

University of Nevada, Reno

Outcome Effects of Nebraska's Creating Inclusive Communities Training

A thesis submitted in partial fulfillment of the
requirements for the degree of Master in Judicial Studies

By

Hon. Stefanie A. Martinez

Dr. Shawn C. Marsh/Thesis Advisor

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Abstract

Implicit bias is prevalent among all of us in society. Also known as unconscious bias, it is defined as a strong, preconceived opinion about a group that influences one's actions in a prejudicial manner. We all have implicit bias. It is inherently normal due to the way we receive and process information. Although normal, it is necessary to be aware of our own implicit biases and how it affects our decision-making. This is especially critical when you work within the criminal justice system, deal with marginalized groups, and make decisions that affect one's constitutional rights and inherent freedoms within our society.

The State of Nebraska, through its Commission on Access of Justice, committed to combat implicit bias within its justice system. In working with the University of Nebraska and Inclusive Communities, a Creating Inclusive Communities training for all state employees was created to address this issue specifically. To measure whether the training met the goals of the Commission on Access to Justice, a pre and post training survey/evaluation was issued to all participants. The surveys of approximately 400 participants was collected and analyzed. Unfortunately, some necessary data was not captured or was incomplete, rendering the analysis inconclusive. However, this study, in recognizing the deficiencies in the surveys, has identified areas that can be modified to collect meaningful data of future participants to ultimately conduct a complete analysis of the program.

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Introduction

Bias exists in personal life and business activities, even in legal and judicial processes. According to moderators from Perception.org, we exhibit bias when we have a preference for, or an aversion to, a person or group of people. We use the term “implicit bias” to describe attitudes towards people, or stereotypes associated with them, without conscious knowledge. A number of studies have examined implicit bias and provide extensive information in this area, including models of behavioral change.

In *Implicit Bias and the Pushback from the Left* (2010), Jerry Kang reviews insight into how our brains process social categories provided by the mind science. For example, scientists have discovered that implicit biases - in the form of stereotypes and attitudes we are unaware of, do not consciously intend, and might reject upon conscious self-reflection - exist and have wide-ranging behavioral consequences. Kang acknowledges that this research has received backlash from the political Right, which he finds unsurprising, but also pushback from the Left. Two areas of pushback from the Left are: a rejection of scientific exceptionalism, and an accusation of reductionism. Kang goes on to examine how new findings in the mind sciences, especially in the field of Implicit Social Cognition, are incorporated into the law, legal scholarship, and legal institutions, under the banner of “behavioral realism.”

Laurie A. Rudmore, Richard D. Ashmore, and Melvin L. Gary, writing in “Unlearning” Automatic Biases: The Malleability of Implicit Prejudice and Stereotype (2001), argue that despite legislation and policies designed to redress

a history of oppression, blacks continue to suffer discrimination in employment, housing, and health care. These authors further assert that blacks do not enjoy the same justice system, police protection, or voting rights as whites. The article details current research which suggests that automatic and controlled intergroup biases can be modified through diversity education. In two experiments, students enrolled in a prejudice and conflict seminar showed significantly reduced implicit and explicit anti-black biases, compared with control group students. These findings show the malleability of implicit prejudice and stereotypes and suggest that these may effectively be changed through affective processes.

By contrast, in *Pointless Diversity Training: Unconscious Bias, New Racism and Agency* (2018), Mike Noon deems diversity training to be the latest fad of “unconscious bias training”, proclaims that it is based on unproven suppositions and asserts that it is unlikely to help eliminate racism in the workplace. Noon suggests that knowing about bias does not automatically result in change in behavior by managers and employees. Even if “unconscious bias training” has the theoretical potential to change behavior, outcomes will depend on the type of racism addressed: symbolic/modern/color-blind, aversive, or blatant. Even if those persons who might be deemed racist are motivated to change behavior, Noon argues that structural constraints can mitigate against pro-diversity actions.

The court setting presents a unique challenge in the area of implicit bias awareness and in attempts to address and negate the impact of implicit bias on the public. In her work *Systemic Triage: Implicit Racial Bias in the Criminal Courtroom* (2017), L. Song Richardson reviews the book, *Crook County: Racism*

and Injustice in America's Largest Criminal Court, by Professor Nicole Gonzalez Van Cleve. Song Richardson methodically exposes the deeply flawed operation of the criminal justice system by focusing on how felonies are processed in Cook County, Illinois. In addition to summarizing and analyzing Van Cleve's ethnographic evidence and conclusions, Song Richardson argues that racism in the criminal justice system is more problematic and pernicious than Van Cleve's account suggests. Song Richardson claims that implicit racial bias influences the discretionary decisions, perceptions, and practices of even the most well-meaning individuals in ways not readily observable. Finally, she asserts individual, institutional, and systemic mechanisms that, taken together, help to reduce the influence of implicit bias on behavior and judgment.

John Tyler Clemons in *Blind Injustice: The Supreme Court, Implicit Racial Bias, and the Racial Disparity in the Criminal Justice System* (2014) argues that in order to fulfill its constitutional duty and give true meaning to the Equal Protection Clause of the Fourteenth Amendment, the U.S. Supreme Court must recognize the influence of implicit racial bias on the criminal justice system and change constitutional course accordingly. He presents an overview of racial disparity in the American criminal justice system, briefly defines implicit racial bias and summarizes the limited research that has been conducted to document the influence of racial bias on criminal justice actors. The article analyzes key decisions by the U.S. Supreme Court that have permitted and exacerbated the impact of implicit racial bias on the justice system. The cumulative effects of such bias are shown by analyzing the New York Police Department's "stop-and-frisk"

policy and one federal judge's struggle to curtail that policy's racially disparate impact in light of Supreme Court precedents.

Implicit Bias in the Courtroom and the Need for Reform, by Jerry Kang, et al. (2012) seeks to answer the question: "What, if anything, should we do about implicit bias in the courtroom?" Kang and colleagues provide a scientific introduction to implicit bias, distinguishing explicit, implicit, and structural forms of bias from one another. They go on to apply such theoretical clarification to two scenarios relevant to the courtroom. One scenario tracks a criminal defendant; the other concerns a civil employment discrimination. The authors identify concrete intervention strategies helpful in countering implicit bias for key players in the justice system, specifically judge and jury.

The Implicit Association Test (IAT), developed by Anthony G. Greenwald, Deborah S. Mellott, and Jordan L.K. Schwartz, measures attitudes and beliefs people may be unaware of. In *Measuring the Automatic Components of Prejudice: Flexibility and Generality of the Implicit Association Test* (1999), these authors advance the notion that the IAT provides a flexible measure of automatic associations underlying implicit prejudice. Three experiments they conducted demonstrate strong evidence of implicit prejudices based on religious ethnicity (Jewish v. Christian), age (young v. old), and nationality (American v. Soviet). This research implies that whether subjects knowingly misrepresent their attitudes on self-report measures or are genuinely unaware of the discrepancy between their implicit and explicit attitudes, mounting evidence implicit stereotyping and prejudice perseveres, suggests a social reality in which automatic ingroup

favoritism may be an inescapable fact. According to this group, the IAT's flexibility and generality affords researchers the opportunity to expand prejudice and stereotype assessment using new methodologies, overcoming the obvious limitations of self-report methods.

There is also mounting evidence that responses to measures such as the IAT may be deceptive. It is possible to skew the results of a measure of implicit bias. Fideler and Bluemke describe one such a process in *Faking the IAT: Aided and Unaided Response Control on the Implicit Association Tests* (2005). One goal of the IAT is to rule out self-presentation and controlled responding. Fideler and Bluemke outline three experiments that examined whether the IAT meets said goal, using Turkish and German groups. The first experiment involved an online study; the second was conducted as a controlled laboratory study. Both studies required participants to take a pre-test. They were then instructed to "fake" a post-test in three graded conditions that differed in the explicitness of the faking instructions. Results indicated that participants who intended to fake were successful, provided they first took the pre-test. Experiment three ruled out an alternative account of faking in terms of pre-test experience.

Nebraska Supreme Court's Initiative to Combat Implicit Bias

The state of Nebraska's judicial system is by no means immune from the existence and effects of implicit bias. To date, no known formal studies have been done to study this issue in Nebraska. The Supreme Court of Nebraska has created a Commission on Access to Justice which "promotes the Nebraska Supreme Court's goal of providing equal access to swift, fair justice for all Nebraskans regardless of income, race, ethnicity, gender, disability, age or language." As Chair of the Committee on Equity and Fairness, a sub-group of the Commission on Access to Justice, I oversee approximately 14 members who represent major stakeholders within Nebraska's court system. These include judges, defense counsel, public defenders, prosecutors, probation, pretrial services, the Nebraska Bar Association, law enforcement, community representatives and state court administrator. Our mission states, "The Committee on Equity and Fairness recognizes that a person's diversity status (e.g., race, ethnicity, gender, disability, English language proficiency, immigration status) can be a barrier to accessing Nebraska's courts and related programs and processes. A primary interest and focus of the Access to Justice Commission's Committee on Equity and Fairness is to identify and address barriers to accessing the courts and related court programs, and to continue efforts to ensure fairness in matters related to accessing court in Nebraska."

In May of 2018, in collaboration with the University of Nebraska and Inclusive Communities, the Administration of the Office of the Courts began to train individuals to teach "Creating Inclusive Communities". This class "examines and

breaks down the stereotypes, myths and barriers among diverse identities to promote respectful and inclusive behaviors.” The goal of the training is to “promote respectful and inclusive behaviors...through a series of activities aimed at building empathy, examining personal and societal stereotypes, biases and prejudices; and increasing knowledge, language and dialogue skills to...develop a deeper understanding of racial, ethnic, religious and other cultural diversity while building relational and conflict management skills...” The criminal justice system, particularly with minority defendants, suffers when implicit bias is left unaddressed. This training will begin efforts in our state to tackle this issue. The Nebraska Supreme Court has mandated that all state employees complete “Creating Inclusive Communities” training within one year from September 2018. These employees include probation officers and court staff. Although judges are not “state employees”, they may attend this training as well.

Our committee identified the Creating Inclusive Community training as a potential project. Through this project, the Equity and Fairness Committee can determine if this particular training is successful in accomplishing its intended goals. Assuming it is successful, then the committee may choose to support the continuation of this training for all court employees, have its own members trained to become facilitators, and/or promote the expansion of this training to other major stakeholders within the criminal justice system who are not state employees. For example, by training members of the stakeholder groups within the Nebraska justice system how to teach “Creating Inclusive Communities”, we would bring our fellow stakeholders (judges, probation, and court staff) to the table to identify

implicit bias, understand its potential effects and gain skills to lessen the impact of implicit bias on the communities affected by the justice system.

Methods

An evaluation of “Creating Inclusive Communities” created by Inclusive Communities and approved by members of Nebraska’s Judicial Branch Education (JBE) using a one group pre-test (see Appendix A) and post-test design (see Appendix B) was utilized. The pre-test had 30 questions, with the first five questions measuring general perspectives about common societal inequities on a five-point Likert-type scale ranging from “strongly agree” to “strongly disagree”. These questions serve as the core data for analyses in this thesis as they were hypothesized to capture attitudes and beliefs most likely to be malleable as a result of the training (i.e., indicating change). The next 17 questions measure personal attitudes, and the last eight questions measured the frequency of experiences one had as a witness or victim of discrimination. The post-test had the same 30 questions as the pre-test throughout the survey, but in a different order. It also included eight additional questions measuring participant’s objective view of the training quality itself.

Participants included state employees from across the state from probation, County Court clerk, judges, and administration staff of the Supreme Court. There was a limit of 30 participants at each training and a total of 400 participants from September 2018 through December 2018. Training opportunities were given multiple times per month. Facilitators of the training were employees of the offices listed above who had previously attended a Facilitator Workshop given by Inclusive Communities at the Judicial Branch Education Center in Lincoln, NE. This was a mandatory multi-day training. Potential facilitators were evaluated and approved

by Inclusive Communities' educators to serve as facilitators for the program. Ultimately, it is unknown how many facilitators were actually "approved" by JBE. However, multiple facilitators were present at each training. There were no minimum participation requirements for facilitators, so it is possible that not all approved facilitators participated during the period of this study. It is also possible that certain facilitators worked multiple times during this study, however, the data on those assignments are unavailable. The only information collected was that there were between two and four facilitators at each training.

When all participants were present for that day's training, the facilitators provided them each with the pre-test survey. They were asked to complete the survey at that time and were not given an explanation other than, "Before we begin today's training, we ask that you complete this survey on your own. When you are finished, please turn your survey over and leave it on your desk/table. Someone will come by to pick it up." Once all participants were finished, one of the facilitators retrieved the surveys and put them aside for data entry at a later time by a member of JBE. Training commenced and at the conclusion of the day, participants were told that the final activity was the post-test survey. Again, participants were asked to complete the survey without assistance and once finished, were to hand it to the facilitator standing at the exit. These surveys were collected and given to a member of JBE for data entry.

This is a one-shot cross-sectional study measuring a singular event. The convenience sampling method was utilized since all participants at the training had

to participate. Analyzing and comparing the results of a pre-test and post-test survey is one tool to evaluate the potential effects of this training.

A descriptive quantitative analysis was conducted of the results of the pre-test and post-test surveys. The unit of analysis – or dependent variable -- in this study is the difference in responses between pre- and post-training on participant beliefs and attitudes toward various social issues, such as equity and opportunity. The intervention or independent variable to be is the training itself. The training was measured by the training seminar given to the state employees over an eight-hour period in one single day between the months of September 2018 and December 2018. Inferential statistical analysis of pre- and post-measures is not possible in this study because case level data were not received from the principal investigators/project leads. Therefore, descriptive trends will be presented for the core attitudinal/knowledge measures.

There is one section of the pre-test and post-test which will not be analyzed. The eight scenarios that ask the participants “how often have you witnessed discrimination...” elicit a numbered response and the analysis of these responses would not assist in determining whether the training had any effect on their awareness of bias. In other words, those data would not change as a result of participation in the training.

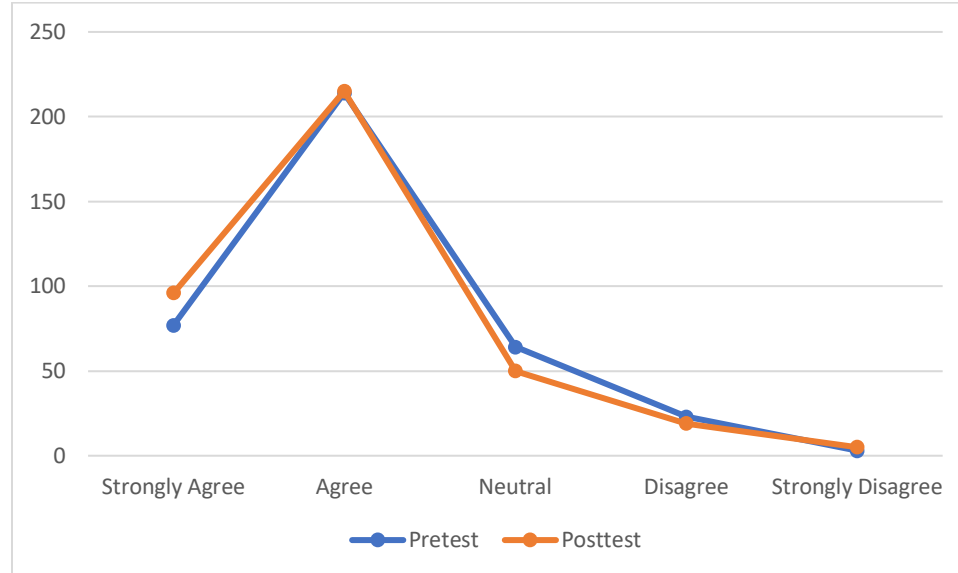
Results

Approximately 400 participants attended the training between the months of September 2018 and December 2018. Of those 400 participants, 387 took the pre-test. There is no explanation as to why 13 participants did not take the pre-test. In contrast, 394 participants took the post-test. There is likewise no explanation as to why six participants did not take the post-test. Participants also responded to the post-test into the month of January 2019 without explanation. It would be a fair assumption that the post-test was sent to some participants to complete after the date of the training, but again, no explanation was given by the principal investigators on the larger project.

As noted previously, there were five core questions given in both the pre-test and post-test that measured participants' general awareness of societal inequities. Participant's awareness of disadvantages suffered by "some groups" was fairly consistent before and after the training. There was a slight increase of participants who strongly agreed with this premise upon completion of the training. In addition, 22 percent of those who answered neutral agreed with the premise after the training. Those who either disagreed or strongly disagreed with this premise were not affected by the training when asked this question. Overall, 81 percent of participants agreed that some groups have more disadvantages than other groups.

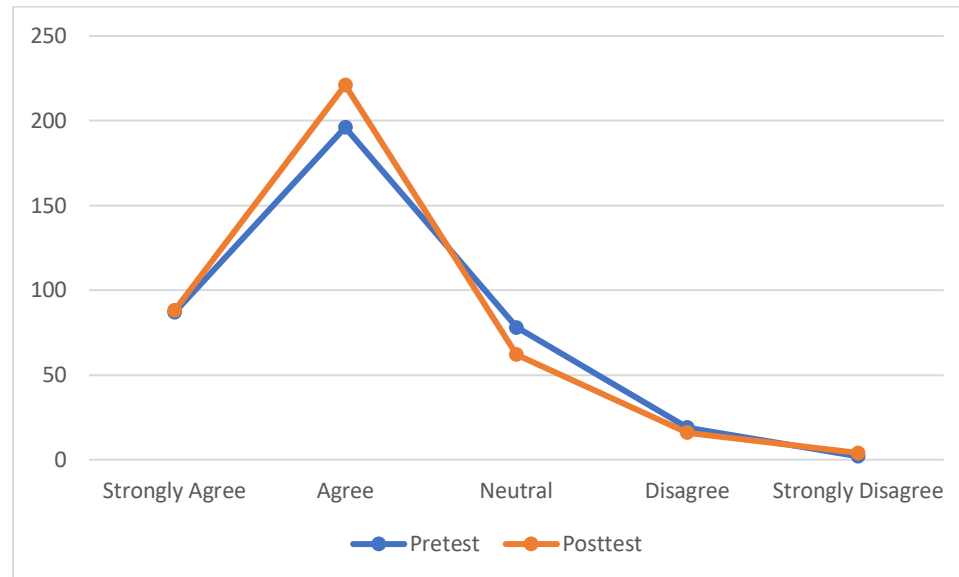
One issue with this question that may have affected the results is that "some groups" and "advantages" are not defined. The question is broad and vague to such an extent that it may have affected the responses.

Figure 1: Some Groups in this Country Have More Advantages than Others



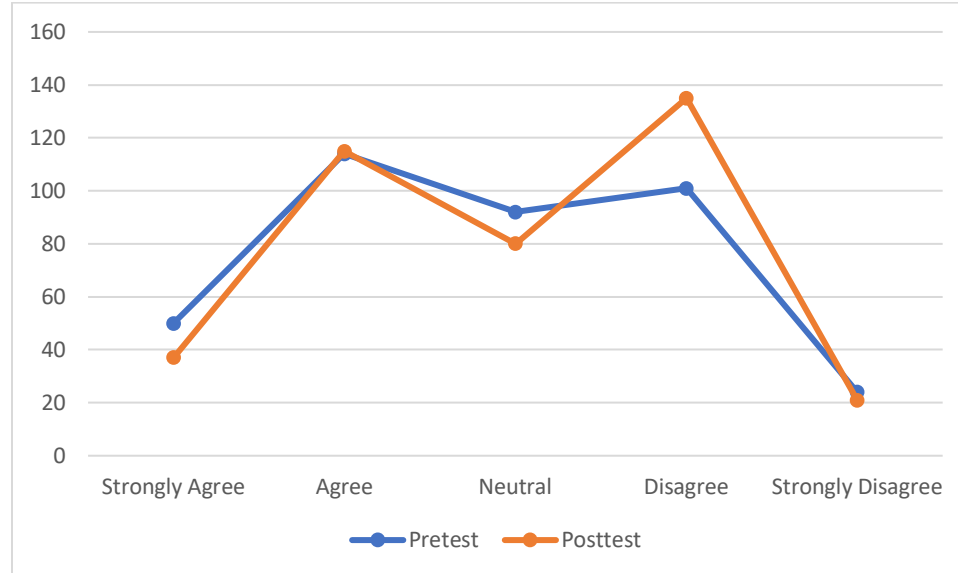
The next question about racism had more measured change than the last. Racism is a well-defined term, although broad, that participants are familiar with even if their ability to define it is varied. Similar to the last question, those that disagreed and strongly disagreed were not affected by the training. Four percent of those who answered “neutral” before the training, agreed the racism is a major problem in the U.S. at the conclusion of the training. There was no change in the groups of those participants who strongly agreed with this premise. Even so, only 79 percent of participants believed racism is a major problem. It would be interesting to know if the qualifier, “major”, had any effect on these results.

Figure 2: Racism is a Major Problem in the U.S.



The “American Dream” question was next. Again, “equal opportunity” and “success” are not well defined in this premise nor were they defined in the training. Each person’s definitions of these terms are likely different especially in regard to an individual’s personal measurement of success. However, this question appears to have been designed to elicit a negative response, so in looking at those who disagreed or strongly disagreed overall, only 40 percent of participants fell in this category. Post-training, there was a seven percent increase in those who disagreed. Four percent of those who were neutral in the pre-test, changed their position likely to disagree with the premise based on the increase in that category. Also noteworthy is the three percent decrease in those who strongly agreed prior to the training.

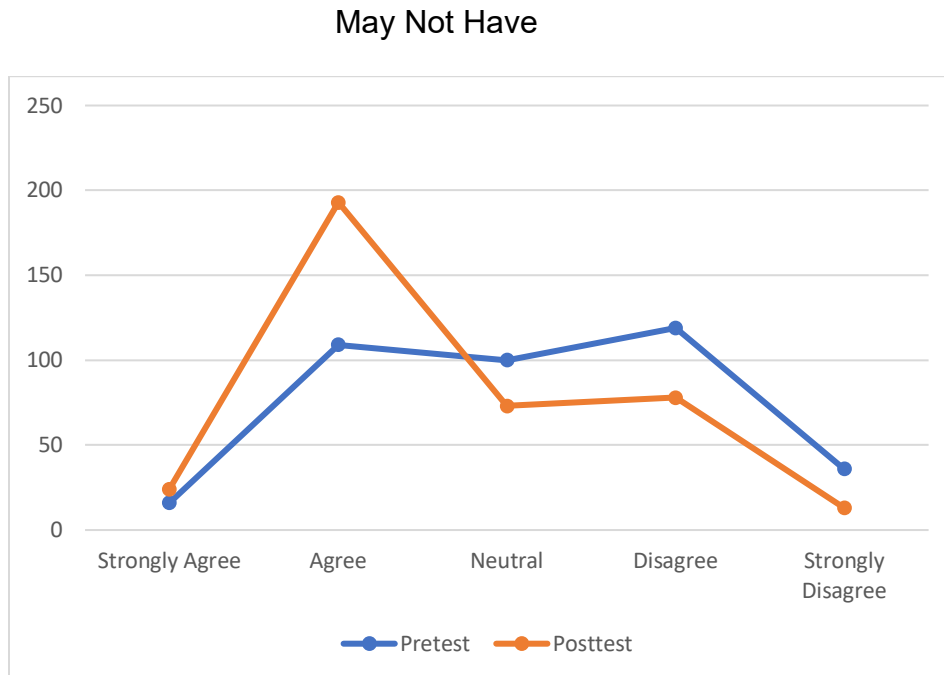
Figure 3: In the U.S., Everyone has an Equal Opportunity to be Successful in Life



This next question is problematic because we do not know demographics of the participants; however, it is the survey question with the greatest change of all 30 questions. This measure would certainly be much more significant and send a powerful message about the training if demographics were recorded and inputted with the data.

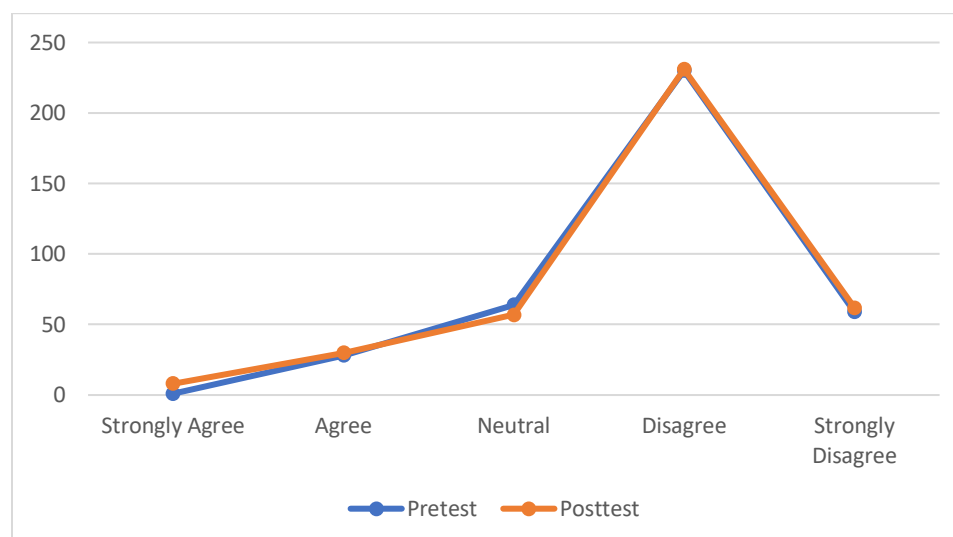
Overall, 57 percent of participants agreed or strongly agreed that they personally had unearned power that others did not. This was a 24 percent increase post-training. After the training, seven percent of those who were neutral pre-test, changed their position presumably to agree with the premise based on the large increase overall. Seventeen percent of those who initially disagreed, later agreed that they too had unearned power advantages over others.

Figure 4: I Have Certain Advantages that Other People (Unearned Power)



The final question showed little change in any category pre- and post-training. This is another premise that appears to be meant to elicit a negative response. Of the approximately 400 participants, 76 percent disagreed or strongly disagreed that discrimination for the LGBTQIA+ population was rare both pre- and post-training. The training, therefore, had no apparent impact on the participant's awareness of this issue.

Figure 5: Discrimination Against People Who Identify as LGBTQIA+ is a Rare and Isolated Situation in the U.S.



The remaining questions on the survey suggest some interesting attitudes of the participants. Over 90 percent of participants have positive opinions of themselves. They are self-confident, able to overcome barriers, optimistic about the future, follow through on plans and accomplish goals, have self-worth and good qualities, and are as capable as anyone else. These results are not surprising since many of the participants have college degrees as required by their employment, i.e., probation officers and judges.

Interestingly, 33 percent believe that they do not have control over what happens in their life. Thirteen percent blame their misfortunes on bad luck and feel powerless most of the time. These data are inconsistent with the self-confidence displayed in the majority of the survey questions.

Similarly, over 90 percent of participants, do or would generally work well in a team environment. This is significant since the offices in which the participants

are employed can be considered separate “teams”; probation, court clerks, and administrative staff to the Supreme Court. Judges and court reporters make up their own individual team. The participants overwhelmingly believe that joining together as a group can create more power, affect their community, and help to change things for the better. They are confident decision makers who are proactive in problem solving. The participants are independent thinkers who support individual decision making even if it results in poor decisions and support individual choice in terms of their lifestyle. Most participants, 64 percent, will not be swayed by the group if they are unsure of something. In effect, they are not “followers”. They will seek out more information before agreeing with the group when they are lacking information. Again, based on the probability that most participants have college degrees, these results are unsurprising.

What is surprising is that 72 percent of the participants believe that people have a right to get angry if they don't like something. Sixty-eight percent believe that “making waves” is productive and 45 percent believe that getting angry can help a situation. Anger is not generally a wanted characteristic in team building or team productivity.

Finally, many participants rely on experts to base their opinions, recommendations, and decisions especially if you are a probation officer or judge. However, only 24 percent of participants agree that experts are in the best position to decide what people should do or learn. There was minimal change in this attitude from the training, only two percent. Perhaps the results can be explained on a

discrepancy in how “expert” is defined, although in the criminal justice system that term is widely known and understood.

Discussion

The Supreme Court of Nebraska instituted an initiative for the purpose of providing “equal access to swift, fair justice for all Nebraskans regardless of income, race, ethnicity, gender, disability, age or language.” Through the assistance of the University of Nebraska, Inclusive Communities and the Judicial Branch Education, a training was developed for all state employees with the purpose of “promoting respectful and inclusive behaviors...through a series of activities aimed at building empathy, examining personal and societal stereotypes, biases and prejudices; and increasing knowledge, language and dialogue skills ...to develop a deeper understanding of racial, ethnic, religious and other cultural diversity while building relational and conflict management skills.” Approximately 400 state employees attended this training between September 2018 and December 2018. All participants completed a pre-test and post-test survey on the day of the training, with a few exceptions where post-tests were submitted late. Data from those surveys were analyzed in order to determine whether the training increased awareness of diversity issues within our society.

There were five questions about general awareness of diversity and discrimination. These questions were the most relevant in order to attempt to measure whether or not there was an increase of awareness as a result of the training. Of those questions, only two showed a marked change in perceptions post-training. Seven percent of participants recognized that not everyone has an equal opportunity to be successful in life. Twenty-four percent of participants realized they had more unearned power than others at the conclusion of the

training. Although these data are promising on its face, it may have little value because there were no demographic data recorded. It could make a substantial impact on these results if the participants whose awareness was increased identified in a minority category. The questions also are not well defined and are dependent on how the participant defines “success” and “unearned power”. In addition, without having attended the training or having a syllabus, it is unclear whether these terms or issues were covered in the training.

The remaining 25 questions had questionable value given the purpose of the training: developing a deeper understanding of diversity while building relational and conflict management skills. The majority of these questions could be placed in two separate categories: self-awareness and teamwork. They identified that over 90 percent of all participants were self-confident, able to overcome barriers, optimistic about the future, follow through on plans and accomplish goals, have self-worth and good qualities, and are as capable as anyone else. Not only are these data unsurprising, but it is likely unnecessary since the majority of participants have college degrees. Having earned an advanced education is consistent with the personality attributes described above. It is unclear how identifying individuals with these characteristics is helpful in determining whether or not they have a deeper understanding of diversity.

Of the questions that suggested an ability to work as a team member, again, 90 percent of overall participants could be described as working well in a team environment. Again, the value that these data adds to the successfulness of the training is questionable at best. They seem more appropriate as an assessment

for hiring purposes. In addition, what assistance will the data about anger provide? Seventy-two percent of the participants believe that people have a right to get angry if they don't like something. Sixty-eight percent believe that "making waves" is productive and 45 percent believe that getting angry can help a situation. If one of the goals of the training is to develop conflict management skills, would it not have been more useful to have had questions about how you would handle a difficult situation with a person of diversity status now that you understand their circumstances better? It is difficult to surmise how these questions overall measure the participants awareness of diversity.

Overall, these data are inconclusive whether or not the Creating Inclusive Communities raised awareness on issue of diversity. The two main areas of critique are the survey questions themselves (e.g., wording) and the lack of demographic information. The survey questions used were problematic and were not clearly directed at measuring a participant's knowledge or awareness of common diversity issues within the criminal justice system. Demographic information was crucial to understand whether or not a participant was of a minority or disenfranchised class and how that classification affected the measurement of awareness.

Limitations

The One Group testing is a significant limitation in this study. One Group pre-test and post-test limitations are that the pre-test may influence the answers on the post-test, especially since both tests will be given on the same day. In

addition, it is difficult to identify any other intervening causes or factors that may adversely affect the data collected. Another limitation of a one-group design is that there is no comparison group.

Several intervening factors are present. First, the facilitators are not identified or evaluated specifically so there is no correlation available to study between the effectiveness of the facilitator and the increase in awareness produced by the training. Facilitators' experience and own demographics may be important data as well to measure the difference between a participant's awareness level in learning from a facilitator of diversity status or non-diversity status. Second, participant's demographics are not included, therefore, there are no data to show if an increase in awareness is affected by a participant's race, gender, ethnicity, or other characteristic. Next, this was a mandatory training. There were several participants who responded strongly disagree for most questions pre-test and post-test signifying possible retaliation for having been forced to attend the training. Finally, the data collected will not help to account for any changes or developments over time nor any cohort effects. However, if measured yearly or some other regular period, these data would have potential to account for changes over time.

Recommendations

The general premise of the training is solid; increasing awareness of diversity in the justice system. The stated purpose of building relational and conflict management skills, however, is less so, especially since there is little information

to suggest that this is being covered in the training. If it is, it is questionable that within an eight-hour window, participants can accomplish both goals. They may, therefore, need to be broken down into two separate courses. The first is to promote general awareness and to promote respectful and inclusive behaviors. The second is to focus on building relational and conflict resolution through hypothetical scenarios and fact patterns.

Assuming that the training's main focus is to build an awareness of diversity issues within the justice system, several modifications need to be implemented in order to properly analyze the effectiveness of this training. First, facilitator information needs to be accounted for including demographics of the facilitator, experience in training this material, and what sections of the training were taught by the specific facilitator. This information can be utilized to determine the effectiveness of the facilitator and could suggest in additional training needs to be completed.

Second, demographics of the participants is a necessary addition. Race, ethnicity, disability, language, sexual orientation, religion, employment information and past trainings on implicit bias should be captured. Much of the effectiveness of the training will depend on who is receiving it. It would be important to measure the amount of awareness gained from someone who identifies in a marginalized group than someone who does not.

Thirdly, the questions on the survey should be rewritten. It was unclear what data the preparers intended to gather. The first five questions were more clear about general attitudes, but the vast majority were subjective questions with

undefined terms and an unclear purpose. Since they are measuring personal attitudes, a subjective analysis is appropriate, but the questions should be phrased in a clear and concise manner. The questions should focus on each of the learning objectives in the training so that a measurement of awareness can be conducted.

Lastly, “awareness” should be measured over time. All efforts should be made to ensure that all participants in attendance complete both the pre- and post-tests. Every 3-6 months for a period of years, a new survey could be sent to measure the lasting effects of the training. This data would also indicate when a refresher was necessary to keep workplace awareness of bias at the forefront.

Conclusion

Nebraska's efforts to provide equal access to justice for all members of its community is necessary in today's society. State employees are responsible for providing equal access to justice and a mandatory training may be an effective tool to ensure that this occurs properly. Creating Inclusive Communities is a first step in attempting to address this issue by developing awareness of diversity issues in general. Diversity, equity, and inclusion is an issue that is not going away. In fact, its very definition keeps expanding, therefore, we will constantly need to be educated to maintain awareness.

Although the desired objective was not met in this research given data issues beyond the control of the author, it does provide some insight into areas of improvement for evaluation if/as the training continues. Indeed, proper data collection for and analysis of this training should be completed to measure its effects and potential success in increasing awareness. If deemed successful in its intent and purpose, this training could be built upon and expanded to target other specific populations within the justice system or specific diversity issues that arise in the future.

References

Clemons, J.T. (2014). Blind justice: the Supreme Court, implicit bias, and the racial disparity in the criminal justice system. *American Criminal Law Review*, 51, 689-713.

Fiedler, K. & Bluemke, M. (2005). Faking the IAT: aided and unaided response control on the implicit association tests. *Basic and Applied Social Psychology*, 27, 307-316. doi: 10.1207/s15324834basp2704_3.

Gonzalez Van Cleve, Nicole. (2016). *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford University Press.

Kang, J. (2010). Implicit bias and the pushback from the left. *Saint Louis University Law Journal*, 54, 1139-1150.

Kang, J., Bennett, J., Carbado, D., Casey, P., Dasgupta, N., Faigman, D., Mnookin, J. (2012). Implicit bias in the courtroom and the need for reform. *UCLA Law Review*, 59, 1124-1186.

Noon, M. (2018). Pointless Diversity Training: Unconscious Bias, New Racism and Agency. *Work, Employment and Society*, 32(1), 198-209. doi: 10.1177/0950017017719841.

Richardson, L.S. (2017). Systemic Triage: Implicit Racial Bias in the Criminal Courtroom. *The Yale Law Journal*, 126(3), 862-893.

Rudman, L.A., Greenwald, A.G., Mellot, D.S., & Schwartz, J.L.K (1999). Measuring the automatic components of prejudice: flexibility and generality of the implicit association test. *Social Cognition*, 17(4), 437-465.

Rudmore, L.A., Ashmore, R.D., & Gary, M.L. (2001). "Unlearning" automatic biases: the malleability of implicit prejudice and stereotypes. *Journal of Personality and Social Psychology*, 81, 856-68. doi: 10.1037//0022-3514.81.5.856.

Gonzalez Van Cleve, Nicole. (2016). *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford University Press.

Pre-Workshop Survey



First initial of
your first name

Day of birth
(e.g. If your birthday is
October 23, put "23")

First initial of
your middle name
(If none, put "N")



This information will allow us to link your pre-survey to your post-survey without having to ask for your name. Your answers to these two surveys will help us learn more about your experiences at the retreat. They will be combined into a group with others who attended camp and used to spread the word about the impact Inclusive Communities has; your individual answers will not be shared.

How much do you agree with the following statements?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Some groups in this country have more advantages (unearned power) than other groups.					
Racism is a major problem in the U.S.					
In the U.S., everyone has an equal opportunity to become successful in life.					
Discrimination against people who identify as LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, etc.) is a rare and isolated situation in the U.S.					
I have certain advantages (unearned power) that other people may not have.					

Please read the statements below about making decisions and tell us how much you agree with each one:

	Strongly Agree	Agree	Disagree	Strongly Disagree
I can pretty much determine what will happen in my life.				
People have more power if they join together as a group.				
Getting angry about something never helps.				
I have a positive attitude toward myself.				
I am usually confident about the decisions I make.				
People have no right to get angry just because they don't like something.				
Most of the misfortunes in my life were due to bad luck.				
I see myself as a capable person.				
Making waves never gets you anywhere.				
.....Continued on back side.....				

People working together can have an effect on their community.				
I am often able to overcome barriers.				
I am generally optimistic about the future.				
When I make plans, I am almost certain to make them work.				
Usually I feel alone.				
Experts are in the best position to decide what people should do or learn.				
I am able to do things as well as most other people.				
I generally accomplish what I set out to do.				
People should try to live their lives the way they want to.				
I feel powerless most of the time.				
When I am unsure about something, I usually go along with the rest of the group.				
I feel I am a person of worth, at least on an equal basis with others.				
People have the right to make their own decisions, even if they are bad ones.				
I feel I have a number of good qualities.				
Very often a problem can be solved by taking action.				
Working with others in my community can help to change things for the better.				

How often have you witnessed discrimination based on how others identify – or how others thought people might identify, whether they actually do or not – in the following areas:

	Never	Less than once a year	A few times a year	A few times a month	At least once a week	Almost every day
Disability/ability status <i>(visible or hidden mental, emotional, developmental, and/or physical disabilities)</i>						
Faith and/or spiritual identity <i>(religion, spirituality, faith, or lack thereof)</i>						
Age <i>(actual or perceived age)</i>						
Gender <i>(actual or perceived gender or gender expression)</i>						
Sexual orientation <i>(actual or perceived sexual or romantic orientation)</i>						
Class <i>(both financial wealth and codes, language, skills, and culture)</i>						
Appearance <i>(physical appearance, hairstyle, clothing, etc.)</i>						
Race/ethnicity <i>(actual or perceived race or ethnicity)</i>						

THANK YOU for taking our survey!!! 😊

Post-Workshop Survey



First initial of
your first name

Day of birth
(e.g. If your birthday is
October 23, put "23")

First initial of
your middle name
(If none, put "N")



This information will allow us to link your pre-survey to your post-camp survey without having to ask for your name. Your answers to these two surveys will help us learn more about your experiences at the retreat. They will be combined into a group with others who attended camp and used to spread the word about the impact Inclusive Communities has; your individual answers will not be shared.

Personal Identity: _____
(another identity that's important to you e.g. uses a wheelchair, friend, brother, etc.)

Facilitator Names: _____

How much do you agree with the following statements?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Some groups in this country have more advantages (unearned power) than other groups.					
Racism is a major problem in the U.S.					
In the U.S., everyone has an equal opportunity to become successful in life.					
Discrimination against people who identify as LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, etc.) is a rare and isolated situation in the U.S.					
I have certain advantages (unearned power) that other people may not have.					
I gained a new perspective on how identity impacts my communication with others.					
It was worthwhile to share my own identities & learn about those of my peers.					
My empathy for others with different ideas, faiths, ethnicities and cultures was enhanced.					
I better understand my own biases in relation to my socialization.					
I am better equipped to confront my own biases and how they impact my interactions.					
I felt comfortable sharing my opinions, perspectives, thoughts and experiences.					
The facilitator(s) demonstrated respect for each participant's thoughts and feelings.					
This workshop had a positive impact on me and I would recommend it to others.					

Any answers you would like to elaborate upon?

Please list the **top three** exercises that had the **biggest** impact on you:

Remembering what you learned about VAAVM (verbal, avoidance, access, violence, and murder), **how often have you witnessed discrimination based on how others identify – or how others thought people might identify, whether they actually do or not – in the following areas:**

	Never	Less than once a year	A few times a year	A few times a month	At least once a week	Almost every day
Disability/ability status <i>(visible or hidden mental, emotional, developmental, and/or physical disabilities)</i>						
Faith and/or spiritual identity <i>(religion, spirituality, faith, or lack thereof)</i>						
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Race/ethnicity <i>(actual or perceived race or ethnicity)</i>						

Please read the statements below about making decisions and tell us how much you agree with each one:

	Strongly Agree	Agree	Disagree	Strongly Disagree
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I have a positive attitude toward myself.				
I am usually confident about the decisions I make.				
People have no right to get angry just because they don't like something.				
Most of the misfortunes in my life were due to bad luck.				
I see myself as a capable person.				
Making waves never gets you anywhere.				
People working together can have an effect on their community.				
I am often able to overcome barriers.				
I am generally optimistic about the future.				
When I make plans, I am almost certain to make them work.				
Usually I feel alone.				
Experts are in the best position to decide what people should do or learn.				
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I feel I am a person of worth, at least on an equal basis with others.				
People have the right to make their own decisions, even if they are bad ones.				
I feel I have a number of good qualities.				
Very often a problem can be solved by taking action.				
Working with others in my community can help to change things for the better.				

Is there anything else you would like to tell us? (e.g. suggestions for future workshops, anything that happened during the workshop we should know, or anything else)
