

**GRAND RIVER** | SOLUTIONS

# Title IX and Bias Series

## Reducing Bias in Investigations

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## Vision

We exist to help create safe and equitable work and educational environments.



## Mission

Bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.



## Core Values

- ❖ Responsive Partnership
- ❖ Innovation
- ❖ Accountability
- ❖ Transformation
- ❖ Integrity

# Your Facilitators

**Tibisay Hernandez**  
(she/her/ella)



**Manager of DEI  
Solutions**

**Chantelle Botticelli**  
(she/her/hers)



**Director of Strategic  
Partnerships & Client  
Relations**

# Today's Agenda

01

Overview of Investigations

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02

How Do We Rely On Bias?

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03

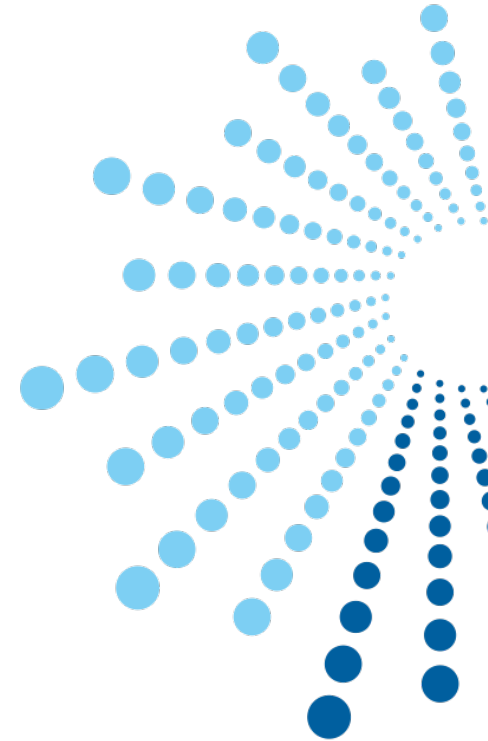
How Can Bias Affect Decisions?

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04

How Can We Mitigate Bias?

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Why do we  
conduct  
investigations?

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What is an investigation?



# The investigator decides

- What Information to collect
- Whether that information is important
- Whether that information can be trusted
- If more information is needed
- How to explore the information
- How to compile and present that information

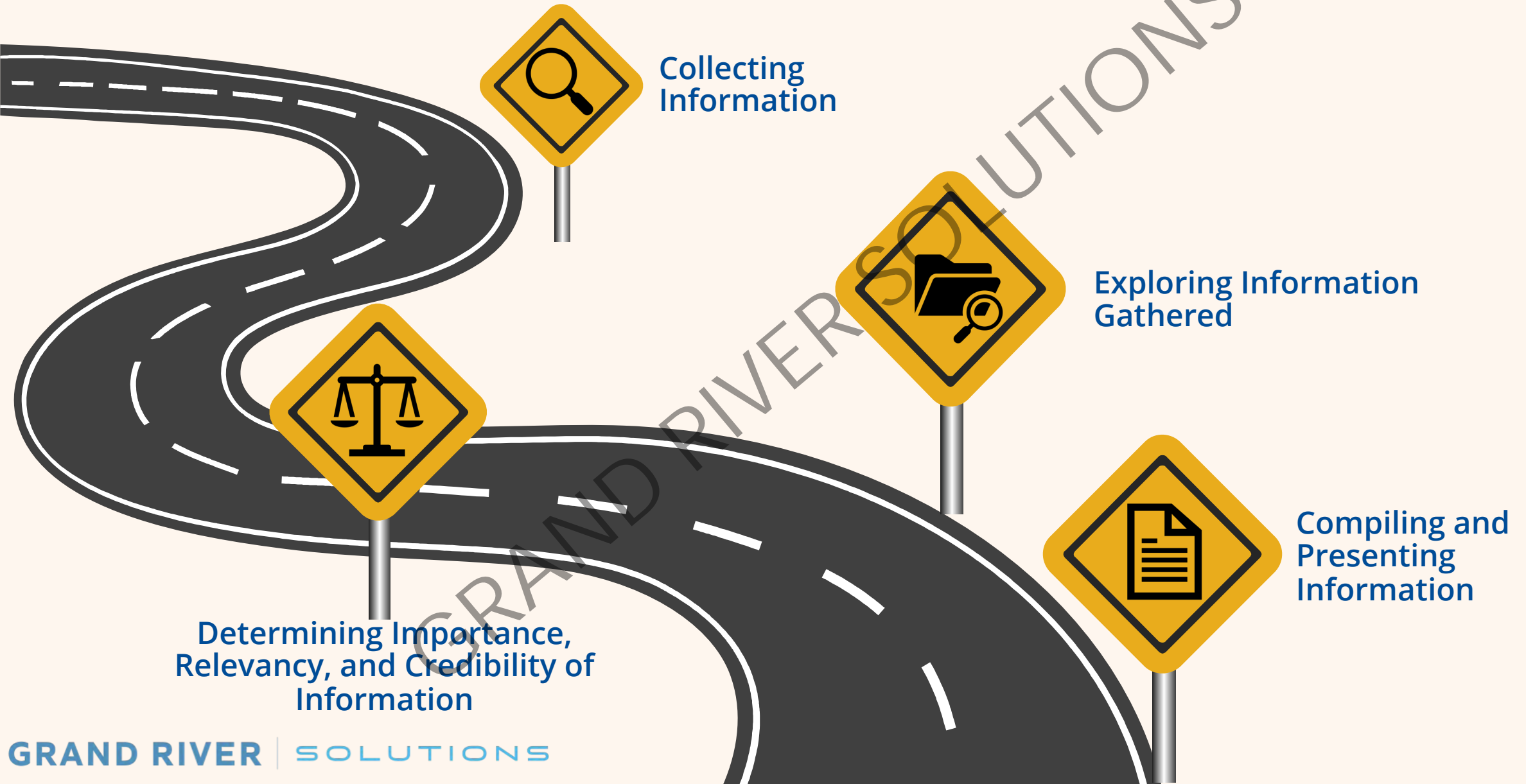
# Requirement of Impartiality

- Without bias
- Free from conflict of interest
- Abstaining from prejudgment of the facts





# Decision Points in an Investigation







**We have to  
maintain our  
commitment to  
impartiality at  
every decision  
point on our way.**

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But...we are human.





- Media
- Beliefs
- Education



Implicit Bias

- Automatic Thoughts
- Feelings



- Discriminatory
- Non-Discriminatory
- Overt
- Covert



# Bias Impacts Decision Making

Your views are informed by your lived experiences.

Your identity informs how you see the world and how the world sees you.

We are also shaped by our environments

**All human beings have BIAS!**



YOUR VANTAGE POINT,  
YOUR BIAS

# Bias is Not All Good or Bad

## Good

- Helped us survive and evolve
- Helps in our assessment of situations

## Bad

- Contributes to decision making based on limited information
- Can lead us in directions we don't expect and don't intend



## Bias may:

- Impact willingness to explore the account of a witness.
- Impact understanding of information offered.
- Lead to erroneous assumptions.
- Result in conclusions based on something other than the facts presented.

# Defaulting to Bias in Decision Making is Enhanced When:



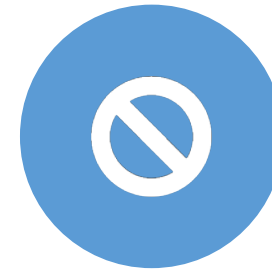
The basis for judgement is ambiguous



We are asked to make quick decisions



We are in a heightened emotional state



There is no accountability for our decision making

# Ambiguity

This occurs when we have limited information upon which to base our decisions or judgements. For example:

- The witnesses have gaps in their account.
- There is evidence that can reasonably be interpreted in various ways.
- The policy violation that we are investigating is unfamiliar to us.

When presented with ambiguity, people are more inclined to make biased judgements.





# Distracted or Pressured Decision Making

Exhaustion

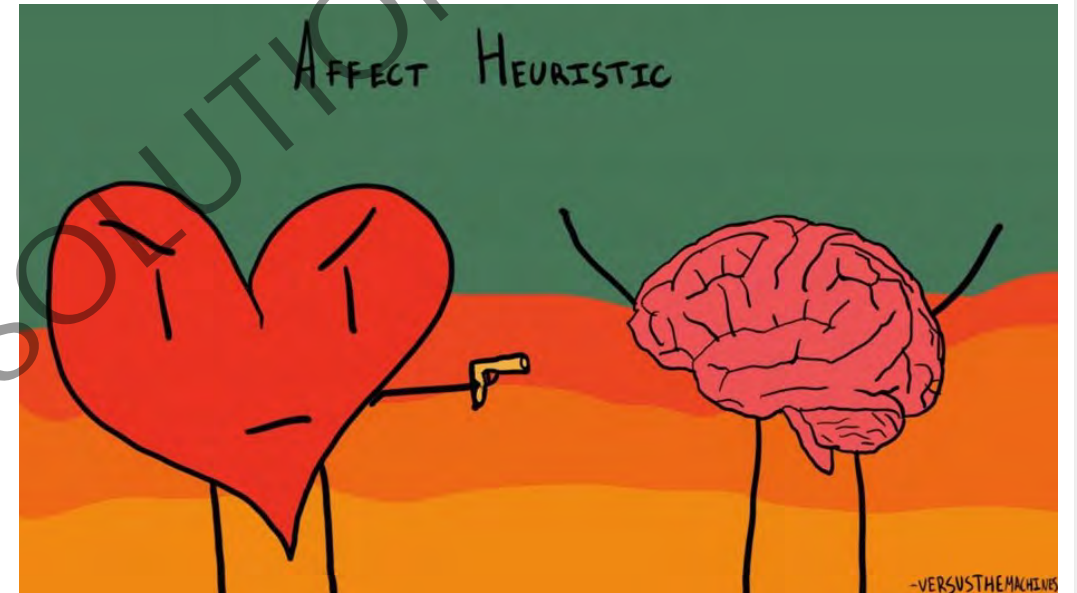
Elevated stress

Distracted

Required or  
expected to  
make a  
complex  
judgement or  
decision quickly

# Heightened Emotional State

- When we enter into a decision-making process, we are often unaware of our emotional state.
- When we are in a heightened emotional state there may be an impact on how we process information.
- When we are in a heightened emotional state, we are more likely to make judgements or decisions based on stereotypes or influenced by bias.



# Lack of Accountability

When people know that they will not be accountable for their decision-making processes, we are more inclined to allow bias to influence our decision making.





# How Do We Mitigate Bias?

*When sufficient effort is exerted to limit the effects of implicit biases on judgment, attempts to consciously control implicit bias can be successful.*  
(Payne, 2005; Stewart & Payne, 2008).

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# Mitigation Strategies

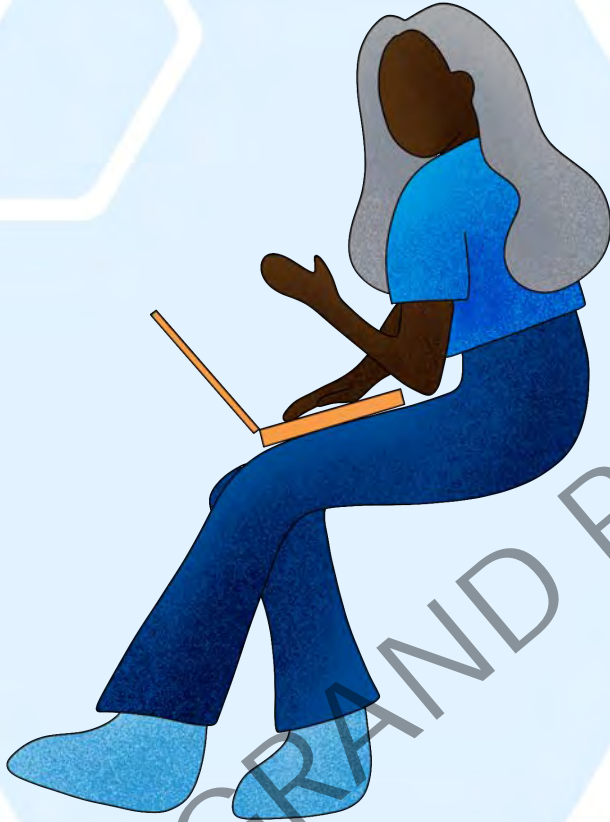


# Mitigation

## Ambiguity

Identify sources of ambiguity in the decision-making context and establish more concrete standards before engaging in the decision-making process.

- Preemptively commit to more specific decision-making criteria.
- Institute formal protocol to help decision makers.
- Contact subject-matter experts.



# Mitigation

## Quick or Pressured Decisions

- Slow down!
- Be planful; develop an investigative strategy.
- Create tools to help guide you through the investigation process.
  - Prompts for standard questions or areas of exploration
- Plan to follow-up.
- Routinely check thought processes and decisions for possible bias.

### HOW TO CHALLENGE COGNITIVE DISTORTIONS

- *How do I know if this thought is accurate?*
- *What evidence do I have to support this thought or belief?*
- *How can I test my assumptions/beliefs to find out if they're accurate?*
- *Do I have a trusted friend who I can check out these thoughts with?*
- *Is this thought helpful?*
- *Are there other ways that I can think about this situation or myself?*
- *Am I blaming myself unnecessarily?*
- *What or who else contributed to this situation?*
- *Is it really in my control?*
- *Am I overgeneralizing?*
- *Am I making assumptions?*
- *What would I say to a friend in this situation?*
- *Can I look for "shades of gray"?*
- *Am I assuming the worst?*
- *Am I holding myself to an unreasonable or double standard?*
- *Are there exceptions to these absolutes (always, never)?*
- *Am I making this personal when it isn't?*

# Mitigation

## Heightened Emotional State

Identify distractions and sources of stress in the decision-making environment and remove or reduce them.

- Carefully design the environment in which you make decisions.
  - Ensure there is good lighting in the space.
  - Have access to snacks and beverages.
- Sit in a comfortable space or position.
- Turn off notifications on devices.
- Remove distracting clutter.
- Do Not Disturb signs on doors.
- Calendar time to do the work



# Mitigation

## Lack of Accountability

Institute feedback mechanisms.

- Have a colleague review your work.
- Ask for feedback from a colleague who may have a different perspective.
- Talk through how you arrived at your decision with a colleague.





# Save the Date!

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## Title IX & Bias Series

**November 10, 2021**

*Mitigating Bias in Hearings* with Kelly Gallagher & Tibusay Hernandez

**December 8, 2021**

*Reducing Bias in Sanctioning* with Jody Shipper & Tibusay Hernandez

## Upcoming DEI Trainings

**October 14, 2021**

*Critical Conversations: Practical Tools for Navigating Difficult Dialogues*

**November 14, 2021**

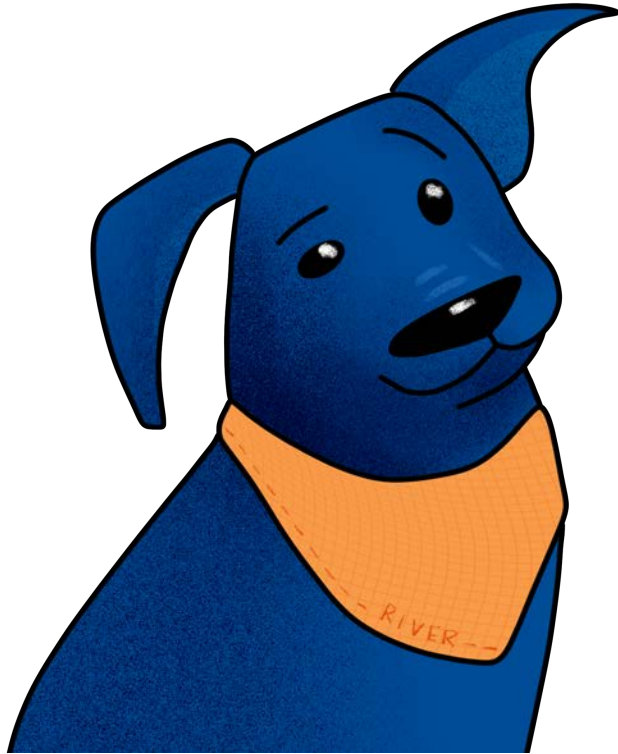
*Inclusive Search Practices: Culture Add vs. Culture Fit Recruitment*

**January 28, 2022**

*Diversity Foundations: Bias Awareness and Mitigation*



# Questions?



Leave Us Feedback:



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