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Time with IX and Talking BITs: Reducing Bias in the Civil Rights Process and Behavioral Intervention Teams

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Session Outcomes

Participants will gain tips and tools to:

- Mitigate bias within Civil Rights and Behavioral Intervention Team (BIT) processes
- Identify how practitioner perspectives can influence their approach to cases
- Develop practical strategies for mitigating various types of bias
- Foster a fairer and more welcoming environment for all individuals involved in our processes

Silk Activity



What Is Bias?

Bias Defined

"An inclination of temperament or outlook, especially a personal and sometimes unreasoned judgment"
– Merriam-Webster Dictionary

- Bias is a conclusion without supporting evidence
- Biases can be neutral, positive, or negative
- Biases can be about anything (e.g., objects, ideas, actions, people)



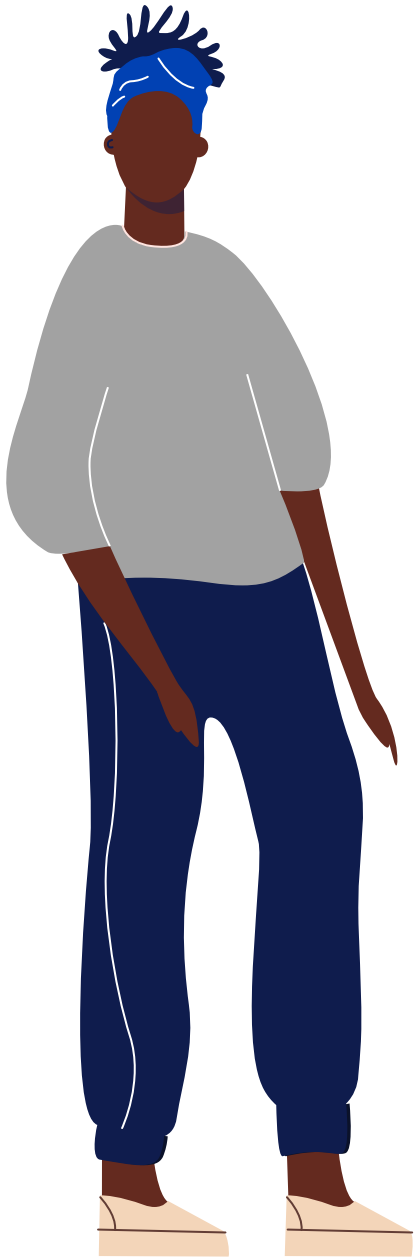
Civil Rights Laws

- Civil Rights laws are rooted in efforts to eliminate the harmful effects of bias

Race	**Color**	**Religion or Creed**	**National Origin or Ancestry**
Sex	**Age**	**Disability (physical and mental)**	**Predisposing Genetic Information**

2020 Title IX Regulations: Requirements Regarding Bias

- §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, decision maker, 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.



The BIT Process

- The BIT Process is particularly vulnerable to implicit bias
  - The identification and assessment of concerning or distressing behaviors relies heavily on administrator discretion
- BIT members' unconscious attitudes toward historically marginalized populations can have a direct impact on outcomes for individuals seeking assessment and support through the BIT



Identifying and Mitigating Individual Biases

Reflection: Identity and Experience

- How has your identity and experience impacted interactions with students?
- How has your identity and experience impacted interactions with colleagues?
- How could your identity and experience impact your role as a member of the Title IX/Civil Rights Team or BIT?

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Common Forms of Bias

Sex Bias	Showing favoritism toward one sex over another
Racial Bias	Showing favoritism toward one race over another or associating negative traits toward one race over another
Halo Effect	The tendency for a person's positive qualities, physical appearance, and general attractiveness to influence a positive impression of their character
Horn Effect	The tendency for a person's negative qualities, disheveled appearance, and poor presentation to influence a negative impression of their character

Common Forms of Bias (Cont.)

Experience Bias	The tendency to interpret a situation, behavior, or comments based on an individual's own experience
Affinity Bias	The unconscious tendency to gravitate toward those who have similar identities to us
Confirmation Bias	Interpreting ambiguous evidence to support one's own opinions or existing position
Availability Bias	Relying on information that is readily and easily available to form opinions

Bias Origination

Past Experiences

Family

Societal and Institutional Norms

Stereotypes

Politics, Religion

Self Identity, Affinity Groups

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Reducing the Effect of Bias

- Bias is part of human judgment
- Fair processes reduce its influence
- Structure, neutrality, and self-awareness matter
- Goal: Better facts, better analysis, better outcomes



Mitigating Biases

- Bias rarely looks like deliberate unfairness
- More often, it appears as intuition, experience, efficiency, credibility judgment, or common sense
- That is why Investigators and Decision-makers (DM) need structured safeguards:
  - Neutral framing
  - Equal questioning
  - Objective evidence review
  - Explicit testing of alternative explanations
  - Awareness of how bias can enter even well-intentioned processes

Create a Process that Resists Bias

- Train personnel regularly on bias and heuristics
- Use written processes instead of ad hoc practices
- Maintain role clarity across the process
- Keep thorough records of reasoning and steps taken
- Build in review and appeal mechanisms



Maintain Process Equity

- Give all parties equal opportunities to respond
- Allow all parties to identify witnesses and evidence
- Keep communications neutral and professional
- Avoid signaling favoritism or disbelief
- Be thorough without allowing unfair delay



Use a Structured Framework

- Apply the policy elements one by one
- Separate factual findings from overall impressions
- Evaluate each disputed issue independently
- Base conclusions on evidence, not intuition
- Use consistent reasoning throughout the decision



Practical Bias Check

- What assumptions am I making?
- What evidence would prove me wrong?
- Am I relying on intuition instead of the record?
- Am I treating similar facts the same way?
- Has an early impression shaped my later judgment?



Test the Conclusion

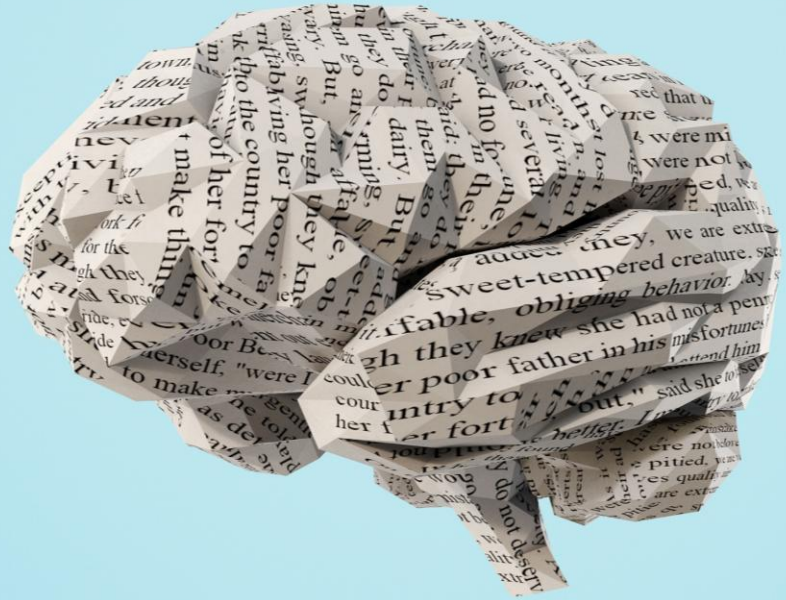
- Identify evidence supporting each finding
- Identify evidence undermining each finding
- Revisit the record for contrary evidence
- Ask whether the same fact would be viewed differently if roles were reversed
- Check whether uncertainty is being ignored or overstated



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Effects of Bias Can Be Reduced

- Bias cannot be eliminated from human thinking
- Its effects can be reduced through structure and discipline
- Neutral framing improves intake
- Objective evidence review improves investigations
- Transparent reasoning improves decisions



Issue Spotting

- Your BIT has received multiple referrals for concerning comments and behavior by Shonda, the President of the Student Council. After the team assessed risk, you were assigned to reach out and initiate interventions.
- As expected, she shows up to the meeting on time, and she is charismatic, well dressed, and polite. She not only explains that the recent interactions have simply been "comments taken out of context" but that she would "never seriously do anything to kill herself." You end the meeting feeling that she is a thoughtful and responsible young woman.
  - Are you giving greater weight to Shonda's positive qualities than the behaviors that prompted the referrals?
  - Are you more inclined to accept Shonda's explanation without gathering additional information?
  - Would you respond differently if she were less personable, successful, cooperative, or familiar to you?

Questions?

Stay Connected with the ATIXA and NABITA Communities

- Exchange ideas on **ATIXA's** and **NABITA's Member Listserv**
- Build skills with **ATIXA's** and **NABITA's 20-Minutes-to…Trained** video modules
- Get practical guidance at **Time with IX** and **Talking BITs** events
- Streamline your work with **TIXKit** and **BITKit** tools and templates
- Plan ahead with **ATIXA's** and **NABITA's Training and Certification Schedule**
- Expand your network in **ATIXA's** and **NABITA's Mentor Match**
- Explore expert **ATIXA's** and **NABITA's Thought Leadership**

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