Helpful Hints About Bias

A. A key to maintaining impartiality throughout the Title IX formal grievance process is to avoid bias.

B. A "bias" is a tendency, inclination or prejudice toward or against someone. Biases are often based on stereotypes, and can result in prejudgments and discriminatory practices.

1. Example: When talking with female Title IX complainants, the Title IX Coordinator begins each initial meeting by asking “are you sure that this was non-consensual?” (assuming that the complainants simply regret their sexual experiences and are lying about sexual harassment).

C. What is difficult about biases is that we may or may not be aware of them. In other words, biases can be explicit or implicit:

1. Explicit biases: Attitudes and stereotypes that affect understanding, actions and decisions in a conscious manner, which can be identified through reflection.

2. Implicit biases: Attitudes and stereotypes that affect understanding, actions and decisions in an unconscious manner, which cannot be identified through reflection.

Potential for Bias in the Title IX Context: Biases are often based on stereotypes related to a person’s gender, sexual orientation, race, economic status/social standing. In the context of the Title IX formal grievance process it is easy for biases to emerge.

A. Biases related to gender - Example: The Title IX Coordinator initially refers to all respondents as “he” without knowing any additional facts, assuming that sexual harassment is always perpetrated by a male against a female.

B. Biases related to sexual orientation - Example: The investigator assumes that a female complainant’s claims that her female professor sexual assaulted her were likely not credible, because women are rarely sexually aggressive against other women.

C. Biases related to race - Example: The mediator finds the respondent more credible than the complainant because the mediator and respondent are the same race.

D. Biases related to economic status/social standing - Example: The decision-maker assumes that a respondent student previously found guilty of academic misconduct likely did engage in sexual harassment because the student does not respect school rules.

How to Avoid Bias: You can combat bias using the following practices:

A. Monitor your language by being mindful of what you say and how you say it;

B. Avoid using generalizations (e.g., referring to all complainants as victims);

C. Question your thinking and challenge your assumptions by considering whether you would draw the same conclusions if the scenario involved other people (of a different sex, race, socio-economic status, etc.); and,

D. Listen to the entire story and gather all relevant facts before making any conclusions.