this quandary by having teachers and supervisors communicate both lofty expectations and a confidence that the individual can meet those expectations.[5] |
| Goal | • Reduce attributional ambiguity in workplace |
| Examples | • Train supervisors in the wise criticism approach.<br>• Adopt evaluation standards and materials that reflect the wise criticism approach.<br>• Communicate both high expectations and a confidence that the individual is capable of meeting those expectations. |

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[4] At LSNC our peer to peer mentorship program paired advocates from different offices to foster better communication about perceptions.

[5] The wise criticism (or high standards) intervention has been tested in other contexts, including criticism of middle school essays (Yeager et al., 2013). In this experiment, when students received a note on a paper which read, "I'm giving you these comments, so you have feedback on your essay," 17% of black students chose to revise and resubmit their essay a week later. When the note read, "I'm giving you these comments because I have high standards and I know that you can meet them" – thereby disambiguating the reason for the critical feedback – 71% of black students revised and resubmitted their essay (Yeager et al., 2013).

| Intervention 11 | GROWTH MINDSET |
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| Description | This concept is based on work by Carol Dweck (Dweck, 2006) showing that abilities can be conceptualized as either an entity ("you have it or you don't") or an increment ("you can learn it"). If one holds the former concept, then poor performance confirms inadequacy; however, if one holds the latter view, then poor performance simply means one has more work to do. Having the "growth mindset" has been useful in the context of stereotype threat because it can prevent any one performance from serving as "stereotype confirming evidence" (Steele, 2010). |
| Goals | • Teach staff that abilities, including the ability to be racially sensitive, are learnable/incremental rather than one shot fixes.<br>• Reduce conduct that can be interpreted as stereotype confirming evidence. |
| Examples | • Supervisors should be trained to adopt the learnable incremental approach to training.<br>• Performance should be evaluated in the context of continuum and not in a judgment of inadequacies.<br>• Evaluation materials should be amended to adopt this theme.<br>• Peer to peer mentorship program can reduce concerns. |
| Intervention 12 | VALUE AFFIRMATION |
| Description | This intervention, like the social belonging intervention, helps students maintain or increase their resilience. Students experiencing stereotype threat often lose track of "their broader identities and values – those qualities that can make them feel positively about themselves and which can increase their resilience and help them cope with adversity" (Erman & Walton, in press). |
| Goal | • Increase resilience among staff and help them to cope with adversity. |
| Examples | • Encourage staff to recall their values and reasons for engaging in a task. This can be accomplished at staff meetings, or in closing memos<br>• Linking staff members to values in printed reports, electronic media and materials.<br>• Create recognition through "values" awards. |

| Intervention 13 | BEHAVIORAL SCRIPTS |
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| Description | Setting forth clear norms of behavior and terms of discussion can reduce racial anxiety and prevent stereotype threat from being triggered. The studies referenced herein have investigated the utility of behavioral scripts in preventing behavior associated with threat or anxiety. In their distancing study, Goff et al. (2008) found that when white participants were given a "position" to present during interracial interaction in which racial profiling was the subject, white participants no longer moved further away from their black conversation partners than from their white conversation partners. Researchers concluded that when directed to share an already constructed position, the white person's "self" was no longer at issue in the discussion because the person had been given a position to take and was not at risk of being judged as prejudiced based upon a comment or opinion he or she held. |
| Goals | • Reduce Stereotype threat with agreed upon norms of behavior.<br>• Honor and embrace diverse perspectives on issues.<br>• Create opportunities for voluntary sharing of personal information. |
| Examples | • In initial meetings or reconvening's, encourage staff to share things about themselves or recent experiences.<br>• Set aside time for conversation on race and equity ("CORE" conversations) with agreed upon norms.<br>• Approach CORE conversations in a collegial open manner drawing out many perspectives. |

# Case Handling

| V. Debiasing Decision Making in the Case Handling Process | |
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| Patricia Devine and colleagues (2012) found that after four weeks of engaging in the interventions described below, group participants had lower IAT scores than control group participants. And these effects held when participants retook the IAT another four weeks later, leading researchers to conclude that the reduction in implicit race bias persisted throughout the eight-week interval. **These data "provide the first evidence that a controlled, randomized intervention can produce enduring reductions in implicit bias" (Devine et al., 2012)**. | |
| **Intervention 14** | **FOSTER EGALITARIAN MOTIVATIONS** |
| Summary of the Science | Internal motivations to be fair, rather than fear of external judgments, tends to decrease biased actions. *Considerable research has shown that once a staff is aware of the unconscious operation of bias, fostering egalitarian motivations can counter the activation of automatic stereotypes (Dasgupta & Rivera, 2006; Moskowitz, Gollwitzer, Wasel, & Schaal, 1999). Stone and Moskowitz write, "When activated, egalitarian goals inhibit stereotypes by undermining and counteracting the implicit nature of stereotype activation, thereby cutting stereotypes off before they are brought to mind" (Stone & Moskowitz, 2011, p. 773). For example, work by Dasgupta and Rivera found that automatic biases are not necessarily inevitable, as the relationship between automatic antigay prejudice and discrimination was moderated by individuals' conscious holding of egalitarian beliefs (Dasgupta & Rivera, 2006*[6] |
| Goals | • Encourage desire to be fair.<br>• Affirm or restate equitable goals that counter activation of automatic stereotypes.<br>• Challenge comfortable egalitarianism.<br>• Recognize in-group helpfulness and commit to matching this for out-group members. |

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[6]  The Kirwan Institute, *Implicit Bias, State of the Science* 2013.

| Examples | <ul><li>Develop inclusive race conscious mission statement<ul><li>Include mission statement on key recruitment documents</li><li>Post in work space</li><li>Remind staff and volunteers of mission before important decisions are made.</li></ul></li><li>Bring community leaders and speakers to training events to discuss the values in action.</li><li>Guide case selection, and assignment of resources to consciously close opportunity gaps.</li><li>When evaluating cases and projects, ask advocates to identify the race and ethnic issues in the case. (All cases have a racial/ethnic dimension)</li><li>Recognize that cases with a racial/ethnic dimension may take more time and incorporate this understanding in staff evaluation.</li><li>Measure differential outcomes along racial/ethnic lines.</li></ul> |
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| **Intervention 15** | **DELIBERATIVE PROCESSING** |
| Summary of the Science | Implicit biases are a function of automaticity (what Daniel Kahneman refers to as "thinking fast"). "Thinking slow" by engaging in mindful, deliberate processing prevents the activation of our implicit biases determining our behaviors.<br><br>Implicit bias manifests most often when decisions are quickly made without time for deliberation. Deliberative processing can negate unconscious bias and negative associations. Implicit bias may enter decision-making process if people haven't committed to the decision criteria that are most important to them. (Hodson, Dovidio & Gaertner, 2002) Deliberate processing includes awareness of one's' own emotional state in decision-making. (Dasgupta & De Steno, 2009) |

| Goals | <ul><li>Clarity of purpose is needed at each step in a decision-making process. Task drives our understanding.  Big picture clarity is essential.</li><li>Reduce cognitive load by slowing down.</li><li>Train decision makers to self-check for bias before and during decision making process.   (see mindfulness intervention) Unchecked decisions allow for spontaneous judgments that provoke reliance on stereotypes.</li><li>Consider diverse perspectives.</li><li>Caution: *Receiving the benefits of being in the in-group tends to remain invisible for the most part. And this is perhaps why members of the dominant or majority groups are often genuinely stunned when the benefits they receive are pointed out. Blindspots hide both discriminations and privileges…* - Blindspot, p 144</li></ul> |
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| Examples | <ul><li>In case acceptance, articulate specific criteria before staff encounter a case, and order criteria by importance.</li><li>In a hiring process, start each step in the hiring process with a reminder of the criteria you will apply in selection. [7]  This clarity is needed at each step in a process; and start each candidate selection meeting with a reminder of the criteria you will apply in selection.</li><li>Use mindfulness to self-check bias before and during decision making.</li><li>Intake interviews should ask questions about racial/ethnic elements of each case.</li><li>Opening memos should articulate racial/ethnic elements of the case.</li><li>Create checklists that commit to unbiased decision making.</li><li>Create data feedback loops which demonstrate activity toward your goal of achieving equitable outcomes. Data should include both case acceptance and outcomes related to race/ethnicity.</li><li>Allow time for effortful processing. Recognize that thinking fast breeds bias.</li></ul> |

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[7]  A program does not have to restate the entire criteria at the beginning of each session. Reference to the applicable criteria at the outset of each session is required, example, Let's *recall the criteria we have committed to recruitment and hiring*.  Specific applications can also be noted.  This candidate will be interviewed because they offer a diverse perspective on our work.

| Intervention 16 | CREATE DOUBT |
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| Summary of the Science | The greater the extent to which one presumes the capacity to be objective, the greater the risk that the person will inadvertently allow bias to influence decision-making. There is some evidence to suggest that teaching people about non-conscious thought processes will lead them to be more skeptical of their own objectivity and, as a result, be better able to guard against biased evaluations (Pronin, 2007).[8] |
| Goals | • Interrupt the automaticity of negative associations.<br>• Reinforce deliberate decision making.<br>• Shift focusses to outcomes. |
| Examples | • Teach implicit bias and the non-conscious aspects of decision making.<br>• Invite staff to take an opposing position as a check on the automaticity of biased associations.<br>• Work with IT staff to create data loops that allow frequent review of progress toward outcomes.<br>• Appoint a designated skeptic at meeting where important decisions are being made. Rotate the function among staff.<br>• Create data loops that allow frequent review of progress toward outcomes. |
| Intervention 17 | INDIVIDUATION |
| Summary of the Science | This strategy relies on preventing stereotypic inferences by obtaining specific information about group members (Brewer, 1988; Fiske & Neuberg, 1990). Using this strategy helps people evaluate members of the target group based on personal, rather than group-based, attributes. |
| Goals | • Create a culture where challenging staff on stereotype activation is seen as supportive.<br>• Use "intake interview guides" to identify potential stereotypes and gather counter stereotypical information. |
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[8] THE SCIENCE OF EQUALITY, VOLUME 1: ADDRESSING IMPLICIT BIAS, RACIAL ANXIETY, AND STEREOTYPE THREAT IN EDUCATION AND HEALTH CARE, p 47.

| Examples | • Identify stereotypes that may be in play in your community and gather counter stereotypical information to make informed acceptance decisions. (post discussions on internal website)<br>• Advocacy plan should be reflected in case documents and should include identification of potential stereotype activation and strategies to mitigate them.<br>• Identify specific "frames" that may counter commonly held stereotypes and negative associations.<br>• Share projects in which positive stereotypes were activated or negative stereotypes were mitigated.<br>• In case handling, share cases in which positive stereotypes were activated or negative stereotypes were mitigated; and Create "Talking Points" or "Framing Statements" to mitigate against known stereotypes that affect clients. Share with staff on internal website. |
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| **Intervention 18** | **PERSEPCTIVE TAKING** |
| Summary of the Science | Cognitive scientists have found that perspective-taking was effective at debiasing, as it "tended to increase the expression of positive evaluations of the target, reduced the expression of stereotypic content, and prevented the hyper accessibility of the stereotype construct" (Galinsky & Moskowitz, 2000, p. 720). The active consideration of other's mental states and subjective experiences," can decrease implicit outgroup bias and inter group bias. (Todd & Galinsky, 2014, p. 374) |
| Goals | • Practice perspective-taking<br>    o Review program objectives and decisional impacts through the lens of all involved.<br>    o Create an expectation to consider diverse viewpoints.<br>    o When seeking approval for an action or activity present the request from the client's perspective.<br>• Support deliberative, inclusive mindfulness. |
| Examples | • Modify intake interview sheet to include a statement such as one of the following:<br>    o *Now describe the case from the client's perspective.*<br>    o *What outcome does the client want?*<br>• Allow the client to explain the full complexity of their situation in their own words. (linked to question on opening memo to present case from clients' perspective) |

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| | • Solicit perspectives of others in project and case evaluations to check one's own bias.<br>• Identify perspectives of those in the decision makers where that case will be heard.<br>• Use checklist to evaluate racial aspects of each case. (See Western Center as example) |
| **Intervention 19** | **DECISION-MAKER ACCOUNTABILITY** |
| Summary of the Science | Implicitly biased behavior is best detected by using data to determine whether patterns of behavior are leading to racially disparate outcomes. Once one is aware that decisions or behavior are having disparate outcomes, it is then possible to consider whether the outcomes are linked to bias.<br><br>Implicit biases are a function of automaticity (Kahneman, 2011). "Thinking slow" by engaging in mindful, deliberate processing prevents our implicit schema from determining our behaviors. Ideally, decisions are made in a context in which one is accountable for the outcome, rather than in the throes of any emotion (either positive or negative) that may exacerbate bias.<br><br>Having a sense of accountability, meaning "the implicit or explicit expectation that one may be called on to justify one's beliefs, feelings, and actions to others," can be another powerful measure to combat bias (Lerner & Tetlock, 1999, p. 255).  If we think we are being monitored or may have to explain our decisions, we are more motivated to act in an unbiased or debiased way. [Benforado, Ziegert] But it is important that the accountability be to a superior who him/herself offers a clear unbiased approach. [Jost Beyond Reasonable Doubt] |
| Goals | • Create explicit expectations that results of decisions will be reviewed for their outcomes.<br>• Closely review formal and informal internal project handling policies for implicit bias or colorblind evaluation.<br>• Examine your decisions, actions and outcomes on a regular basis. |
| Examples | • Create frequent **data feedback loops** that measure outcomes.<br>• Publish and release quarterly summaries of progress in closing opportunity gaps.<br>• Discuss the many factors that can lead to implicit bias and disparate outcomes and commit to expanding interventions to achieve equity.<br>• Commit to ongoing training on implicit bias & debiasing. |

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| | • Make staff aware that decisions at all levels will be reviewed for their outcomes.<br>• Leaders must be positive exemplars for staff and be mindful of unintended micro-messaging. |
| **Intervention 20** | **INTRODUCE MINDFUL DECISION MAKING** |
| Summary of the Science | Implicit biases are a function of automaticity.  By engaging in mindful, deliberate processing our implicit biases are prevented from kicking in and determining our behaviors.<br><br>Mindful practice has been found to consistently inform a community centric effort.  (A. Harris, et al, 2007)<br><br>In a new approach to reducing implicit bias toward Black and homeless individuals, Kang and colleagues looked at loving-kindness meditation, a Buddhist tradition defined as having a focus of developing warm and friendly feelings toward others (Y. Kang et al., 2014).  Participation in loving-kindness meditation significantly decreased participants' implicit outgroup bias toward Blacks and homeless people (Y. Kang et al., 2014) |
| Goals | • Mindfulness meditation is offered as a benefit to staff and used to monitor brain functions that lead to bias.<br>• Create a culture where mindfulness activities are valued.<br>• Use moments of mindfulness to check known biases throughout the hiring process.<br>• Measure outcomes data after implementation.<br>• Incorporate mindfulness in (1) all stages of hiring process and (2) a community lawyering practice<br>• Use mindfulness exercises to reinforce the agreed upon values for the process.<br>• Use mindfulness to sharpen advocacy skills. |
| Examples | • In a hiring process, ensure hiring panel spends a few moments before each hiring activity in mindfulness to bring known implicit biases to the conscious mind and place them in check<br>• Hiring panel reflects on the values of the diversity and process in mindfulness.<br>• Panel will consciously individuate answers to questions and evaluate differing situations before information is processed.<br>• In case handling, staff are asked to "be present" and allow the client to fully answer open ended questions, allowing the client up to 3 minutes to explain their situation before proceeding with interview<br>• Staff are trained in the practice and value of mindfulness to enhance services to our clients. |

# Case Handling
## Exercise

In this exercise, you will review the decision points in a programs intake and case handling process.  You may start wherever you wish in the decision-making process.  At each point in the continuum of case handling process, discuss:

- How might bias, racial anxiety and stereotype threat manifest at this point in the process?
- Evaluate on the personal, inter-personal, institutional and structural levels.
- What step may be taken to check racial anxiety or stereotype threat at this stage of the process?
- What values will guide decision making at this stage of the process?
- Which, if any, of the debiasing interventions seem appropriate at this step?
- What data is needed to uncover bias at this stage of the process?
- What efforts are already underway in your office?
- What supplements to these efforts are needed

Don't be surprise is some of the interventions apply in many stages of the process.  "Deliberative processing" is one of those that will have multiple applications.  If that is so, discuss what type of bias the processing is seeking to overcome.   Also, you may identify debiasing strategies that have overarching importance outside of any specific step in the process.  (Hiring diverse staff as an example)
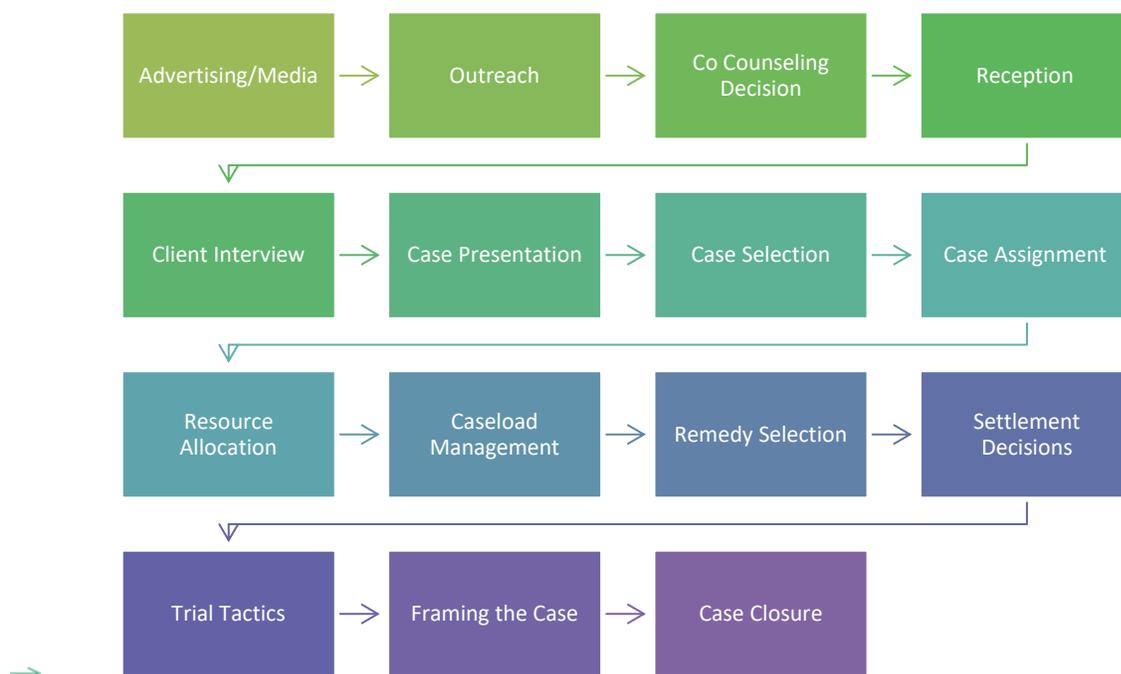


**Decision points in the case handling process**

1.	**Advertising/Media presence (newspaper, web, publications):**  How, where are by what means does your program present itself to the public?   What assumptions are made in the formatting of your media presence?  How does your material foster trust and confidence in the many communities it serves?  How might implicit bias, racial anxiety and stereotype threat skew your outreach in unintended ways?   If problems exist, how might race/ethnicity play a part?  Is any group excluded or burdened by your method of advertising? What steps may be taken to be more inclusive?

2.	**Outreach:**	Does your staff conduct outreach events to communities?  If so, how are those communities selected or targeted?  What assumptions or bias may go into that outreach?  How does outreach supplement or compliment the drop in clinical model?  To what extent is outreach used to close access gaps with racial/ethnic communities?   How might racial anxiety affect communities targeted for outreach?   How might Stereotype threat affect the quality of that outreach?   What steps can be taken to mitigate?

3.	**Co Counseling Decision:**	Back up centers often receive their cases through co counseling arrangements.    In assessing whether or not to co-counsel with a program, how do you assess the relationship of the advocates with the client community?  How do you examine the potential remedy selected by the co-counsel?  How can a co counseling agreement be used to advance equity?   How might implicit bias, racial anxiety and stereotype threat manifest in this decision to co-counsel with a group.

3.	**Reception:**	Describe the initial contact with the client.  How are they greeted, received, and how is basic information gathered?  To what extent is the reception staff involved in making choices about how to process the type of case the client is presenting, the urgency of the matter and the type of appointment scheduled?  How might bias manifest at this level?  What support can advocates provide to the reception staff to deal with diverse demands?

4.	**Interview:**	What steps can be taken to minimize implicit bias, racial anxiety and stereotype threat in the initial client interview? How does staff use the interview to explore the impact of race/ethnicity on the legal claims pursued for the client?

5.	**Case presentation:**	To whom is the case presented to determine whether it will be accepted for further service and the type of service delivered?  Is the staff to whom the case is assigned a free agent to make this decision and, if so, how might bias be involved?  Who makes the decision?  Who has input?   Do you seek diverse perspectives in your decision-making process?  What steps may be taken to minimize bias, racial anxiety and stereotype threat in the process of the case presentation?

6.	**Case selection:**	What is the process for selecting a case for service?   How can colorblind "merit" criteria act to screen out certain communities?   What checks can be put in place to minimize bias in case selection.  Do you engage the diversity of your staff in decision making?  Who has the final say in case selection? What input is considered.

7.	**Case assignment:**	When a case is selected for representation, how is it assigned to staff and what bias may creep into the decision to make an assignment to a specific advocate?   Are race based cases differentiated from other cases in terms of expectations of

the number of cases handled?  How might implicit bias, racial anxiety and stereotype threat manifest at this stage?   How might that be mitigated?

8.      **Allocation of resources:**      Is there any expectation that cases involving stigmatized communities will require more time or other resources?   If so, how are resources allocated to address these added challenges or perceptions?   If there is no recognition that cases on behalf of stigmatized populations may require more time, how might this effect the evaluation of staff who take those cases?

9.      **Management of caseload:**    How does a colorblind assessment of caseload allow implicit bias, racial anxiety and stereotype threat to manifest?  What is the correct role of race/ethnicity in the management of a caseload?  What perspectives are considered in answering this question?

10.      **Remedy selection:**    When making strategic decisions about the case plan, how might implicit bias, racial anxiety and stereotype threat play a role and how might negative bias or associations be mitigated?  Do all remedies unfold in the same environment?  If not, what perspectives in remedy selection are needed to achieve equity?

11.      **Settlement decisions:**      Will settlement of any action address the issues of clients who are differently situated?  Will the benefits of a settlement be equitably distributed?  Who from staff will be involved in crafting a settlement?   What perspectives are needed at this stage of the advocacy?  Does the settlement involve policy?  If so, who from staff can provide perspective on the effectiveness of the policy?

12.      **Trial tactics:**    Will race/ethnicity be placed squarely on the table at trial or hearing?  What steps have been taken to provide "framing" for the trier of fact?   What perspectives should contribute to the framing of advocacy at trial or hearing?

13.      **Framing the case in court or at hearing:**      For Advocates, how will you frame your arguments to overcome the implicit bias, racial anxiety and stereotype threat of the trier of fact?

15.      **Case closure:**  How may implicit bias, racial anxiety and stereotype threat affect the decision to close or the measurement of outcomes in the case?

# Hiring

| IV. DEBIASING THE HIRING PROCESS | |
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| **Pre-Mortem/Assessment of Need** | |
| Summary of the Science | This process begins before a vacancy occurs and assesses program needs vis a vis the communities served without a specific position in mind.  In this case, the purpose of the "pre-mortem" is to identify programs staffing needs linked to mission and outcomes.  Next you must anticipate where bias may creep in to the process and interventions that might hold it in check. |
| Goal | • To clarify staffing needs and target activities to fill those needs.<br>• *By making it safe for dissenters who are knowledgeable about the undertaking and worried about its weaknesses to speak up, you can improve a project's chances of success.* Deborah J. Mitchell, Wharton School, *Pre-Mortem in Project Management* (1989)<br>• Create data loops and accountability.<br>• To agree on values in recruitment<br>    o Commit to fair process<br>    o Commit to gathering diverse input<br>    o Commit to values<br>    o Commit to goals |
| Examples | • Use data mapping to locate the population eligible for services and map that against client service data to identify gaps.<br>• Set goals based upon service and talent gaps.<br>• Use data mapping to locate frayed opportunity pathways.<br>• Identify language deficits in program.<br>• Set up a diverse affirmative action hiring panel at the staff level to set targets for hiring linked to client service needs.  Panel considers needs for diversity not only on race/ethnicity, but language, religion, culture).<br>• Some programs have set up an affirmative action hiring panel at the board level to add a level of accountability to stated goals.<br>• Create client council to gather input on hiring needs and process. |
| **Expanded Outreach** | |
| Summary of the Science | At any single point in time the options to hire are limited by availability and geography.   By expanding outreach temporally and geographically a program expands its' options to recruit a talented staff to better match the needs of the clients served. |

| Goal | Ongoing recruitments efforts create a diverse pool of candidates from which to draw talent. |
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| Examples | • Outreach to Law Schools<br>    o Find trusted contact at each school to assist in identifying candidates.<br>    o Target outreach to diverse students.<br>    o Use brown bag lunches and public interest seminars to identify potential recruits<br>    o Teach the essential tools of racial justice lawyering<br>    o Teach Community lawyering<br>• Identify advocates in other programs who have the talents you need. Reach out to collaborate on projects.<br>• Publish articles about your work in the communities you serve. |

| Internships/Fellowships ||
|---|---|
| Summary of the Science | Law school classes are the most diverse group from which you will ever recruit. Internships give the program and the potential recruit as chance to learn about skills and opportunities. They can become an important pathway to cultivate a diverse hiring pool. |
| Goal | • Re-conceptualize internship/fellowship program as a recruitment pathway rather than a supplement to service delivery.<br>• Close back doors to employment by applying the same filters for interns that are used in hiring.<br>• Check "In group" favoritism |
| Examples | • Conduct outreach to law school student organizations and design internships to meet the criteria for student funded internships. Accept 1st and 2nd year students for placement.<br>• Link current or needed work in the program with students' broad interest.<br>• Work with interns to craft fellowship opportunities.<br>• Identify post graduate fellowships funded by law schools and meet with staff to discuss options for placement.<br>• Identify and develop relationships with national fellowship programs. Share this information with students.<br>• Sponsor fellows who meet your affirmative action goals. Commit to seek ongoing funding after the fellowship ends.<br>Fund staff membership in alternative bar associations. |

| Vacancy/Agreed Hiring Criteria for Position | |
|---|---|
| Summary of the Science | When a position opens it is time to put the infrastructure together to hire. |
| Goal | <ul><li>Confirm diversity hiring goals for the program and needs related to the position that is open.</li><li>Identify staff who will have input into the decision.</li><li>Commit to process and values.</li></ul> |
| Examples | <ul><li>Without thought, institutions replicate themselves. Resist the "Brian is leaving we must find another Brian phenomenon".</li><li>Assess current staff and needs. Hiring need not be a "position for position" change.</li><li>Set goal to expand talent pool in the program.</li><li>Minimum experience levels can act to filter out people of color.</li><li>Hire out of law schools as the most diverse and talented pool from which to draw candidates.</li><li>Consider generalist approach No one works 100% on any project.</li></ul> |

| Printed Posting & Advertising/Job Description | |
|---|---|
| Summary of the Science | How and where we advertise a job vacancy can have a profound effect upon the size and diversity of the pool. |
| Goal | <ul><li>Identify those burdened by general method of outreach.</li><li>Engage in broad based outreach that combines several methods.</li><li>Employ special efforts to reach diverse candidates.</li></ul> |
| Examples | <ul><li>Assess your current efforts and review data to see if they reach a broad audience.</li><li>Use contacts in law schools to identify candidates who may have the skills you seek.</li><li>Attempt personal contact to all who have been included in your hiring pool.</li><li>Notify fellowship programs that a vacancy may be available for those whose grants are ending.</li><li>Post with partner agencies in communities served.</li></ul> |

| Resume Review/Candidate Selection | |
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| Summary of the Science | The process of reviewing candidates' qualifications as presented in resumes or application materials is fertile ground for bias to manifest. Review of written application materials should be structured to elicit diverse perspectives on a candidate's skills. It should also be guided by |

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| Goal | Gather diverse perspectives on applicants and measure against agreed upon hiring criteria. |
| Examples | <ul><li>Set up diverse panel for review.  (Some programs separate this function from the panel that will conduct interviews to minimize early commitment to candidates).</li><li>Sequester written materials until all are in. Early attachments to candidates skew judgments on candidates that follow.</li><li>Eschew comfortable egalitarianism. (In group favoritism)</li><li>Use criteria checklist used by each person reviewing resumes and explain if they are expanded upon.</li><li>Consider gathering input from diverse client communities.</li><li>Keep & share data on characteristics of those rejected as candidates.  Offer this data to those involved in interviews.</li><li>Report process to the board hiring committee</li><li>Some programs remove any identifying information, name, photos, and review qualifications alone.</li></ul> |

| Interview Questions/Areas of Inquiry | |
|---|---|
| Summary of the Science | Interview questions should be tailored to explore candidates' skills against the hiring criteria.  Should include open ended questions that allow the candidate to speak of unique skills they would bring to the job. |
| Goal | To elicit the information needed to make hiring decision. |
| Examples | <ul><li>Align questions with selection criteria.</li><li>Sample open ended questions.<ul><li>Why do you want this job?</li><li>If you were given a choice to launch a project you designed, what would that look like?</li><li>What in your background will you use to relate to the diverse population that we serve?</li><li>What unique skills, perspectives do you bring to the job?</li><li>What aspects of poverty are you most interested in addressing.</li></ul></li><li>Use same questions/areas of inquiry with each applicant.</li></ul> |

| Interview and Hiring Decision | |
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| Description | Interview and considering applicants qualifications and impact on the programs ability to serve a diverse population. |
| Goal | • Gathering Information and perspectives to make the hiring decision.<br>• To select staff member that will expand the programs talent base.<br>• To select a person who will have skills that enhance the programs ability to serve a diverse population.<br>• To make a hiring decision consistent with the programs' mission.<br>• To take steps to reduce the impact of automatic bias on the decision-making process. |
| Examples | • Before first interview and, if the interviews extend beyond a single day, restate values and goals of process at this stage to increase motivation to be fair.<br>• Engage in mindfulness exercise before interviews begin.<br>• Consider staged interview process to gather diverse perspectives.<br>   o Interview with client advisory committee.<br>   o Informal interview with staff.<br>• Set up diverse hiring panel to provide perspective. Diversity can include taking perspective of staff in different positions, i.e. receptionist, paralegal, secretary, etc.<br>• Use same areas of inquiry for each candidate/change only by agreement.<br>• Keep interview notes and maintain after interview to reinforce accountability to the stated values and goals.<br>• Practice "perspective taking" in evaluation of candidates.<br>• Use implicit bias demonstrations to demonstrate the myth of objectivity and the need for diverse perspectives.<br>• Take sufficient time after interviews to make a considered decision.<br>• Prepare report on process and considerations to submit to the board of directors. |
| New Employee Orientation | |
| Summary of the Science | Orient the new employee to the programs mission, operations, systems and culture. |
| Goals | • Create a shared sense of identity.<br>• Minimize fear and competition.<br>• Guard against racial anxiety by using appropriate mitigation |

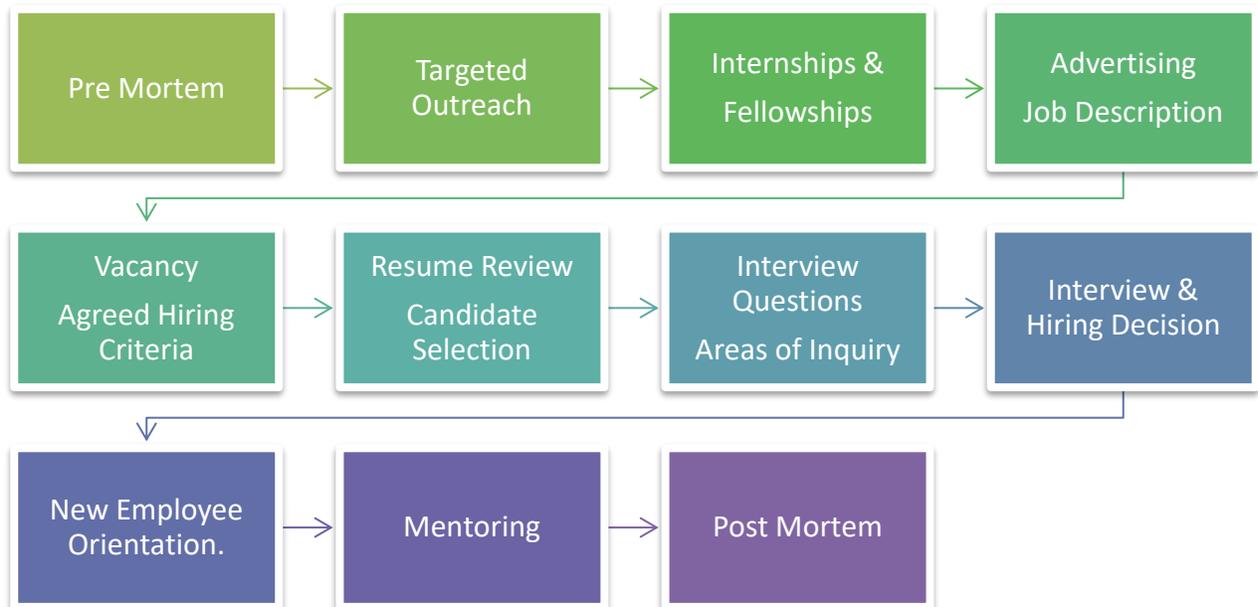| Examples | <ul><li>Present program mission and history contextualizing new employees place in that mission.</li><li>Communicate explicit common goals.</li><li>Demystify office systems.</li><li>Adopt growth mindset as your supervisors articulated "task". ("it can be learned" approach).</li><li>Provide implicit bias training to all new employees.</li><li>Learn "wise criticism" approach to guard against stereotype threat.</li><li>Use "behavioral scripts" to articulate expectations.</li></ul> |
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| **Mentorship/Maximizing New Talents** | |
| Summary of the Science | Create mentorship program to help with adjustment to the program. |
| Goal | Create a supportive and comfortable transition to the job and program.  Create a safe space to share observations and discuss problems outside of direct supervisor structure. |
| Examples | <ul><li>Mentors assigned from different offices or units.</li><li>Program funds dinner or lunch for Mentor/Mentees each month.</li><li>Mentor may ask mentee to join an inter-office project.</li></ul> |
| **Post Mortem/Assessment of Need** | |
| Summary of the Science | Those involved review process for strengths and weaknesses. |
| Goal | <ul><li>Review process to see what did and didn't work and why.</li><li>Make needed changes to ongoing staffing efforts.</li><li>Once again take a long view of staffing needs.</li></ul> |
| Examples | <ul><li>Post mortem report prepared and submitted to the board.</li><li>Post mortem meeting set for all involved where a few hours is spent reflecting on each point in the process to gather and share perspectives on what worked and what did not work.</li><li>Some programs hire a facilitator to conduct post mortem.</li><li>Data used to assess success of the process.</li></ul> |

# Hiring
## Exercise

In this exercise, you will review the decision points in a hiring process and evaluate for bias and potential interventions. You may start wherever you wish in the decision-making continuum.  The purpose of the exercise is to learn the technique of debiasing.  There will be insufficient time to move through more than a few steps.  At each point in the continuum of case handling process, discuss:

- How might bias manifest at this point in the process?
- Evaluate on the personal, inter-personal, institutional and structural levels.
- What step may be taken to check bias at this stage of the process?
- What values will guide decision making at this stage of the process?
- Which, if any, of the debiasing interventions seem appropriate at this step?
- What data is needed to uncover bias at this stage of the process?
- What efforts are already underway in your office?
- What supplements to these efforts are needed?

Don't be surprised if some of the interventions apply in many stages of the process. "Deliberative processing" is one of those that will have multiple applications.  If that is so, discuss what type of bias the processing is seeking to overcome.   Also, you may identify debiasing strategies from the field that may be replicated in your programs hiring process.

## Decision Points in the A Hiring Process:

| Pre Mortem | → | Targeted Outreach | → | Internships & Fellowships | → | Advertising Job Description |
|---|---|---|---|---|---|---|
| **Vacancy** Agreed Hiring Criteria | → | Resume Review Candidate Selection | → | Interview Questions Areas of Inquiry | → | Interview & Hiring Decision |
| New Employee Orientation. | → | Mentoring | → | Post Mortem | | |

1.    **Pre-Mortem - Assessment of Need:**    Systems tend to replicate themselves.  If Brian leaves, *we need to find another Brian* is the refrain and may become the "task" that drives decision making.  Instead, an assessment of need is the appropriate first step in the hiring process.  How will you assess the programs staffing needs?  What data will be helpful to assess those needs?   Will you use data maps in your analysis?    How will candidate's skill sets be linked to targeted outcomes?   How diversity may play a role in achieving those outcomes.  Ideally, this assessment is ongoing and does not begin when an employee leaves the organization. How will this process be used to create a broad commitment to values and accountability?

2.    **Expanded Outreach:**    In conducting a search for new employees is the search methodology designed to reach diverse communities?    What data is needed to better understand how to cast a wide net?  What assumptions or bias may affect decisions in outreach & targeting?  Is language, culture, race/ethnicity a conscious consideration?  If so, what factors inform the outreach and targeting decisions?   To what extent does the community inform targeting and outreach decisions?  How can bias enter outreach plans and lead to disparate outcomes?

3.    **Internships & Fellowships:**   Internships and fellowships can be an effective tool to diversify staff and create an ongoing diverse pool of candidates for positions within the program?  Does your program accept interns and fellows?   Is the program conceived as a supplement to services or an important link in recruitment?   Does your program apply the same criteria to review of applicants for internships and fellowships as are applied to hiring? Do internships become back doors to hiring?

4.    **Advertising/Job Description:**  How, where, and by what means does your organization present itself to the public?  Does the job description resonate with people from different communities?    What assumptions are made in that targeting?    Assess the trust and confidence level of the program with each community it serves.  If problems exist, how might race/ethnicity play a part?  Is any group excluded or burdened by the current method of advertising?  What steps may be taken to be more inclusive?  If you do not have answers to these questions, what data is needed to fully answer the questions?

5.    **Vacancy/ Agreed Hiring Criteria:**    Studies have shown that once applicant resumes are reviewed the hiring criteria become muddled when early commitments to candidates are made. It is very important that those involved in the hiring process agree on the hiring criteria before a single application/resume is reviewed.  Selecting criteria should relate back to the "pre-mortem" process.  What are the dangers of proceeding without clear criteria?   Do the criteria allow consideration of skills & talents which are not currently in the workforce?   Does the process seek different perspectives on the candidates to check bias?  Do the criteria allow one to evaluate how each prospective applicant might enhance current and future needs of the organization?  Does your program share assignments to make jobs more attractive?   Are programs attorneys' specialists or generalists?

6.    **Resume Review & Candidate Selection:**    As soon as applications are reviewed an unconscious sorting begins that can dramatically affect the outcome of the process.   It is important to withhold review of the candidates until application review criteria are agreed

upon. How might bias enter the application review criteria process? Provide specific examples. What interventions are appropriate to mitigate bias at this step? As the applicant pool is winnowed and candidates are selected for interviews how might accountability be enhanced? Are data kept and shared regarding those not selected for interviews?

7. **Interview Questions/Areas of Inquiry:** What types of bias may manifest in the applicant interview? What interventions are appropriate to mitigate. For example, are areas of inquiry designed the same for each candidate? Do you use open ended questions that allow the candidates to explain their unique skills?

8. **Interview & Hiring Decision:** How might bias intrude in the interview process? Who will interview the candidates? Does a diverse set of panelists question the candidate? What method is used to secure diverse viewpoints on the candidates' qualifications? How might bias intrude at this level of the process? How is accountability achieved at this level? What checks on bias exist at this level?

9. **New Employee Orientation:** How are new staff oriented to their task? How is the task defined? Do staff receive implicit bias training? What, if any, policy mandates this training? To what extent does the staff orientation mitigate against negative associations with different populations? What steps are taken to avoid a colorblind orientation to the problems of a diverse population? What skills and strategies are taught to respond to a diverse population? Are staff provided with background on the demographics and disparate situations that exists in the communities served? How do you consciously convey the expectation that your staff will act in a way to address those gaps?

12. **Mentoring:** Is mentor selected outside the direct management structure? Are mentor/mentee exchanges confidential? Can mentor create collaborations with mentee across units or special projects? Does program fund monthly lunches with mentor/mentee?

13. **Post Mortem:** We measure what we value. Outcomes measurement is a reflection of the values inherent in the program. What outcomes measure the success of the hiring process? At the personal, inter-personal level? At the institutional level? Are data adequate to measure disparities? What data is needed? Will a post mortem report be circulated to the board? staff? Hiring panel?

14. **Assessment of Need:** Assessment of need with regard to staffing should be ongoing. There is great value at this point to once again address the ongoing needs of the program after immediately after choices have been made.

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