

Technology & Bias

Spreading It And Stopping It

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Bias Definition

- an unfair act or policy stemming from prejudice. Bias against certain traits, such as race, religion, sex, and handicaps, is prohibited in certain areas, such as employment and public services.
- In deciding legal disputes, a judge is duty bound to render an unbiased opinion, based upon a fair and impartial application of the law to the facts of the case.

CA Elimination of Bias Requirement Goal

- Implicit biases exist in all of us, whether we want to admit it or not. The legal industry has a [known problem with diversity](#), which is ironic considering attorneys are supposed to serve a diverse community while remaining completely objective.
- The goal of this requirement is to get California attorneys to recognize and fight against their own internalized biases that may contribute towards systemic discrimination in the legal industry (and in society as a whole), as well as the biases that may prevent them from adequately serving all populations as their clients.
- Specifically, the MCLE Rules in California list sex, color, race, religion, ancestry, national origin, physical disability, age, and sexual orientation as areas of focus for the courses that would satisfy the requirement, but note that this list is not exhaustive. T
- here are so many types of bias and so many forms of discrimination that attorneys need to be mindful of and actively fight against in their daily practice, so a regular review of them (and techniques to stop them) is an important component of the MCLE requirement.

Conscious vs Unconscious Bias

- Conscious
- **Unconscious biases** are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from one's tendency to organize social worlds by categorizing.

Unconscious bias is far more prevalent than conscious prejudice and often incompatible with one's conscious values. Certain scenarios can activate unconscious attitudes and beliefs. For example, biases may be more prevalent when multi-tasking or working under time pressure.

UCSF Study

- **Here's what we know:** Unconscious biases develop at an early age: biases emerge during middle childhood and appear to develop across childhood (Dore, 2014).
- Unconscious biases have real world effects on behavior (Dasgupta, 2004).
- Unconscious biases are malleable-one can take steps to minimize the impact of unconscious bias (Dasgupta, 2013; Dasgupta & Greenwald, 2013).
- A substantial amount of research has been published demonstrating impact of unconscious bias in various domains including the criminal justice system, education, and health/health care (Kirwan Institute, 2014). Bias may have an impact on: hiring, and mentoring and may contribute to healthcare disparities.

AI & Its role in determining bias

- Artificial Intelligence
- Helping to prevent bias
 - AI-powered language detectors can filter out gender-biased wording in job descriptions and performance feedback. This can encourage managers to reassess their language and hiring or promotion decisions. Anonymous recruitment processes can encourage recruiters to focus on skills, rather than a candidate's first or last name. And tools that compare an employee's KPIs against tenure can alert managers when someone is consistently assigned fewer or less important tasks because of unconscious bias.
- Creating bias
 - Voice recognition, facial recognition
 - Amazon tool that filtered out “women”
 - Men designed it to filter the choice out, not the technology
 - Narrow focus of development causes unconscious biases
 - Too small of a group involved
 - Not realizing how different physical features = different results

Using technology to fight bias

- **Automatic Identifier Screening**

- The Using a technology platform that automatically anonymizes applications.
- The researchers found that applicants' names were less likely to affect the results when the application was made via the employer's system than when resumes were collected. The researchers surmised that the system made it easier to screen names from applications, requiring hiring managers to focus on each candidate's skills and experience.

- **Predictive Analysis**

- Technology that employs predictive analysis can also help combat bias by substituting data-based information for human hunches when it comes to choosing people who are likely to perform well. It does so by analyzing data such as employee performance reviews, resumes and turnover to determine which skills and abilities are most common in each role's or department's best performers.
- By using predictive analysis, recruiters and hiring managers gather concrete data on which to base their decisions. They no longer have to rely on assumptions, which are frequently affected by unconscious bias.

- **AI-Based Interviewing**

- AI-enabled chatbots are making it easier to collect initial information from candidates during screening interviews without allowing unconscious bias to contaminate that information collection process.
- For instance, a chatbot can ask questions that focus on certain skills, collect the answers, and analyze them or pass them on to a human recruiter. The humans involved in the hiring process see answers to questions that are relevant to job performance, but they don't see irrelevant information such as a candidate's gender, ethnicity or apparent age.

- **Smarter Assessments**

- Companies have used skills assessments for decades in order to see candidates' skills in action. Combining artificial intelligence with these assessments can improve the results and also help companies eliminate bias.
- By using smart assessments, companies can focus on what each candidate does best. They can also help collect the data necessary for hiring managers and recruiters to spot patterns in their top performers.

Bias for not using technology

- Age bias?
- Sexual bias?
- Economic bias?
- Cultural bias?

Technology & Age Bias

- “The rest of our office is young. They just don’t fit with our culture,” the first one admitted.
- “Our industry is brand new,” said the second. “Older candidates don’t bring any relevant experience, but come with a higher paycheck.”
- And then: “I’m not sure if an older employee would be able to adapt and learn quickly in our fast-paced work culture.”
- I nodded in agreement. All these things made sense. Then one of them interjected: “I don’t want to feel like we have an office mom!”

Sexual Bias

- Women under represented in technology
 - 70's-80's= technology/science is a “man’s job”
- “Male language”
- Pregnancy/motherhood an issue
- Age & Race also a factor against women

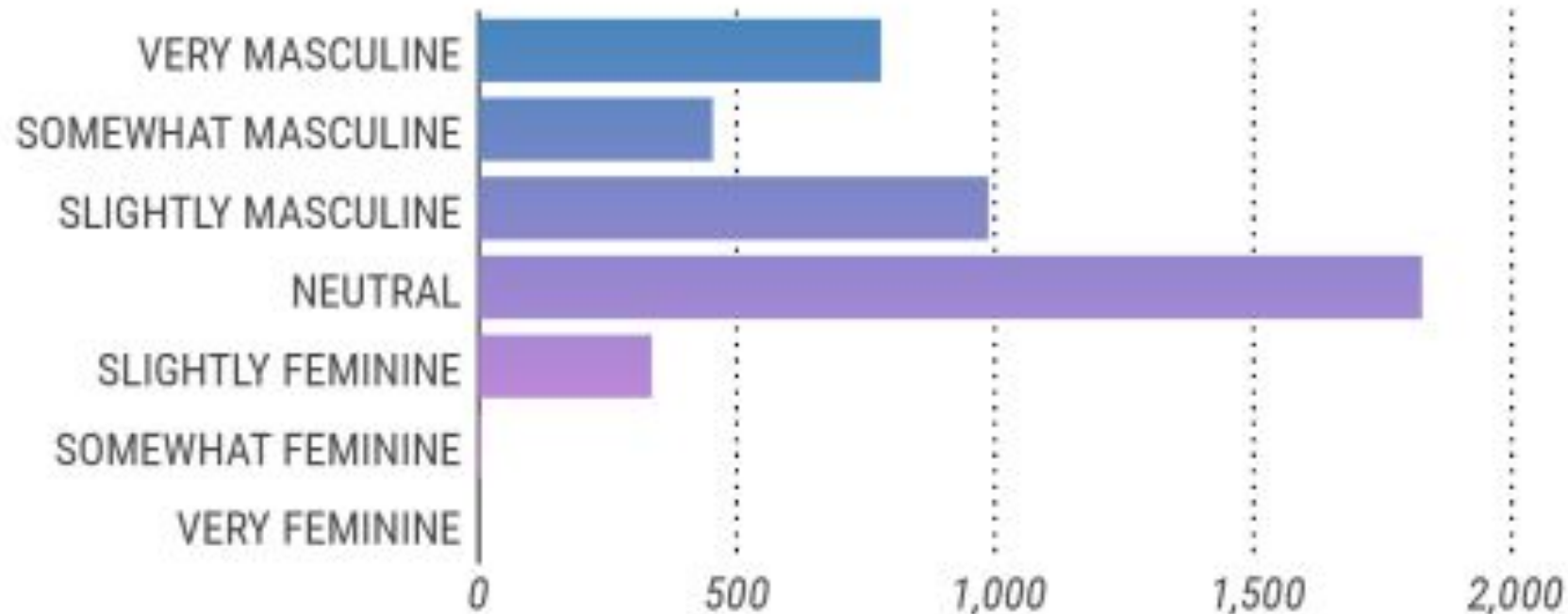
According to the National Center for Education Statistics,:

- **28 percent** of bachelor’s degrees in computer and information science went to women in the year **2000**
- ***In 2016 it was 18 percent.***

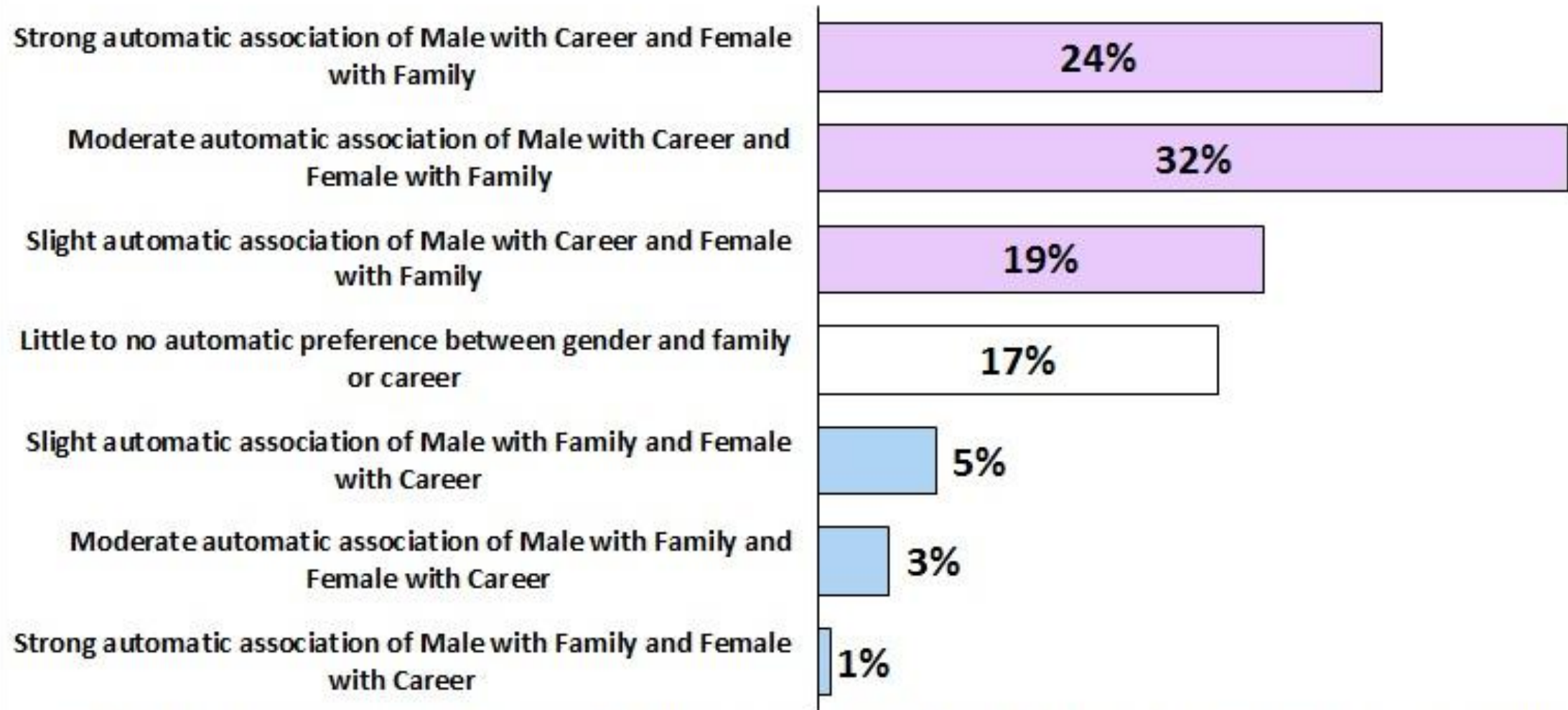
Sexual Bias

51% of Walmart job posts use language that skews male

Of the 4,385 Walmart job descriptions that Fortune analyzed, more than half used language that skews male. Textio predicts that jobs with neutral language perform best, attracting higher quality candidates and getting filled an average of two weeks faster.



Percent of web respondents with each score



This distribution summarizes 846,020 IAT scores for the Gender-Career task completed between January 2005 and December 2015.

WHY DIDN'T YOU APPLY FOR THAT JOB?

Men and women give their reasons.



Economic Bias

- Computers & Technology cost money
- Rural access not the same as city access
- High Speed Internet not available everywhere
- Better computers, better connections=better advancement in technology

Cultural Bias

- Facial recognition
- Language/Dialect/Accent recognition
- “...in 2015, [according to the National Science Board](https://www.theguardian.com/technology/2019/apr/16/artificial-intelligence-lack-diversity-new-york-university-study), Only 2.5% of Google’s workforce is black, while Facebook and Microsoft are each at 4%, and little data exists on trans workers or other gender minorities in the AI field.” -<https://www.theguardian.com/technology/2019/apr/16/artificial-intelligence-lack-diversity-new-york-university-study>

Solutions?

- **1. Understand that unconscious bias is normal**

- Unconscious biases are the implicit positive or negative preferences for things, individuals, or groups shaped through our individual experiences. These snap judgments can have huge implications for the way we work. Unconscious bias makes us believe we are making decisions about an individual's capabilities, professionalism, or ability to contribute based on rational details when in reality, these are based on our personal preferences. Until recently, there was a tendency to think that having biases made us bad people. However, neuroscience research has demonstrated that human beings are hardwired to prefer those who resemble us or show similar features. Therefore, companies need to start understanding unconscious bias in the workplace is normal. What makes biases "bad" is a lack of awareness regarding how they influence our decisions and impact others.

- **2. Identify your biases and their potential impact in the workplace**

- It is important for you to become aware of the biases that you may have and to understand the impact of unconscious bias in the workplace. Take the *Implicit Association Test (IAT)* to identify your own potential biases and decision-making patterns. After you identify your own implicit biases, consider how these may play out in the workplace. How does unconscious bias affect who you invite to meetings, who you speak with more easily, and whose opinions influence your decisions?

- **3. Broaden your viewpoint and educate others**

- When identifying a negative bias that you may have, make a conscious effort to learn more about that idea, individual, or group to understand how and why it makes you uncomfortable.
- When making critical decisions, ensure you invite others who can broaden your viewpoint and may balance out any hidden biases you may have. Ask peers representing other viewpoints for feedback on potential preference patterns you may have and actively listen to their feedback.
- If you identify a colleague who may be making a decision with potential bias, engage them in a constructive conversation to identify any possible biases in their decision.
- When working with global colleagues, understand that your perceptions of bias may simply be the result of a lack of understanding of cultural differences. Increase your awareness and understanding of the cultures you may be working with to better understand any potential biases you may have.

<https://www.aperianglobal.com/3-steps-address-unconscious-bias/>

CONCLUSIONS

- No Quick fix
- Tech problem = human problem
- Attitudes change = technology change
- Awareness to check these programs, systems
- Fixing it vs “telling us what we wanted to hear”
- Balancing ethical diversity vs employee search & job requirements