

CEP Magazine – June 2021

Check your bias: When implicit bias challenges your investigations

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If you have been a workplace investigator for more than a few years, and you are a human being, you have developed implicit or unconscious biases toward groups of employees and managers in your organization based on your knowledge of and experience with them. Yes, I said it. Do not tune out; you need to hear this. While not the biggest challenge for compliance and ethics professionals, implicit biases are pesky little interrupters that can misdirect a fair and independent workplace investigation if we don't acknowledge and deal with them.

The risk of ignoring an unconscious bias could be over- or under-investigating an issue, not investigating at all, diminishing or dismissing legitimate employee concerns, and perhaps even reaching erroneous conclusions to the detriment of another's career.

What is implicit bias, and how does it affect our investigations?

The term "implicit bias" was first coined back in 1995 by psychologists Mahzarin Banaji and Anthony Greenwald, who argued that social behavior is influenced by unconscious associations and judgments, and that the "signature of implicit cognitions is that traces of past experience affect some performance, even though the influential earlier experience is not remembered in the usual sense—that is, it is unavailable to self-report or introspection."^[1] A more simple definition offered by the University of California San Francisco Office of Diversity and Outreach is that "unconscious biases are social stereotypes about certain groups of people that individuals form outside their own conscious awareness."^[2] In other words, the key aspect of implicit biases is that they are contrary to our own conscious beliefs, whereas explicit biases are those we express at a conscious level of awareness.

One example of the way implicit bias can cloud the investigative process is the use of leading questions. These are questions that suggest an answer or imply the answer you are unconsciously looking for. Some examples of leading interview questions that we may ask are:

- Was your manager's decision in this issue ethical?
- Does your manager create a hostile work environment?
- Is your manager retaliating against you?

These questions imply that you as the investigator already know the answer or are looking for a certain answer. Interviewees may steer their answer toward what they think the investigator wants to hear. This leads to a bias toward a predisposed answer, rather than a more truthful and valuable narrative in the words of the interviewee.

The first step to avoiding the intrusion of an implicit bias into a workplace investigation is to recognize and

acknowledge it exists. There are many kinds of unconscious biases, but for the purpose of this article, we will focus on these six types:

1. **Affinity bias:** Feeling an affinity toward a person.
2. **Confirmation bias:** Making a judgment about another person and then subconsciously looking for evidence to back up our own opinions of that person.
3. **Contrast effect:** Comparing one individual to others.
4. **Halo effect:** Acknowledging a good thing about a person and letting the glow from that “halo” form our opinion of everything else about that person.
5. **Horns effect:** Acknowledging a bad thing about a person and letting the “horns” form our opinion of everything else about that person.
6. **Similarity or in-group bias:** Naturally wanting to surround ourselves with people we feel are similar to us or are “in our group.”

Once we recognize that our approach to an interview is being affected by an implicit bias, the goal then becomes to make the unconscious more conscious. People who know they have biases and admit to them can usually cognitively correct them, because there is a difference between holding a bias and acting on that bias.

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