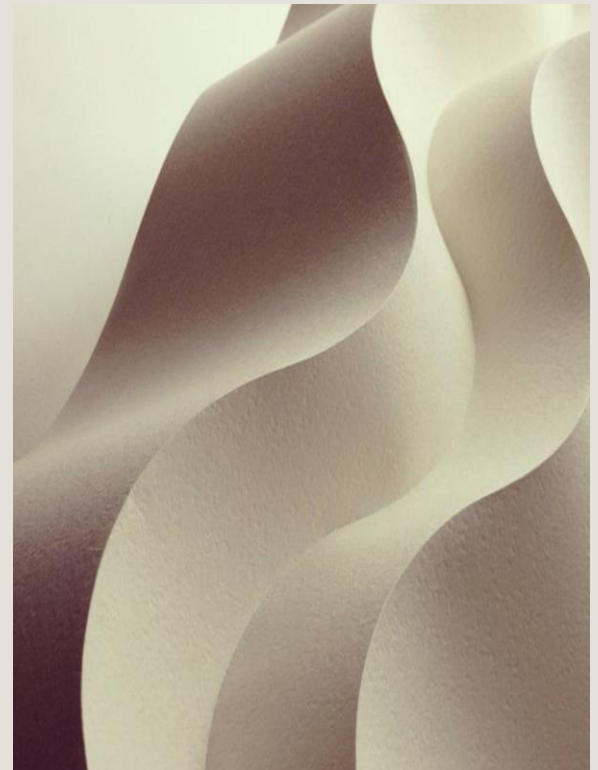


# RULE 27, RESPECTFUL *WORKPLACE*

---

Bor Yang  
Legislative Equity Officer  
2024-2025



# REVIEW

## *Legislative Equity Office*

- Enabling statute: ORS 173.909 et seq.
- Independent office within the Legislature
- Enforces Legislative Branch Personnel Rule 27
- Resource for process counseling
- Develops and delivers the mandatory trainings.

## *The Training Requirement*

- Statutory requirement ORS 173.915
- Everyone
- Minimum of two hours training annually
- In-person / online training is last resort

# REVIEW

LEGISLATIVE BRANCH **RULE 27** PROHIBITS HARASSMENT, DISCRIMINATION AND RETALIATION IN THE WORKPLACE & LEGISLATIVE BUSINESS.

What is Harassment?

What is Discrimination?

What is Retaliation?

# AGENDA & GOALS

## EXPLORE

Explore our own thought processes and increase our knowledge and understanding of each other.

## ENGAGE

Engage us in uncomfortable conversations within a safe environment.

## BUILD

Build common ground, common language and develop basic tools for future discussions.

## PREPARE

Prepare us for difficult work ahead on these issues.



# Understanding Human Behavior

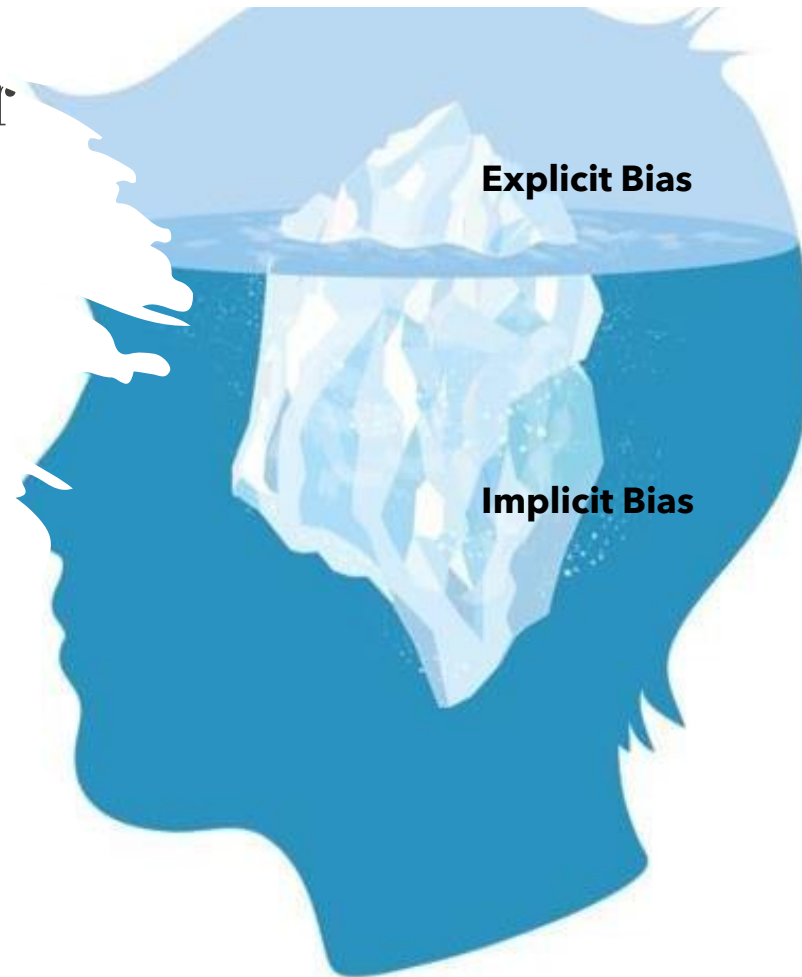
## The Conscious Mind

- Processes 40-50 bits of information per second
- Requires mental effort, time and is much slower
- Utilizes 5% of brain

## The Unconscious Mind

- Processes 11 billion bits of information per second
- Fast, efficient, takes short-cuts
- Utilizes 70% of brain
- 25% of brain operates physiological functions

Can you think of examples?



# EXPLICIT BIAS

Explicit bias is conscious prejudice.  
It typically requires thought and reflection.  
Actions are driven by intent and requires effort and time.

# IMPLICIT BIAS



# Explicit Bias

---

Explicit racial bias is often associated with extremists→

But explicit bias can occur without animus, malice or evil intent.



Klan members meet with Mayor, Chief of Police and other Portland Leaders, August 1921



# Examples

- Someone genuinely enjoying the company of their son's Black friend but not wanting their daughter to marry a Black person.
- Intentionally excluding a Latina woman from the local police oversight board because they assume she will not be fair in reviewing profiling complaints.
- Purposefully hiring the male candidate over the female candidate because the job is "too dangerous for women."
- Giving custody to the non-disabled parent over the parent with a disability because it will just be easier for the non-disabled parent to care for the child.

# The Right to be Biased...

First Amendment protects speech, including hate speech, from government interference, but it is not an absolute right.

The First Amendment does not apply when a private employer terminates an employee for speech. It does not apply to Twitter or Facebook when it chooses to ban an individual, etc.

Even when the First Amendment applies, there are several exceptions.

# Exceptions to Free Speech

## DEFAMATION

Cannot a lie about someone else. Public officials who sue must also show "malice."

## FIGHTING WORDS

Cannot incite others to violence

## TIME, PLACE, MANNER

Government can set reasonable rules around when, where and how speech occurs.

## OBSCENE MATERIAL

Depicts sexual conduct in a "patently offensive way" as defined by community standards; and taken as a whole, lack serious literary, artistic, political or scientific value.

## HARASSMENT

Words and behavior that create an abusive, hostile environment; essentially depriving someone of access to that housing, workplace, school, place of public accommodation.

# The Right to be Biased...

Q. What happens when the employer is the government?

*As an employer, the government has the right to circumscribe the activities of its employees and contractors.*

Q. What happens when the employee engages in speech outside of the "workplace?"

*The definition of "workplace" extends beyond the physical building. It includes off-site and digital communications.*

Q. What about Legislative Members who engage in hate or biased speech in the State Capitol or on the campaign trail?

*Legislative Members are not employees. Free speech is vital to their duties as representatives of their constituents. But their speech has a significant impact on thousands in the workplace AND they can be held responsible for harassment and discrimination under Rule 27.*

# IMPLICIT BIAS

Implicit bias is prejudice, attitudes, stereotypes about a group without conscious knowledge or recognition.  
It can be contrary to one's conscious beliefs about the individual and/or their group.

# WHY WE HAVE THEM

# Is Implicit Bias Real?

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- **100 YEARS OF STUDIES**

There are numerous studies from the past 100 years that tell us our unconscious brain takes shortcuts that can result in errors.

---

- **30 PLUS YEARS OF STUDIES**

Studies from the last thirty plus years on implicit bias tell us there is a correlation between actual behavior and results on implicit bias tests; AND We have data, statistics and analysis that paint an alarming picture of disparities that occur throughout every aspect of life: schools, policing, incarceration, housing, etc.

<https://youtu.be/nFbvBJULVnc?feature=shared>





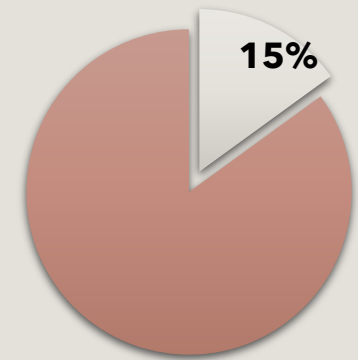
**EV A MDT EC**

There are many studies documenting  
implicit bias in nearly every aspect of life.

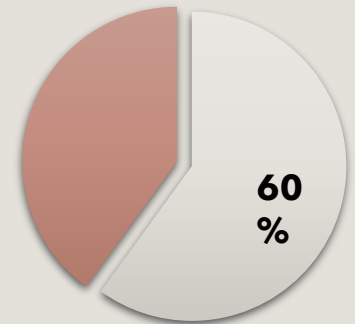
**L/V/V/V/V/V LLS**

# Implicit Bias: Height

What percentage of American men are over 6 feet tall?



What percentage of Corporate CEOs are over 6 feet tall?





Hiring managers who had negative implicit bias about people who are obese were also less likely to invite them to an interview.

# Implicit Bias: Weight

# Implicit Bias- Names

Stereotypically White names like "Brendan" or "Carrie" were roughly 50% more likely to receive callbacks than stereotypically Black names such as "Jamal" or "Tamika."

Studies show that Black applicants with no criminal record are offered jobs at similar rates as White applicants who have criminal records.

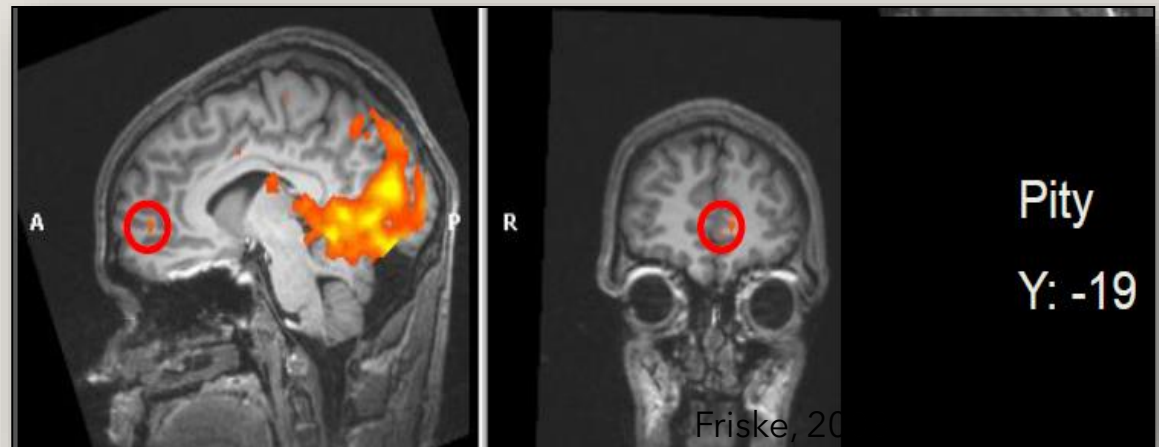
Discrimination does not always result in no-hire. It may mean different terms for hiring.



<https://youtu.be/nDuM7758SXI?si=VViP90C0k5mxrF0B>



**Susan Fiske, Princeton University, used a  
MRI scanner to observe...**



U A N T N T A U

Can you predict a child's intelligence  
based on their poverty level?

U A N T N T A U



# Gender

---

Participants were asked to evaluate two finalists for a police chief position. One candidate's profile was signaled "streetwise" and the other "book smart." They varied which profile attached to the female and male candidates.

Regardless of which attributes the male candidate featured, participants favored the male candidate and articulated their hiring criteria accordingly.

What counted as merit was redefined, in real time to justify hiring the man.

Even the attributes of being family-oriented and having children was deemed more important when the man had it.




# Gender Communication

The same emotions displayed by men and women are interpreted differently. A Study from the U of AZ showed that men gain influence and women lose influence when they demonstrate anger.

Anger is perceived as evidence of credibility for men but evidence of emotional dramatization for women.

What's wrong with emotions?

What are the implications for us in the State Capitol?



# ABA Commission on Women Survey Results

- Around half of all women lawyers reported that credit for their contributions was stolen by somebody else.
- 80% of white men compared to 63% of white women and 53% of women of color reported that they had equal opportunities for high-quality assignments.
- Women lawyers of color were eight times more likely than white men to report that they had been mistaken for janitorial staff, administrative staff, or court personnel.

# Race

- Doctors who scored high on implicit bias against Black people are more likely to recommend heart catheterization (a less invasive surgical procedure) to White patients than to Black patients with identical conditions.
- Black participants sent to bargain for a used car were offered prices \$700 higher and got fewer concessions than identically qualified White participants.
- Identically qualified Black prospective tenants were shown fewer apartments and houses for sale than White prospective tenants.
- On eBay, iPods held by White hands received 21% more offers than those held in Black hands.



# Mock Jury

Participants were shown five photographs of a crime scene including a surveillance camera photo that featured a masked gunman whose hand and forearm was visible; the skin was either dark or light.

Participants were asked to evaluate the evidence and then determine the guilt of the defendant.

Results: Participants found the evidence more credible and were more likely to find the defendant guilty if the skin was darker.

## **Bias distorts our memory and perception**

- Merely seeing a Black face led subjects to be more likely to mistake objects for weapons.
- Participants were quicker to shoot when the target was Black as compared to White.
- Under time pressure, participants made more mistakes (false alarms) and shot more unarmed Black targets than unarmed White targets.
- Participants perceived young Black men as taller, heavier, and more muscular than the same sized White men.



<https://youtu.be/q6rMcYzpsAA?feature=shared>





# WHERE DOES BIAS COME FROM?

MEDIA  
EDUCATION  
LAWS

PERSONAL HISTORY  
NATIONAL HISTORY

Congress OF THE United States

begun and held at the City of New York, on  
Tuesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire that further declaratory and ratifying clauses should be added: And as extending the ground of public confidence in the Government, will be effected by the adoption of certain additional articles: **RESOLVED** by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which the States may ratify as part of the said Constitution: viz.

. **ARTICLES** in addition to, and amendment of the Constitution of the United States of America, proposed to the States, in conformity to the fifth Article of the original Constitution:

1. In addition to the enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every fifty thousand persons.

2. The compensation for Services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened, as the case may be, respecting the establishment of Salaries, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or in any manner obstructing the freedom of commerce, or in any manner violating the Privileges and Immunities of the Citizens of the United States.

Local Events | RegisterNow.com | Mobile | SEND US STORY TIPS | 980 Reviews

**9 abc** Monday, Mar 23, 2015  
Full Forecast +  
Overcast Pairs Like 23°

NEWS WEATHER CANCELLATIONS SPORTS VIDEO 9.2 9.3 SHOW YOU CARE YOURS CONTACT US



## Three University of Iowa wrestlers arrested; burglary charges pending

By Lee Harrington, The Gazette

Photos



Russ Lombard, Seth Davis and Logan Ryan

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**9 abc** Monday, Mar 23, 2015  
Full Forecast +  
33°  
Overcast Pairs Like 23°

NEWS WEATHER CANCELLATIONS SPORTS VIDEO 9.2 9.3 SHOW YOU CARE YOURS CONTACT US



## Coralville police arrest four in burglary investigation

By Lee Harrington, The Gazette

Video

Photos



Coralville burglary suspects Kwesi Crawford, Milton Whitehead, Quanin D.M. Edmon and Curtis J. Johnson (left to right)





A young man walks through chest deep flood water after **looting** a grocery store in New Orleans on Tuesday, Aug. 30, 2005. Flood waters continue to rise in New Orleans after Hurricane Katrina did extensive damage when it

[Email Photo](#) [Print Photo](#)

**RECOMMEND THIS PHOTO** » Recommended Photos

Average (Loading)



#### RELATED

▪ [Looting Takes Place in View of La. Police](#) AP - T1



AFP/Getty Images - Tue Aug 30, 3:47 AM ET

Two residents waded through chest-deep water after **finding** bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana. (AFP/Getty Images/Chris Graythen)

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**RECOMMEND THIS PHOTO** » Recommended Photos

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# How Bias Takes Hold...

## ANCHORING BIAS



First impressions matter.  
It takes a lot to change our  
initial reaction.

## AFFINITY BIAS



It feels safer to favor those who  
are seemingly like us.

## CONFIRMATION BIAS



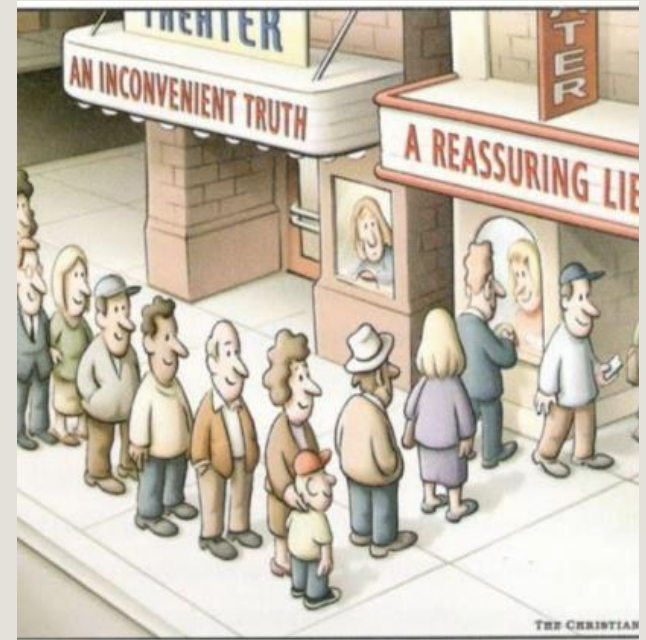
We latch on to information  
that confirms our beliefs  
about ourselves and others.

# Confirmation Bias

The tendency to **Search, Interpret, Favor;** and **Recall** information that confirms or supports one's prior beliefs and;

**Ignore** new information that goes against those prior beliefs.

Confirmation Bias has been linked to **comprehension** and **memory recall**.





<https://youtu.be/F-TyPfYMDK8?feature=shared>





# Factors that affect processing



Ambiguous or  
incomplete information



Compromised cognitive  
load



Time constraints



Overconfidence in  
objectivity

# Identify the Color of the Text (Don't read)



- Green
- Blue
- Red
- Black
- Purple
- Orange
- Green
- Brown



- Red
- Blue
- Yellow
- Green
- Black
- Blue
- Black
- Brown
- Red

# Listen to this...



The diagram consists of three large, right-pointing arrow shapes arranged horizontally. The first arrow is light gray and contains the text 'Same Origin:' followed by a list: 'History', 'Laws', 'Media', and 'Education'. The second arrow is a medium brown color and contains the text 'Systemic Discrimination', 'Individual Prejudice', 'Explicit Bias', and 'Implicit Bias'. The third arrow is a darker brown color and contains the text 'Same Outcome:' followed by a list: 'Failure to Hire, Denial of Services, Denial of Housing, Racial Profiling, Disparities in homeownership, wealth, incarceration rates, etc.'.

**Same Origin:**

History  
Laws  
Media  
Education

**Systemic  
Discrimination  
Individual Prejudice  
Explicit Bias  
Implicit Bias**

**Same Outcome:**

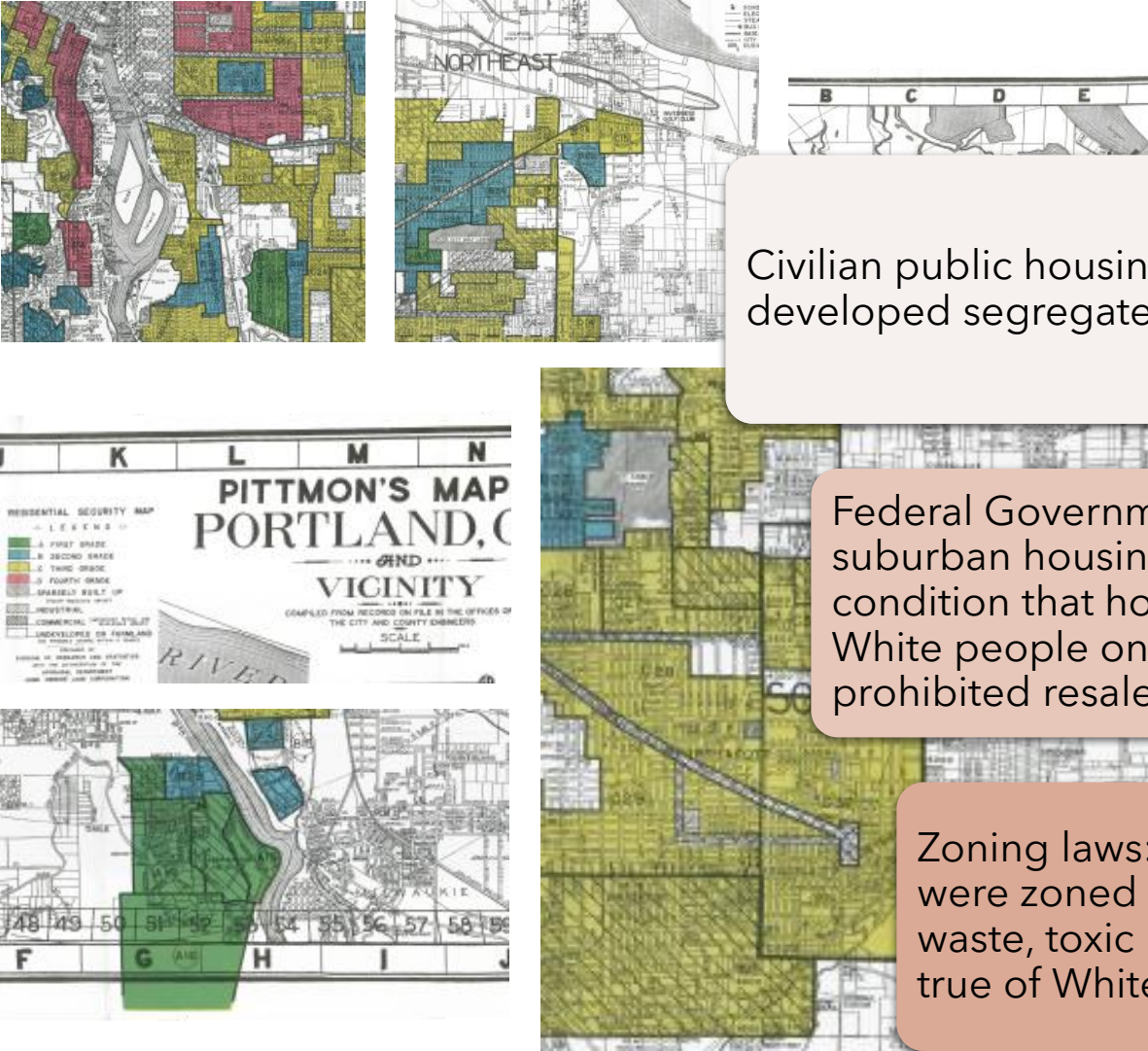
Failure to Hire, Denial of  
Services, Denial of  
Housing, Racial Profiling,  
Disparities in  
homeownership, wealth,  
incarceration rates, etc.

**ONE EXAMPLE:**

**SYSTEMIC RACISM &  
INDIVIDUAL RACISM &  
IMPLICIT RACIAL BIAS  
IN HOUSING**



# Segregation in Housing



Civilian public housing programs developed segregated housing.

Federal Government subsidized suburban housing development on condition that homes be sold to White people only and deeds prohibited resale to Black people.

Zoning laws: Black neighborhoods were zoned for industrial plants, waste, toxic use. The same was not true of White neighborhoods.

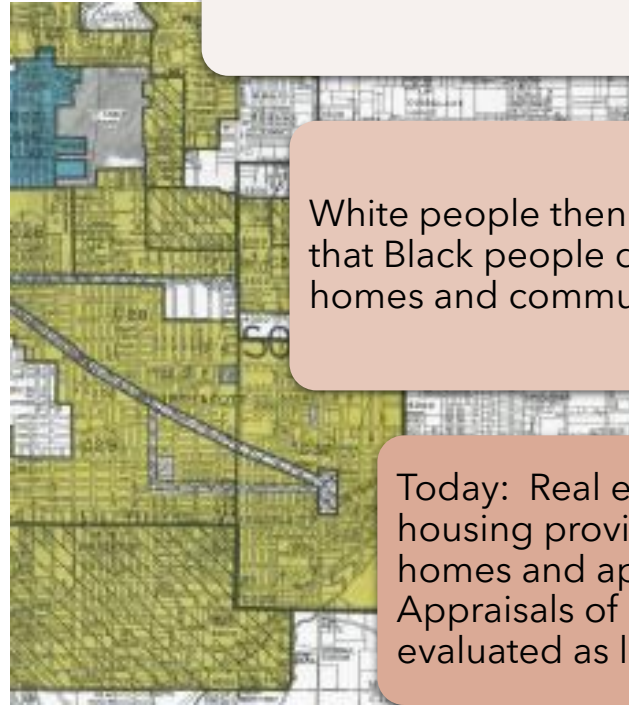
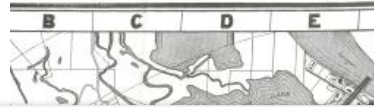
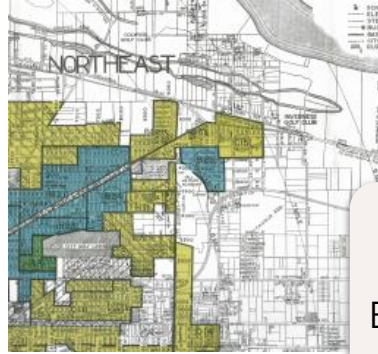
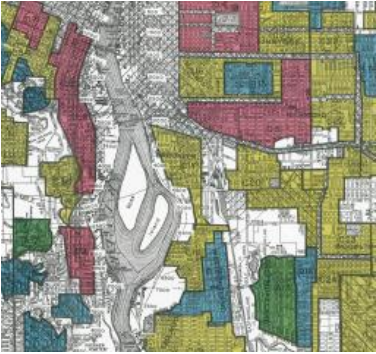


# Segregation in Housing


Black neighborhoods became "slums."

White people then developed the belief that Black people did not care for their homes and communities.


Today: Real estate agents and rental housing providers show fewer available homes and apartments to Black people. Appraisals of Black owned homes are evaluated as less valuable.



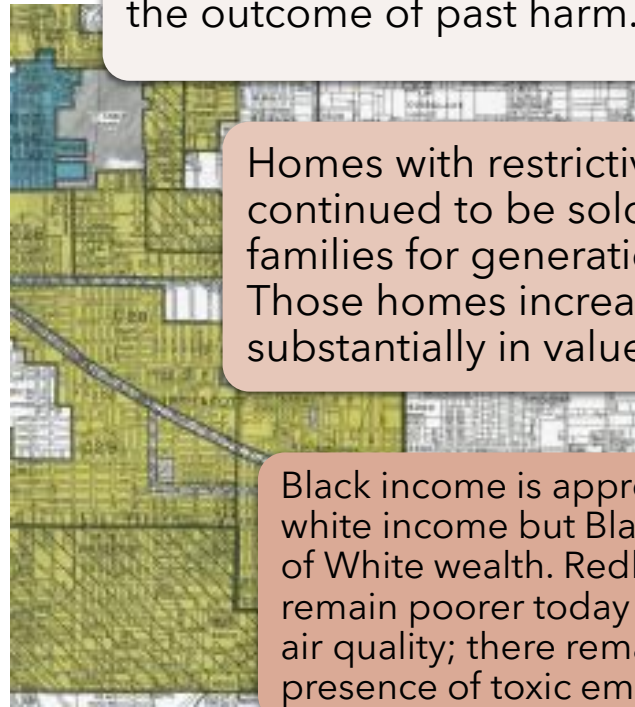
# Segregation in Housing



The Fair Housing Act and state laws are proscriptive, not retroactive. They do not address the outcome of past harm.



Homes with restrictive covenants continued to be sold to White families for generations thereafter. Those homes increased substantially in value and equity.



Black income is approximately 60% of white income but Black wealth is only 5-7% of White wealth. Redlined neighborhoods remain poorer today in terms of wealth and air quality; there remains a greater presence of toxic emitting facilities.



# What does this look like in OR?

## HOUSING

In Portland, previously redlined areas are up to 12 degrees Fahrenheit warmer due to lack of tree canopy and green spaces.


Housing providers discriminate against Latinos and Black renters 64% of the time, citing them for higher rents and deposits.

## SCHOOLS

Black, indigenous and students of color are suspended and expelled at rates 4-5x higher than their white peers.

## CRIMINAL JUSTICE

Black people in Oregon are incarcerated at a rate 5.4 times that of White people in Oregon.



**If it's  
unconscious,  
can we really  
do anything  
about it?**

# How...

## REDUCE FACTORS THAT AFFECT PROCESSING

- Ambiguous or incomplete information
- Compromised cognitive load
- Time Constraints
- Overconfidence in objectivity

## STANDARDIZE AND CREATE CONSISTENCY

- Analyze where you exercise a lot of discretion and ask if you can mitigate that discretion or check it.
- Do you have an equitable practice for hiring?  
Promoting?

## IMPLEMENT ACTUAL, MEASURABLE CHANGE

- This will look different for every agency, department, office, committee, etc.
- More...



# What's next?

ENGAGE & LEARN

ASSESS

ASK FOR HELP

IMPLEMENT CHANGES

RE-EVALUATE





# THANK *YOU*

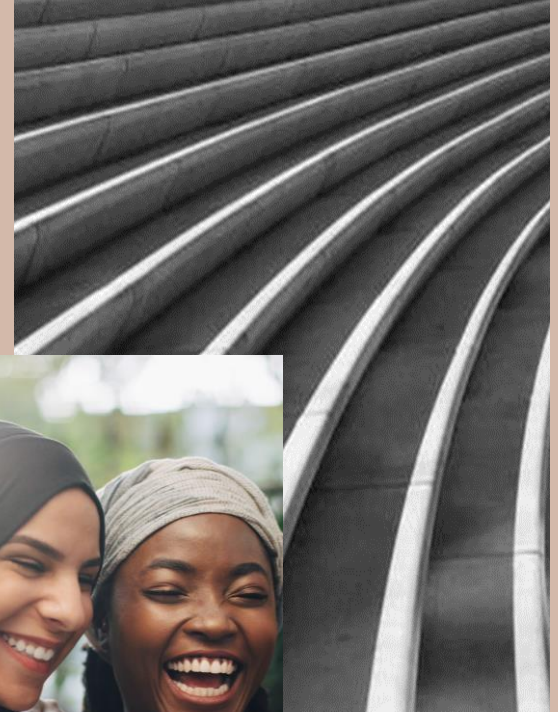
## The Legislative Equity Office

Public Service Building, First Floor  
255 Capitol Street NE

Salem, OR 97301

503-986-1625

[LEO@oregonlegislature.gov](mailto:LEO@oregonlegislature.gov)



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