Requested Date of Training	Organization/ Course	Location	Topic	File Number
28-Sep-22	Graduate Course	TJAGLCS	DEI & the JAGC	#1
3-Oct-22	Officer Basic Course	TJAGLCS	DEI Overview	#1
13-Oct-22	USALSA	Fort Belvoir, VA	DEI & the JAGC	#3
18-Oct-22	Warrant Officer ILE	TJAGLCS	Implicit Bias	#9
3-Nov-22	Fort Rucker OSJA	Fort Rucker, AL	DEI & the JAGC	#5
8-Nov-22	USARC OSJA	Fort Bragg, NC	Building Inclusive Teams	#6
9-Nov-22	FORSCOM OSJA	Fort Bragg, NC	DEI in Mentorship	#7
19-Nov-22	1st MSC OSJA	Fort Buchanan, PR	DEI & the JAGC	#8
22-Nov-22	8th TSC OSJA/USARPAC	Hawaii	Recognizing & Mitigating Bias +MJ	#9
10-Dec-22	HHC, USARLC	Gaithersburg, MD	DEI & the JAGC	#10
9-Jan-23	Law for Paralegal Course	TJAGLCS	DEI & the JAGC + Inclusive Teams	#11
19-Jan-23	101st ABN Div (AA)	Fort Campbell, KY	DEI, Bias, & Building Inclusive Teams	#12
7-Feb-23	Senior Civilian Course	TJAGLCS	DEIA: An Overview	#13
8-Feb-23	CIMT OSJA	Fort Eustis, VA	DEI, Bias, & Building Inclusive Teams	#14
14-Feb-23	2ID OSJA	Camp Casey, ROK	DEI, Bias, & Building Inclusive Teams	#15
23-Feb-23	RCT	Pinellas, FL	DEI&A: An Overview	#16
23-Feb-23	USARJ OSJA	Camp Zama, Japan	Building Inclusive Teams	#17
25-Feb-23	OSJA	Fort Belvoir, VA	Building Inclusive Teams	#18
25-Feb-23	Officer Basic Course	TJAGLCS	DEI&A: An Overview	#19
27-Feb-23	NTC & Ft. Irwin OSJA	Fort Irwin, CA	DEI&A: An Overview	#20
5-Mar-23	Warrant Officer Advanced Course	TJAGLCS	Building Inclusive Teams	#21
8-Mar-23	377th TSC OSJA	New Orleans, LA	DEI, Bias, & Building Inclusive Teams	#22

14-Mar-23	I Corps OSJA	JBLM, WA	DEI, Building Inclusive Teams, Recognizing Bias in MJ	#23
20-Mar-23	Chief Paralegal NCO Course	TJAGLCS	DEI&A & Building Inclusive Teams	#24
20-Mar-23	Command and Chief Paralegal Course	TJAGLCS	Building Inclusive Teams/ DEI in the JAGC	#25
24-Mar-23	25th ID OSJA	Fort Shafter, HI	DEI&A: An Overview	#26
6-Apr-23	Fort Polk OSJA	Fort Polk, LA	Building Inclusive Teams	#27
15-Apr-23	RCT	Los Angeles AFB	DEI&A: An Overview	#28
19-Apr-23	Legal Functional Community	N/A	Implicit Bias	#29
20-Apr-23	1st Army Div E OSJA	Fort Rucker, AL	Recognizing & Mitigating Bias (in MJ)	#30
27-Apr-23	SETAF-AF	Vincenza, Italy	DEI in the JAGC	#31
3-5 May 23	USAREUR-AF Leadership CLE	US Army Europe & Africa	DEI&A in the JAGC	#32
6-May-23	WI ARNG OSJA	Fort McCoy, WI	DEI&A: An Overview	#33
10-May-23	OSJA	Fort Leavenworth, KS	DEI, Bias, & Building Inclusive Teams	#34
11-May-23	OSJA	Fort Hood, TX	DEIA Overview & Mitigating Microaggressions	#35
12-May-23	USARLC	Gaithersburg, MD	Generations in the Workplace	#36
8-Jun-23	USAREUR-AF OSJA	US Army Europe & Africa	Equity & Privilege	#37
10-Jun-23	RCT	Fort Belvoir, VA	DEI&A: An Overview	#38
21-Jun-23	CECOM OSJA	Aberdeen Proving Ground, MD	Recognizing Bias in MJ	#39
24-Jun-23	RCT	Chicago, IL	DEI&A: An Overview	#40
21-25 Jun 23	75th USARIC OSJA	Houston, TX	DEI&A: An Overview	#41
20-Jul-23	99th Readiness Division PTWC	Ft. McCoy, WI	DEIA an Overview & Implicit Bias	#42
23-Jul-23	220th OBC	TJAGLCS	DEIA an Overview & Implicit Bias	#43
31-Jul-23	Law for Paralegal	TJAGLCS	DEIA an Overview & Implicit Bias	#44
18-Aug-23	USALSA	Fort Belvoir	DEI&A Overview & Implicit Bias	#45
22-Aug-23	Graduate Course	TJAGLCS	Building Inclusive Teams	#46
19-Sep-23	WWCLE	TJAGLCS	Generations in the Workplace	#47

28-Sep-23	TJAGLCS Faculty	TJAGLCS	Generations in the Workplace	#48
29-Sep-23	221st OBC	TJAGLCS	DEIA an Overview	#49
29-Sep-23	72 Grad course	TJAGLCS	Building Inclusive Teams	#50

Presentation #1 and #2

DEI & the JAG Corps



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Agenda

- Background
- Initiatives
- Your ODEI
- Your Council
- Your Field Boards
- Affinity Mentorship Groups
- Contact Us
- Questions



Background

- TJAG Established Council on DE&I ("DEIC") on 10 July 2020
  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; 16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021
  - provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL/JA); Program Coordinator (WO/LA)

What Have We Done

- Established DEIC
- Established Subordinate FBs x10
- JALS-wide DEI Survey
- JALS Listening Sessions
- Creation of DEIC Information Platforms
- Establishment of ODEI
- Created and hired a Director, ODEI (Civilian)
- ODEI Director Appointed to Army E&I Agency
- Inclusion of DEI in Article 6 *State of the Corps* Address

What Have We Done

- Published TJAG Policy Memo 22-11 (DEI&A)
- SGM Nolan Reading Room Dedication at TJAGLCS
- Establishment of Gray/Propp-Fowle Chair on DE&I at TJAGLCS
- Incorporated Implicit Bias Training in MJ Curriculum at TJAGLCS
- Magistrate No-knock Warrant Limitations
- Published Various DE&I-related articles in *The Army Lawyer*
- JAGC Affinity Group Engagements
- Various updates to Recruiting and Accessions--and more!!!

What We Are Doing

- Establishing a Foundation (Norms, Process Maps, Strategic Plan, SOPs, Business Rules, etc.) for ODEI and Council
- Reviewing, analyzing, and summarizing Field Board work on Retention, Recruitment & Accessions, and Training & Education, and Assignments
- Creating & Validating an enterprise-wide Training Plan and Training Packages
- HBCU Recruitment Tour – BG Sullivan
- Writing more *TAL* Articles

What We Plan to Do

- Leverage Affinity Groups
- Launch Training & Resource Packages
  - Sr. Leaders (to include Civilian Supervisors)
  - Courses
  - Organization-level
- Issue new JALS-wide survey
- Conduct more enterprise-wide listening sessions
- Create a collaborative community w/ the field
- WHATEVER WE CAN TO IMPROVE WHEREVER NECESSARY!

Your ODEI

- (b) (6), Director
- VACANT, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Your Council



(b) (6)



(b) (6)

(b) (6)

(b) (6)

(b) (6)

Your Field Boards

- Comprised of a total of 10-15 personnel each
- All ranks, components, and diverse backgrounds
- Work to propose recommendations and approaches to better foster diversity, equity, and inclusion across the JAG Corps.
- Identify and assess problems and opportunities, and recommend DE&I-related solutions, that may impact recruiting, accessions, training and education, retention, promotions, assignments, and other obstacles to inclusion.
- Application period now open through Fri, 30 Sep – APPLY!

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #3

DEI & the JAG Corps



(b) (6)

Director, Office of Diversity, Equity, and Inclusion

Your ODEI

- (b) (6), Director
- (b) (6), Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

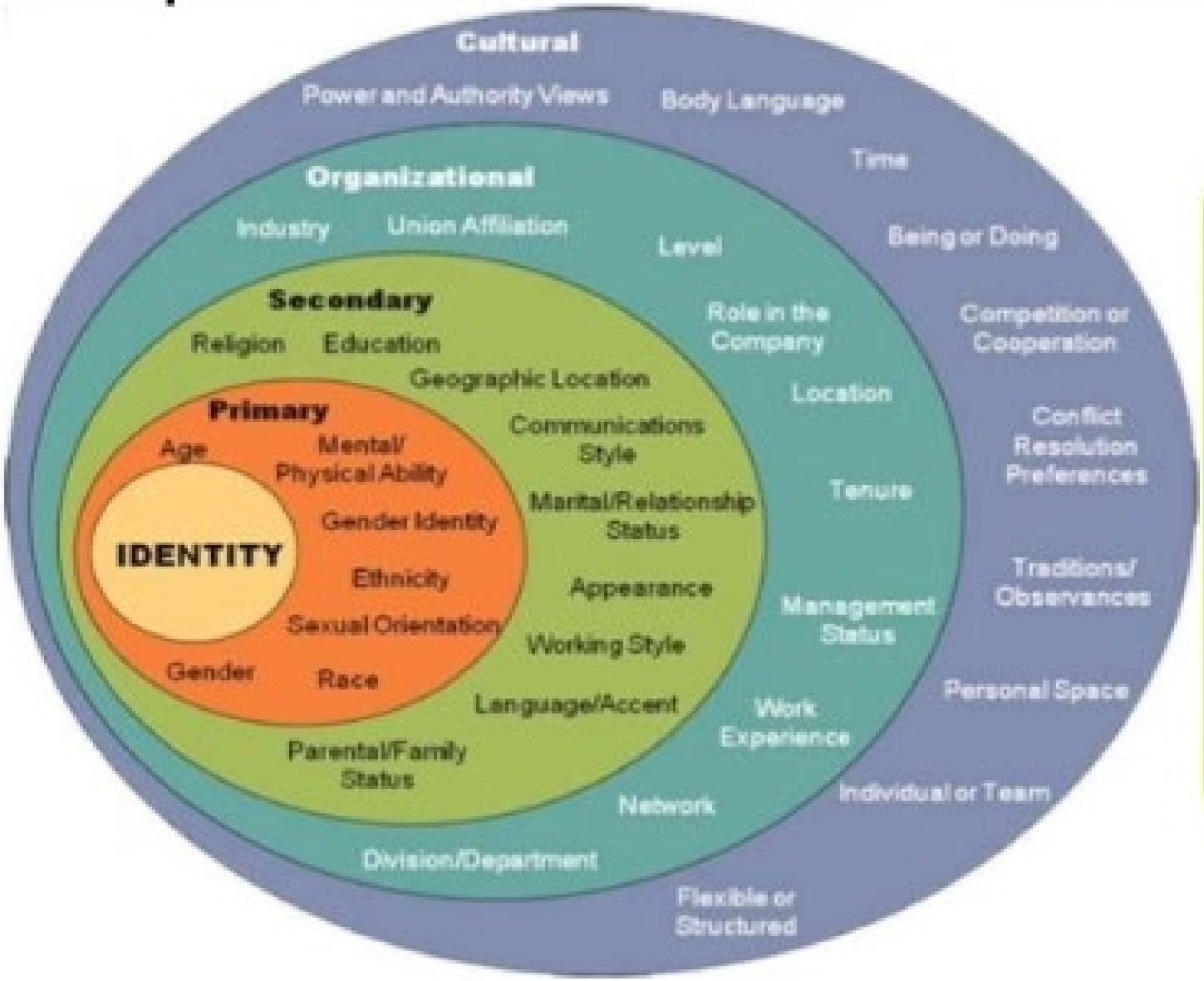
LET’S TALK ABOUT DIVERSITY

- Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

  --Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

  --It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Multiple Dimensions of Diversity



Internal and External Dimension adapted from Marilyn Loden and Judy Rosener, ***Workforce America!*** (Business One Irwin, 1991)

From ***Diverse Teams at Work***, Gardenswartz & Rowe (2nd Edition, SHRM, 2003)

WHAT IS EQUITY?

HTTPS://WWW.YOUTUBE.COM/WATCH?V=X0N22PMDF1U

- Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

- Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

ACCESSIBILITY

- **Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them**
  - Includes the provision of accommodations and modifications to ensure equal access to employment
  - Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
  - A commitment to ensuring that people with disabilities can independently access activities and spaces

MITIGATING BIAS

HTTPS://WWW.YOUTUBE.COM/WATCH?V=AC7LBDD1HQ0

Practice Constructive Uncertainty | Howard Ross clip - YouTube

- Acknowledge and understand that our brains take short cuts that manifest in biases—they are not good or bad
- Reflect on any strong reactions you have
- Get comfortable with being uncomfortable
- Review processes and decision making for opportunities where bias can creep in
- Think about the systems you participate in and where your biases may manifest

(1) Inclusion Starts With I. Diversity & Inclusion. Copyright Accenture - Bing video

Presentation #4

Recognizing and Mitigating Bias



(b) (6)

(b) (6)

ROADMAP

How does decision making work?

What is cognitive bias?

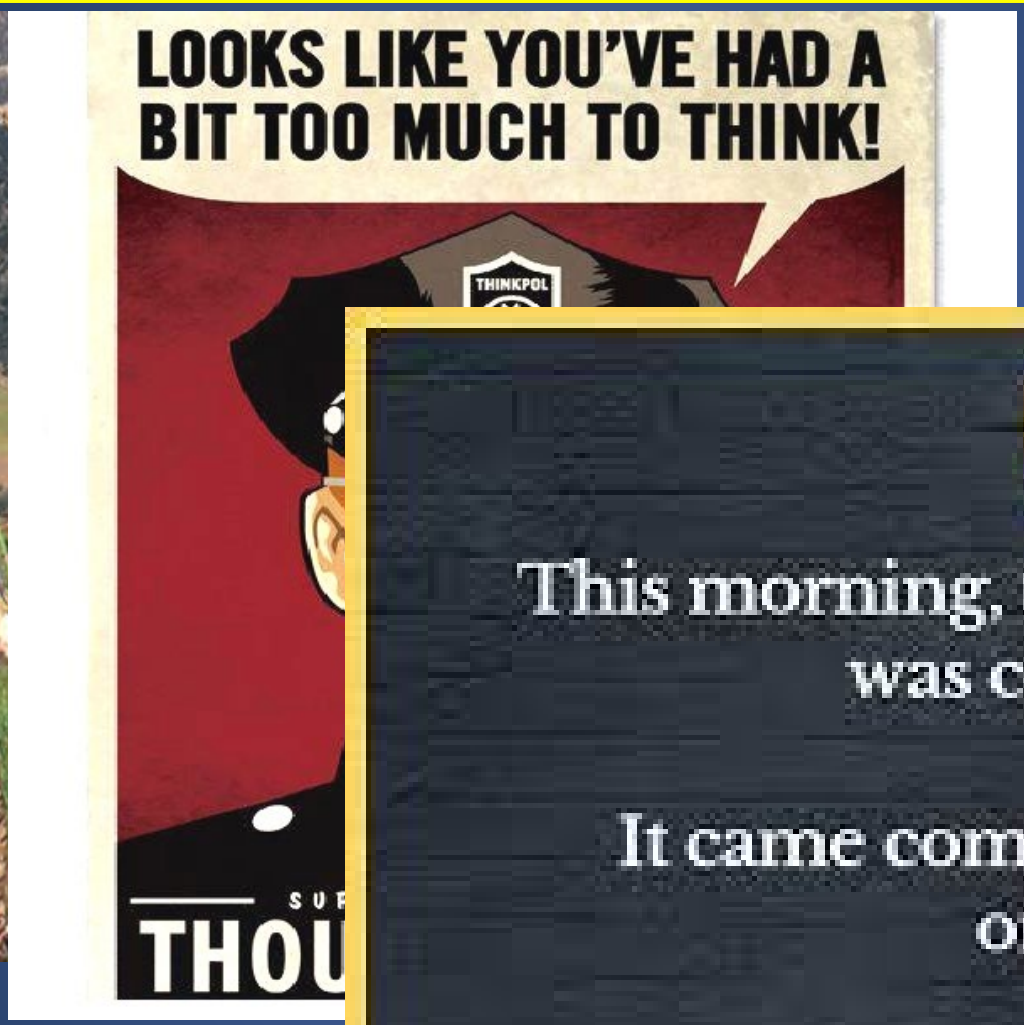
Why Implicit Bias training?

How it can influence your work

Mitigation

WHAT THIS CLASS IS NOT







Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

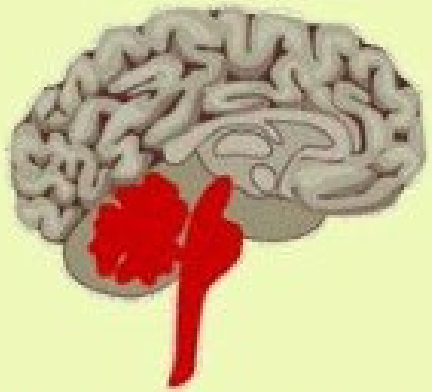
Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

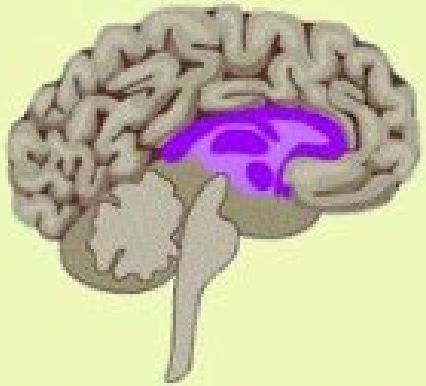
Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

How does the brain work?

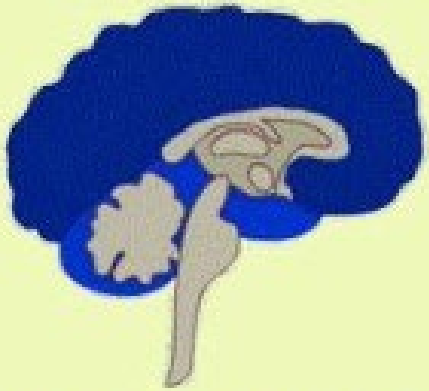
The Three-Parted Brain



Lizard Brain
(Brain stem and cerebellum)
Autopilot
Fight & Flight



Mammal Brain
(Limbic System)
Emotions
Memories
Habits
Attachments

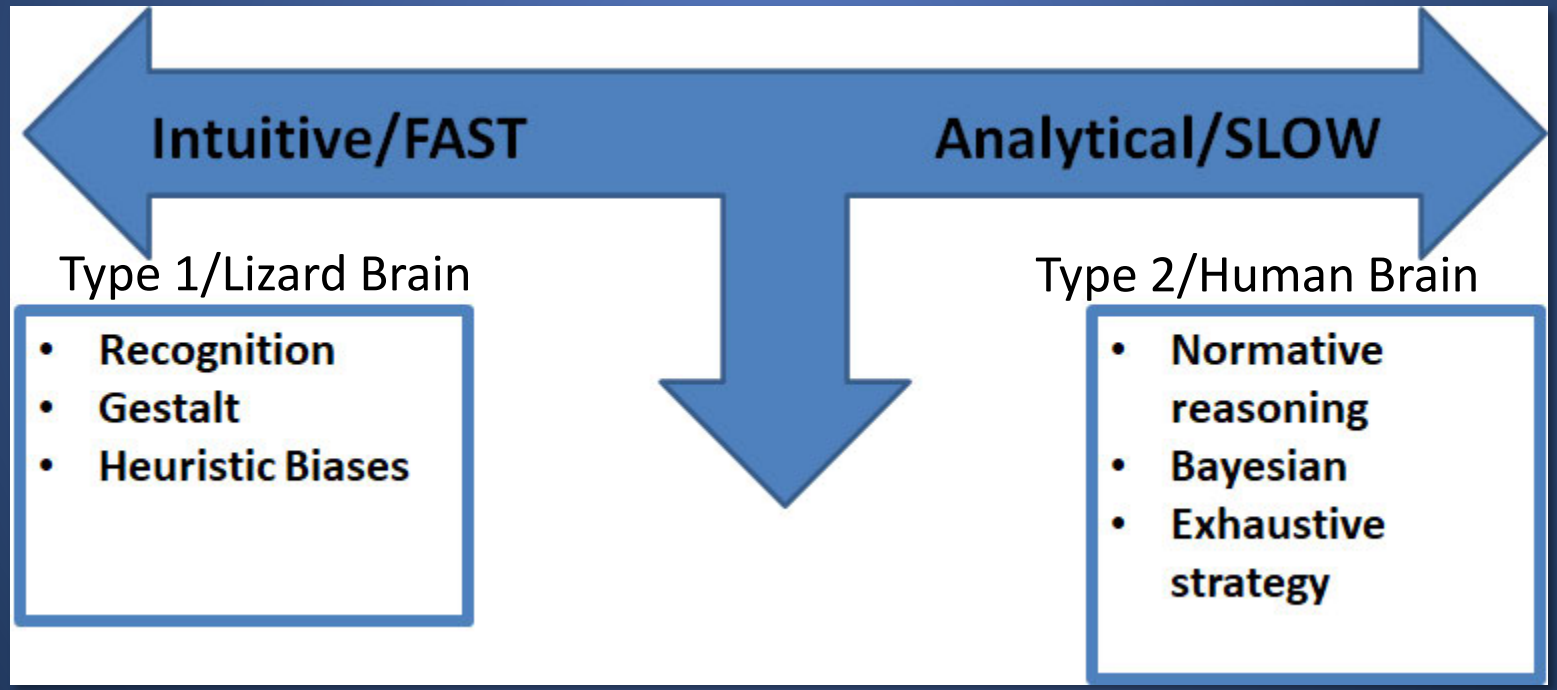


Human Brain
(Neo-Cortex)
Language, abstract thought, imagination, consciousness, reasoning, rationalising

(From Paul D. MacLean's model of the "Triune Brain")

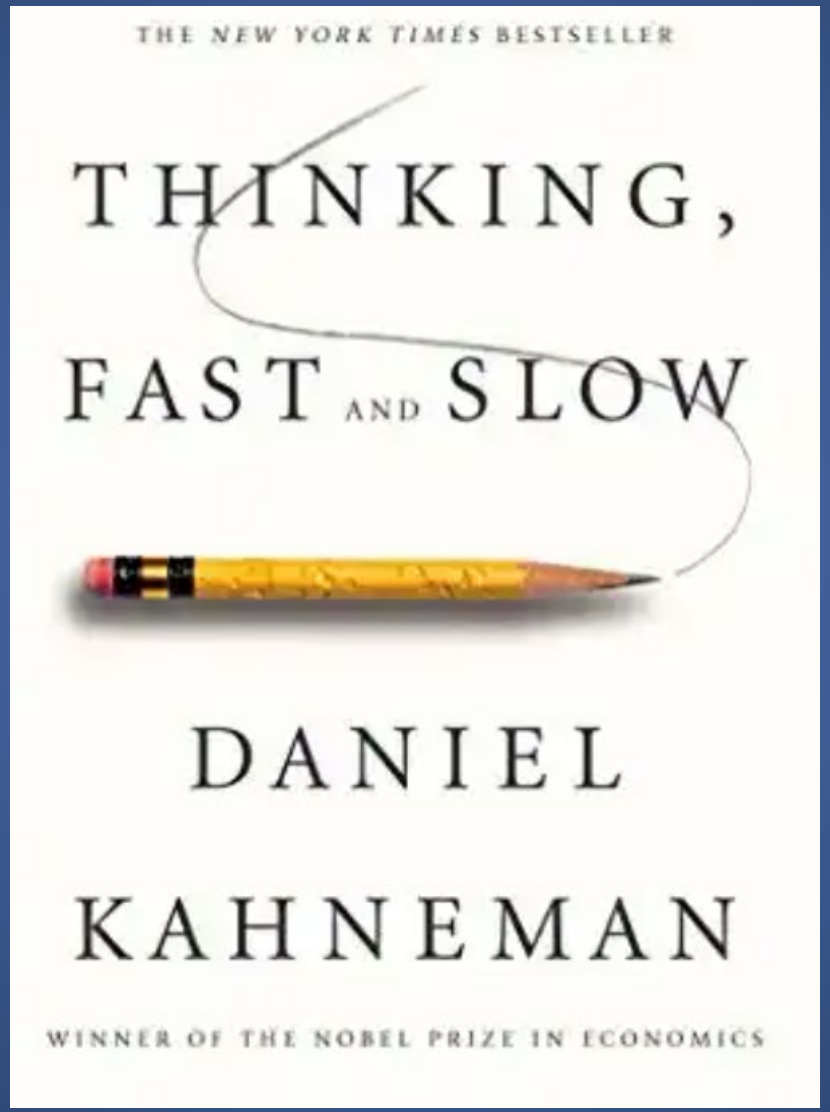
Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

For further reading…



Your Brain Hard at Work:

Practical Exercise #1

Which dog is more aggressive?



1



2

Heuristics

Heuristics

Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

Your Brain Hard at Work:

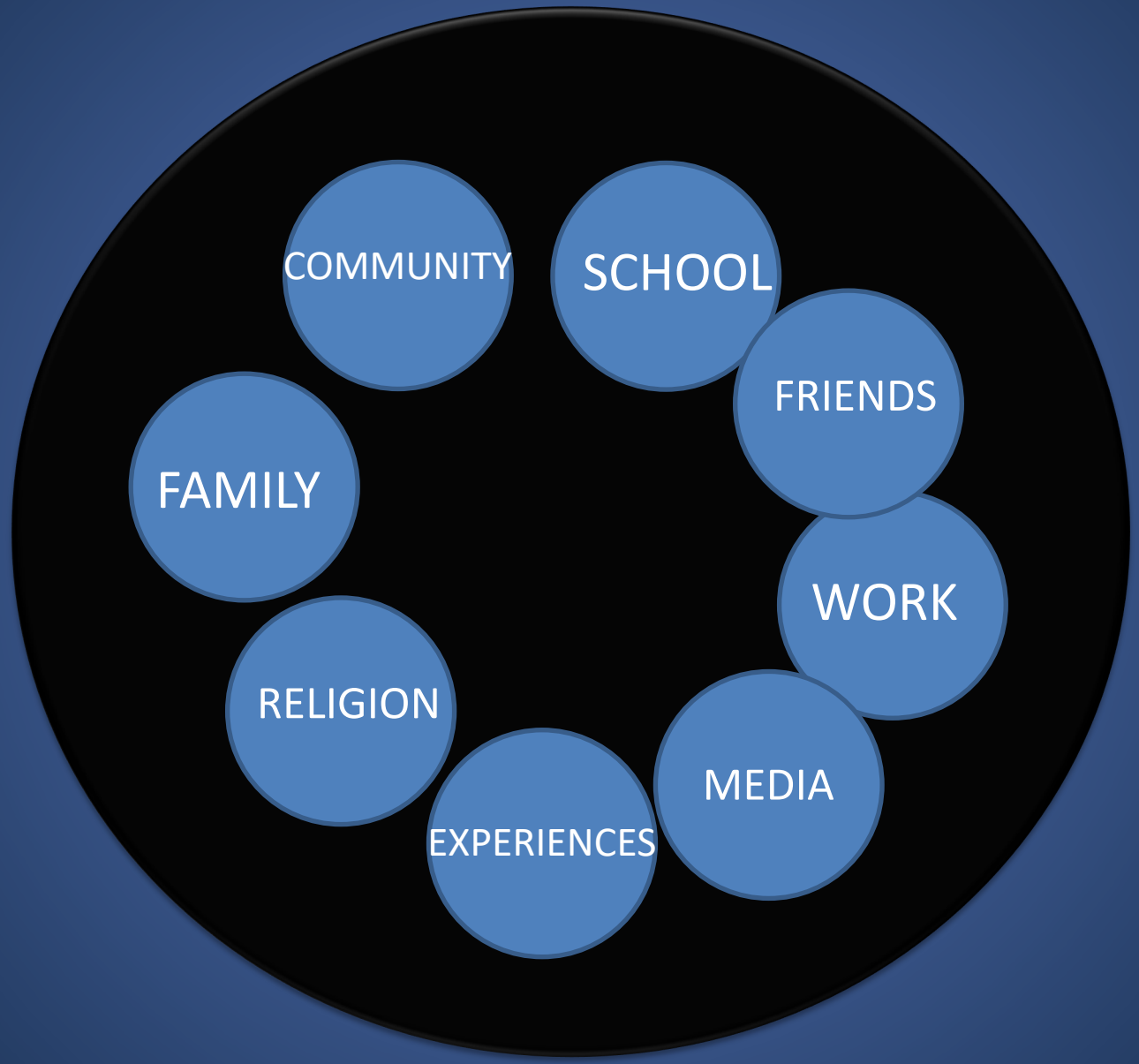
Practical Exercise #2

Who do you want to watch your kids?



1 2 3 4

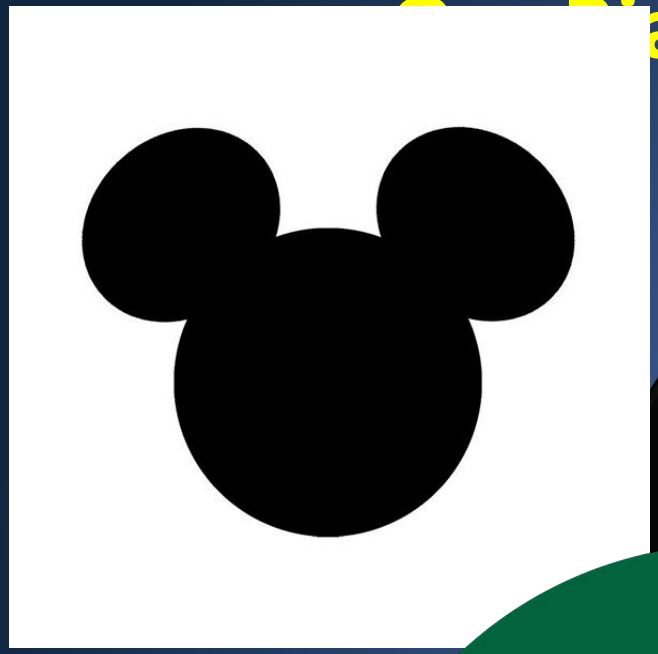
Our Heuristics Come from Our Environment



Who’s always driving this van?



Our Biases Come from Our Environment





TM




COPS



Explicit vs. Implicit Bias

Explicit Bias: "attitudes and beliefs we have about a person or group on a conscious level"

Implicit Bias: "The brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness."

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

More Heuristics in Practice

Hypothetical

CPT Stone, commander of HHC, gets a call from 1LT Timmons, one of his platoon leaders. 1LT Timmons is his best performing PL, and has served with CPT Stone for 18 months. 1LT Timmons tells CPT Stone that he received an allegation of misconduct.

- PVT O'Neal alleges that SPC Steele has been maltreating him.
- 1LT Timmons has looked into the matter and says there is no issue.
- CPT Stone listens to 1LT Timmons's explanation and trusts 1LT Timmons's judgment.

Hypothetical (Continued)

CPT Stone reports the maltreatment allegation to his BN commander, LTC Boggs.

- LTC Boggs has recently completed another maltreatment investigation from another company where the alleged victim eventually admitted that she exaggerated her allegations because she felt her supervisor was too hard on her. He is dubious of this new allegation and asks about PVT O'Neal's duty performance.

Heuristics: Bias by any other name…

Emotional Bias

Negative or positive feelings towards Soldiers influences view of case of disposition (counter-transference)

E.g Soldier with background notable for previous Art 15 for disrespect, saying they didn't say what they're accused of saying, …… "Yeah, they said it"

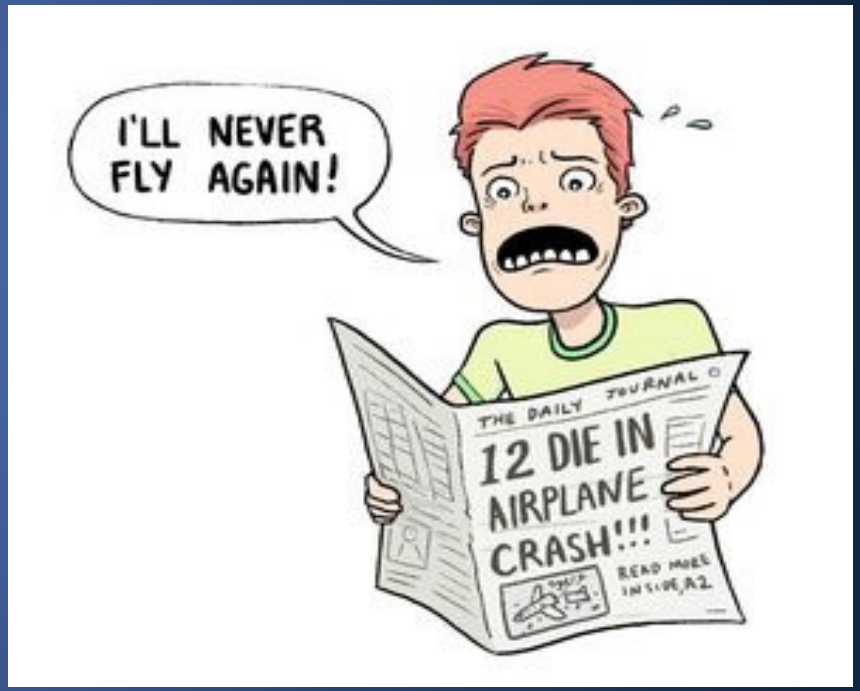


Heuristics

Availability Bias

Recall a similar situation, case, or other information because it happens to be a recent experience or comes to your mind quickly

E.g. A commander's incident report lands are your desk. While scanning the report you notice many details similar to a case you were briefed on last week. You know how this case will play out because it's a "fresh" and "available" entity in your mind.



Hypothetical (Continued)

LTC Boggs, in accordance with policy, sends an initial report to COL Larson, the BDE commander.

- “Sir, looks like we have another one. All indications are that the low performing Soldier is trying to deflect from his deficiencies by pointing a finger at a great young trooper. I can get you more information as we go along.”
- COL Larson: “Boggsy, I got it. Get with JAG so we can close this out, but I fully understand what is going on.”

Heuristics

Anchoring Bias

Focus on features in the Soldier's initial presentation or first bits of information too early in the investigative process without adjusting the charges or desired outcome when further information is/becomes available.

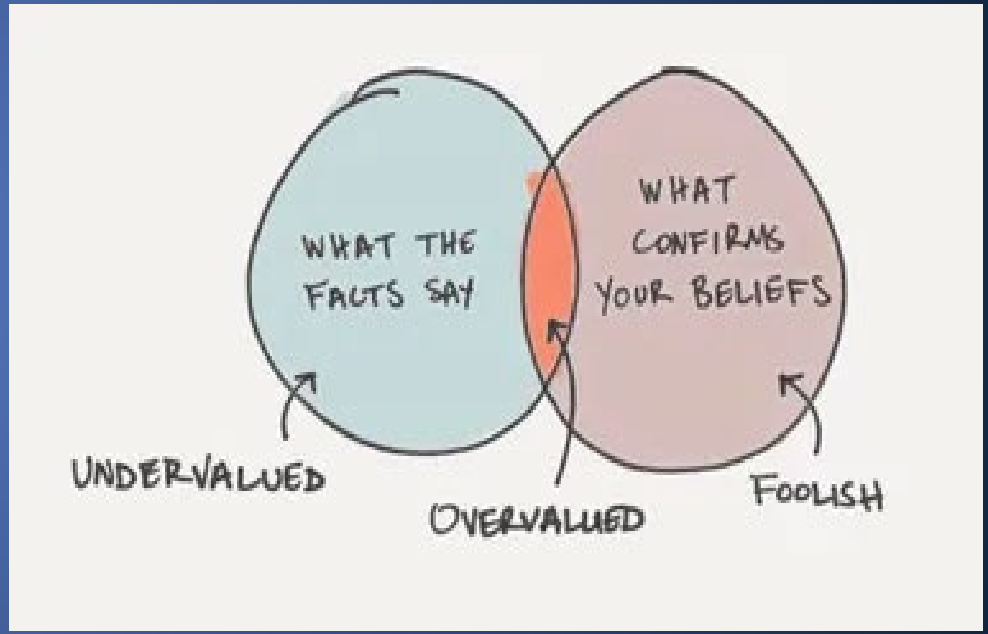


Heuristics

Confirmation Bias

Notice and consider only the facts and details that favor our hypothesis and ignore aspects inconsistent with it.

Example: A Soldier with a history of …… charges, upon file review, you only look for the instances that strengthen your belief about the Soldier.

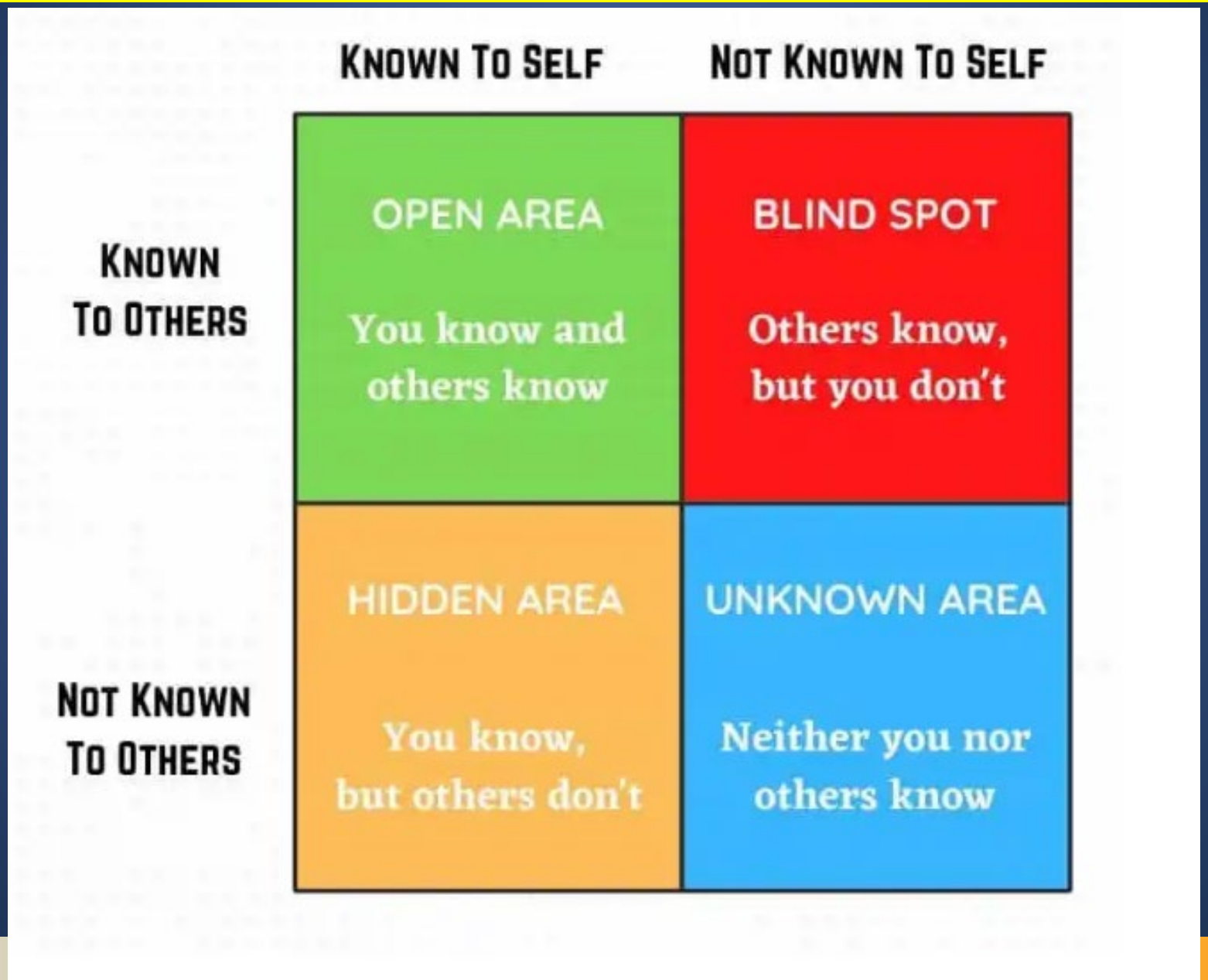


Edgar & Edgar 2016, Nickerson 1998

IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

Johari Window



EVERYONE Has Implicit Biases

Everyone has unconscious biases that influence their worldview and decision making

Harvard University's Implicit Association Test (IAT)

- Web-based
- Association of different racial groups with negative words, or weapons
- Just an indicator; can reveal patterns and tendencies among large groups of people
- implicit.harvard.edu/implicit/takeatest.html

Key takeaway: Have more awareness of biases and challenging your assumptions

WHY DO WE NEED IMPLICIT BIAS TRAINING?

Your Brain Hard at Work:

Practical Exercise #3

Who’s got the higher PT score?

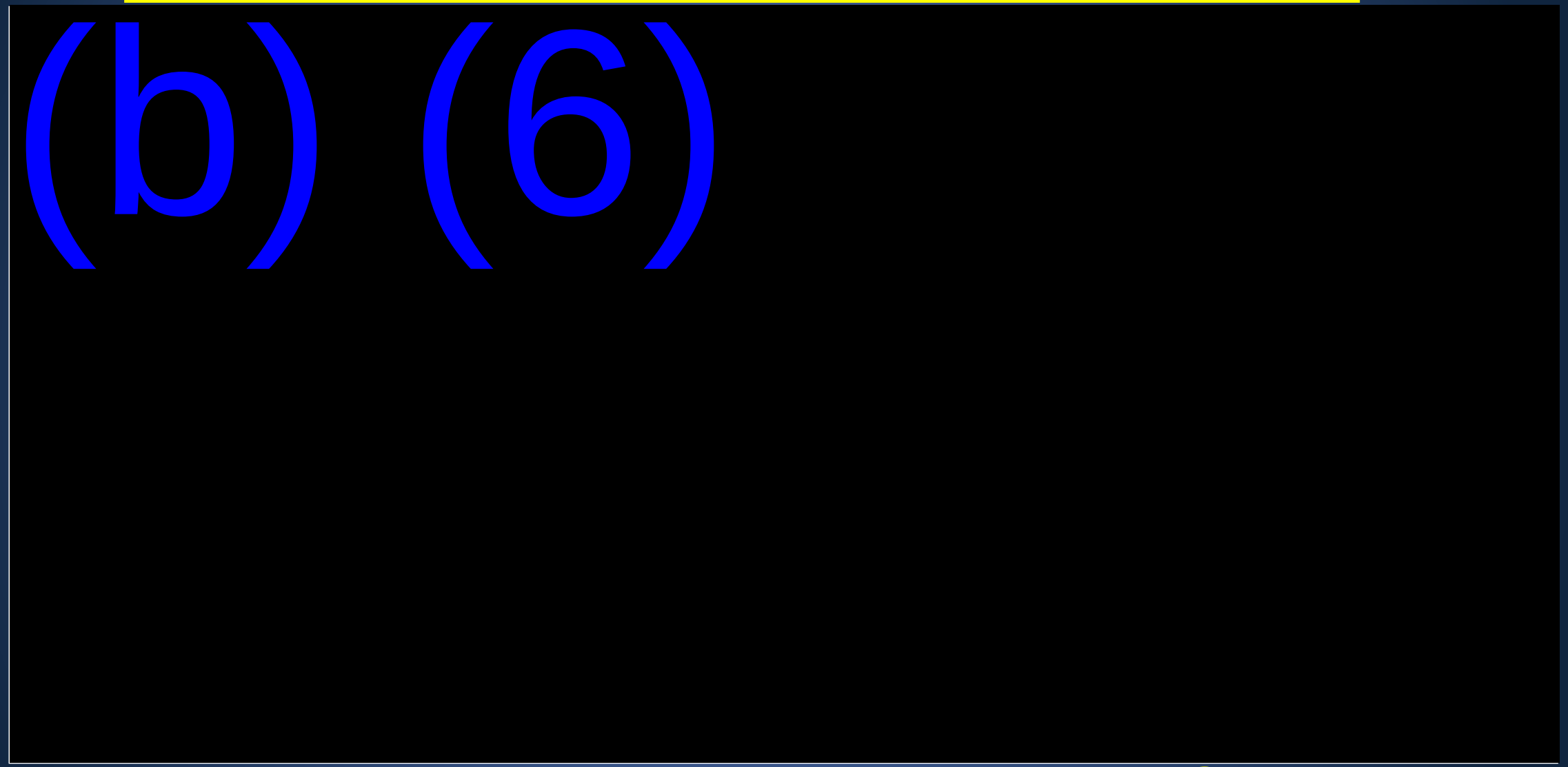
(b) (6)

Your Brain Hard at Work:

Practical Exercise #4

Who’s a stronger leader?

(b) (6)



1 2

Why do WE need implicit bias training?

Inside the Army's Decision to Eliminate Photos from Officer Promotion Boards

The study showed that using official photos led to decisions from board members that appeared to reveal unconscious bias, Army officials say.

"It's just that people, even if they don't think about it, they tend to want to be around people that look and think and act like them," said Army Chief of Staff

Article: https://www.military.com/daily-news/2020/06/25/inside-armys-decision-eliminate-photos-officer-promotion-boards.html

Authority to Conduct Implicit Bias Training

14 July 2020 Memo by SecDef, "Immediate Actions to Address Diversity, Inclusion, and Equal Opportunity in the Military Services:" "I . . . direct[ed] a three-pronged approach to take the initiative against discrimination, prejudice, and bias in all ranks of our Armed Forces. The purpose of this approach is to **promote the morale, cohesion, and readiness of the force**. Each effort aims to identify actions the Department can take within policies, programs, and processes to improve diversity, inclusion, and equal opportunity for our Service members" including "Add[ing] **bias awareness and bystander intervention to the violence prevention framework. Addressing racial prejudice and bias within the force requires a combination of ongoing skill development, leadership, and accountability**."

10 U.S.C. 113(g)(1)(B): "Each national defense strategy shall include . . . Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces."

The Problem Has Been Studied

1972 Department of Defense Task Force on the Administration of Military Justice in the Armed Forces: Data showed a "clearly discernable disparity in disciplinary rates between black and white servicemen," including the statistic that although Black servicemembers made up 16% of the force, they made up 25% of nonjudicial punishment issued. **Black servicemembers represented 34.3% of accused at GCM and SPCMs.**

1992 Defense Equal Opportunity Management Institute (DEOMI): Racial disparities in arrest, nonjudicial punishment, and courts-martial preferral and referrals. **"Black[] [servicemembers] were . . . 1.7 times more likely to receive nonjudicial punishments than their white counterparts."**

And Studied

2017 Protect Our Defenders Report: "[F]or every year reported (2006 – 2015) and across all service branches, black service members were substantially more likely than white service members to face military justice or disciplinary action, and these disparities failed to improve or even increased in recent years." **Black Soldiers were 1.61 (61%) times more likely to face GCM or SPCM than White Soldiers.**

2019 Government Accountability Office Report: Services uniformly track subjects by gender, but not by race/ethnicity. "Racial and gender disparities exist in investigations, disciplinary actions, and punishment of servicemembers in the military justice system[.]" **Black servicemembers were 2.11 times more likely to be the subject of an investigation than a White servicemembers.**

And Studied

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD): **Army-specific analysis of racial disparity Military Justice system.** "The report found that racial disparity does exist in a number of key areas across the military justice system, disciplinary processes, and military personnel policies. The report's findings will enable us to immediately enact policies to begin addressing racial disparities, while also serving as a point for further study and data gathering. Our shared Army values of values diversity, equity, and inclusion will inform these efforts." ~ *Sec. Army Wormouth*

And Studied

2022 Department of Defense Internal Review Team (IRT) on Racial Disparities in the Investigative and Military Justice Systems: "Racial disparities in the investigative and military justice systems have been a problem for far too long . . . To address this issue I am directing" the IRT to "focus on addressing the **root causes of racial disparities in the investigative and military justice systems**" and "provide actionable recommendations that the Department can implement to improve policies, programs, processes, and resources to address these disparities."

Significant racial disparities exist across the investigative and military justice systems. Caused by 1) gaps in training and education, 2) lack of oversight and transparency, 3) inadequate protections, and 4) external factors (resourcing and time).

(b) (5)

(b) (5)

(b) (5)

Numerous Past Studies, Same Conclusions

PREVIOUS FINDINGS AND RECOMMENDATIONS

STUDY/REPORT	Racial Disparities Exist across the Investigative and Military Justice Systems	Significant Discretion with Few Safeguards = Increased Disparate Outcomes	Data Collection must be Improved	ultural Competency and Cognitive Bias Training for all in the military justice system	Resource Appropriately (no unfunded mandates)	Conduct Root Cause Analysis with better data but don't wait to start making improvements
1972 Task Force on the Administration of Military Justice in the Armed Forces	●	●	●	●	●	
2011 MLDC Military Leadership Diversity Commission	●		●	●	●	
2019 GAO Government Accountability Office	●		●			●
2020 Air Force IG Independent Racial Disparities Review	●	●	●	●	●	●
2020 DAC-IPAD Racial and Ethnic Data Relating to Disparities in the Investigation, Prosecution, and Conviction of Sexual Offenses the Military	●		●	●		●
2022 CNA Exploring Racial, Ethnic, and Gender Disparities in the Militar Justice System	●	●	●		●	●

Where Bias Can Influence Commanders & JAs

Pre-Trial Investigation and Charging Decisions

- Assumptions as to who may be offender & victim
- Lack of empathy of suspect/accused of a racial minority
- Assigning attributes based on impressions, not on facts (e.g., Black subject "Looks angry/mean" where White subject "Looks young and naive")
- Informs beliefs as to credibility of subject/accused or other witnesses of color
- **Fill in factual gaps with assumptions based on stereotypes**

Trial Strategy

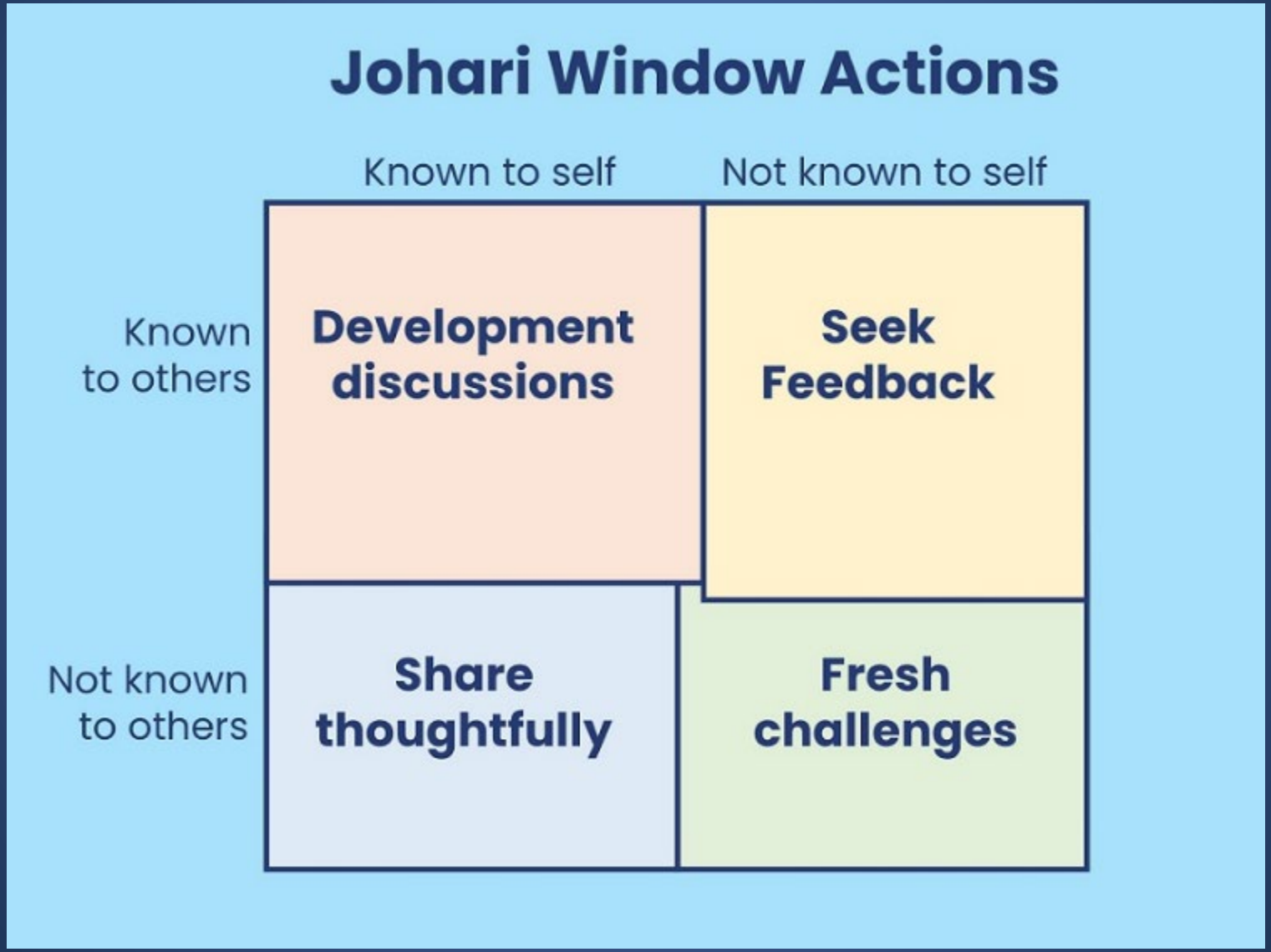
- Peremptory challenges for facially race-neutral reasons but applied only to racial minorities *See Flowers v. Mississippi,* 139 S. Ct. 2228 (2019).
- Assumptions about how panel members see evidence (Minority member more sympathetic? Female member less sympathetic in sex assault case?)
- Closing argument tinged with racial animus ("He's an animal," "A thug")

THIS IS THE START, NOT THE END, OF THE PROCESS

"Not everything that is faced can be changed, but nothing can be changed until it is faced."

~ James Baldwin.

So…what do I do now?



MITIGATION

Continue training

- Disseminate this through your office (this is not just a legal issue; it is a leadership issue)
- DEI training in office (LDP)
- Bias awareness/interruption (work with Operational Psychologists)

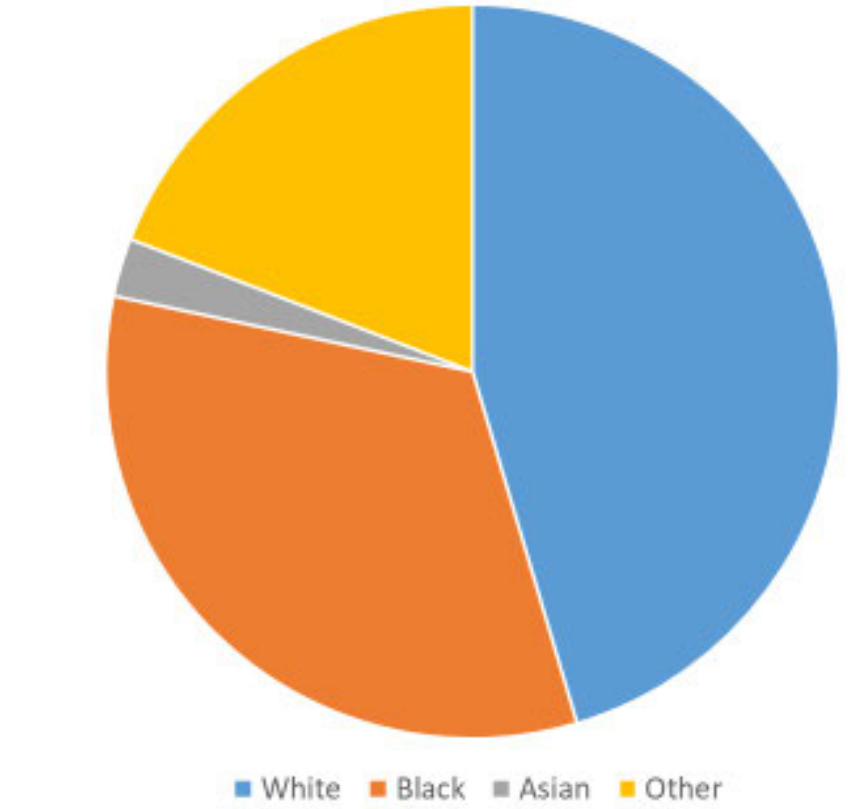
Get data!: Regularly track race/ethnicity, just like we track MOS, deployments, etc.

- Quarterly assessments on who is being investigated, prosecuted, separated (trend analysis)
- Part of multi-discipline team meetings (OSJA, CID, MPI, FAP)

Assess the known facts: Challenge factual assumptions

- ACKNOWLEDGE we all have biases
- Ask questions. Lots of questions.
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- "**Art vs. science**" of discipline: Focus on the "should" as much as the "can"

Self-Assessment: 21st TSC NJP for 2022



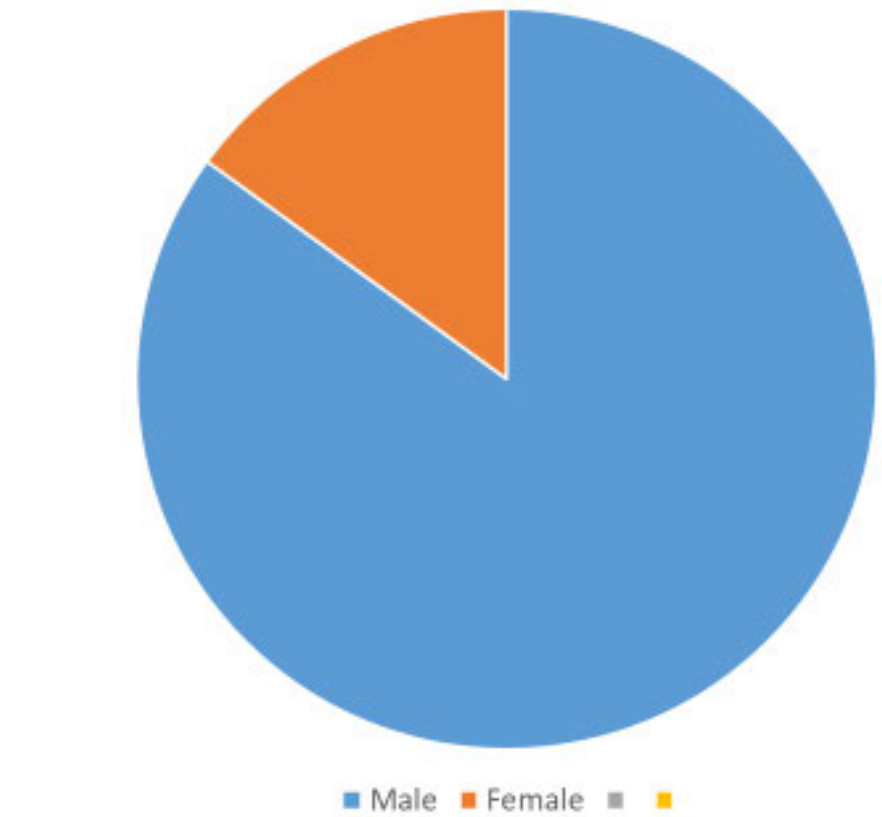
21st TSC Article 15 Breakdown

White:	247	45%
Black:	179	33%
Asian:	14	3%
Other:	104	19%

21st TSC Breakdown

White:	55%
Black:	35%
Asian:	7%
Other:	4%

Self-Assessment: 21st TSC NJP for 2022



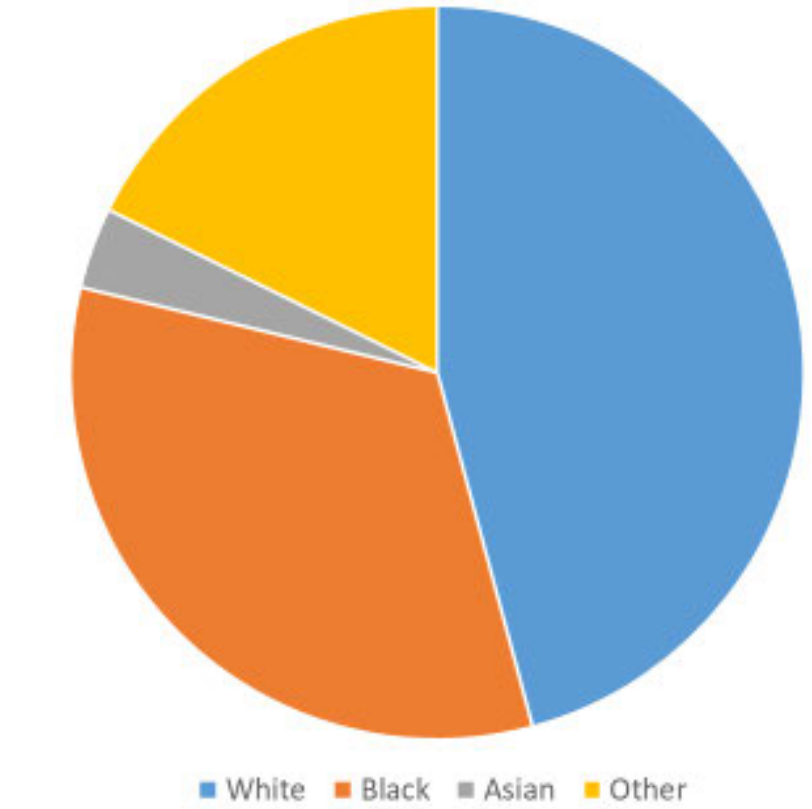
21st TSC Article 15 Breakdown

Male:	391	85%
Female:	69	15%

21st TSC Breakdown

Male:	78%
Female:	22%

Self-Assessment: 21st TSC NJP for 2019 - 22



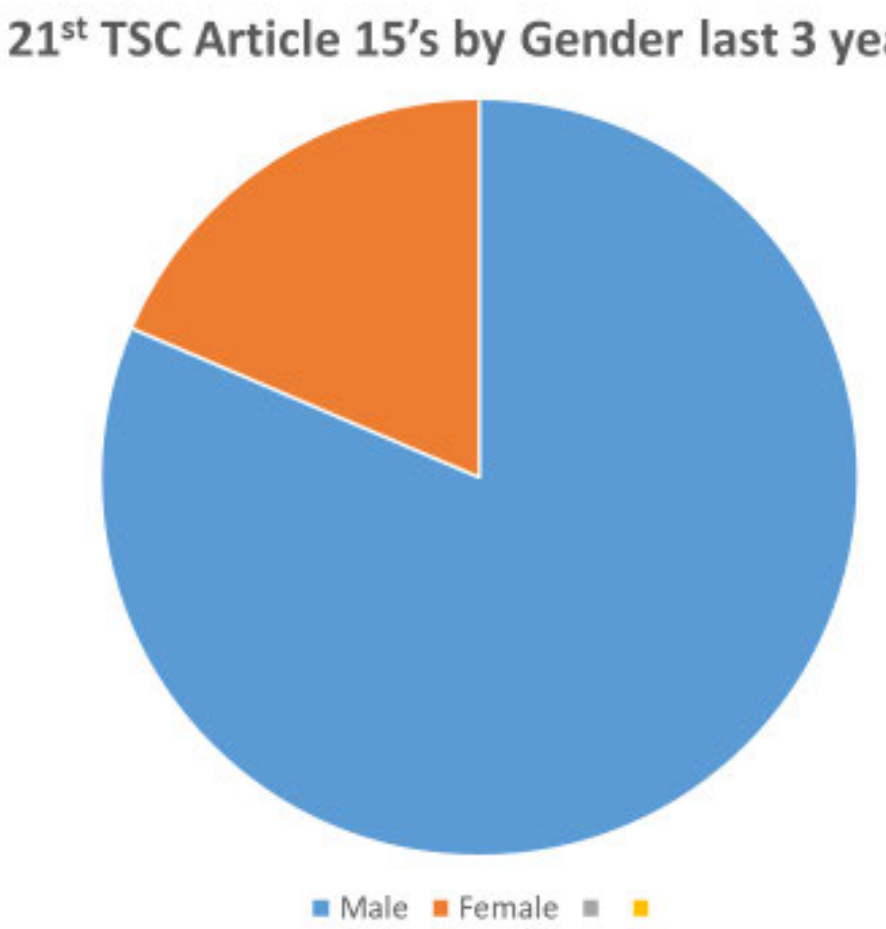
21st TSC Article 15 Breakdown

White:	793	46%
Black:	570	33%
Asian:	62	4%
Other:	306	18%

21st TSC Breakdown

White:	55%
Black:	35%
Asian:	7%
Other:	4%

Self-Assessment: 21st TSC NJP for 2019 - 22



21st TSC Article 15 Breakdown

Male:	1203	81%
Female:	274	19%

21st TSC Breakdown

Male:	78%
Female	22%

Tips For Overcoming Biases

- Implement standardized processes for evaluation & decision making
  - Have a standardized, objective method for evaluating subordinates, applicant.
  - Have a standardized, objective framework for handing out punishment. Don't let emotions (commanders', supervisors', or yours) influence decisions
  - Apply the same decisional criteria to everyone when evaluating ____ (capabilities, qualifications, skills, performance, potential, etc.)

- Get Feedback

- Have a confidential gut check
  - Have a trusted person you can confidentially discuss, cross check, think out loud with
  - Be open to receiving feedback/observations about your decision making

Discussion Questions – Breakout Session

- Am I aware of the cognitive biases or thinking traps that have influenced my decision making in the past?
- Pick a task/object & think: How can I standardize my decision-making process?
- Have I tried anything in the past to:
  - Self-reflect on my own possible blind spots?
  - Get feedback from others regarding my blind spots?
  - If so, what? What worked? Didn't work?

QUESTIONS?



(b) (6)

(b) (6)

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Chris Gutherie, Jeffrey J. Rachlinski, and Andrew J. Wistrich, *Blinking on the Bench: How Judges Decide Cases*, 93 Cornell L. Rev 101 (2007).

Jerry Kang, Mark Bennett, Devon Carbado, Pam Caset, Nilanjana Dasgupta, David Faigman, Rachel Godsil, Anthony G. Greenwald, Justin Levinson, and Jennifer Mnookin, *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124 (2012).

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Jeffrey J. Rachlinski, Sheri Johnson, and Andrew J. Wistrich; and Guthrie, Chris, *Does Unconscious Racial Bias Affect Trial Judges?* (2009). 84 Notre Dame L. Rev 3 (2009).

Heuristics

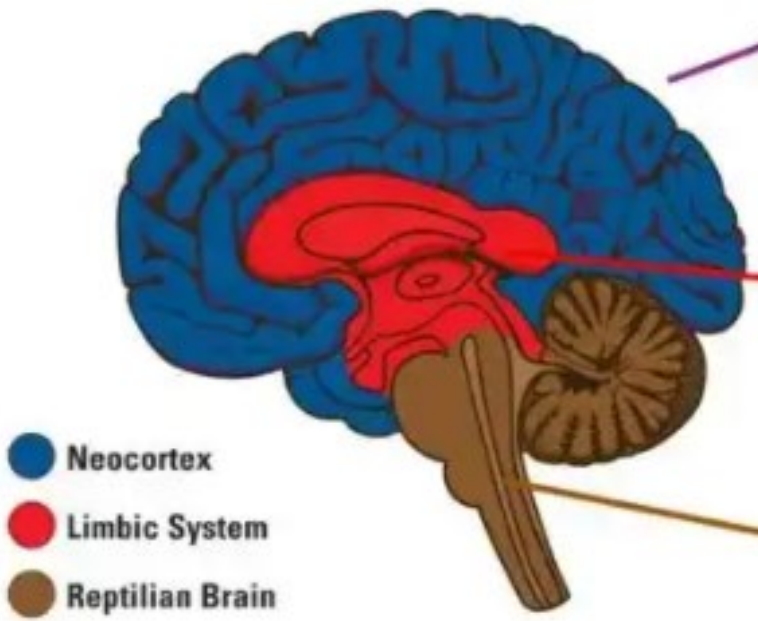
Blind Obedience / Halo Effect

Showing undue deference to authority, technology, or factors such as attractiveness

- *My boss says because of this, it can't be this.*
- *In the past my boss handled issues this way, so I will do the same.*



Triune Brain Theory



Cortex
(Neomammalian brain)
150.000 years old

Complex processes
- Perception, planning, attention, abstract thinking, language...

Thinking Brain

Limbic System
(Paleomammalian brain)
200-250 Million years old

Primitive survival functions
- Fulfilling our animal needs and emotions (feeding, reproduction, parenting...)

Feeling Brain

Brain Stem
(Reptilian brain)
300 Million years old

- Maintaining **body functions**
- **Routing information** up and dow
- Instinctive behaviours

Living Brain

Source: Paul MacLean – Triune brain theory (1952),

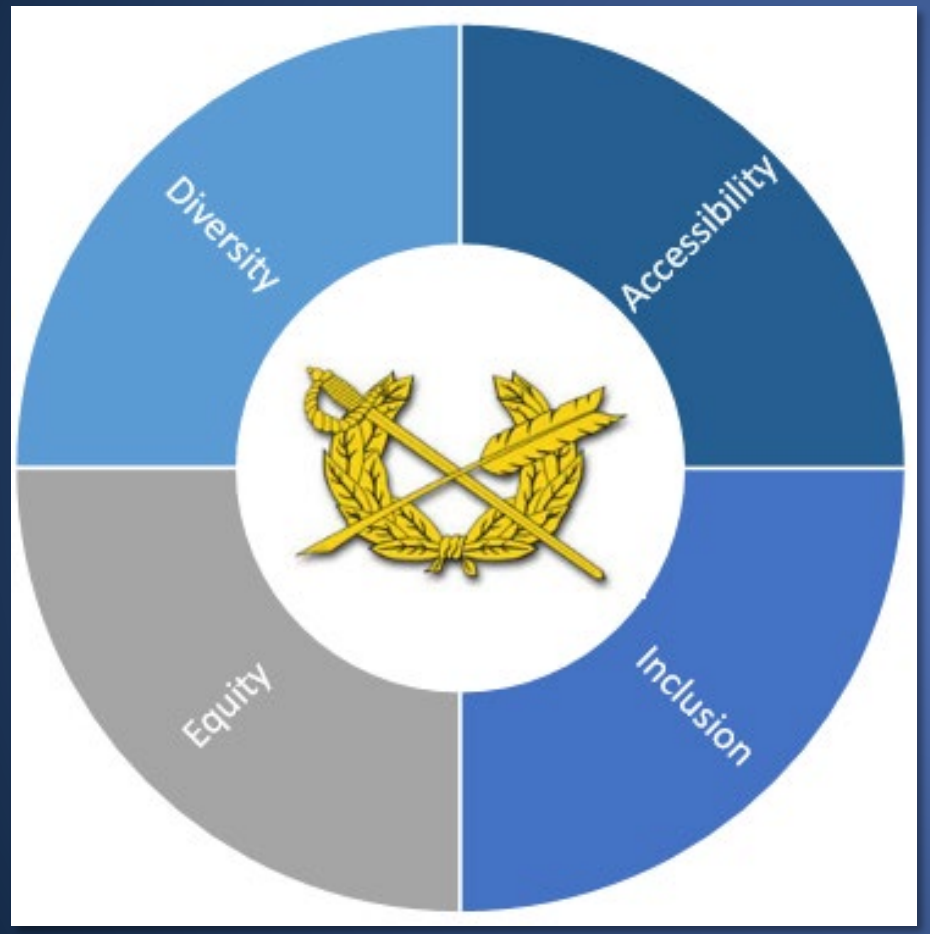
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Another perspective:



Presentation #5

DEIA – A Legal-Military Perspective



(b) (6)

Interim Director
Office of Diversity, Equity, and Inclusion
Office of The Judge Advocate General
(b) (6)

Background

- George Floyd and the Summer 2020 Reckoning
- TJAG Established Council on DEI ("DEIC") on 10 July 2020
  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; @16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021; operational since June 2021
  - *"[To] provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS."*
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL or LTC/JA); Program Coordinator (WO/LA)

TJAG's Charge

"Are we as inclusive as we can be?"



Army DEIA

Diversity. Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

Equity. Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force.

Inclusion. Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

Accessibility. Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them.

- For the Army, Diversity isn't about reaching an exact number.
- It's about building high performing and cohesive teams.
- It's about knowing your people – from the unique attributes and characteristics that each Soldier and Civilian brings, to empowering your people as valued members of a team and using their qualities to build readiness and support the mission.

Everyone should be treated with Dignity and Respect!

DEIA Basic Sources for Army Practitioners

All Open Sources

- US Law
  - NDAAs since at least 1997
  - 10 USC §§ 113 & 656
- Executive Orders
  - 13985 (JAN 2021)
  - 14035 (JUN 2021)
- DoD Guidance
  - D&I Strategic Plan (2012-17)
  - DoDI 1020.05 (2020)
  - DoD Report on D&I (DEC 2020)
- ARMY
  - ARs 600-20 (Command Policy), and 690-12 (EEO & Diversity)
  - Army People Strategy (2019)
  - DEI Annex (2020)
- OTHER
  - Interim National Security Strategy (2021)
  - CRS Report on DEI in Military (2019)
  - TJAG Policy Memo 22-11

History/Evolution of DEIA (1 of 3)



1940s–1950s

Armed Forces Desegregation

President's Committee on Civil Rights (est. 1946) investigates the status of civil rights

Fahy Committee (est. 1949) informs military leadership on racial equity and inequity

Manpower needs of the Korean War (1950–1953) catalyzes racial integration

All Armed Forces fully desegregate by 1954



1960s

DoD Diversity and Inclusion Values

Gesell Committee (est. 1962) recommends improvements for practices, structures, and trainings to promote equal treatment of Black/African American Service members

National Advisory Commission on Selective Service (est. 1966) releases Marshall report on racial discrepancies in Vietnam War causalities for Black/African American Service members



1970s–1990s

DoD D&I Implementation

DoD pioneers the Race Relations Education Board (est. 1971) and the Defense Race Relations Institute, which becomes the Defense Equal Opportunity Management Institute (DEOMI)

The Task Force on the Administration of Military Justice in the Armed Forces (est. 1972) investigates discrimination in the military justice system



2000s–2020

D&I in Military Leadership

Military Leadership Diversity Commission (est. 2009) expands beyond diversity toward inclusion, with emphasis on diversity leadership and the personnel lifecycle

Services create D&I policies focused on leadership diversity training and education, recruiting, and accessions

Secretary of Defense directs immediate actions and establishes a Board to promote D&I (2020)

In accordance with FACA, DoD establishes the independent Defense Advisory Committee on D&I (2020)

History/Evolution of DEIA (2 of 3)



Inclusion of Women – WWI to WWII

-WWI and after:

-Nurses and clerks.

-Some were not eligible for retirement/Vet's benefits.

-WWII:

-Acute labor shortages bring women (and minorities) to factories.

-WAAC/WAC/WAVES/SPARs/WASPs/Marines (1942-46) – 350K served.

Inclusion of Women – Post-WWII

-Women's Armed Services Integration Act (1948) - *not in combat roles; ceiling on #s; under 21 require parental consent to enlist; no rank above O-5; male spouses had to prove dependency.*

-DACOWITS (1951) – civilian advisors to DoD

History/Evolution of DEIA (3 of 3)



Civil Rights Legislation (Title VII)

-1960s, Vietnam, Civil Rights movement, EEOC

-Focus is on attaining "equality of opportunity" to work, among other rights.

End of the Draft -1970s

-Military life and work now a choice of an all-volunteer force.

The Business Case for DEI

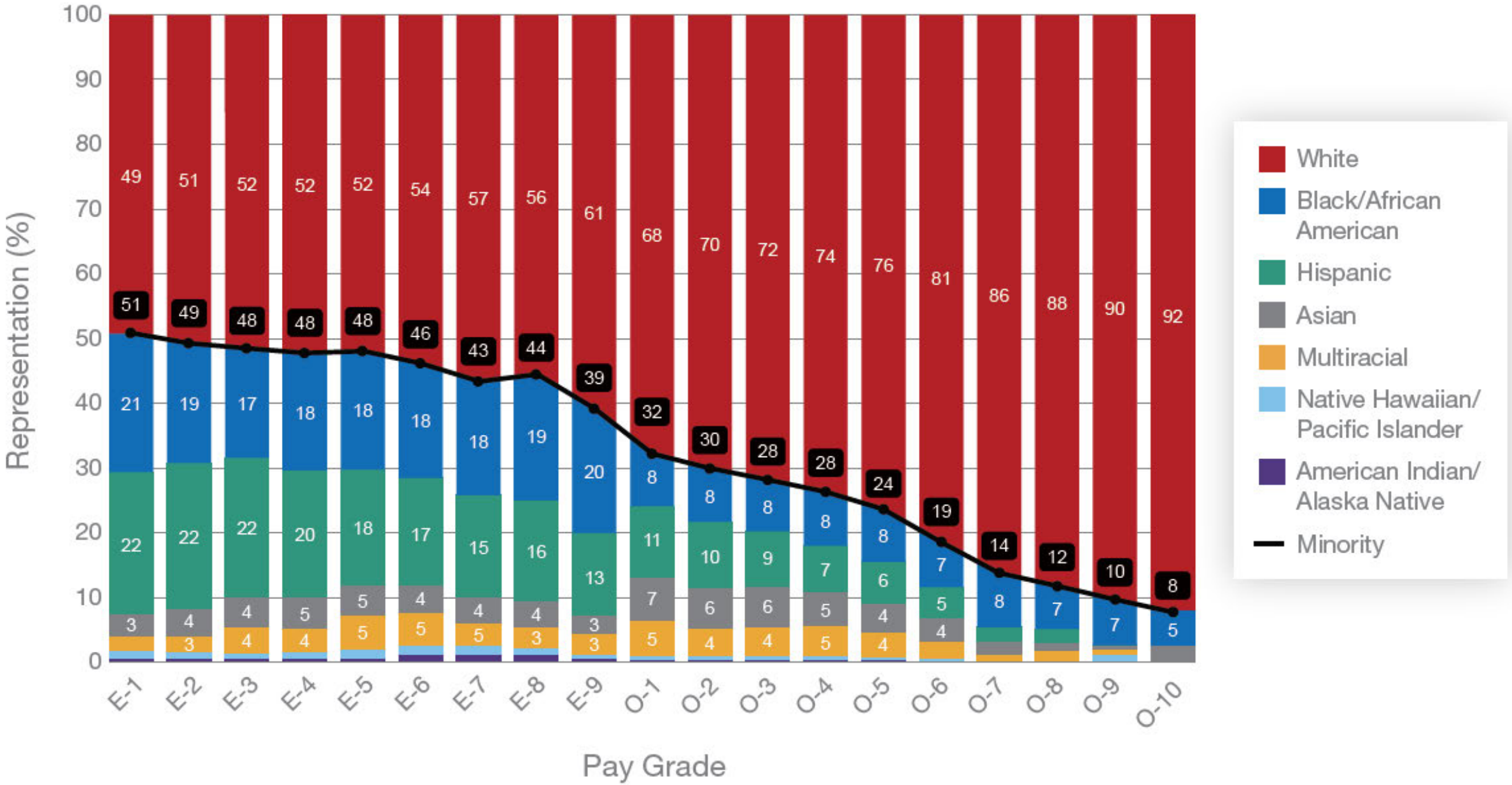
-In 1987, Secretary of Labor commissions study of economic trends.

-*"Workforce 2000"* highlighted upcoming demographic changes, such as slow pop. growth, more minorities/women in workforce, and predicted impact it would have on economy.

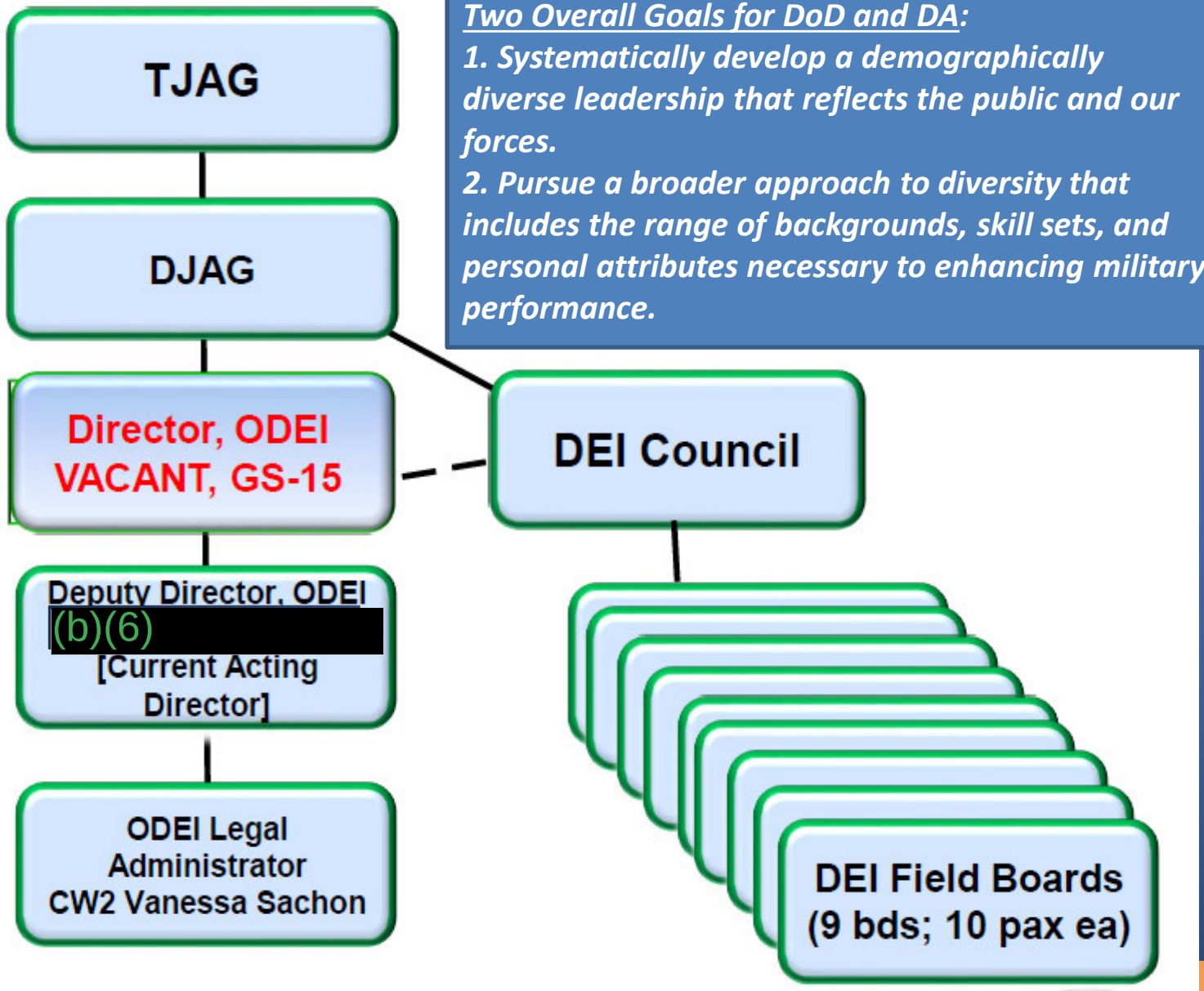
-Companies/private industry began shifting to include more women/minorities in their workforce in order to remain competitive in future.

-Focus shifts to improving retention, measure turnover trends, increase productivity, public image, flex schedules, daycare, non-standard career paths

Figure 3. Racial and Ethnic Representation of Active Component Enlisted and Officer Personnel, by Pay Grade, 2020



JAGC's DEIA Structure & Goals



Two Overall Goals for DoD and DA:

1. Systematically develop a demographically diverse leadership that reflects the public and our forces.

2. Pursue a broader approach to diversity that includes the range of backgrounds, skill sets, and personal attributes necessary to enhancing military performance.

Our DEIA Strategy (draft)

Goal 1: Organizational Action. Demonstrate Leader Commitment, Engagement, and Support for DEI&A in JALS and Army.

Goal 2: Integration. Institutionalize Processes to Recruit, Select, and Retain Soldiers and Civilians from Diverse Backgrounds in JALS.

Goal 3: Training and Education. Develop and/or Implement DEI&A Training and Education in JALS.

Goal 4: Lasting Sustainment. Create and Maintain an Equitable and Inclusive Environment in JALS.

Our Vision: Enable the transformation of policies, practices, programs, and systems that advance DEIA to the fullest extent possible across the breadth (functions) and depth (hierarchy) of JALS.

The Last 12-24 Months

DEI Council (since 2020)

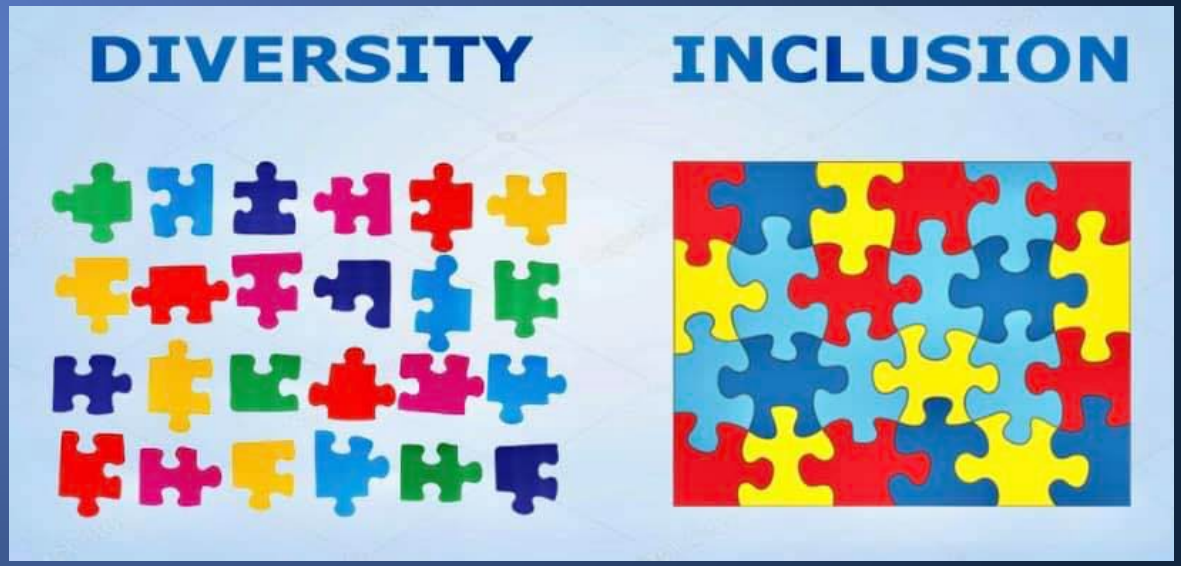
- Recommended the establishment of the ODEI.
- Recommended changes to the FSO report.
- Established the DEI Chair at the LCS.
- Made recommendations on changes to S&S warrant procedures
- Established the DEI Field Boards.
- Conducted survey of JALS
- Met with mentorship affinity groups and retired officers to understand their experience

ODEI (since 2021)

- Conducted data & demographic analysis
- Helped develop bias awareness/interruption training – now implemented in LCS
- Taught approx. 5000 JALS personnel on DEIA
- Established DEIA resource database
- Interface with Army's Project Inclusion
- Drafted DEIA strategic plan, measures of performance, & policy letter
- Established liaison with other services' DEIA professionals
- Hiring action for civilian ODEI director

To Do

- Storyboard Project
- ODEI Coordination w/Mentorship Affinity Groups & Other Agencies
- Training Packages
  - Senior Leader DEIA Training
  - OSJA-level DEIA Training
- New JALS-wide Survey
- Recruitment Initiatives
- More Listening Sessions



Current Challenges

- Comparison Point – What is Benchmark?
  - *Law firms? US Gov Lawyers? State AGs? Law School Enrollment*?
- Does Commitment from Leaders = Commitment from All?
- "Counting" or "Accounting"?
- Labels
- Geographical Assignment Concerns
- Politics, and the Moral v. Business Arguments
- Inertia is still the strongest force, and the Dot reigns supreme

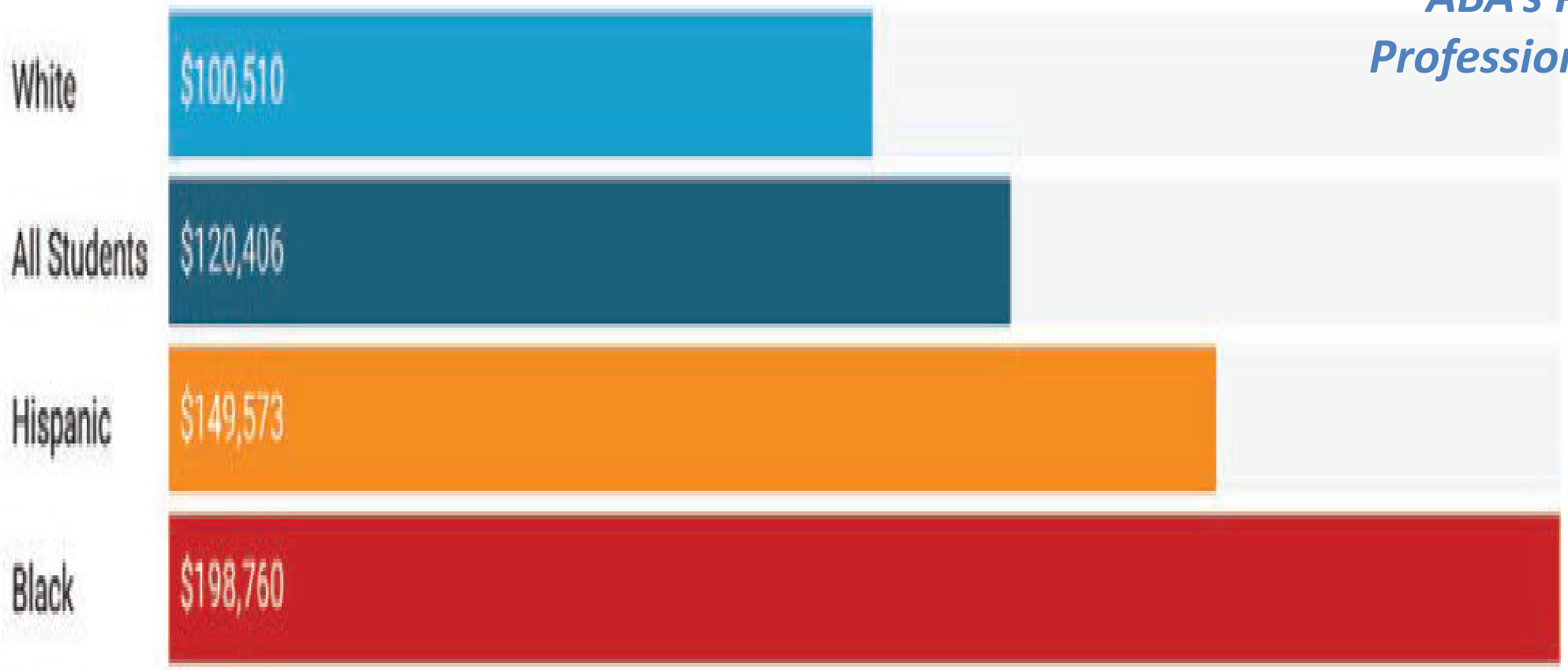
Diversity in the US Population & the Pipeline to Legal Careers

Data from Law School Admission Council

Sex	US population 2019	Bachelor's Degrees Conferred 2018-2019	ABA Applicants 2021	ABA Admitted Applicants 2021	ABA Matriculants 2021	JD Degrees 2021	Lawyers 2020
Female	50.8%	57.4%	56.1%	55.4%	55.9%	N/A	37.4%
Male	49.2%	42.6%	42.1%	42.9%	42.5%	N/A	62.6%

Race/Ethnicity	US Population 2019	Bachelor's Degrees Conferred 2018-2019	ABA Applicants 2021	ABA Admitted Applicants 2021	ABA Matriculants 2021	JD Degrees 2021	Lawyers 2020
Aboriginal or Torres Strait Islander Australian			0.0%	0.0%	0.0%		
American Indian or Alaska Native	0.7%	0.5%	0.4%	0.3%	0.3%	0.5%	
Asian	5.6%	8.2%	8.8%	8.1%	8.1%	6.3%	5.2%
Black or African American	12.4%	10.3%	11.4%	8.0%	7.9%	7.4%	6.8%
Canadian Aboriginal/Indigenous			0.0%	0.0%	0.0%		
Caucasian/White	60.0%	62.3%	52.8%	59.1%	59.3%	62.8%	86.5%
Hispanic/Latinx including Puerto Rican	18.4%	14.9%	10.1%	8.3%	8.2%	12.3%	5.8%
Native Hawaiian or Other Pacific Islander	0.2%		0.1%	0.1%	0.1%	0.1%	
Not Indicated			5.8%	6.0%	5.8%	3.8%	
Some Other Race	0.3%						
Two or More	2.5%	3.9%	10.6%	10.2%	10.1%	3.5%	

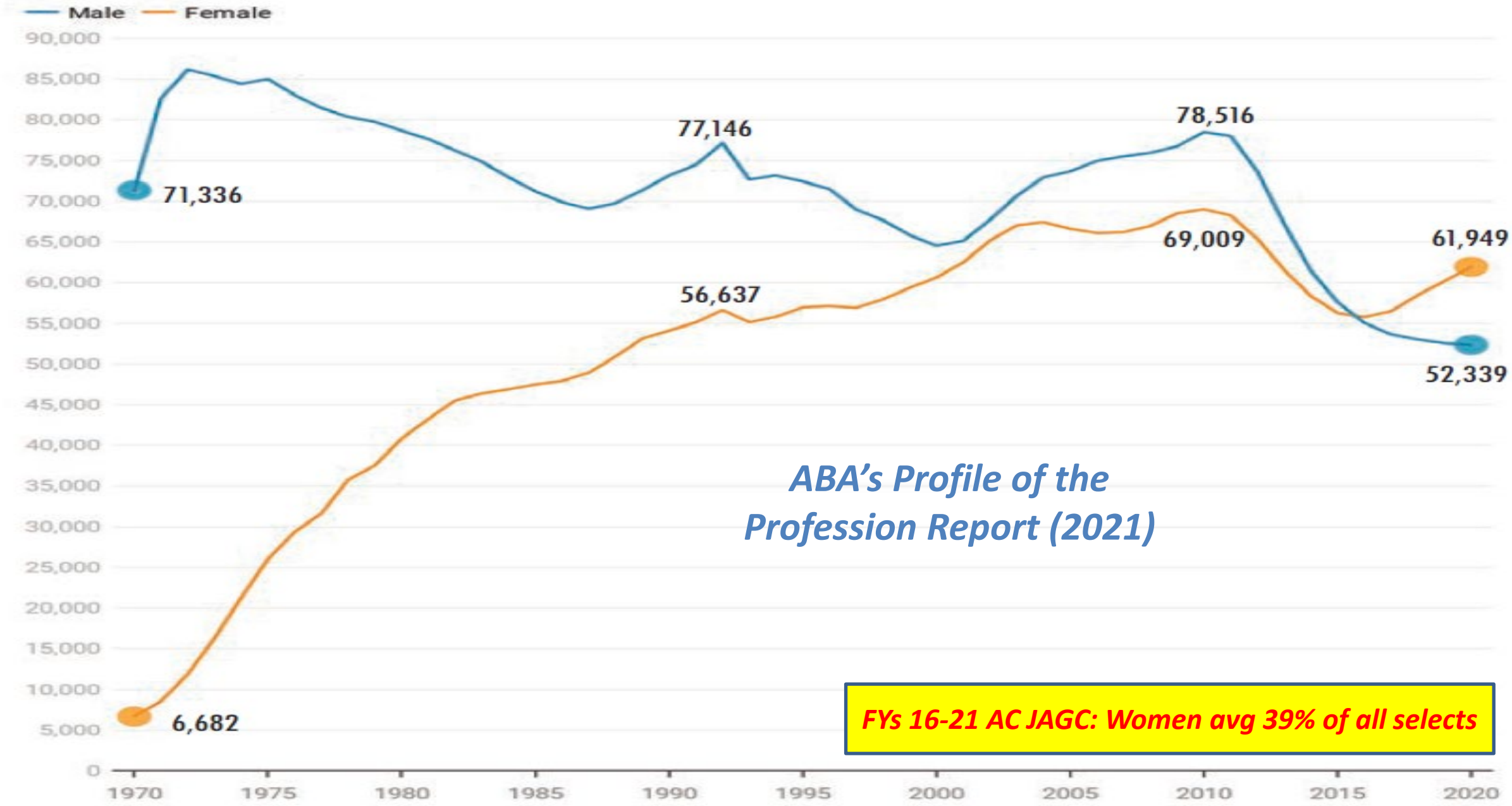
Average Cumulative Student Law School Debt by Race and Ethnicity: 2016



ABA's Profile of the Profession Report (2021)

Not enough available data for Asian students.

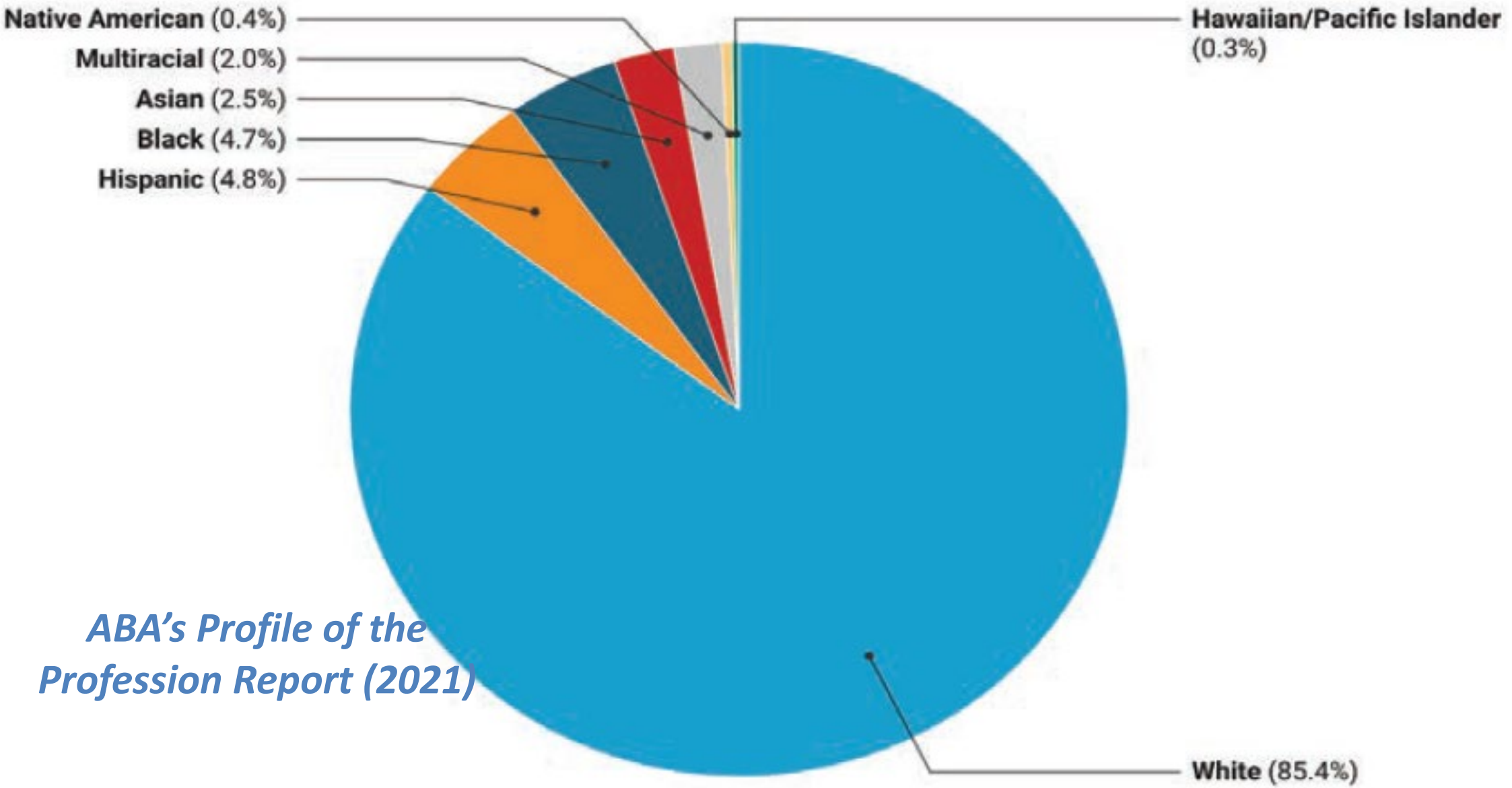
Law School Enrollment by Gender: 1970-2020



ABA's Profile of the Profession Report (2021)

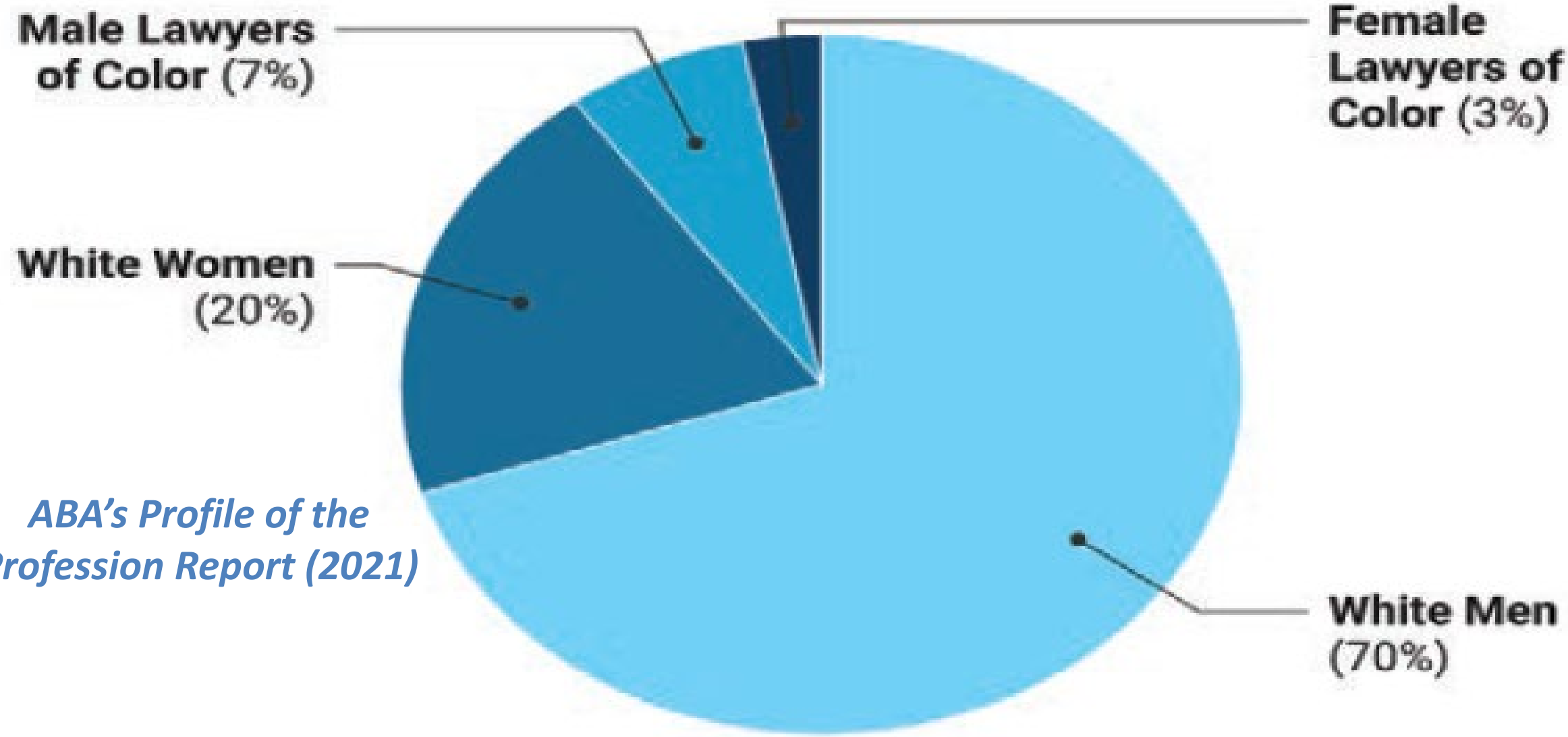
FYs 16-21 AC JAGC: Women avg 39% of all selects

Lawyers by Race and Ethnicity: 2021



ABA's Profile of the Profession Report (2021)

Law Firm Leadership Positions



ABA's Profile of the Profession Report (2021)

What You Can Do: Challenge Your Assumptions

- Army's Bias Awareness/Mitigation – already being done!
- Harvard's Implicit Association Test (IAT) (https://implicit.harvard.edu/implicit/takeatest.html)
- Learn more about Decision Making, Heuristics, & Cognitive Biases (https://thedecisionlab.com/biases)
- Stop & Think Before Deciding:
  - ✓ *"Am I exercising my discretion; if so, have I sufficiently challenged my assumptions in these circumstances before making a decision?"*

What You Can Do: Meaningful Mentorship

- Army's Guidance is in ADP 6-22
- Five Mentorship Affinity Groups (NFEs)
  - ✓Athena's Council, PRIDE Network, Hispanic Mentorship Group, APAN Network, & Buffalo JAGs
- All Army leaders lead teams and mentor personnel.
- Suggestions on How to Mentor Effectively
  - ✓ Share professional experiences & knowledge ("push & pull" approach).
  - ✓ Inform on the organizational culture, highlight the organizational values, & emphasize mentee's role in the organization (public servant).
  - ✓ Provide constructive feedback on strengths/developmental needs.
  - ✓ Be humble, and know who may be a better SME for your mentee.
  - ✓ When in an influential position, seek to sponsor your mentee.

The DEIA End State

- *"You are planting trees whose shade your young folks one day will enjoy."*

- What is required:
  - to act in good faith.
  - to engage in sincere & active listening.
  - to read and learn more about DEIA.
  - to maintain willingness to re-examine behavior.
- This is a journey towards inclusion.

Nation asks for it, the law mandates it, the leadership expects it, and MORE IMPORTANTLY, our team & clientele demand it.

5 Mentorship Affinity Groups (NFEs)

OPEN TO EVERYONE

- **JAGC Hispanic Mentorship Group:**
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- **Buffalo JAGs Mentorship Group**
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- **JAGC Asian-Pacific American Network:**
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- **JAGC Pride Network:**
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- **Athena's Council Mentorship Group:**
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Presentation #6

Building Inclusive Teams



(b) (6)
Director
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

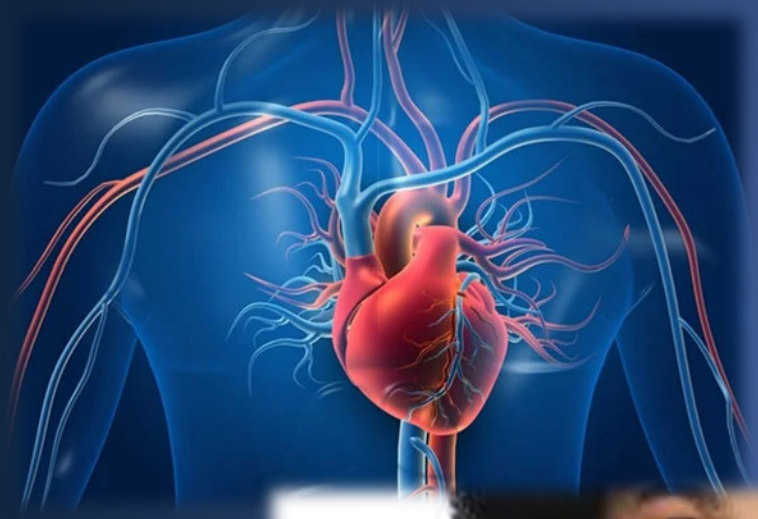
TJAG's Charge

"Are we as inclusive as we can be?"



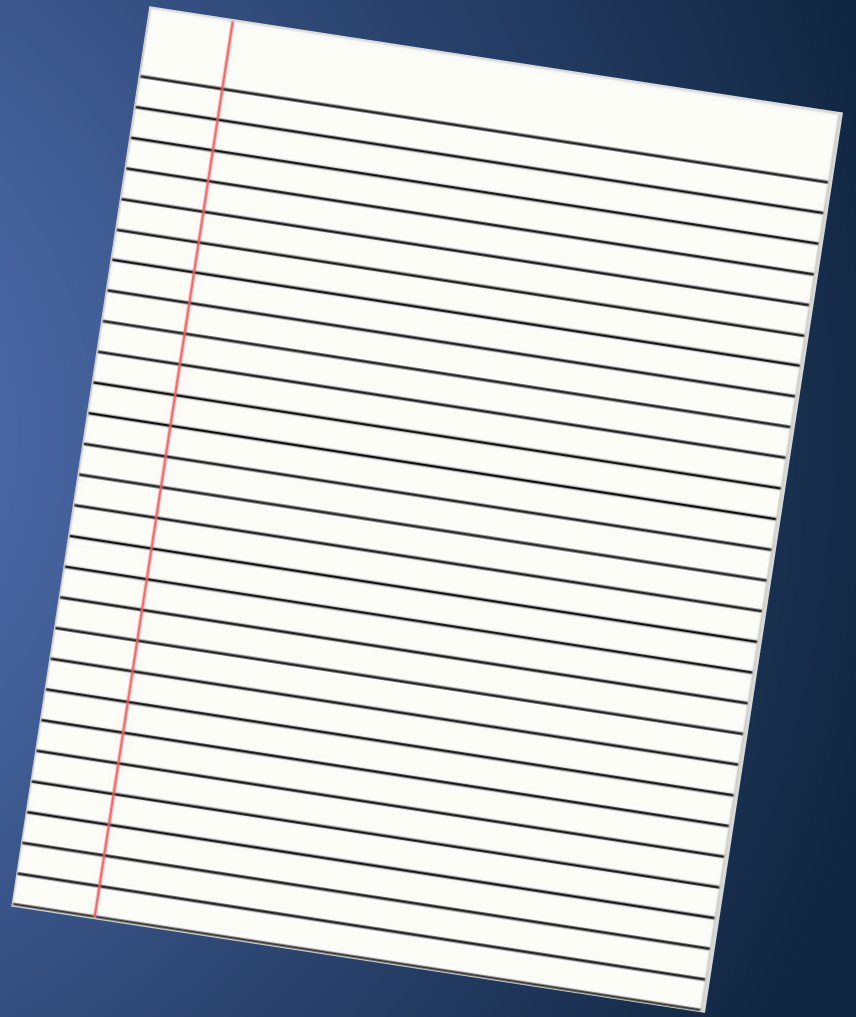
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Use Your Tools







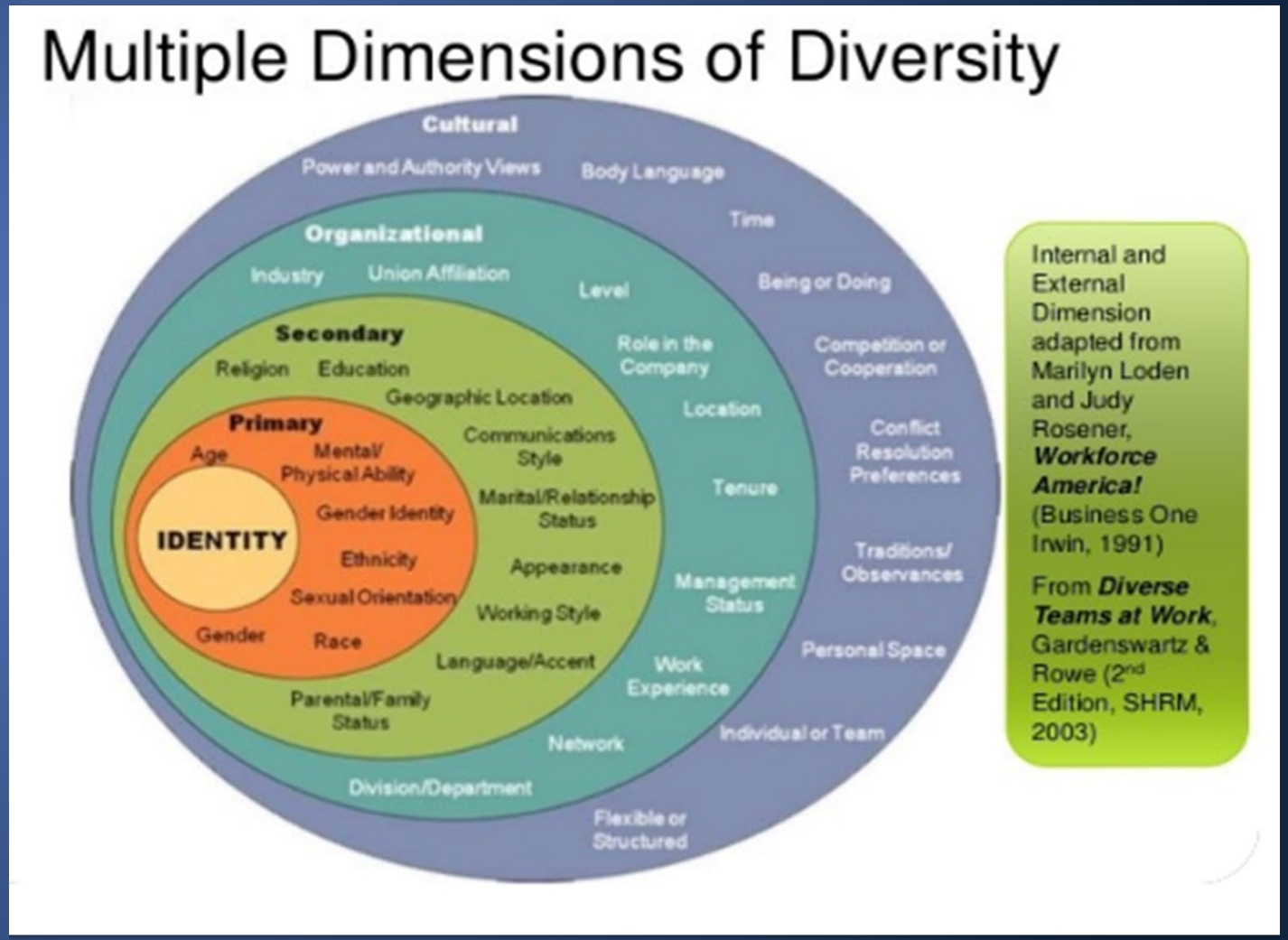


Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

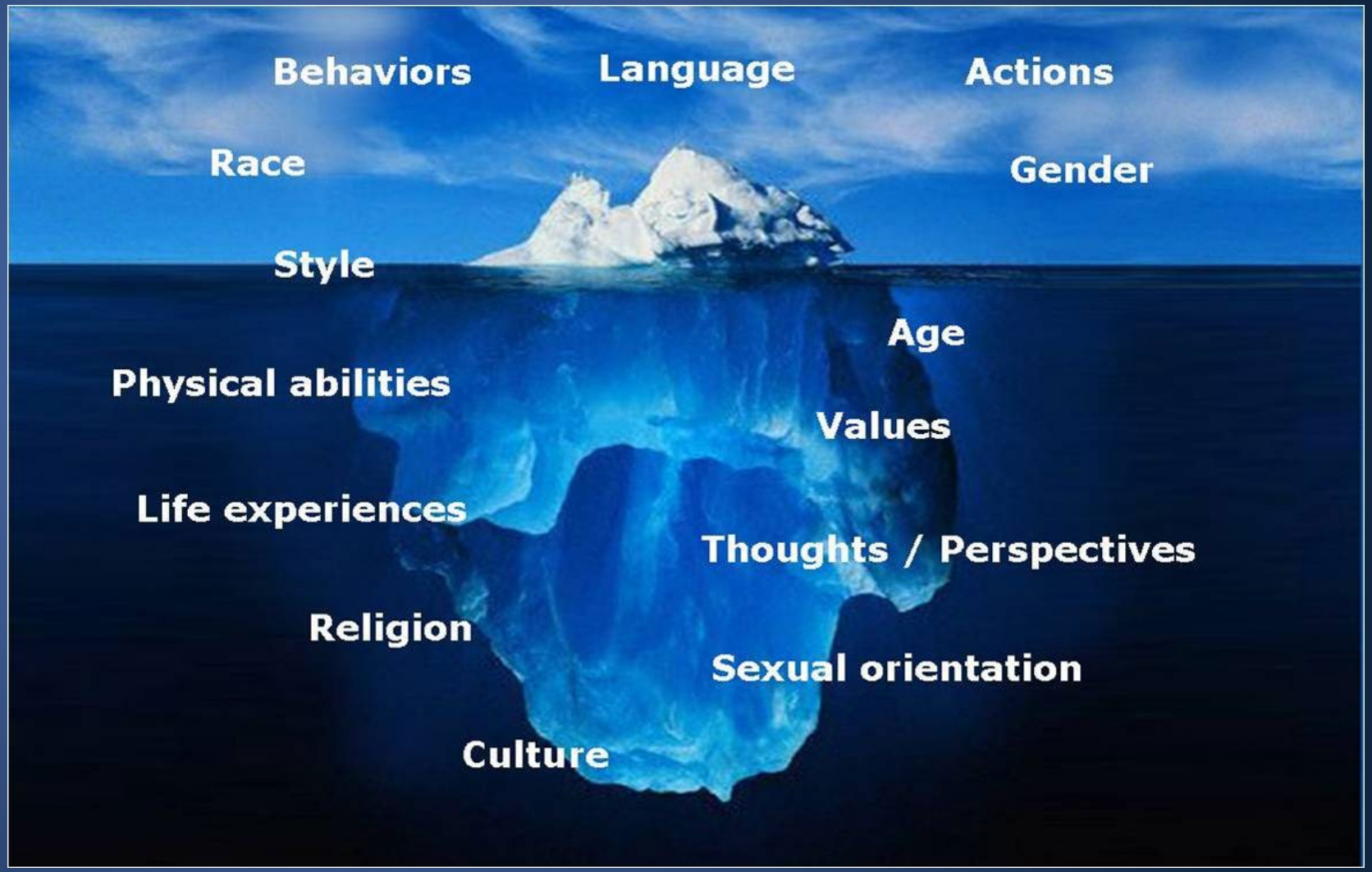
Diversity – What Does it Look Like?

- A mix of differences and similarities that make people unique
- Much broader than just race and gender
- Most companies have diversity, but lack inclusion



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Benefits of an Inclusive Work Environment

- Inclusive work environments produce higher performance
- Increases collaboration
- Increase employee engagement
- Fuels innovation and creativity
- Increases recruiting
- Decreases turnover, increases retention
- Positively impacts the workers' experience
- Decreases complaints

Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Key Demographic Disruptions

- Employee Engagement: Working for a leader who is not inclusive can lead employee to become disengaged, disconnected, and dissatisfied
- Job satisfaction: When employees feel that they have a fair and level playing field to succeed, and when their supervisor is open to their ideas, and his or her actions are aligned with what they say, employees have greater job satisfaction and higher engagement
- Team Performance: Employees who feel included are more likely to go above and beyond the call of duty, they suggest new product ideas, they innovate new ways of getting work done, and they're supportive of one another.

Self-Reflection

- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six 6's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls (& How to Avoid Them)

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #7

DE&I in Mentorship



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

(b) (6), Director

Vacant, Deputy Director

(b) (6), Program Coordinator

(b) (6), Program Specialist

Introduction

- Mentoring is important in the workplace as employers are having a difficult job when it comes to:
  - Engaging employees through a positive workplace culture
  - Creating an inclusive work environment for employees of all backgrounds
  - Equitably providing personal growth
- Implementing a structured mentorship program, or fostering an environment where mentoring relationships form organically, is crucial to creating a diverse, equitable, and inclusive workplace culture
- The benefits of mentorship extend well beyond the domains of individual employee performance, human resources outcomes, or firm performance
- Mentoring programs are powerful tools for cultural change, particularly when it comes to addressing issues of implicit bias or other forms of discrimination in the workplace

Mentorship

According to AR 600-10, *Army Profession and Leadership Policy*, Mentorship is a voluntary and developmental relationship that exists between a person with greater experience (the mentor) and a person with less experience (the mentee), characterized by mutual trust and respect





Why Mentorship Matters

- A large number of empirical studies confirm that positive social connections at work produce highly desirable results
- A survey conducted by Hedrick & Struggles on Mentoring Programs revealed that “more than ¾ of respondents say their most impactful mentoring relationship was either ‘very important’ or ‘extremely important’ to their career development”
- Of the upcoming Gen Z workforce, 73% are motivated to do a better job when they have a mentor that cares
- Companies that leverage mentoring programs to improve representation at the managerial position can improve the representation of ethnic and racial minorities and women by up to 25%

6 Types of Mentorship

1. One-on-One Mentoring
2. Situational Mentoring (Coaching)
3. Developmental & Career Mentoring
4. Reverse Mentoring
5. Group Mentoring
6. Peer Mentoring



One-on-One Mentoring

- Focused on building personal relationships and individual skill building
  - The most traditional type of mentoring
  - Only the mentor and mentee are involved in this type of mentoring
  - Usually a more-experienced individual is paired with a less-experienced or much younger mentee (i.e., Sr. Legal Administrator and WO1; DSJA and Chief of NSLD; Sr. Military Justice Ops NCO and new MJA)

Situational Mentorship

- A person with a special knowledge or a particular skillset helps guide the mentee's learning or improvement of a specific set of skills
- Also referred to as "coaching"
- Unlike mentoring, coaching relies primarily on teaching and guiding to help bring out and enhance current capabilities
- A coach helps those being coached to understand their current level of performance and their potential, and instructs them on how to reach the next level of knowledge and skill

Differences between Mentoring and Coaching

	Mentoring	Coaching
Focus:	Individual Development	Performance Improvement
Role:	no agenda	Specific agenda
Relationship:	Self-selecting	Comes with the position
Source of Influence:	Perceived value	Position
Arena:	Life / Career	Business or sports
Time Frame:	Long term	Short term
Agenda:	Open	Set
Orientation:	relationship related	Task related
Approach:	Non-structured	structured
Personal Objective:	Improved performance	Personal satisfaction

Developmental & Career Mentoring

- This type of mentoring is long-term and typically entails managers and directors who mentor their employees as they progress in their careers over the course of a few years
- This, according to AR 600-100, should include identification of personal goals, organizational goals, objectives, and developmental activities, at minimum

Reverse Mentoring

- The opposite format of traditional mentoring, where the senior leader is mentored by a younger or more junior employee, possibly a new hire
  - It is also known as “upwards mentoring”
  - It’s an avenue for senior members to learn from a junior member who possess skills and/or knowledge they may not have (i.e., a client services paralegal assisting the new attorney with the use of the CIS database)
- Reverse programs are instrumental in helping achieve diversity, equity and inclusion goals by increasing visibility amongst diverse employees with senior leaders and by fostering an environment of acceptance and belonging for the employees of the organization

Group Mentoring

- Group mentoring, also known as “team mentoring” is where one individual acts as a mentor and oversees multiple mentees
  - With group mentoring, usually mentees have a related goal (i.e., JAGC Affinity Mentorship Groups)
  - With group mentoring, group members can help keep one another accountable and help support the learning and development of the other group members
- Helps build community, promotes allyship, and provides a space for employees to share challenges they face and helps them work to overcome them

Peer Mentoring

- Peer mentoring is a relationship between people who are at the same career stage or age, in which one person has more experience than the other in a particular domain
  - Can be a one-on-one relationship or experienced in a group
- Discuss points of interest; share feedback and best practices; provide support; transfer knowledge
  - Participants in this model are usually serving in the same role or department or have shared or similar experiences, whether in their professional or personal lives

Functions of Mentors

- Mentors provide two main functions: career functions and psychosocial functions
  - *Career functions* are meant to help the mentee advance in their career and include coaching, sponsorship, protection, and providing challenging assignments
  - *Psychosocial functions* are meant to enhance a mentee's feelings of competence, identity, and effectiveness
    - They include role-modeling, friendship, counseling, and provides acceptance and confirmation
- Research shows that mentorship is a way to create more opportunities for continued engagement and is a vital component when trying to retain diverse talent and establishing a more diverse and inclusive workplace

Building a Diversity Mentoring Program

- *Choose a goal for the program and communicate it with participants* - A mentorship program should always have a goal or objective
- *Train mentors* - Inclusive mentors will need some extra guidance
- *Pair up employees* - The pairing process is one of the key elements of good mentorship
- *Provide discussion topics and resources* - It's important to help cultivate a connection between a mentor and mentee
- *Check-in with participants and get feedback* - Asking them for feedback will help you determine what is working and what is not
- *Reporting* - Reporting on some key metrics of program effectiveness keeps senior leaders committed to diversity mentoring

DE&I Mentorship Practices

- Facilitate connections to senior leaders, experts in their professional field, and colleagues outside of the mentee's department or team
- Provide access to career opportunities
- Share professional and personal experiences and knowledge
- Inform on the organizational culture, highlight organizational values, and emphasize the mentee's role in the organization and how their experiences can contribute
- Provide constructive feedback on strengths/developmental needs
- Point out opportunities to develop or demonstrate capabilities
- Be humble and know who may be a better SME for your mentee on a specific topic
- Practice being an emotionally intelligent mentor

In Conclusion

- A close working relationship with someone who has succeeded at the highest level is beneficial for any developing professional
- By adopting the right formal structure, mentoring programs are found to be quite effective at improving the movement of especially minority mentees into leadership positions
- Regardless of the type of relationship, mentoring is focused on growth and development
- Having a mentor who's both an objective third-party and an advocate for your growth and development is crucial
- Mentoring relationships are undoubtedly beneficial, but they're critical to advancing your career
- With the support of a mentor, mentees can stay focused on their career, gain confidence, attain goals, and expand their networks

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmailcom
  - https://wwwfacebookcom/jagchispanicmentorship3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmailcom
  - https://wwwfacebookcom/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagcapan@gmailcom
  - wwwfacebookcom/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmailcom
  - https://wwwfacebookcom/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmailcom
  - https://wwwfacebookcom/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

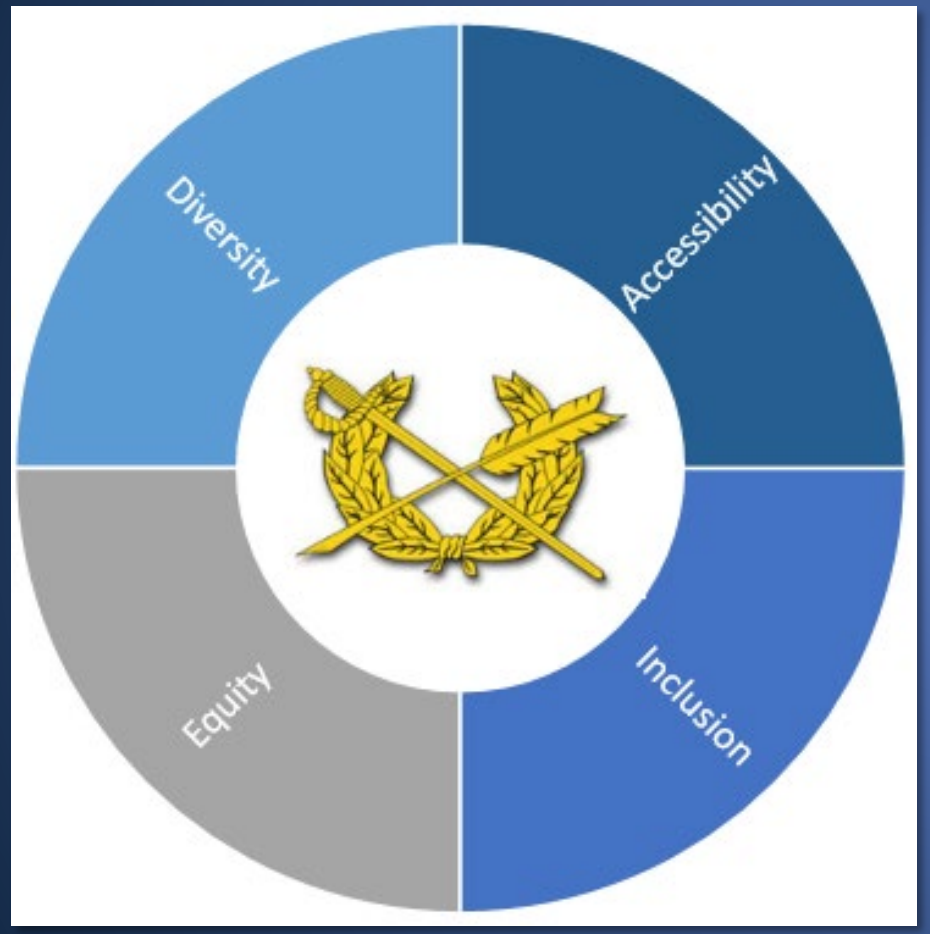
MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #8

DEIA – A Legal-Military Perspective



(b) (6)

Interim Director
Office of Diversity, Equity, and Inclusion
Office of The Judge Advocate General
(b) (6)

Background

- George Floyd and the Summer 2020 Reckoning
- TJAG Established Council on DEI ("DEIC") on 10 July 2020
  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; @16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021; operational since June 2021
  - *"[To] provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS."*
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL or LTC/JA); Program Coordinator (WO/LA)

TJAG's Charge

"Are we as inclusive as we can be?"



Army DEIA

Diversity. Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

Equity. Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force.

Inclusion. Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

Accessibility. Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them.

- For the Army, Diversity isn't about reaching an exact number.
- It's about building high performing and cohesive teams.
- It's about knowing your people – from the unique attributes and characteristics that each Soldier and Civilian brings, to empowering your people as valued members of a team and using their qualities to build readiness and support the mission.

Everyone should be treated with Dignity and Respect!

DEIA Basic Sources for Army Practitioners

All Open Sources

- US Law
  - NDAAs since at least 1997
  - 10 USC §§ 113 & 656
- Executive Orders
  - 13985 (JAN 2021)
  - 14035 (JUN 2021)
- DoD Guidance
  - D&I Strategic Plan (2012-17)
  - DoDI 1020.05 (2020)
  - DoD Report on D&I (DEC 2020)
- ARMY
  - ARs 600-20 (Command Policy), and 690-12 (EEO & Diversity)
  - Army People Strategy (2019)
  - DEI Annex (2020)
- OTHER
  - Interim National Security Strategy (2021)
  - CRS Report on DEI in Military (2019)
  - TJAG Policy Memo 22-11

History/Evolution of DEIA (1 of 3)



1940s–1950s

Armed Forces Desegregation

President's Committee on Civil Rights (est. 1946) investigates the status of civil rights

Fahy Committee (est. 1949) informs military leadership on racial equity and inequity

Manpower needs of the Korean War (1950–1953) catalyzes racial integration

All Armed Forces fully desegregate by 1954



1960s

DoD Diversity and Inclusion Values

Gesell Committee (est. 1962) recommends improvements for practices, structures, and trainings to promote equal treatment of Black/African American Service members

National Advisory Commission on Selective Service (est. 1966) releases Marshall report on racial discrepancies in Vietnam War causalities for Black/African American Service members



1970s–1990s

DoD D&I Implementation

DoD pioneers the Race Relations Education Board (est. 1971) and the Defense Race Relations Institute, which becomes the Defense Equal Opportunity Management Institute (DEOMI)

The Task Force on the Administration of Military Justice in the Armed Forces (est. 1972) investigates discrimination in the military justice system



2000s–2020

D&I in Military Leadership

Military Leadership Diversity Commission (est. 2009) expands beyond diversity toward inclusion, with emphasis on diversity leadership and the personnel lifecycle

Services create D&I policies focused on leadership diversity training and education, recruiting, and accessions

Secretary of Defense directs immediate actions and establishes a Board to promote D&I (2020)

In accordance with FACA, DoD establishes the independent Defense Advisory Committee on D&I (2020)

History/Evolution of DEIA (2 of 3)



Inclusion of Women – WWI to WWII

-WWI and after:

-Nurses and clerks.

-Some were not eligible for retirement/Vet's benefits.

-WWII:

-Acute labor shortages bring women (and minorities) to factories.

-WAAC/WAC/WAVES/SPARs/WASPs/Marines (1942-46) – 350K served.

Inclusion of Women – Post-WWII

-Women's Armed Services Integration Act (1948) - *not in combat roles; ceiling on #s; under 21 require parental consent to enlist; no rank above O-5; male spouses had to prove dependency.*

-DACOWITS (1951) – civilian advisors to DoD

History/Evolution of DEIA (3 of 3)



Civil Rights Legislation (Title VII)

-1960s, Vietnam, Civil Rights movement, EEOC

-Focus is on attaining "equality of opportunity" to work, among other rights.

End of the Draft -1970s

-Military life and work now a choice of an all-volunteer force.

The Business Case for DEI

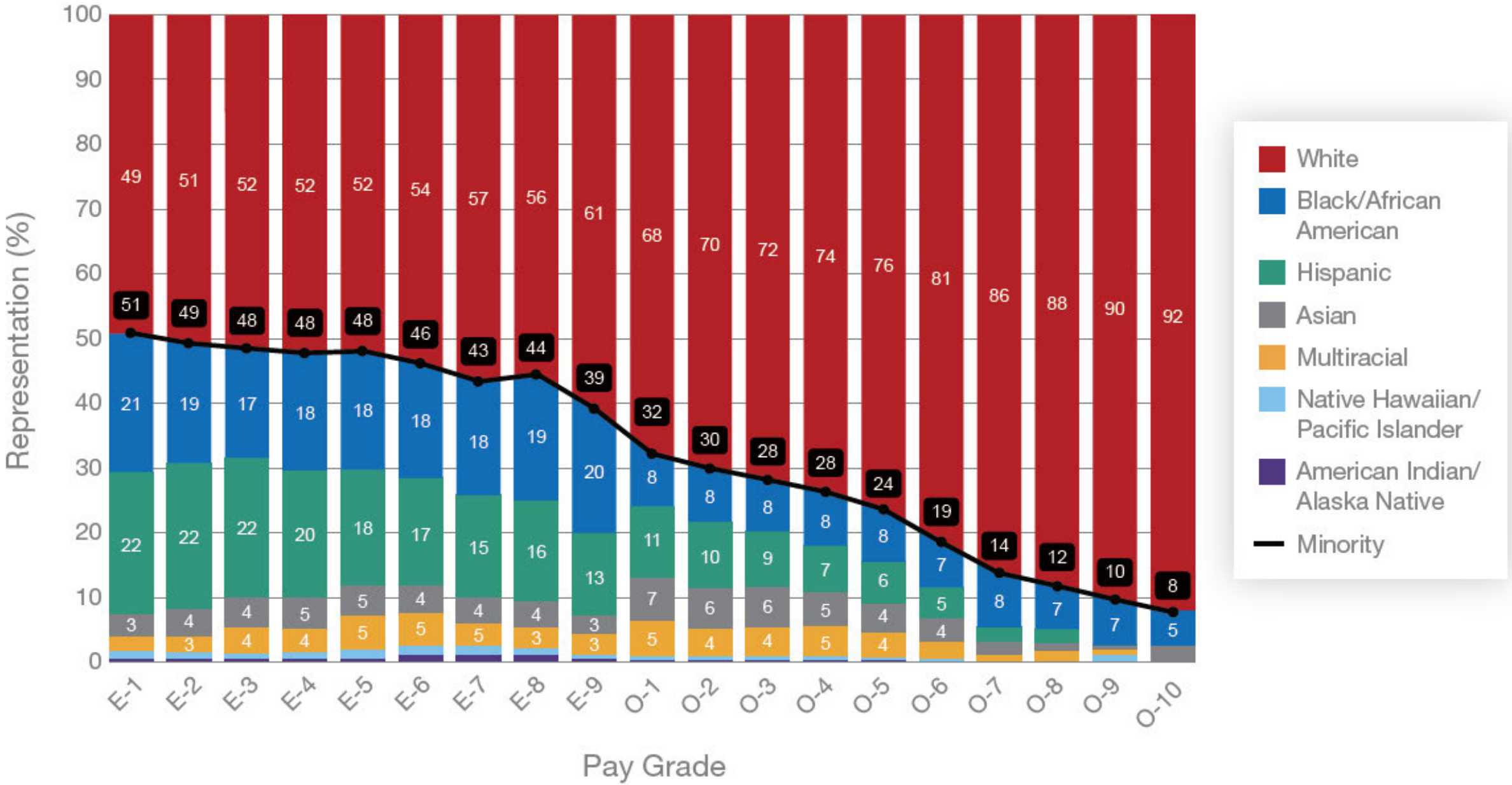
-In 1987, Secretary of Labor commissions study of economic trends.

-*"Workforce 2000"* highlighted upcoming demographic changes, such as slow pop. growth, more minorities/women in workforce, and predicted impact it would have on economy.

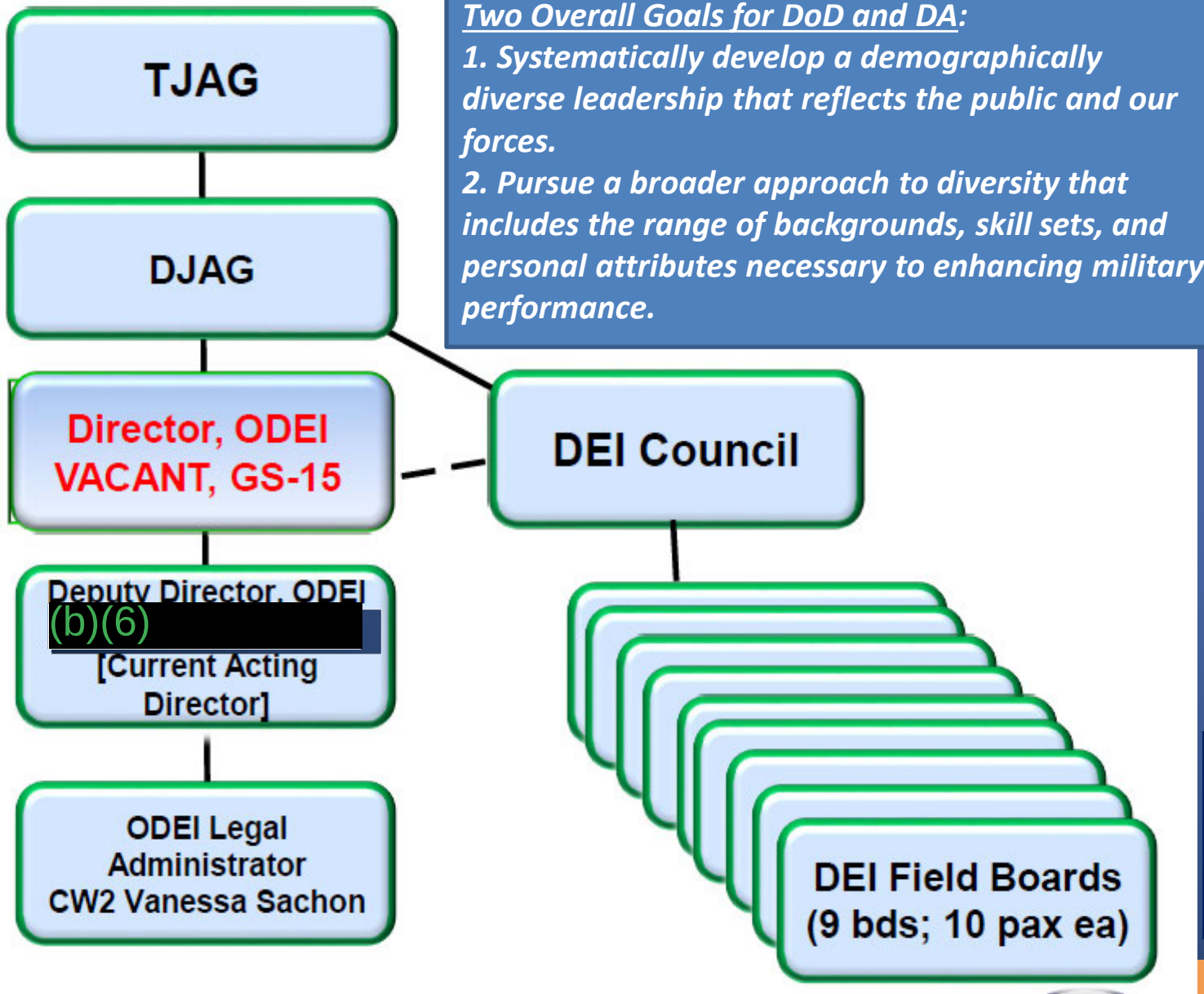
-Companies/private industry began shifting to include more women/minorities in their workforce in order to remain competitive in future.

-Focus shifts to improving retention, measure turnover trends, increase productivity, public image, flex schedules, daycare, non-standard career paths

Figure 3. Racial and Ethnic Representation of Active Component Enlisted and Officer Personnel, by Pay Grade, 2020



JAGC's DEIA Structure & Goals



Two Overall Goals for DoD and DA:

1. Systematically develop a demographically diverse leadership that reflects the public and our forces.

2. Pursue a broader approach to diversity that includes the range of backgrounds, skill sets, and personal attributes necessary to enhancing military performance.

Our DEIA Strategy (draft)

Goal 1: Organizational Action. Demonstrate Leader Commitment, Engagement, and Support for DEI&A in JALS and Army.

Goal 2: Integration. Institutionalize Processes to Recruit, Select, and Retain Soldiers and Civilians from Diverse Backgrounds in JALS.

Goal 3: Training and Education. Develop and/or Implement DEI&A Training and Education in JALS.

Goal 4: Lasting Sustainment. Create and Maintain an Equitable and Inclusive Environment in JALS.

Our Vision: Enable the transformation of policies, practices, programs, and systems that advance DEIA to the fullest extent possible across the breadth (functions) and depth (hierarchy) of JALS.

The Last 12-24 Months

DEI Council (since 2020)

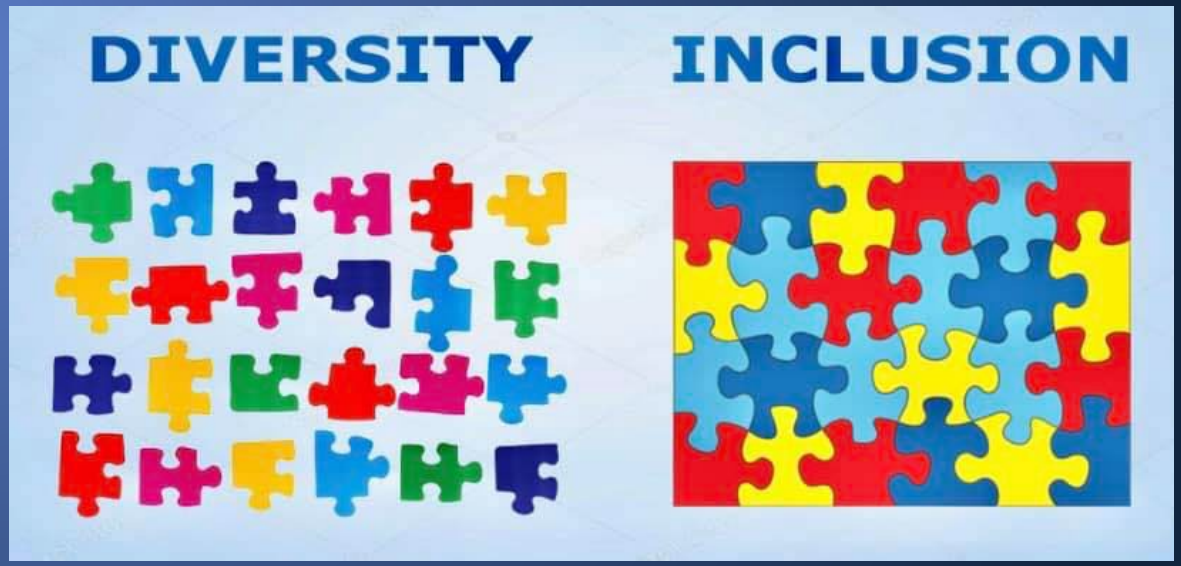
- Recommended the establishment of the ODEI.
- Recommended changes to the FSO report.
- Established the DEI Chair at the LCS.
- Made recommendations on changes to S&S warrant procedures
- Established the DEI Field Boards.
- Conducted survey of JALS
- Met with mentorship affinity groups and retired officers to understand their experience

ODEI (since 2021)

- Conducted data & demographic analysis
- Helped develop bias awareness/interruption training – now implemented in LCS
- Taught approx. 5000 JALS personnel on DEIA
- Established DEIA resource database
- Interface with Army's Project Inclusion
- Drafted DEIA strategic plan, measures of performance, & policy letter
- Established liaison with other services' DEIA professionals
- Hiring action for civilian ODEI director

To Do

- Storyboard Project
- ODEI Coordination w/Mentorship Affinity Groups & Other Agencies
- Training Packages
  - Senior Leader DEIA Training
  - OSJA-level DEIA Training
- New JALS-wide Survey
- Recruitment Initiatives
- More Listening Sessions



Current Challenges

- Comparison Point – What is Benchmark?
  - *Law firms? US Gov Lawyers? State AGs? Law School Enrollment*?
- Does Commitment from Leaders = Commitment from All?
- "Counting" or "Accounting"?
- Labels
- Geographical Assignment Concerns
- Politics, and the Moral v. Business Arguments
- Inertia is still the strongest force, and the Dot reigns supreme

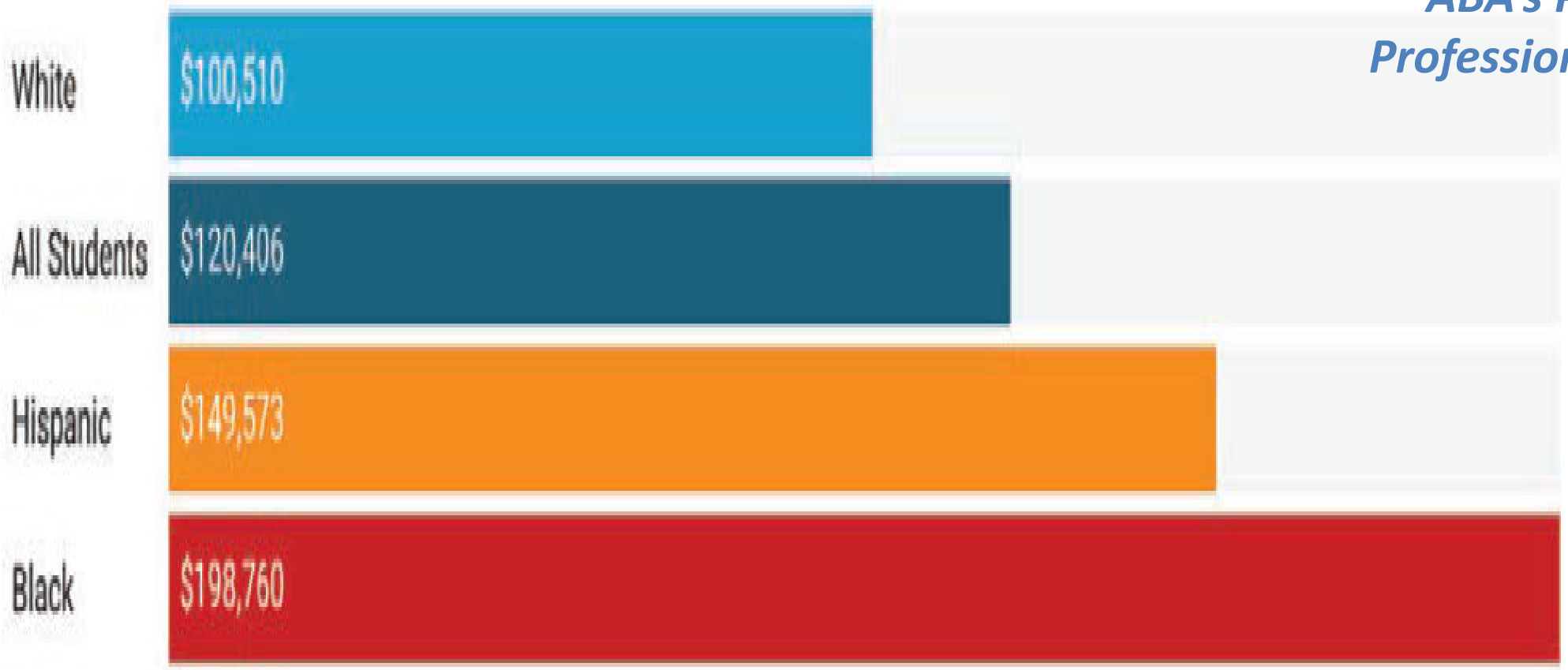
Diversity in the US Population & the Pipeline to Legal Careers

Data from Law School Admission Council

Sex	US population 2019	Bachelor's Degrees Conferred 2018-2019	ABA Applicants 2021	ABA Admitted Applicants 2021	ABA Matriculants 2021	JD Degrees 2021	Lawyers 2020
Female	50.8%	57.4%	56.1%	55.4%	55.9%	N/A	37.4%
Male	49.2%	42.6%	42.1%	42.9%	42.5%	N/A	62.6%

Race/Ethnicity	US Population 2019	Bachelor's Degrees Conferred 2018-2019	ABA Applicants 2021	ABA Admitted Applicants 2021	ABA Matriculants 2021	JD Degrees 2021	Lawyers 2020
Aboriginal or Torres Strait Islander Australian			0.0%	0.0%	0.0%		
American Indian or Alaska Native	0.7%	0.5%	0.4%	0.3%	0.3%	0.5%	
Asian	5.6%	8.2%	8.8%	8.1%	8.1%	6.3%	5.2%
Black or African American	12.4%	10.3%	11.4%	8.0%	7.9%	7.4%	6.8%
Canadian Aboriginal/Indigenous			0.0%	0.0%	0.0%		
Caucasian/White	60.0%	62.3%	52.8%	59.1%	59.3%	62.8%	86.5%
Hispanic/Latinx including Puerto Rican	18.4%	14.9%	10.1%	8.3%	8.2%	12.3%	5.8%
Native Hawaiian or Other Pacific Islander	0.2%		0.1%	0.1%	0.1%	0.1%	
Not Indicated			5.8%	6.0%	5.8%	3.8%	
Some Other Race	0.3%						
Two or More	2.5%	3.9%	10.6%	10.2%	10.1%	3.5%	

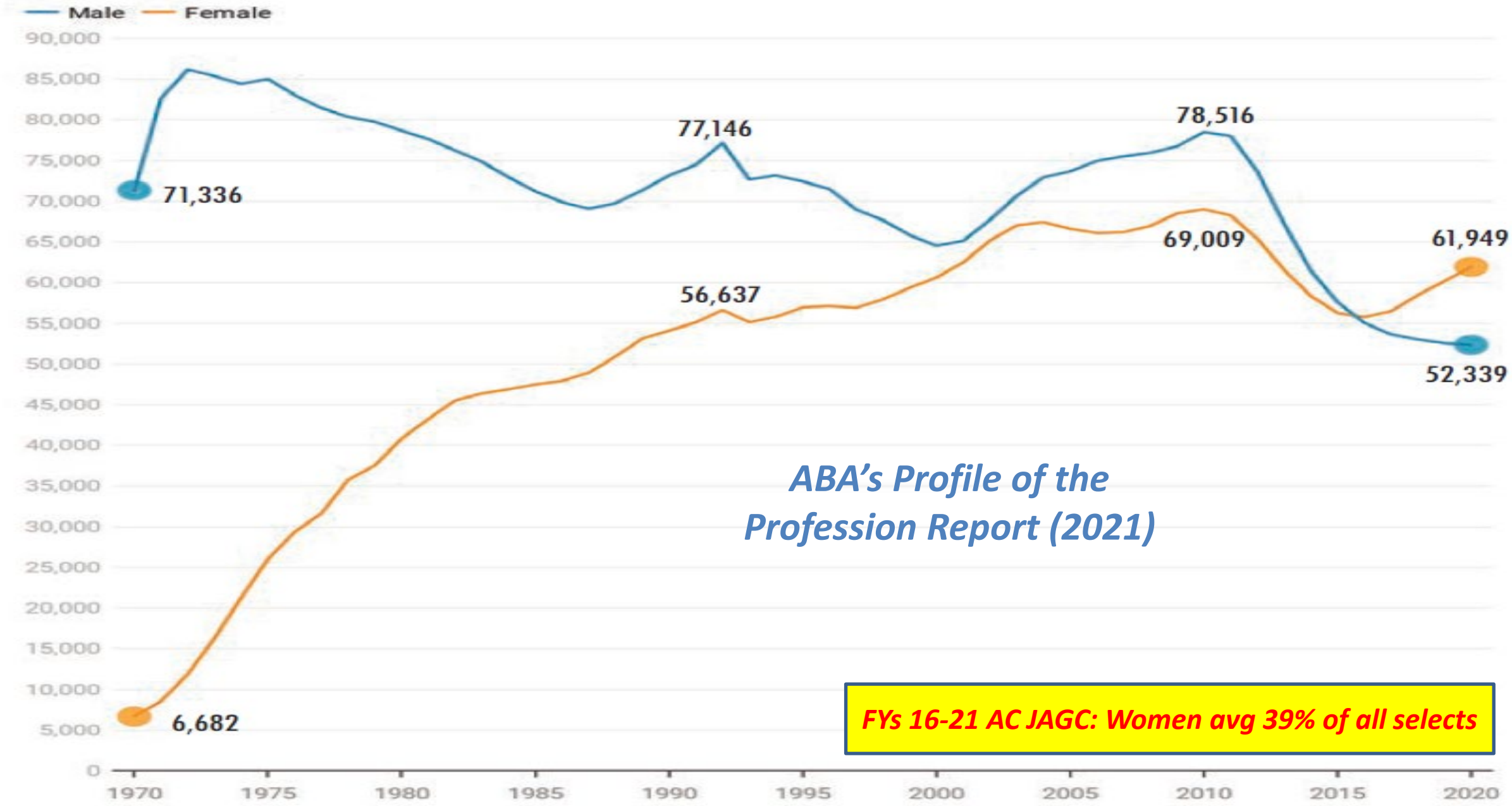
Average Cumulative Student Law School Debt by Race and Ethnicity: 2016



ABA's Profile of the Profession Report (2021)

Not enough available data for Asian students.

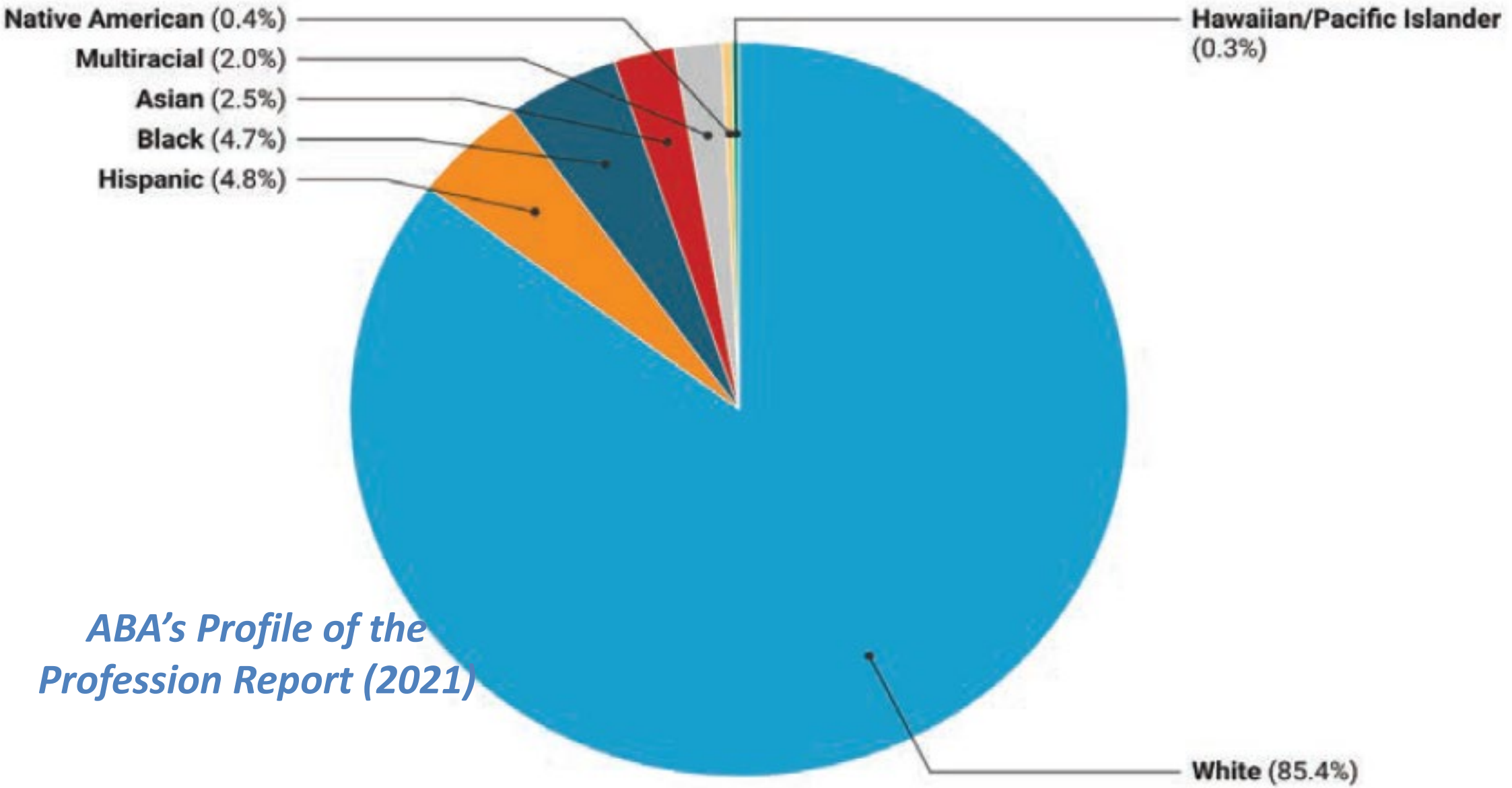
Law School Enrollment by Gender: 1970-2020



ABA's Profile of the Profession Report (2021)

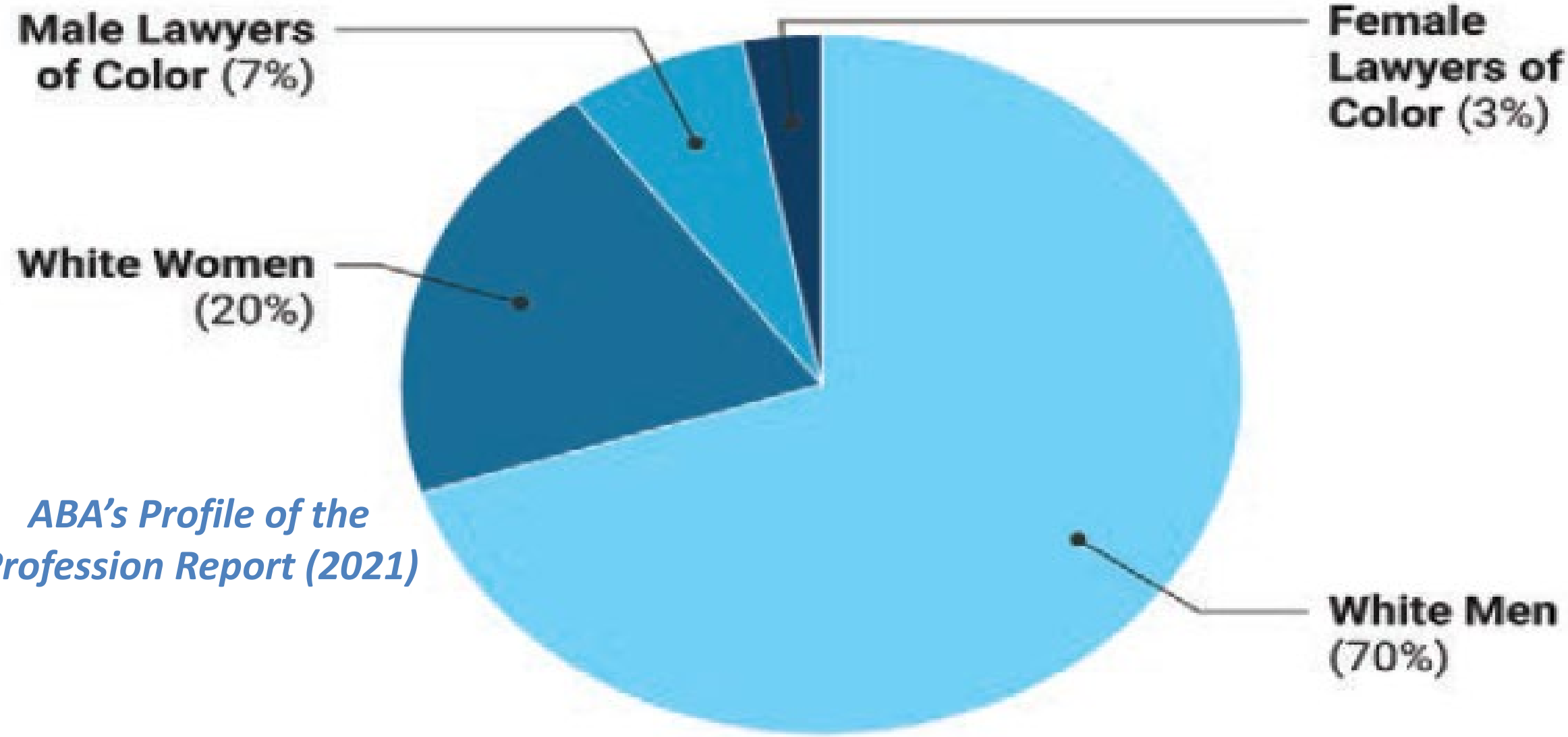
FYs 16-21 AC JAGC: Women avg 39% of all selects

Lawyers by Race and Ethnicity: 2021



ABA's Profile of the Profession Report (2021)

Law Firm Leadership Positions



ABA's Profile of the Profession Report (2021)

What You Can Do: Challenge Your Assumptions

- Army's Bias Awareness/Mitigation – already being done!
- Harvard's Implicit Association Test (IAT) (https://implicit.harvard.edu/implicit/takeatest.html)
- Learn more about Decision Making, Heuristics, & Cognitive Biases (https://thedecisionlab.com/biases)
- Stop & Think Before Deciding:
  - ✓ *"Am I exercising my discretion; if so, have I sufficiently challenged my assumptions in these circumstances before making a decision?"*

What You Can Do: Meaningful Mentorship

- Army's Guidance is in ADP 6-22
- Five Mentorship Affinity Groups (NFEs)
  - ✓Athena's Council, PRIDE Network, Hispanic Mentorship Group, APAN Network, & Buffalo JAGs
- **All Army leaders lead teams and mentor personnel.**
- **Suggestions on How to Mentor Effectively**
  - ✓ Share professional experiences & knowledge ("push & pull" approach).
  - ✓ Inform on the organizational culture, highlight the organizational values, & emphasize mentee's role in the organization (public servant).
  - ✓ Provide constructive feedback on strengths/developmental needs.
  - ✓ Be humble, and know who may be a better SME for your mentee.
  - ✓ When in an influential position, seek to sponsor your mentee.

The DEIA End State

- *"You are planting trees whose shade your young folks one day will enjoy."*

- What is required:
  - to act in good faith.
  - to engage in sincere & active listening.
  - to read and learn more about DEIA.
  - to maintain willingness to re-examine behavior.
- This is a journey towards inclusion.

Nation asks for it, the law mandates it, the leadership expects it, and MORE IMPORTANTLY, our team & clientele demand it.

5 Mentorship Affinity Groups (NFEs)

OPEN TO EVERYONE

- **JAGC Hispanic Mentorship Group:**
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- **Buffalo JAGs Mentorship Group**
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- **JAGC Asian-Pacific American Network:**
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- **JAGC Pride Network:**
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- **Athena's Council Mentorship Group:**
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Presentation #9

Recognizing and Mitigating Bias



(b) (6)

ROADMAP

How does decision making work?

What is cognitive bias?

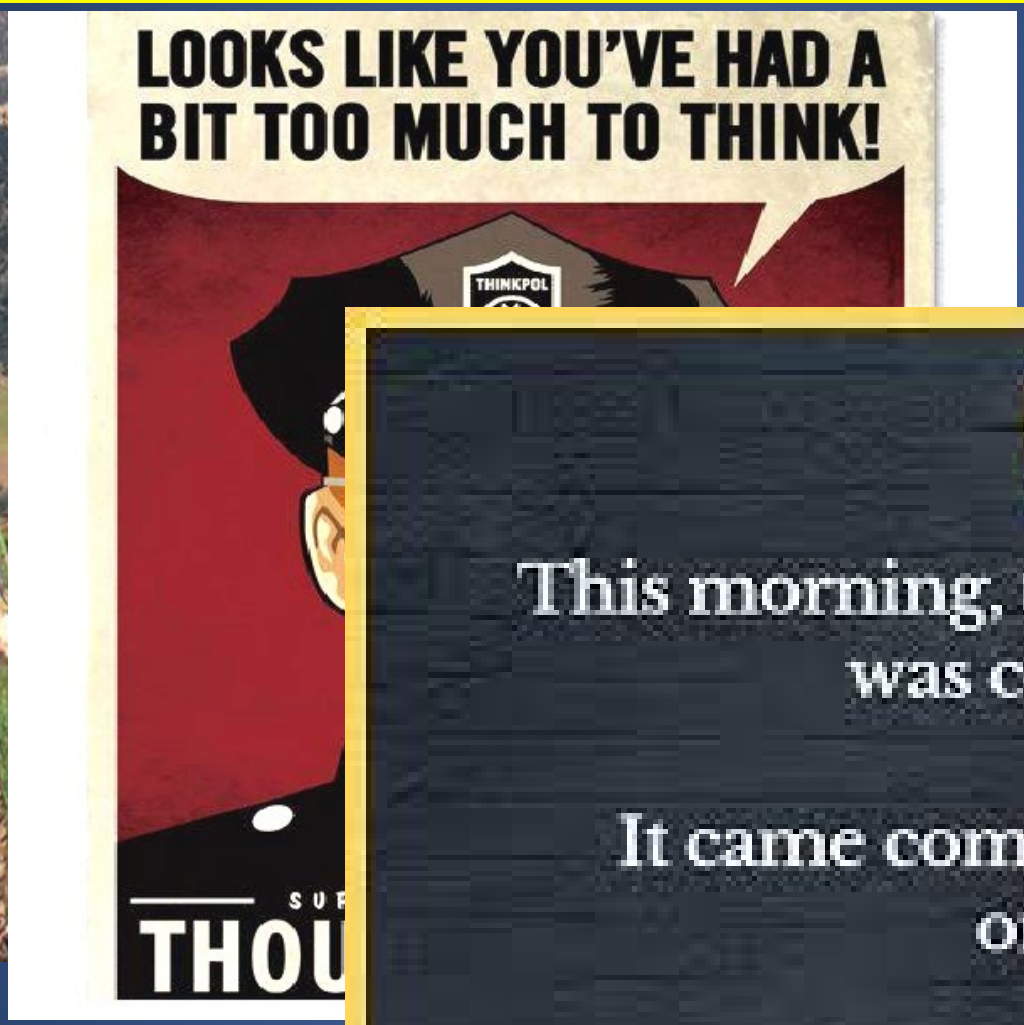
Why Implicit Bias training?

How it can influence your work

Mitigation

WHAT THIS CLASS IS NOT







Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

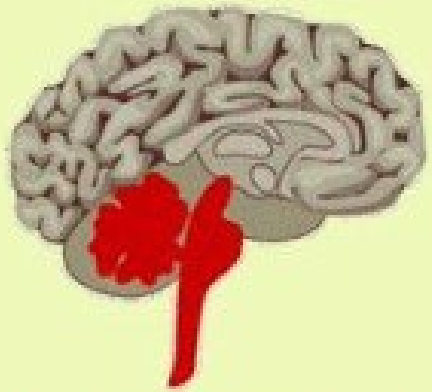
Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

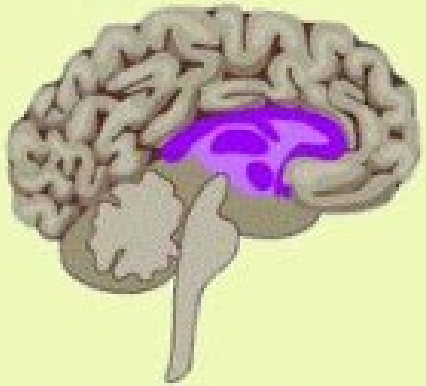
Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

How does the brain work?

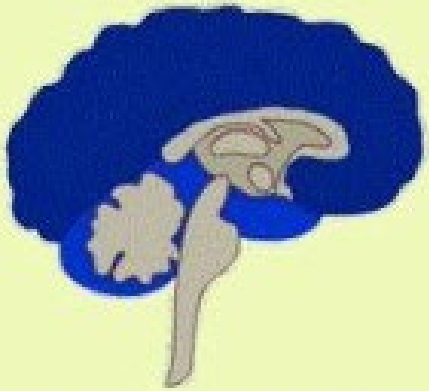
The Three-Parted Brain



Lizard Brain
(Brain stem and cerebellum)
Autopilot
Fight & Flight



Mammal Brain
(Limbic System)
Emotions
Memories
Habits
Attachments

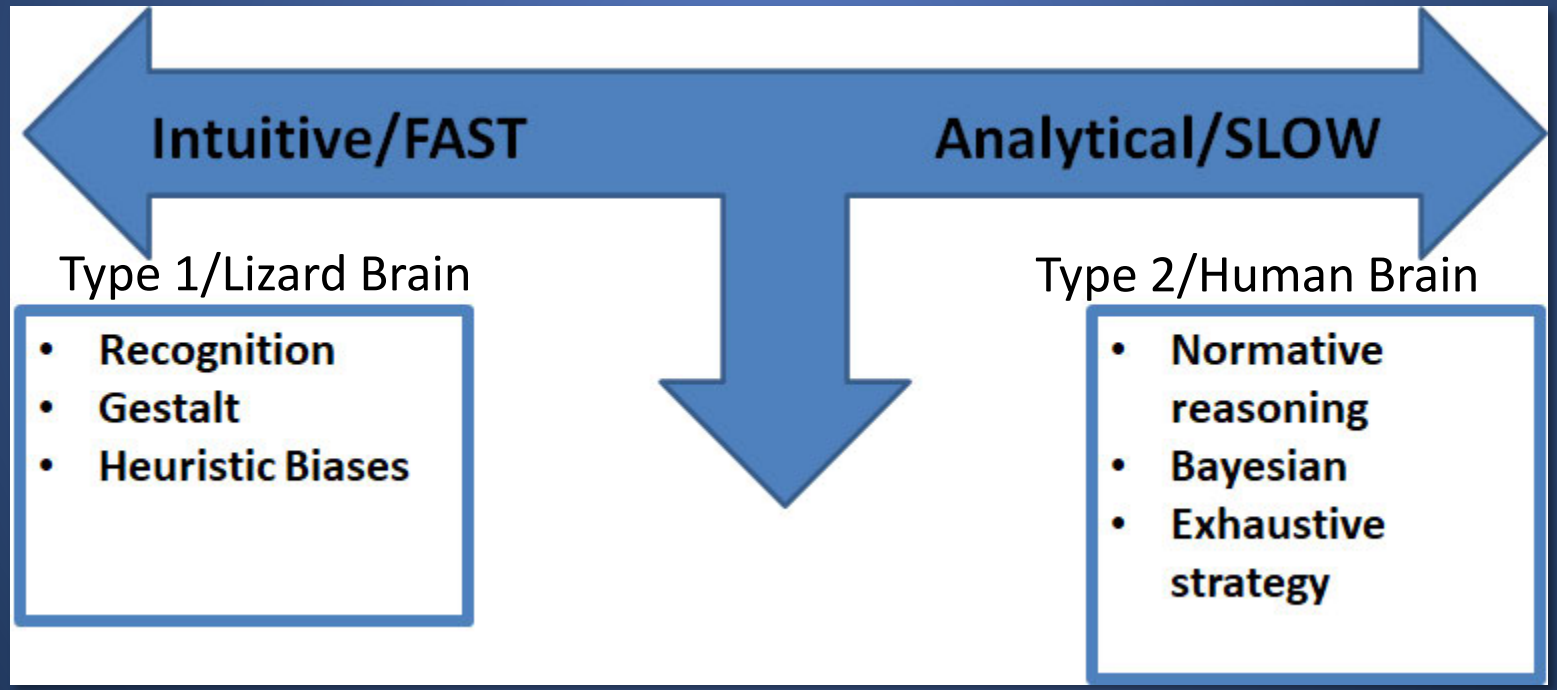


Human Brain
(Neo-Cortex)
Language, abstract thought, imagination, consciousness, reasoning, rationalising

(From Paul D. MacLean's model of the "Triune Brain")

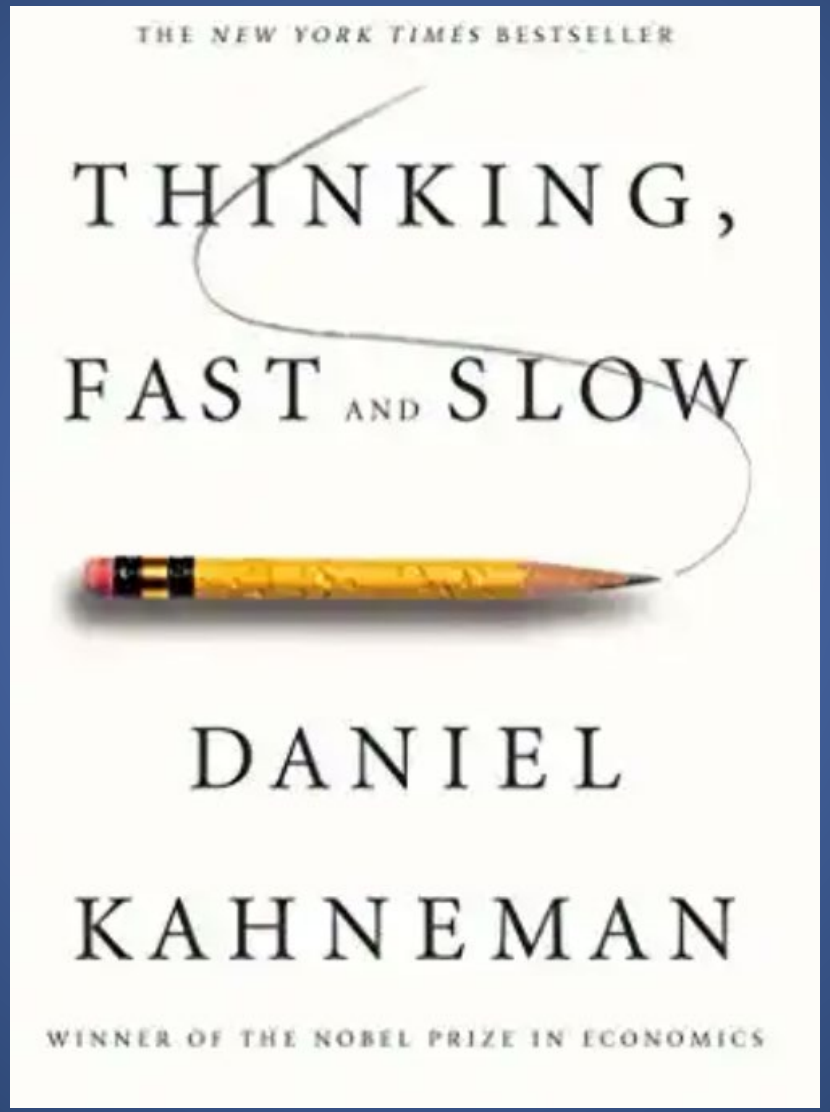
Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

For further reading…



Your Brain Hard at Work:

Practical Exercise #1

Which dog is more aggressive?



1



2

Heuristics

Heuristics

Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

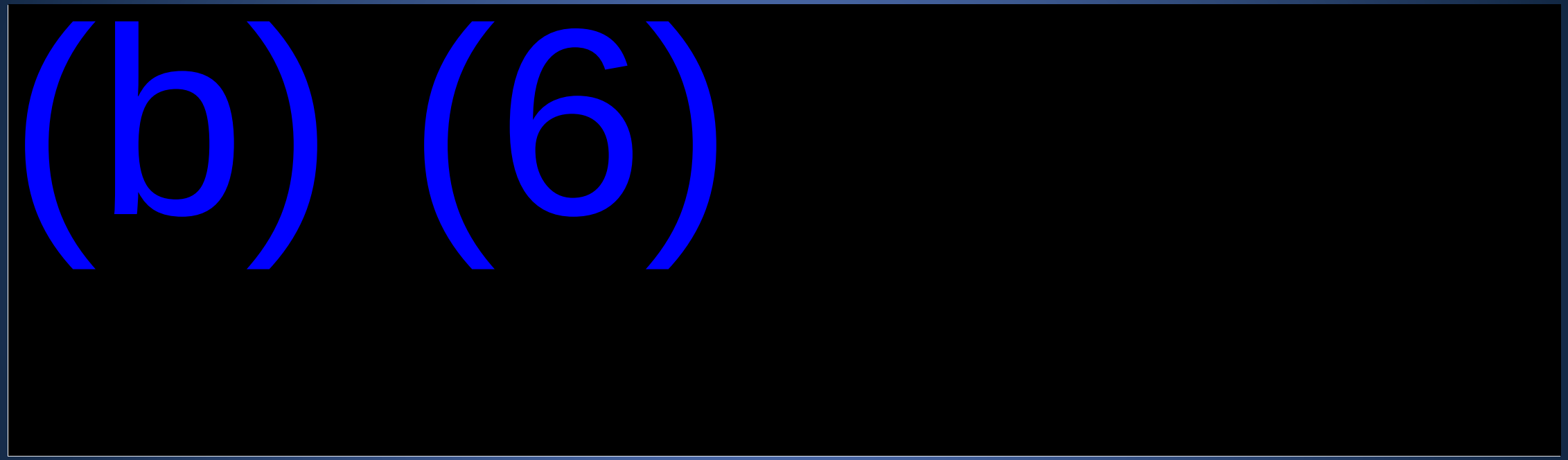
- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

Your Brain Hard at Work:

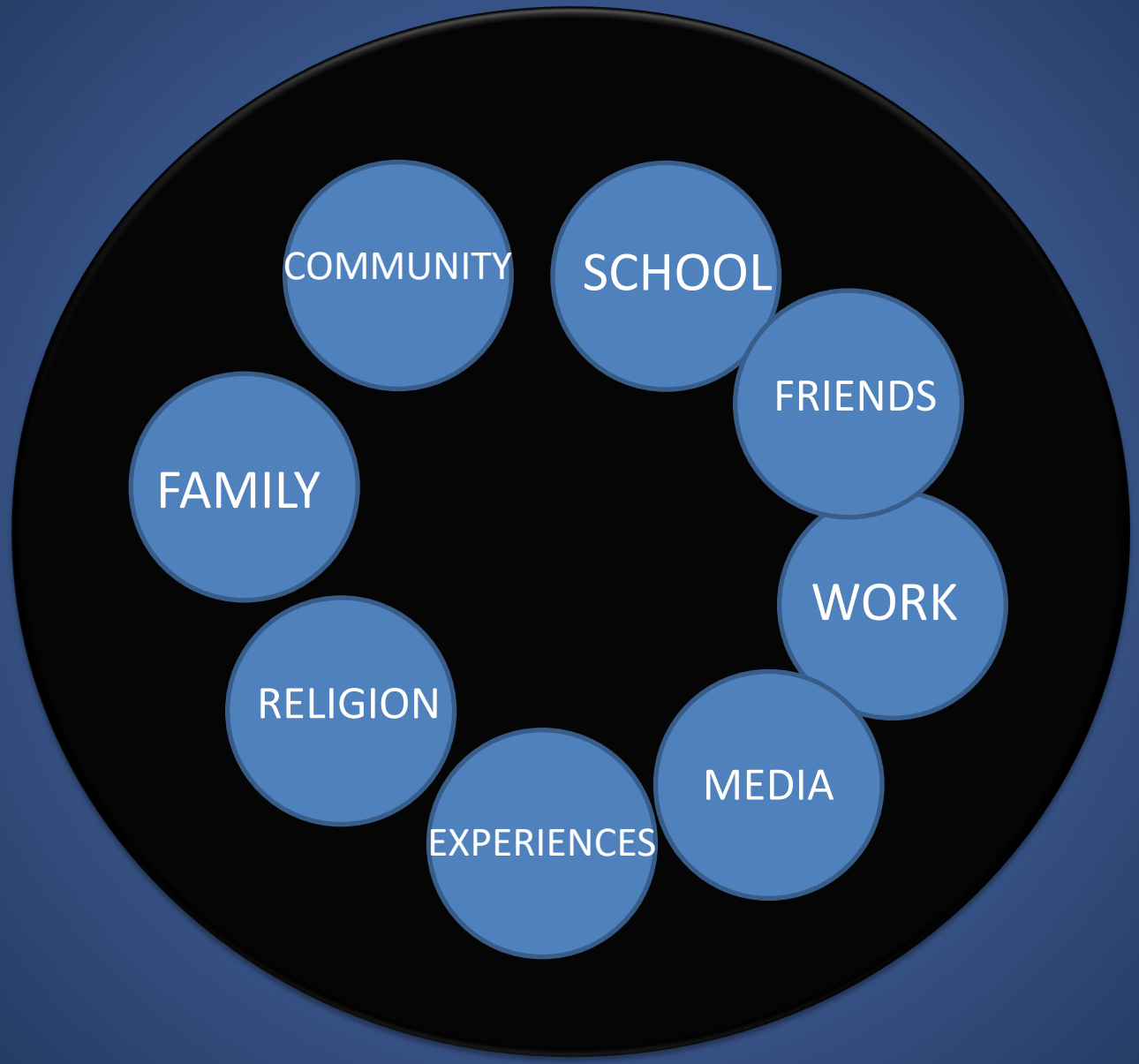
Practical Exercise #2

Who do you want to watch your kids?



1 2 3 4

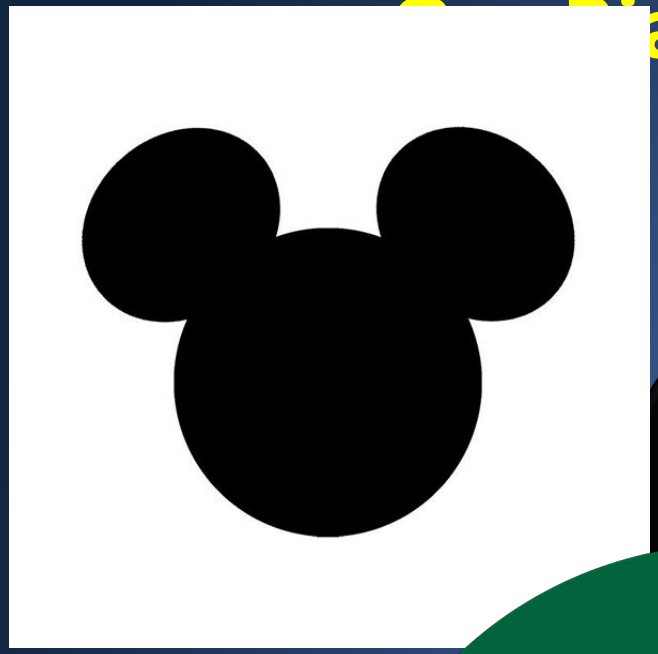
Our Heuristics Come from Our Environment



Who’s always driving this van?



Our Biases Come from Our Environment





TM




COPS



Explicit vs. Implicit Bias

Explicit Bias: "attitudes and beliefs we have about a person or group on a conscious level"

Implicit Bias: "The brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness."

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

More Heuristics in Practice

Hypothetical

CPT Stone, commander of HHC, gets a call from 1LT Timmons, one of his platoon leaders. 1LT Timmons is his best performing PL, and has served with CPT Stone for 18 months. 1LT Timmons tells CPT Stone that he received an allegation of misconduct.

- PVT O'Neal alleges that SPC Steele has been maltreating him.
- 1LT Timmons has looked into the matter and says there is no issue.
- CPT Stone listens to 1LT Timmons's explanation and trusts 1LT Timmons's judgment.

Hypothetical (Continued)

CPT Stone reports the maltreatment allegation to his BN commander, LTC Boggs.

- LTC Boggs has recently completed another maltreatment investigation from another company where the alleged victim eventually admitted that she exaggerated her allegations because she felt her supervisor was too hard on her. He is dubious of this new allegation and asks about PVT O'Neal's duty performance.

Heuristics: Bias by any other name…

Emotional Bias

Negative or positive feelings towards Soldiers influences view of case of disposition (counter-transference)

E.g Soldier with background notable for previous Art 15 for disrespect, saying they didn't say what they're accused of saying, …… "Yeah, they said it"

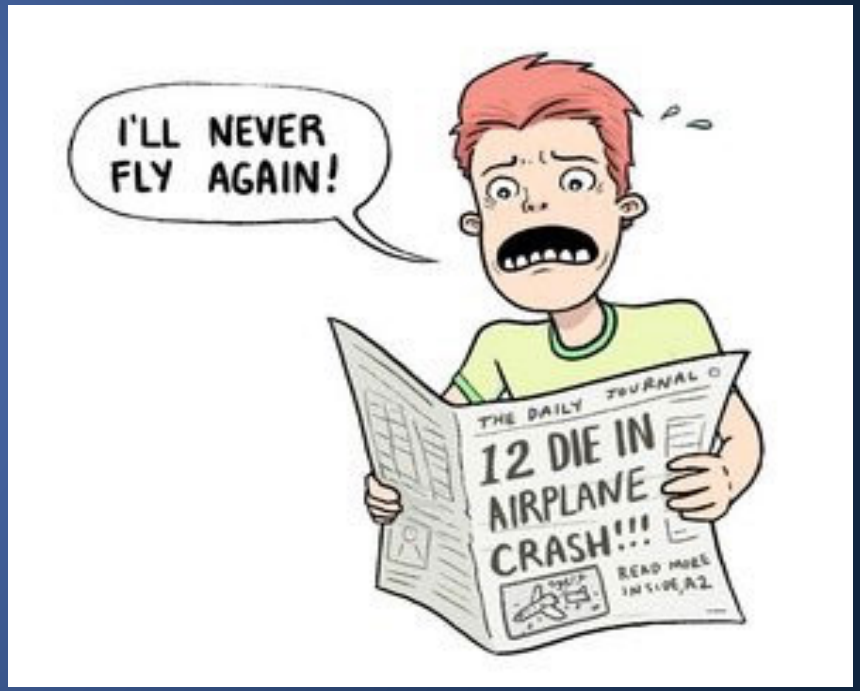


Heuristics

Availability Bias

Recall a similar situation, case, or other information because it happens to be a recent experience or comes to your mind quickly

E.g. A commander's incident report lands are your desk. While scanning the report you notice many details similar to a case you were briefed on last week. You know how this case will play out because it's a "fresh" and "available" entity in your mind.



Hypothetical (Continued)

LTC Boggs, in accordance with policy, sends an initial report to COL Larson, the BDE commander.

- “Sir, looks like we have another one. All indications are that the low performing Soldier is trying to deflect from his deficiencies by pointing a finger at a great young trooper. I can get you more information as we go along.”
- COL Larson: “Boggsy, I got it. Get with JAG so we can close this out, but I fully understand what is going on.”

Heuristics

Anchoring Bias

Focus on features in the Soldier's initial presentation or first bits of information too early in the investigative process without adjusting the charges or desired outcome when further information is/becomes available.

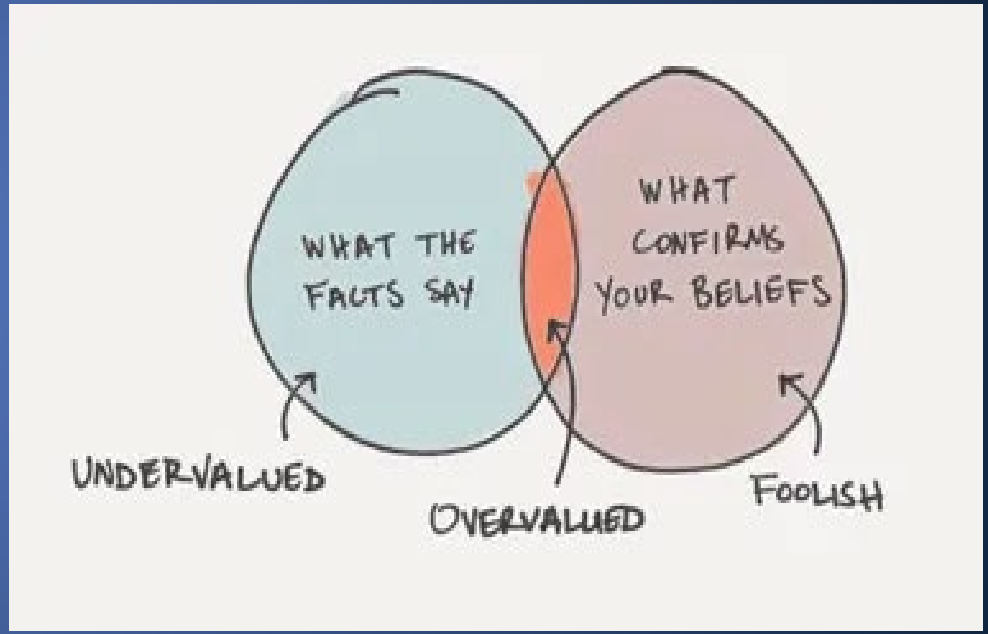


Heuristics

Confirmation Bias

Notice and consider only the facts and details that favor our hypothesis and ignore aspects inconsistent with it.

Example: A Soldier with a history of …… charges, upon file review, you only look for the instances that strengthen your belief about the Soldier.

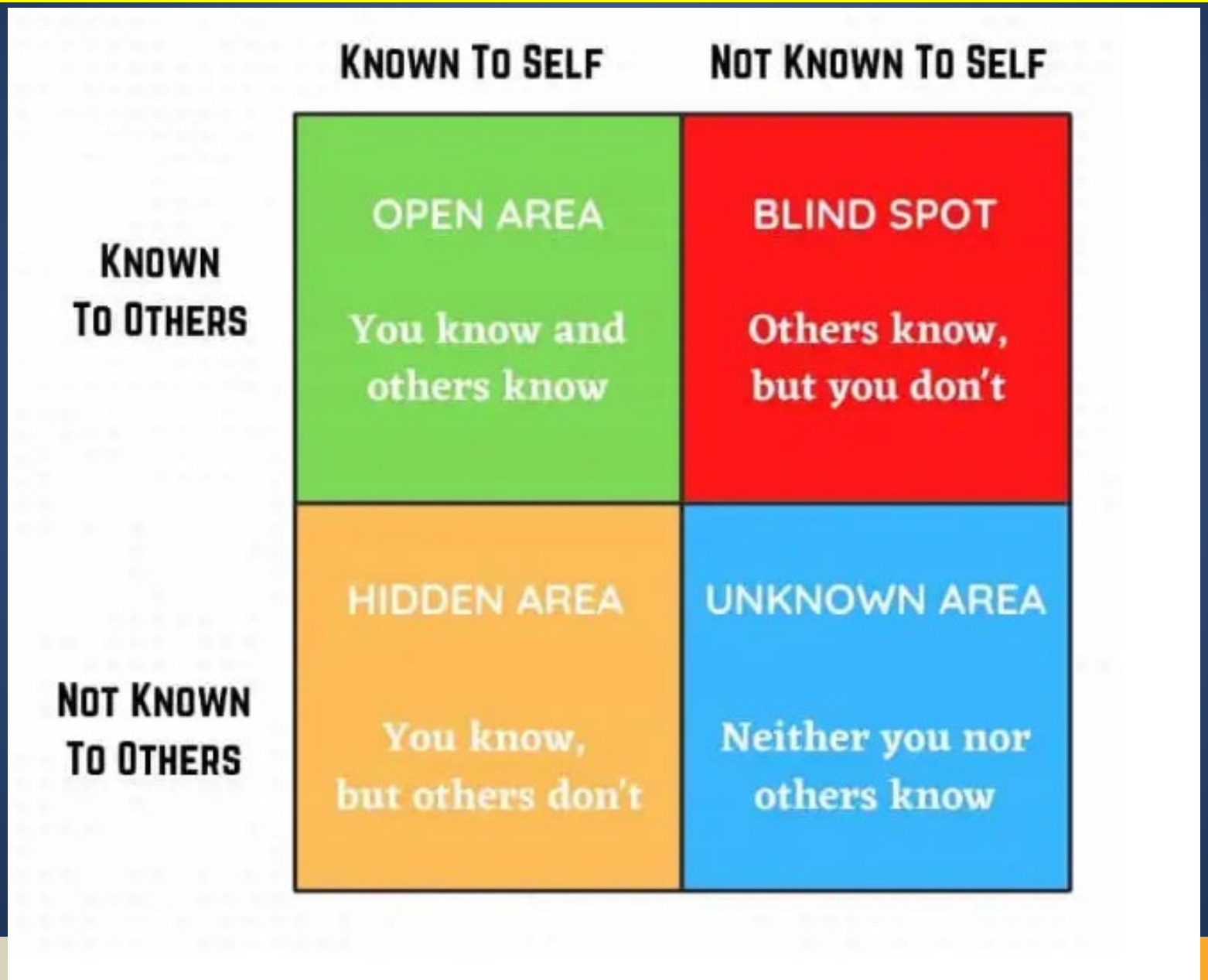


Edgar & Edgar 2016, Nickerson 1998

IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

Johari Window



EVERYONE Has Implicit Biases

Everyone has unconscious biases that influence their worldview and decision making

Harvard University's Implicit Association Test (IAT)

- Web-based
- Association of different racial groups with negative words, or weapons
- Just an indicator; can reveal patterns and tendencies among large groups of people
- implicit.harvard.edu/implicit/takeatest.html

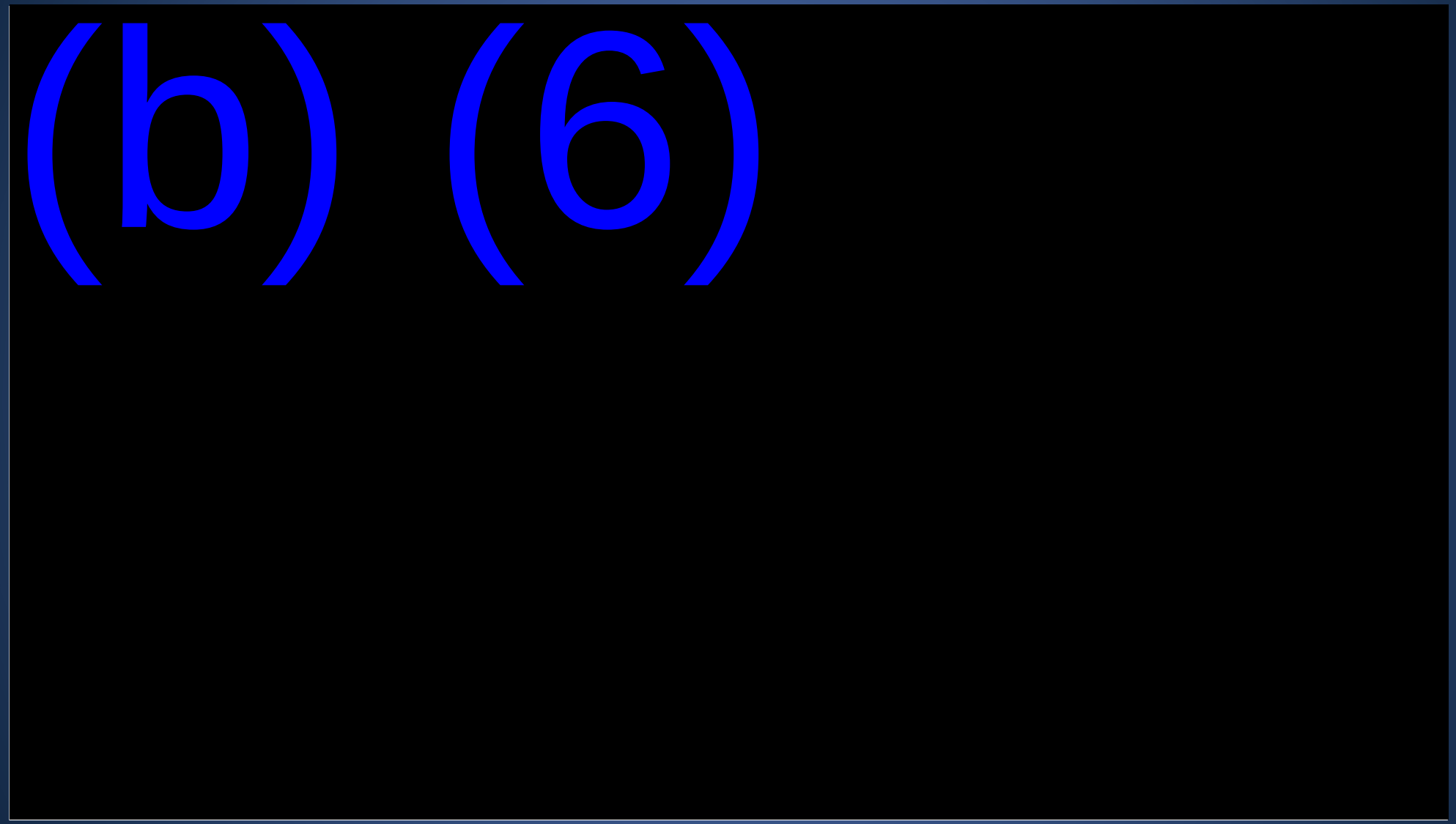
Key takeaway: Have more awareness of biases and challenging your assumptions

WHY DO WE NEED IMPLICIT BIAS TRAINING?

Your Brain Hard at Work:

Practical Exercise #3

Who’s got the higher PT score?


(b) (6)

Your Brain Hard at Work:

Practical Exercise #4

Who’s a stronger leader?

(b) (6)

Why do WE need implicit bias training?

Inside the Army's Decision to Eliminate Photos from Officer Promotion Boards

The study showed that using official photos led to decisions from board members that appeared to reveal unconscious bias, Army officials say.

"It's just that people, even if they don't think about it, they tend to want to be around people that look and think and act like them," said Army Chief of Staff

Article: https://www.military.com/daily-news/2020/06/25/inside-armys-decision-eliminate-photos-officer-promotion-boards.html

Authority to Conduct Implicit Bias Training

14 July 2020 Memo by SecDef, "Immediate Actions to Address Diversity, Inclusion, and Equal Opportunity in the Military Services:" "I . . . direct[ed] a three-pronged approach to take the initiative against discrimination, prejudice, and bias in all ranks of our Armed Forces. The purpose of this approach is to **promote the morale, cohesion, and readiness of the force**. Each effort aims to identify actions the Department can take within policies, programs, and processes to improve diversity, inclusion, and equal opportunity for our Service members" including "Add[ing] **bias awareness and bystander intervention to the violence prevention framework. Addressing racial prejudice and bias within the force requires a combination of ongoing skill development, leadership, and accountability**."

10 U.S.C. 113(g)(1)(B): "Each national defense strategy shall include . . . Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces."

The Problem Has Been Studied

1972 Department of Defense Task Force on the Administration of Military Justice in the Armed Forces: Data showed a "clearly discernable disparity in disciplinary rates between black and white servicemen," including the statistic that although Black servicemembers made up 16% of the force, they made up 25% of nonjudicial punishment issued. **Black servicemembers represented 34.3% of accused at GCM and SPCMs.**

1992 Defense Equal Opportunity Management Institute (DEOMI): Racial disparities in arrest, nonjudicial punishment, and courts-martial preferral and referrals. **"Black[] [servicemembers] were . . . 1.7 times more likely to receive nonjudicial punishments than their white counterparts."**

And Studied

2017 Protect Our Defenders Report: "[F]or every year reported (2006 – 2015) and across all service branches, black service members were substantially more likely than white service members to face military justice or disciplinary action, and these disparities failed to improve or even increased in recent years." **Black Soldiers were 1.61 (61%) times more likely to face GCM or SPCM than White Soldiers.**

2019 Government Accountability Office Report: Services uniformly track subjects by gender, but not by race/ethnicity. "Racial and gender disparities exist in investigations, disciplinary actions, and punishment of servicemembers in the military justice system[.]" **Black servicemembers were 2.11 times more likely to be the subject of an investigation than a White servicemembers.**

And Studied

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD): **Army-specific analysis of racial disparity Military Justice system.** "The report found that racial disparity does exist in a number of key areas across the military justice system, disciplinary processes, and military personnel policies. The report's findings will enable us to immediately enact policies to begin addressing racial disparities, while also serving as a point for further study and data gathering. Our shared Army values of values diversity, equity, and inclusion will inform these efforts." ~ *Sec. Army Wormouth*

And Studied

2022 Department of Defense Internal Review Team (IRT) on Racial Disparities in the Investigative and Military Justice Systems: "Racial disparities in the investigative and military justice systems have been a problem for far too long . . . To address this issue I am directing" the IRT to "focus on addressing the **root causes of racial disparities in the investigative and military justice systems**" and "provide actionable recommendations that the Department can implement to improve policies, programs, processes, and resources to address these disparities."

Significant racial disparities exist across the investigative and military justice systems. Caused by 1) gaps in training and education, 2) lack of oversight and transparency, 3) inadequate protections, and 4) external factors (resourcing and time).

(b) (5)

(b) (5)

(b) (5)

Where Bias Can Influence Commanders & JAs

Pre-Trial Investigation and Charging Decisions

- Assumptions as to who may be offender & victim
- Lack of empathy of suspect/accused of a racial minority
- Assigning attributes based on impressions, not on facts (e.g., Black subject "Looks angry/mean" where White subject "Looks young and naive")
- Informs beliefs as to credibility of subject/accused or other witnesses of color
- **Fill in factual gaps with assumptions based on stereotypes**

Trial Strategy

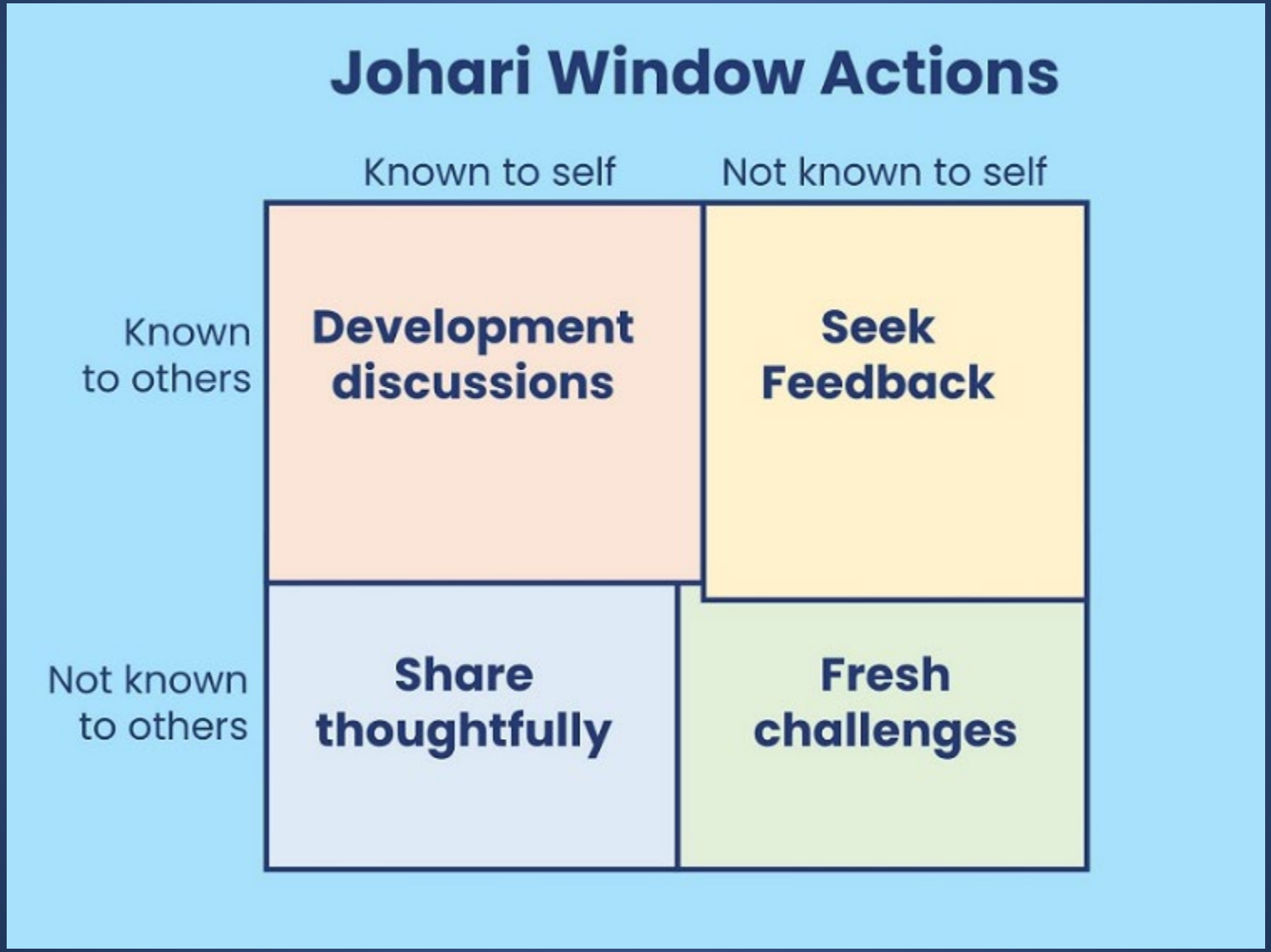
- Peremptory challenges for facially race-neutral reasons but applied only to racial minorities *See Flowers v. Mississippi,* 139 S. Ct. 2228 (2019).
- Assumptions about how panel members see evidence (Minority member more sympathetic? Female member less sympathetic in sex assault case?)
- Closing argument tinged with racial animus ("He's an animal," "A thug")

THIS IS THE START, NOT THE END, OF THE PROCESS

"Not everything that is faced can be changed, but nothing can be changed until it is faced."

~ James Baldwin.

So…what do I do now?



MITIGATION

Continue training

- Disseminate this through your office (this is not just a legal issue; it is a leadership issue)
- DEI training in office (LDP)
- Bias awareness/interruption (work with Operational Psychologists)

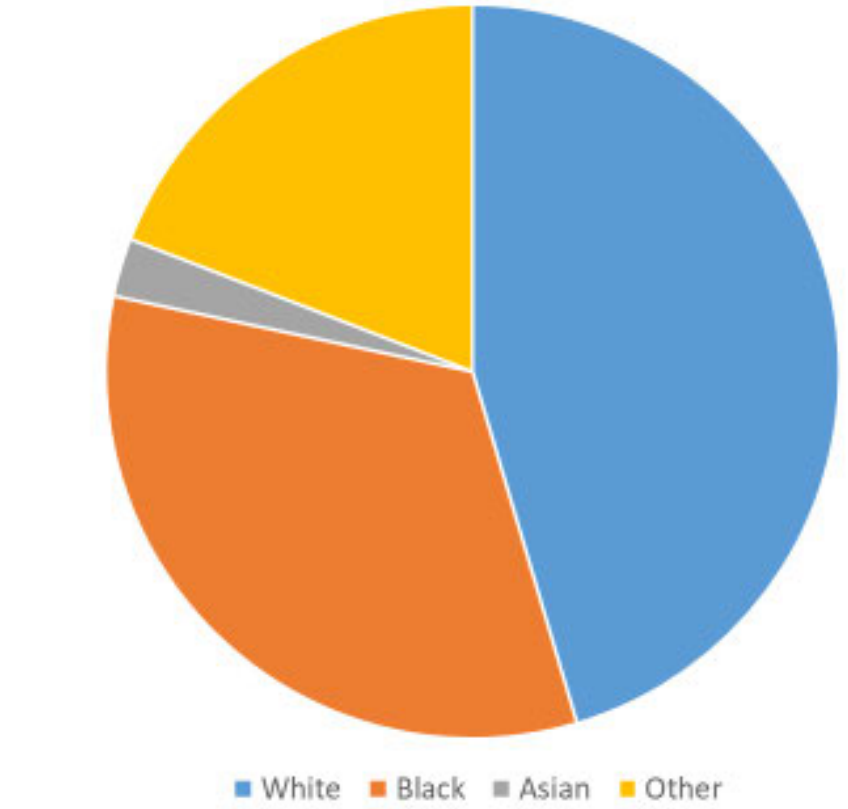
Get data!: Regularly track race/ethnicity, just like we track MOS, deployments, etc.

- Quarterly assessments on who is being investigated, prosecuted, separated (trend analysis)
- Part of multi-discipline team meetings (OSJA, CID, MPI, FAP)

Assess the known facts: Challenge factual assumptions

- ACKNOWLEDGE we all have biases
- Ask questions. Lots of questions.
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- "**Art vs. science**" of discipline: Focus on the "should" as much as the "can"

Self-Assessment: 21st TSC NJP for 2022



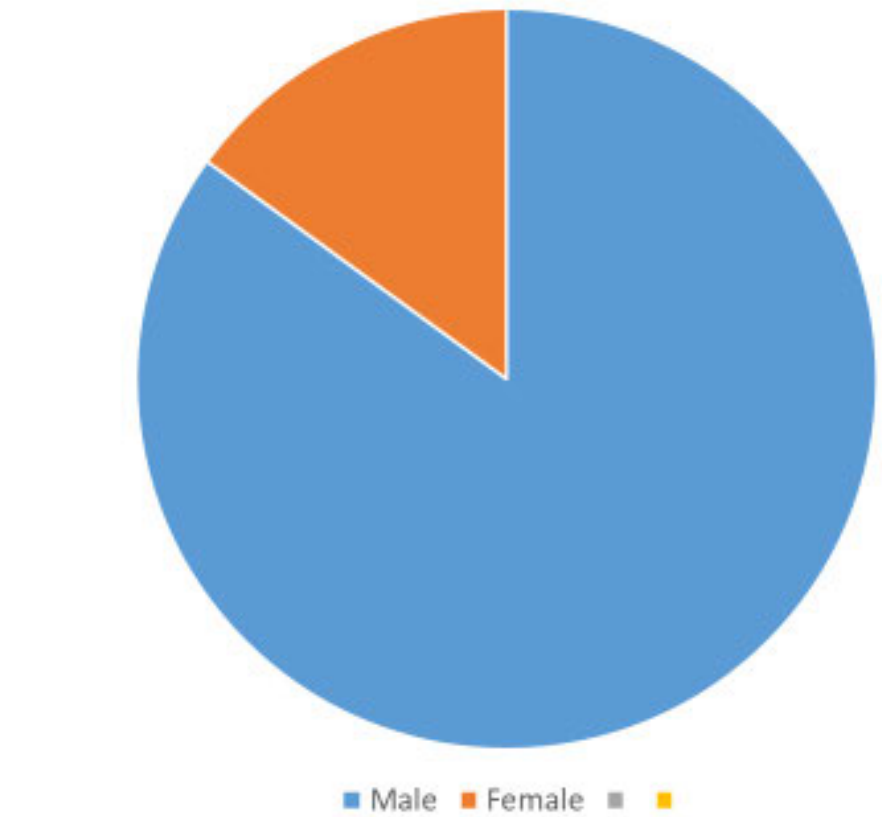
21st TSC Article 15 Breakdown

White:	247	45%
Black:	179	33%
Asian:	14	3%
Other:	104	19%

21st TSC Breakdown

White:	55%
Black:	35%
Asian:	7%
Other:	4%

Self-Assessment: 21st TSC NJP for 2022



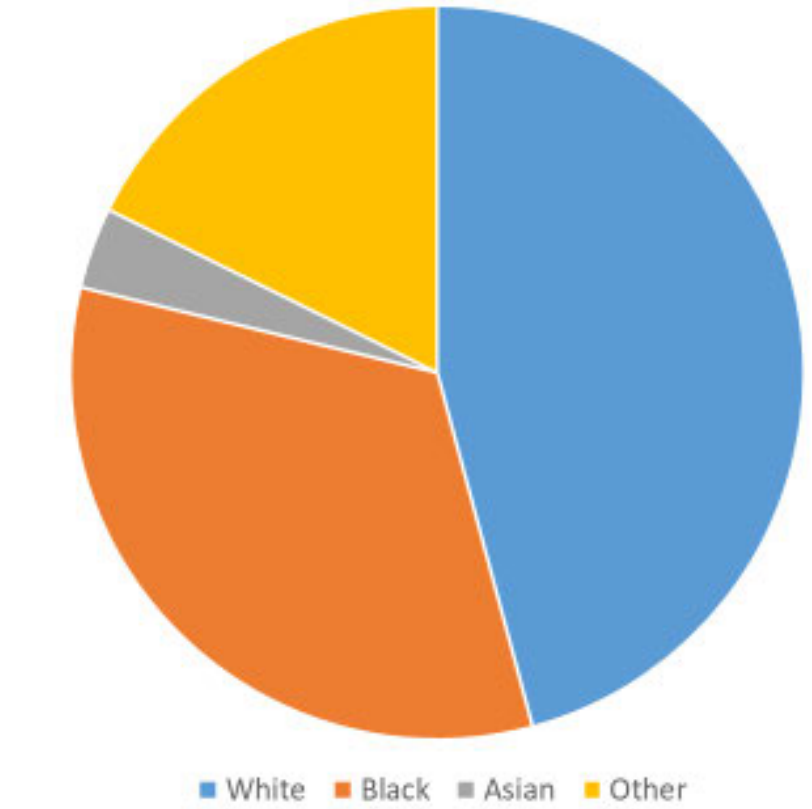
21st TSC Article 15 Breakdown

Male:	391	85%
Female:	69	15%

21st TSC Breakdown

Male:	78%
Female:	22%

Self-Assessment: 21st TSC NJP for 2019 - 22



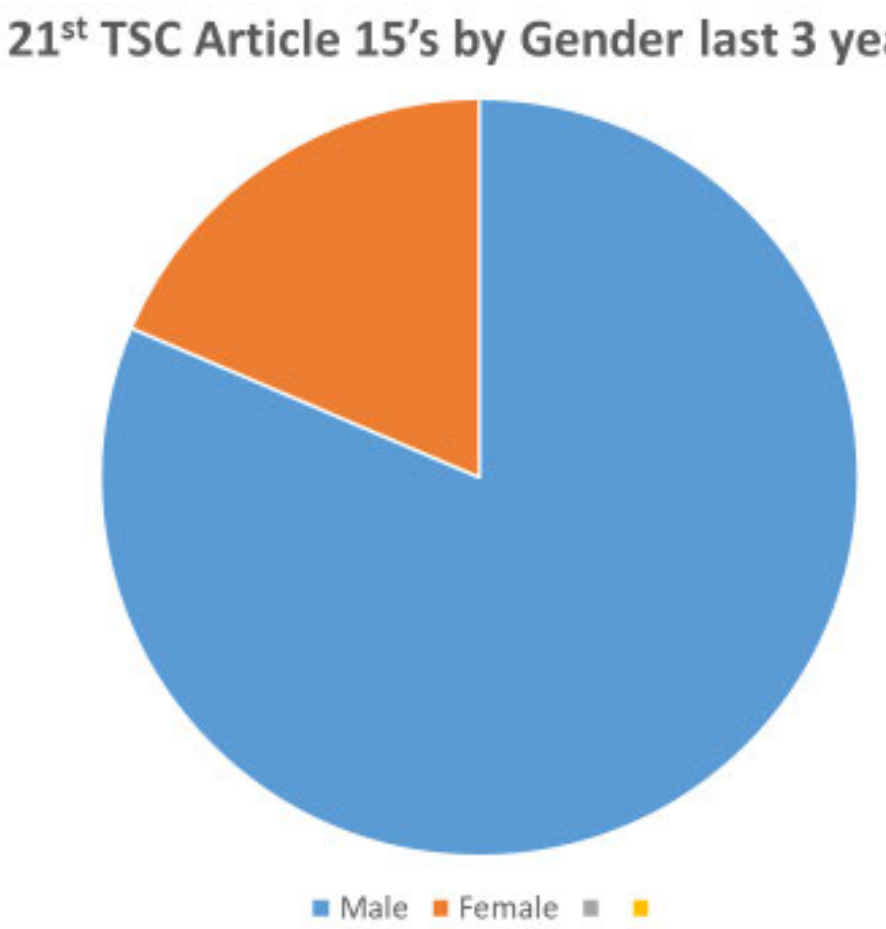
21st TSC Article 15 Breakdown

White:	793	46%
Black:	570	33%
Asian:	62	4%
Other:	306	18%

21st TSC Breakdown

White:	55%
Black:	35%
Asian:	7%
Other:	4%

Self-Assessment: 21st TSC NJP for 2019 - 22



21st TSC Article 15 Breakdown

Male:	1203	81%
Female:	274	19%

21st TSC Breakdown

Male:	78%
Female	22%

Tips For Overcoming Biases

- Implement standardized processes for evaluation & decision making
  - Have a standardized, objective method for evaluating subordinates, applicant.
  - Have a standardized, objective framework for handing out punishment. Don't let emotions (commanders', supervisors', or yours) influence decisions
  - Apply the same decisional criteria to everyone when evaluating ____ (capabilities, qualifications, skills, performance, potential, etc.)

- Get Feedback

- Have a confidential gut check
  - Have a trusted person you can confidentially discuss, cross check, think out loud with
  - Be open to receiving feedback/observations about your decision making

Discussion Questions – Breakout Session

- Am I aware of the cognitive biases or thinking traps that have influenced my decision making in the past?
- Pick a task/object & think: How can I standardize my decision-making process?
- Have I tried anything in the past to:
  - Self-reflect on my own possible blind spots?
  - Get feedback from others regarding my blind spots?
  - If so, what? What worked? Didn't work?

QUESTIONS?



(b) (6)

(b) (6)

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Hon. Mark W. Bennett, "Implicit Bias and the Law," speech at University of Toledo School of Law, Nov. 17, 2017.

Patricia D. Devine and Kristen A. Vasquez, "The Rocky Road to Positive Intergroup Relations" in *Confronting Racism: The Problem and the Response*, edited by Jennifer L. Eberhardt and Susan T. Fiske (1998).

Rachel D. Godsil and HaoYang Jing, *Prosecuting Fairly: Addressing the Challenge of Implicit Bias, Racial Anxiety, and Stereotype Threat*, CDAA Prosecutor's Brief, Vol. 40, No. 2 (Winter 2018).

Rachel Godsil, et al., *The Science of Equality, Volume 1: Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat in Education and Health Care* (2014).

Mary C. Murphy and Valeria Jones Taylor, "The Role of Situational Cus in Signaling and Maintaining Stereotype Threat" (2011" in Stereotype Threat, Theory, Process, and Application, edited by Michael Inzli

Jennifer A. Richeson, et al., *African Americans' Implicit Racial Attitudes and the Depletion of Executive Function After Interracial Interactions* (2005), 23 Social Cognition 336.

John P. Wilson, Kurt Hugenberg, and Nicholas O. Rule, *Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat* (Jul. 2017), 113 Journal of Personality and Social Psychology.

REFERENCES

Chris Gutherie, Jeffrey J. Rachlinski, and Andrew J. Wistrich, *Blinking on the Bench: How Judges Decide Cases*, 93 Cornell L. Rev 101 (2007).

Jerry Kang, Mark Bennett, Devon Carbado, Pam Caset, Nilanjana Dasgupta, David Faigman, Rachel Godsil, Anthony G. Greenwald, Justin Levinson, and Jennifer Mnookin, *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124 (2012).

Justin D. Levinson, Mark W. Bennett, and Koichi Hioki, *Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes*, 69 Fla. L. Rev. 63 (2017).

National Center for State Courts, Addressing Implicit Bias in the Courts, https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15IB_Summary_033012.pdf?q_ DMMIVv0v_eDJUa1ADxtw59Zt_svPg (2012).

Jeffrey J. Rachlinski, Sheri Johnson, and Andrew J. Wistrich; and Guthrie, Chris, *Does Unconscious Racial Bias Affect Trial Judges?* (2009). 84 Notre Dame L. Rev 3 (2009).

Heuristics

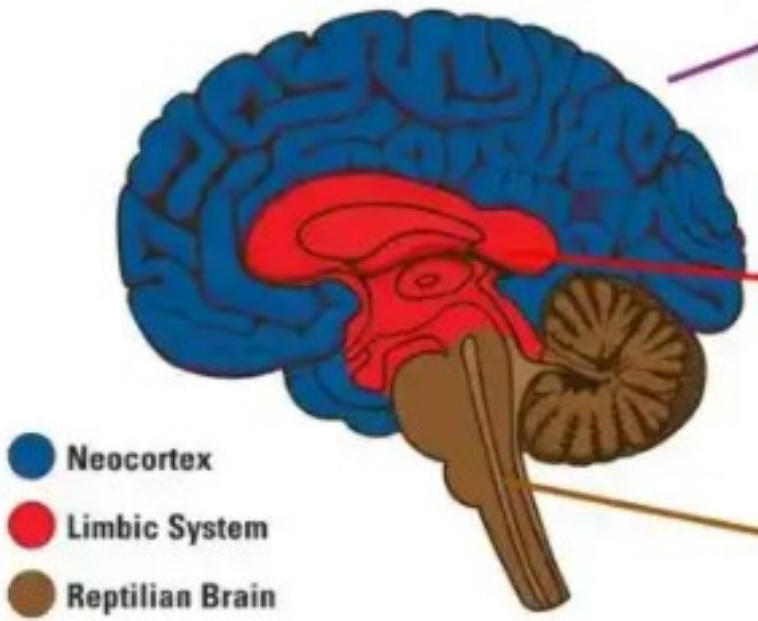
Blind Obedience / Halo Effect

Showing undue deference to authority, technology, or factors such as attractiveness

- *My boss says because of this, it can't be this.*
- *In the past my boss handled issues this way, so I will do the same.*



Triune Brain Theory



Cortex
(Neomammalian brain)
150.000 years old

Complex processes
- Perception, planning, attention, abstract thinking, language...

Thinking Brain

Limbic System
(Paleomammalian brain)
200-250 Million years old

Primitive survival functions
- Fulfilling our animal needs and emotions (feeding, reproduction, parenting...)

Feeling Brain

Brain Stem
(Reptilian brain)
300 Million years old

- Maintaining **body functions**
- **Routing information** up and dow
- Instinctive behaviours

Living Brain

Source: Paul MacLean – Triune brain theory (1952),

(b) (5)

(b) (5)

Another perspective:



Presentation #10

DEIA, Bias, & Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Specialist
Office of Diversity, Equity, and Inclusion
(b) (6)

Background

- TJAG Established Council on DE&I ("DEIC") on 10 July 2020
  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; 16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021
  - provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL/JA); Program Coordinator (WO/LA)

DEI&A - *Defined*



(b) (6)
Program Specialist

Office of Diversity, Equity, and Inclusion
Office of The Judge Advocate General

DIVERSITY

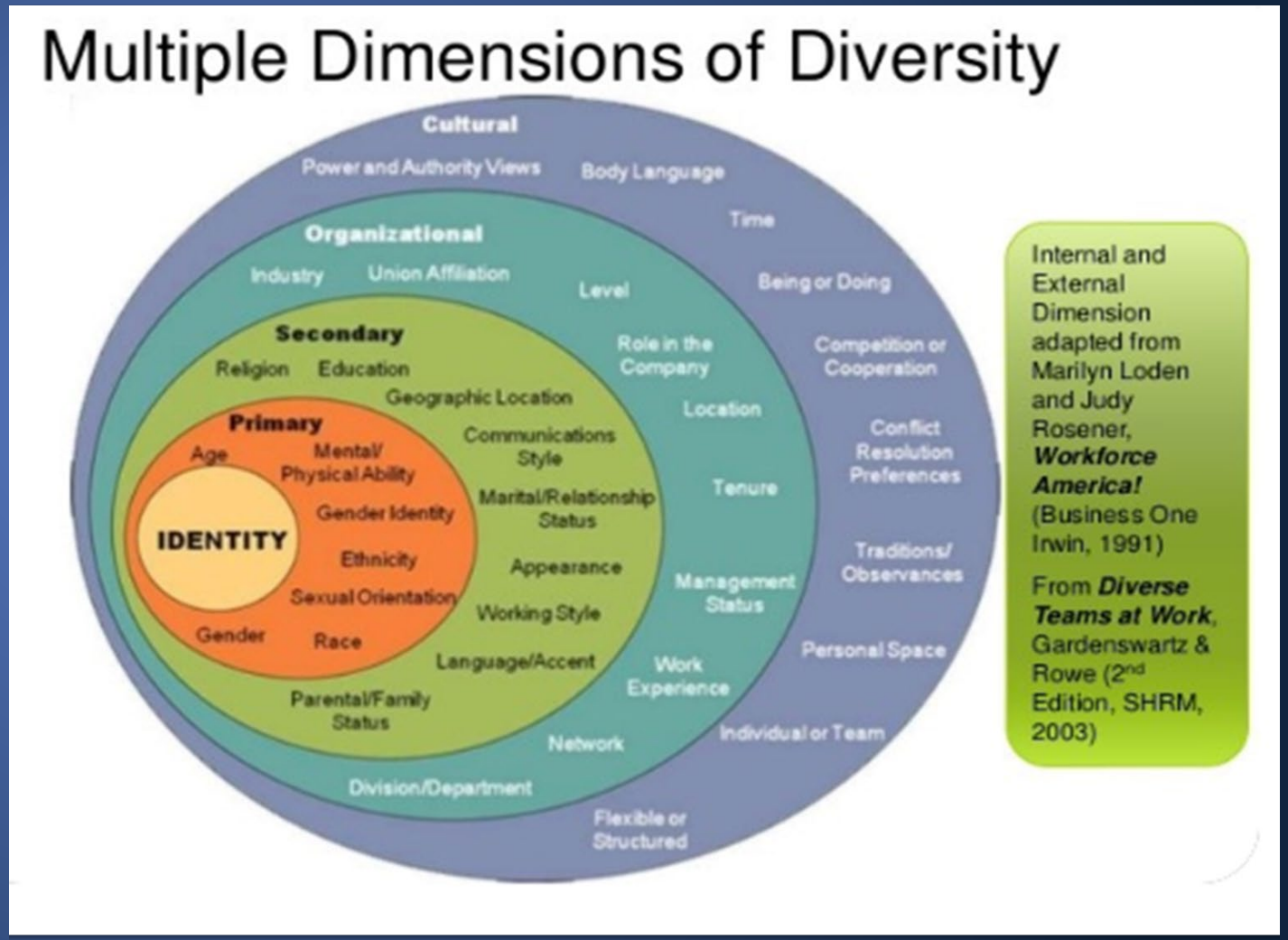
- Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

  --Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

  --It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

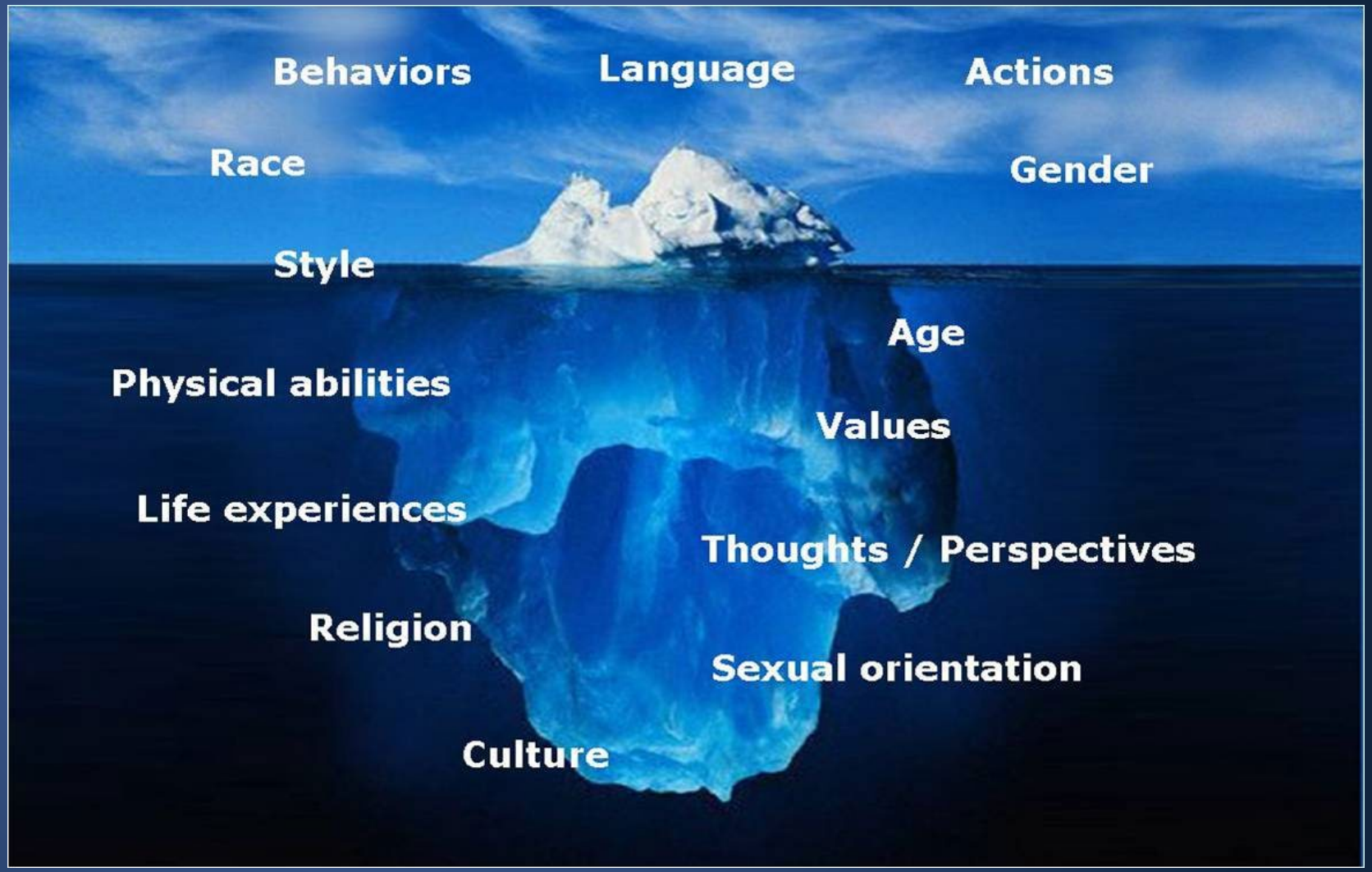
Diversity – What Does it Look Like?

- A mix of differences and similarities that make people unique
- Much broader than just race and gender
- Most companies have diversity, but lack inclusion



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

- Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

- Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

ACCESSIBILITY

- **Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them**
  - Includes the provision of accommodations and modifications to ensure equal access to employment
  - Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
  - A commitment to ensuring that people with disabilities can independently access activities and spaces

Implicit Bias – *Unconscious Cognition*



(b) (6)
Program Coordinator

Office of Diversity, Equity, and Inclusion
Office of The Judge Advocate General

Let’s Talk About It

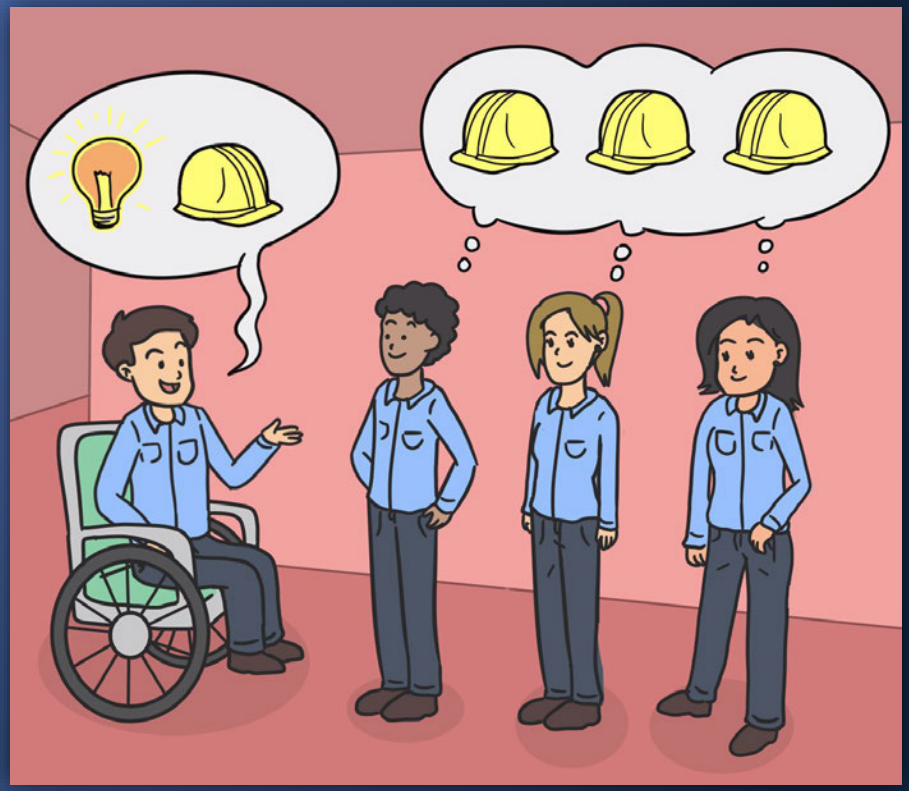


Let's Define It

- How would you define implicit bias?
  - Unconscious bias refers to the attitudes or stereotypes that affect our views, our actions, and our decision-making ability
- What are some factors that influence how we view the world?
  - Our experiences shape who we are, and our race, ethnicity, gender, height, weight, sexual orientation, place of birth, and other **factors impact the lens with which we view the world**
- At Ease
  - Discussions of this type can evoke emotional responses, and **that is okay**

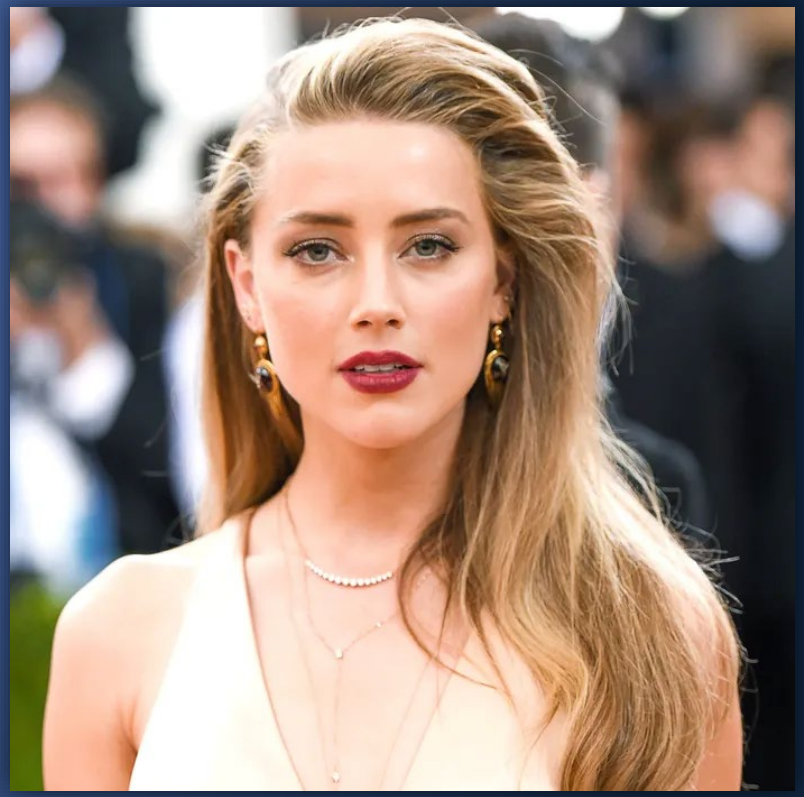
Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us
- Have you seen it?



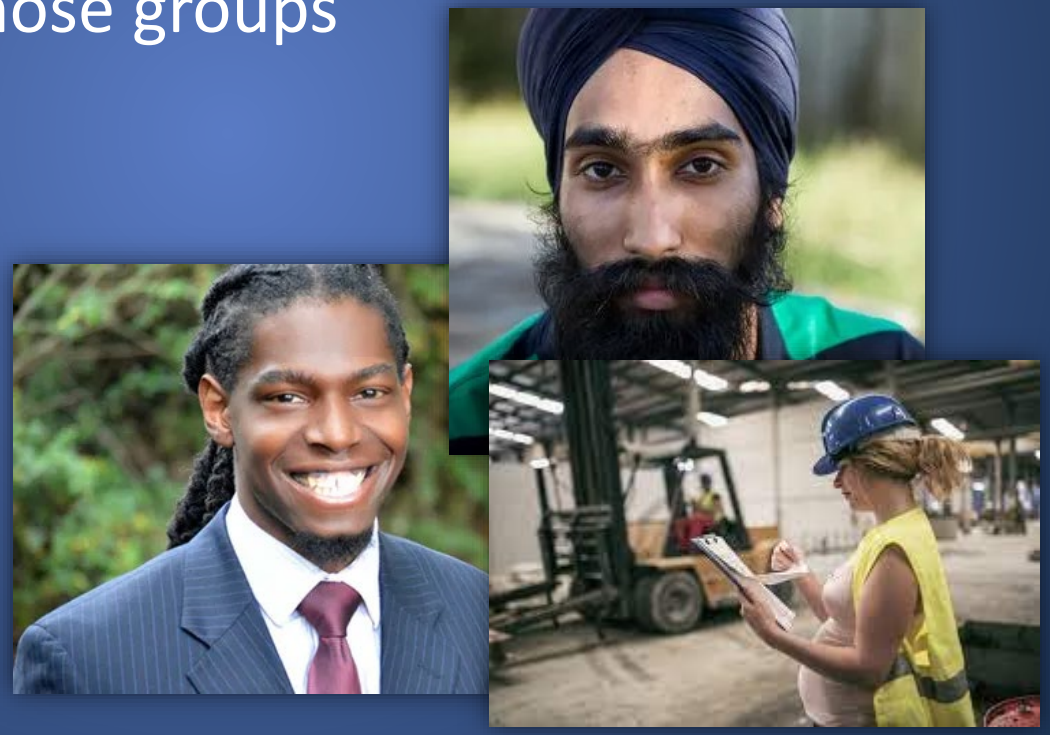
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Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along
- Have you seen it?





Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group
- Have you seen it?



"Everyone in favor raise your hand!"

The Impact of Bias

- It’s natural but…
- It can color our decision-making…
- And those decisions cost…
- They impact the organization…
- They can decrease morale…
- And affect our retention….
- They ruin our reputation…
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- Doesn't have to be difficult
- It starts with you!
- Ask yourself, “what can I do to intervene?”



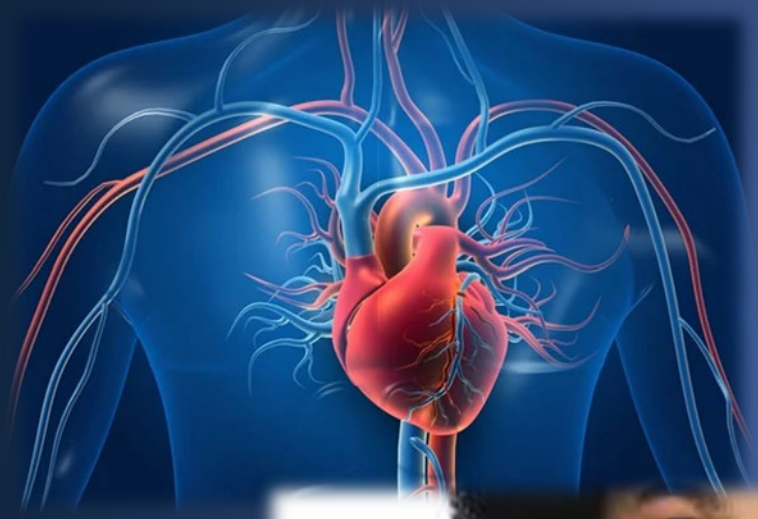
Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

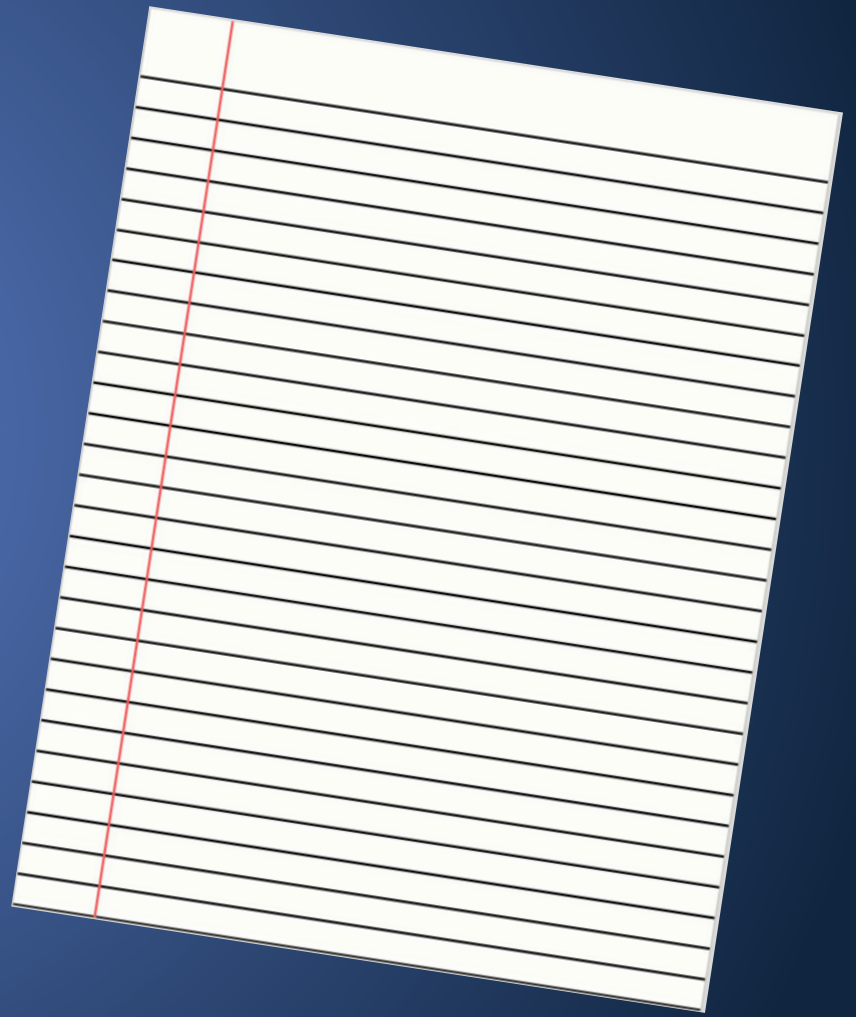
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Program Specialist
Office of Diversity, Equity, and Inclusion
(b) (6)

Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #11

DEI, Bias, & Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

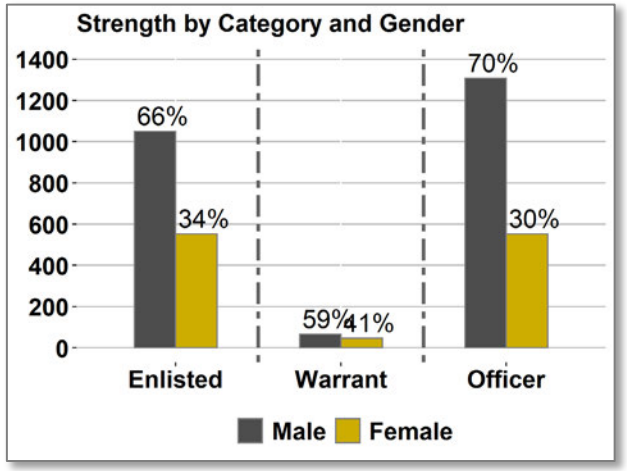
Background

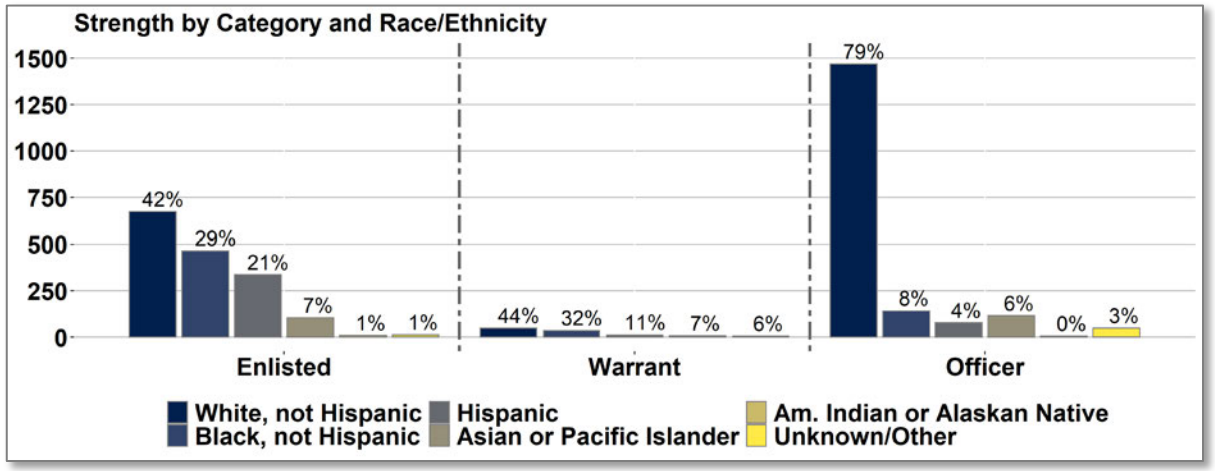
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  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; 16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021
  - provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL/JA); Program Coordinator (WO/LA)

JAG Active Component Demographics

Data as of 31 August 2022

As of 31 August 2022, the total number of Soldiers in the JAG Corps Active Component is 3,575. Males account for 68% and Females account for 32% of the total. The Racial/Ethnic distribution of the JAG Corps is as follows – White, Not Hispanic: 61.3%, Black, Not Hispanic: 18%, Hispanic: 11.9%, Asian or Pacific Islander: 6.4%, American Indian or Alaskan Native: 0.4%, and Unknown/Other: 2%.





Grade	Inventory	Gender		Race/Ethnicity					
		Male	Female	Hispanic	Am. Indian or Alaskan Native	Asian or Pacific Islander	White, not Hispanic	Black, not Hispanic	Unknown/ Other
Enlisted Subtotal	1,602	1,050	552	336	10	105	673	465	13
Enlisted %	45%	66%	34%	21%	1%	7%	42%	29%	1%
Officer Subtotal	1,861	1,308	553	78	6	116	1,469	142	50
Officer %	52%	70%	30%	4%	0%	6%	79%	8%	3%
Warrant Officer Subtotal	112	66	46	12	0	8	49	36	7
Warrant Officer %	3%	59%	41%	11%	0%	7%	44%	32%	6%
Active Component Total	**3,575**	**2,424**	**1,151**	**426**	**16**	**229**	**2,191**	**643**	**70**
Active Component %		**67.8%**	**32.2%**	**11.9%**	**0.4%**	**6.4%**	**61.3%**	**18.0%**	**2.0%**

Unclassified

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- JALS DEIA Strategy – **to be aligned w/ Army's**
- Developing Training
  - DEI&A (general), Bias, Equity, Inclusion, DEI in Mentorship, Mitigating Microaggressions, Generations in the Workplace, etc.
- Inclusion at all levels of JAGC PME training (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating Bias discussions at boards
- Working with SIO and JARO on Strategic Engagement/Messaging

ODEI Initiatives, cont.

- Developing Communication Plan – JAGCNET/MilSuite/Teams
- Engaged with Retention Working Group
- Assisting Labor & Employment with imbedding DEI&A in their products and resources (i.e. Deskbook)
- Engagement with Army Equity Agency
- Reviewing processes for equity, inclusion, and transparency
- DEI Council and Field Boards
  - 140 personnel have volunteered

Engagements

- Recently returned from a Fort Bragg tour
  - Trained and conducted listening sessions w/ USARC, FORSCOM, XVIII ABC, 82nd ABN Div, 1 SFC (A), and USASOC
- Over the last 90 days, have conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, USARLC, Fort Rucker, etc.)
  - At various boards (GOSC, 2L Internships, Reserve Accessions, FLEP, etc.)
  - TX colleges recruitment tour w/ BG Sullivan
  - Served on Hispanic Heritage Month panel at TJAGLCS
- We are in there and out there!

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

5) Army-wide Inclusive Culture

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

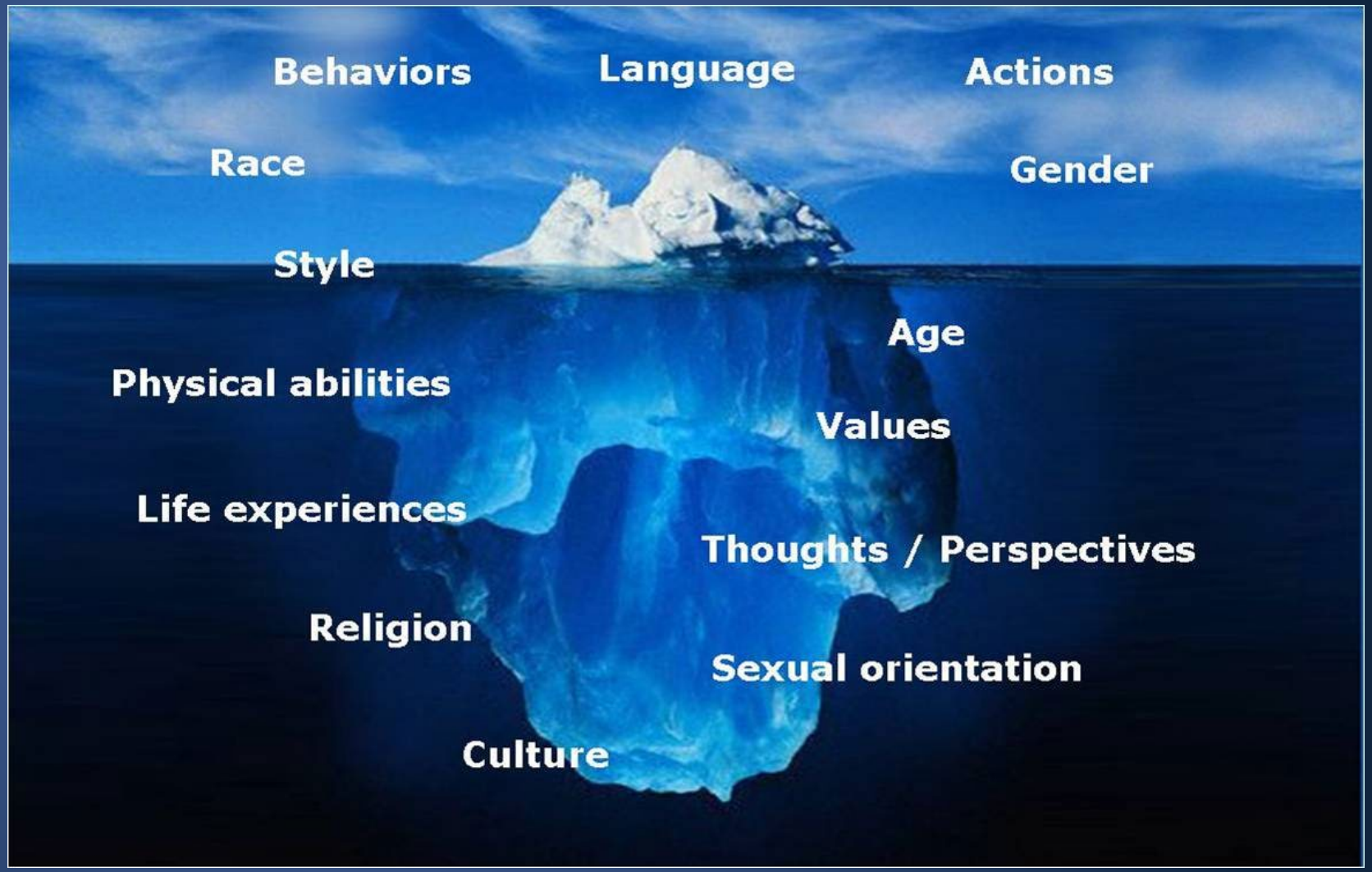
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked, to accomplishing the mission verse the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

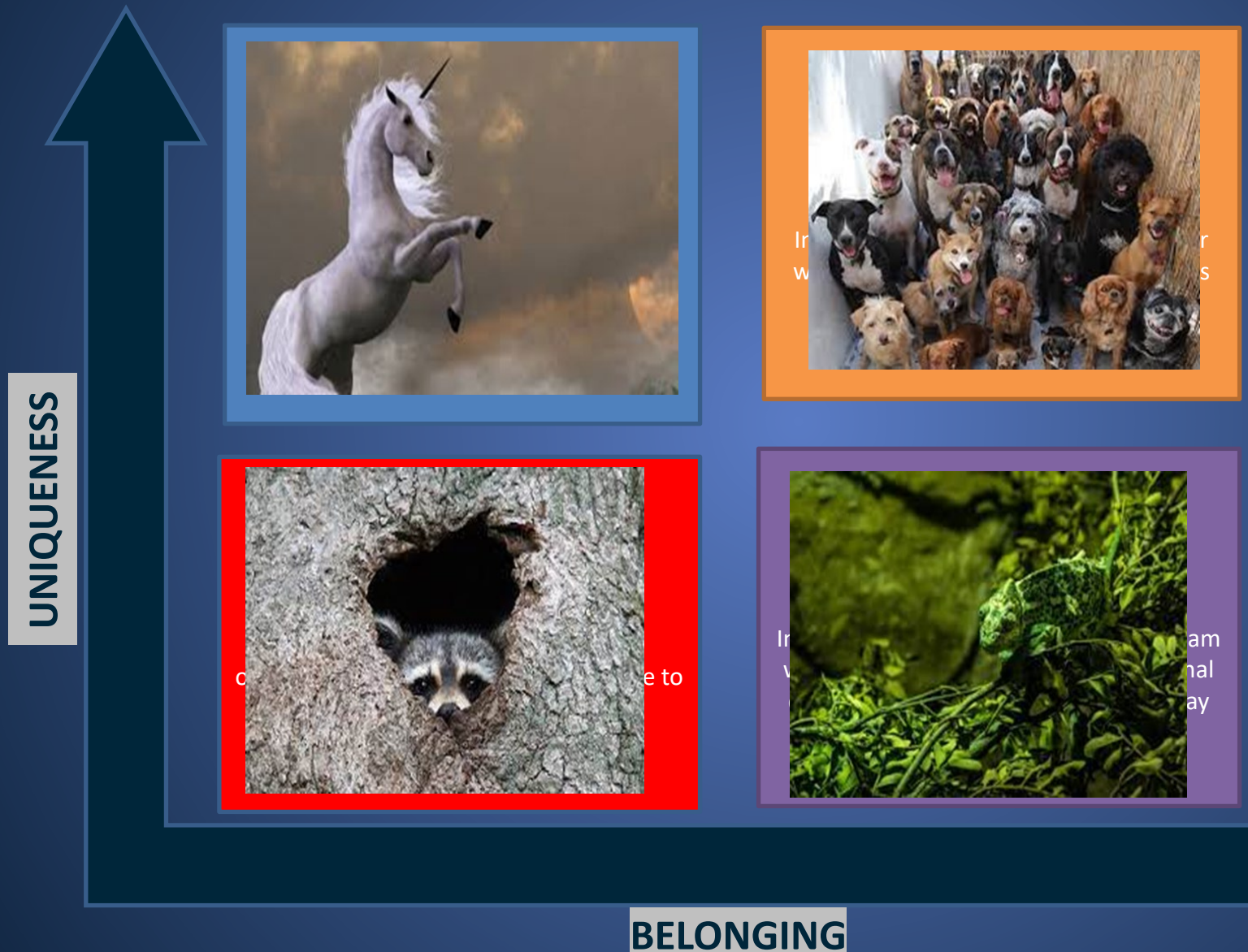
TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Implicit Bias – *Unconscious Cognition*



(b) (6)
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Let’s Talk About It

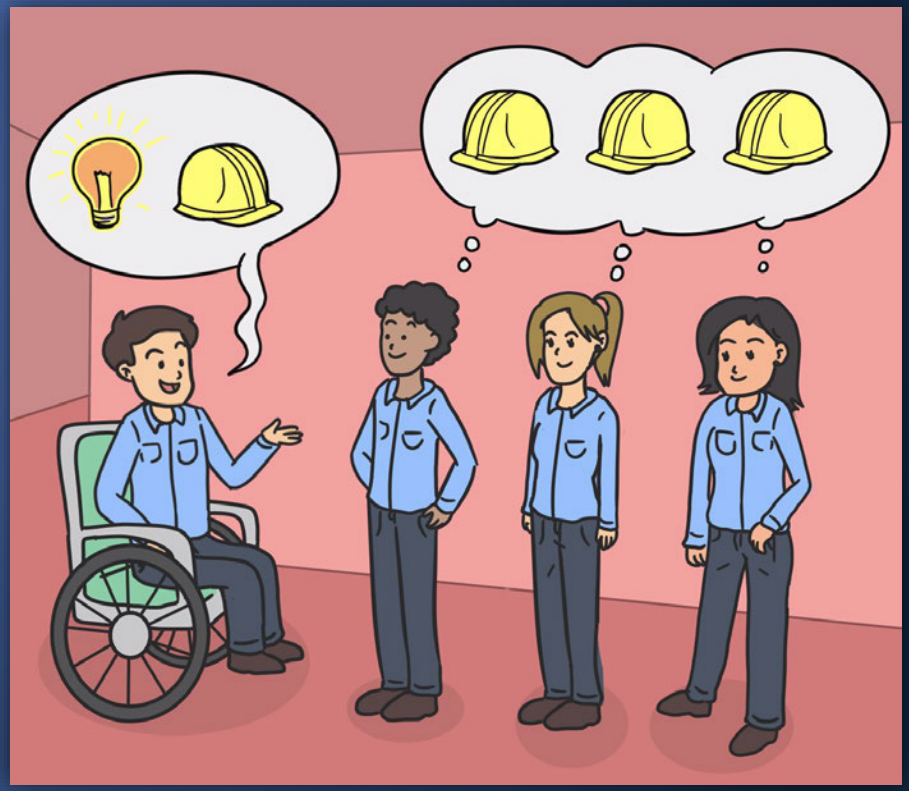


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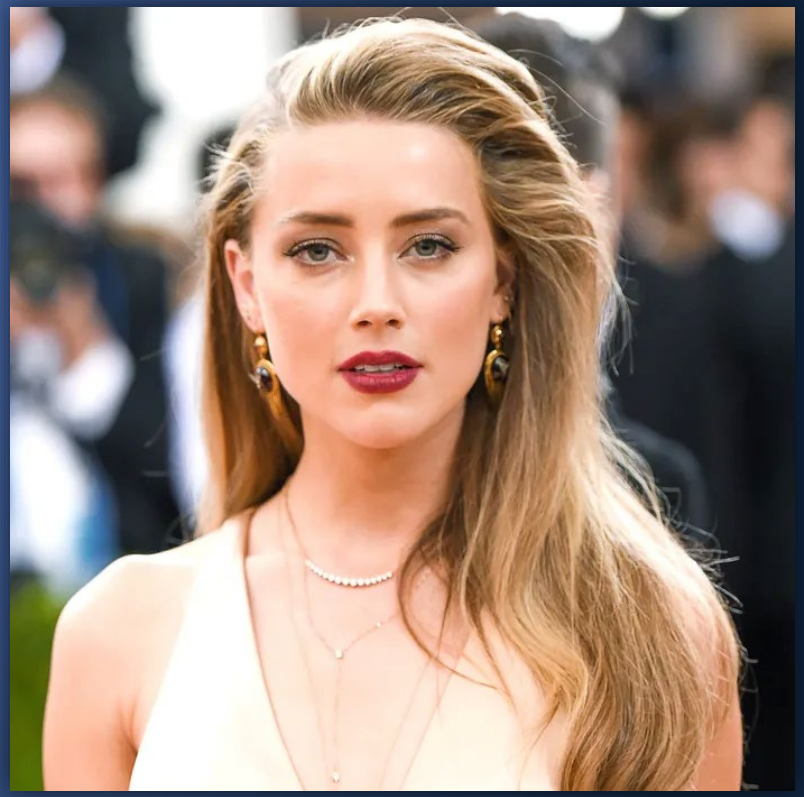
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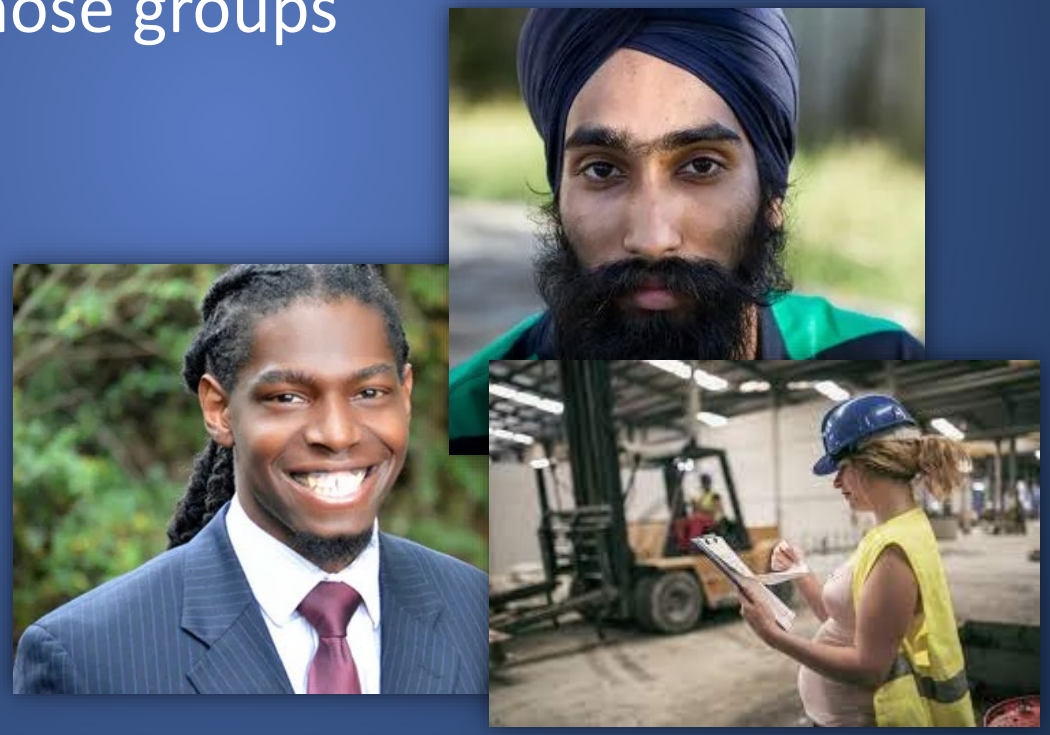
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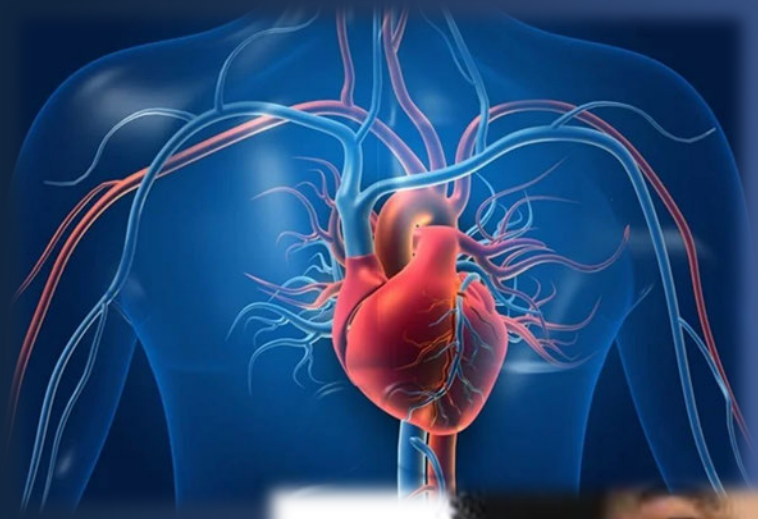
Building Inclusive Teams



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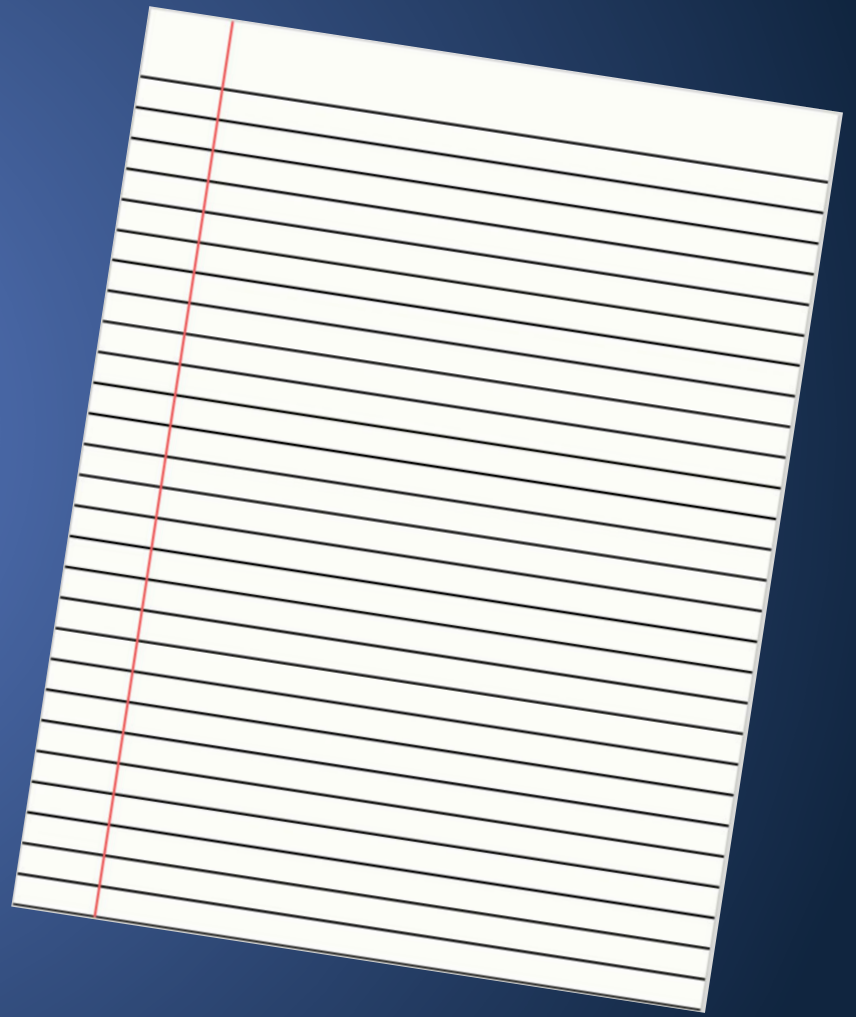
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- JAGC Pride Network:
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  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #12

DEIA, Bias, & Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Specialist
Office of Diversity, Equity, and Inclusion
(b) (6)

Background

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DEI&A - *Defined*



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DIVERSITY

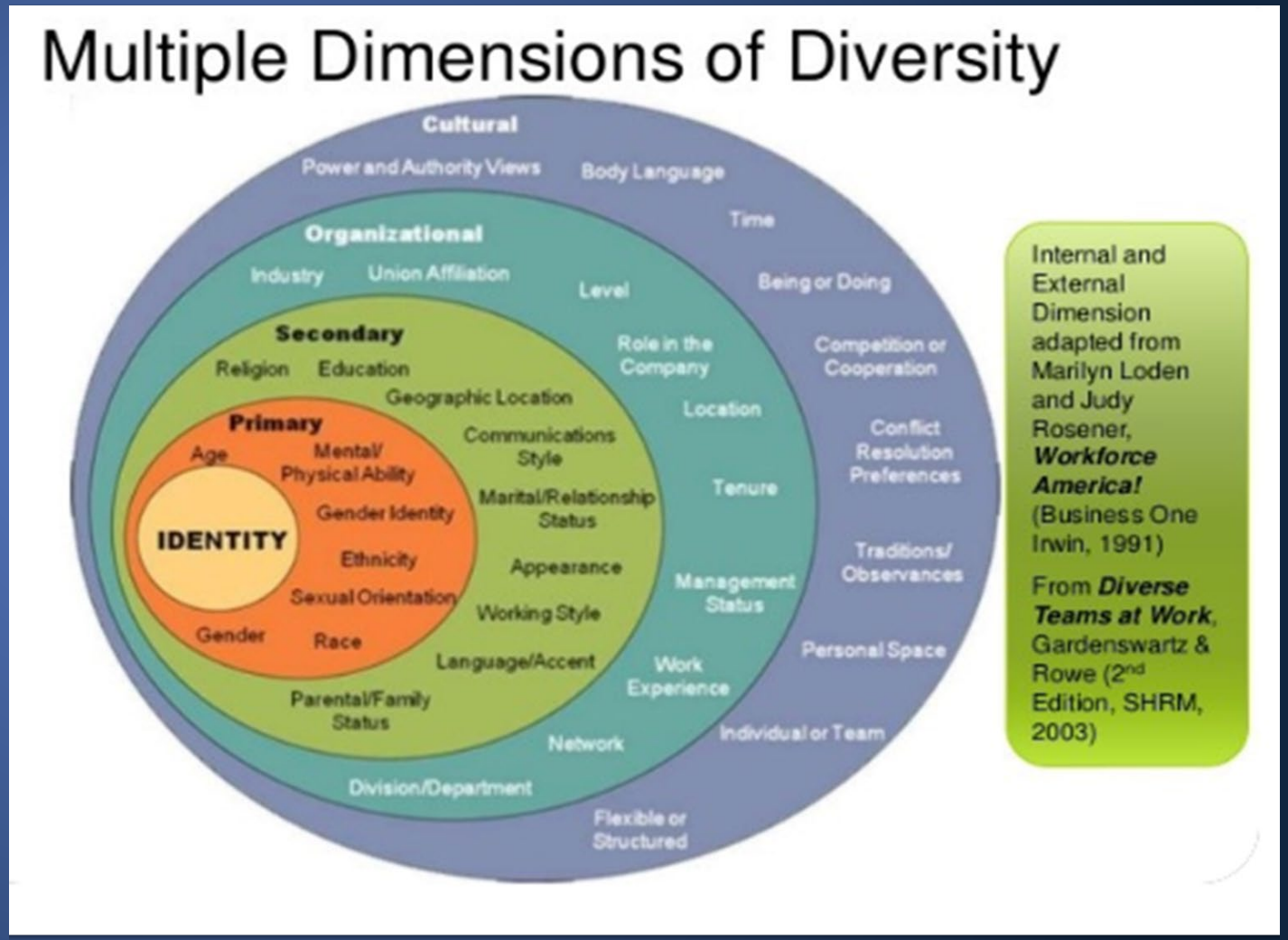
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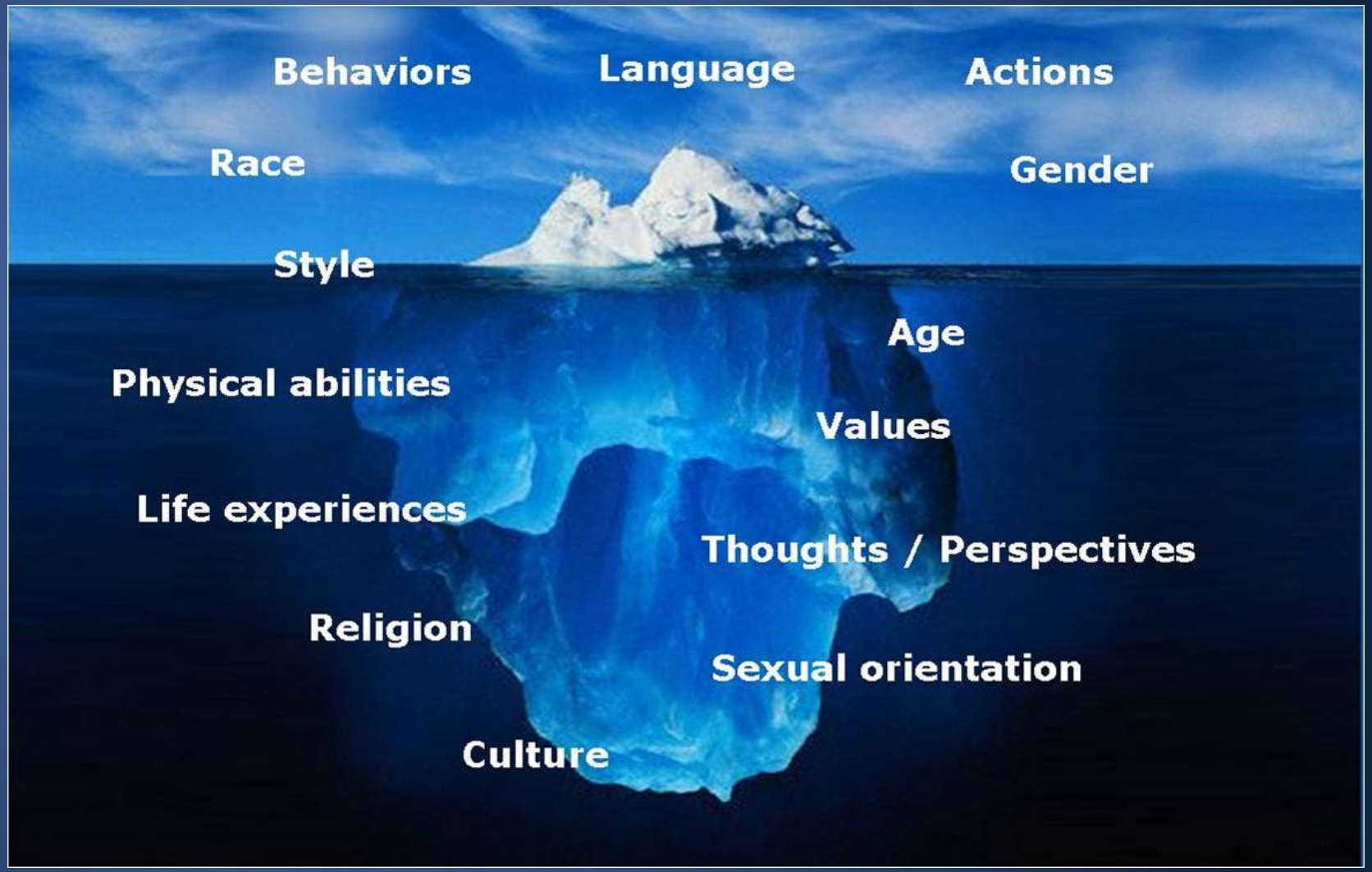
Diversity – What Does it Look Like?

- A mix of differences and similarities that make people unique
- Much broader than just race and gender
- Most companies have diversity, but lack inclusion



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

- Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

- Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

ACCESSIBILITY

- **Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them**
  - Includes the provision of accommodations and modifications to ensure equal access to employment
  - Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
  - A commitment to ensuring that people with disabilities can independently access activities and spaces

Implicit Bias – *Unconscious Cognition*



(b) (6)
Program Coordinator

Office of Diversity, Equity, and Inclusion
Office of The Judge Advocate General

Let’s Talk About It

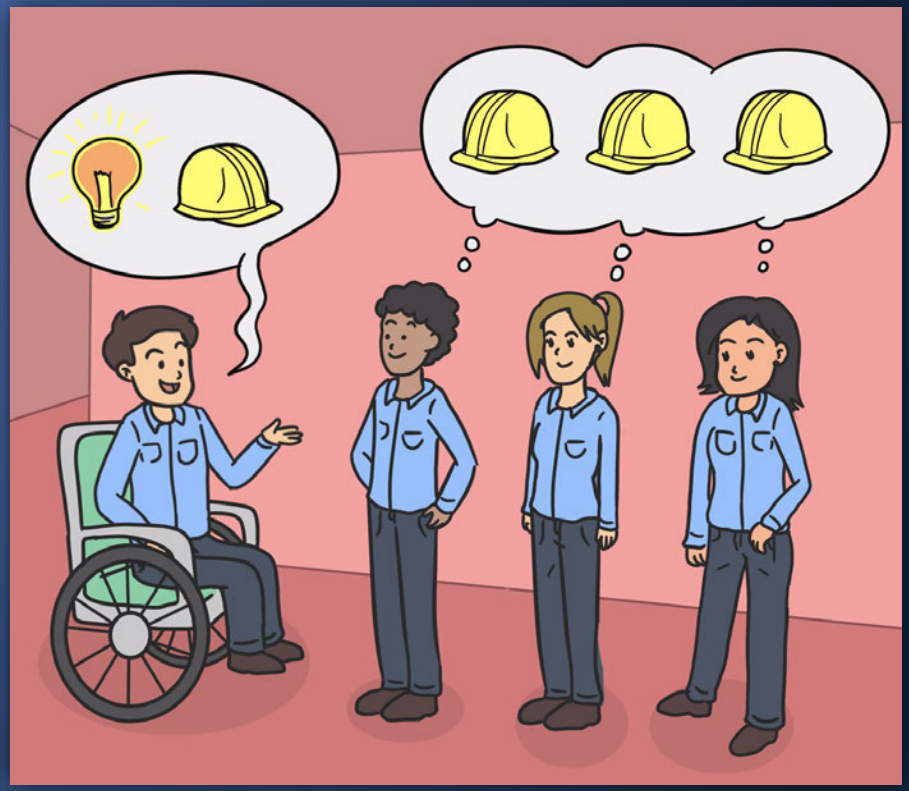


Let's Define It

- How would you define implicit bias?
  - Unconscious bias refers to the attitudes or stereotypes that affect our views, our actions, and our decision-making ability
- What are some factors that influence how we view the world?
  - Our experiences shape who we are, and our race, ethnicity, gender, height, weight, sexual orientation, place of birth, and other **factors impact the lens with which we view the world**
- At Ease
  - Discussions of this type can evoke emotional responses, and **that is okay**

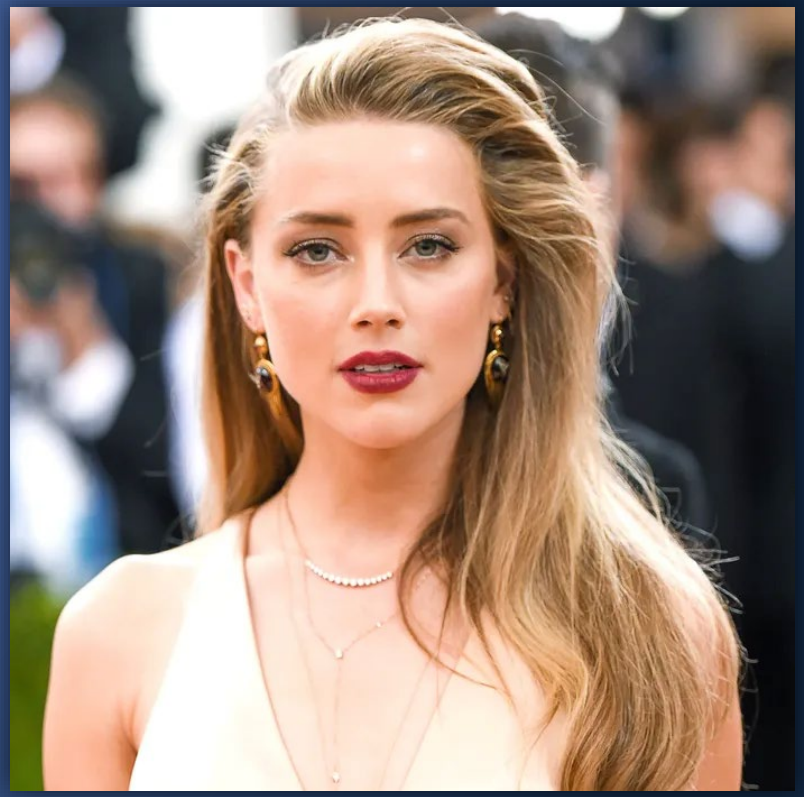
Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us
- Have you seen it?



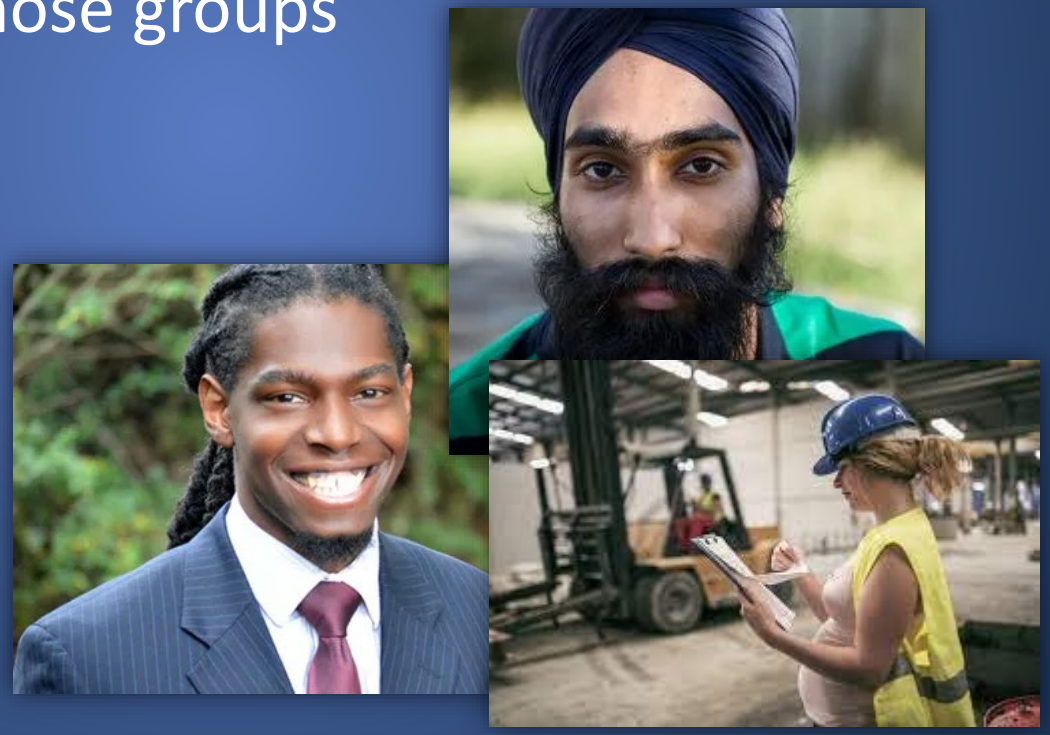
Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good
- Have you seen it?



Perception Bias

- What is it?
  - the tendency to form stereotypes and assumptions about certain groups that makes it difficult to make an objective judgment about individual members of those groups
- Have you seen it?



Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along
- Have you seen it?





Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group
- Have you seen it?



"Everyone in favor raise your hand!"

The Impact of Bias

- It’s natural but…
- It can color our decision-making…
- And those decisions cost…
- They impact the organization…
- They can decrease morale…
- And affect our retention….
- They ruin our reputation…
- And hurt our recruitment…
- The consequences are endless.

Tackling Bias

- Doesn't have to be difficult
- It starts with you!
- Ask yourself, “what can I do to intervene?”



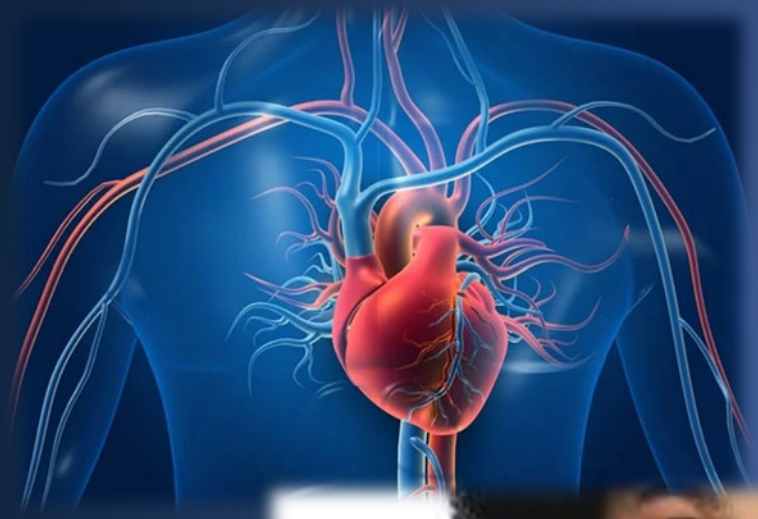
Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

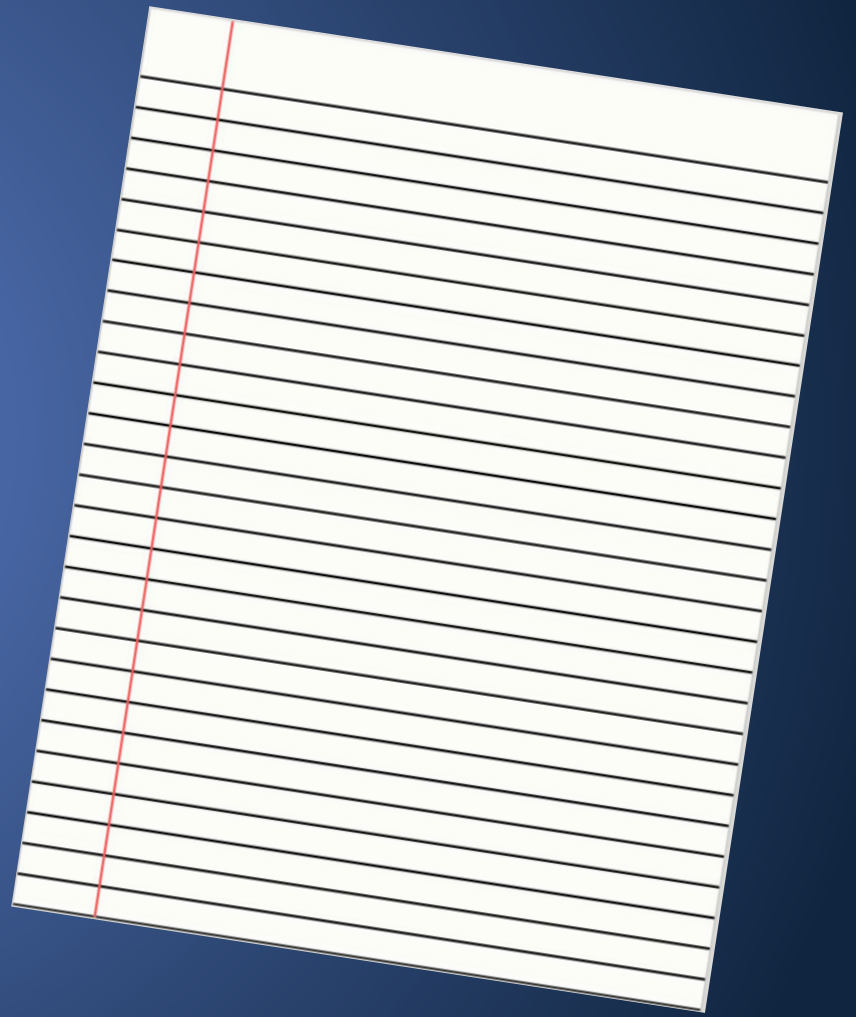
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Program Specialist
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Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
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- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
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Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
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- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

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The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
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1. Lacking vision and goals
2. Treating everyone the same
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What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

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- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
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  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #13

Diversity, Equity, Inclusion, and Accessibility



(b) (6)

Director

Office of Diversity, Equity, and Inclusion

(b) (6)

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

DoD's DEIA Strategy (2022)



Army People Strategy

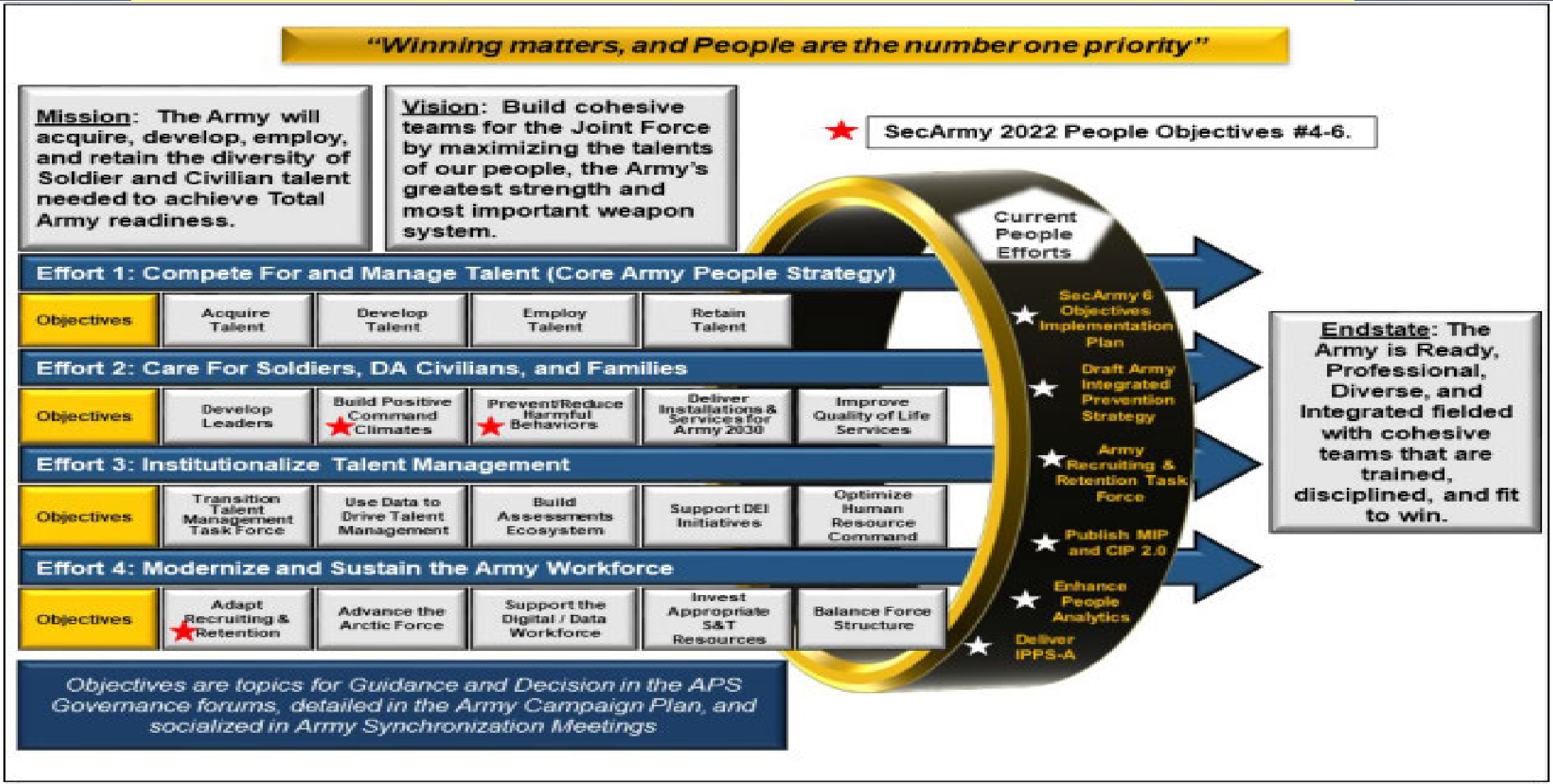


Figure 1: Strategic Approach through 2030

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

5) Army-wide Inclusive Culture

ODEI Initiatives

- JALS DEIA Strategy – **to be aligned w/ Army's**
- Developing Training
  - DEI&A (general), Bias, Equity, Inclusion, DEI in Mentorship, Mitigating Microaggressions, Generations in the Workplace, etc.
- Inclusion at all levels of JAGC PME training (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating Bias discussions at boards
- Working with SIO and JARO on Strategic Engagement/Messaging

DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

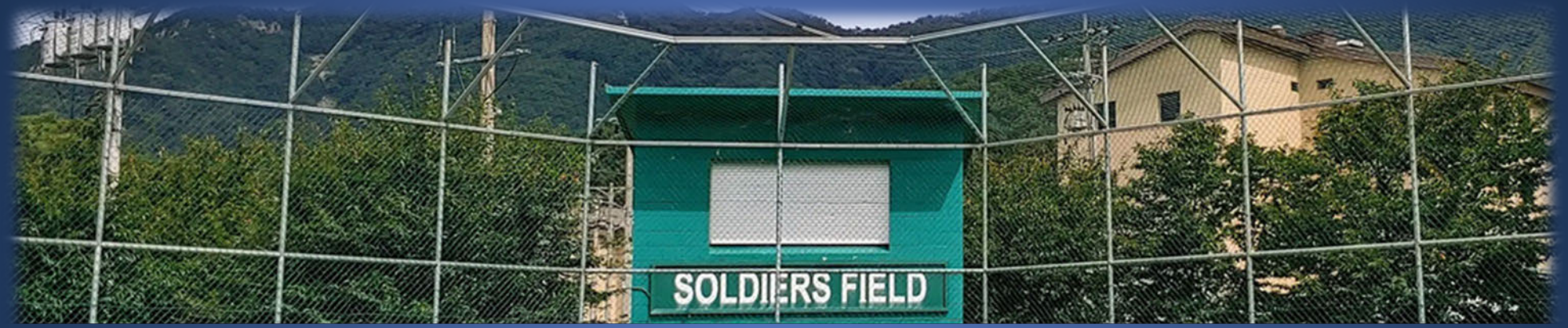
- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked, to accomplishing the mission verse the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



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Benefits of an Inclusive Work Environment

- Inclusive work environments produce higher performance
- Increases collaboration
- Increase employee engagement
- Fuels innovation and creativity
- Increases recruiting
- Decreases turnover, increases retention
- Decreases complaints

INCLUSION STARTS WITH I | VIDEO

QUESTIONS?

Presentation #14

Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
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- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
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ODEI Initiatives, cont.

- Monthly Enterprise Virtual Training Plan
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- We have recently conducted engagements/training
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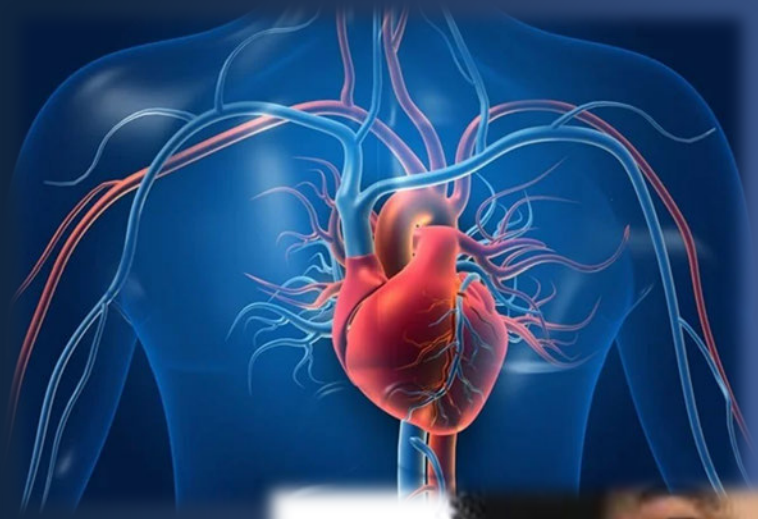
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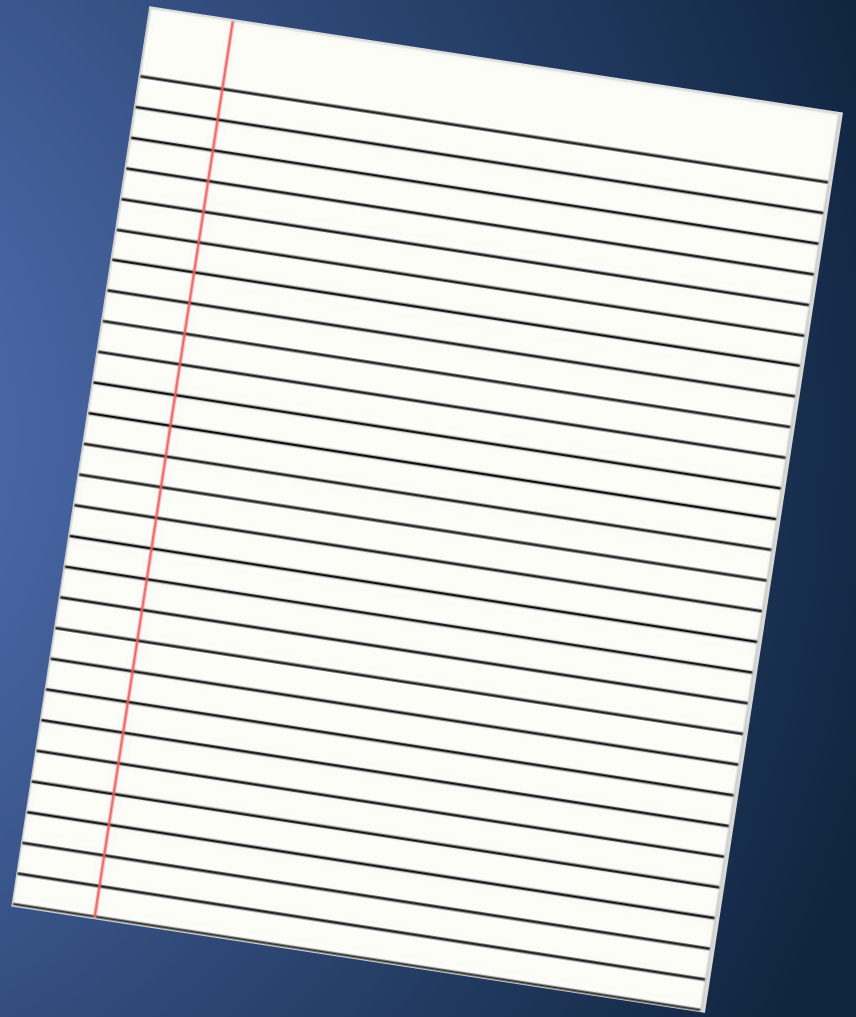
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- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

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  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #15

Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

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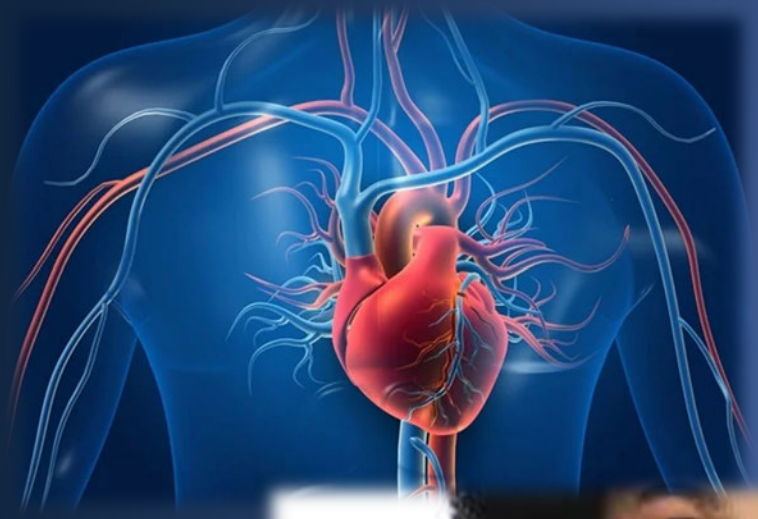
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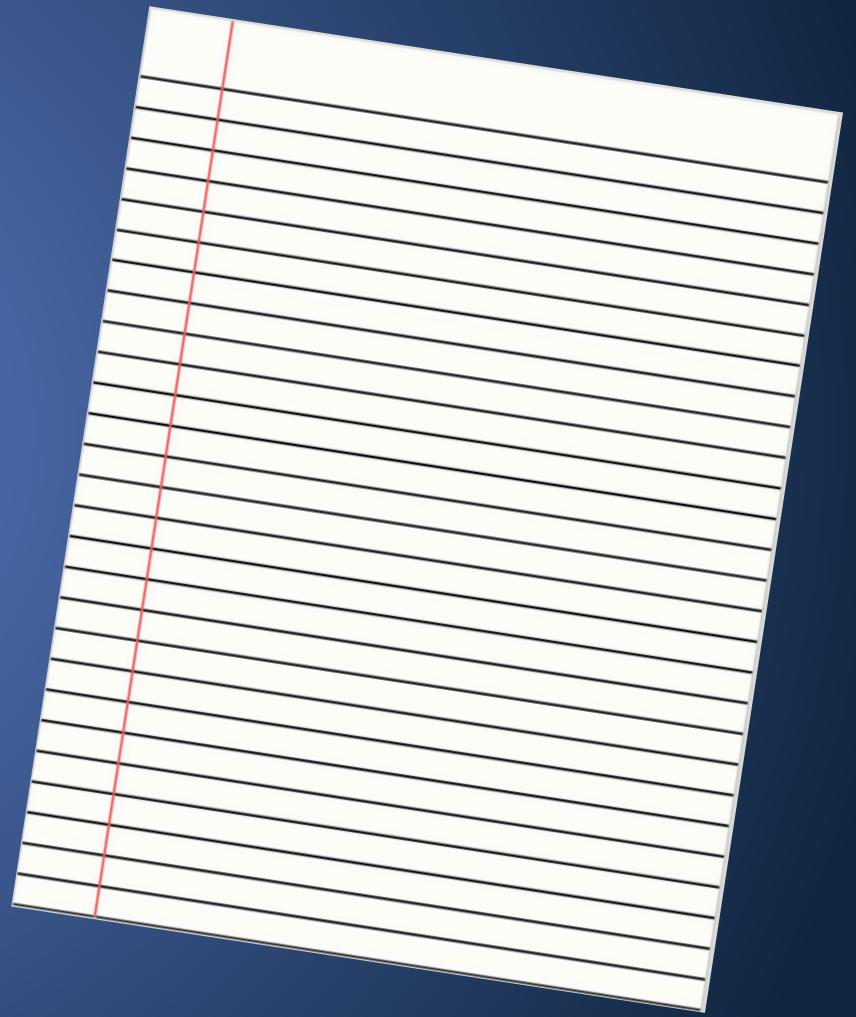
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  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #16

DEI, Bias, & Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

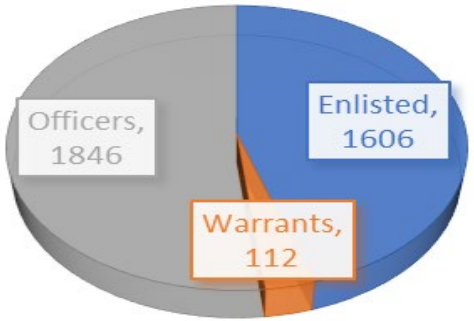
Background

- ODEI established by TJAG on 25 March 2021
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

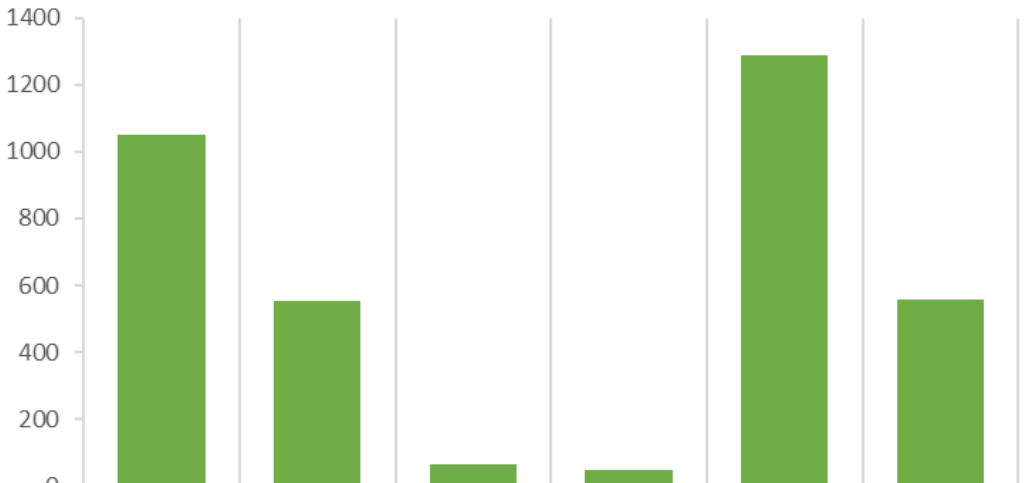
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"

JAGC Active Component Demographics

COHORT

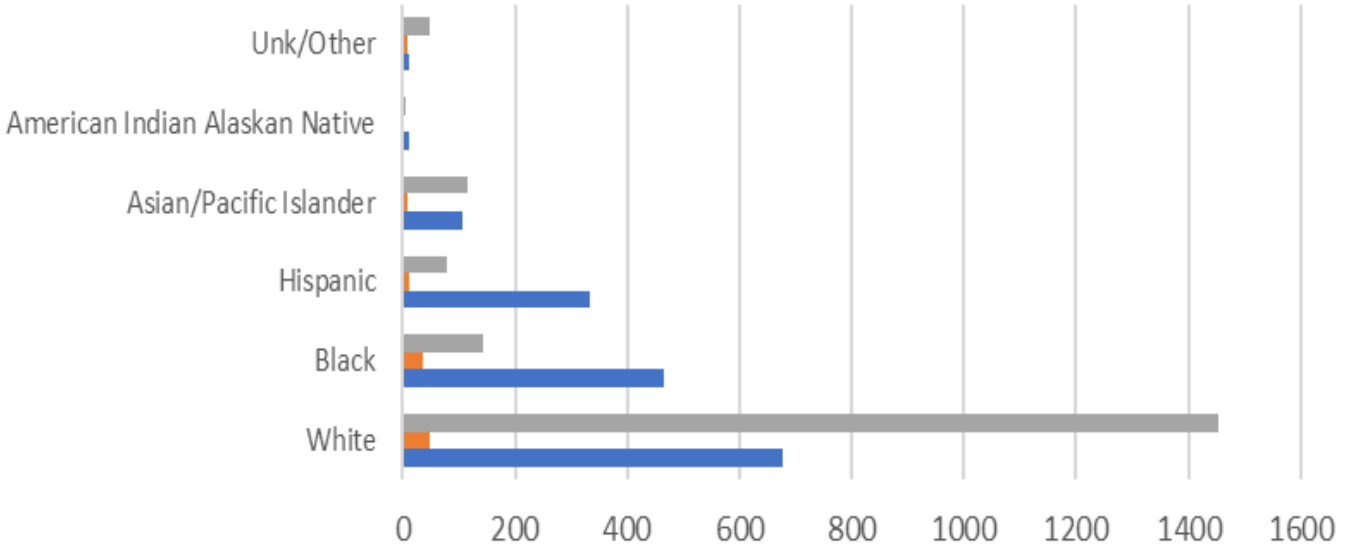


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

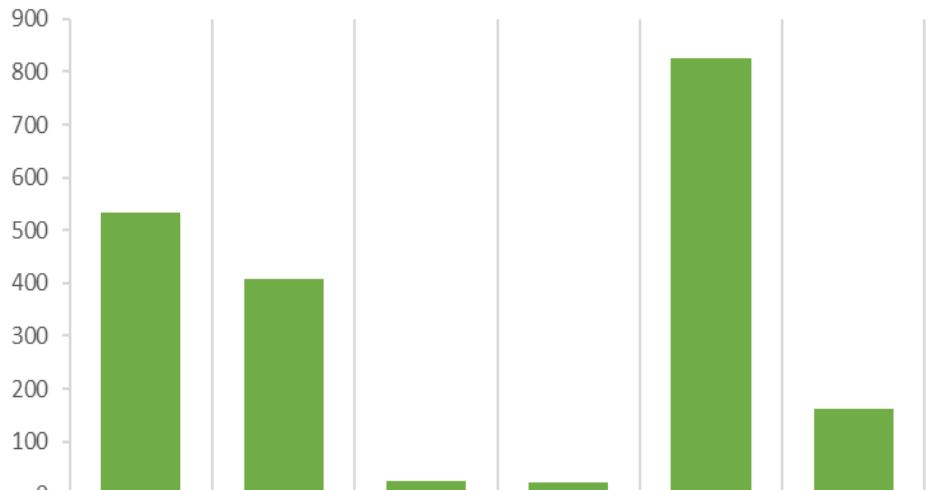
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

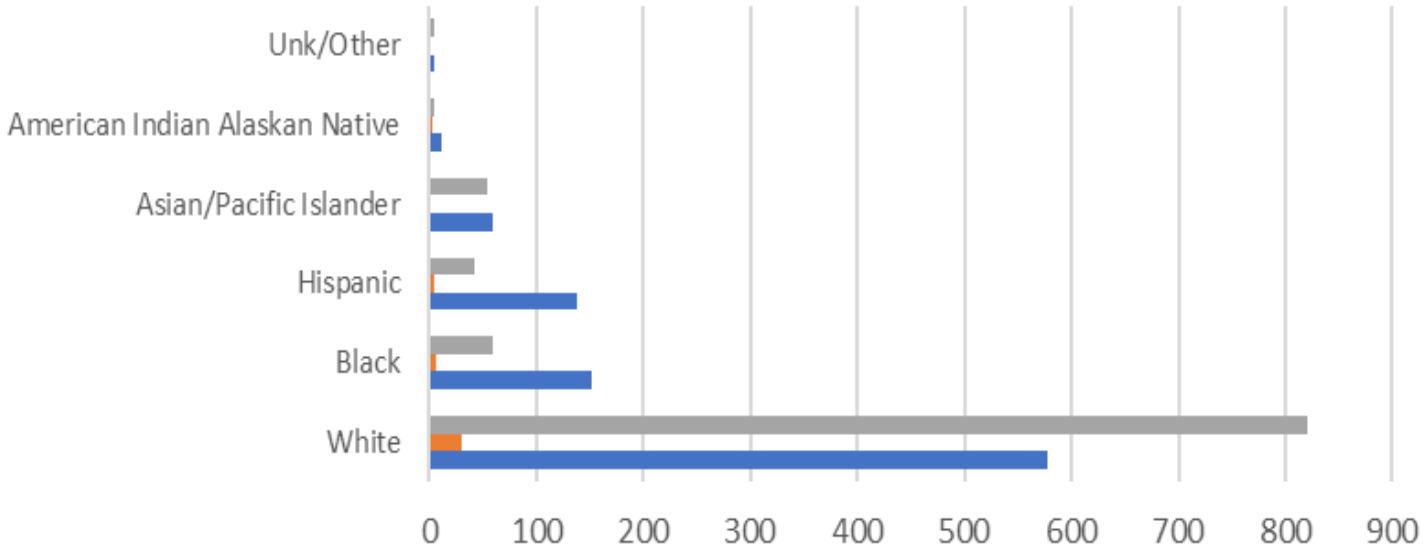


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	534	407	24	21	826	162

RACE/ETHNICITY

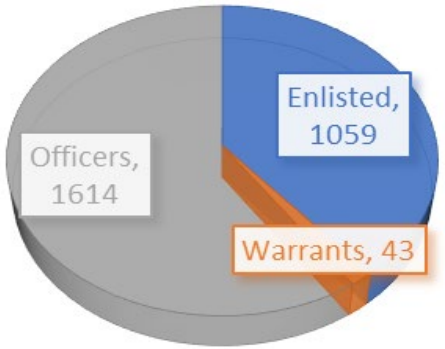


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	821	60	43	55	5	4
Warrants	30	6	5	1	3	0
Enlisted	577	152	138	59	11	4

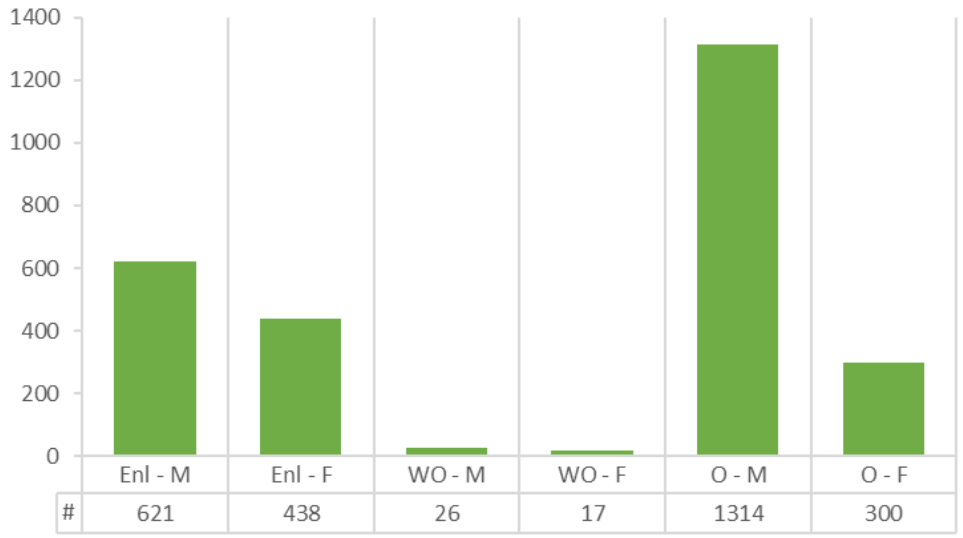
JAGC Reserve Component Demographics

Data as of 31 August 2022

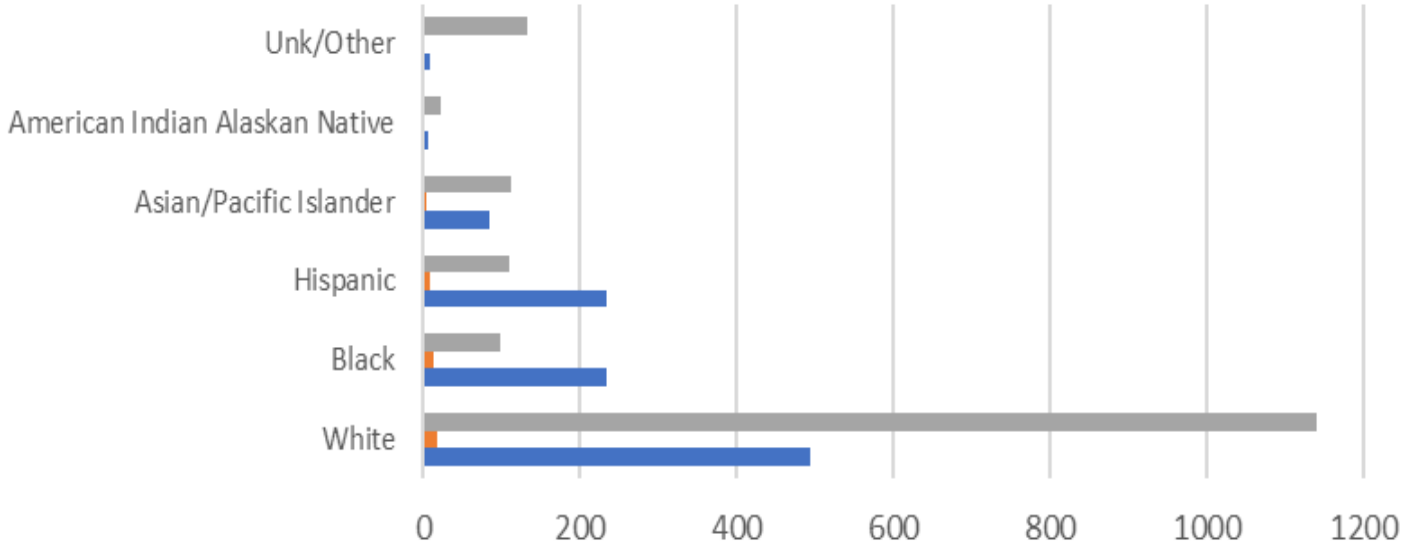
COHORT



GENDER



RACE/ETHNICITY

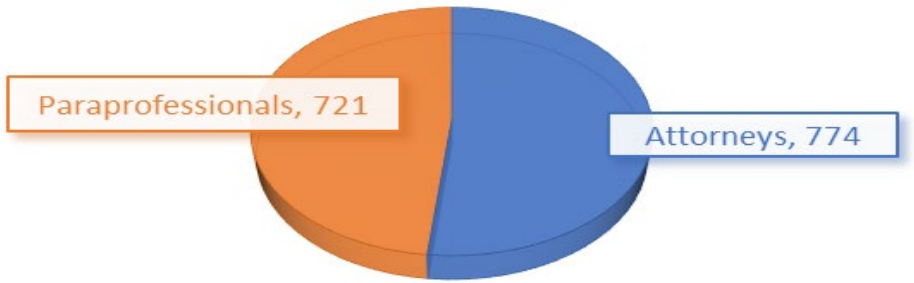


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

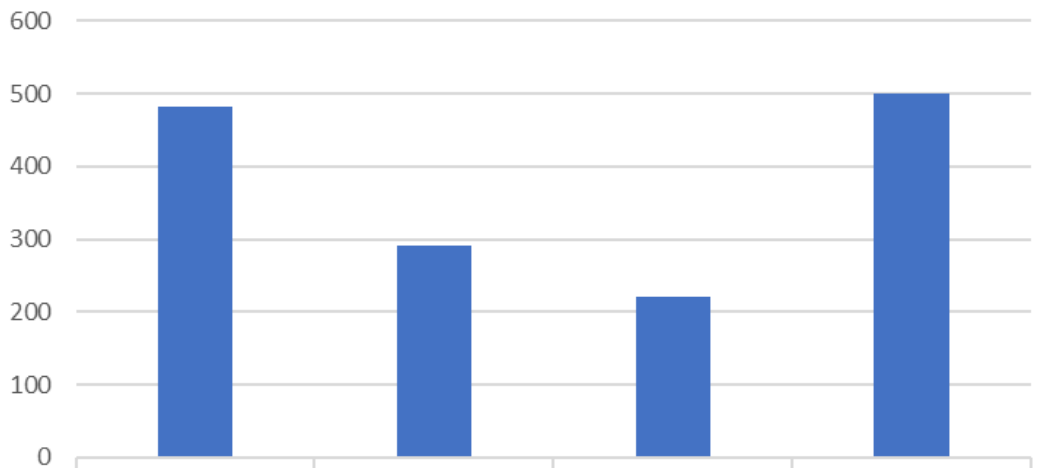
JALS Civilian Demographics

Data as of 31 August 2022

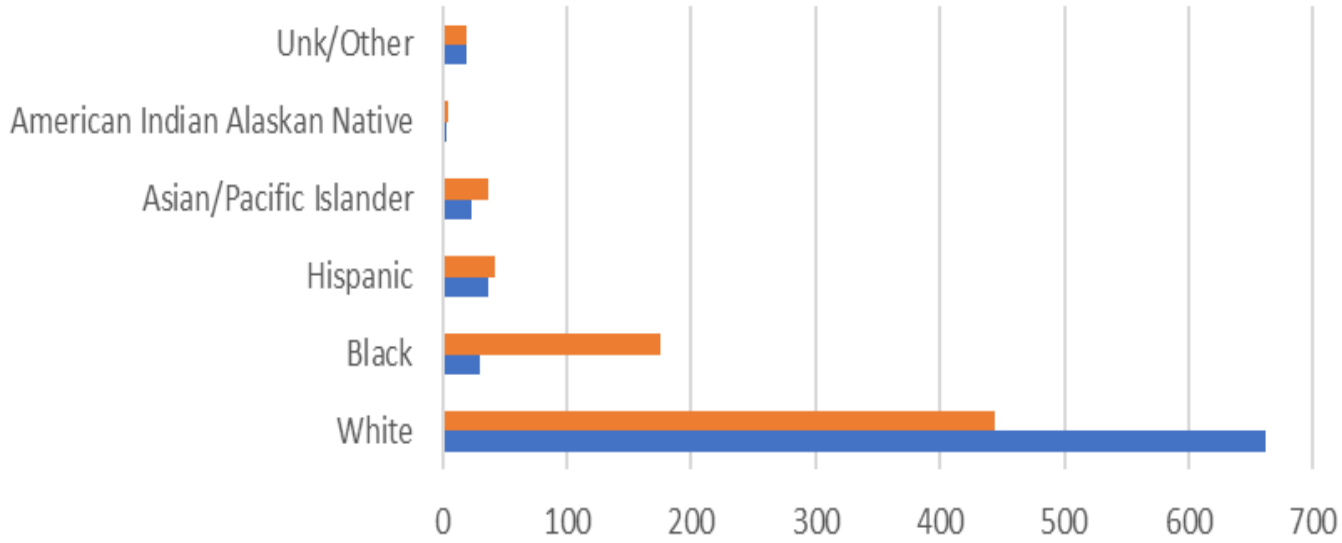
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams, LGBTQIA+ Topics
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

Engagements

- We have recently conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, Law for Paralegal Course, Senior Civilian Course, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, 21st TSC, USARLC, Fort Eustis, Fort Campbell, Fort Bragg, USARJ OSJA, ARBA, 2ID etc.)
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- Coming up this month, we will be conducting engagements with:
  - Fort Belvoir OSJA, OBC, RCT (Pinnellas Park), 1LT Summer Intern Board—and more!
- We are in there and out there!

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

5) Army-wide Inclusive Culture

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

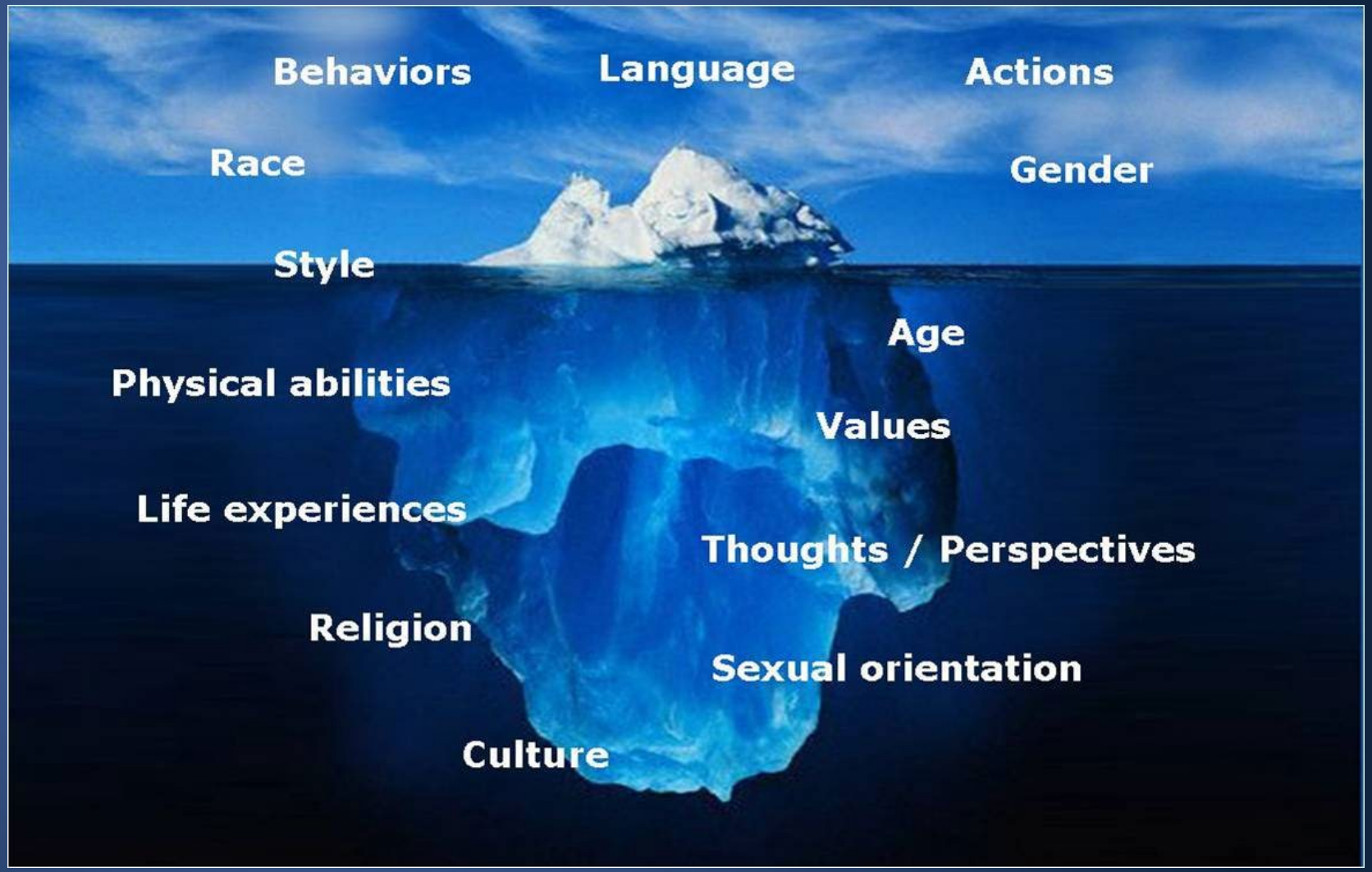
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked, to accomplishing the mission verse the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Implicit Bias – *Unconscious Cognition*



Let’s Talk About It

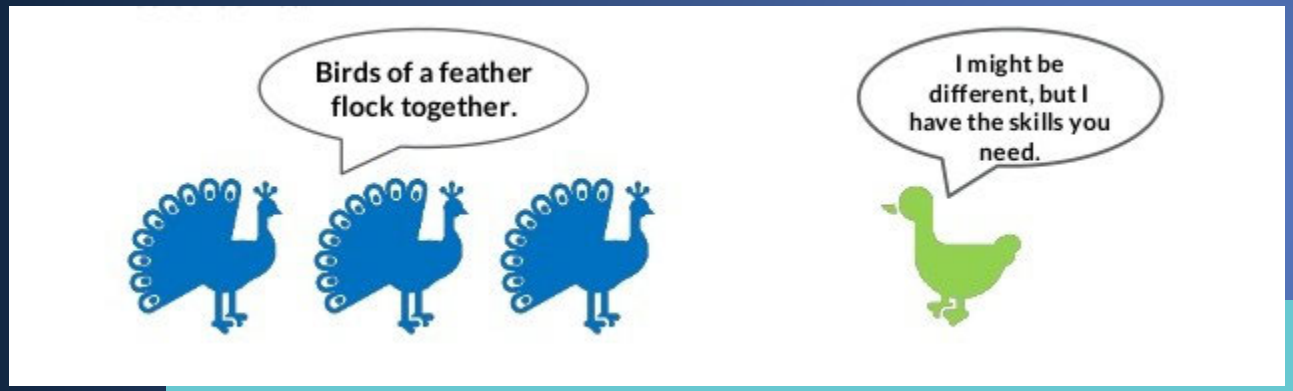


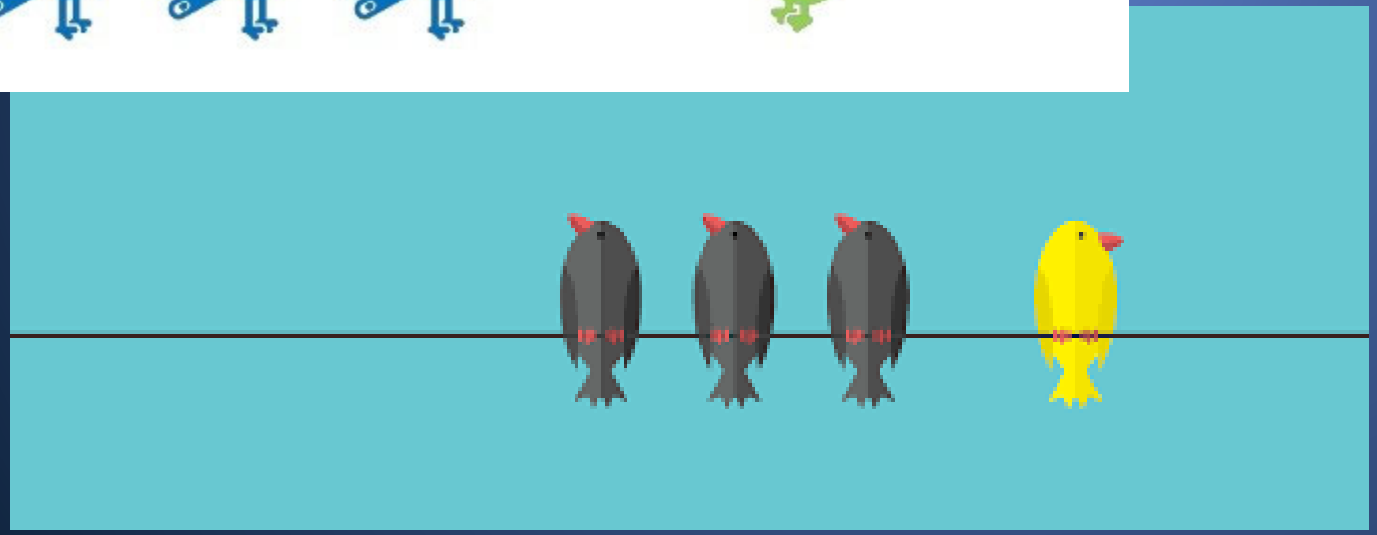
Let's Define It

- How would you define implicit bias?
  - Unconscious bias refers to the attitudes or stereotypes that affect our views, our actions, and our decision-making ability
- What are some factors that influence how we view the world?
  - Our experiences shape who we are, and our race, ethnicity, gender, height, weight, sexual orientation, place of birth, and other **factors impact the lens with which we view the world**
- At Ease
  - Discussions of this type can evoke emotional responses, and **that is okay**

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us



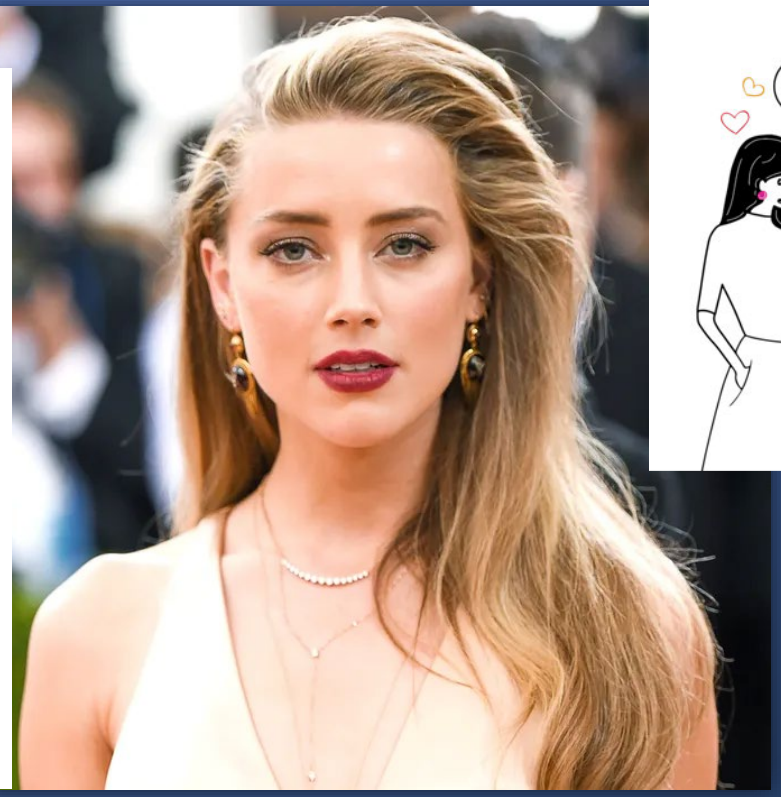


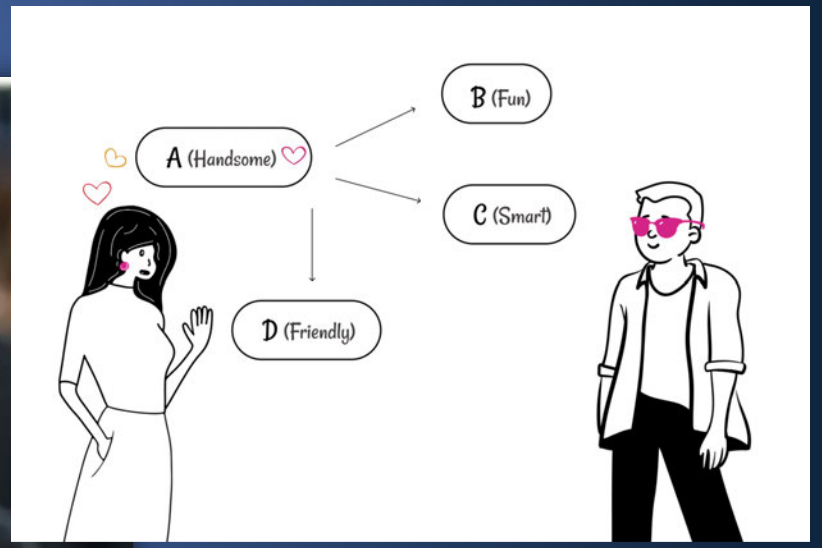


Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good







Perception Bias

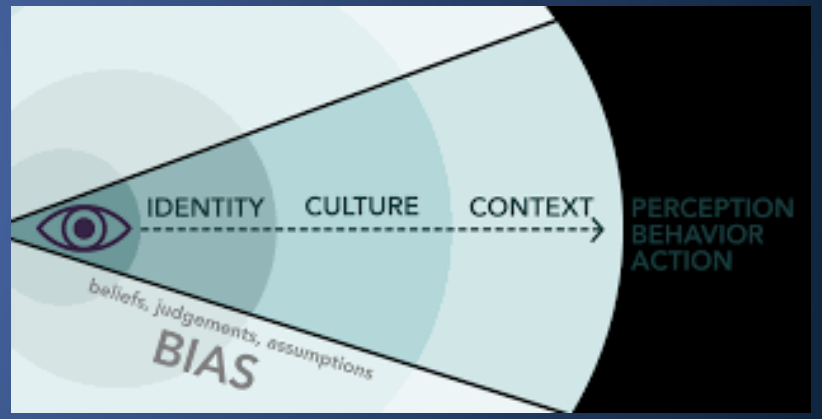
- What is it?
  - the tendency to form stereotypes and assumptions about certain groups that makes it difficult to make an objective judgment about individual members of those groups













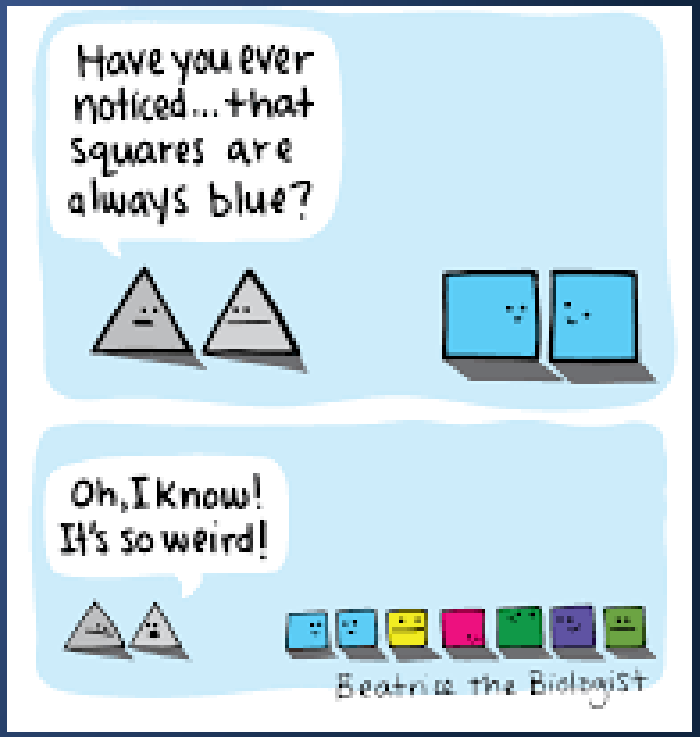
Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along



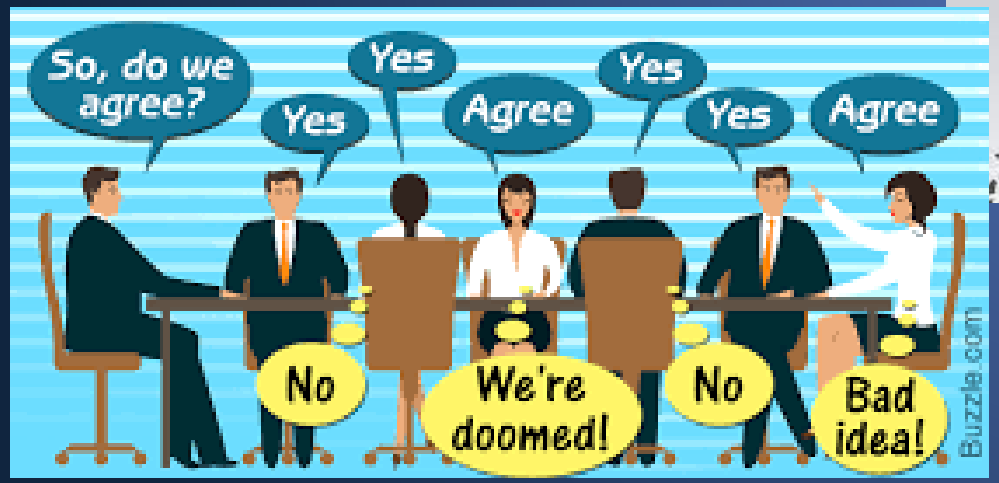






Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group







The Impact of Bias

- It’s natural but…
- It can color our decision-making…
- And those decisions cost…
- They impact the organization…
- They can decrease morale…
- And affect our retention….
- They ruin our reputation…
- And hurt our recruitment…
- The consequences are endless.

Tackling Bias

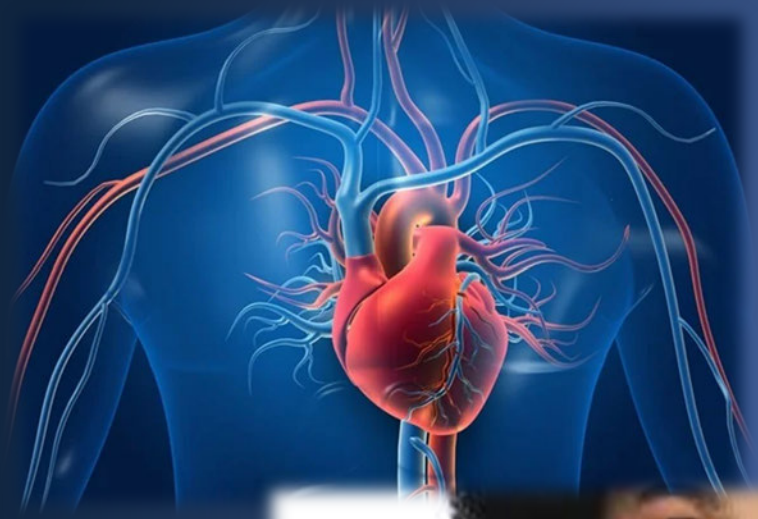
- Doesn't have to be difficult
- It starts with you!
- Ask yourself, “what can I do to intervene?”



Building Inclusive Teams

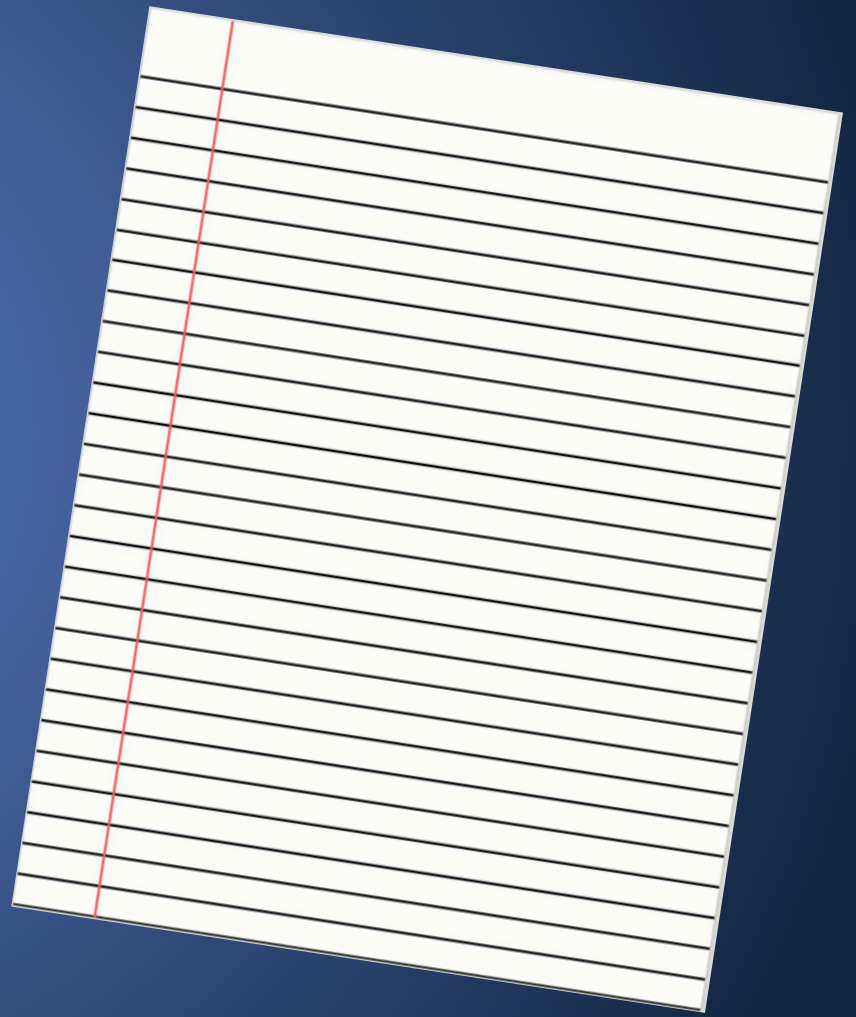


Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #17

Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

- (b) (6) (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Conducting Multifaceted Training
  - DEI&A: An Overview; Implicit (Unconscious) Bias; Equity & Privilege; DEI in Mentorship; Mitigating Microaggressions; Race & the Law; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Disability and Accessibility; Building Inclusive Teams
- Inclusion of DEI&A training at all levels of JAGC PME (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating bias discussions at various boards
- Working with SIO and JARO on strategic engagement/messaging

ODEI Initiatives, cont.

- Monthly Enterprise Virtual Training Plan
- Engaged with Retention Working Group
- Engagement with Army Equity & Inclusion Agency
- Reviewing processes for equity, inclusion, and transparency
- Engagement w/ JAGC DEIC and Field Boards

Engagements

- We have recently conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, Law for Paralegal Course, Senior Civilian Course, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, 21st TSC, USARLC, Fort Eustis, Fort Campbell, Fort Bragg, etc.)
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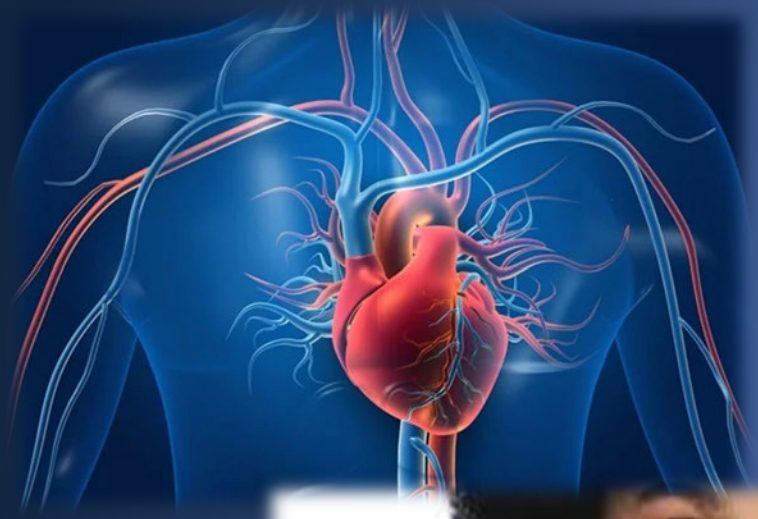
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3) Training and Education

4) The Employer of Choice

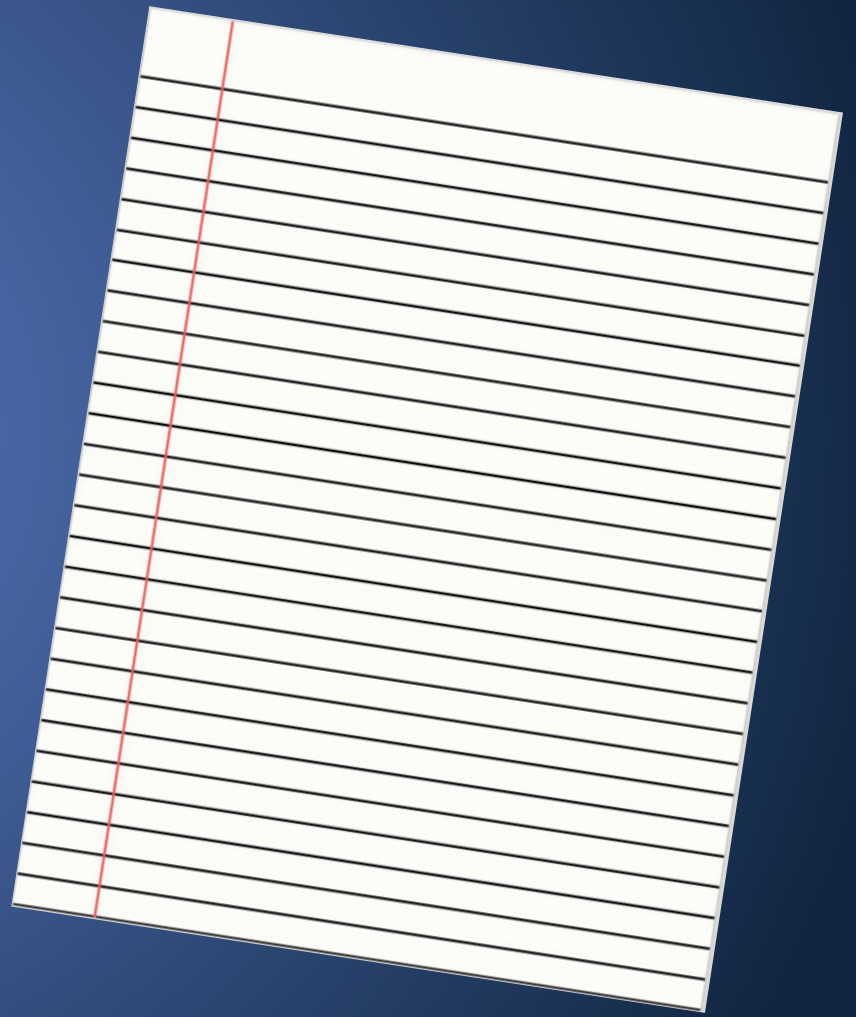
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  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

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- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

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- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six C's of Inclusive Leadership

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- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

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2. Treating everyone the same
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5. Knowing it all
6. Doesn’t recognize or reward
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  - Broad engagement
  - Systematic alignment
  - Representation

Start Being Inclusive NOW…

1. Inclusivity starts from the top…check your practices
2. Create a culture of trust and “psychological safety”
3. Plan and host inclusive events
4. Create opportunities for conversations/feedback
5. Don’t dismiss people’s idea’s, hear them out and try to integrate them
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In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

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  - hmgjagc@gmail.com
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  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
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Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #18

Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Conducting Multifaceted Training
  - DEI&A: An Overview; Implicit (Unconscious) Bias; Equity & Privilege; DEI in Mentorship; Mitigating Microaggressions; Race & the Law; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Disability and Accessibility; Building Inclusive Teams
- Inclusion of DEI&A training at all levels of JAGC PME (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating bias discussions at various boards
- Working with SIO and JARO on strategic engagement/messaging

ODEI Initiatives, cont.

- Monthly Enterprise Virtual Training Plan
- Engaged with Retention Working Group
- Engagement with Army Equity & Inclusion Agency
- Reviewing processes for equity, inclusion, and transparency
- Engagement w/ JAGC DEIC and Field Boards

Engagements

- We have recently conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, Law for Paralegal Course, Senior Civilian Course, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, 21st TSC, USARLC, Fort Eustis, Fort Campbell, Fort Bragg, etc.)
  - At various boards (GOSC, 2L Internships, Reserve Accessions, FLEP, WO Accessions Board, etc.)
- Coming up this month, we will be conducting engagements with:
  - USARJ OSJA, ARBA, 2ID OSJA, Fort Belvoir OSJA, OBC, RCT (Pinnellas Park), 1LT Summer Intern Board—and more!
- We are in there and out there!

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

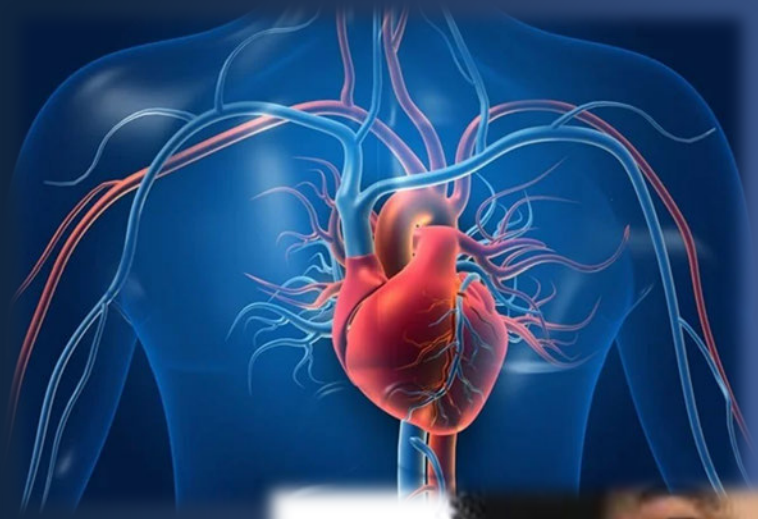
2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

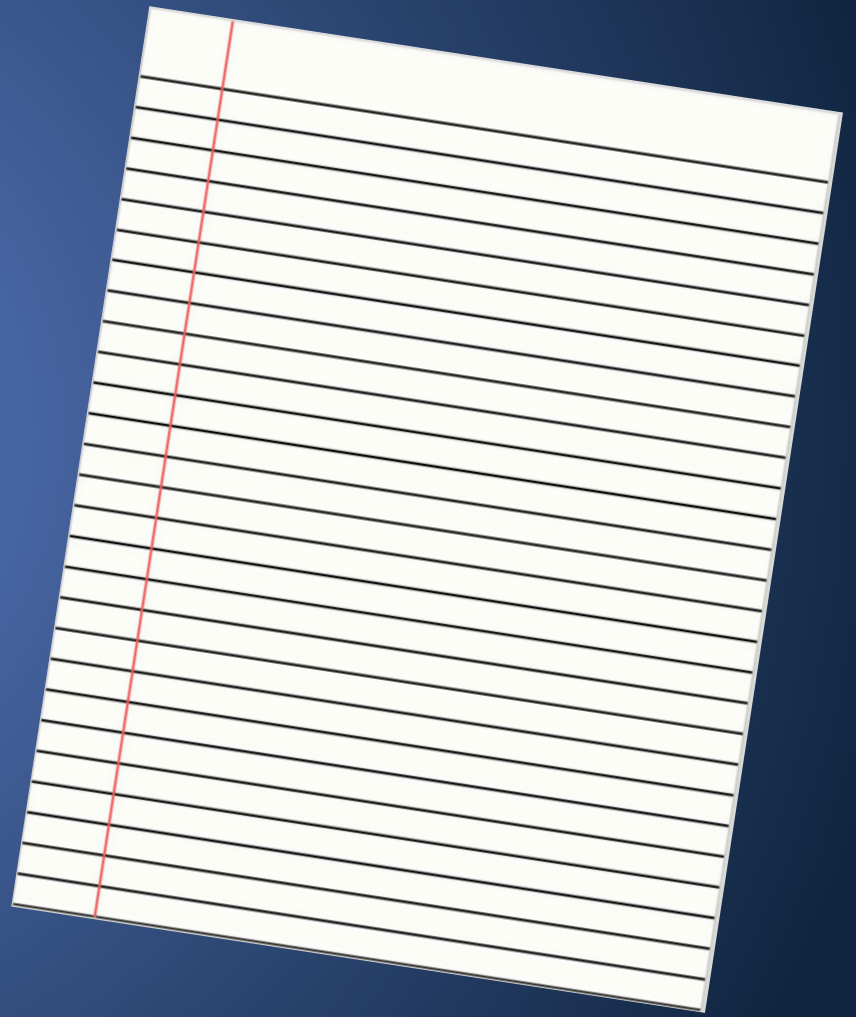
5) Army-wide Inclusive Culture

Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

Start Being Inclusive NOW…

1. Inclusivity starts from the top…check your practices
2. Create a culture of trust and “psychological safety”
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QUESTIONS?

Presentation #19

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

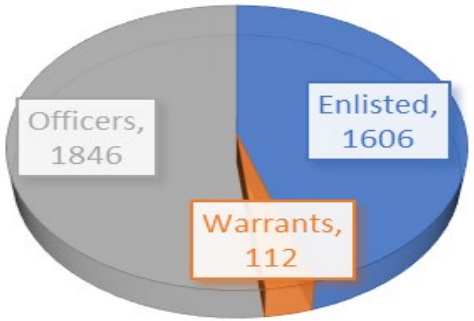
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  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

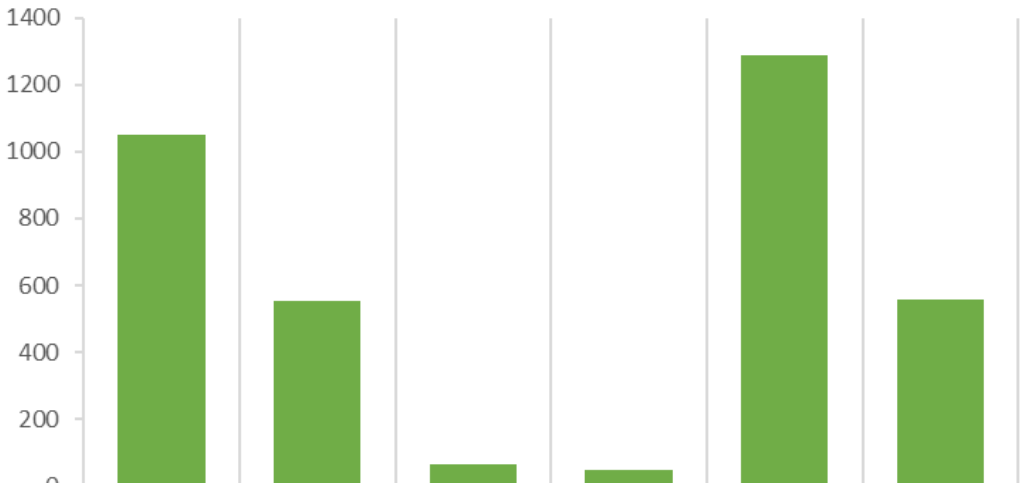
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  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"

JAGC Active Component Demographics

COHORT

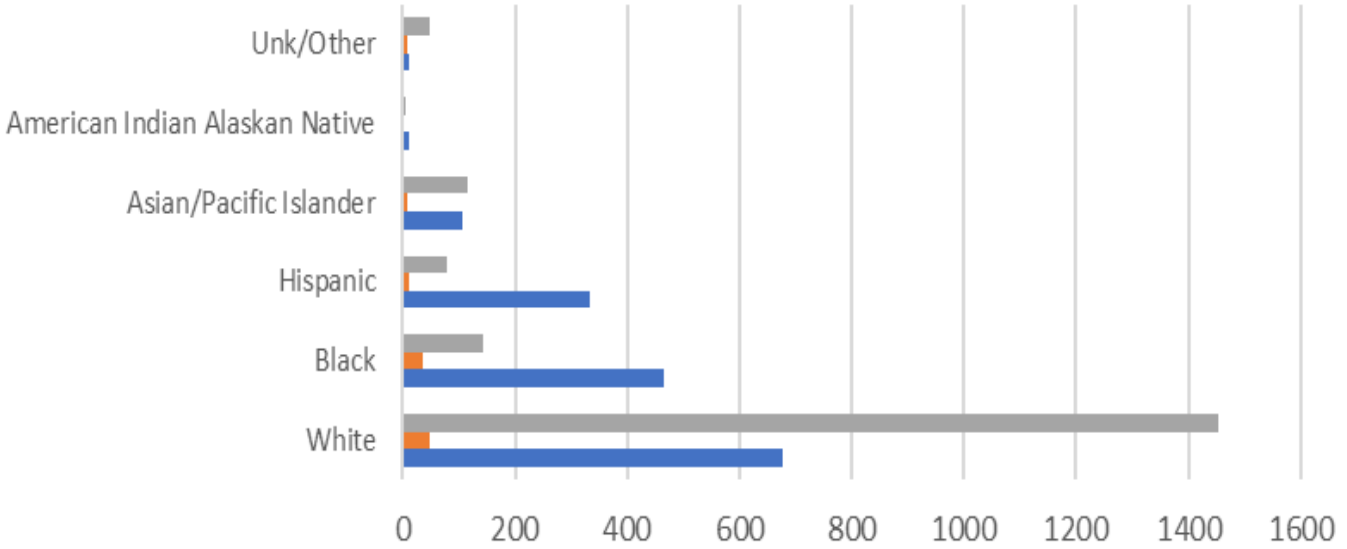


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
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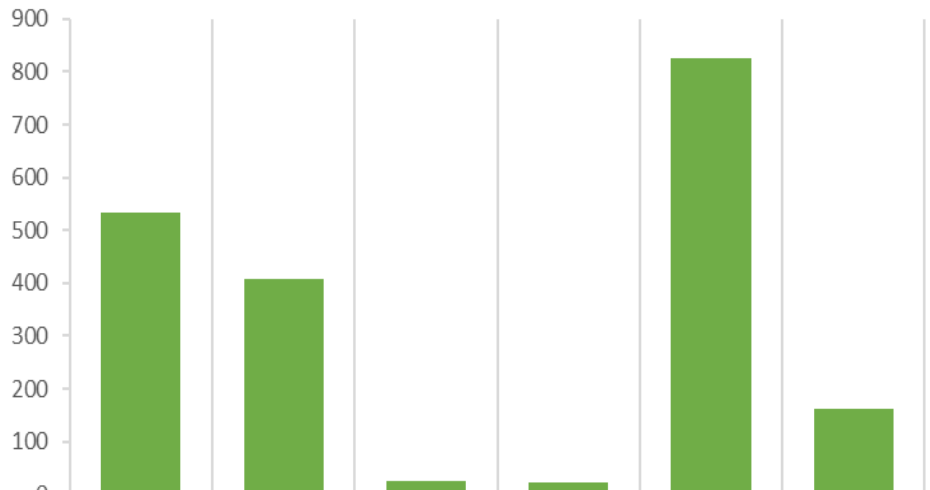
JAGC National Guard Component Demographics

Data as of 31 August 2022

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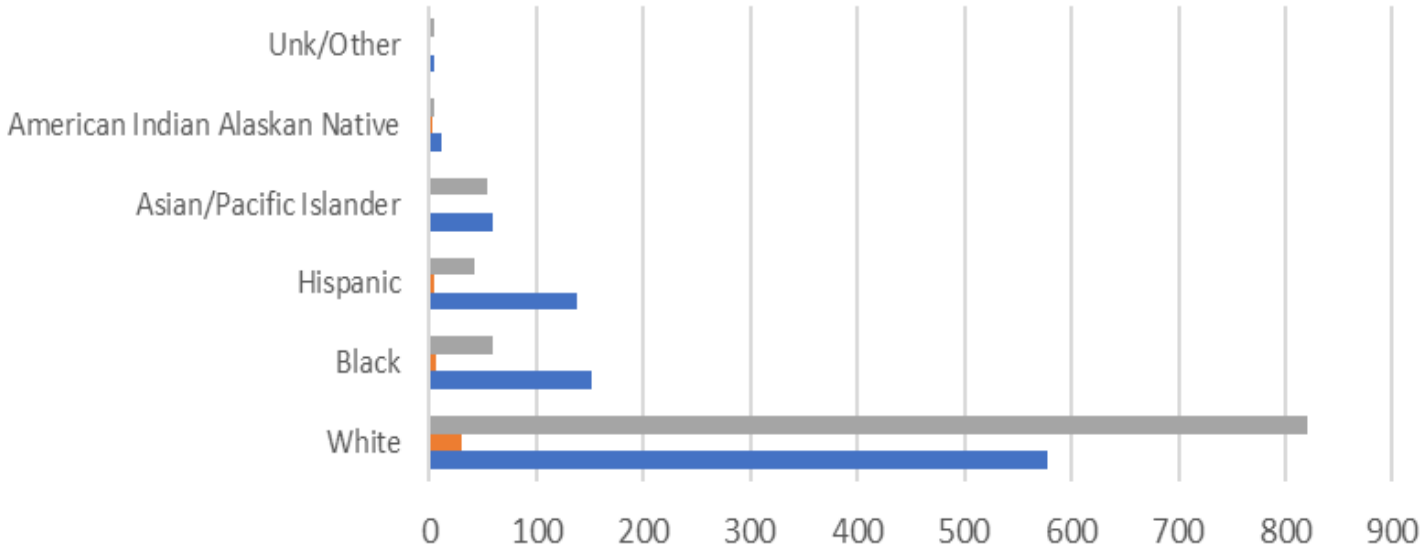


GENDER



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#	534	407	24	21	826	162

RACE/ETHNICITY

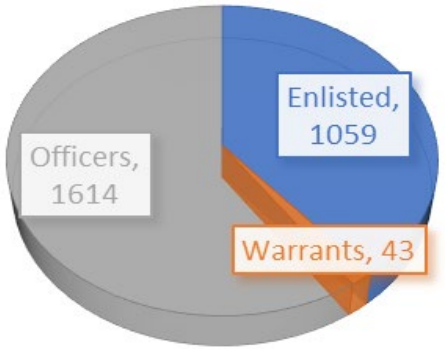


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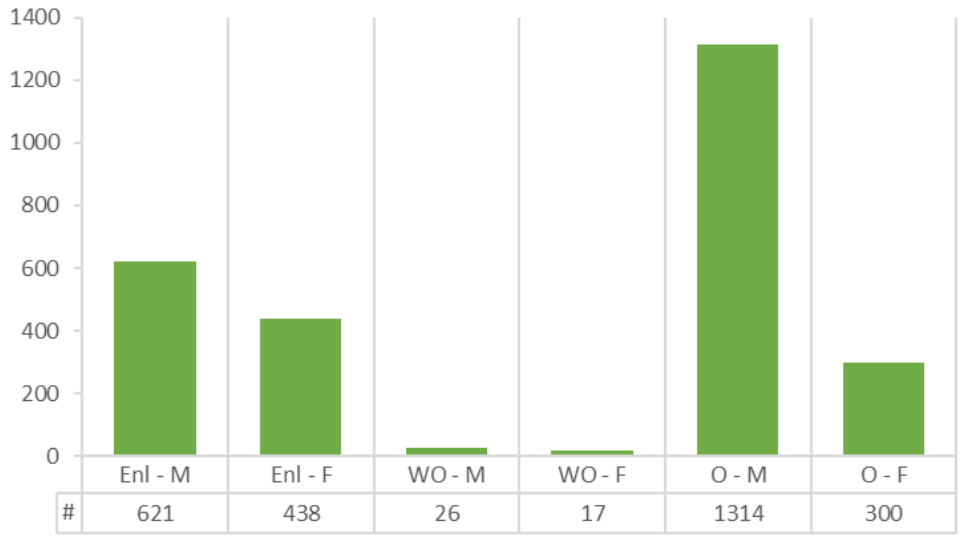
JAGC Reserve Component Demographics

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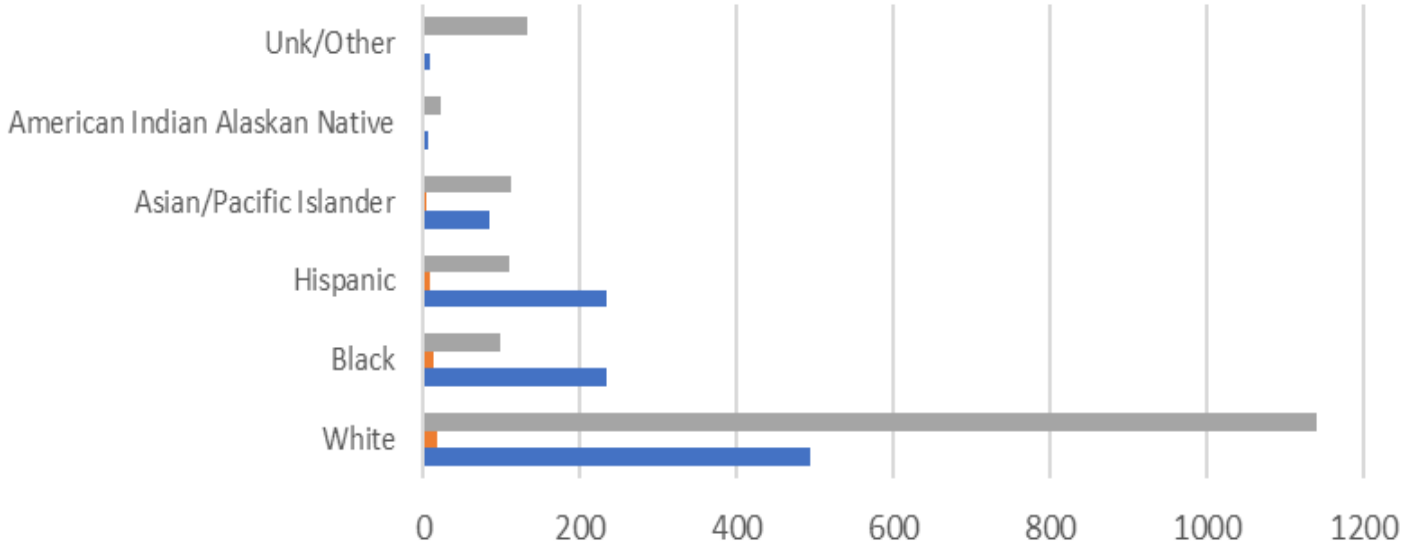
COHORT



GENDER



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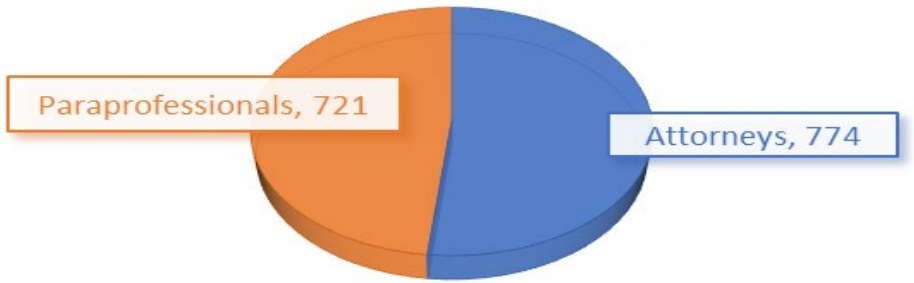


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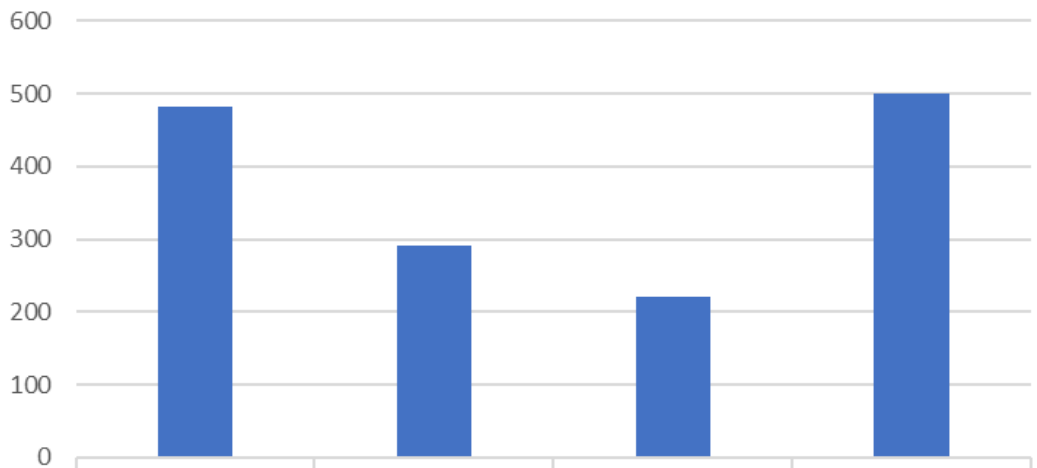
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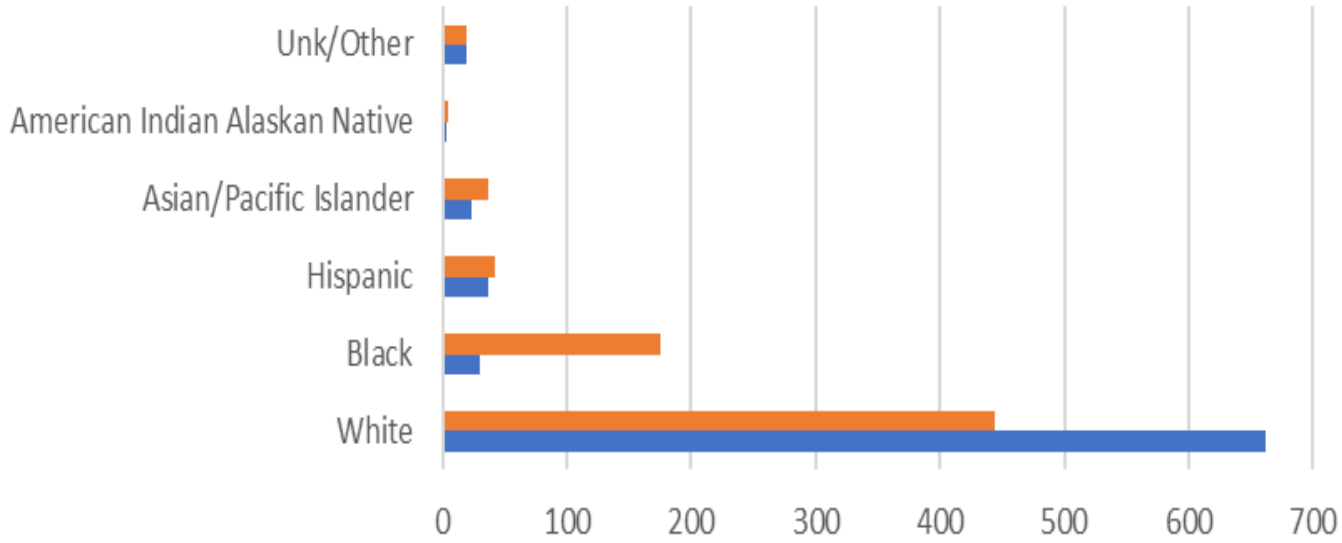
COHORT



GENDER



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Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams, LGBTQIA+ Topics
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Keep up with ODEI

JAGCNet

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QUESTIONS?

Presentation #20

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

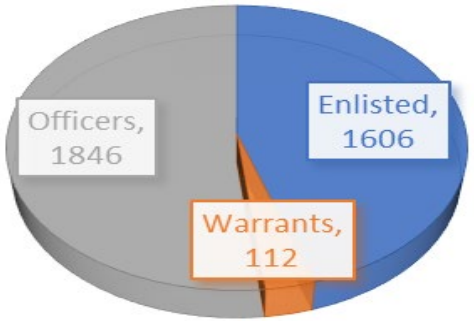
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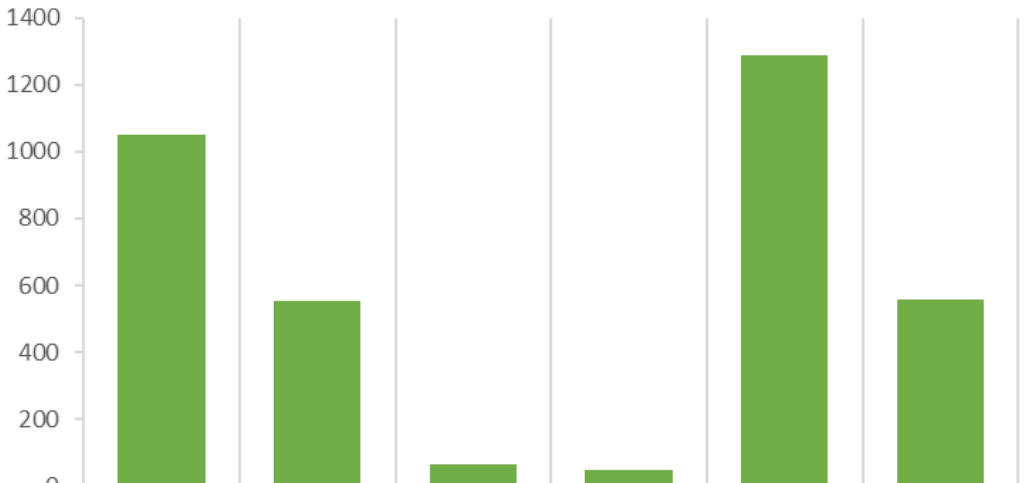
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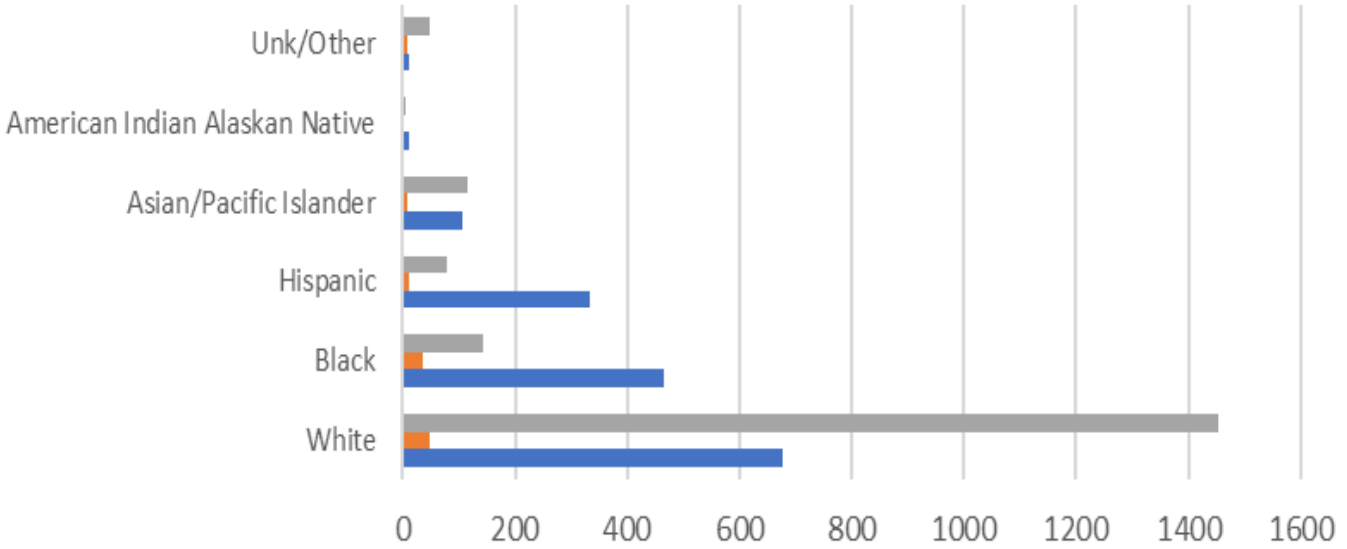


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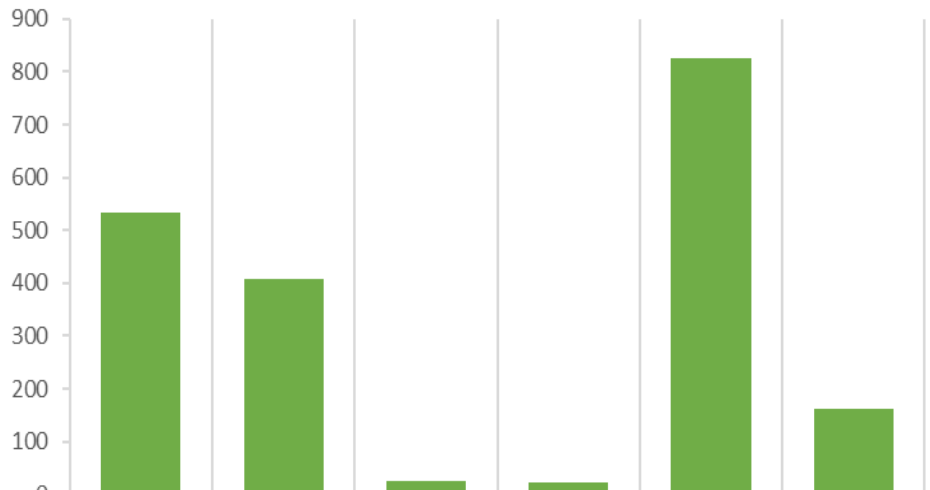
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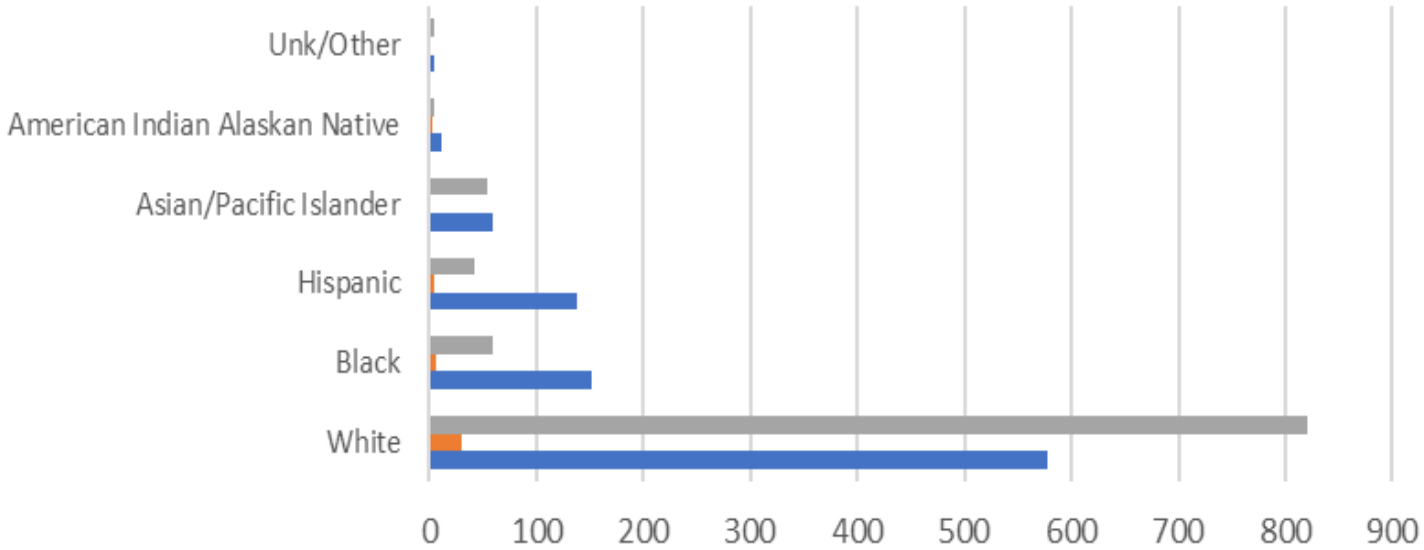


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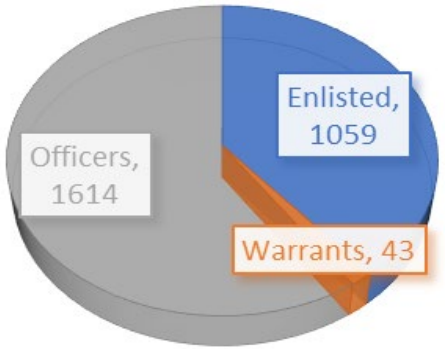


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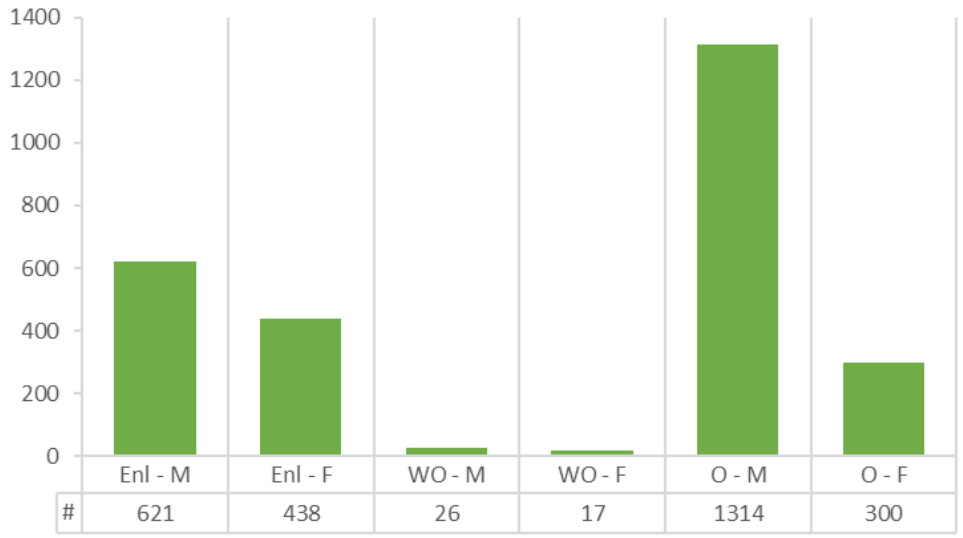
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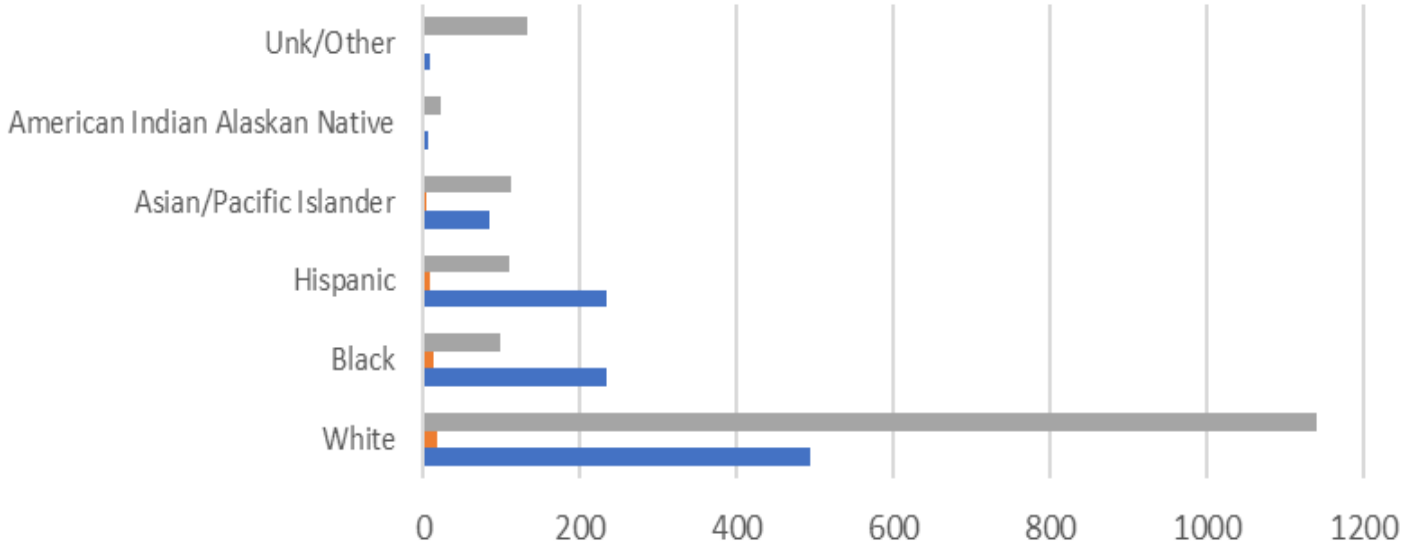
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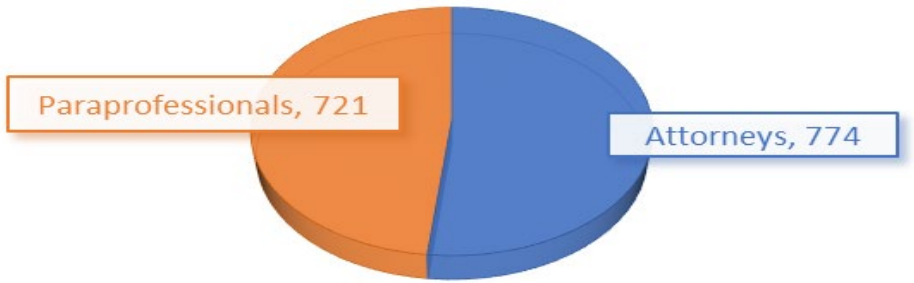


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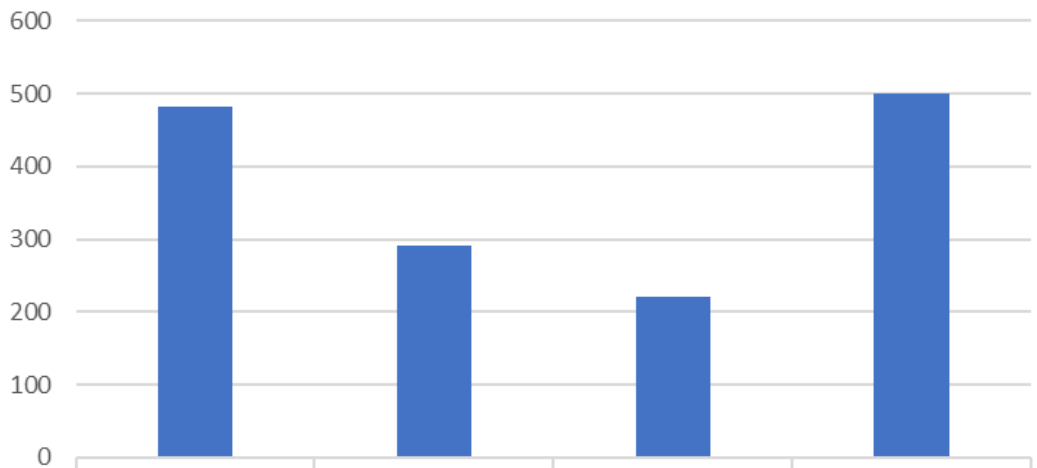
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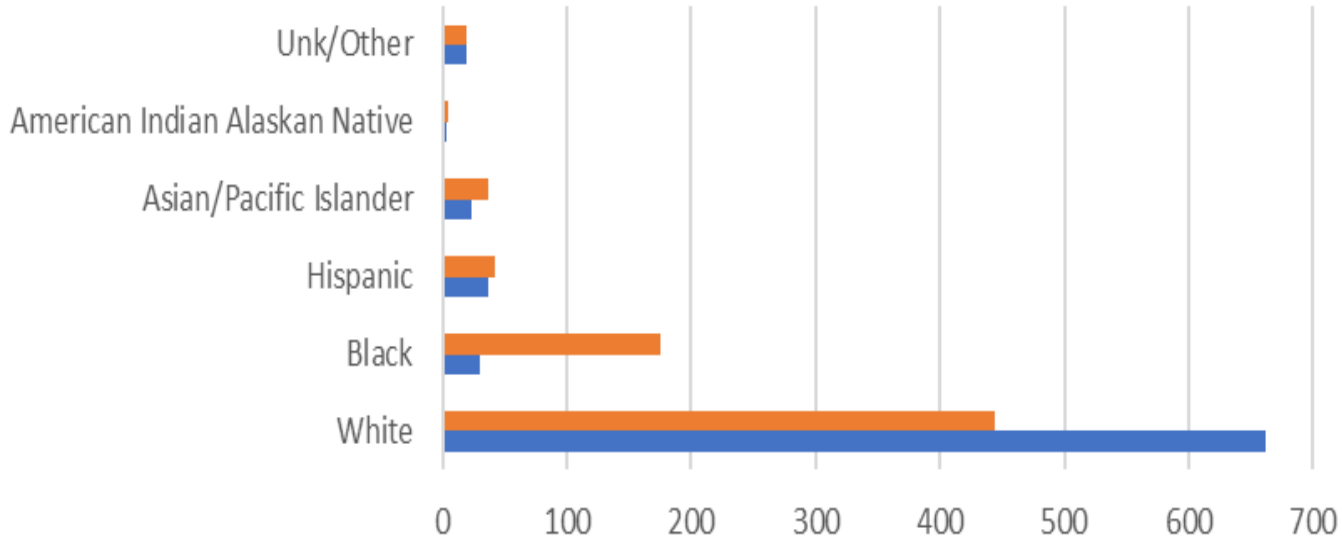
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- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams, LGBTQIA+ Topics
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #21

Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Conducting Multifaceted Training
  - DEI&A: An Overview; Implicit (Unconscious) Bias; Equity & Privilege; DEI in Mentorship; Mitigating Microaggressions; Race & the Law; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Disability and Accessibility; Building Inclusive Teams
- Inclusion of DEI&A training at all levels of JAGC PME (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating bias discussions at various boards
- Working with SIO and JARO on strategic engagement/messaging

ODEI Initiatives, cont.

- Monthly Enterprise Virtual Training Plan
- Engaged with Retention Working Group
- Engagement with Army Equity & Inclusion Agency
- Reviewing processes for equity, inclusion, and transparency
- Engagement w/ JAGC DEIC and Field Boards

Engagements

- We have recently conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, Law for Paralegal Course, Senior Civilian Course, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, 21st TSC, USARLC, Fort Eustis, Fort Campbell, Fort Bragg, etc.)
  - At various boards (GOSC, 2L Internships, Reserve Accessions, FLEP, WO Accessions Board, etc.)
- Coming up this month, we will be conducting engagements with:
  - USARJ OSJA, ARBA, 2ID OSJA, Fort Belvoir OSJA, OBC, RCT (Pinnellas Park), 1LT Summer Intern Board—and more!
- We are in there and out there!

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

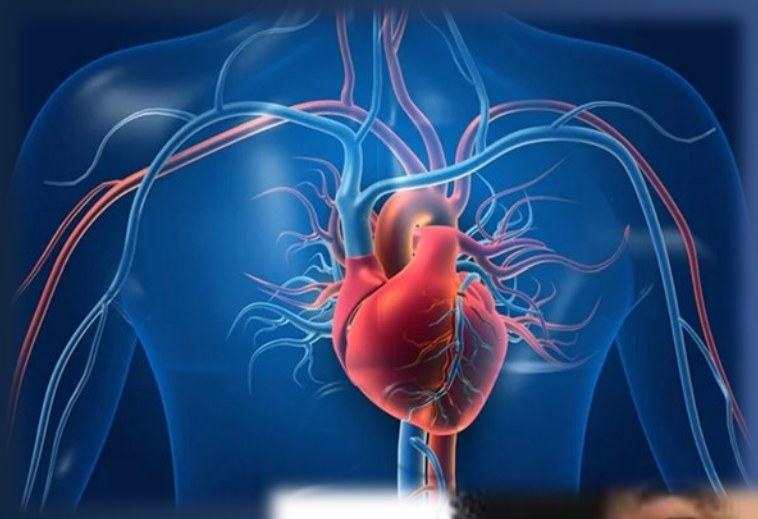
2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

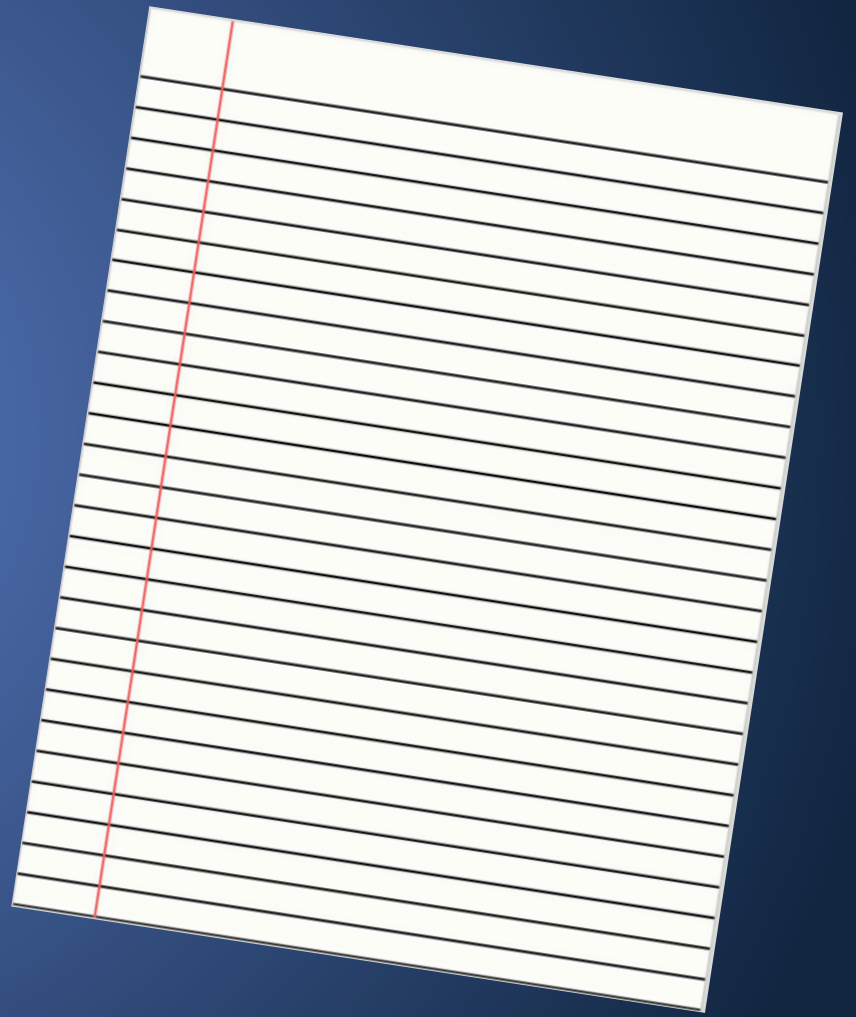
5) Army-wide Inclusive Culture

Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

Start Being Inclusive NOW…

1. Inclusivity starts from the top…check your practices
2. Create a culture of trust and “psychological safety”
3. Plan and host inclusive events
4. Create opportunities for conversations/feedback
5. Don’t dismiss people’s idea’s, hear them out and try to integrate them
6. Discourage groupthink
7. Encourage servant behavior
8. Be trustworthy

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #22

DEI, Bias, & Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Specialist
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Background

- ODEI established by TJAG on 25 March 2021
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

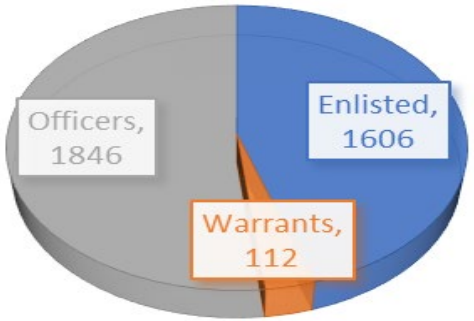
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"

ODEI Initiatives

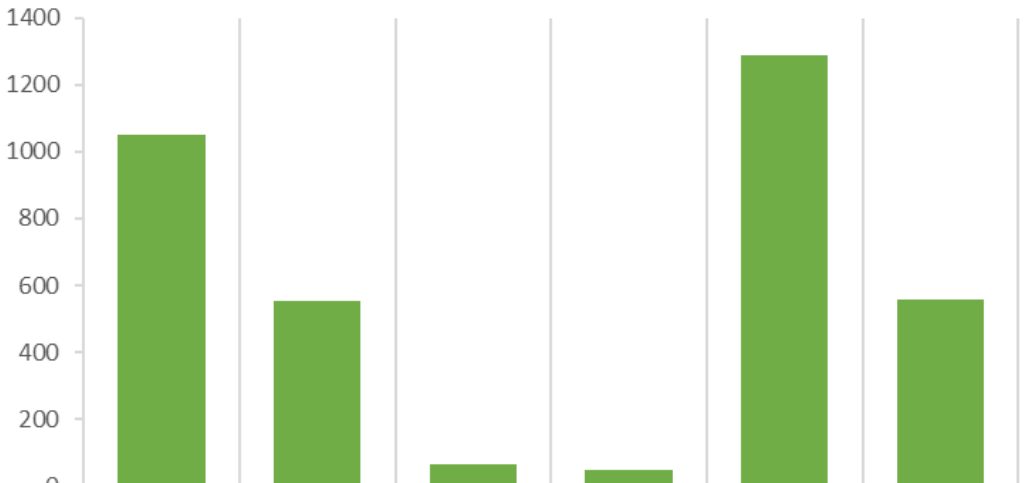
- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
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- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

JAGC Active Component Demographics

COHORT

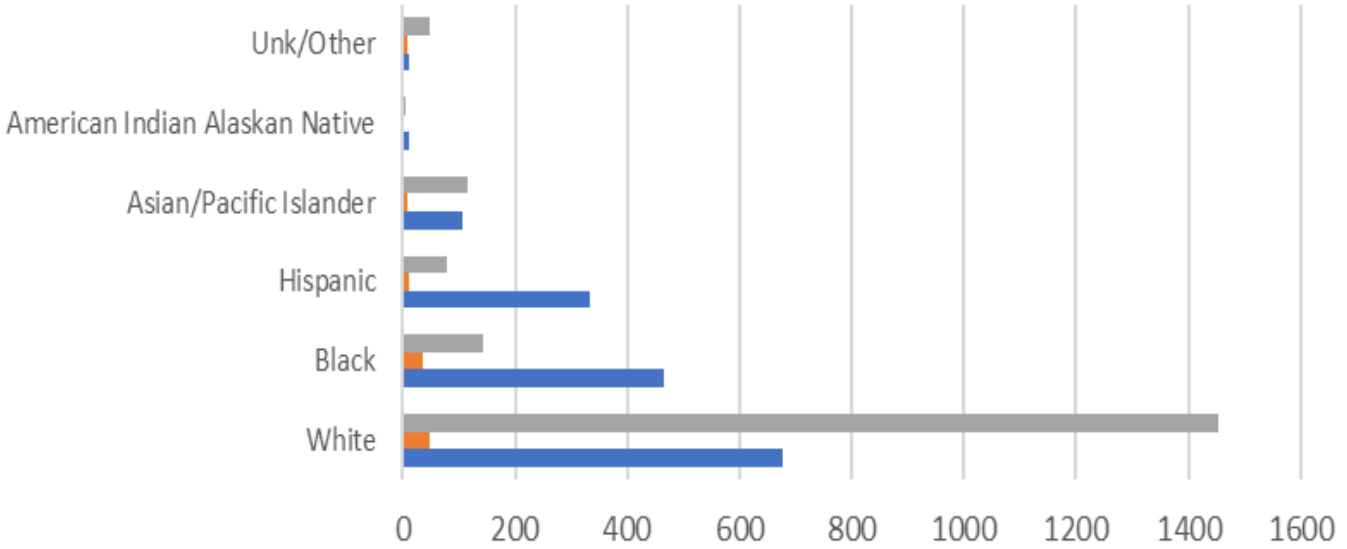


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

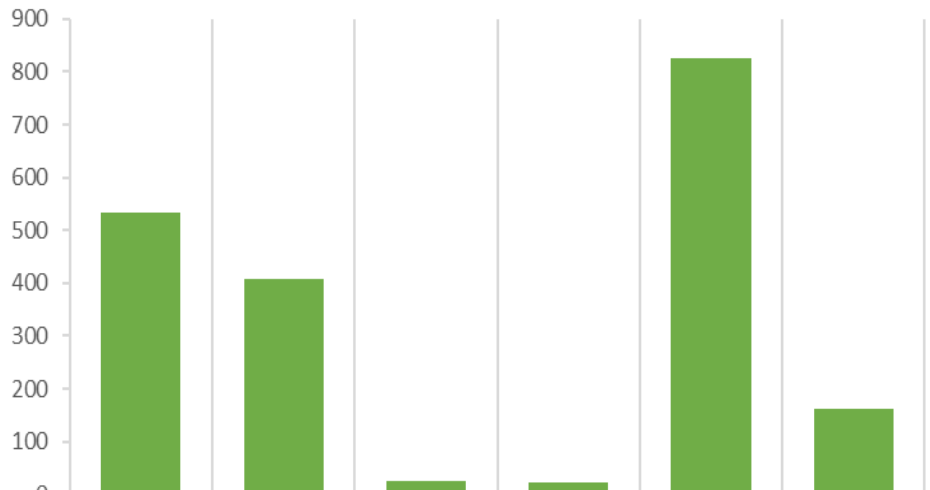
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

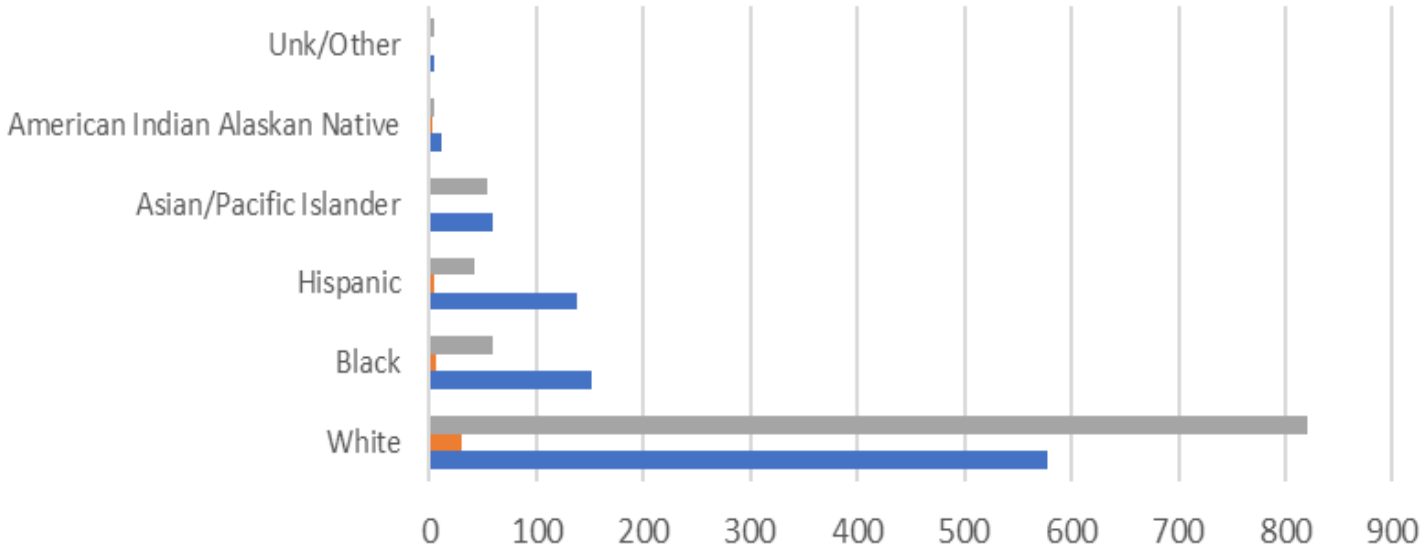


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	534	407	24	21	826	162

RACE/ETHNICITY

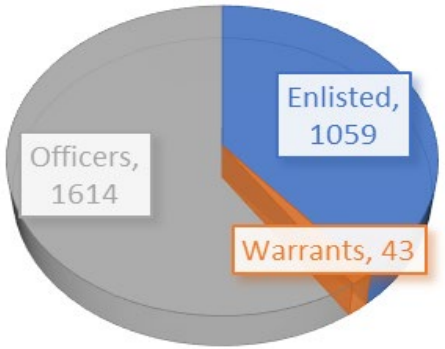


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	821	60	43	55	5	4
Warrants	30	6	5	1	3	0
Enlisted	577	152	138	59	11	4

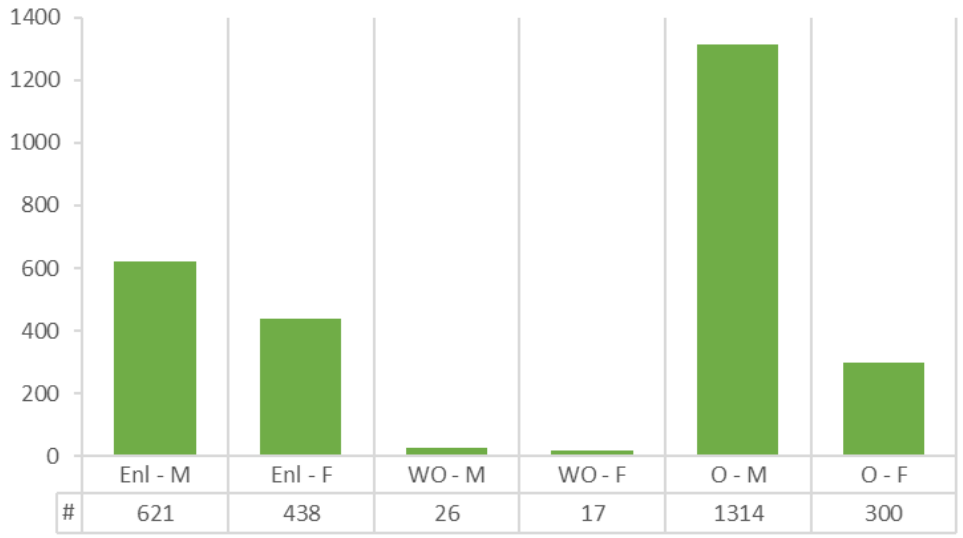
JAGC Reserve Component Demographics

Data as of 31 August 2022

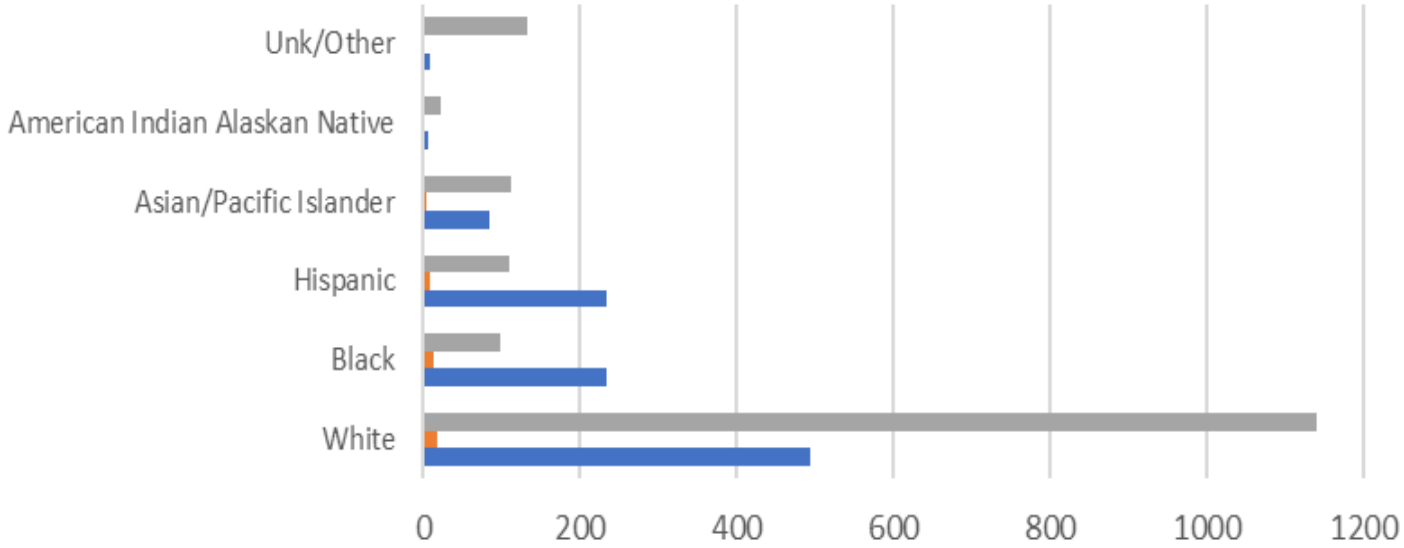
COHORT



GENDER



RACE/ETHNICITY

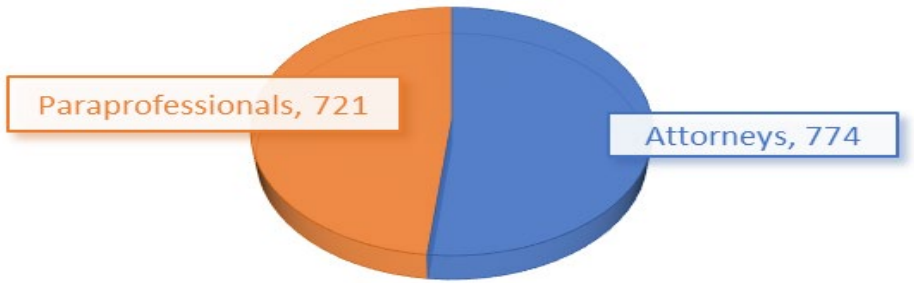


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

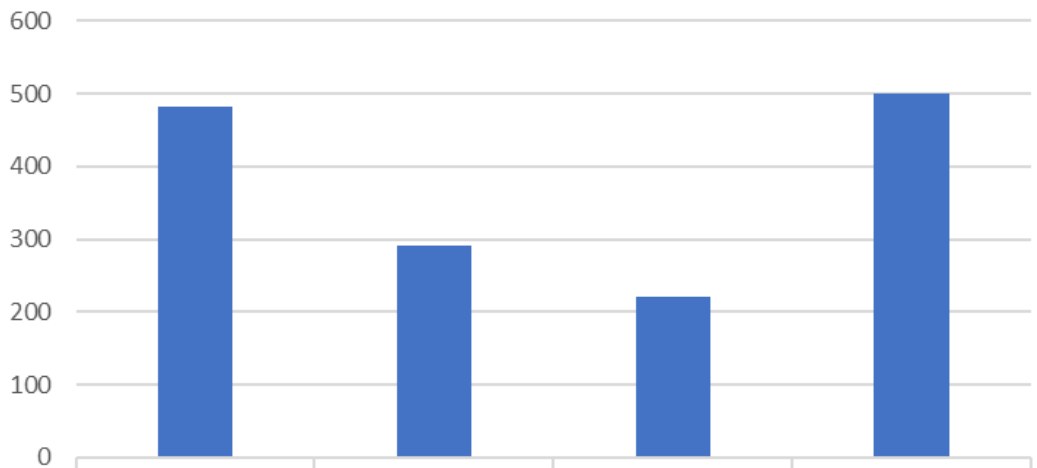
JALS Civilian Demographics

Data as of 31 August 2022

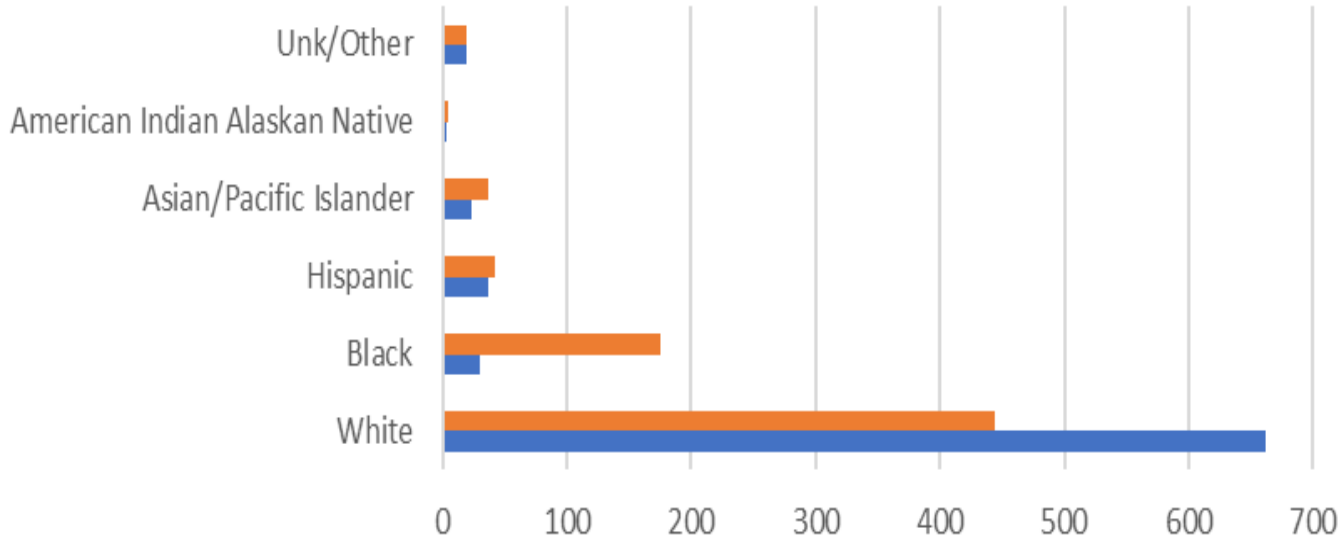
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



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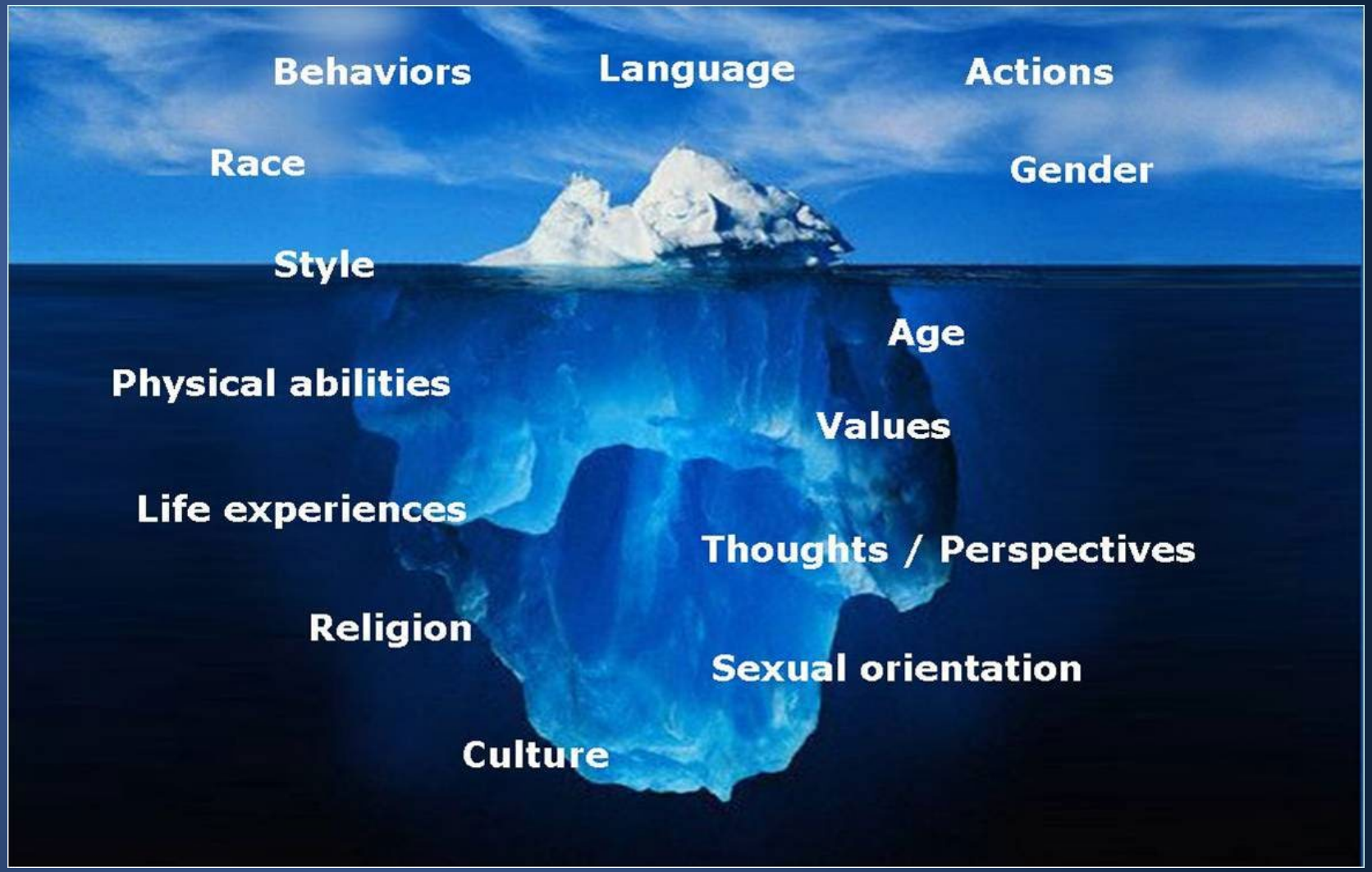
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
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Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

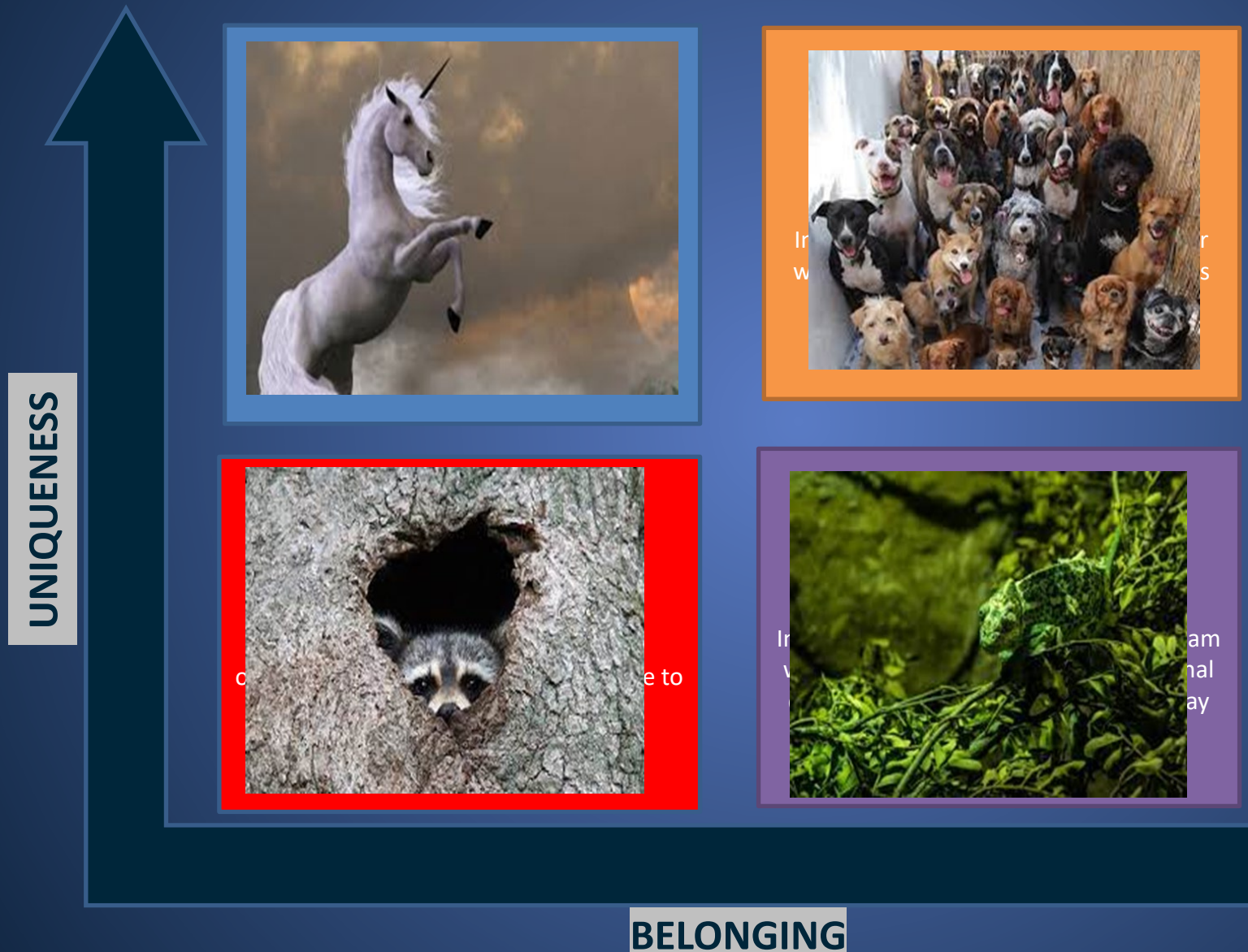
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"Are we as inclusive as we can be?"



(b) (6)

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ADAPTED FROM:
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ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Implicit Bias – *Unconscious Cognition*



Let’s Talk About It

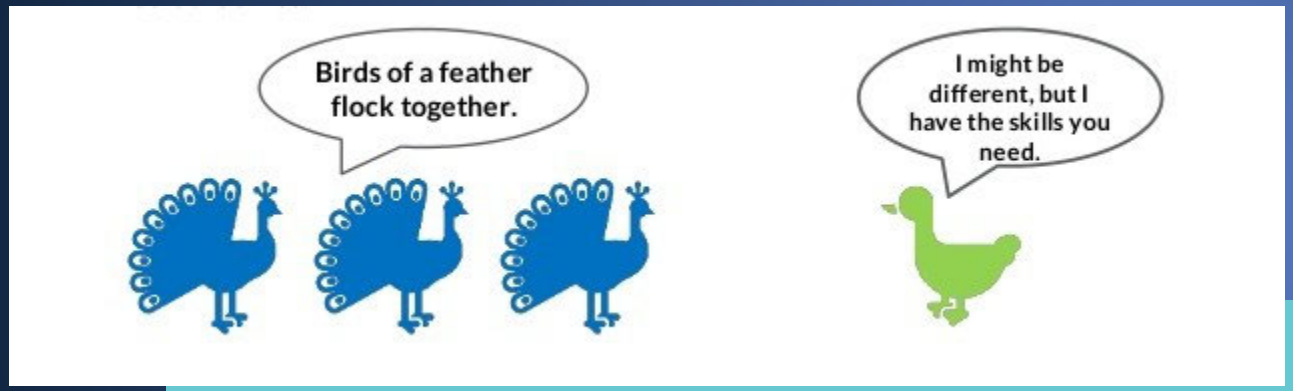


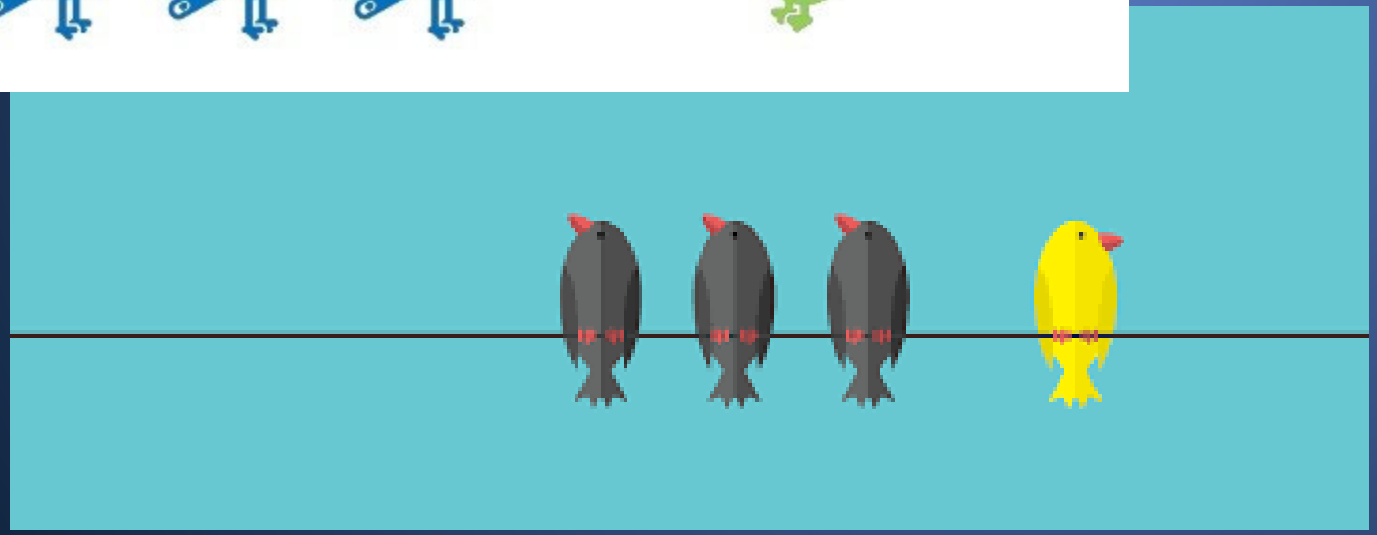
Let's Define It

- How would you define implicit bias?
  - Unconscious bias refers to the attitudes or stereotypes that affect our views, our actions, and our decision-making ability
- What are some factors that influence how we view the world?
  - Our experiences shape who we are, and our race, ethnicity, gender, height, weight, sexual orientation, place of birth, and other **factors impact the lens with which we view the world**
- At Ease
  - Discussions of this type can evoke emotional responses, and **that is okay**

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us



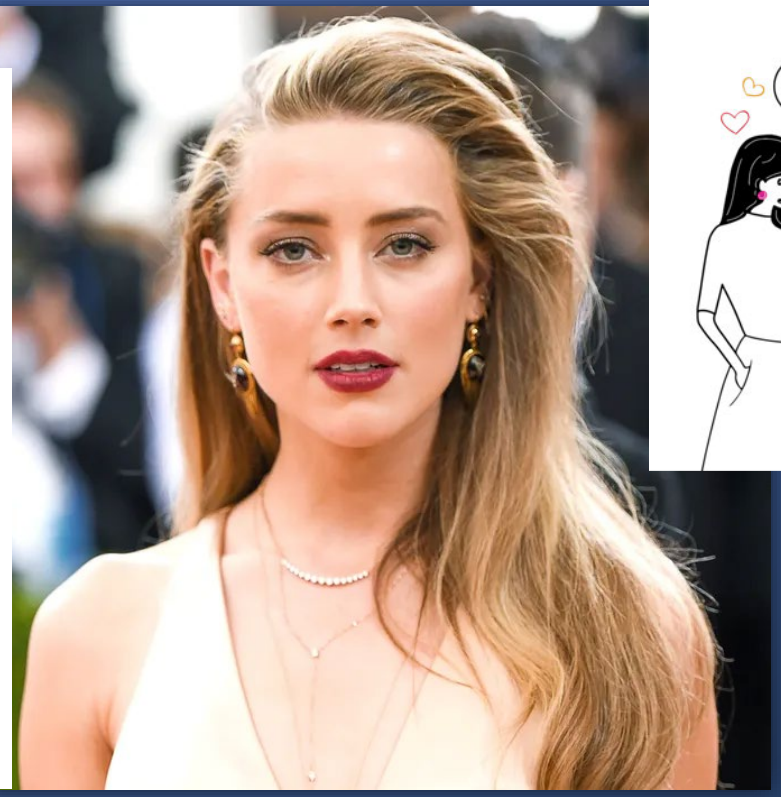


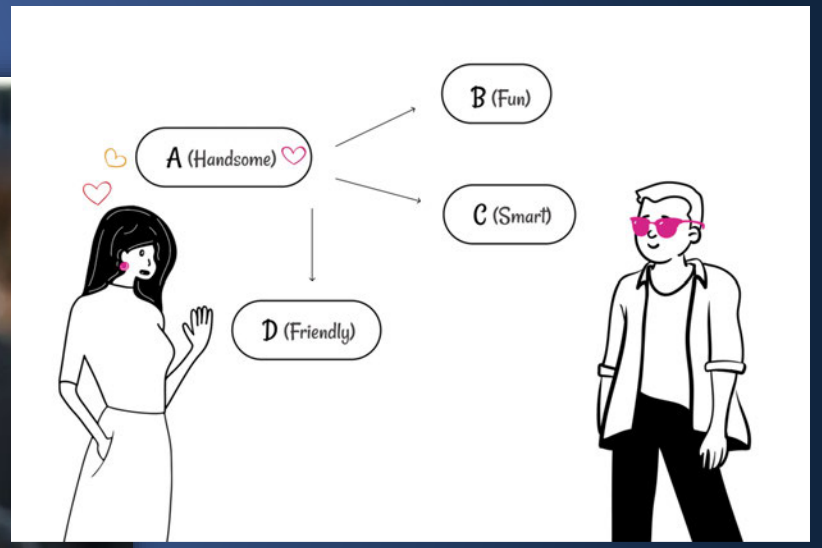


Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good







Perception Bias

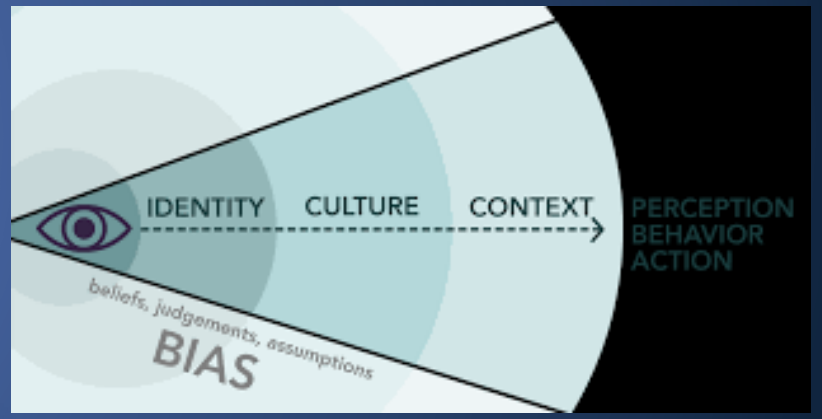
- What is it?
  - the tendency to form stereotypes and assumptions about certain groups that makes it difficult to make an objective judgment about individual members of those groups













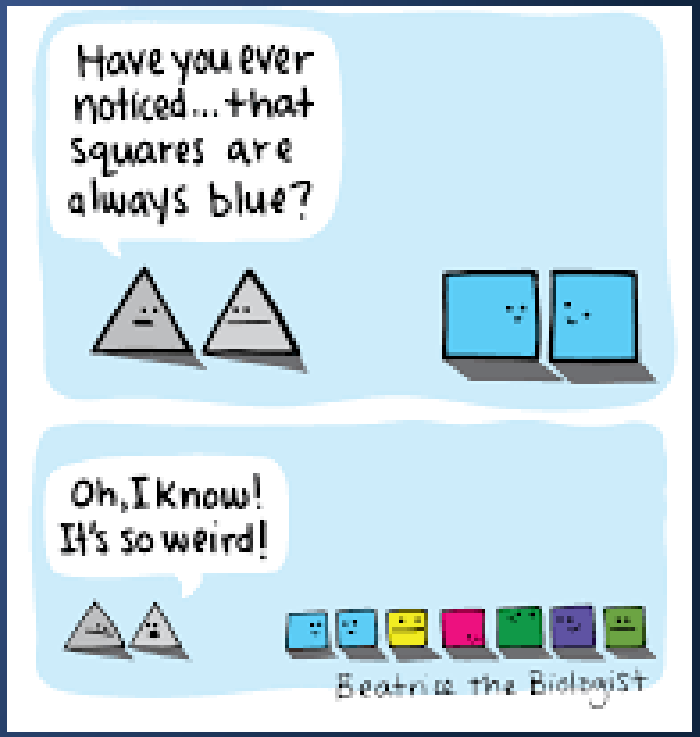
Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along



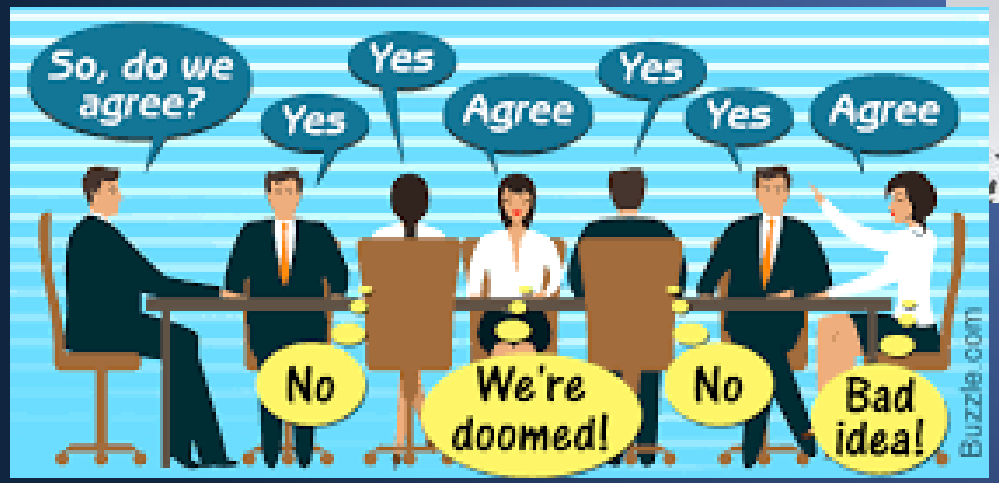






Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group







The Impact of Bias

- It’s natural but…
- It can color our decision-making…
- And those decisions cost…
- They impact the organization…
- They can decrease morale…
- And affect our retention….
- They ruin our reputation…
- And hurt our recruitment…
- The consequences are endless.

Tackling Bias

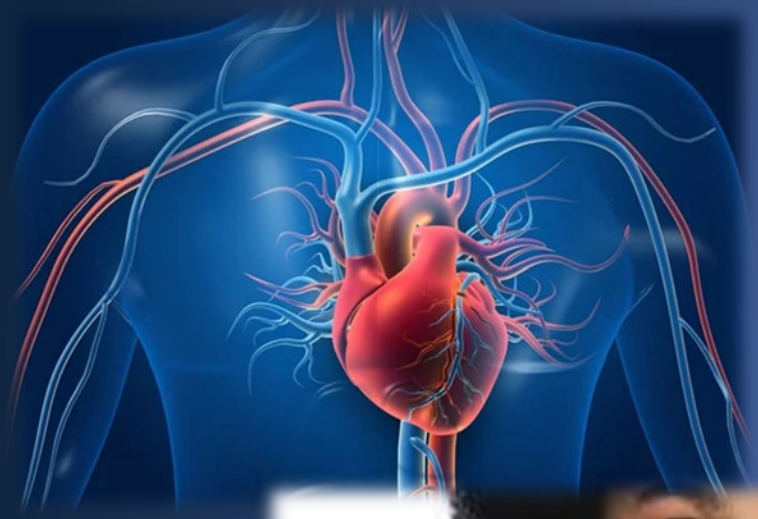
- Doesn't have to be difficult
- It starts with you!
- Ask yourself, “what can I do to intervene?”



Building Inclusive Teams

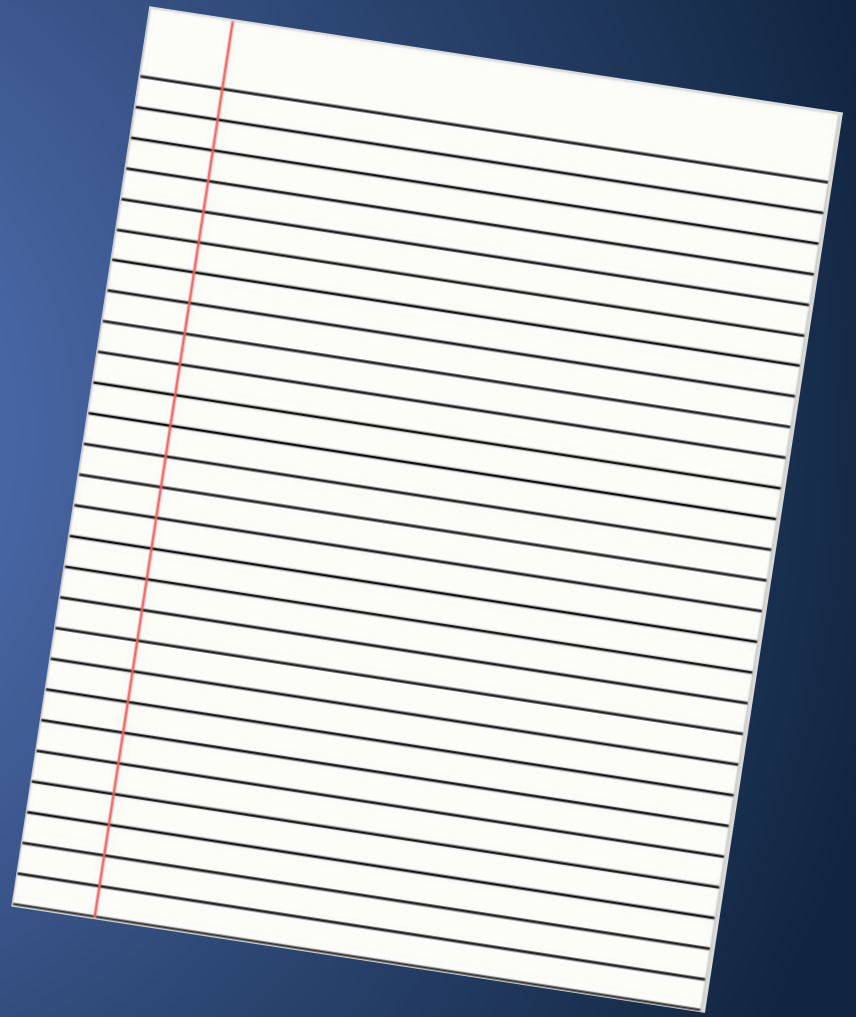


Use Your Tools









Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
  - If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- Do you empower people to want to do their best work *or* to do just enough to complete the task; *or*
- Does your leadership empower you or others to want to do your best work *or* to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

Introduction

Leadership is a responsibility and a privilege, not a position or status



Today's Workforce

The workforce has become…more diverse and multicultural



Today's Workforce

The workforce has become…multigenerational



Today's Workforce

The workforce has become…mobile and hyperconnected





Today's Workforce

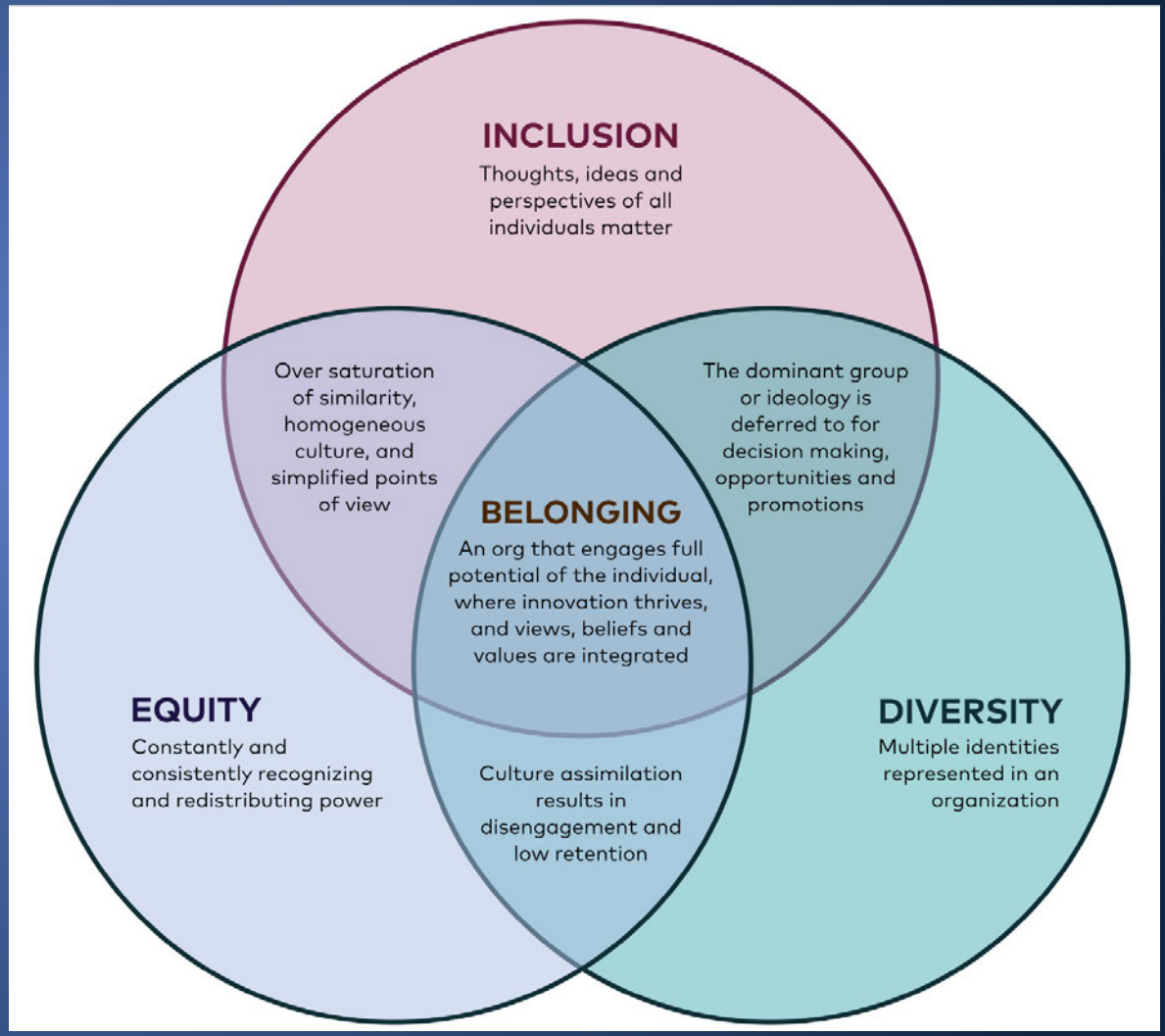
The workforce gets work done more virtually





Inclusive Leaders

As a leader, you need to know how to navigate this complex and rapidly changing landscape, because **inclusive leaders create inclusive work environments and creates a sense of belonging**



What is *Inclusion*?

The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Inclusive Environments

The objective is to create an environment where your people can bring their full selves to work



The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
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- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

Start Being Inclusive NOW…

1. Inclusivity starts from the top…check your practices
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6. Discourage groupthink
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9. Plan and host inclusive events
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JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #23

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6)
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Background

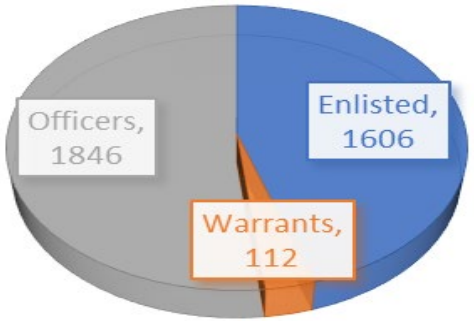
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEI established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEI Initiatives

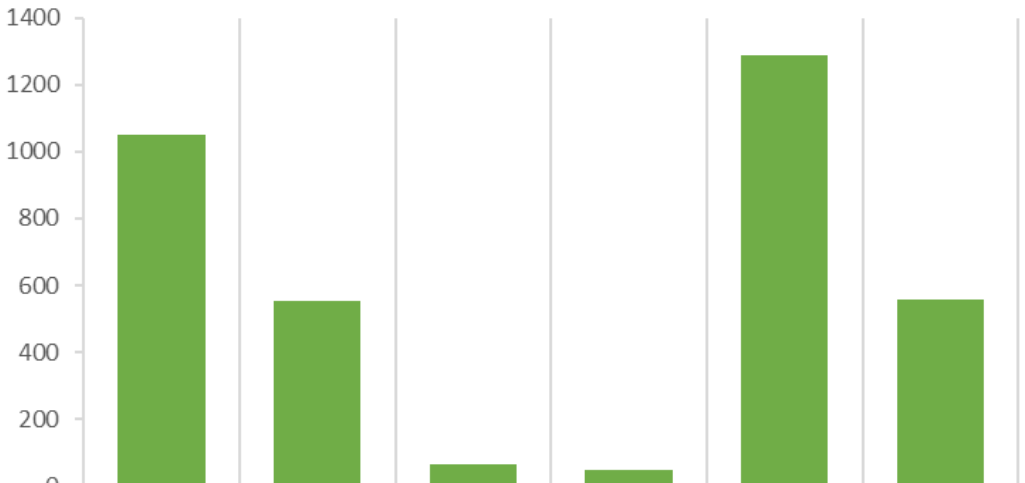
- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

JAGC Active Component Demographics

COHORT

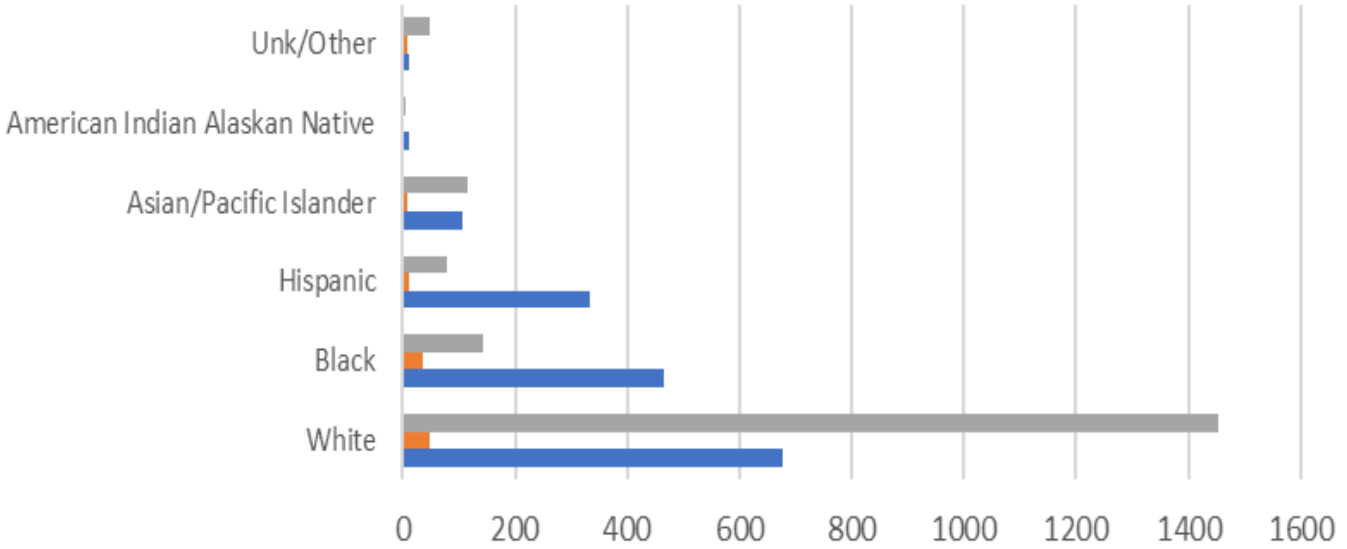


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

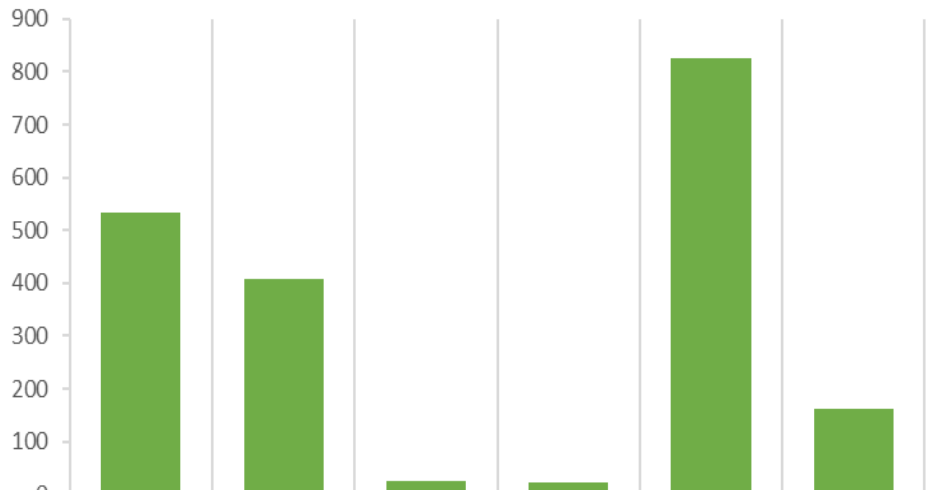
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

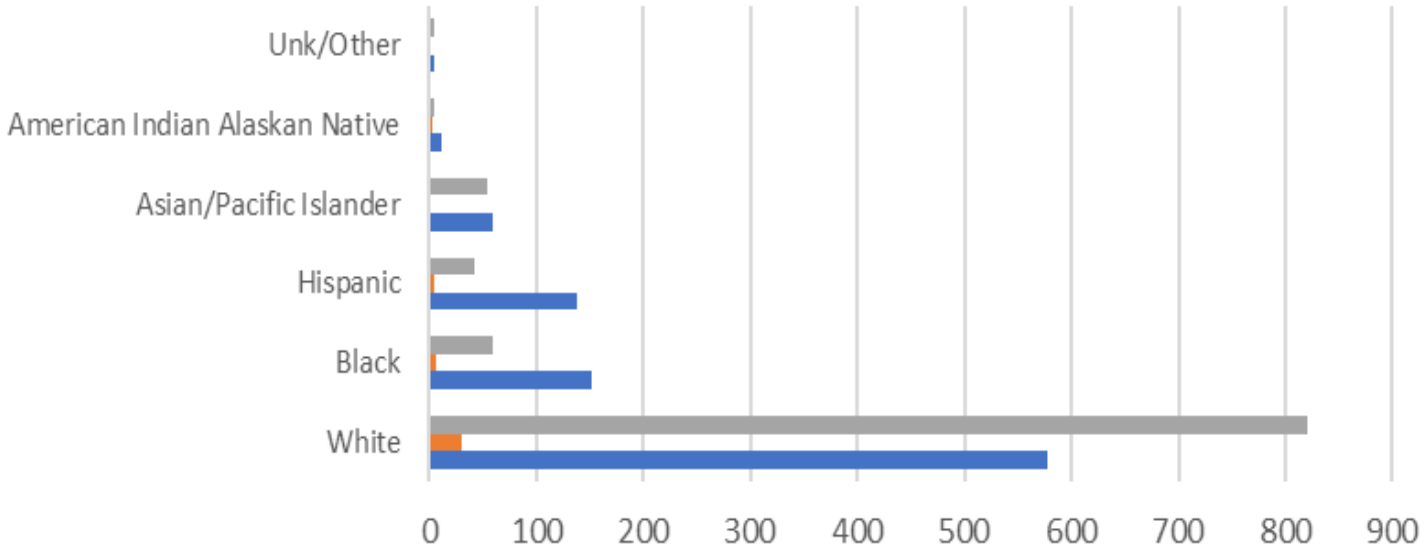


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	534	407	24	21	826	162

RACE/ETHNICITY

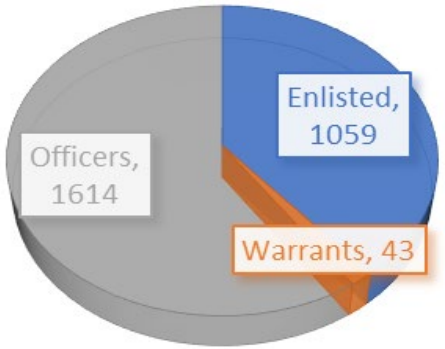


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	821	60	43	55	5	4
Warrants	30	6	5	1	3	0
Enlisted	577	152	138	59	11	4

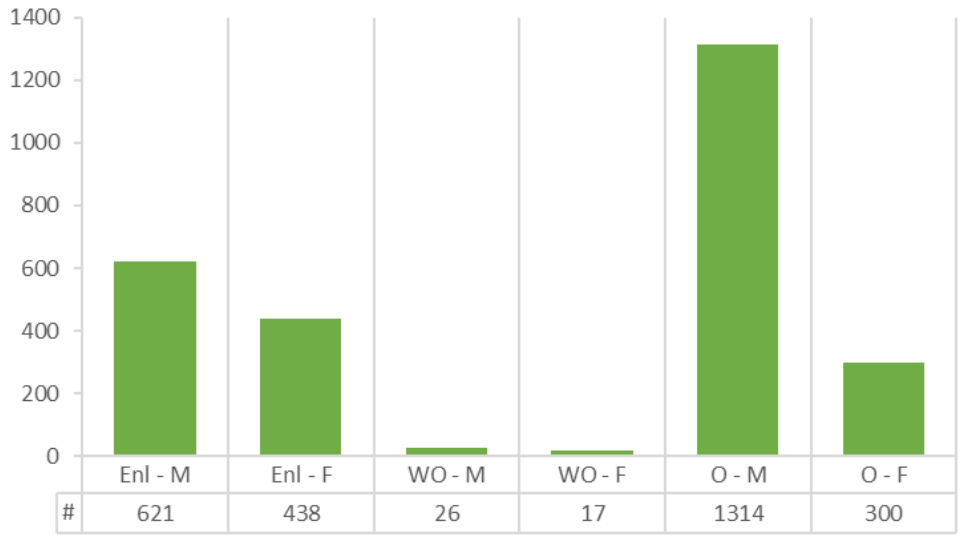
JAGC Reserve Component Demographics

Data as of 31 August 2022

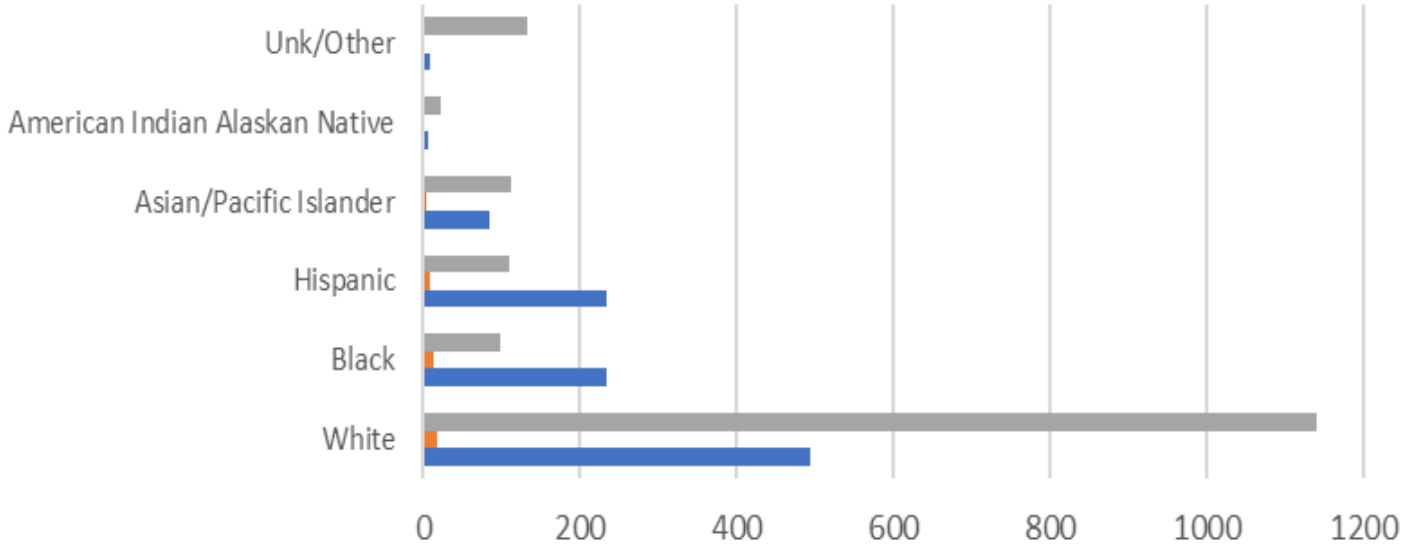
COHORT



GENDER



RACE/ETHNICITY

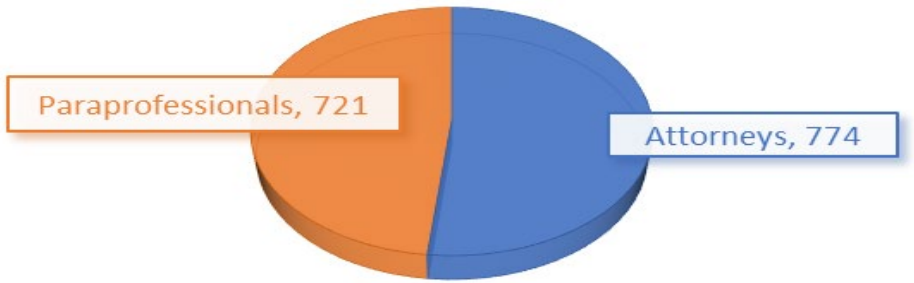


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

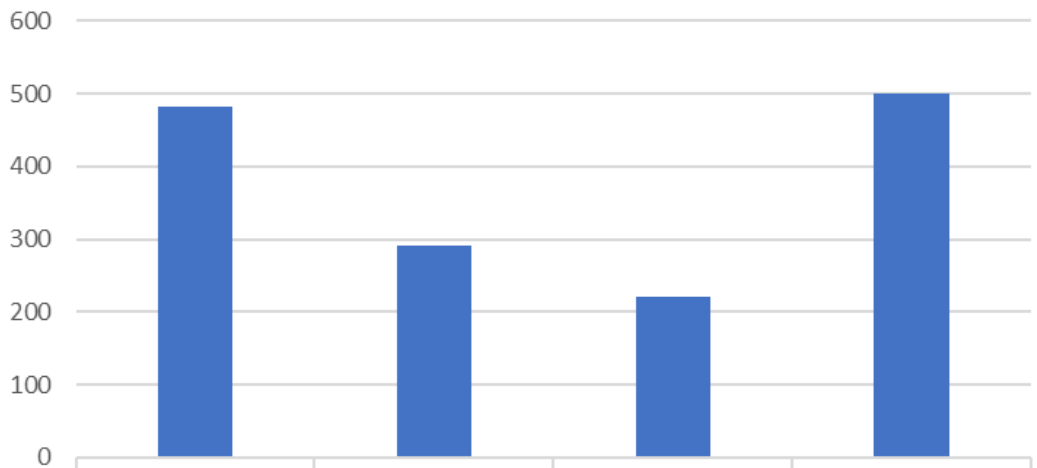
JALS Civilian Demographics

Data as of 31 August 2022

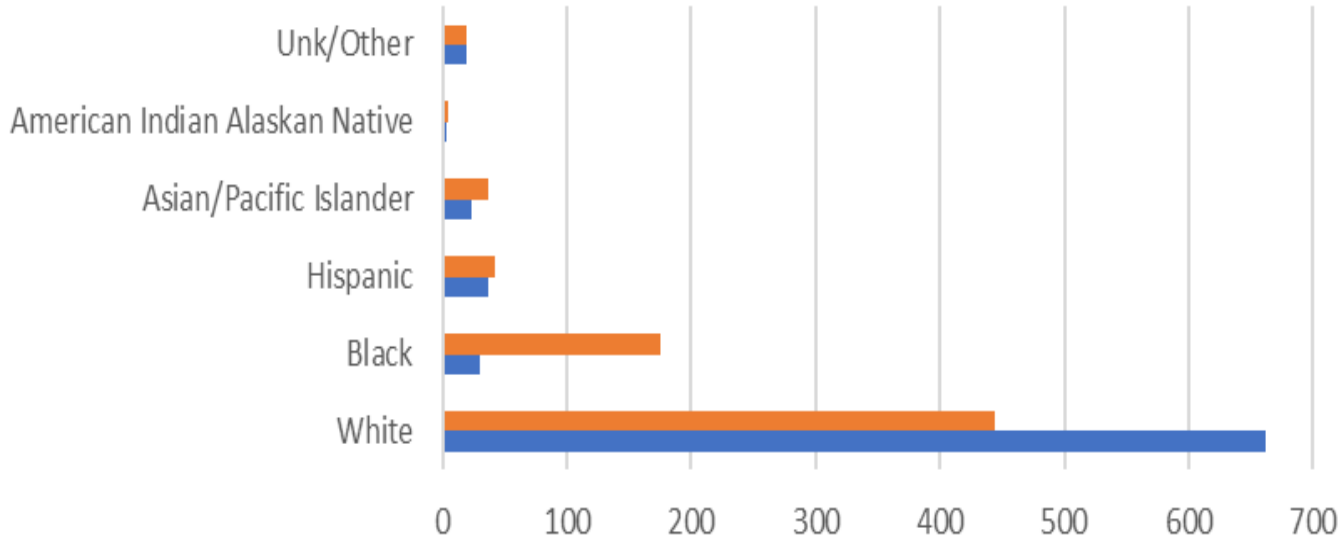
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



DEI&A - *Defined*

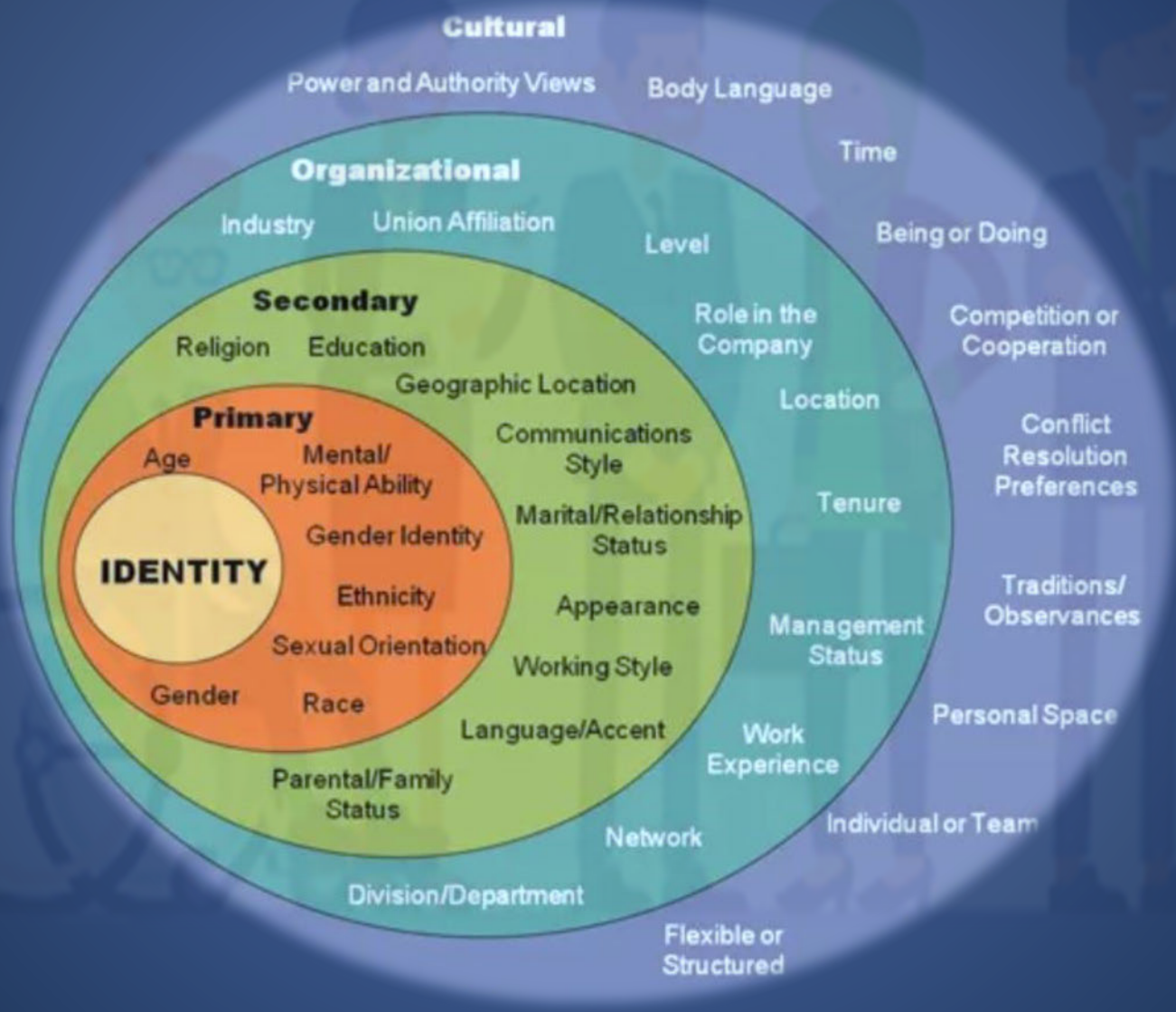


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

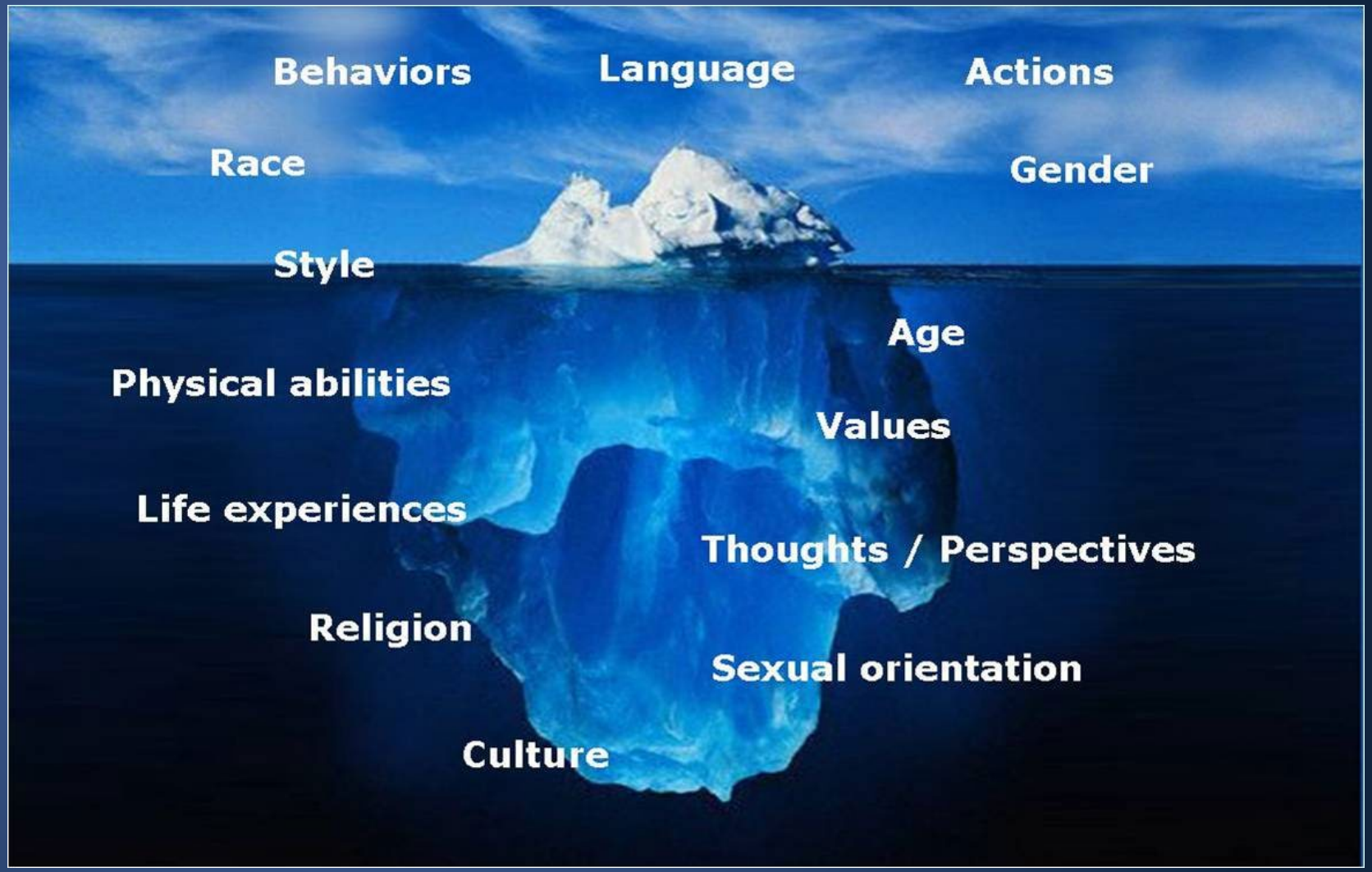
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



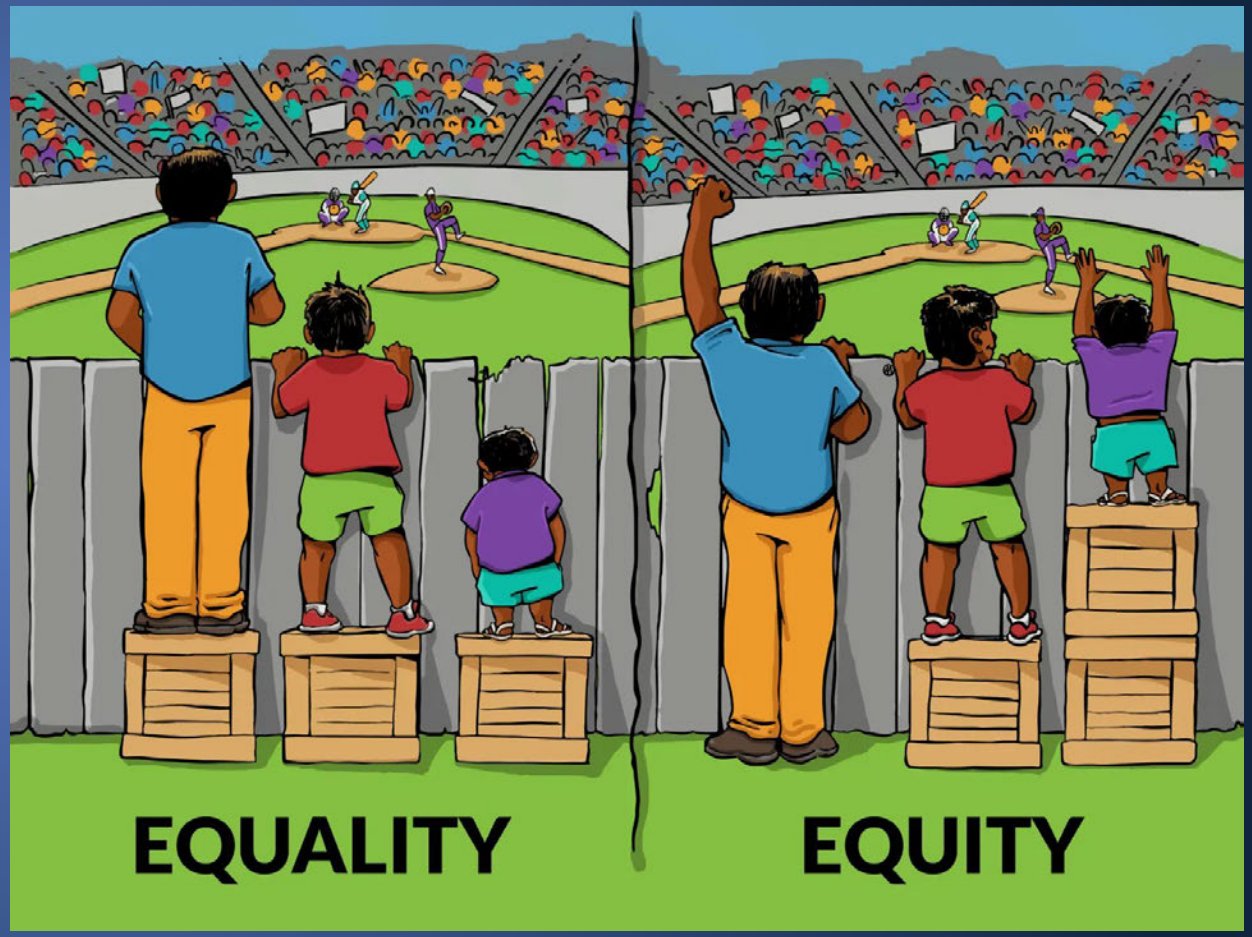
EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force



EQUITY v EQUALITY

- Whereas equity recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access



EQUITY AND EQUALITY | VIDEO

Questions to Consider

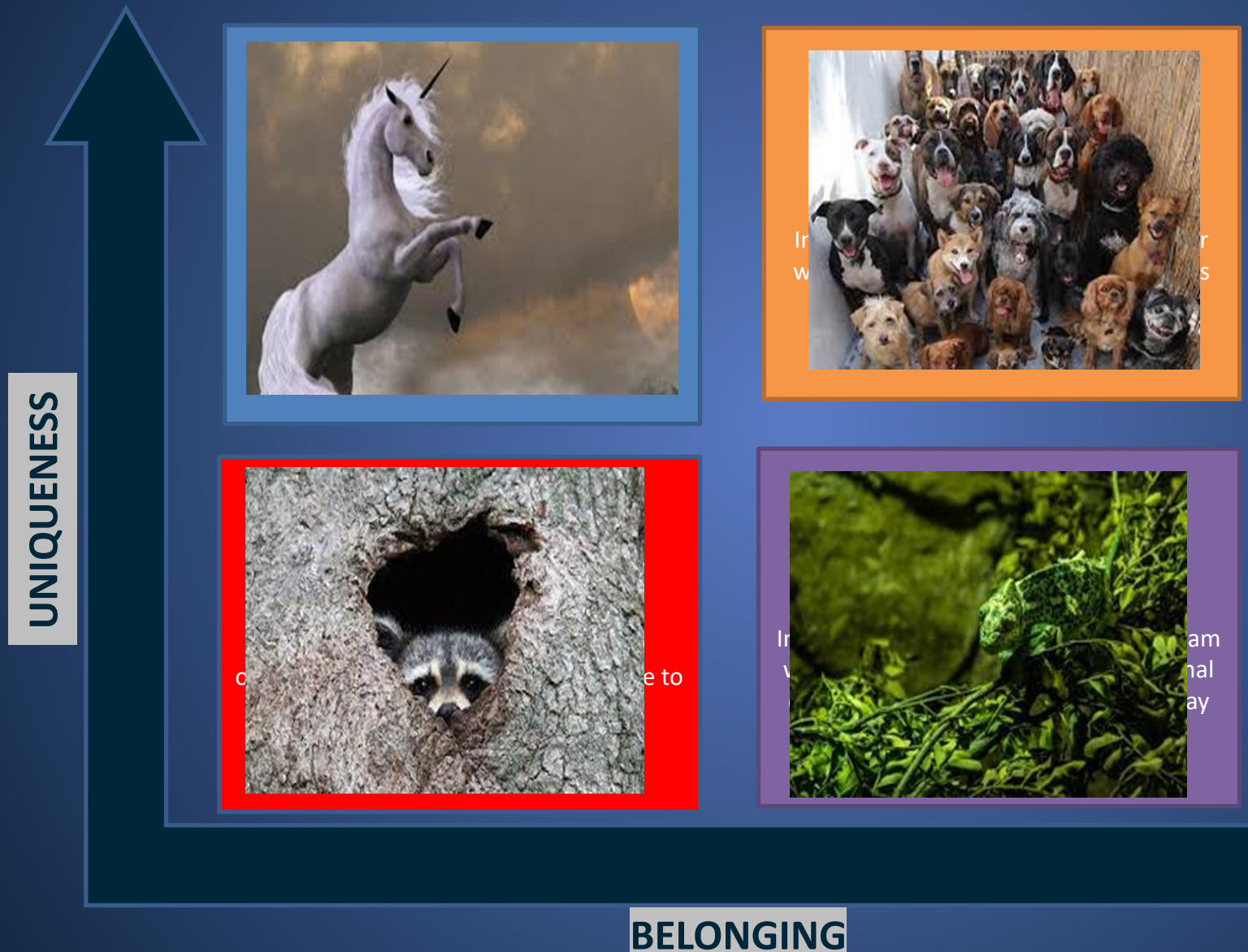
- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are linked to accomplishing the mission versus *the way we have always done business*?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
- Persons with disabilities face accessibility barriers in all aspects of society
- A barrier is an obstacle or anything that prevents a person with a disability from fully participating in in all aspects of society because of their disability
  - Barriers can be visible, invisible, physical, attitudinal, technological, information and communication barriers
  - By removing all unnecessary barriers, an individual can use their abilities to achieve their objectives, thus having the same opportunity to achieve success

In Conclusion

- It’s clear that there’s a social and moral case for diversity and inclusion training, as well as a business case
- The atmosphere of the working environment is shaped by its people
- A company where everyone feels valued and included will have a positive impact on everything from recruitment to engagement to productivity
- Organizations that focus on DEI&A tend to attract and recruit the best talent
- With DEI&A part of the strategic plan, an organization can improve their reputation
- More diverse teams can help your business avoid groupthink and produce more creative outputs
- Company culture is enhanced when all backgrounds are welcomed and celebrated
- It is therefore important that all members of the organization have a basic understand of the principles of DEI&A

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QUESTIONS?

Building Inclusive Teams



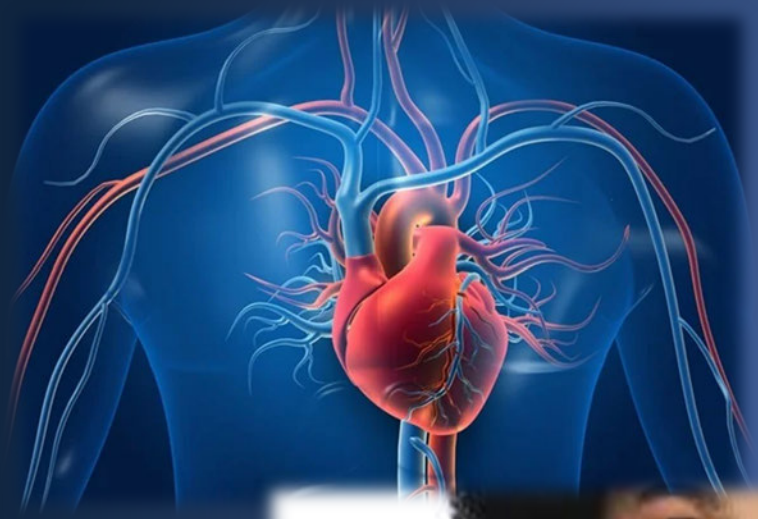
(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Wilson
Office of Diversity, Equity, and Inclusion
(b) (6)

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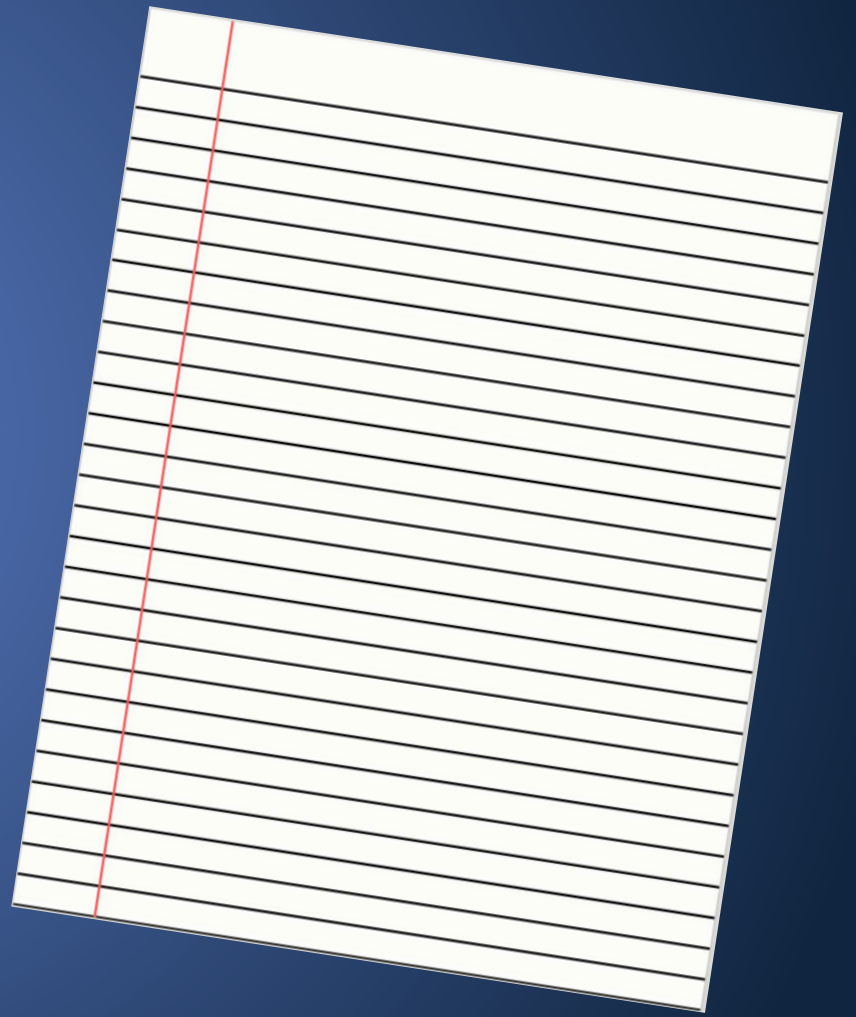
- (b) (6), Director
- Vacant, Deputy Director
- (b) (6) Program Coordinator
- (b) (6), Program Specialist

Use Your Tools









Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- Rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- **For the Leaders**: Do you empower people to want to do their best work *or* to do just enough to complete the task
- **For the Led**: Does your leadership empower you or others to want to do your best work *or* to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
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- decision-maker
- inspirational

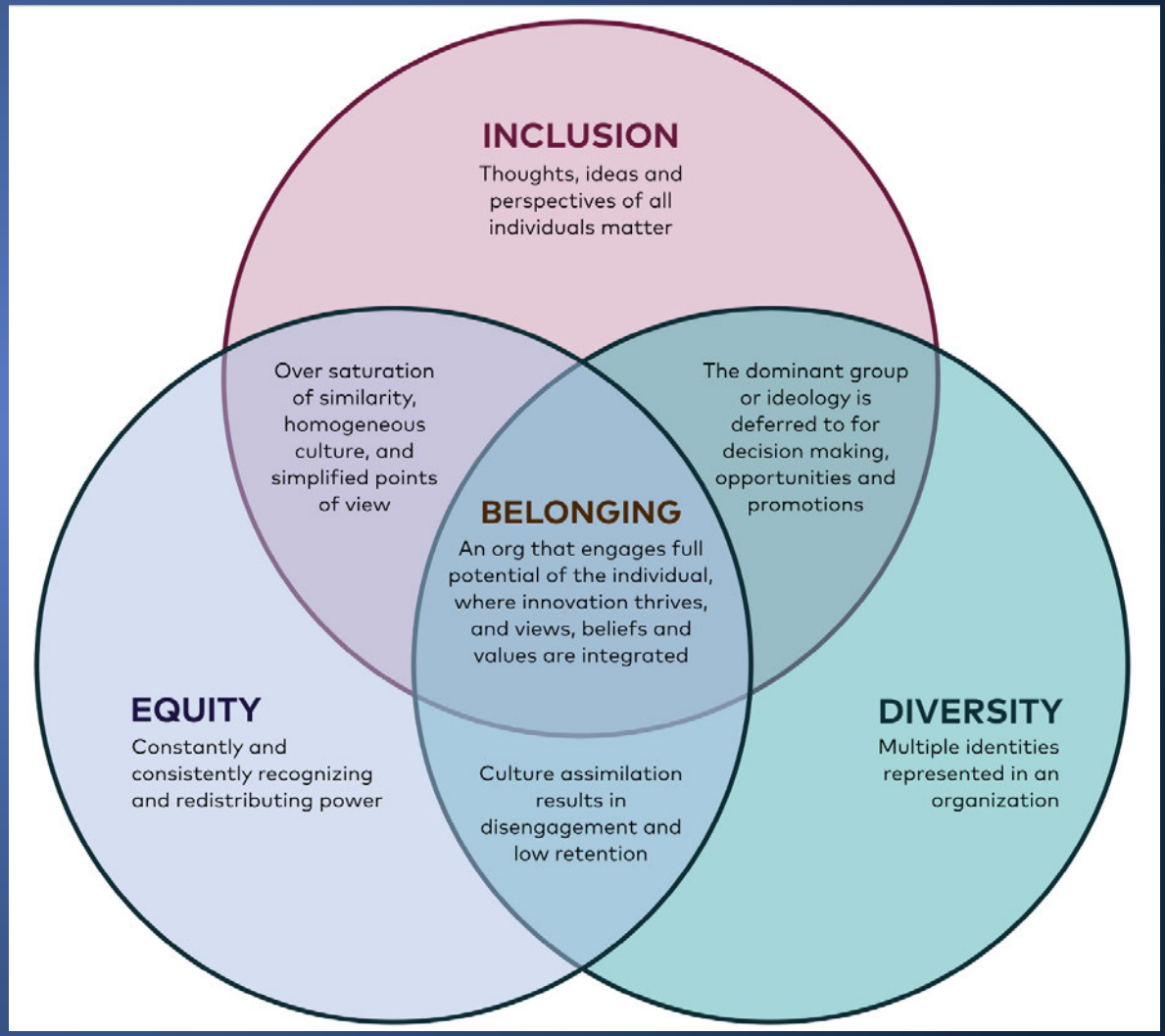
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware

- good people skills
- empowering
- considers different perspectives
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- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

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MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Recognizing and Mitigating Bias



(b) (6)

ROADMAP

How does decision-making work?

What is cognitive bias?

Why Implicit Bias training?

How it can influence your work

Mitigation

BEFORE WE GET STARTED



WHAT THIS CLASS IS NOT







Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

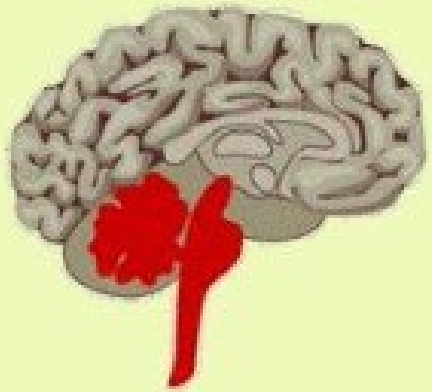
Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

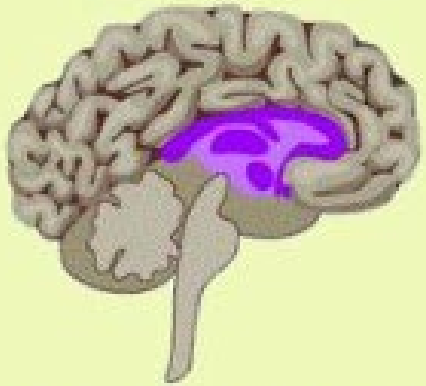
Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

How does the brain work?

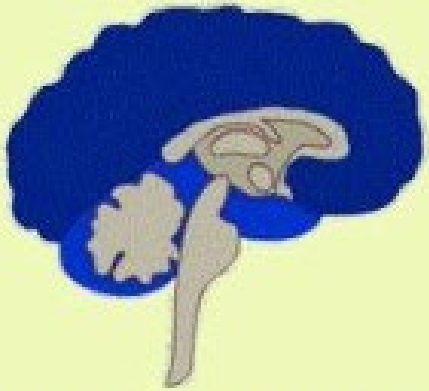
The Three-Parted Brain



Lizard Brain
(Brain stem and cerebellum)
Autopilot
Fight & Flight



Mammal Brain
(Limbic System)
Emotions
Memories
Habits
Attachments

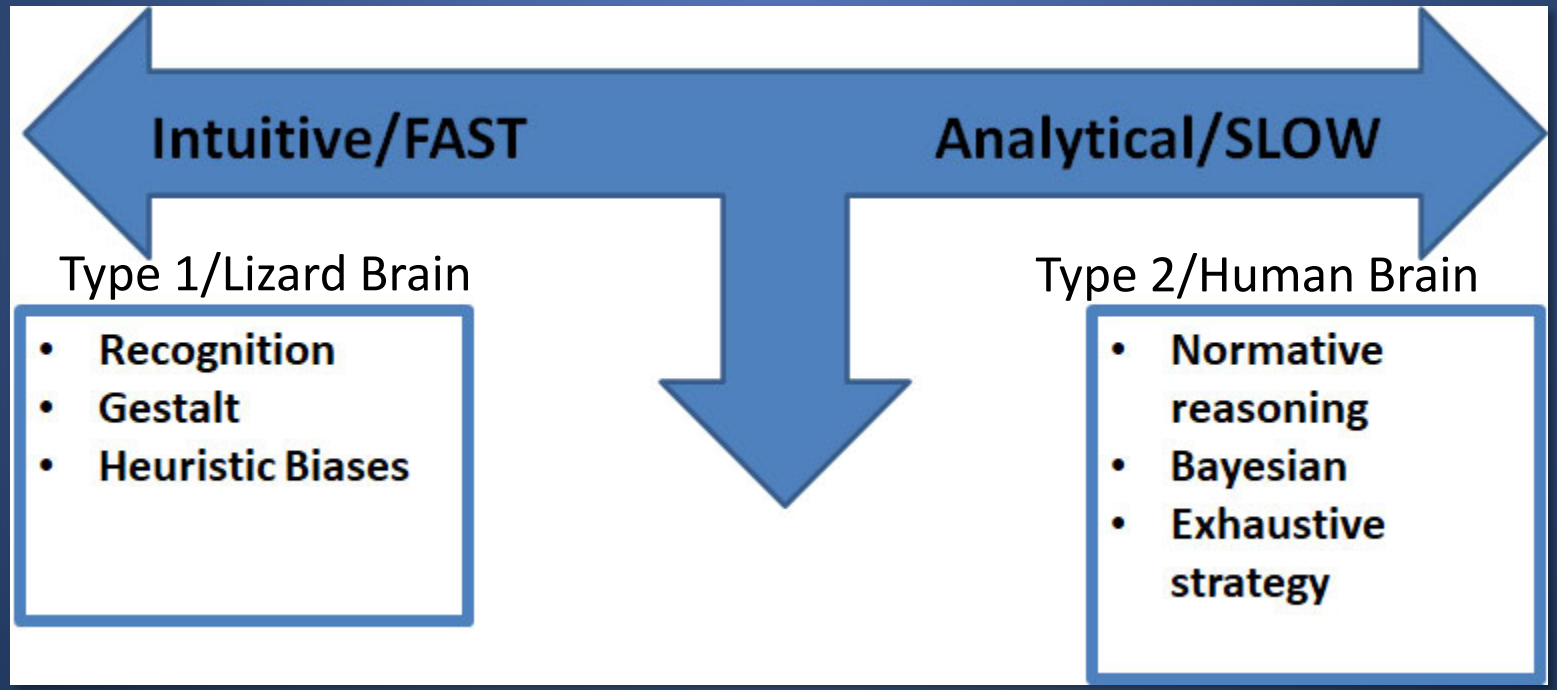


Human Brain
(Neo-Cortex)
Language, abstract thought, imagination, consciousness, reasoning, rationalising

(From Paul D. MacLean's model of the "Triune Brain")

Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Heuristics

Heuristics

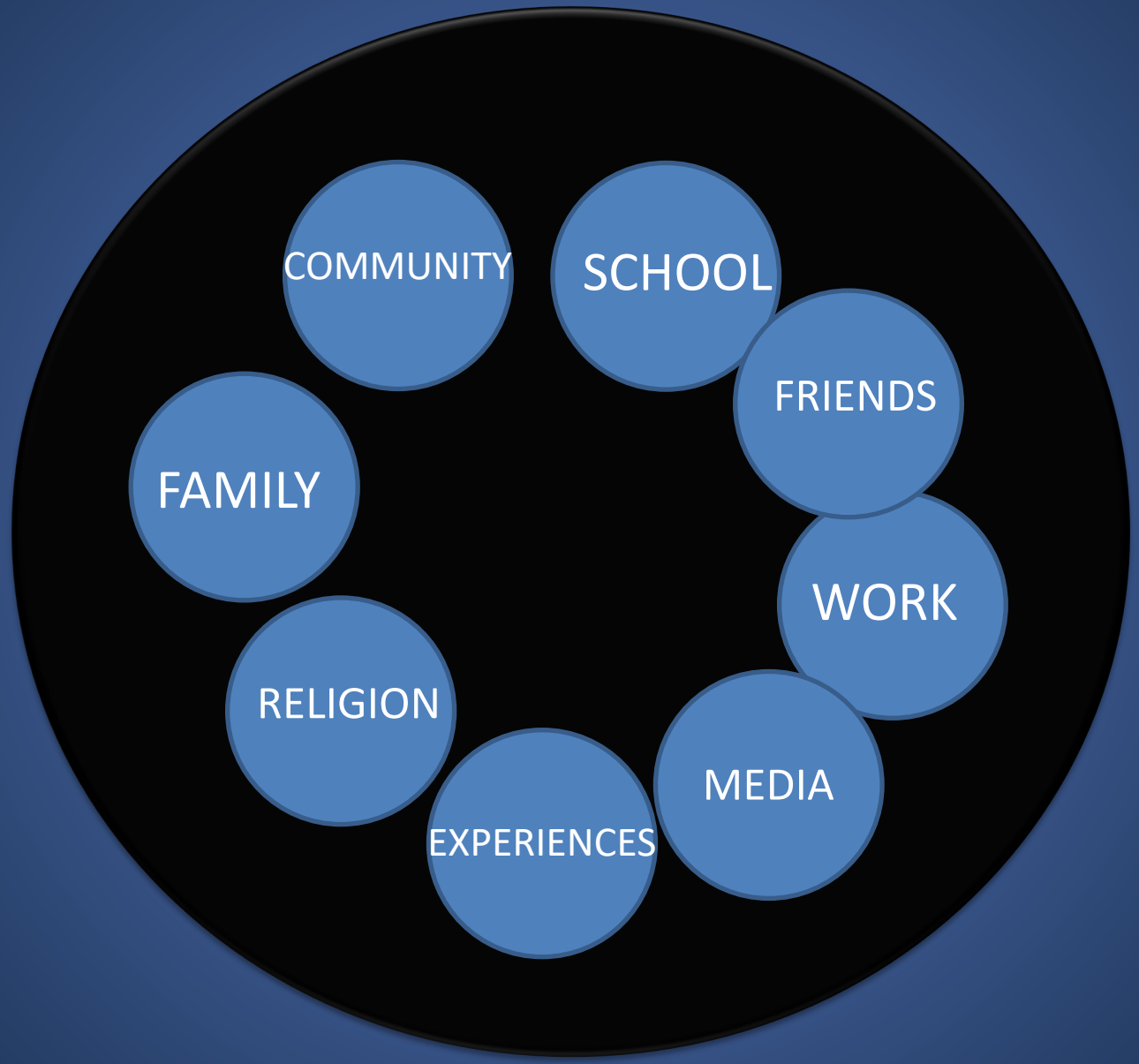
Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

Our Heuristics Come from Our Environment



Who’s always driving this van?



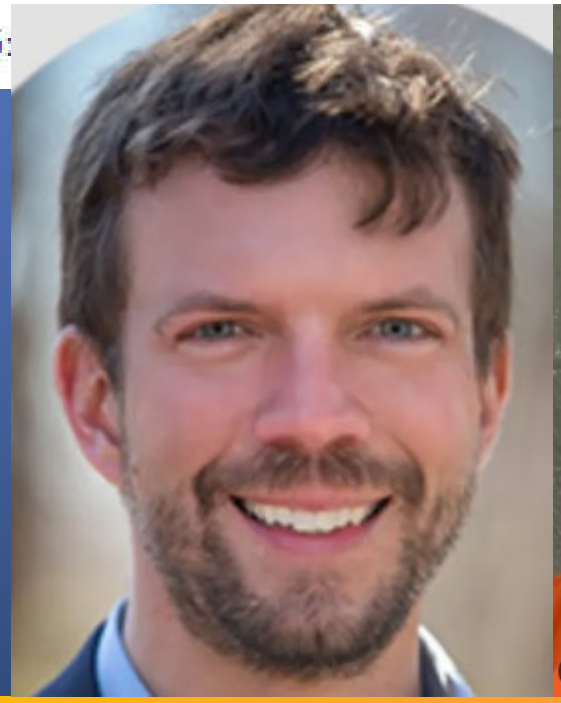
First Impression:

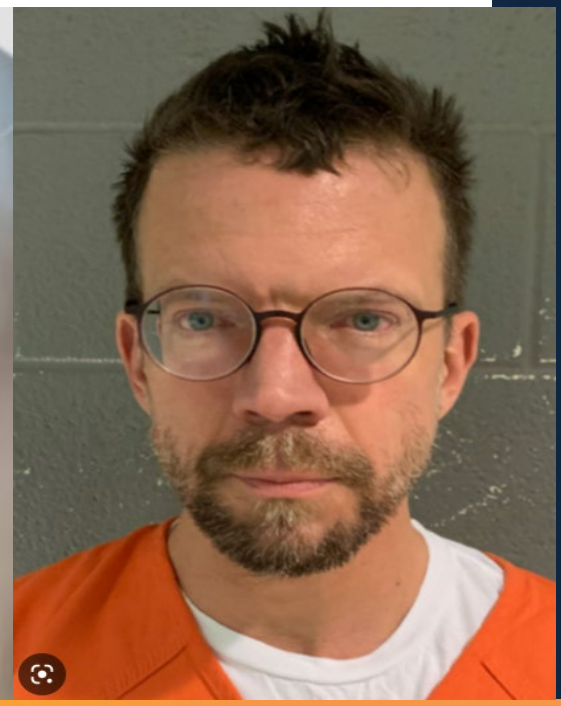
Allegation of child pornography possession

- Sex?
- Age?
- Race?
- Education level?
- Occupation?

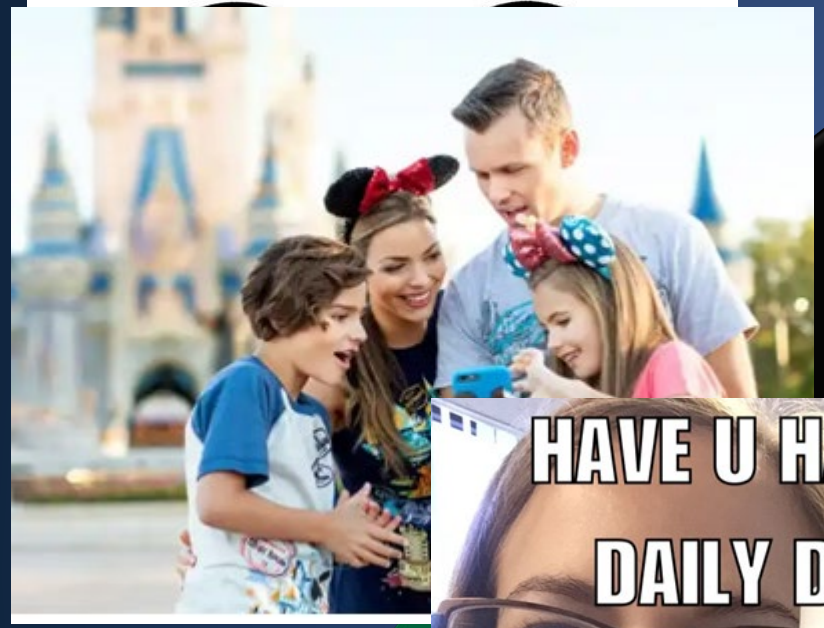
Former College Park mayor held without bond after arrest on child pornography charges

by 7News Staff | Mon, March 6th 2023, 5:





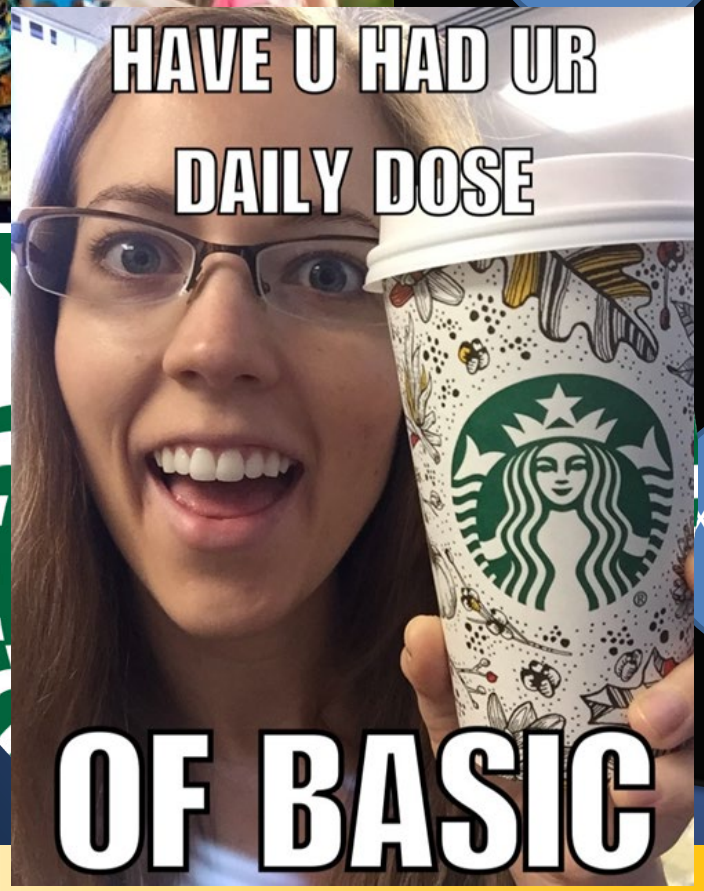
ses Come from Our E



COMMUNITY

SCHOOL

FRIE



XPERIEN








COPS



Explicit vs. Implicit Bias

Explicit Bias: "attitudes and beliefs we have about a person or group on a conscious level"

Implicit Bias: "The brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness."

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

More Heuristics in Practice

Hypothetical

CPT Stone, commander of HHC, gets a call from 1LT Timmons, one of his platoon leaders. 1LT Timmons is his best performing PL, and has served with CPT Stone for 18 months. 1LT Timmons tells CPT Stone that he received an allegation of misconduct.

- PVT O'Neal alleges that SPC Steele has been maltreating him.
- 1LT Timmons has looked into the matter and says there is no issue.
- CPT Stone listens to 1LT Timmons's explanation and trusts 1LT Timmons's judgment.

Heuristics

Blind Obedience / Halo Effect

Showing undue deference to authority, technology, or factors such as attractiveness

- *My boss says because of this, it can't be this.*
- *In the past my boss handled issues this way, so I will do the same.*



Heuristics: Bias by any other name…

Emotional Bias

Negative or positive feelings towards Soldiers influences view of case of disposition (counter-transference)

E.g Soldier with background notable for previous Art 15 for disrespect, saying they didn't say what they're accused of saying, …… "Yeah, they said it"



Hypothetical (Continued)

CPT Stone reports the maltreatment allegation to his BN commander, LTC Boggs.

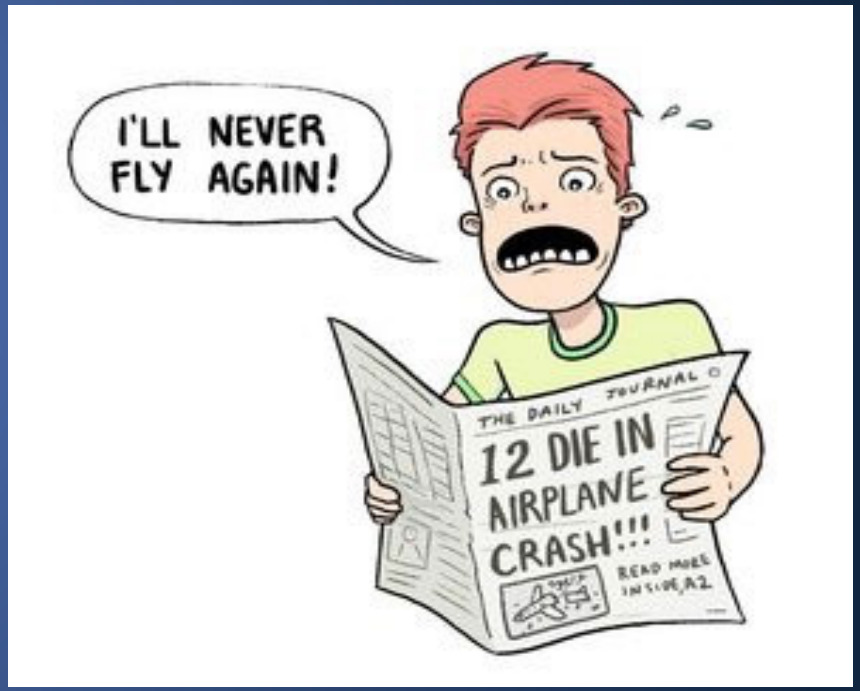
- LTC Boggs has recently completed another maltreatment investigation from another company where the alleged victim eventually admitted that she exaggerated her allegations because she felt her supervisor was too hard on her. LTC Boggs is dubious of this new allegation and asks about PVT O'Neal's duty performance.

Heuristics

Availability Bias

Recall a similar situation, case, or other information because it happens to be a recent experience or comes to your mind quickly

E.g. A commander's incident report lands on your desk. While scanning the report you notice many details similar to a case you were briefed on last week. You know how this case will play out because it's a "fresh" and "available" entity in your mind.



Hypothetical (Continued)

LTC Boggs, in accordance with policy, sends an initial report to COL Larson, the BDE commander.

- “Sir, looks like we have another one. All indications are that the low performing Soldier is trying to deflect from his deficiencies by pointing a finger at a great young trooper. I can get you more information as we go along.”
- COL Larson: “Boggsy, I got it. Get with JAG so we can close this out, but I fully understand what is going on.”

Heuristics

Anchoring Bias

Focus on features in the Soldier's initial presentation or first bits of information too early in the investigative process without adjusting the charges or desired outcome when further information is/becomes available.

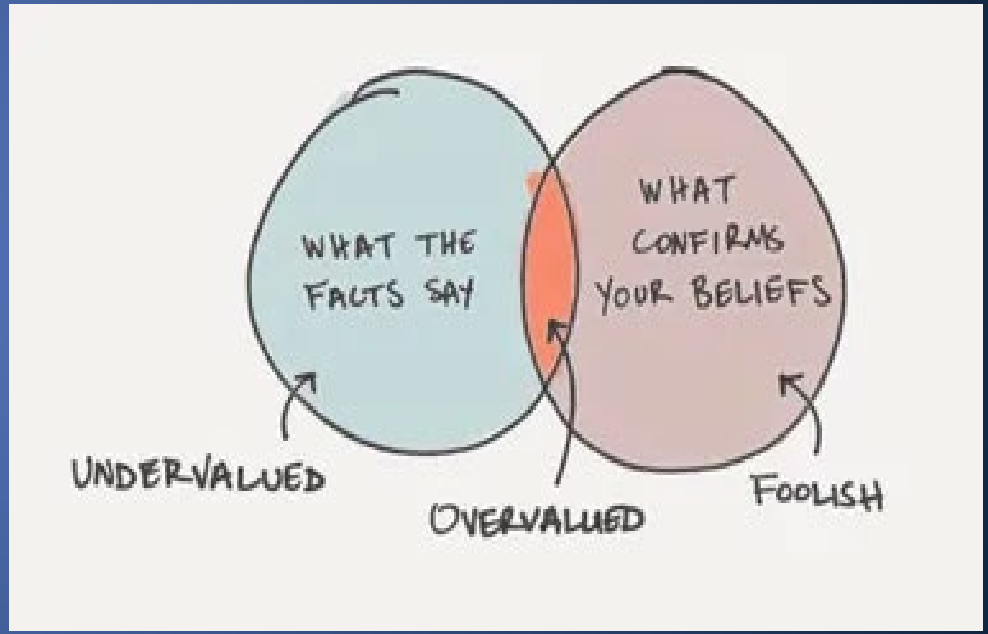


Heuristics

Confirmation Bias

Notice and consider only the facts and details that favor our hypothesis and ignore aspects inconsistent with it.

Example: A Soldier with a history of …… charges, upon file review, you only look for the instances that strengthen your belief about the Soldier.



Edgar & Edgar 2016, Nickerson 1998

IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

WHY DO WE NEED IMPLICIT BIAS TRAINING?

Why do WE need implicit bias training?

Inside the Army's Decision to Eliminate Photos from Officer Promotion Boards

The study showed that using official photos led to decisions from board members that appeared to reveal unconscious bias, Army officials say.

"It's just that people, even if they don't think about it, they tend to want to be around people that look and think and act like them," said Army Chief of Staff

Article: https://www.military.com/daily-news/2020/06/25/inside-armys-decision-eliminate-photos-officer-promotion-boards.html

Authority to Conduct Implicit Bias Training

14 July 2020 Memo by SecDef, "Immediate Actions to Address Diversity, Inclusion, and Equal Opportunity in the Military Services:" "I . . . direct[ed] a three-pronged approach to take the initiative against discrimination, prejudice, and bias in all ranks of our Armed Forces. The purpose of this approach is to **promote the morale, cohesion, and readiness of the force**. Each effort aims to identify actions the Department can take within policies, programs, and processes to improve diversity, inclusion, and equal opportunity for our Service members" including "Add[ing] **bias awareness and bystander intervention to the violence prevention framework. Addressing racial prejudice and bias within the force requires a combination of ongoing skill development, leadership, and accountability**."

10 U.S.C. 113(g)(1)(B): "Each national defense strategy shall include . . . Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces."

The Problem Has Been Studied

1972 Department of Defense Task Force on the Administration of Military Justice in the Armed Forces: Data showed a "clearly discernable disparity in disciplinary rates between black and white servicemen," including the statistic that although Black servicemembers made up 16% of the force, they made up 25% of nonjudicial punishment issued. **Black servicemembers represented 34.3% of accused at GCM and SPCMs.**

1992 Defense Equal Opportunity Management Institute (DEOMI): Racial disparities in arrest, nonjudicial punishment, and courts-martial preferral and referrals. **"Black[] [servicemembers] were . . . 1.7 times more likely to receive nonjudicial punishments than their white counterparts."**

And Studied…

2017 Protect Our Defenders Report: "[F]or every year reported (2006 – 2015) and across all service branches, black service members were substantially more likely than white service members to face military justice or disciplinary action, and these disparities failed to improve or even increased in recent years." **Black Soldiers were 1.61 (61%) times more likely to face GCM or SPCM than White Soldiers.**

2019 Government Accountability Office Report: Services uniformly track subjects by gender, but not by race/ethnicity. "Racial and gender disparities exist in investigations, disciplinary actions, and punishment of servicemembers in the military justice system[.]" **Black servicemembers were 2.11 times more likely to be the subject of an investigation than a White servicemembers.**

And Studied…

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD):

Accessions Waivers for Drugs/Alcohol/Misconduct
Surveillance Drug Testing and ASAP Referrals
Family Advocacy Program Substantiation of family Abuse
Sexual Assault Reporting
Law Enforcement Reporting & Law Enforcement Officer Discretion
Adverse Administrative Separation for Misconduct
Non-Judicial Punishment Outcomes for Military Discipline Offenses (Disrespect)
Courts-Martial
Appellate Issues
Professional Responsibility Complaints against Judge Advocates
Army Corrections Command
Army Clemency and Parole Board

And Studied…

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD): **Army-specific analysis of racial disparity Military Justice system.** "The report found that racial disparity does exist in a number of key areas across the military justice system, disciplinary processes, and military personnel policies. The report's findings will enable us to immediately enact policies to begin addressing racial disparities, while also serving as a point for further study and data gathering. Our shared Army values of values diversity, equity, and inclusion will inform these efforts." ~ *Sec. Army Wormouth*

And Studied

2022 Department of Defense Internal Review Team (IRT) on Racial Disparities in the Investigative and Military Justice Systems: "Racial disparities in the investigative and military justice systems have been a problem for far too long . . . To address this issue I am directing" the IRT to "focus on addressing the **root causes of racial disparities in the investigative and military justice systems**" and "provide actionable recommendations that the Department can implement to improve policies, programs, processes, and resources to address these disparities."

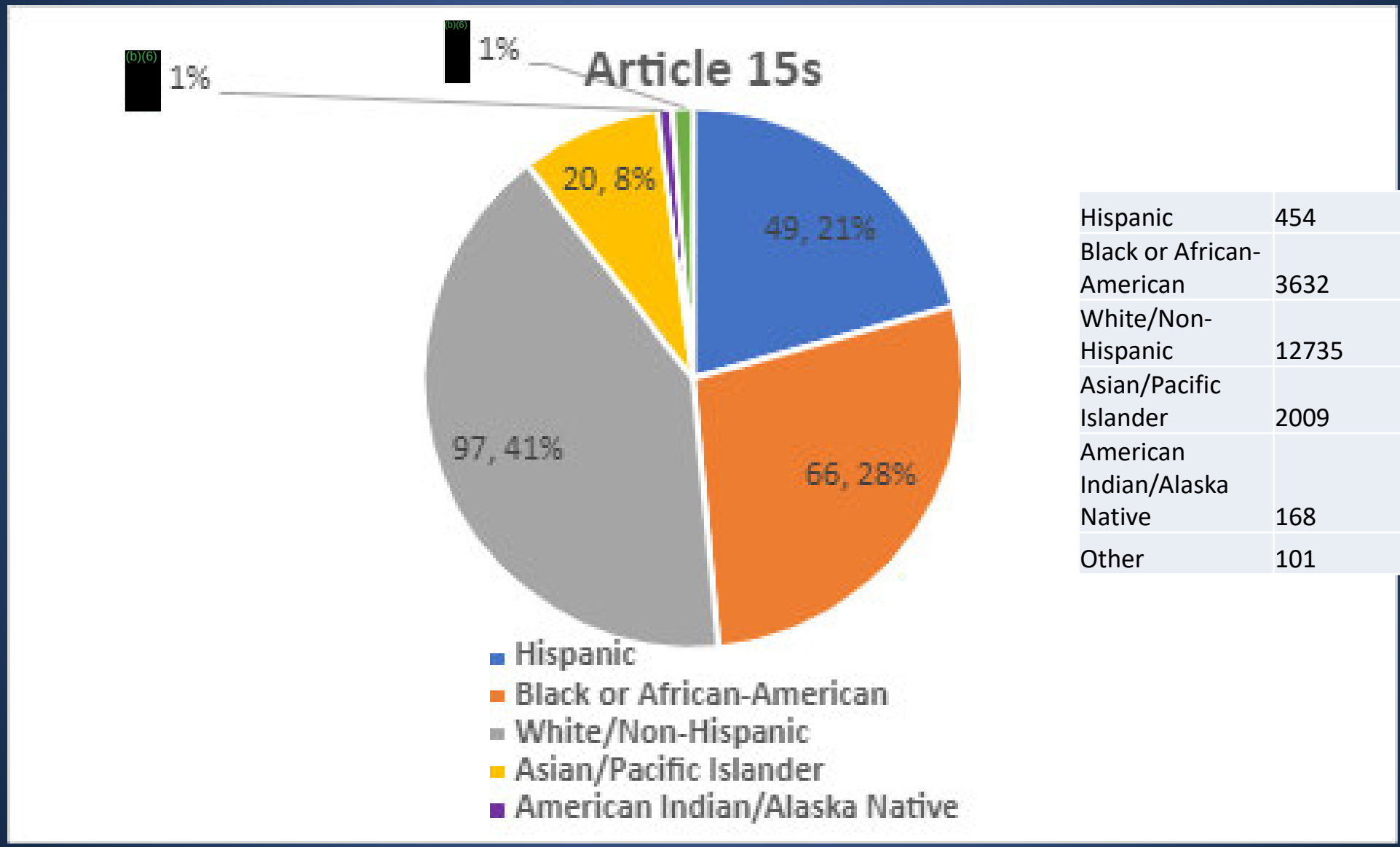
Significant racial disparities exist across the investigative and military justice systems. Caused by 1) gaps in training and education, 2) lack of oversight and transparency, 3) inadequate protections, and 4) external factors (resourcing and time).

(b) (5)

(b) (5)

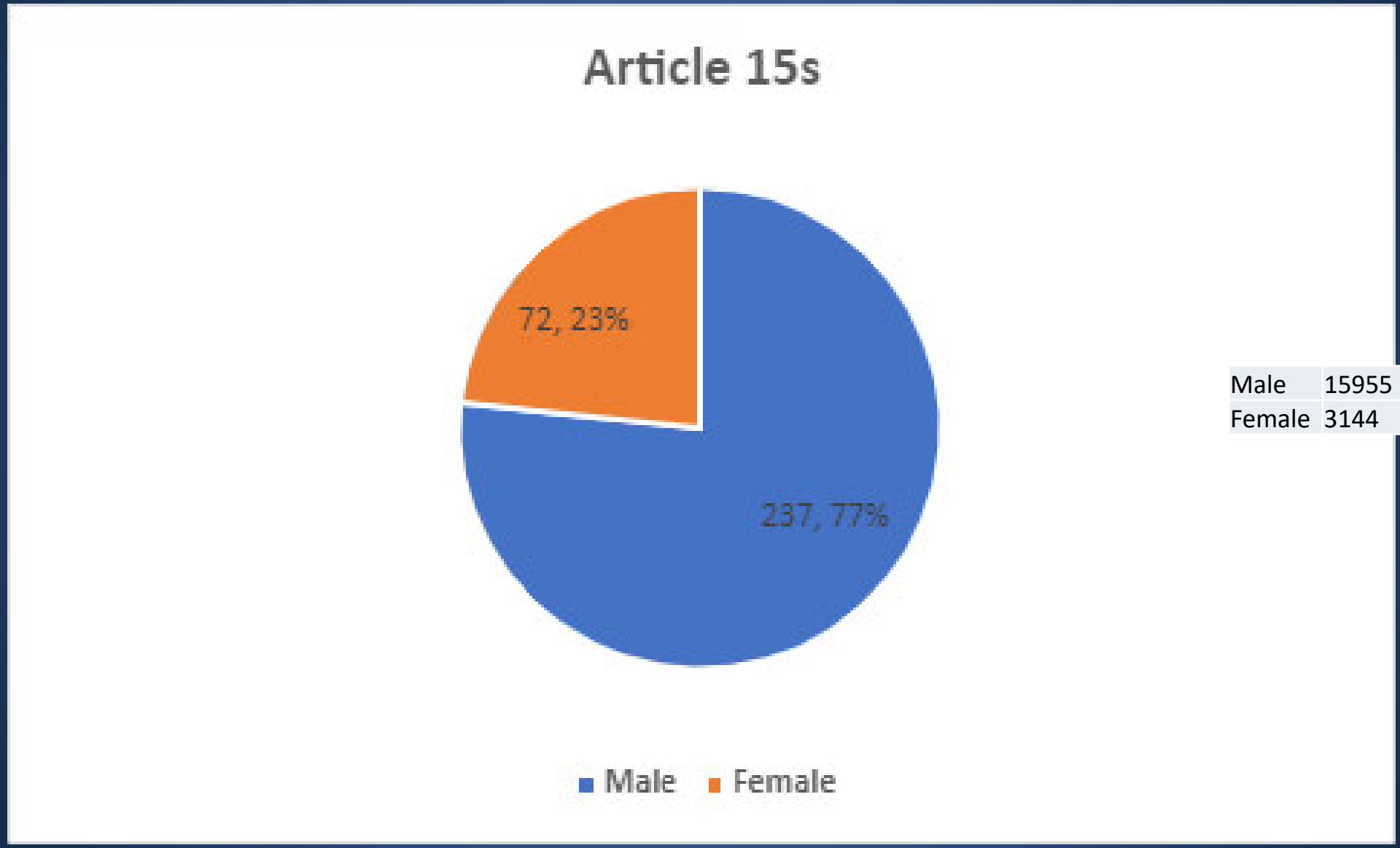
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Self-Assessment I Corps, Prior 12 Months



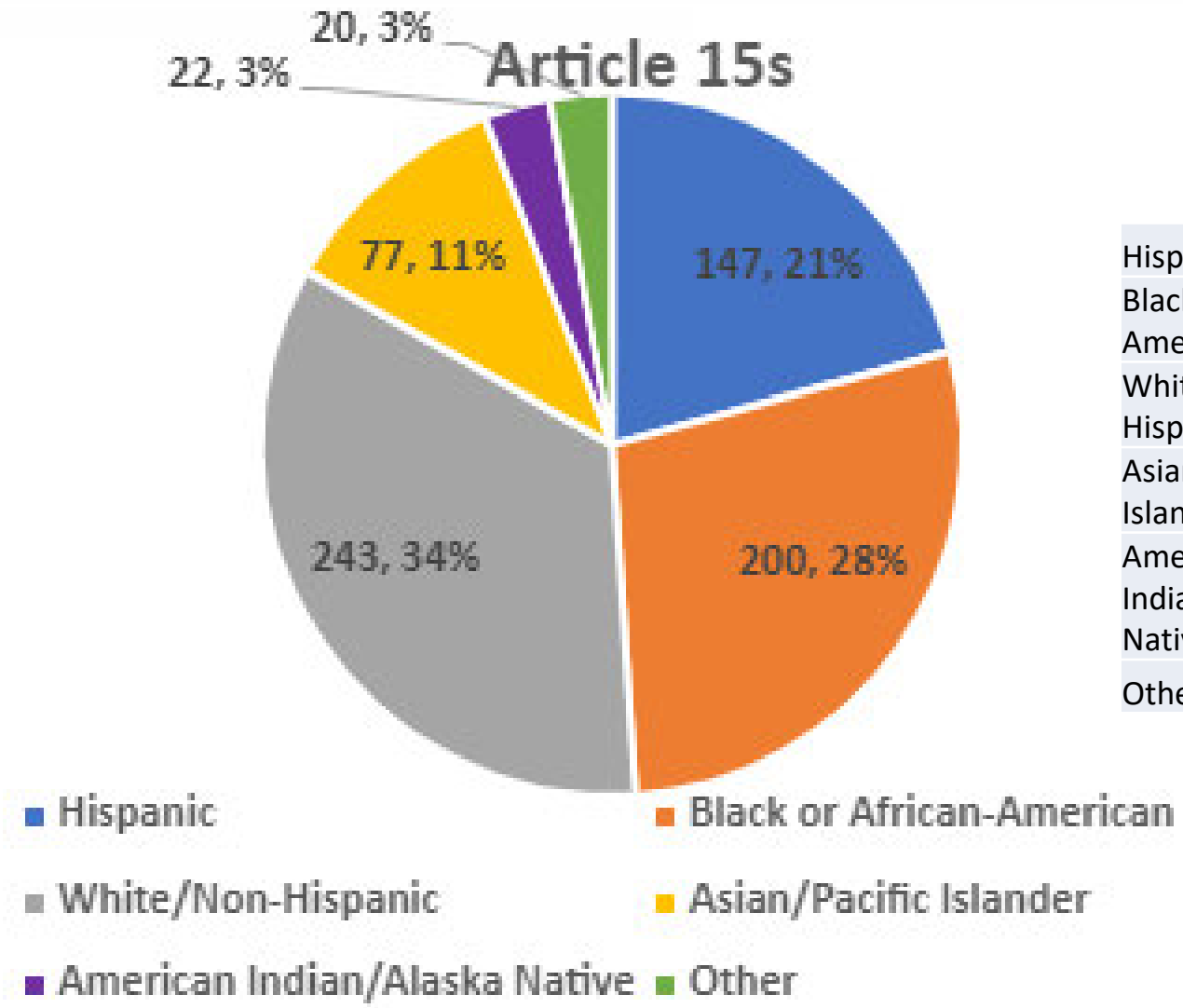
Hispanic	454	2%
Black or African-American	3632	19%
White/Non-Hispanic	12735	67%
Asian/Pacific Islander	2009	10%
American Indian/Alaska Native	168	1%
Other	101	1%

Self-Assessment I Corps, Prior 12 Months



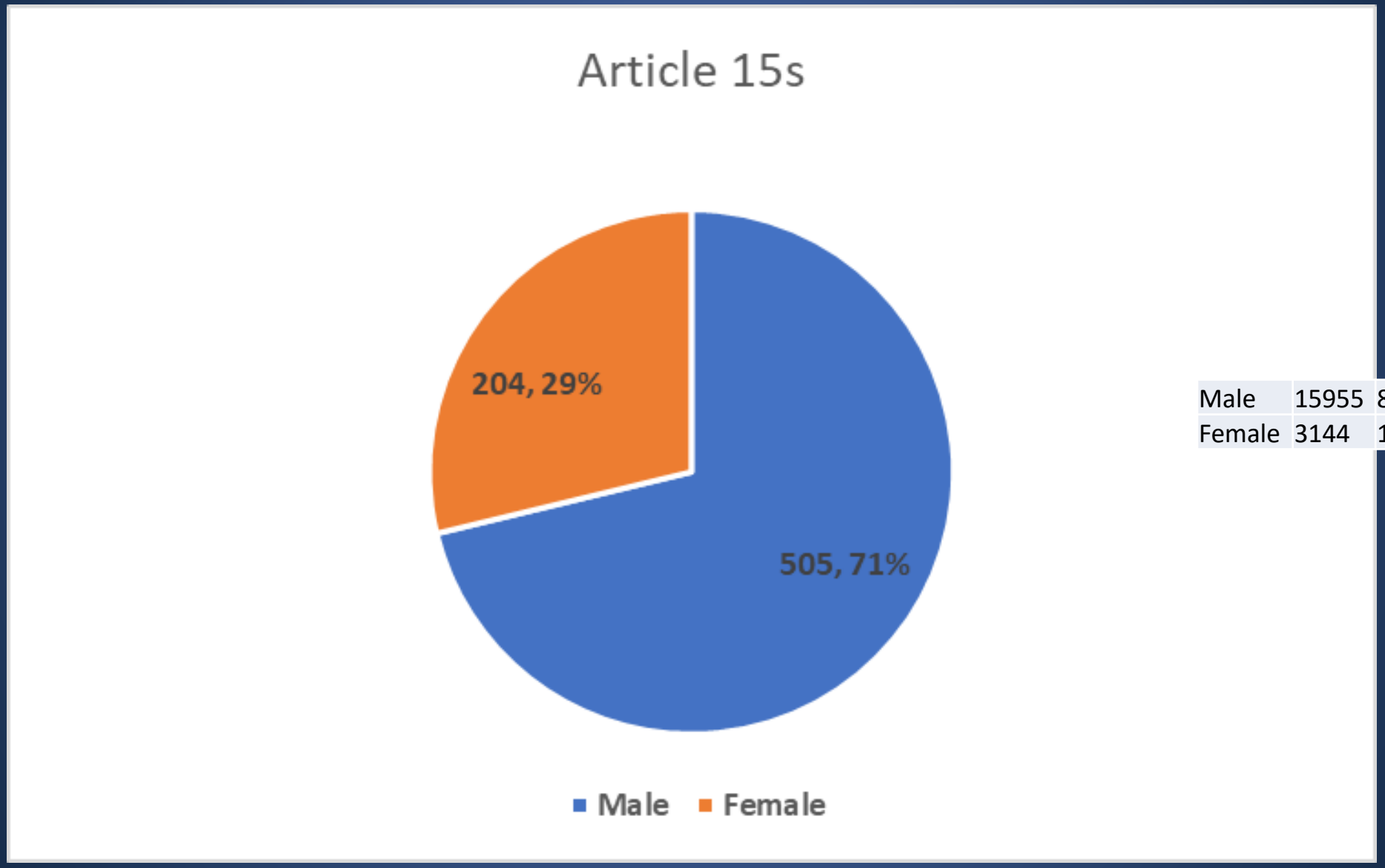
Male	15955	84%
Female	3144	16%

Self-Assessment I Corps, Prior 36 Months



Hispanic	454	2%
Black or African-American	3632	19%
White/Non-Hispanic	12735	67%
Asian/Pacific Islander	2009	10%
American Indian/Alaska Native	168	1%
Other	101	1%

Self-Assessment I Corps, Prior 36 Months



Male	15955	84%
Female	3144	16%

Where Bias Can Influence Commanders & JAs

Pre-Trial Investigation and Charging Decisions

- Assumptions as to who may be offender & victim
- Lack of empathy of suspect/accused of a racial minority
- Assigning attributes based on impressions, not on facts (e.g., Black subject "Looks angry/mean" where White subject "Looks young and naive")
- Informs beliefs as to credibility of subject/accused or other witnesses of color
- **Fill in factual gaps with assumptions based on stereotypes**

Trial Strategy

- Peremptory challenges for facially race-neutral reasons but applied only to racial minorities *See Flowers v. Mississippi,* 139 S. Ct. 2228 (2019).
- Assumptions about how panel members see evidence (Minority member more sympathetic? Female member less sympathetic in sex assault case?)
- Closing argument tinged with racial animus ("He's an animal," "A thug")

MITIGATION

Continue training

- Disseminate this through your office (this is not just a legal issue; it is a leadership issue)
- DEI training in office (LDP) ✓
- Identify distractions and sources of stress in the decision-making environment
- Bias awareness/interruption (work with Operational Psychologists)

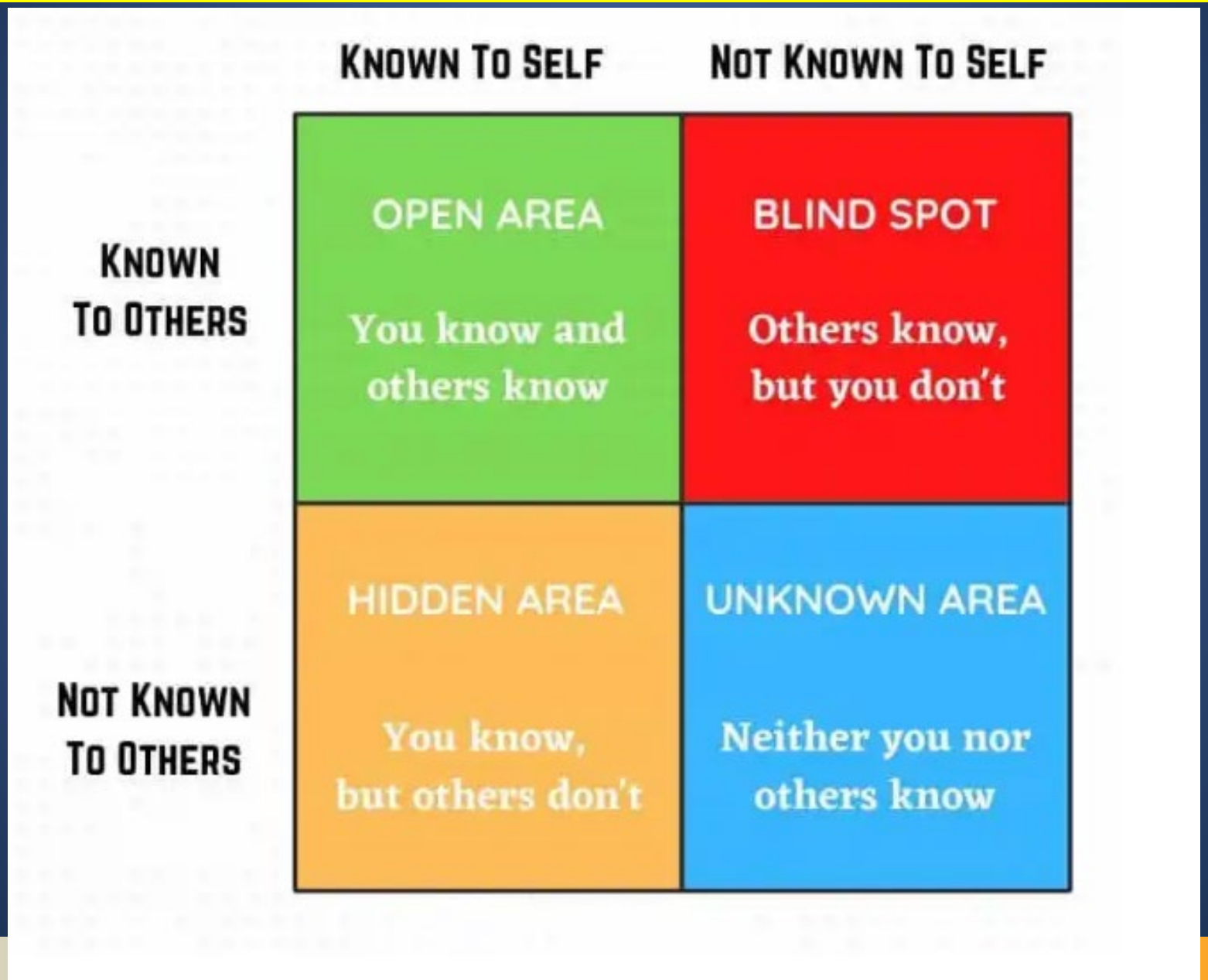
Get data!: Regularly track race/ethnicity, just like we track MOS, deployments, etc.

- Quarterly assessments on who is being investigated, prosecuted, separated (trend analysis)
  - MJO
- Part of multi-discipline team meetings (OSJA, CID, MPI, FAP)
- Continue to get feedback from trusted sources

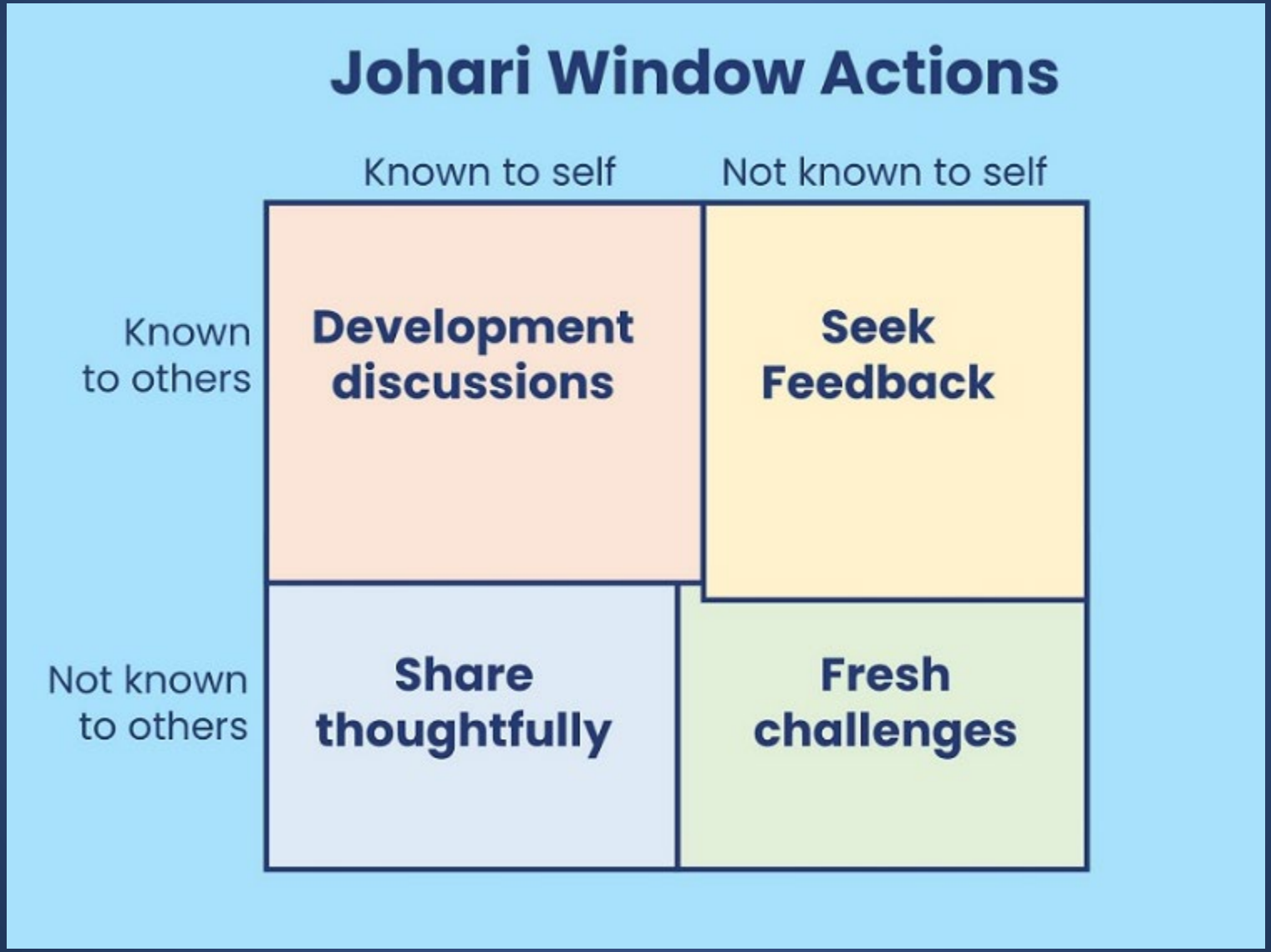
Assess the known facts: Challenge factual assumptions

- ACKNOWLEDGE we all have biases
- Ask questions. Lots of questions.
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- "**Art vs. science**" of discipline: Focus on the "should" as much as the "can"

Johari Window



So…what do I do now?



QUESTIONS?



(b)(6)

(b)(6)

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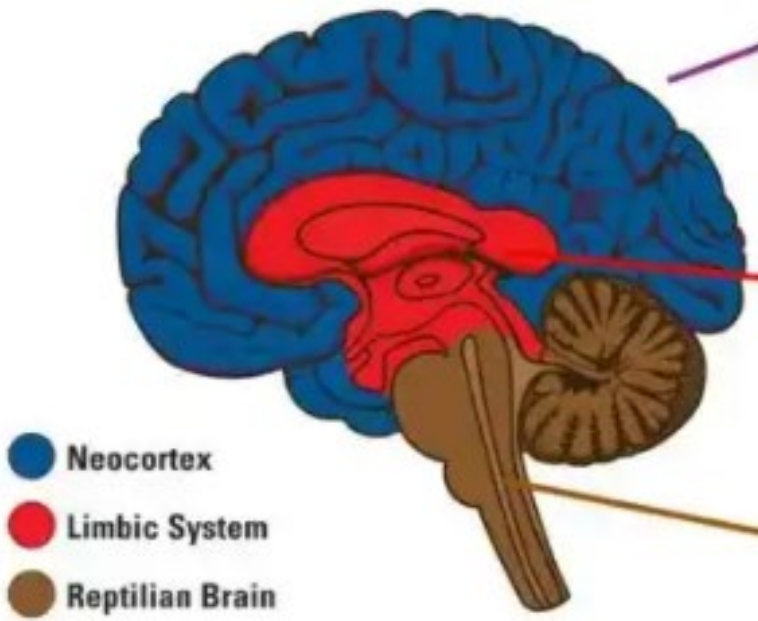
Jeffrey J. Rachlinski, Sheri Johnson, and Andrew J. Wistrich; and Guthrie, Chris, *Does Unconscious Racial Bias Affect Trial Judges?* (2009). 84 Notre Dame L. Rev 3 (2009).

Numerous Past Studies, Same Conclusions

PREVIOUS FINDINGS AND RECOMMENDATIONS

STUDY/REPORT	Racial Disparities Exist across the Investigative and Military Justice Systems	Significant Discretion with Few Safeguards = Increased Disparate Outcomes	Data Collection must be Improved	ultural Competency and Cognitive Bias Training for all in the military justice system	Resource Appropriately (no unfunded mandates)	Conduct Root Cause Analysis with better data but don't wait to start making improvements
1972 Task Force on the Administration of Military Justice in the Armed Forces	●	●	●	●	●	
2011 MLDC Military Leadership Diversity Commission	●		●	●	●	
2019 GAO Government Accountability Office	●		●			●
2020 Air Force IG Independent Racial Disparities Review	●	●	●	●	●	●
2020 DAC-IPAD Racial and Ethnic Data Relating to Disparities in the Investigation, Prosecution, and Conviction of Sexual Offenses the Military	●		●	●		●
2022 CNA Exploring Racial, Ethnic, and Gender Disparities in the Militar Justice System	●	●	●		●	●

Triune Brain Theory



Cortex
(Neomammalian brain)
150.000 years old

Complex processes
- Perception, planning, attention, abstract thinking, language...

Thinking Brain

Limbic System
(Paleomammalian brain)
200-250 Million years old

Primitive survival functions
- Fulfilling our animal needs and emotions (feeding, reproduction, parenting...)

Feeling Brain

Brain Stem
(Reptilian brain)
300 Million years old

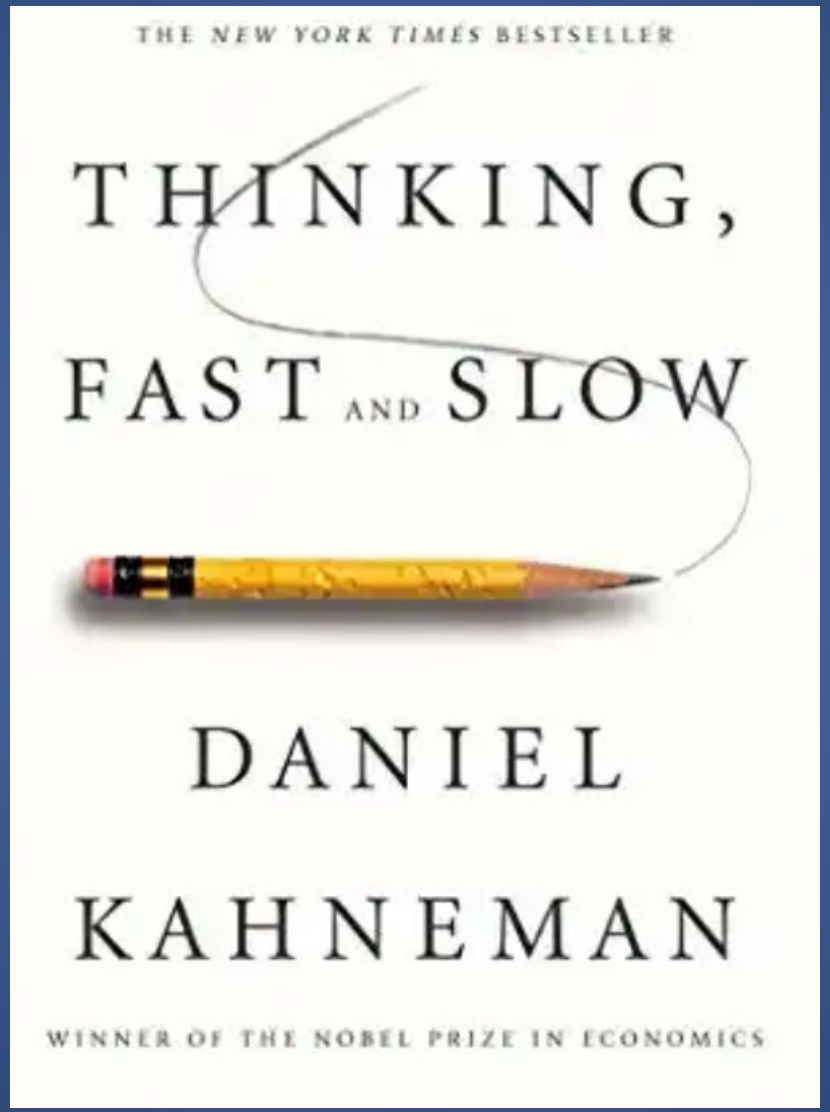
- Maintaining **body functions**
- **Routing information** up and dow
- Instinctive behaviours

Living Brain

Source: Paul MacLean – Triune brain theory (1952),

(b) (5)

For further reading…



Another perspective:



EVERYONE Has Implicit Biases

Everyone has unconscious biases that influence their worldview and decision making

Harvard University's Implicit Association Test (IAT)

- Web-based
- Association of different racial groups with negative words, or weapons
- Just an indicator; can reveal patterns and tendencies among large groups of people
- implicit.harvard.edu/implicit/takeatest.html

Key takeaway: Have more awareness of biases and challenging your assumptions

Presentation #24

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6) Program Specialist

Background

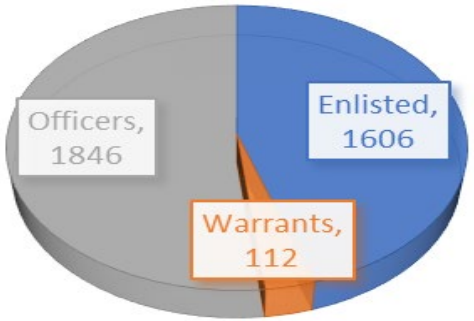
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEI established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEI Initiatives

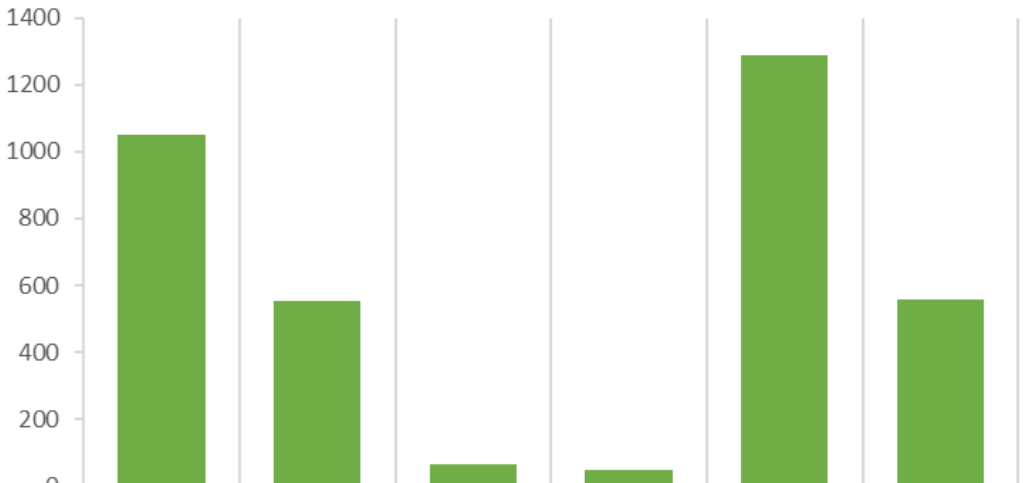
- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

JAGC Active Component Demographics

COHORT

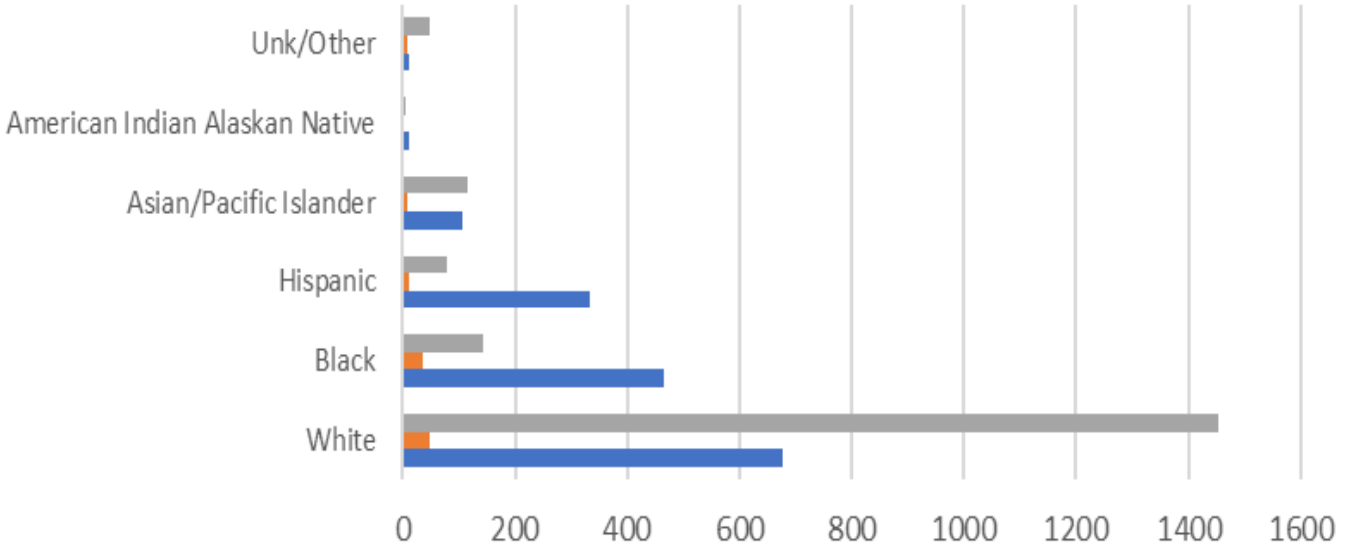


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

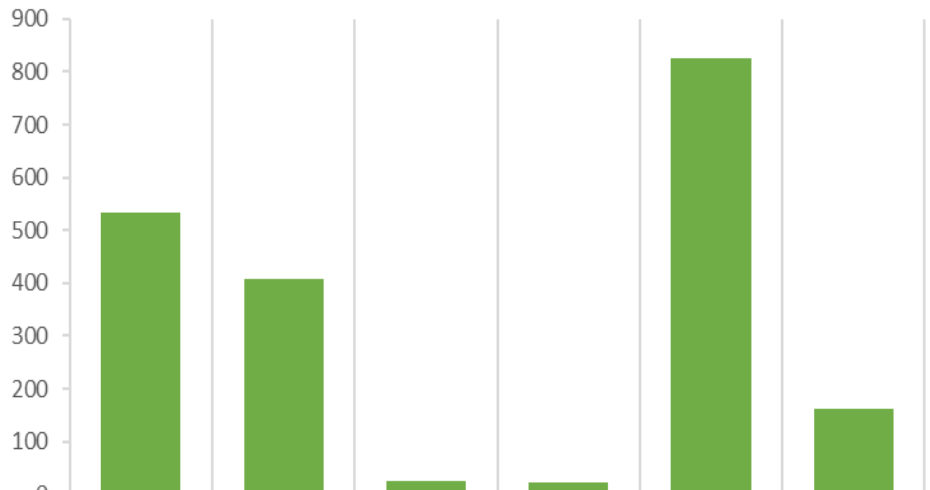
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

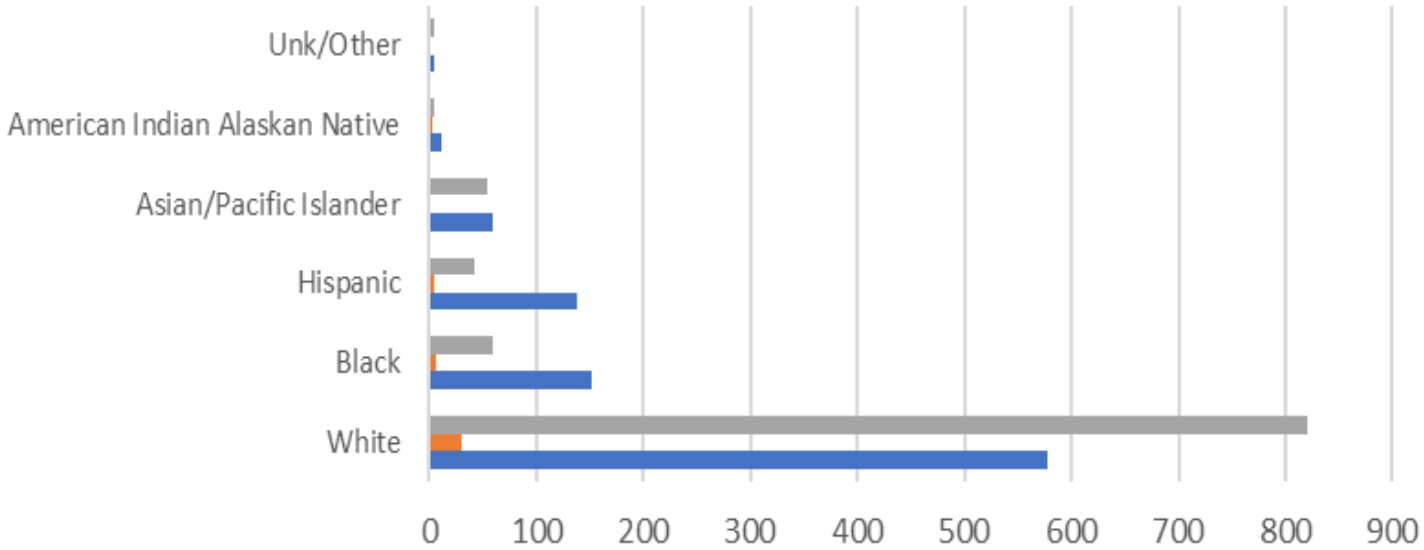


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	534	407	24	21	826	162

RACE/ETHNICITY

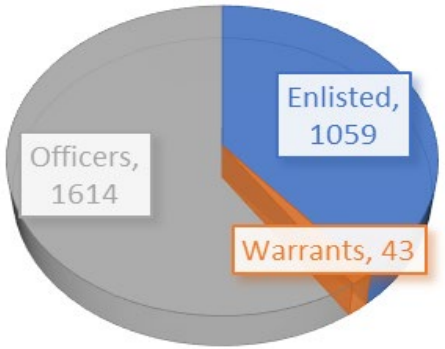


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	821	60	43	55	5	4
Warrants	30	6	5	1	3	0
Enlisted	577	152	138	59	11	4

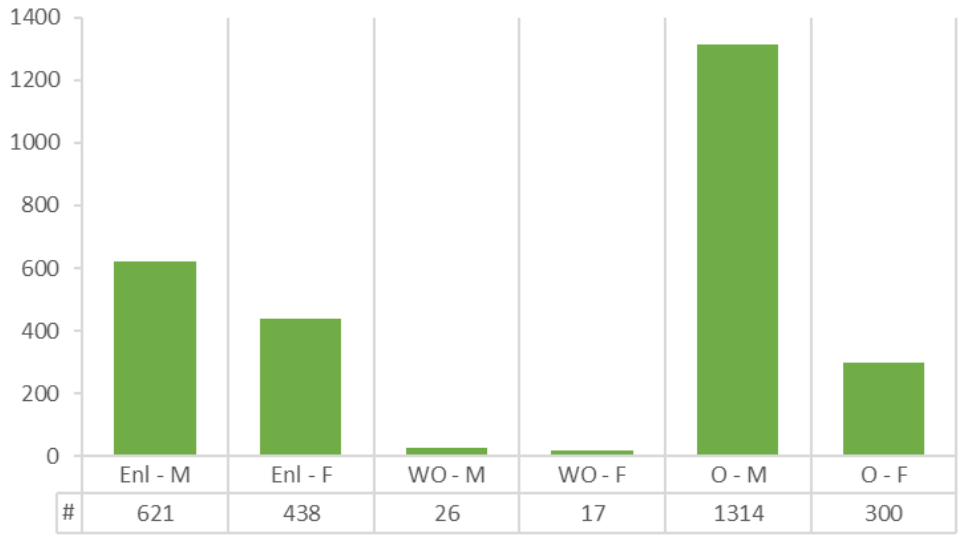
JAGC Reserve Component Demographics

Data as of 31 August 2022

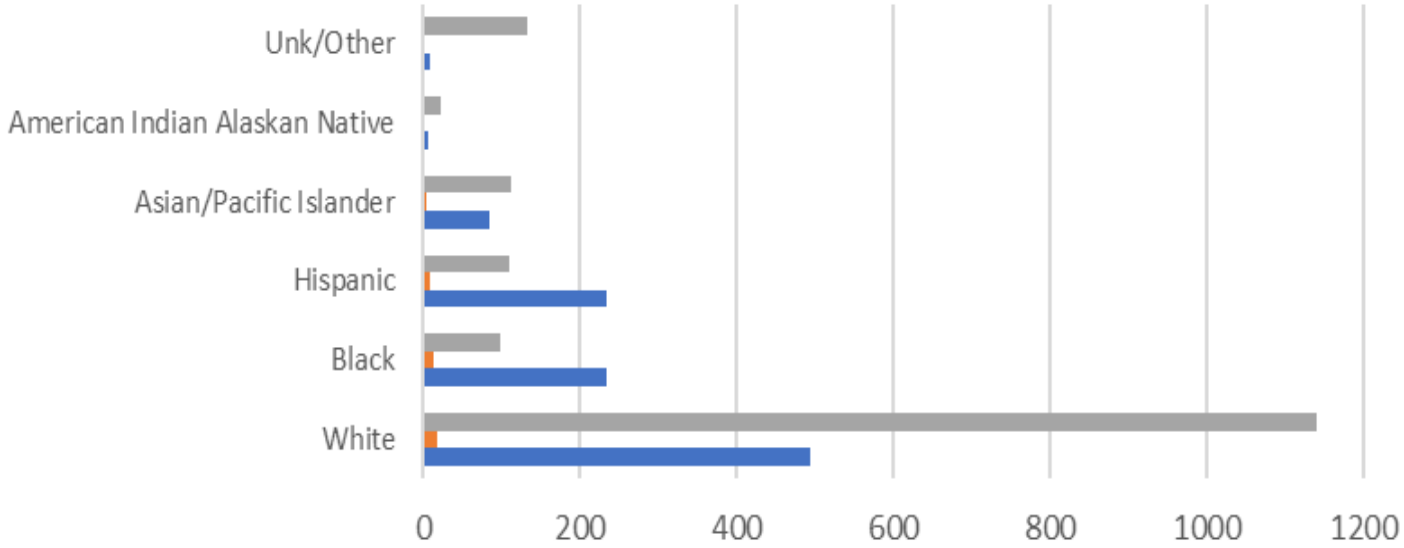
COHORT



GENDER



RACE/ETHNICITY

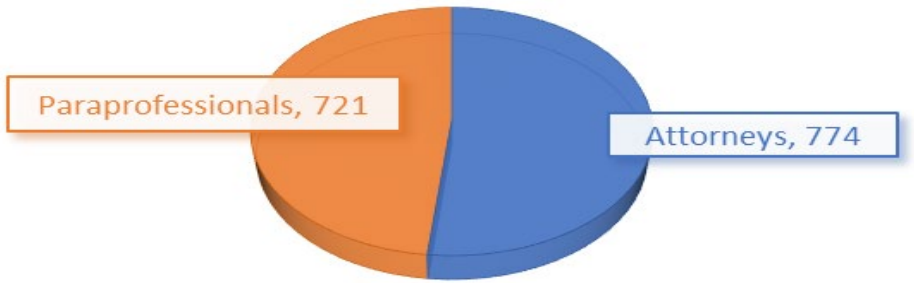


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

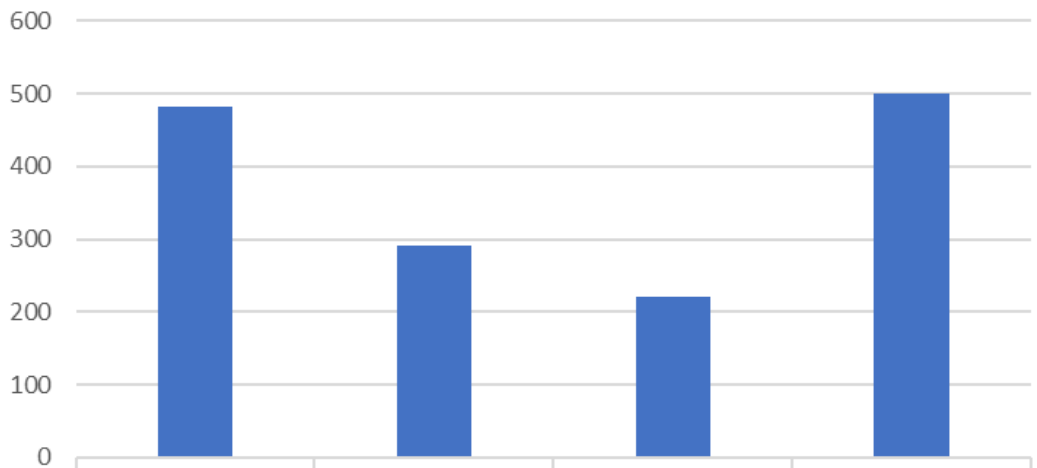
JALS Civilian Demographics

Data as of 31 August 2022

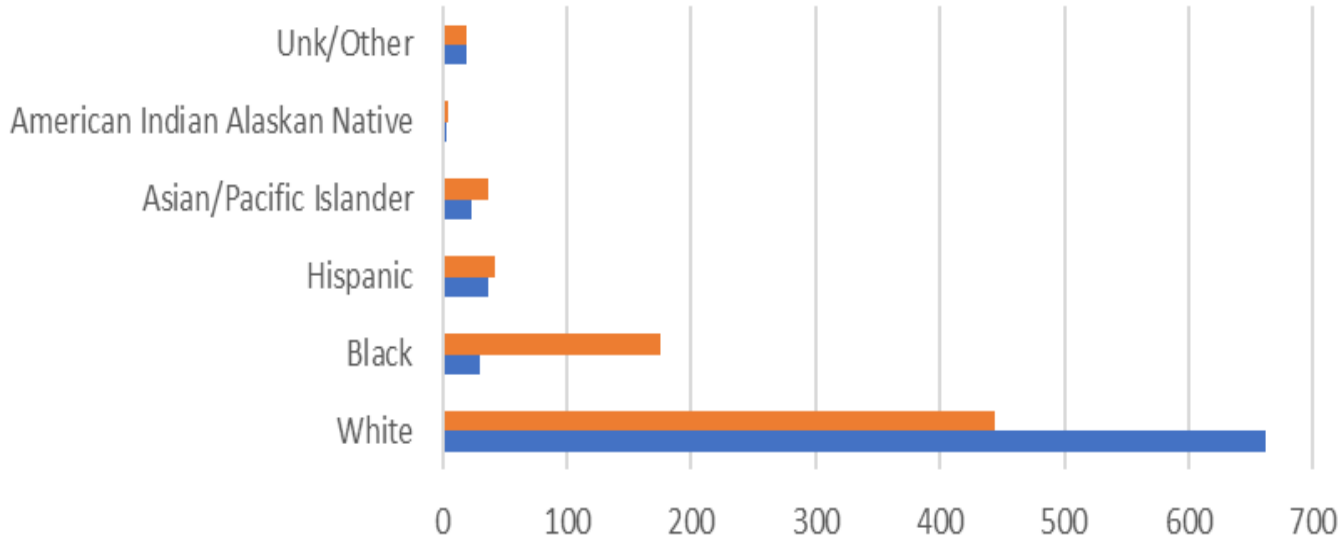
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



DEI&A - *Defined*

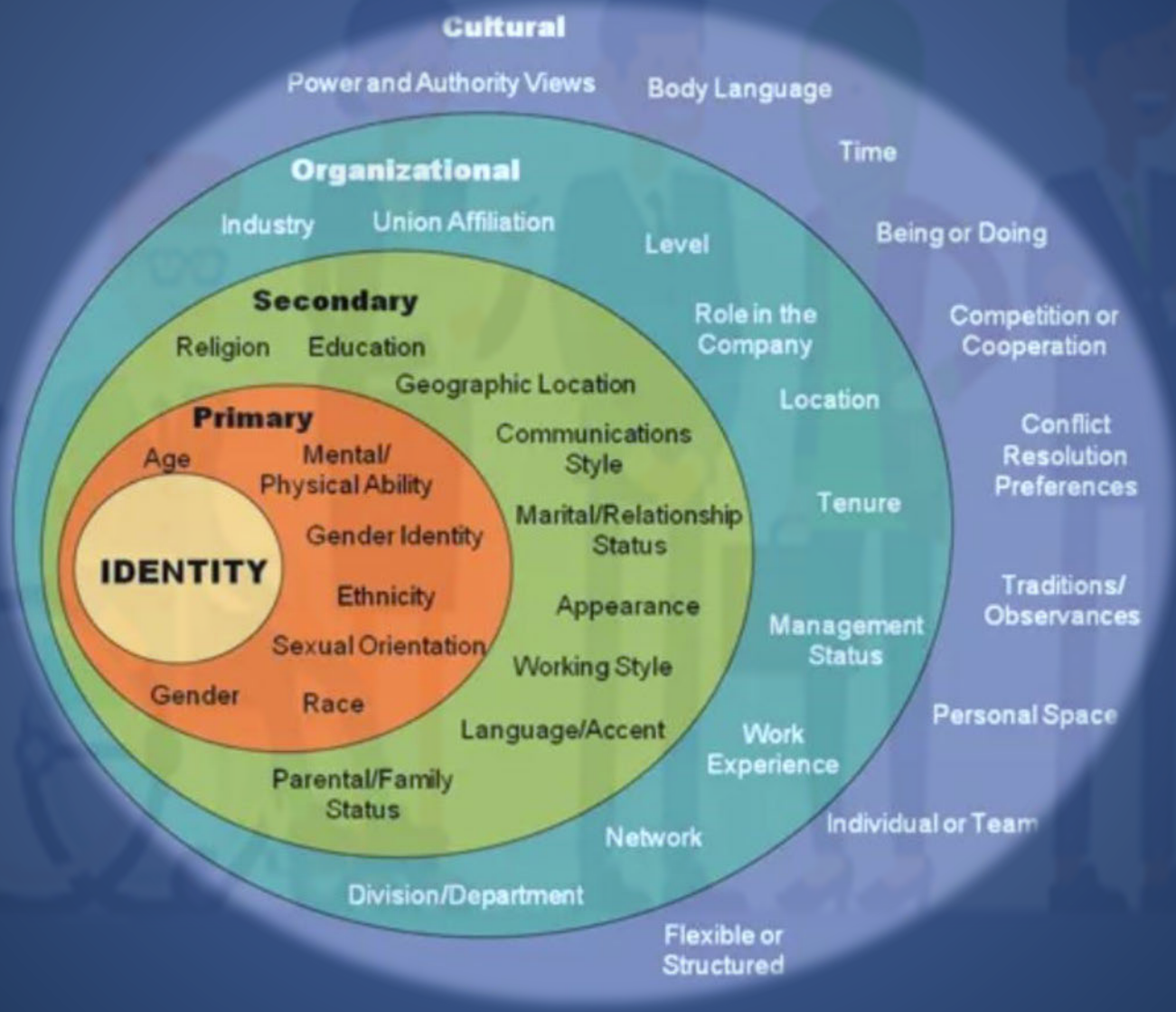


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

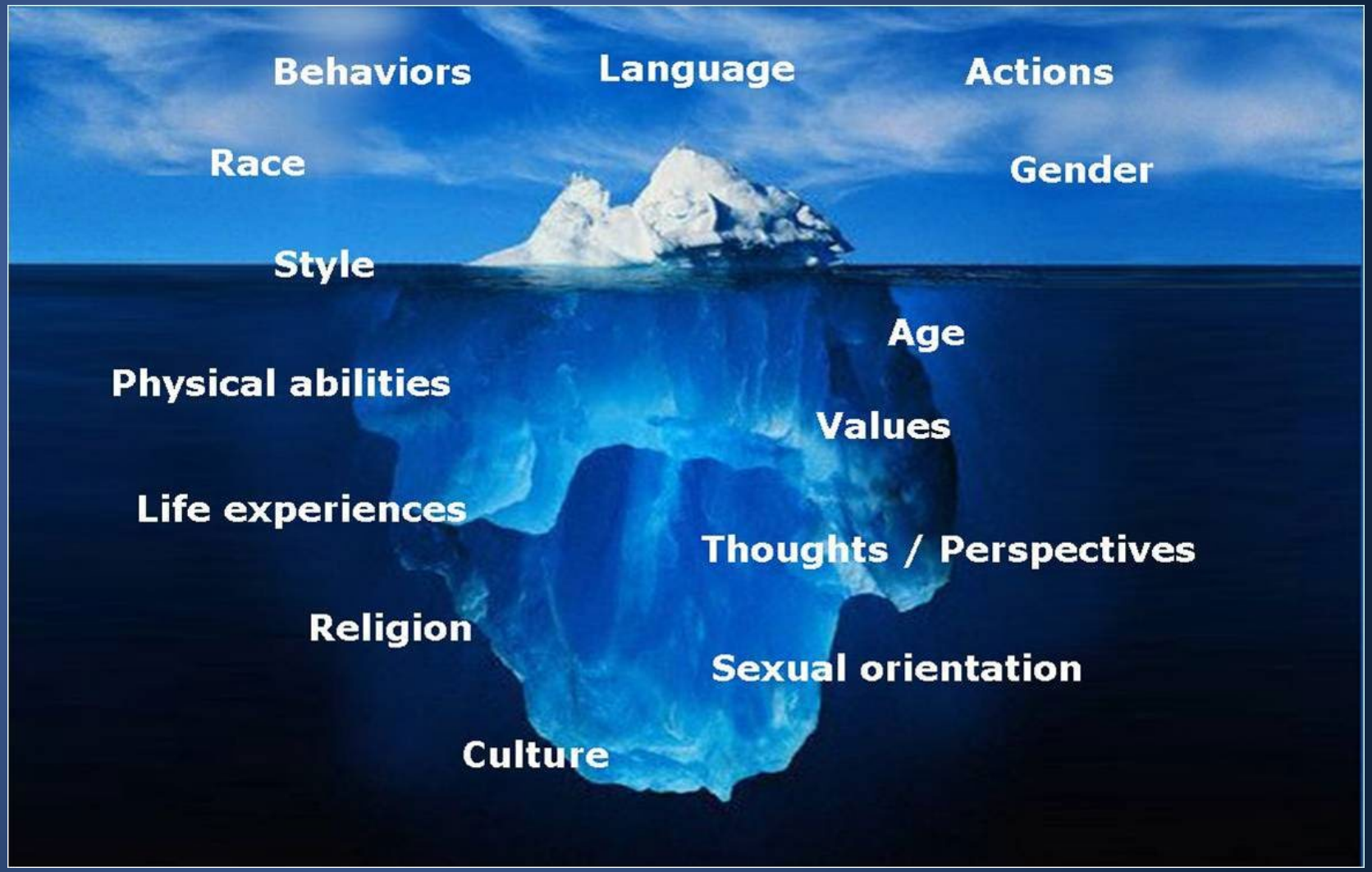
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



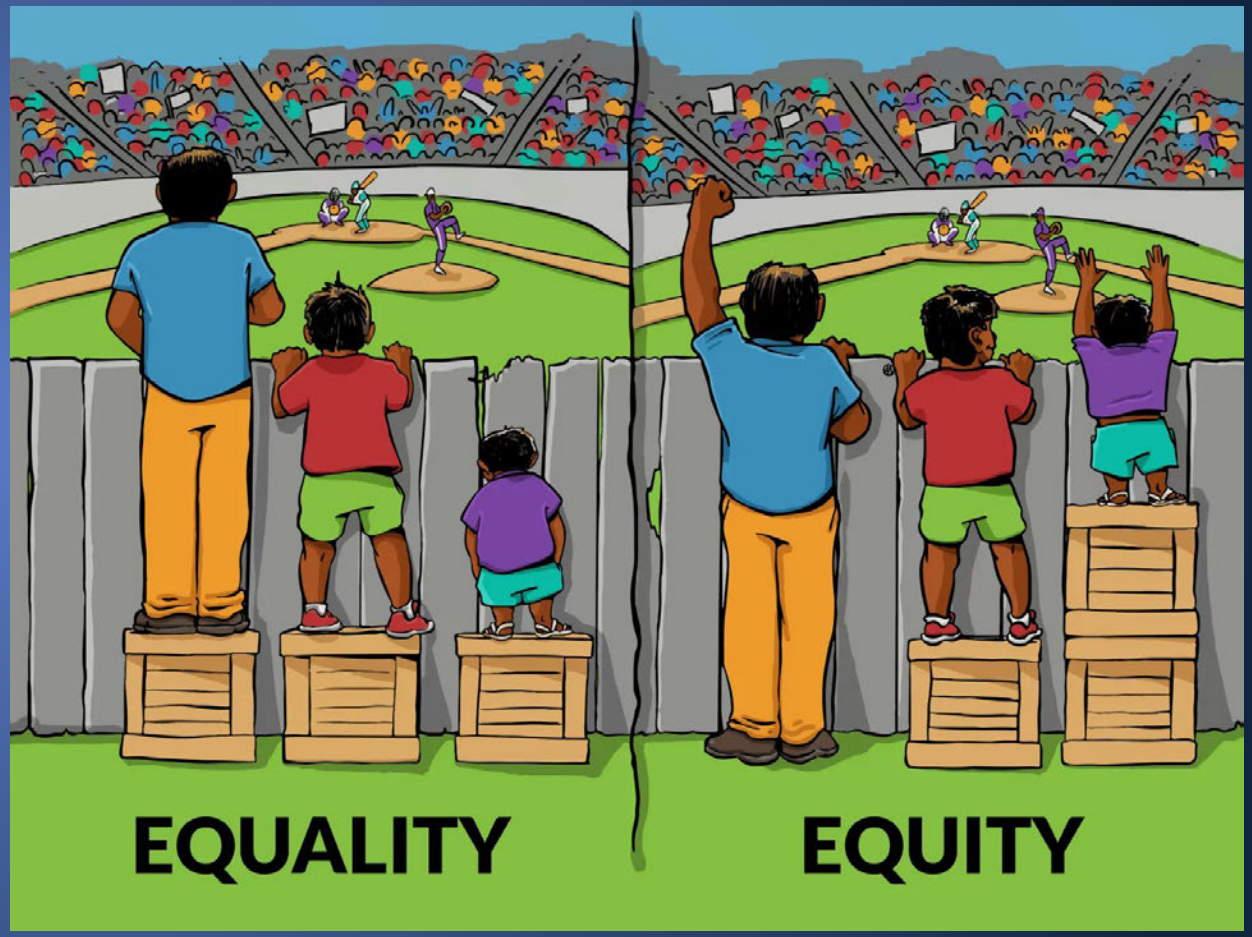
EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force



EQUITY v EQUALITY

- Whereas equity recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access



EQUITY AND EQUALITY | VIDEO

Questions to Consider

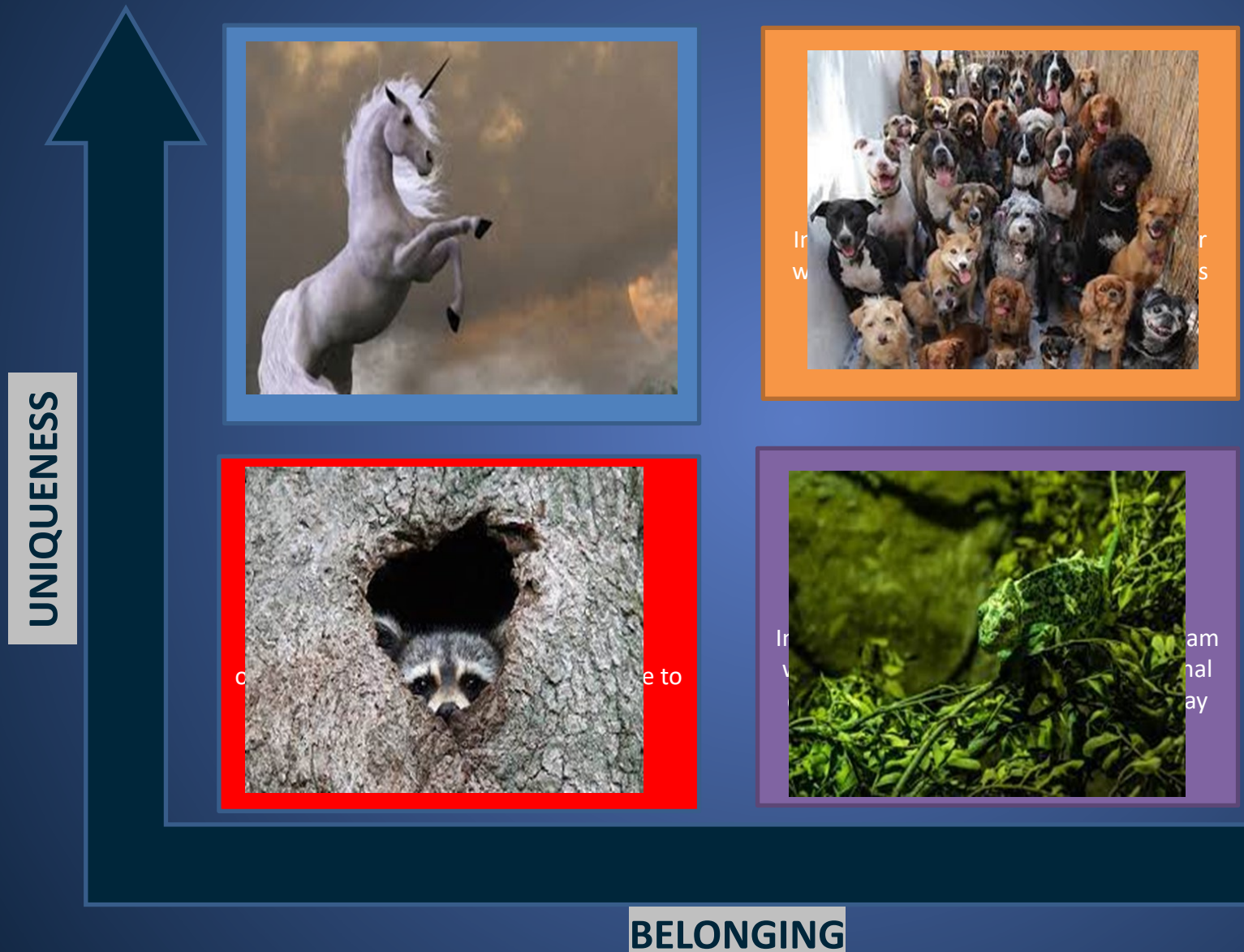
- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are linked to accomplishing the mission versus *the way we have always done business*?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
- Persons with disabilities face accessibility barriers in all aspects of society
- A barrier is an obstacle or anything that prevents a person with a disability from fully participating in in all aspects of society because of their disability
  - Barriers can be visible, invisible, physical, attitudinal, technological, information and communication barriers
  - By removing all unnecessary barriers, an individual can use their abilities to achieve their objectives, thus having the same opportunity to achieve success

In Conclusion

- It’s clear that there’s a social and moral case for diversity and inclusion training, as well as a business case
- The atmosphere of the working environment is shaped by its people
- A company where everyone feels valued and included will have a positive impact on everything from recruitment to engagement to productivity
- Organizations that focus on DEI&A tend to attract and recruit the best talent
- With DEI&A part of the strategic plan, an organization can improve their reputation
- More diverse teams can help your business avoid groupthink and produce more creative outputs
- Company culture is enhanced when all backgrounds are welcomed and celebrated
- It is therefore important that all members of the organization have a basic understand of the principles of DEI&A

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Building Inclusive Teams



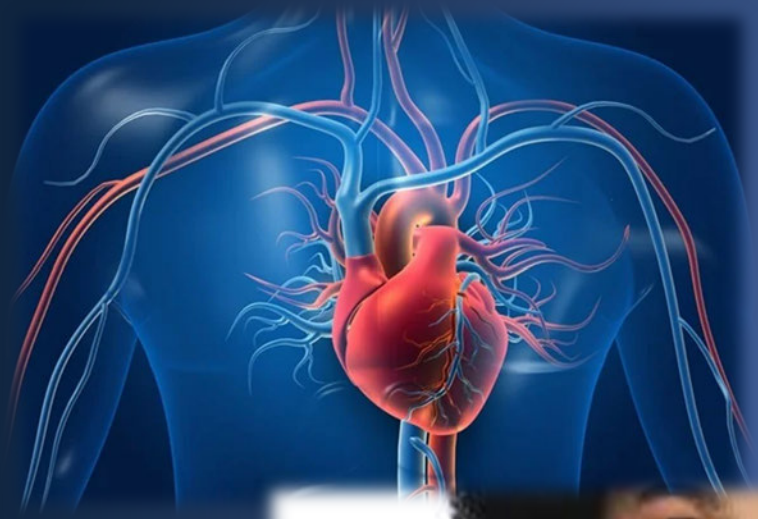
(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Wilson
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

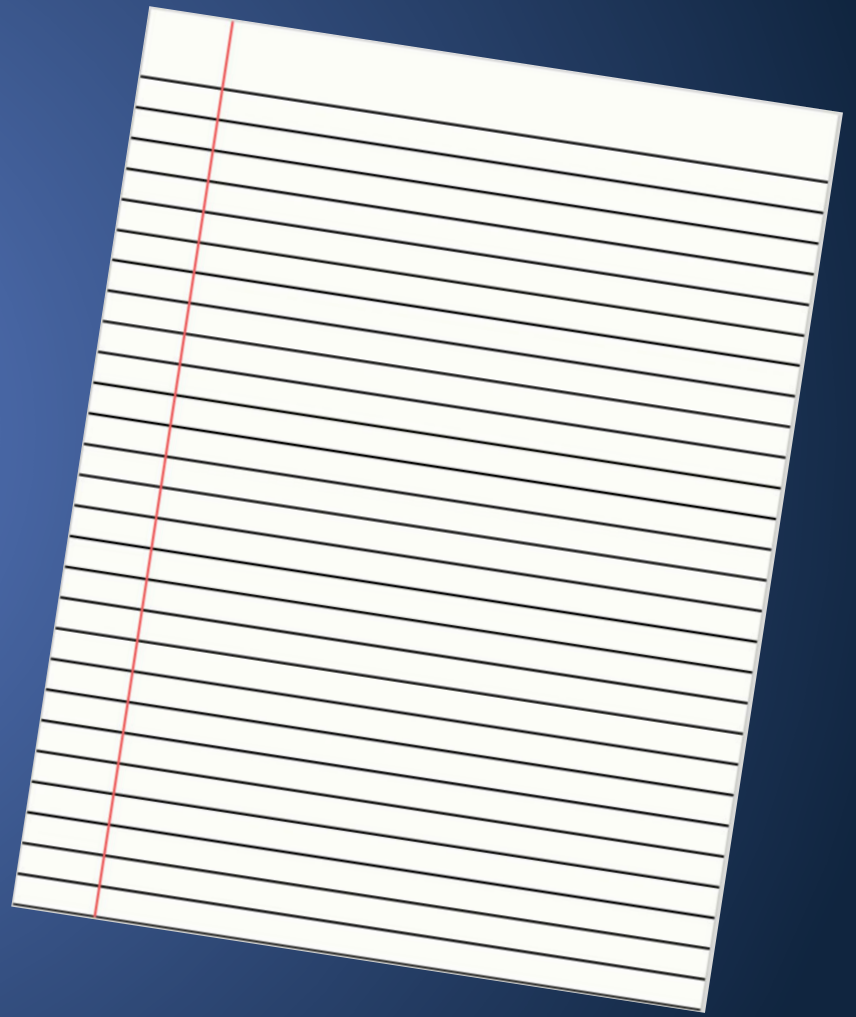
- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Use Your Tools









Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- Rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- **For the Leaders**: Do you empower people to want to do their best work *or* to do just enough to complete the task
- **For the Led**: Does your leadership empower you or others to want to do your best work *or* to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Today's Workforce

The workforce has become…more diverse and multicultural



Today's Workforce

The workforce has become…multigenerational



Today's Workforce

The workforce has become…mobile and hyperconnected





Today's Workforce

The workforce gets work done more virtually





What is *Inclusion*?

The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Introduction

Leadership is a responsibility and a privilege, not a position or status



Inclusive Leadership Behaviors

- Identify your top and bottom 3; identify your leader's top and bottom 3:

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational

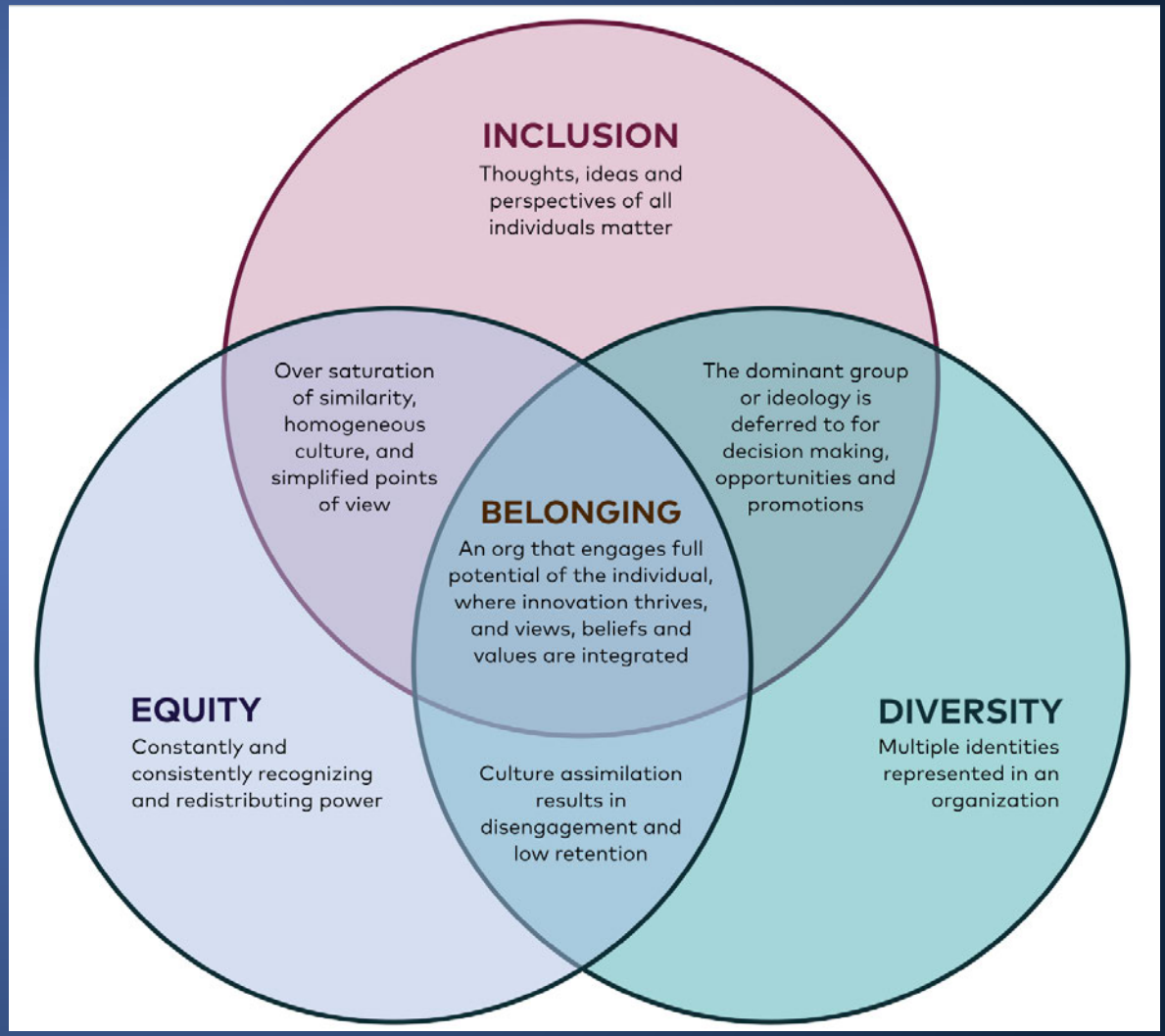
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware

- good people skills
- empowering
- considers different perspectives
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

Inclusive Leaders

As a leader, you need to know how to navigate this complex and rapidly changing landscape, because **inclusive leaders create inclusive work environments and creates a sense of belonging**



Inclusive Environments

The objective is to create an environment where your people can bring their full selves to work



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

Start Being Inclusive NOW…

1. Inclusivity starts from the top…check your practices
2. Create a culture of trust and “psychological safety”
3. Encourage inclusive behaviors and self-awareness (of biases)
4. Create opportunities for conversations/feedback
5. Don’t dismiss people’s idea’s, hear them out and try to integrate them
6. Discourage groupthink
7. Encourage servant behavior
8. Be trustworthy
9. Plan and host inclusive events
10. Be authentic in your efforts

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Challenge: Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

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  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #25

DEI, Bias, & Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

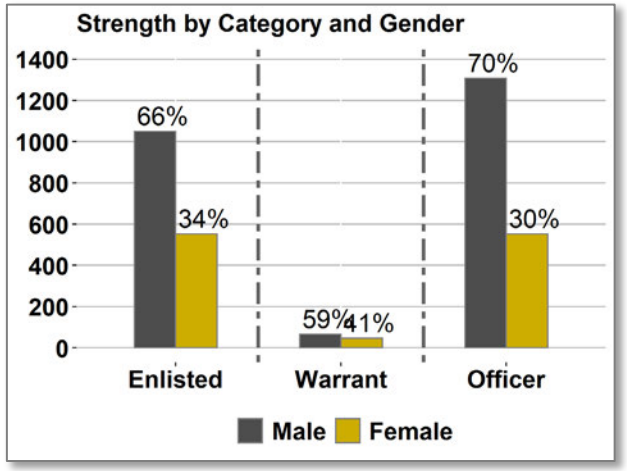
Background

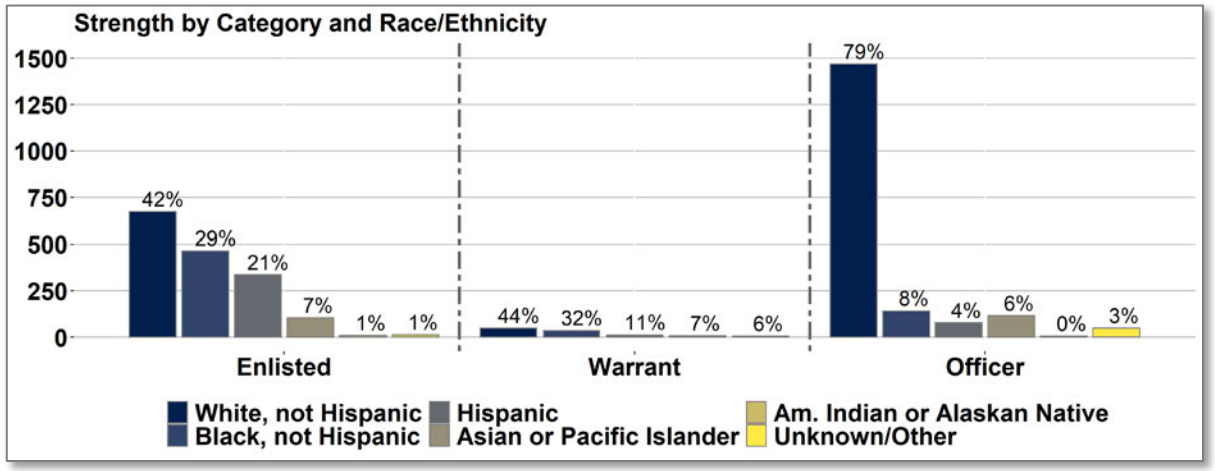
- TJAG Established Council on DE&I ("DEIC") on 10 July 2020
  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; 16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021
  - provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL/JA); Program Coordinator (WO/LA)

JAG Active Component Demographics

Data as of 31 August 2022

As of 31 August 2022, the total number of Soldiers in the JAG Corps Active Component is 3,575. Males account for 68% and Females account for 32% of the total. The Racial/Ethnic distribution of the JAG Corps is as follows – White, Not Hispanic: 61.3%, Black, Not Hispanic: 18%, Hispanic: 11.9%, Asian or Pacific Islander: 6.4%, American Indian or Alaskan Native: 0.4%, and Unknown/Other: 2%.





Grade	Inventory	Gender		Race/Ethnicity					
		Male	Female	Hispanic	Am. Indian or Alaskan Native	Asian or Pacific Islander	White, not Hispanic	Black, not Hispanic	Unknown/ Other
Enlisted Subtotal	1,602	1,050	552	336	10	105	673	465	13
Enlisted %	45%	66%	34%	21%	1%	7%	42%	29%	1%
Officer Subtotal	1,861	1,308	553	78	6	116	1,469	142	50
Officer %	52%	70%	30%	4%	0%	6%	79%	8%	3%
Warrant Officer Subtotal	112	66	46	12	0	8	49	36	7
Warrant Officer %	3%	59%	41%	11%	0%	7%	44%	32%	6%
Active Component Total	**3,575**	**2,424**	**1,151**	**426**	**16**	**229**	**2,191**	**643**	**70**
Active Component %		**67.8%**	**32.2%**	**11.9%**	**0.4%**	**6.4%**	**61.3%**	**18.0%**	**2.0%**

Unclassified

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- JALS DEIA Strategy – **to be aligned w/ Army's**
- Developing Training
  - DEI&A (general), Bias, Equity, Inclusion, DEI in Mentorship, Mitigating Microaggressions, Generations in the Workplace, etc.
- Inclusion at all levels of JAGC PME training (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating Bias discussions at boards
- Working with SIO and JARO on Strategic Engagement/Messaging

ODEI Initiatives, cont.

- Developing Communication Plan – JAGCNET/MilSuite/Teams
- Engaged with Retention Working Group
- Assisting Labor & Employment with imbedding DEI&A in their products and resources (i.e. Deskbook)
- Engagement with Army Equity Agency
- Reviewing processes for equity, inclusion, and transparency
- DEI Council and Field Boards
  - 140 personnel have volunteered

Engagements

- Recently returned from a Fort Bragg tour
  - Trained and conducted listening sessions w/ USARC, FORSCOM, XVIII ABC, 82nd ABN Div, 1 SFC (A), and USASOC
- Over the last 90 days, have conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, USARLC, Fort Rucker, etc.)
  - At various boards (GOSC, 2L Internships, Reserve Accessions, FLEP, etc.)
  - TX colleges recruitment tour w/ BG Sullivan
  - Served on Hispanic Heritage Month panel at TJAGLCS
- We are in there and out there!

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

5) Army-wide Inclusive Culture

DEI&A - *Defined*



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--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

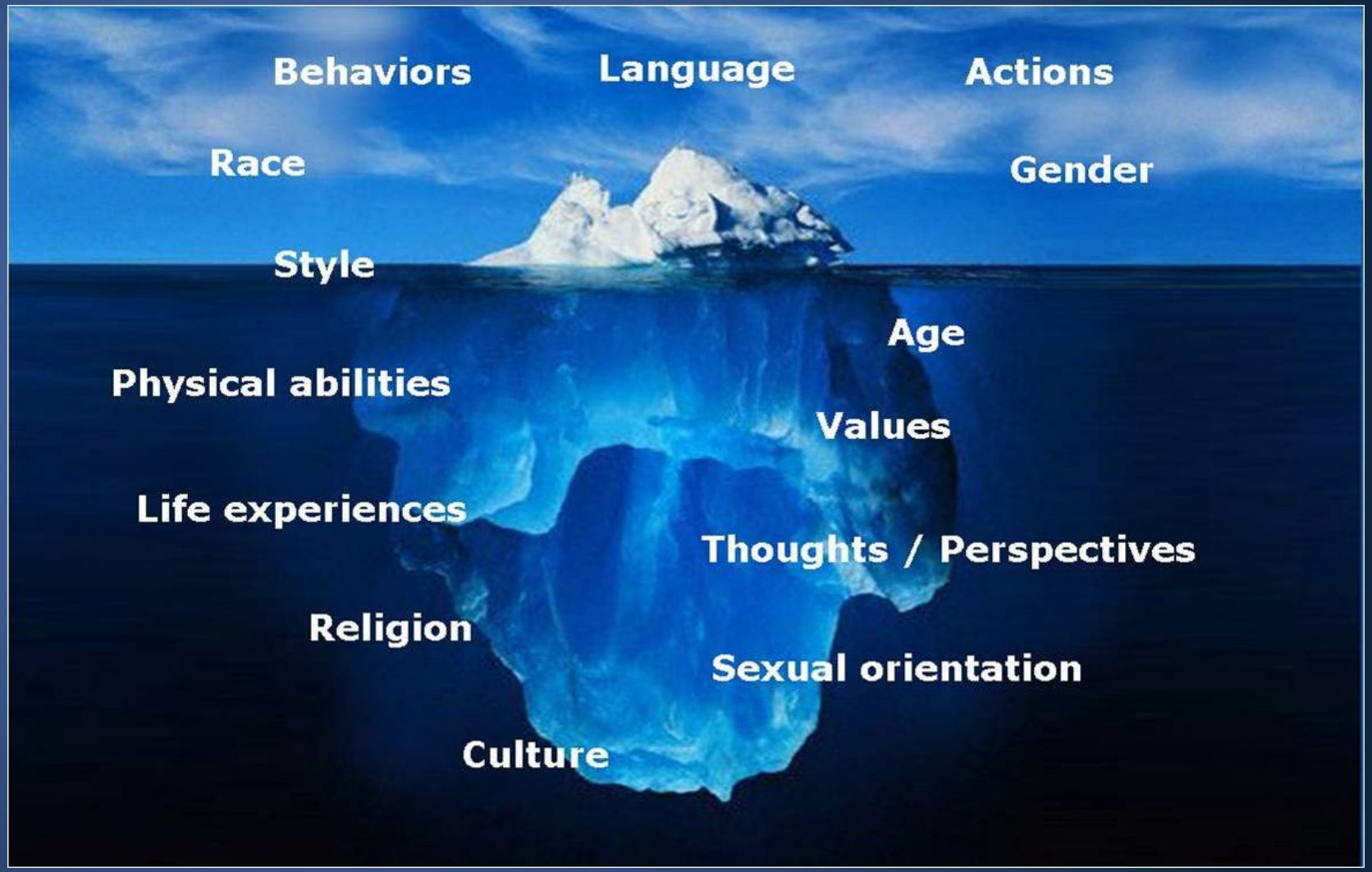
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Diversity – What Does it Look Like?



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EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
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- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked, to accomplishing the mission verse the way we have always done business?
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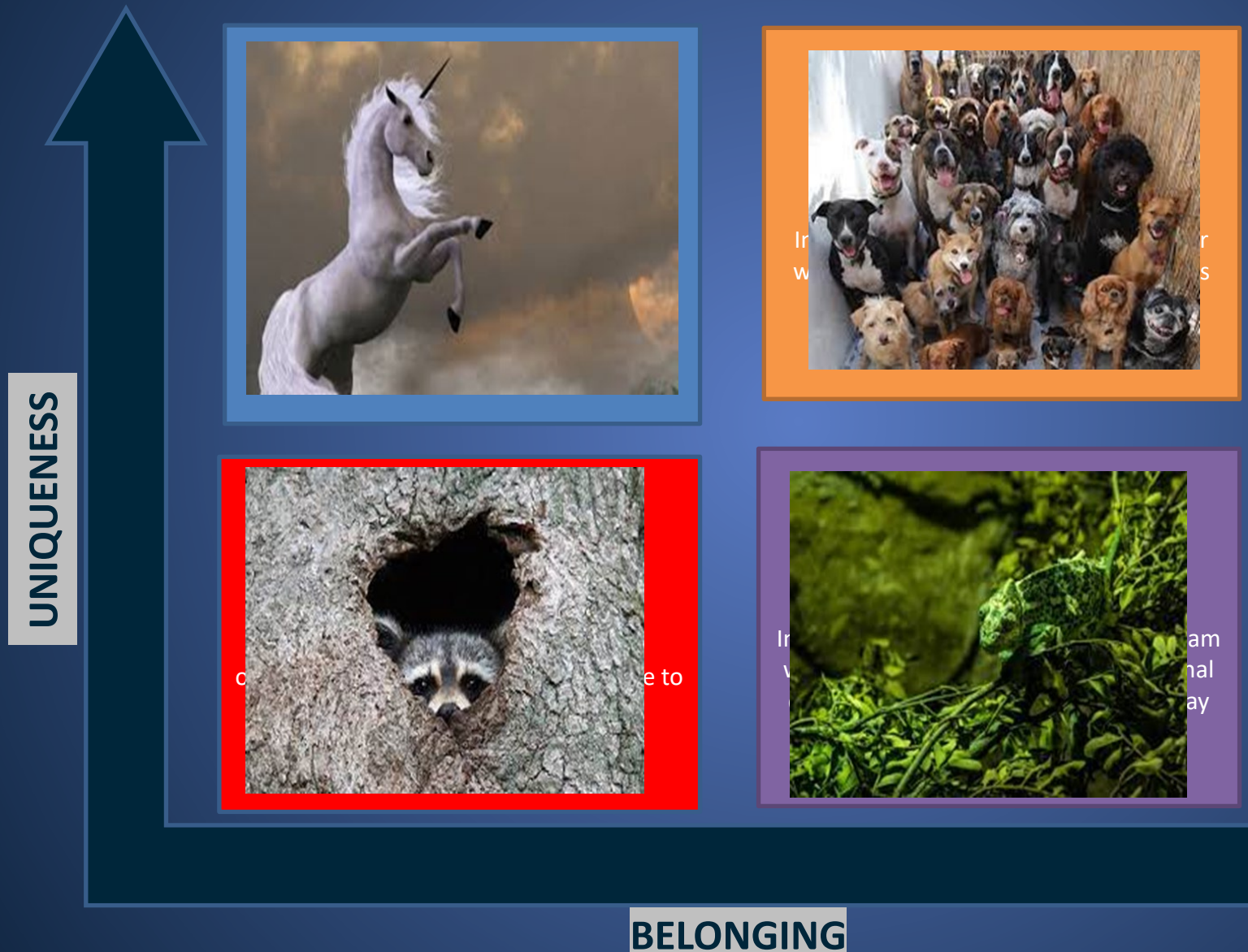
TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Implicit Bias – *Unconscious Cognition*



(b) (6)
Program Coordinator

Office of Diversity, Equity, and Inclusion
Office of The Judge Advocate General

Let’s Talk About It

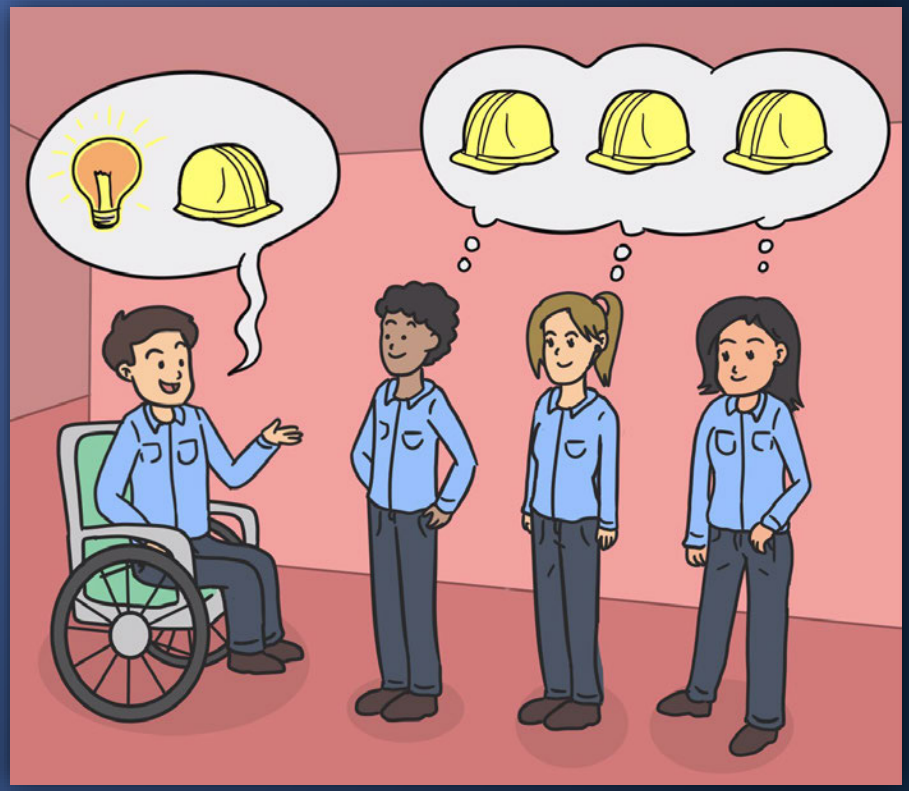


Let's Define It

- How would you define implicit bias?
  - Unconscious bias refers to the attitudes or stereotypes that affect our views, our actions, and our decision-making ability
- What are some factors that influence how we view the world?
  - Our experiences shape who we are, and our race, ethnicity, gender, height, weight, sexual orientation, place of birth, and other **factors impact the lens with which we view the world**
- At Ease
  - Discussions of this type can evoke emotional responses, and **that is okay**

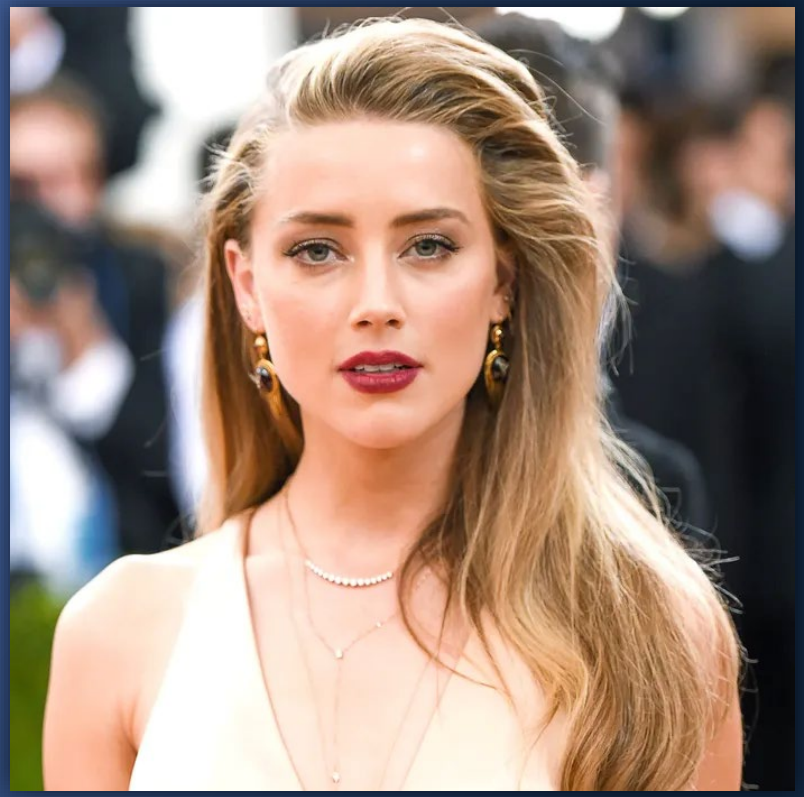
Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us
- Have you seen it?



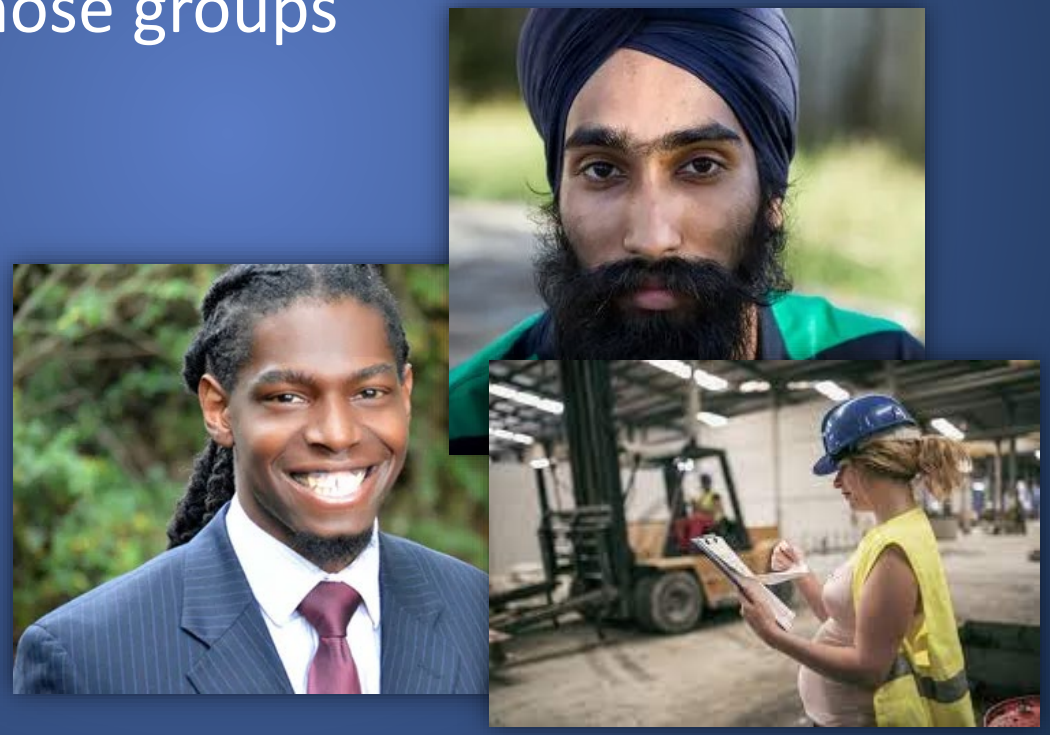
Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good
- Have you seen it?



Perception Bias

- What is it?
  - the tendency to form stereotypes and assumptions about certain groups that makes it difficult to make an objective judgment about individual members of those groups
- Have you seen it?



Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along
- Have you seen it?





Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group
- Have you seen it?



"Everyone in favor raise your hand!"

The Impact of Bias

- It’s natural but…
- It can color our decision-making…
- And those decisions cost…
- They impact the organization…
- They can decrease morale…
- And affect our retention….
- They ruin our reputation…
- And hurt our recruitment…
- The consequences are endless.

Tackling Bias

- Doesn't have to be difficult
- It starts with you!
- Ask yourself, “what can I do to intervene?”



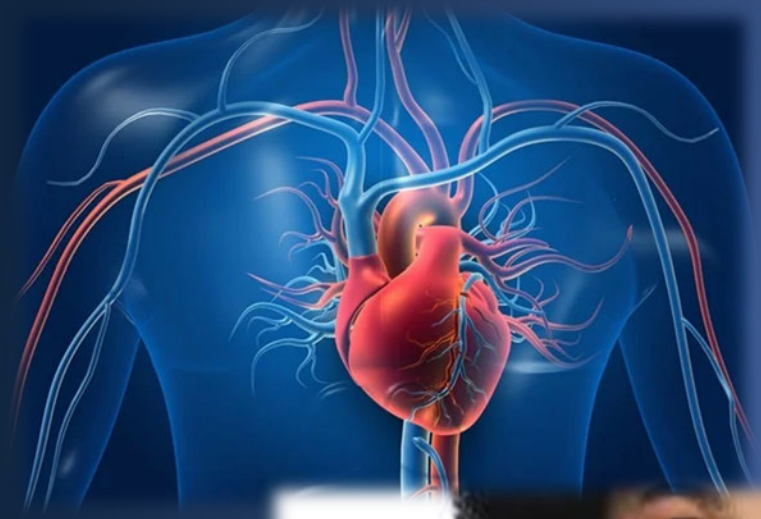
Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

(b) (6)
Program Specialist
Office of Diversity, Equity, and Inclusion
(b) (6)

Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
Being given a plate of food	Getting to choose from, or help to create a menu
What you have	What you do
You're there	You're valued
Addresses difference	Addresses equality

Self-Reflection

- Rate your organization's level of inclusion on a scale from 1-5
- If you are a leader yourself, rate your level of inclusion on a scale from 1-5
- Write down three things you can do to be more inclusive in your organization
  - In the next 60 days, be intentional about doing those three things
  - Share with another member of your team and have then hold you accountable

Self-Reflection

- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
  - Stage two, doing the right thing
  - Stage three, doing what's good for business
  - Stage four, driving greater innovation and creativity

*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

Inclusive Leadership Behaviors

- Which of these would your subordinates rate you good or higher at; lower; (if you are a subordinate, rate your leader):

- adaptable
- passionate
- strategic (visionary)
- risk-taker
- decision-maker
- inspirational
- good people skills
- empowering
- considers different perspectives
- technologically savvy
- trustworthy
- team-oriented
- results-oriented
- authentic and transparent
- self-aware
- accountable
- knowledgeable
- keeps it fun

*For those you would rate low, make an intentional effort to improve in that area

The Six C's of Inclusive Leadership

- Commitment
- Courage
- Cognizance (of bias)
- Curiosity
- Cultural Intelligence
- Collaborative

7 Common Pitfalls

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
- It's often been said that people don't leave bad jobs, they leave bad bosses and toxic cultures
- Over the next 30 days, I challenge you to look for ways to be more inclusive of diverse opinions, perspectives, and ideas and to be more intentional about seeking out new ways of thinking, even if they are opposing opinions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #26

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

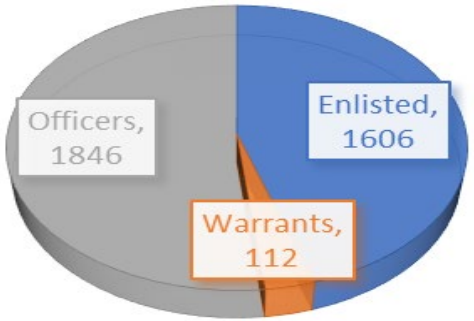
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  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
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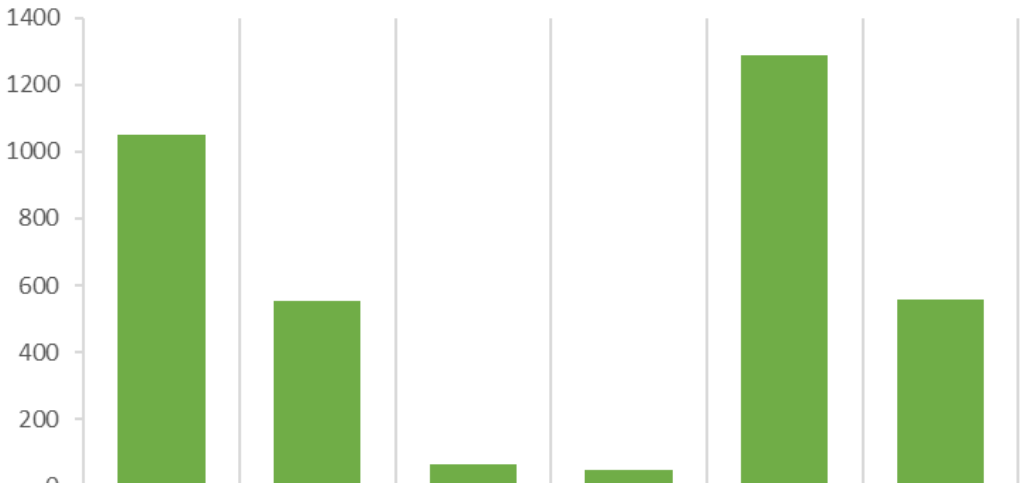
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  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"

JAGC Active Component Demographics

COHORT

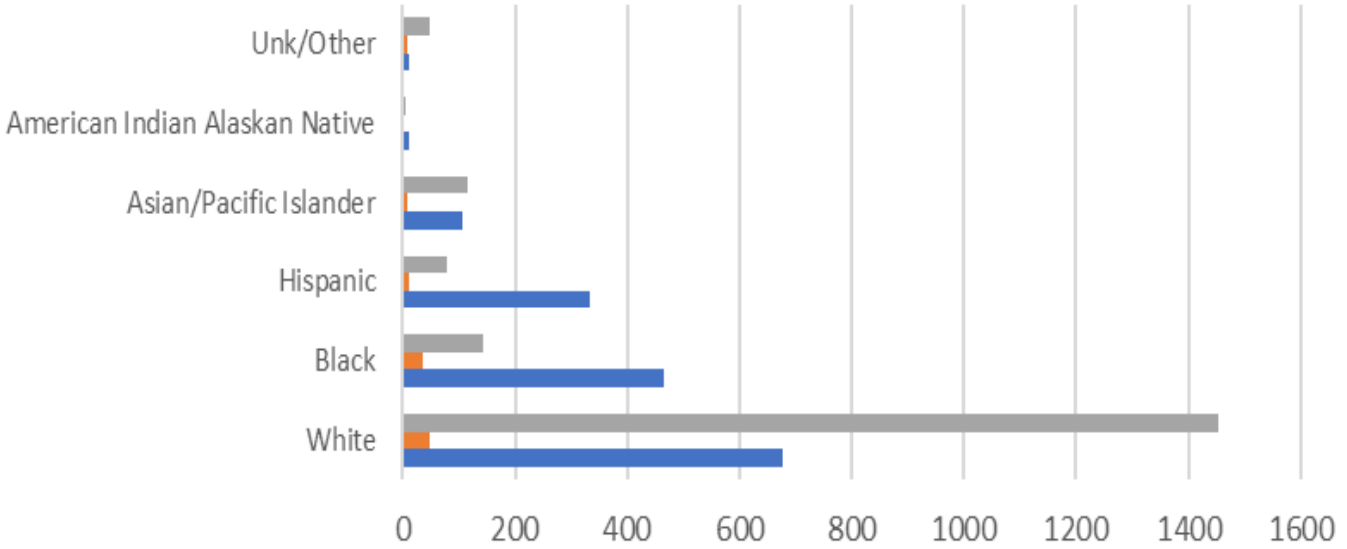


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

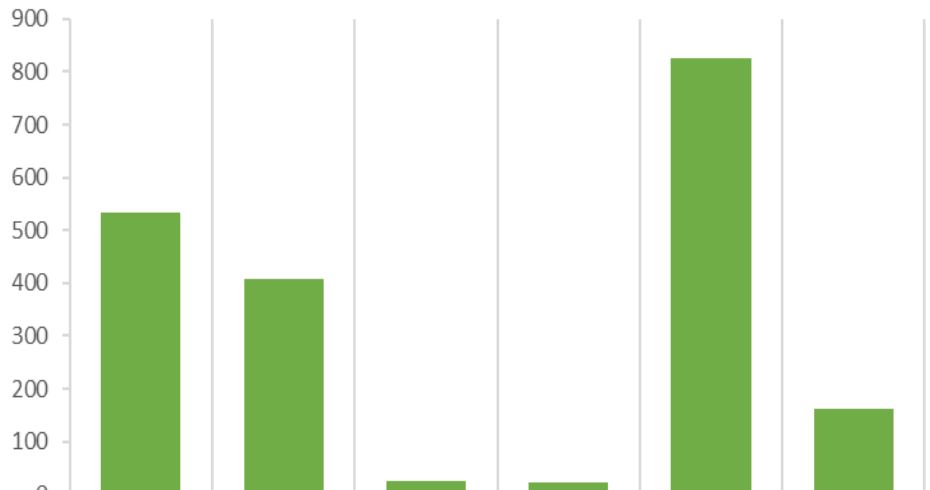
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

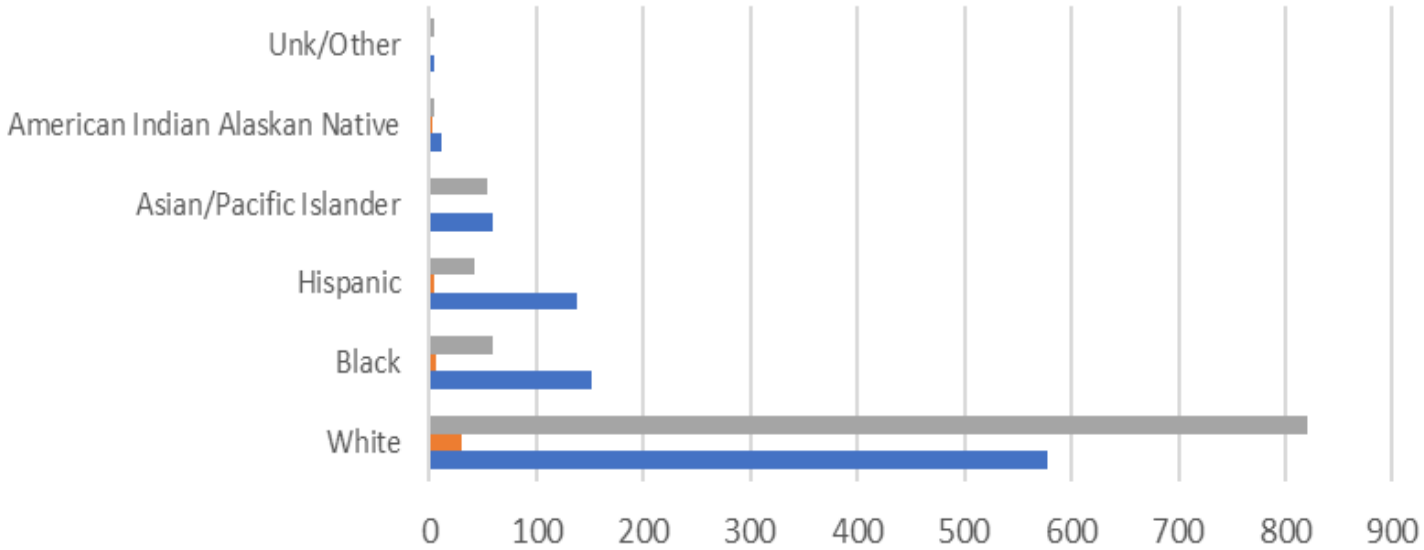


GENDER



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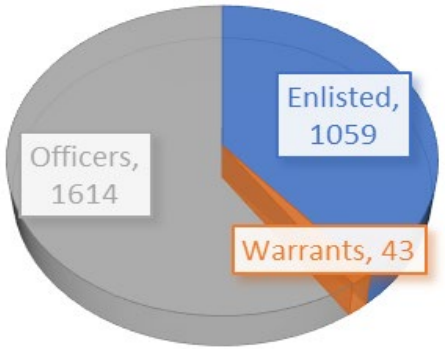


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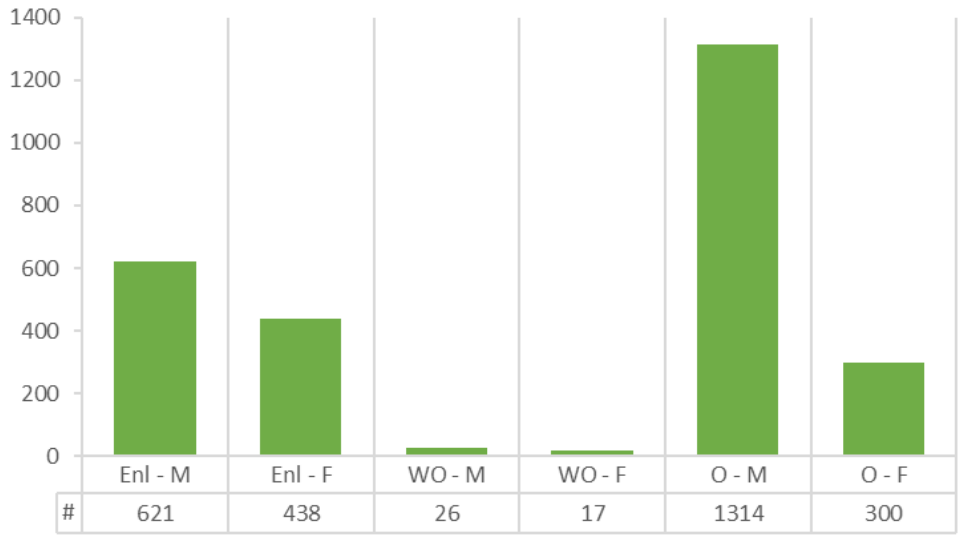
JAGC Reserve Component Demographics

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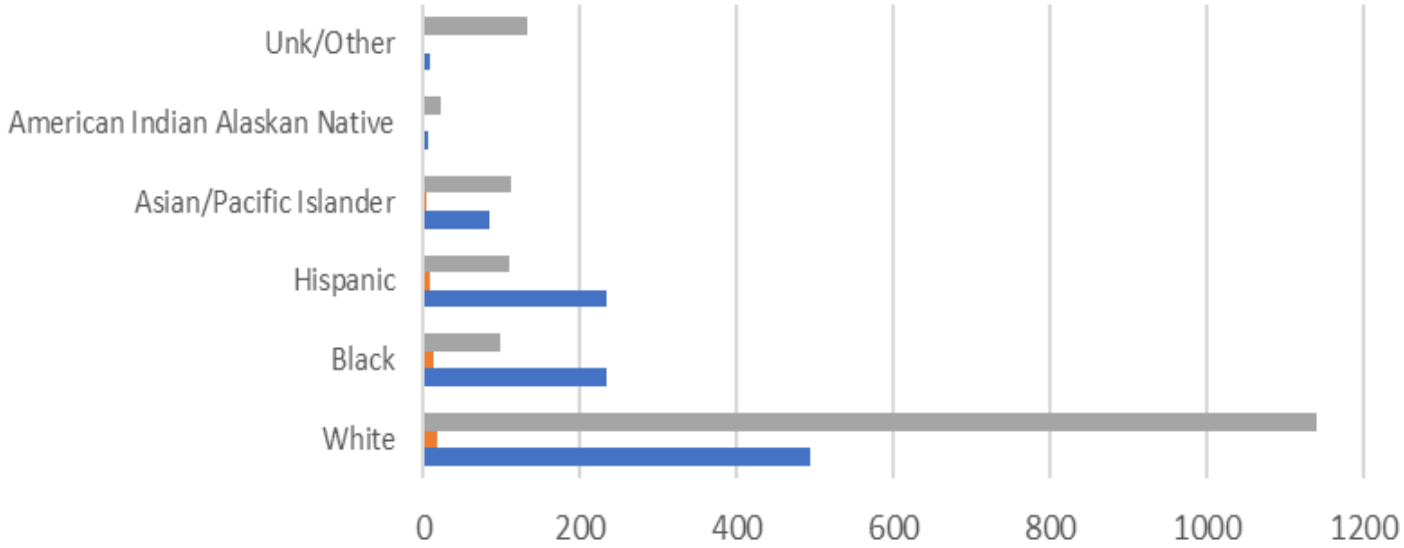
COHORT



GENDER



RACE/ETHNICITY

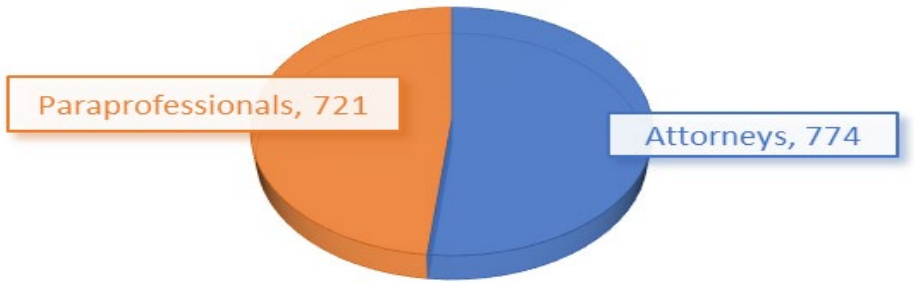


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

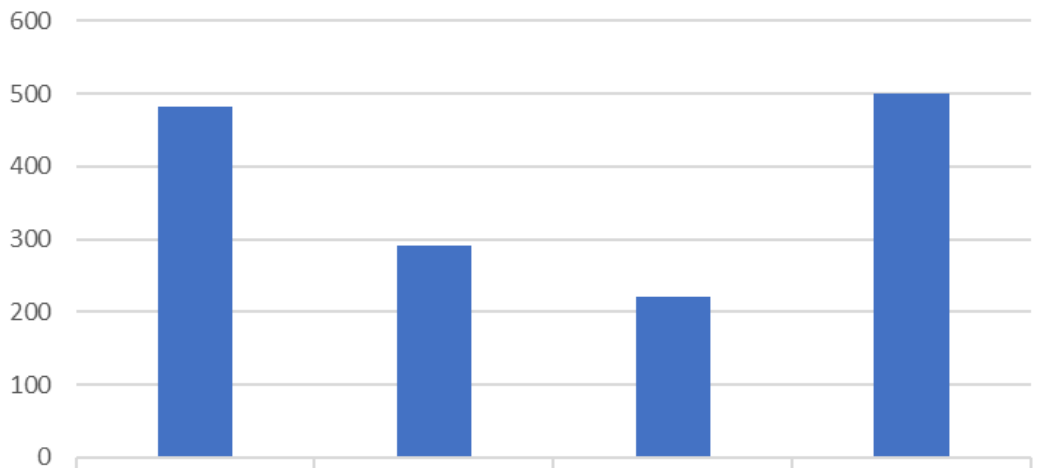
JALS Civilian Demographics

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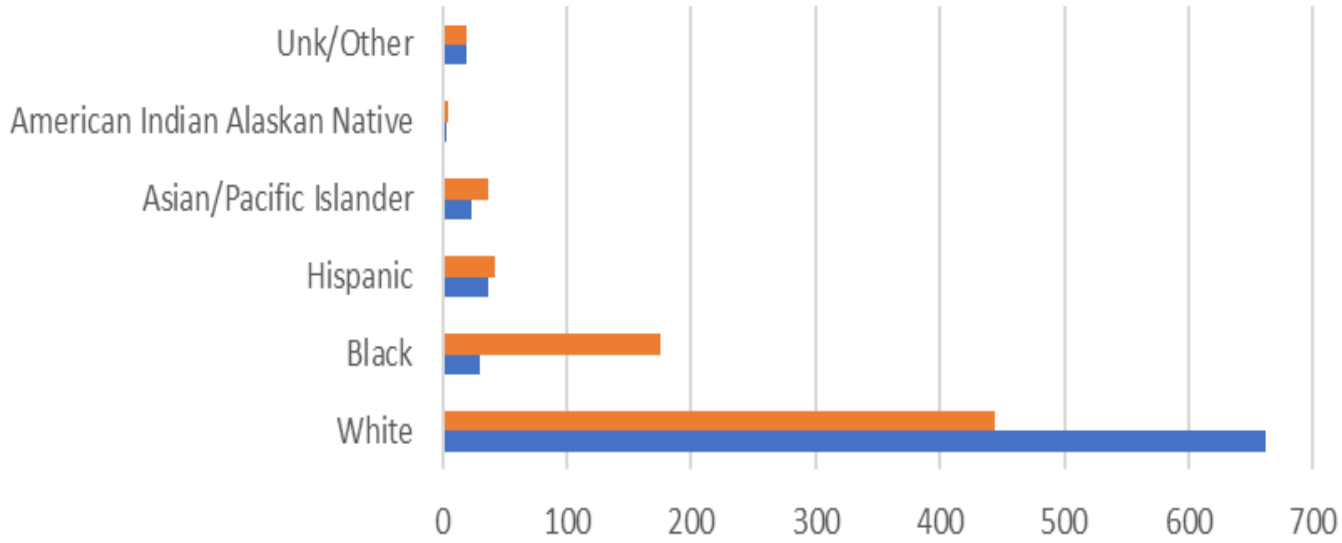
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

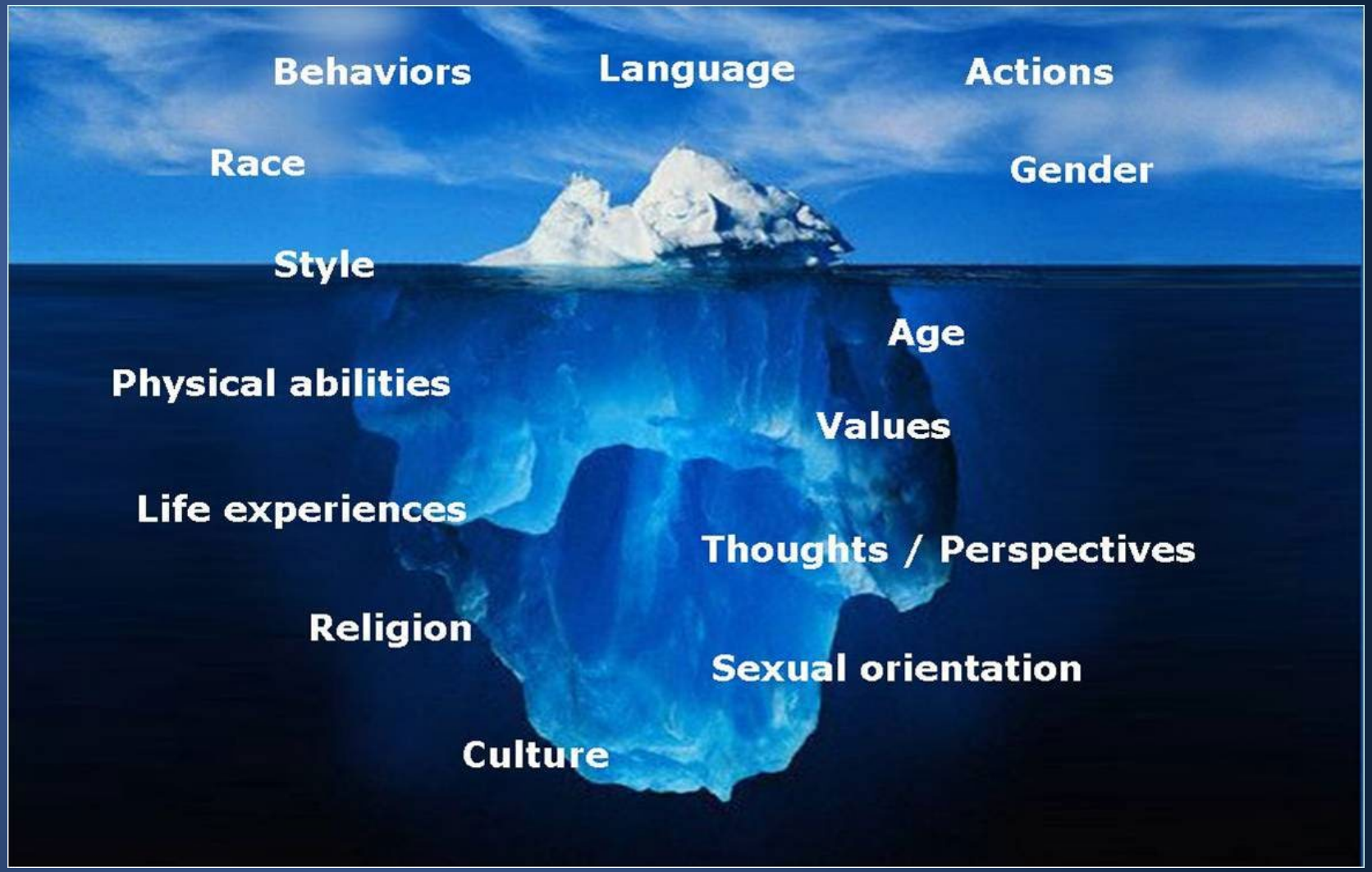
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

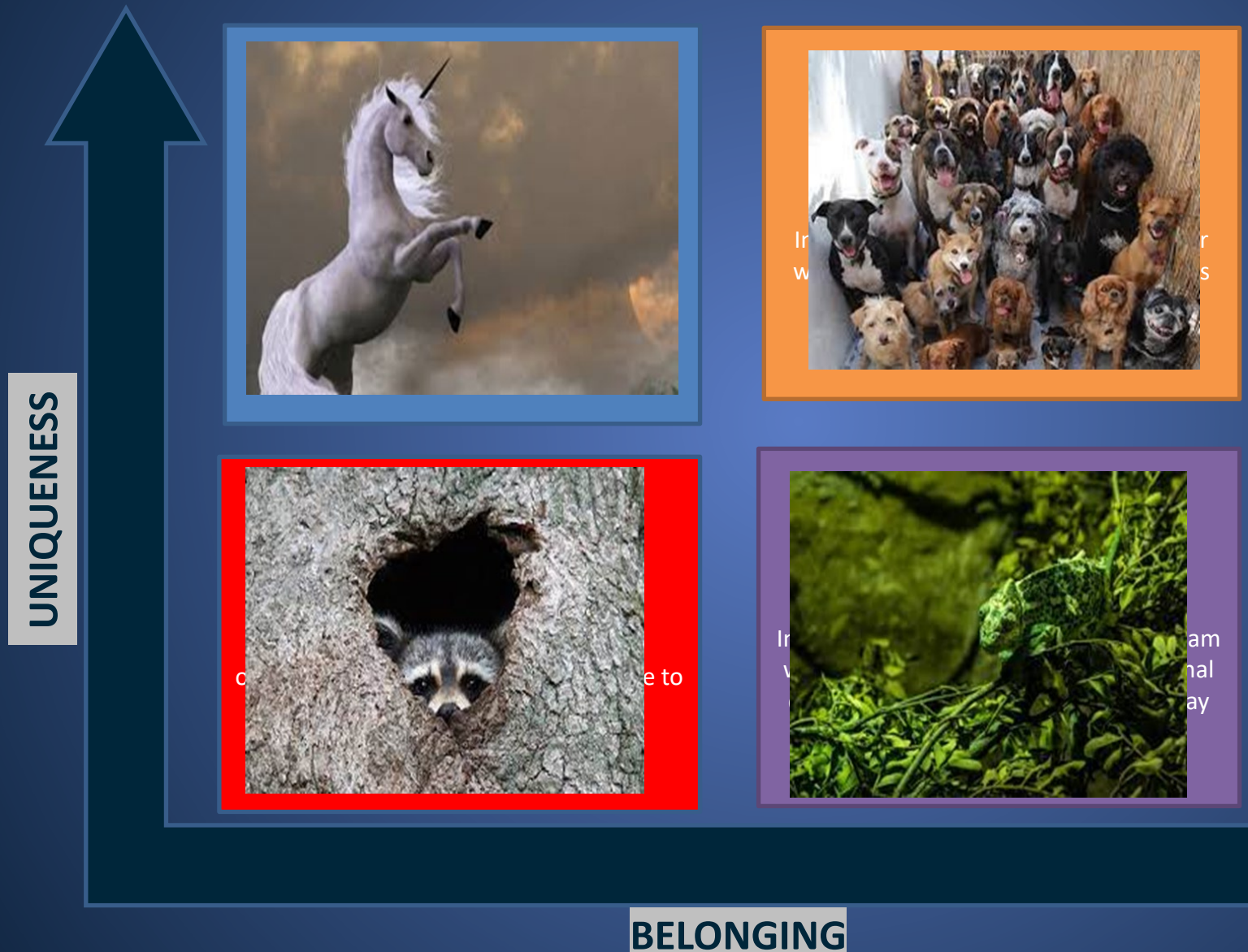
TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #27

Building Inclusive Teams



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Your ODEI

(b) (6), Director

Vacant, Deputy Director

(b) (6) Coordinator

(b) (6) Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Conducting Multifaceted Training
  - DEI&A: An Overview; Implicit (Unconscious) Bias; Equity & Privilege; DEI in Mentorship; Mitigating Microaggressions; Race & the Law; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Disability and Accessibility; Building Inclusive Teams
- Inclusion of DEI&A training at all levels of JAGC PME (TJAGLCS)
- OPT with TJAGLCS on embedding DEI concepts in courses
- Facilitating bias discussions at various boards
- Working with SIO and JARO on strategic engagement/messaging

ODEI Initiatives, cont.

- Monthly Enterprise Virtual Training Plan
- Engaged with Retention Working Group
- Engagement with Army Equity & Inclusion Agency
- Reviewing processes for equity, inclusion, and transparency
- Engagement w/ JAGC DEIC and Field Boards

Engagements

- We have recently conducted engagements/training
  - w/ student groups (i.e. OBC, Grad Course, WOILE, Law for Paralegal Course, Senior Civilian Course, etc.)
  - w/ organizations (USALSA, 8th TSC/USARPAC, 21st TSC, USARLC, Fort Eustis, Fort Campbell, Fort Bragg, etc.)
  - At various boards (GOSC, 2L Internships, Reserve Accessions, FLEP, WO Accessions Board, etc.)
- Coming up this month, we will be conducting engagements with:
  - USARJ OSJA, ARBA, 2ID OSJA, Fort Belvoir OSJA, OBC, RCT (Pinnellas Park), 1LT Summer Intern Board—and more!
- We are in there and out there!

Army People Strategy DEI Objectives

1) Enhance Mission Readiness

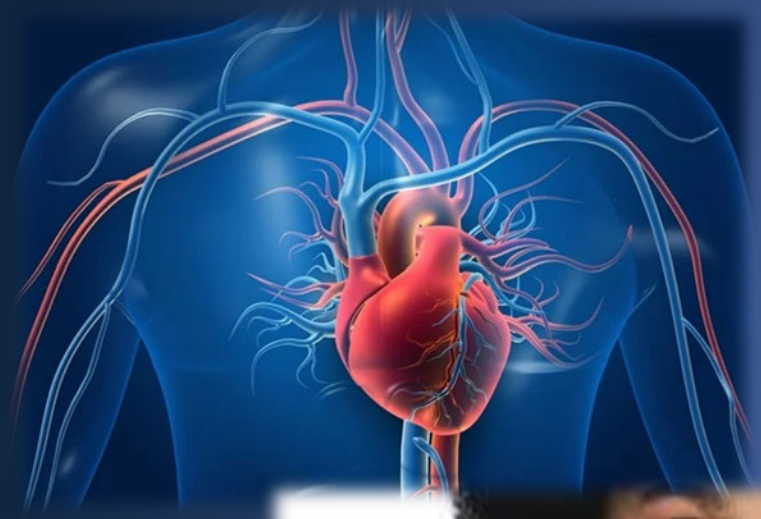
2) Leader Commitment and Engagement

3) Training and Education

4) The Employer of Choice

5) Army-wide Inclusive Culture

Use Your Tools









Introduction

- Leadership is a responsibility and a privilege, not a position or status
- The workforce has become more diverse, multicultural, multigenerational, mobile, and hyper-connected, and work gets done more virtually
  - As a leader, you need to know how to navigate this complex and rapidly changing landscape, because inclusive leaders create inclusive work environments

Inclusion

- The achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully toward an organization's success.

DIVERSITY	INCLUSION
Who is here?	How can we best benefit from their knowledge and talents?
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- Do you empower people to want to do their best work or to do just enough to complete the task; or
- Does your leadership empower you or others to want to do your best work or to do just enough to complete your tasks

Stages of Maturity

- In which stage is your organization's diversity and inclusion efforts?
  - Stage one, meeting compliance and avoiding complaints.
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*Self-reflection: If you are not at stage four yet, what needs to happen in order for your company to reach it?

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What's The End State?

- **The journey towards inclusion requires:**
  - Purposeful leadership
  - Personal change
  - Broad engagement
  - Systematic alignment
  - Representation

Start Being Inclusive NOW…

1. Inclusivity starts from the top…check your practices
2. Create a culture of trust and “psychological safety”
3. Plan and host inclusive events
4. Create opportunities for conversations/feedback
5. Don’t dismiss people’s idea’s, hear them out and try to integrate them
6. Discourage groupthink
7. Encourage servant behavior
8. Be trustworthy

In Closing

- Inclusive leadership represents a new way of thinking and leading teams inside of organizations. It requires new processes and paradigms that are less about the leader as the hero and more about the leader who inspires, empowers, and develops others to perform at their best
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  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











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JAGCNet

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QUESTIONS?

Presentation #28

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

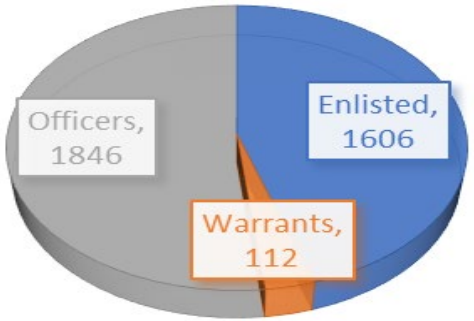
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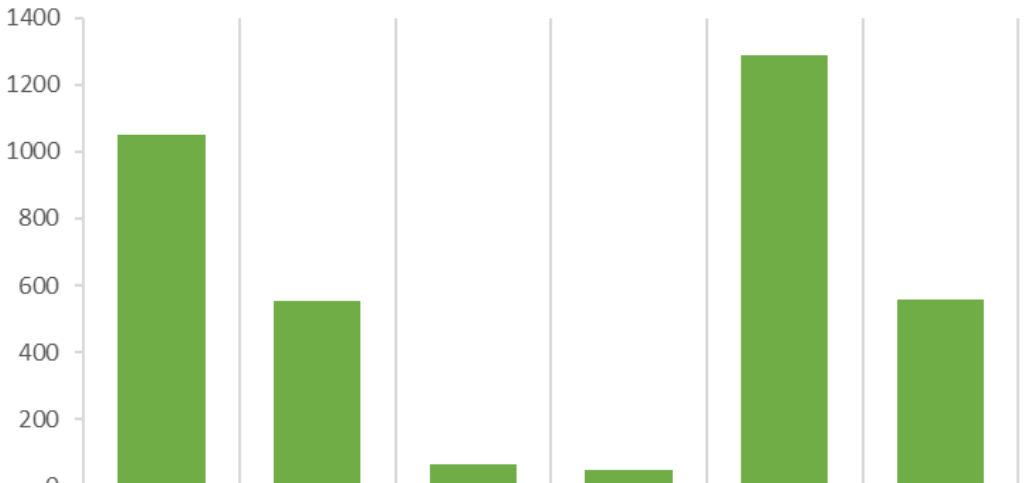
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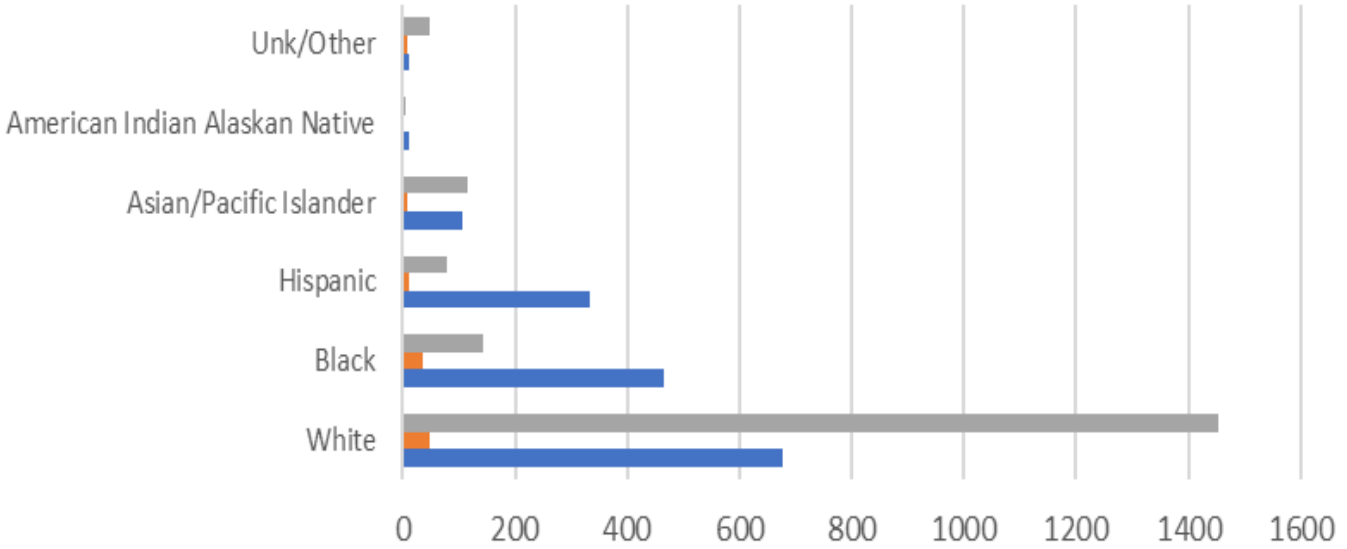


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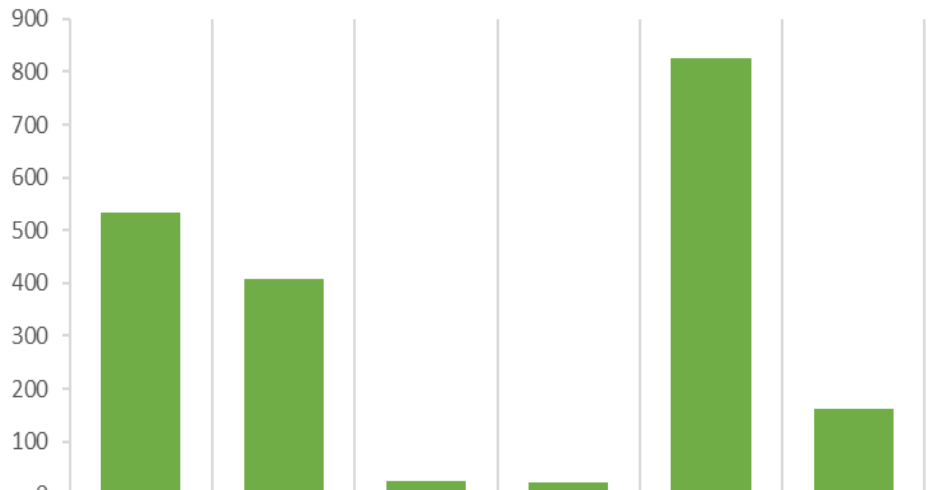
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

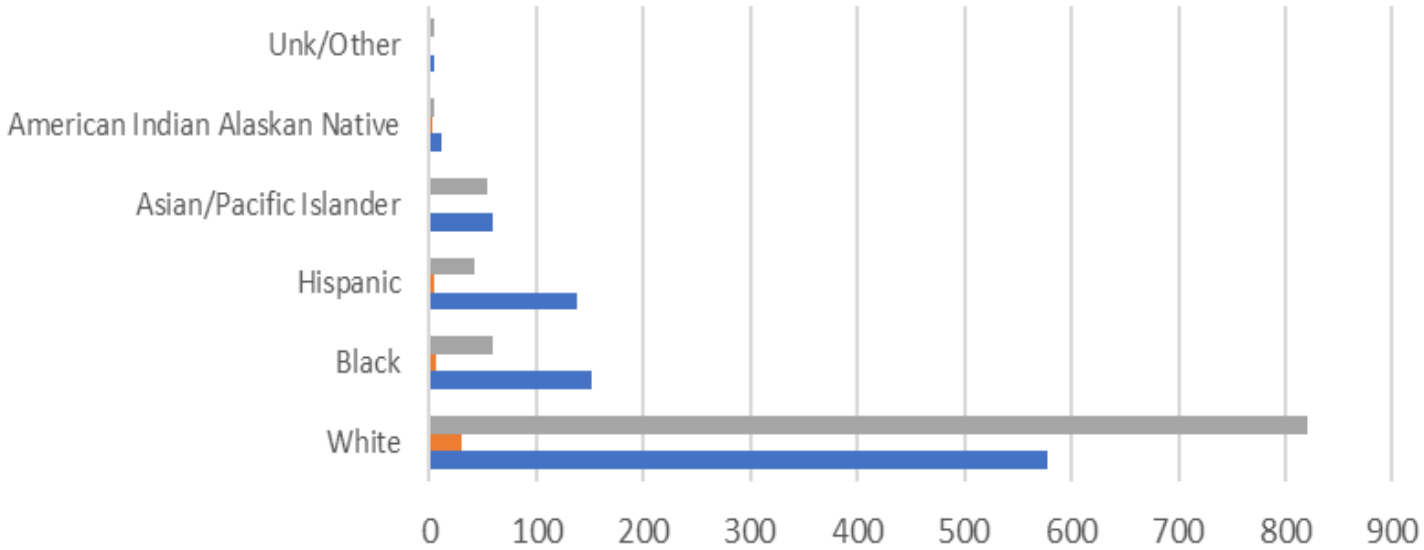


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RACE/ETHNICITY

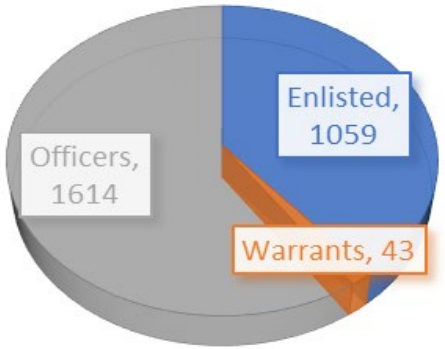


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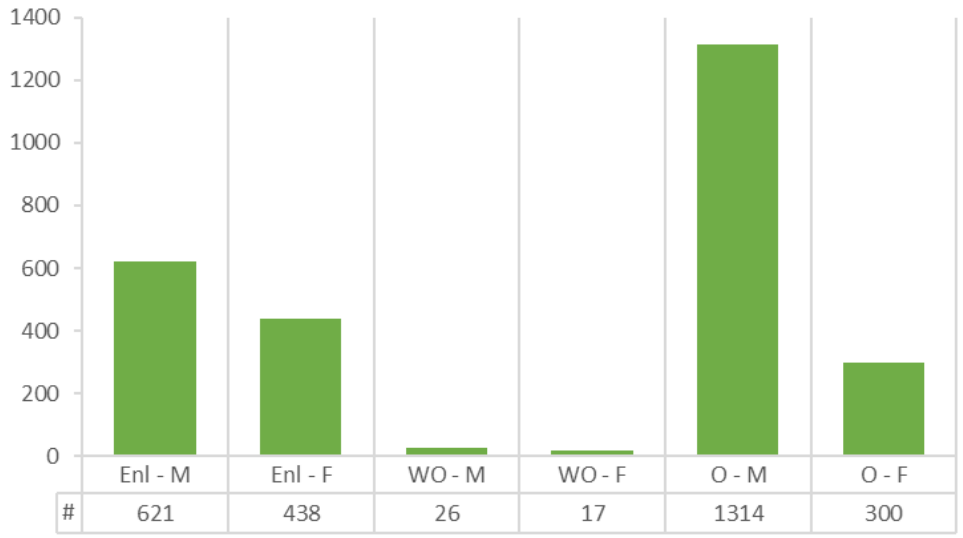
JAGC Reserve Component Demographics

Data as of 31 August 2022

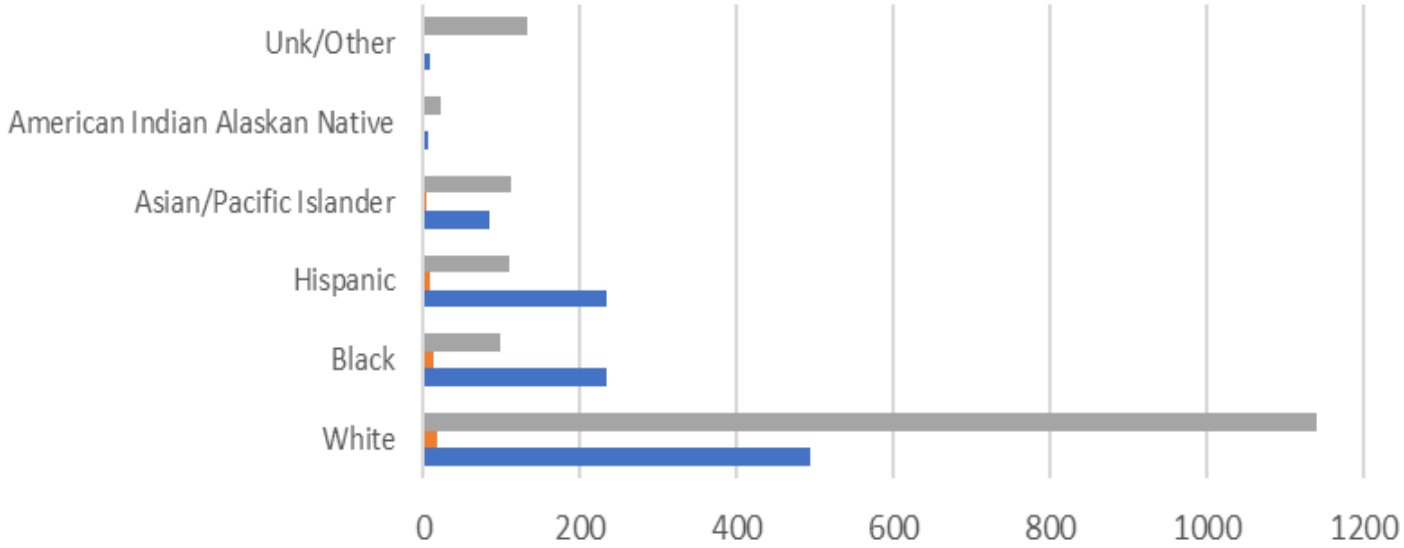
COHORT



GENDER



RACE/ETHNICITY

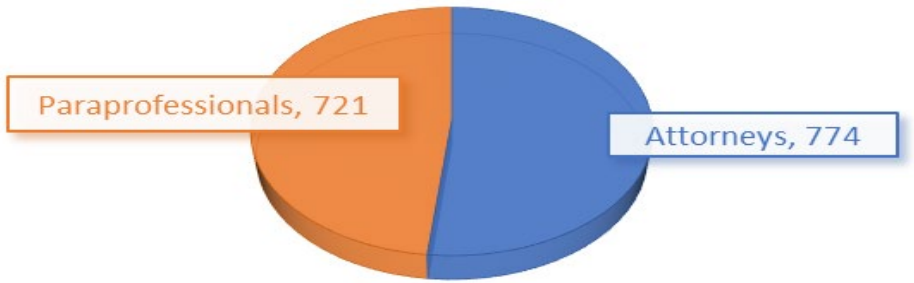


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

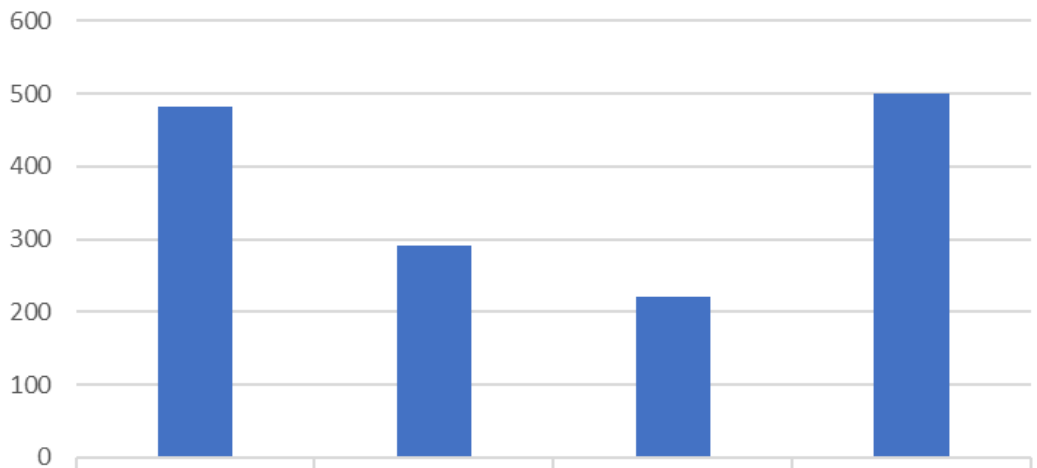
JALS Civilian Demographics

Data as of 31 August 2022

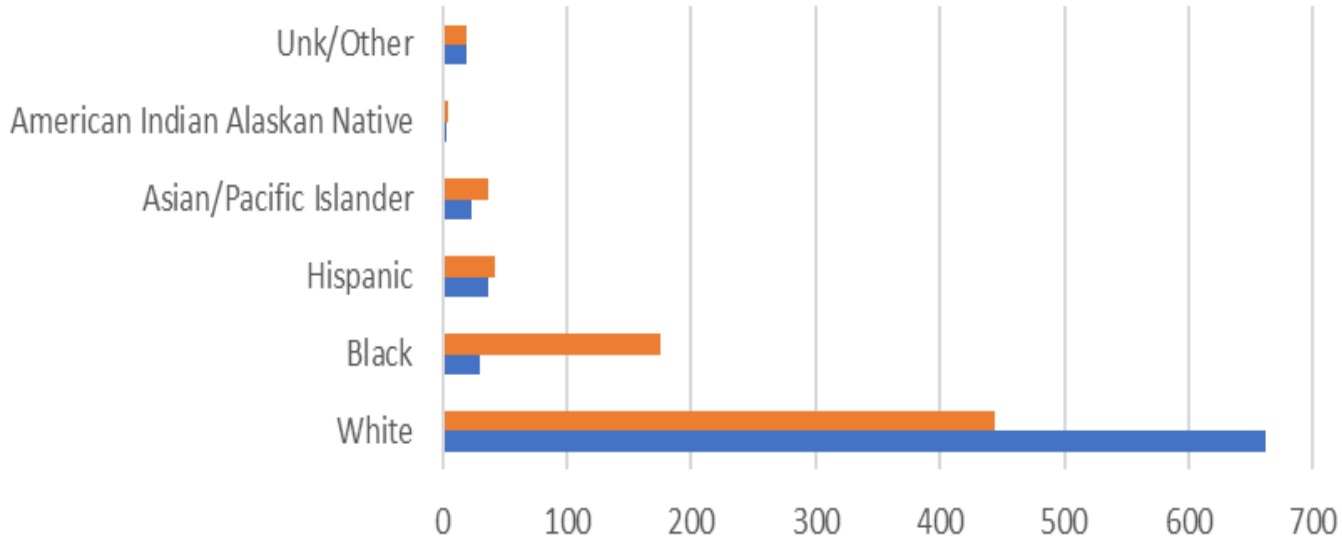
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

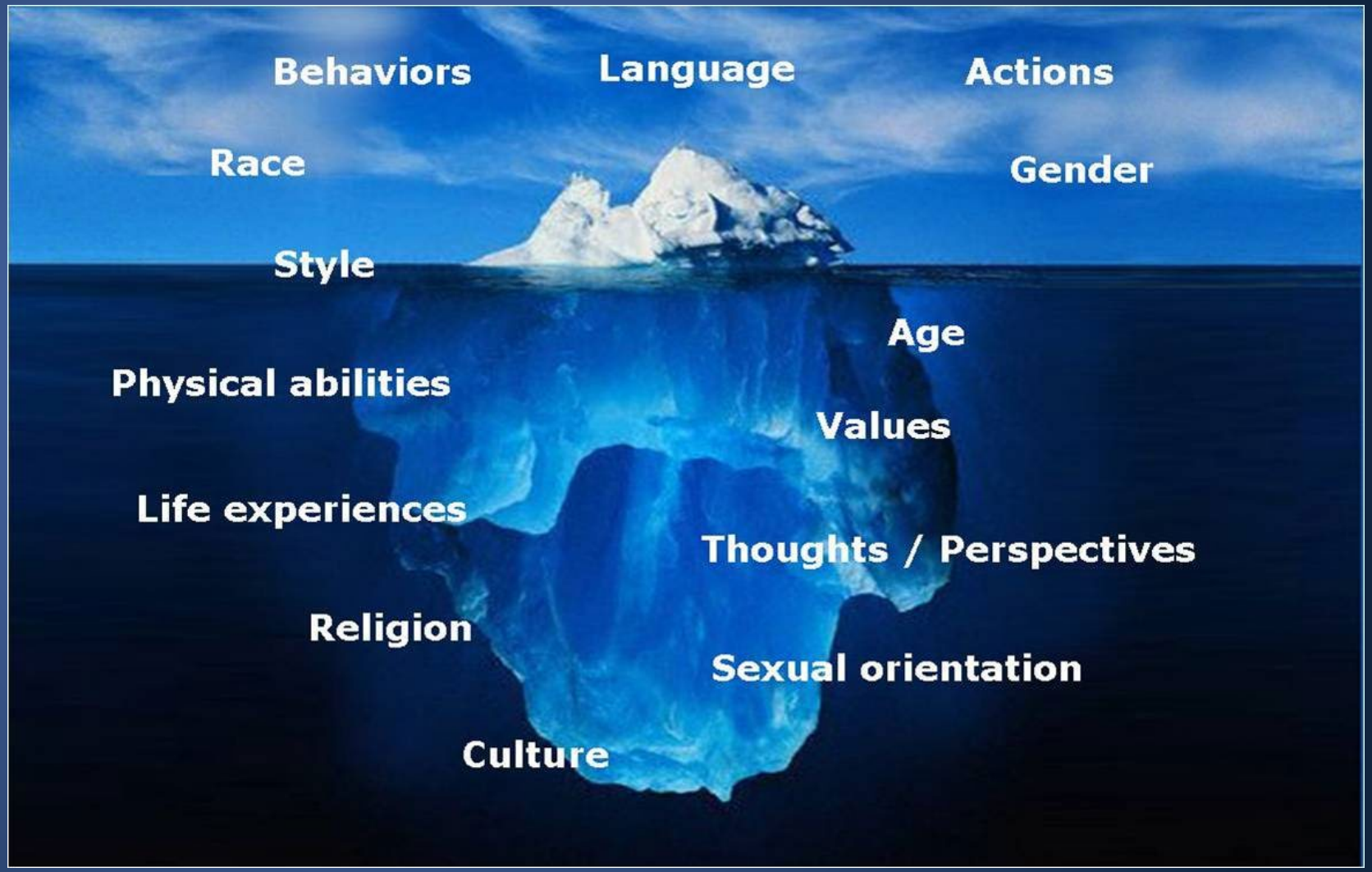
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

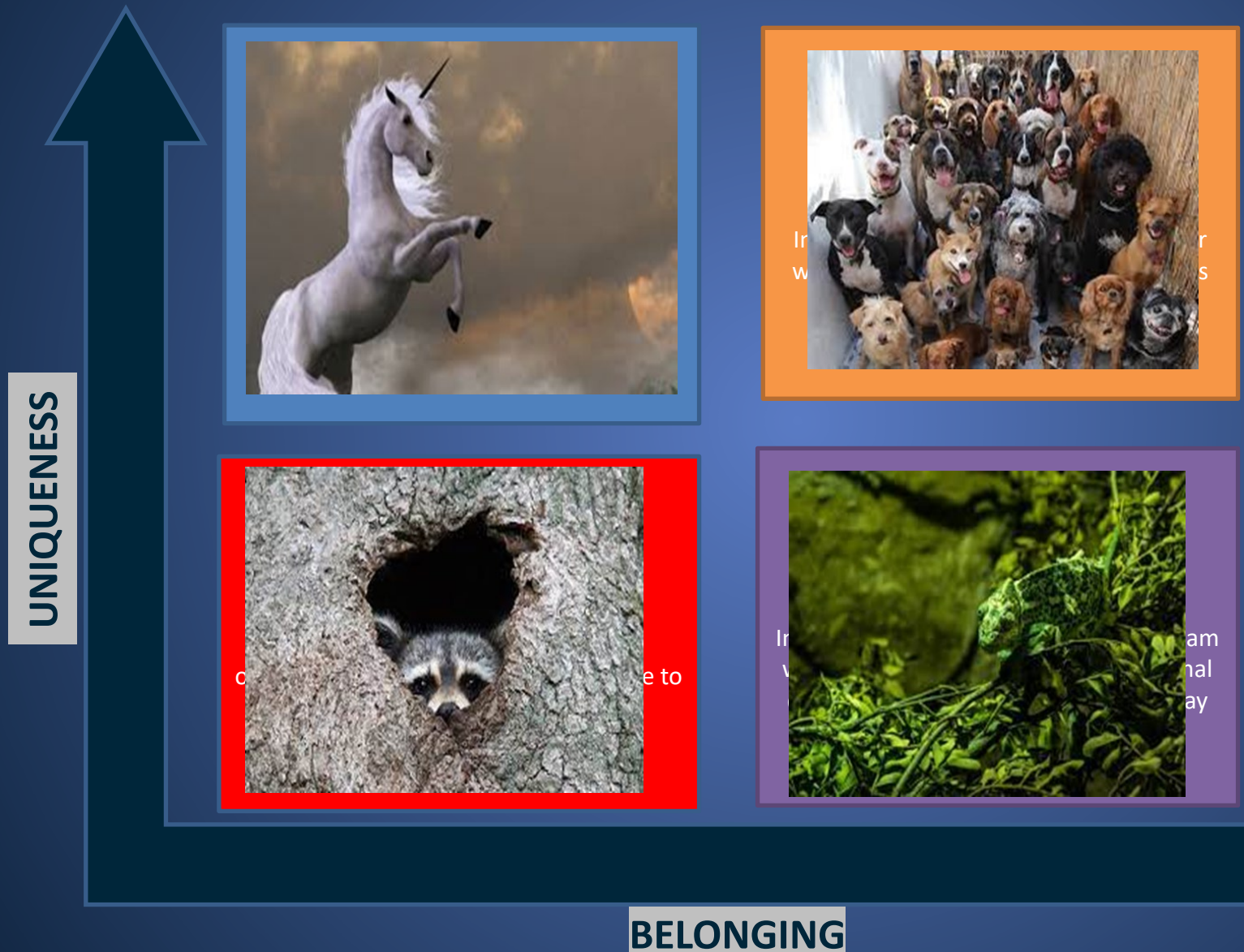
TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #29

Implicit (Unconscious) Bias



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

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- Vacant, Deputy Director
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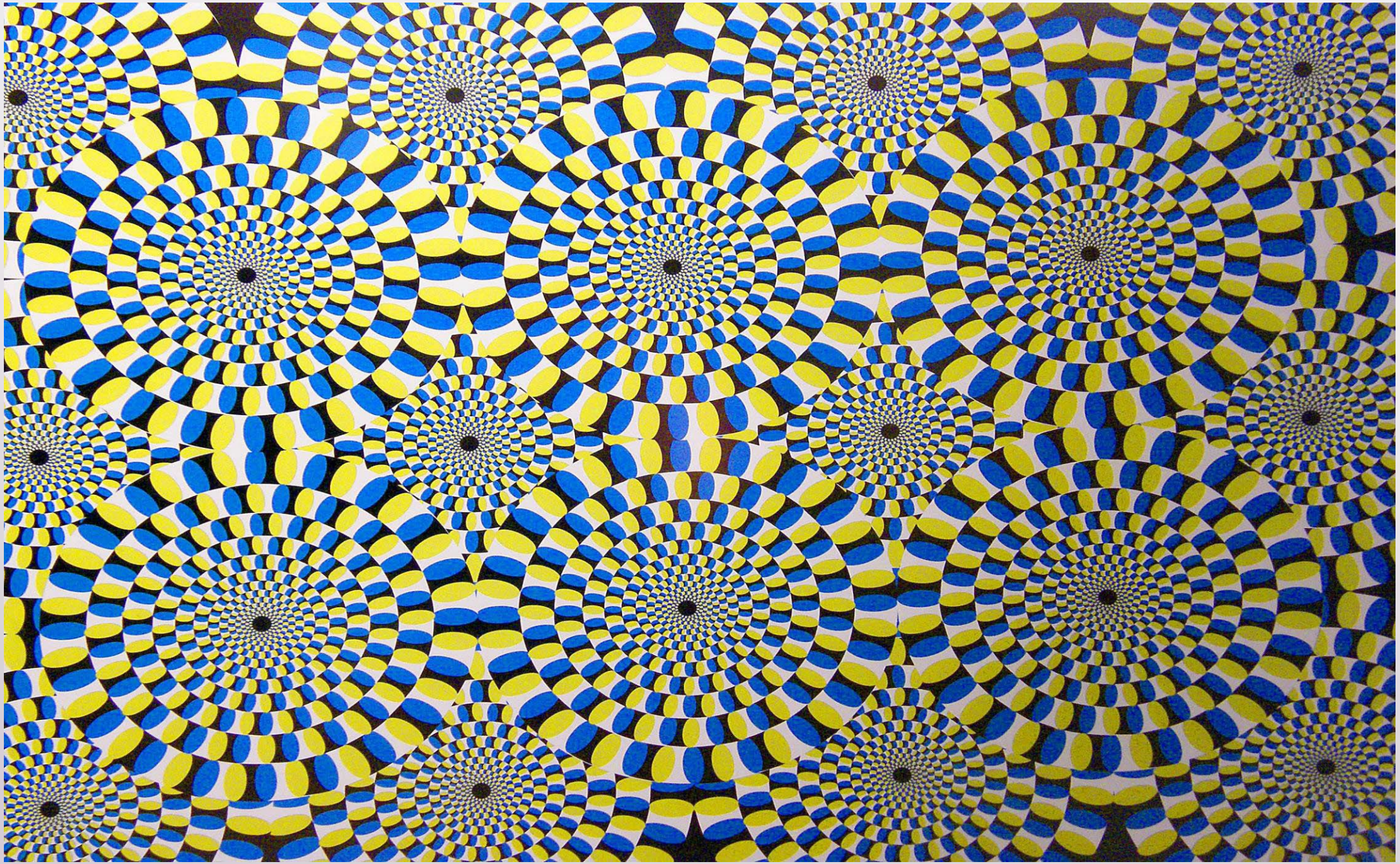
“If you have a brain, you have bias.”

Sondra Thiederman

Amazing Mind

We cna raed tihs is bcuseae the huamn mnid deos not raed ervey lteter by istlef, but the wrod as a wlohe.

Our brians tkae shrutctus.



Theory of Decision Making



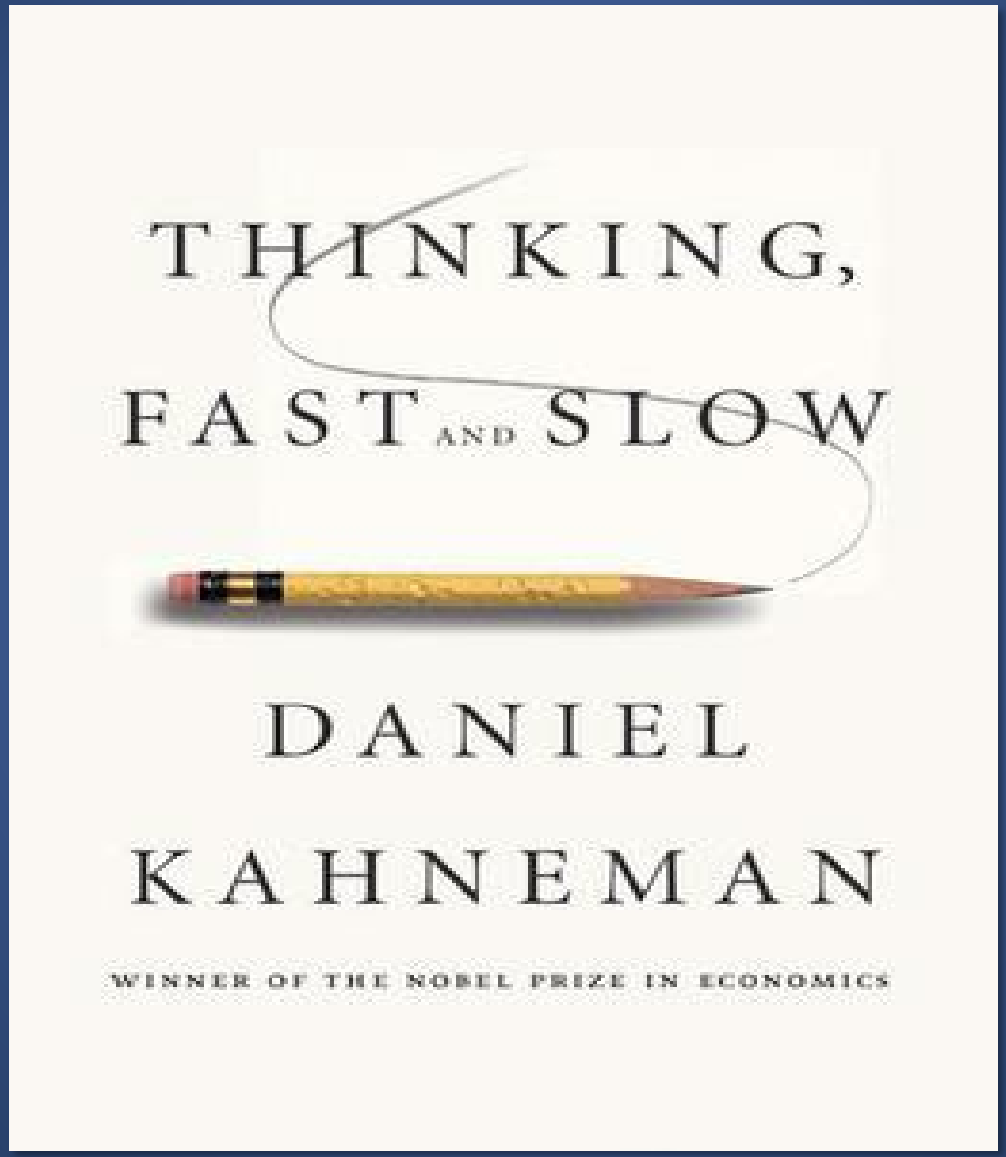
In One Second….

You're exposed to 11 million bits of information.

Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap


THINKING,
FAST AND SLOW
DANIEL
KAHNEMAN
WINNER OF THE NOBEL PRIZE IN ECONOMICS

Heuristics

Heuristics

Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

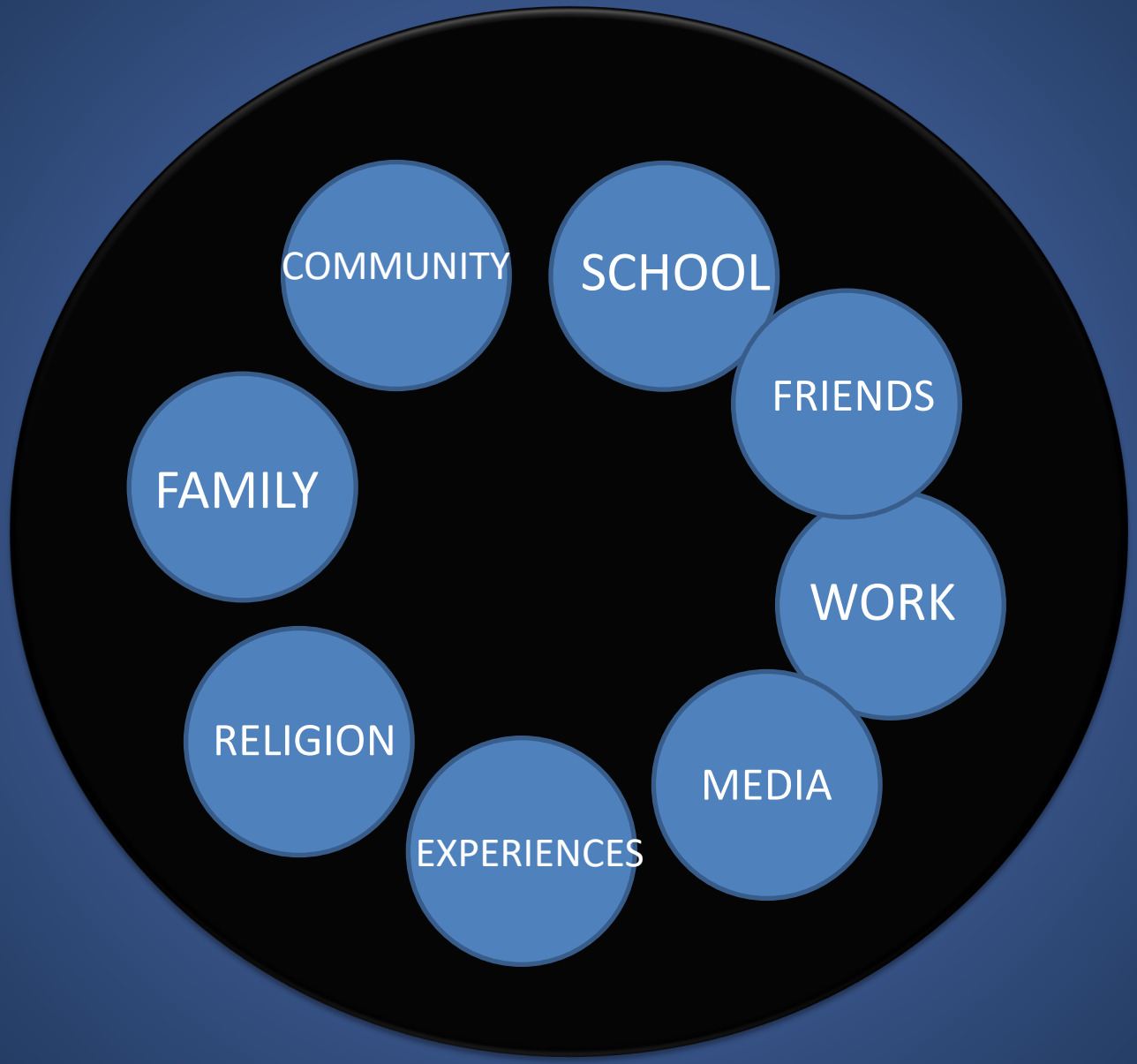
- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

Implicit (Unconscious) Bias

- **Implicit bias** refers to the brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness
  - Not good or bad…just is
  - Often can affect our decision-making
  - Influenced by our experiences
  - **impacts the lens with which we view the world**

Our Biases Come from Our Environment

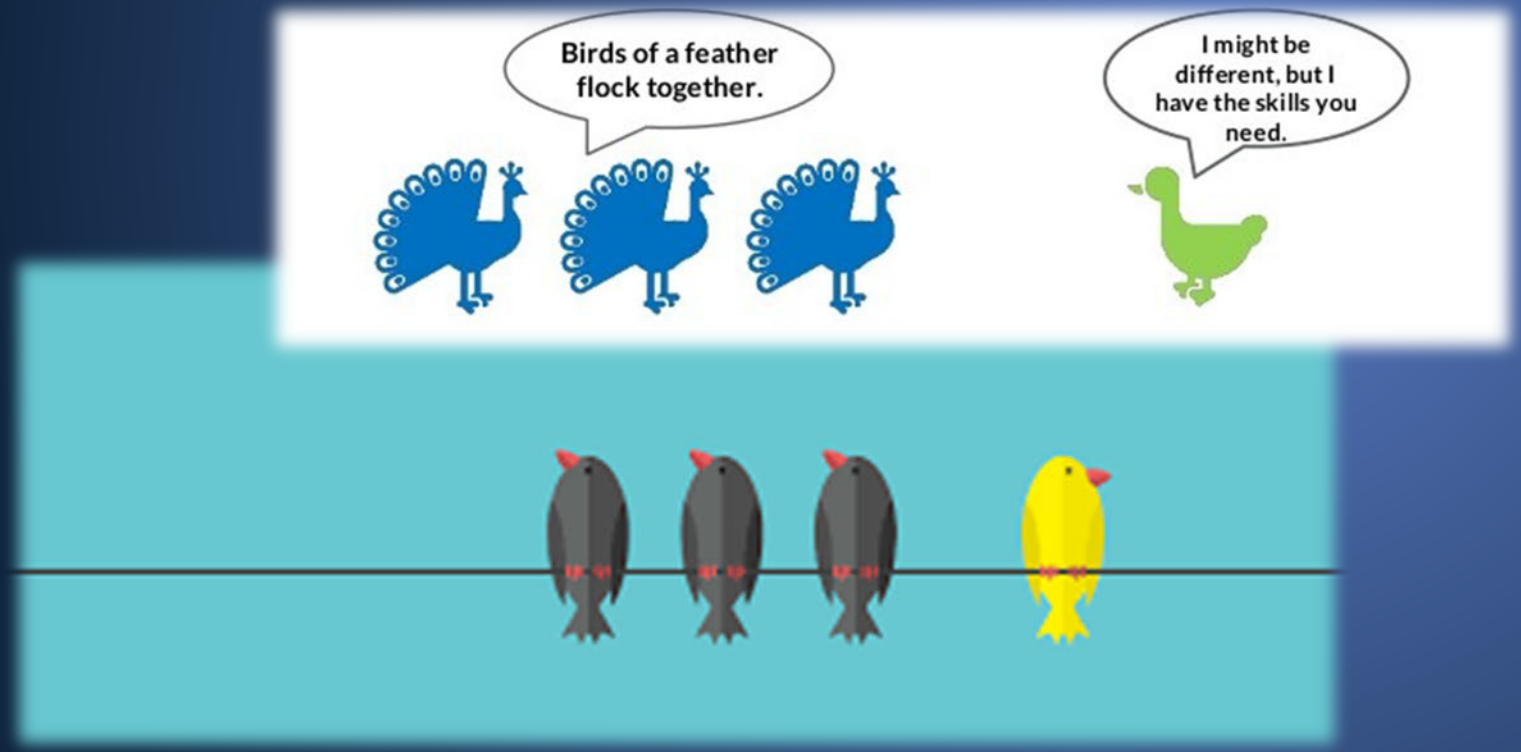


IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us





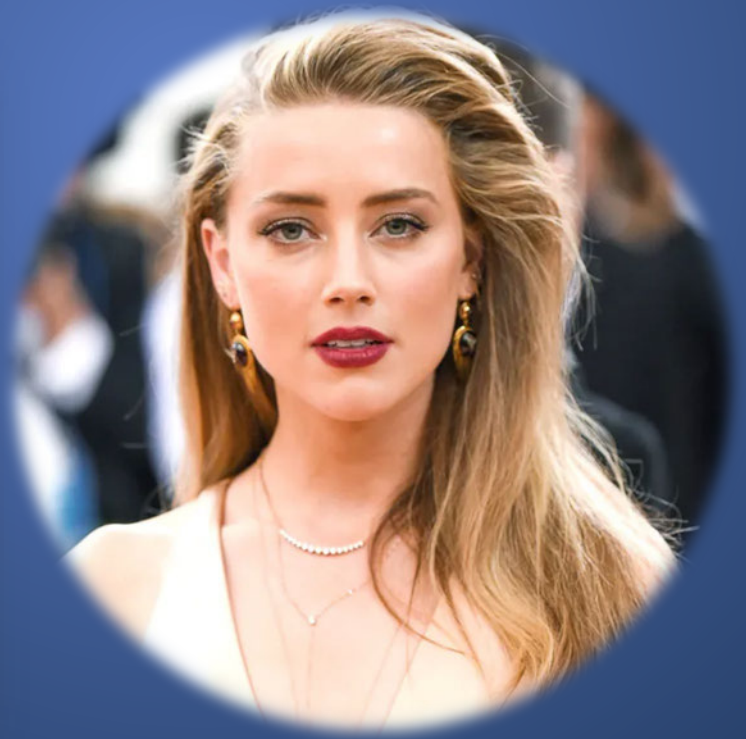
Affinity Bias, *cont.*

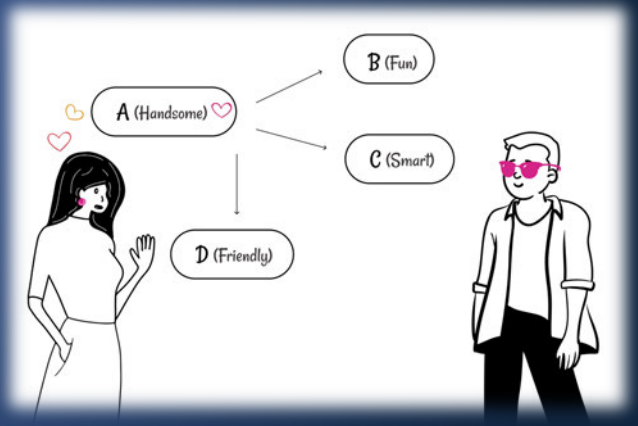
- Some examples of affinity bias (similarity bias) in the workplace:
  - common traits, attended the same college, served in the same unit at the same time, badges/tabs
- How it can affect the workplace:
  - hiring decisions; promotions; mentorship opportunities; and how certain people's ideas are received
- Combat it by:
  - take time to get to know everyone better; find common ground; actively seek out others different from yourself

Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good







Halo Bias, *cont.*

- Some examples of halo bias in the workplace:
  - Maxes PT , looks good in uniform, outgoing personality, nice smile, best athlete at frisbee football, excelled at one project
- How it affects the workplace;
  - better opportunities, higher rating, promotion, can set one up to fail if they are not as competent as perceived ; can create perception of “favoritism” and unfairness; overshadows higher qualified co-workers;
- Combat it by:
  - Objectively assess employees' performance, skills, and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Horns Affect (Bias)

...opposite of the halo effect: you focus on one particularly negative feature about a person, which clouds your view of their other qualities

Horns Affect Bias, *cont.*

- Some examples of horn bias in the workplace:
  - Show-up late once, fails PT once , made one mistake, not given any opportunities, also could apply to one characteristic (ex: accent)
- How it affects the workplace;
  - fail to develop equitably, overlook talent and potential, could set a climate of “one mistake and done”
- Combat it by:
  - Objectively assess employees' performance, skills, and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along









Confirmation Bias, *cont.*

- Some examples of confirmation bias in the workplace:
  - interpretations of issues, resume review, singling out a colleague as lazy, calling ahead to get “a feel” for an inbound employee before their arrival and actively seeking out things that support that “bias”
- How it affects the workplace:
  - leads to flawed decision-making; miss out on important information and facts; “what we see depends mainly on what we look for”
- Combat it by:
  - ask neutral questions; consider all the evidence and facts available; seek out different perspectives; be willing to change your mind in light of new evidence and facts; listen to what others have to say

The Impact of Bias

- It’s natural but…
- It can color our decision-making…
- And those decisions cost…
- They impact the organization…
- They can decrease morale…
- And affect our retention….
- They ruin our reputation…
- And hurt our recruitment…
- The consequences are endless

Strategies to Mitigate Bias

1

Recognize and accept that you have bias

2

Develop the capacity to use a flashlight on yourself

3

Practice "Constructive Uncertainty"

4

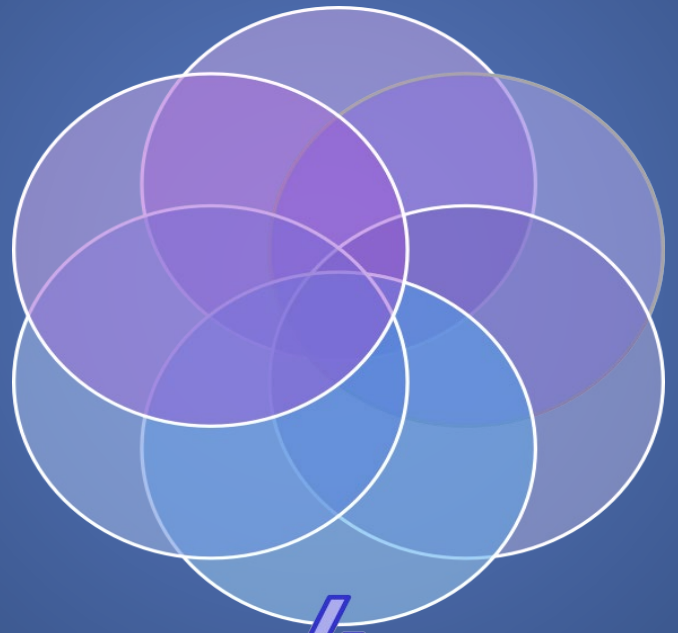
Explore awkwardness, and discomfort

5

Engage with people you consider "others" and expose yourself to positive role models in that group

6

Get feedback



Source: Cook Ross

In Conclusion

- We ALL have biases
- Bias is an unavoidable part of personal and professional life
- Unlike conscious bias, people who act on their unconscious bias have no idea they're acting in a way that favors some people and excludes others
- With training and awareness however, you can limit the impact of bias in your organization
- By understanding the shortcuts your brain takes, you can learn to slow down and check your automatic thought processes
- Tackling bias doesn't have to be difficult—it starts with you

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #30

Recognizing & Mitigating Bias in MJ



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Introduction

- How does decision-making work?
- What is cognitive bias?
- Why implicit bias training?
- How it can influence your work
- Mitigation

BEFORE WE GET STARTED



WHAT THIS CLASS IS NOT







Theory of Decision Making



In One Second….

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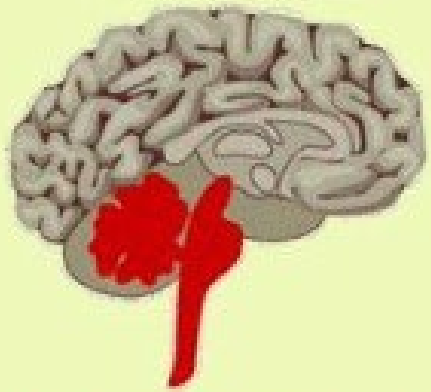
Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

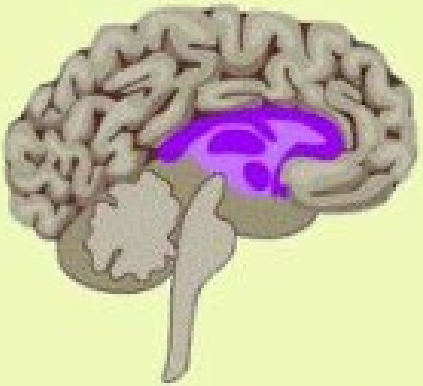
Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

How does the brain work?

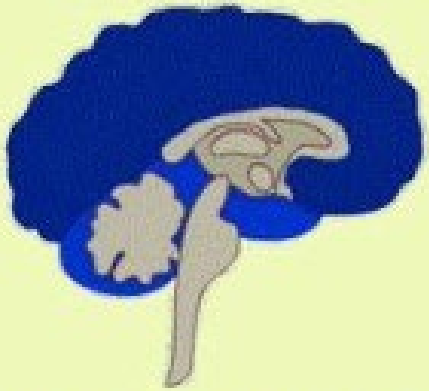
The Three-Parted Brain



Lizard Brain
(Brain stem and cerebellum)
Autopilot
Fight & Flight



Mammal Brain
(Limbic System)
Emotions
Memories
Habits
Attachments

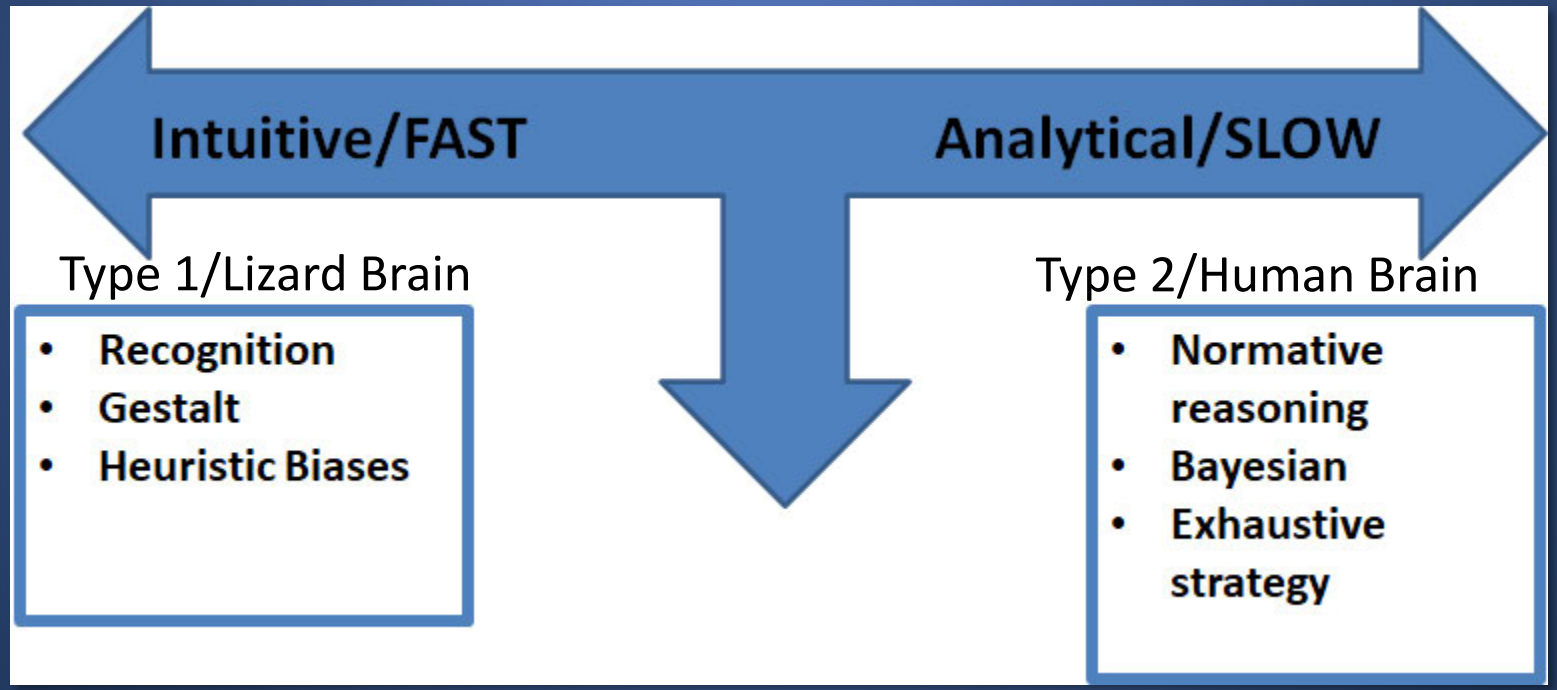


Human Brain
(Neo-Cortex)
Language, abstract thought, imagination, consciousness, reasoning, rationalising

(From Paul D. MacLean's model of the "Triune Brain")

Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Heuristics

Heuristics

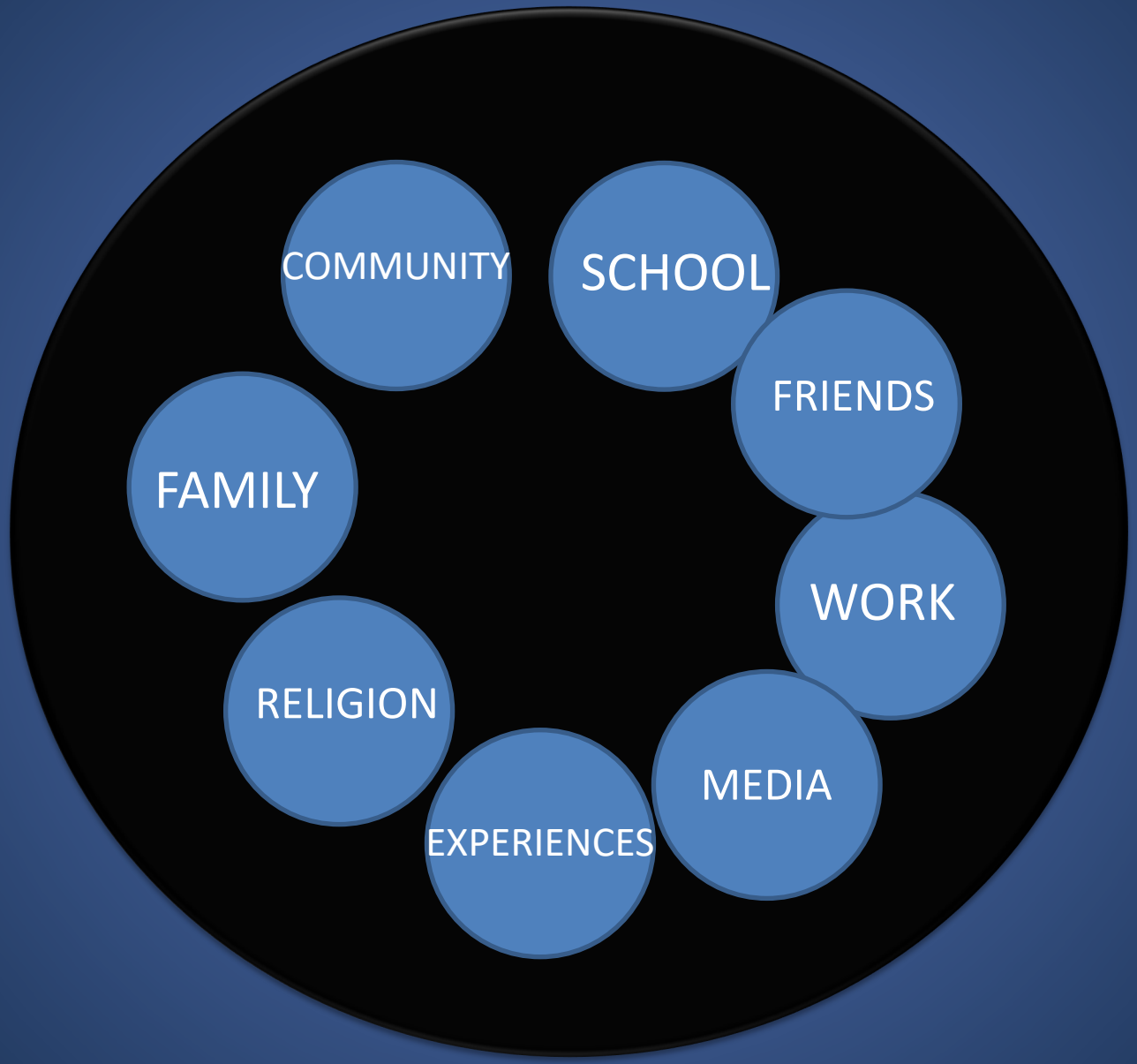
Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

Our Heuristics Come from Our Environment



Who’s always driving this van?



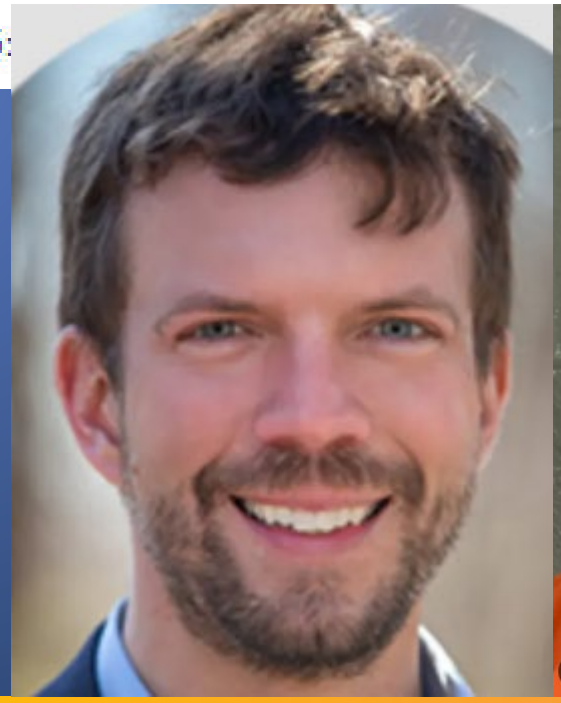
First Impression:

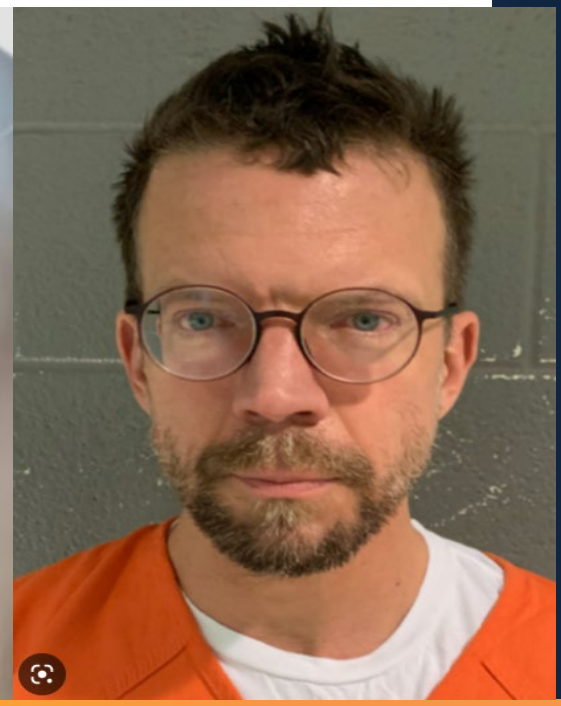
Allegation of child pornography possession

- Sex?
- Age?
- Race?
- Education level?
- Occupation?

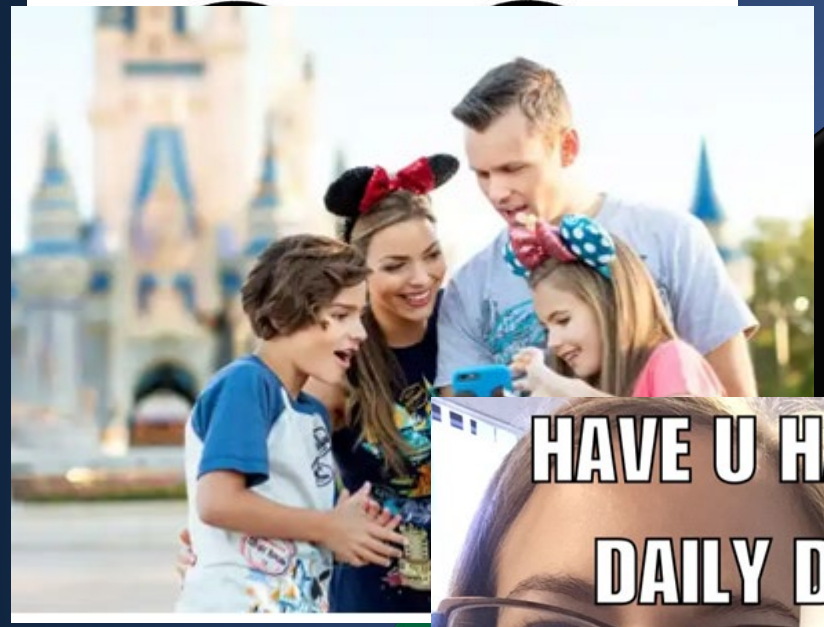
Former College Park mayor held without bond after arrest on child pornography charges

by 7News Staff | Mon, March 6th 2023, 5:





ses Come from Our E

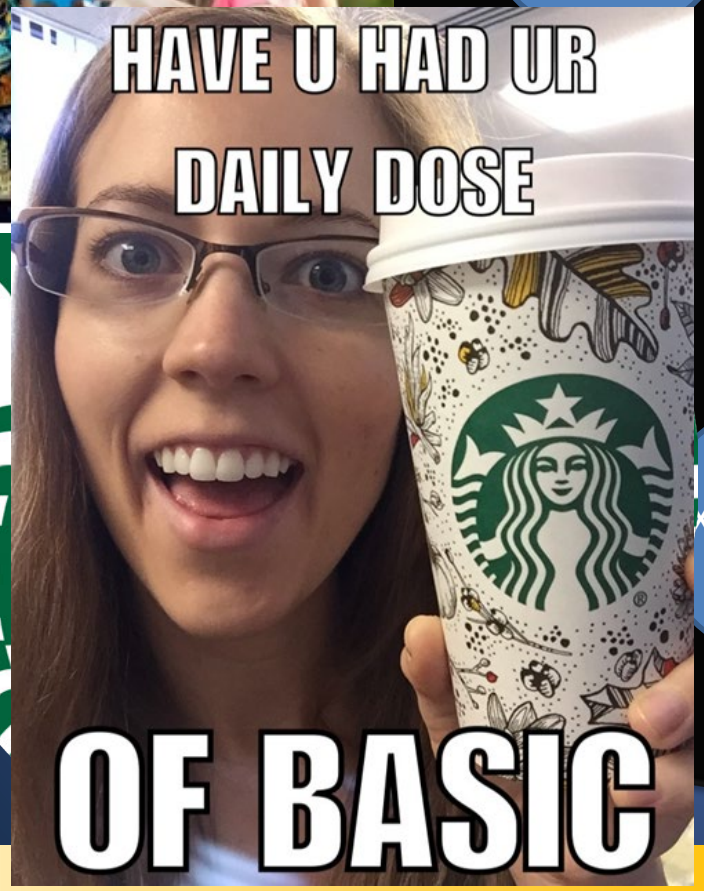


COMMUNITY

SCHOOL

FRIE





XPERIEN






COPS



Explicit vs. Implicit Bias

Explicit Bias: "attitudes and beliefs we have about a person or group on a conscious level"

Implicit Bias: "The brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness."

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

More Heuristics in Practice

Hypothetical

CPT Stone, commander of HHC, gets a call from 1LT Timmons, one of his platoon leaders. 1LT Timmons is his best performing PL, and has served with CPT Stone for 18 months. 1LT Timmons tells CPT Stone that he received an allegation of misconduct.

- PVT O'Neal alleges that SPC Steele has been maltreating him.
- 1LT Timmons has looked into the matter and says there is no issue.
- CPT Stone listens to 1LT Timmons's explanation and trusts 1LT Timmons's judgment.

Heuristics

Blind Obedience / Halo Effect

Showing undue deference to authority, technology, or factors such as attractiveness

- *My boss says because of this, it can't be this.*
- *In the past my boss handled issues this way, so I will do the same.*



Heuristics: Bias by any other name…

Emotional Bias

Negative or positive feelings towards Soldiers influences view of case of disposition (counter-transference)

E.g Soldier with background notable for previous Art 15 for disrespect, saying they didn't say what they're accused of saying, …… "Yeah, they said it"



Hypothetical (Continued)

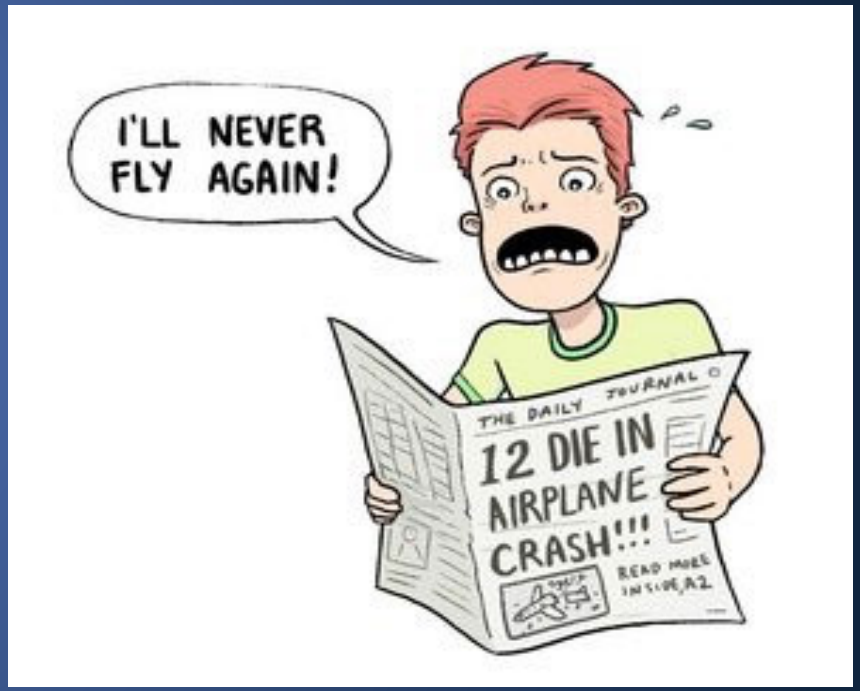
CPT Stone reports the maltreatment allegation to his BN commander, LTC Boggs.

- LTC Boggs has recently completed another maltreatment investigation from another company where the alleged victim eventually admitted that she exaggerated her allegations because she felt her supervisor was too hard on her. LTC Boggs is dubious of this new allegation and asks about PVT O'Neal's duty performance.

Heuristics

Availability Bias

Recall a similar situation, case, or other information because it happens to be a recent experience or comes to your mind quickly



E.g. A commander's incident report lands are your desk. While scanning the report you notice many details similar to a case you were briefed on last week. You know how this case will play out because it's a "fresh" and "available" entity in your mind.

Hypothetical (Continued)

LTC Boggs, in accordance with policy, sends an initial report to COL Larson, the BDE commander.

- “Sir, looks like we have another one. All indications are that the low performing Soldier is trying to deflect from his deficiencies by pointing a finger at a great young trooper. I can get you more information as we go along.”
- COL Larson: “Boggsy, I got it. Get with JAG so we can close this out, but I fully understand what is going on.”

Heuristics

Anchoring Bias

Focus on features in the Soldier's initial presentation or first bits of information too early in the investigative process without adjusting the charges or desired outcome when further information is/becomes available.

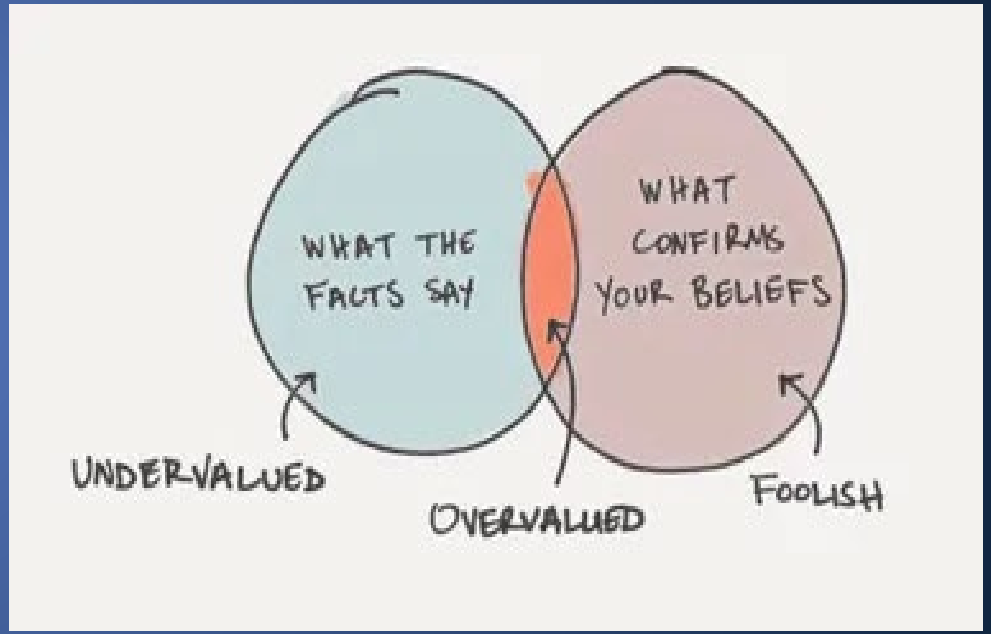


Heuristics

Confirmation Bias

Notice and consider only the facts and details that favor our hypothesis and ignore aspects inconsistent with it.

Example: A Soldier with a history of …… charges, upon file review, you only look for the instances that strengthen your belief about the Soldier.



Edgar & Edgar 2016, Nickerson 1998

IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

WHY DO WE NEED IMPLICIT BIAS TRAINING?

Why do WE need implicit bias training?

Inside the Army's Decision to Eliminate Photos from Officer Promotion Boards

The study showed that using official photos led to decisions from board members that appeared to reveal unconscious bias, Army officials say.

"It's just that people, even if they don't think about it, they tend to want to be around people that look and think and act like them," said Army Chief of Staff

Article: https://www.military.com/daily-news/2020/06/25/inside-armys-decision-eliminate-photos-officer-promotion-boards.html

Authority to Conduct Implicit Bias Training

14 July 2020 Memo by SecDef, "Immediate Actions to Address Diversity, Inclusion, and Equal Opportunity in the Military Services:" "I . . . direct[ed] a three-pronged approach to take the initiative against discrimination, prejudice, and bias in all ranks of our Armed Forces. The purpose of this approach is to **promote the morale, cohesion, and readiness of the force**. Each effort aims to identify actions the Department can take within policies, programs, and processes to improve diversity, inclusion, and equal opportunity for our Service members" including "Add[ing] **bias awareness and bystander intervention to the violence prevention framework. Addressing racial prejudice and bias within the force requires a combination of ongoing skill development, leadership, and accountability**."

10 U.S.C. 113(g)(1)(B): "Each national defense strategy shall include . . . Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces."

The Problem Has Been Studied

1972 Department of Defense Task Force on the Administration of Military Justice in the Armed Forces: Data showed a "clearly discernable disparity in disciplinary rates between black and white servicemen," including the statistic that although Black servicemembers made up 16% of the force, they made up 25% of nonjudicial punishment issued. **Black servicemembers represented 34.3% of accused at GCM and SPCMs.**

1992 Defense Equal Opportunity Management Institute (DEOMI): Racial disparities in arrest, nonjudicial punishment, and courts-martial preferral and referrals. **"Black[] [servicemembers] were . . . 1.7 times more likely to receive nonjudicial punishments than their white counterparts."**

And Studied…

2017 Protect Our Defenders Report: "[F]or every year reported (2006 – 2015) and across all service branches, black service members were substantially more likely than white service members to face military justice or disciplinary action, and these disparities failed to improve or even increased in recent years." **Black Soldiers were 1.61 (61%) times more likely to face GCM or SPCM than White Soldiers.**

2019 Government Accountability Office Report: Services uniformly track subjects by gender, but not by race/ethnicity. "Racial and gender disparities exist in investigations, disciplinary actions, and punishment of servicemembers in the military justice system[.]" **Black servicemembers were 2.11 times more likely to be the subject of an investigation than a White servicemembers.**

And Studied…

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD):

Accessions Waivers for Drugs/Alcohol/Misconduct

Surveillance Drug Testing and ASAP Referrals

Family Advocacy Program Substantiation of family Abuse

Sexual Assault Reporting

Law Enforcement Reporting & Law Enforcement Officer Discretion

Adverse Administrative Separation for Misconduct

Non-Judicial Punishment Outcomes for Military Discipline Offenses (Disrespect)

Courts-Martial

Appellate Issues

Professional Responsibility Complaints against Judge Advocates

Army Corrections Command

Army Clemency and Parole Board

And Studied…

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD): **Army-specific analysis of racial disparity Military Justice system.** "The report found that racial disparity does exist in a number of key areas across the military justice system, disciplinary processes, and military personnel policies. The report's findings will enable us to immediately enact policies to begin addressing racial disparities, while also serving as a point for further study and data gathering. Our shared Army values of values diversity, equity, and inclusion will inform these efforts." ~ *Sec. Army Wormouth*

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And Studied

2022 Department of Defense Internal Review Team (IRT) on Racial Disparities in the Investigative and Military Justice Systems: "Racial disparities in the investigative and military justice systems have been a problem for far too long . . . To address this issue I am directing" the IRT to "focus on addressing the **root causes of racial disparities in the investigative and military justice systems**" and "provide actionable recommendations that the Department can implement to improve policies, programs, processes, and resources to address these disparities."

Significant racial disparities exist across the investigative and military justice systems. Caused by 1) gaps in training and education, 2) lack of oversight and transparency, 3) inadequate protections, and 4) external factors (resourcing and time).

Where Bias Can Influence Commanders & JAs

Pre-Trial Investigation and Charging Decisions

- Assumptions as to who may be offender & victim
- Lack of empathy of suspect/accused of a racial minority
- Assigning attributes based on impressions, not on facts (e.g., Black subject "Looks angry/mean" where White subject "Looks young and naive")
- Informs beliefs as to credibility of subject/accused or other witnesses of color
- **Fill in factual gaps with assumptions based on stereotypes**

Trial Strategy

- Peremptory challenges for facially race-neutral reasons but applied only to racial minorities *See Flowers v. Mississippi,* 139 S. Ct. 2228 (2019).
- Assumptions about how panel members see evidence (Minority member more sympathetic? Female member less sympathetic in sex assault case?)
- Closing argument tinged with racial animus ("He's an animal," "A thug")

MITIGATION

Continue training

- Disseminate this through your office (this is not just a legal issue; it is a leadership issue)
- DEI training in office (LDP) ✓
- Identify distractions and sources of stress in the decision-making environment
- Bias awareness/interruption (work with Operational Psychologists)

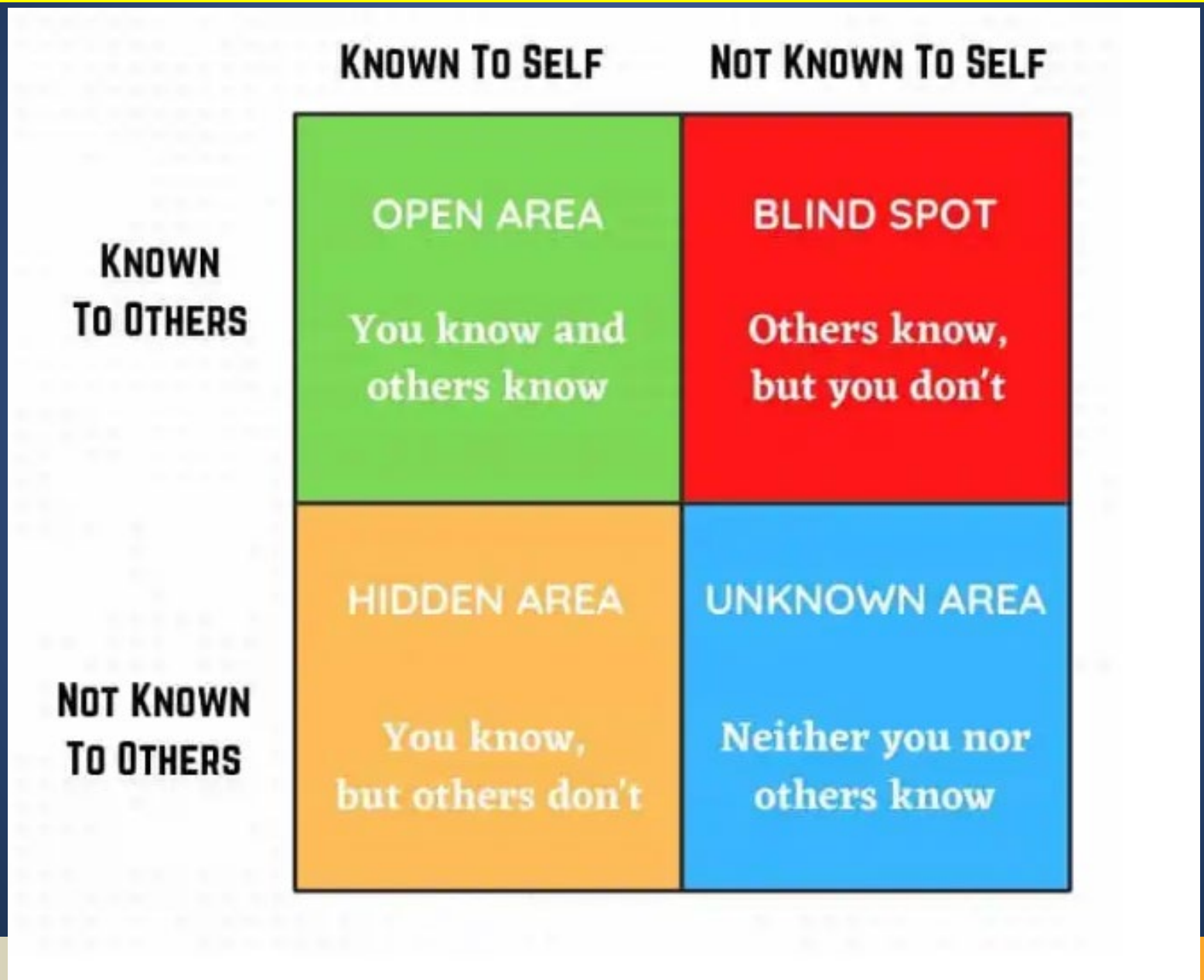
Get data!: Regularly track race/ethnicity, just like we track MOS, deployments, etc.

- Quarterly assessments on who is being investigated, prosecuted, separated (trend analysis)
  - MJO
- Part of multi-discipline team meetings (OSJA, CID, MPI, FAP)
- Continue to get feedback from trusted sources

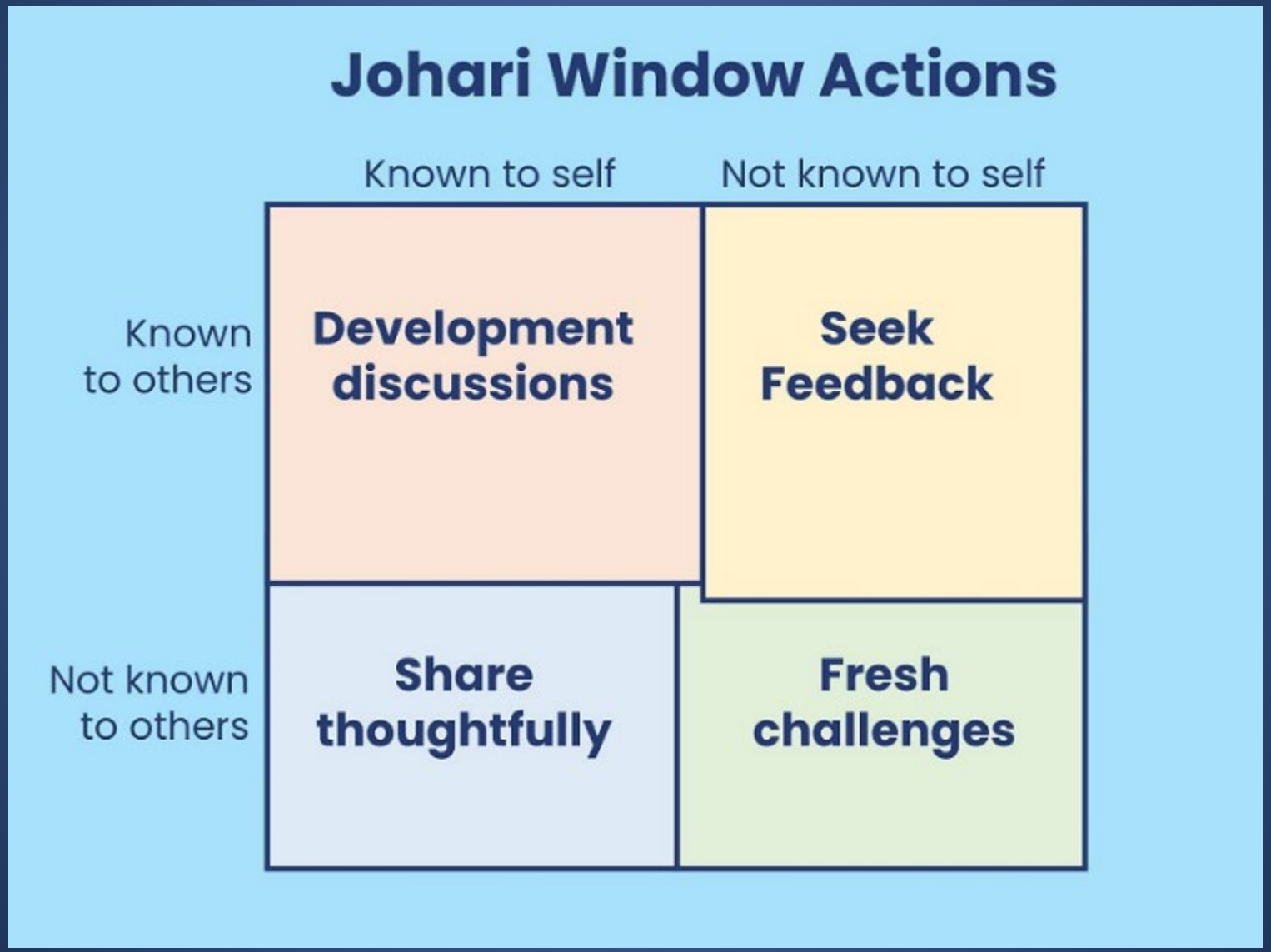
Assess the known facts: Challenge factual assumptions

- ACKNOWLEDGE we all have biases
- Ask questions. Lots of questions.
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- "**Art vs. science**" of discipline: Focus on the "should" as much as the "can"

Johari Window



So…what do I do now?



QUESTIONS?



(b) (6)

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National Center for State Courts, Addressing Implicit Bias in the Courts, https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15IB_Summary_033012.pdf?q_ DMMIVv0v_eDJUa1ADxtw59Zt_svPg (2012).

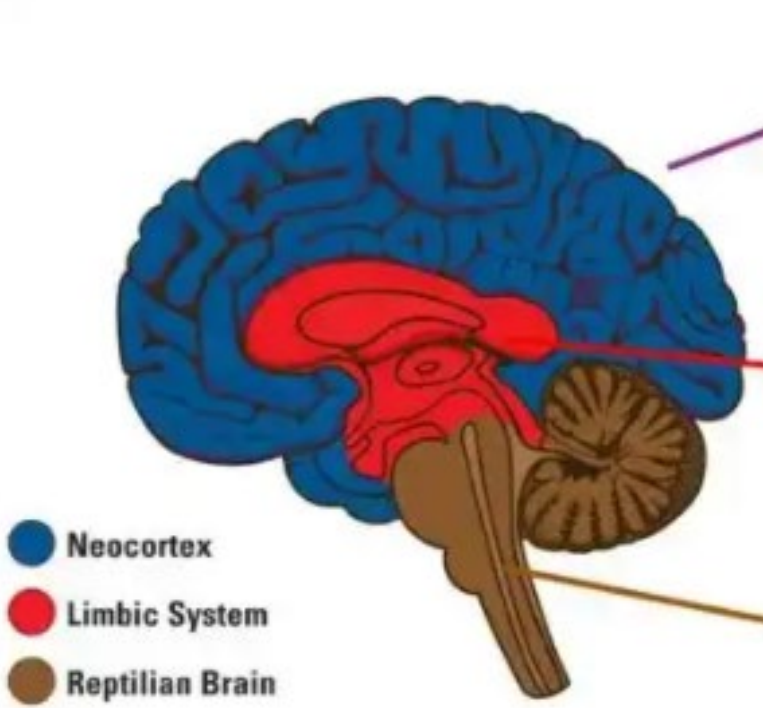
Jeffrey J. Rachlinski, Sheri Johnson, and Andrew J. Wistrich; and Guthrie, Chris, *Does Unconscious Racial Bias Affect Trial Judges?* (2009). 84 Notre Dame L. Rev 3 (2009).

Numerous Past Studies, Same Conclusions

PREVIOUS FINDINGS AND RECOMMENDATIONS

STUDY/REPORT	Racial Disparities Exist across the Investigative and Military Justice Systems	Significant Discretion with Few Safeguards = Increased Disparate Outcomes	Data Collection must be Improved	ultural Competency and Cognitive Bias Training for all in the military justice system	Resource Appropriately (no unfunded mandates)	Conduct Root Cause Analysis with better data but don't wait to start making improvements
1972 Task Force on the Administration of Military Justice in the Armed Forces	●	●	●	●	●	
2011 MLDC Military Leadership Diversity Commission	●		●	●	●	
2019 GAO Government Accountability Office	●		●			●
2020 Air Force IG Independent Racial Disparities Review	●	●	●	●	●	●
2020 DAC-IPAD Racial and Ethnic Data Relating to Disparities in the Investigation, Prosecution, and Conviction of Sexual Offenses the Military	●		●	●		●
2022 CNA Exploring Racial, Ethnic, and Gender Disparities in the Militar Justice System	●	●	●		●	●

Triune Brain Theory



Cortex
(Neomammalian brain)
150.000 years old

Complex processes
• Perception, planning, attention, abstract thinking, language...

Thinking Brain

Limbic System
(Paleomammalian brain)
200-250 Million years old

Primitive survival functions
• Fulfilling our animal needs and emotions (feeding, reproduction, parenting...)

Feeling Brain

Brain Stem
(Reptilian brain)
300 Million years old

• Maintaining **body functions**
• **Routing information** up and dow
• Instinctive behaviours

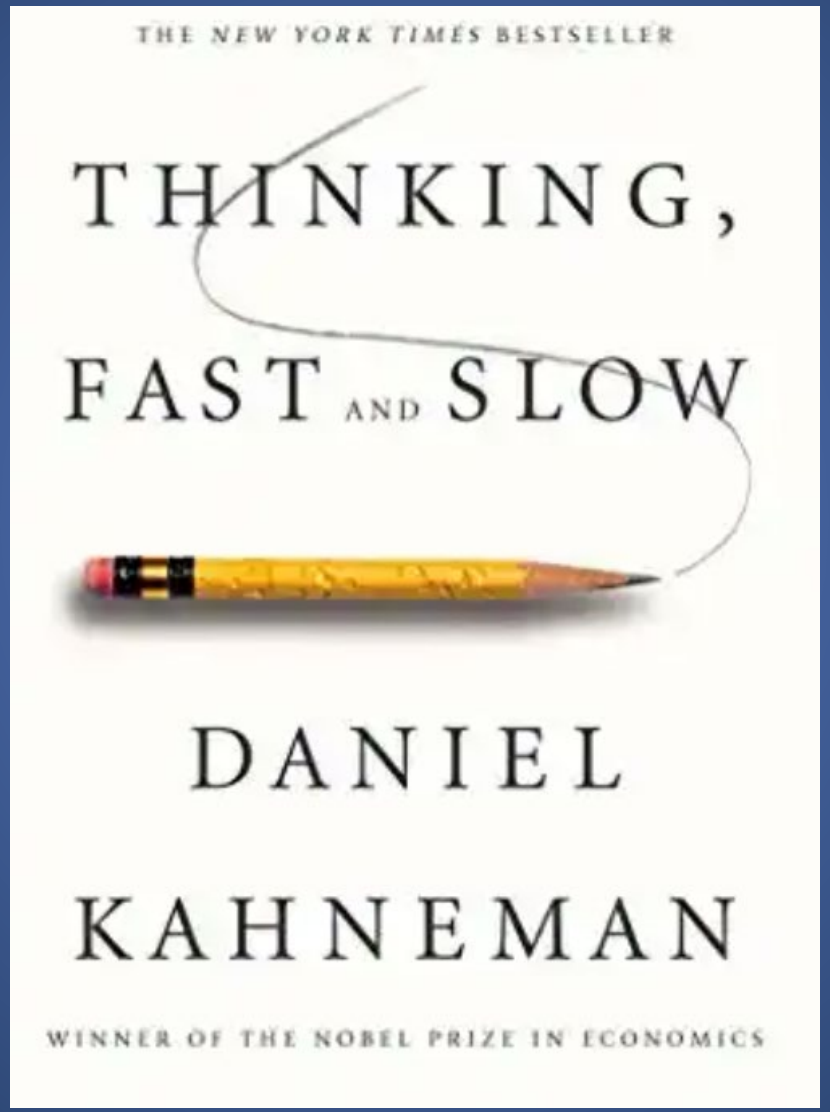
Living Brain

Source: Paul MacLean – Triune brain theory (1952),

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For further reading…



Another perspective:



In Conclusion

- Everyone has unconscious biases that influence their worldview and decision making
- Harvard University's Implicit Association Test (IAT)
  - Web-based
  - Association of different racial groups with negative words, or weapons
  - Just an indicator; can reveal patterns and tendencies among large groups of people
  - implicit.harvard.edu/implicit/takeatest.html
- Key takeaway: Have more awareness of biases and challenging your assumptions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #31

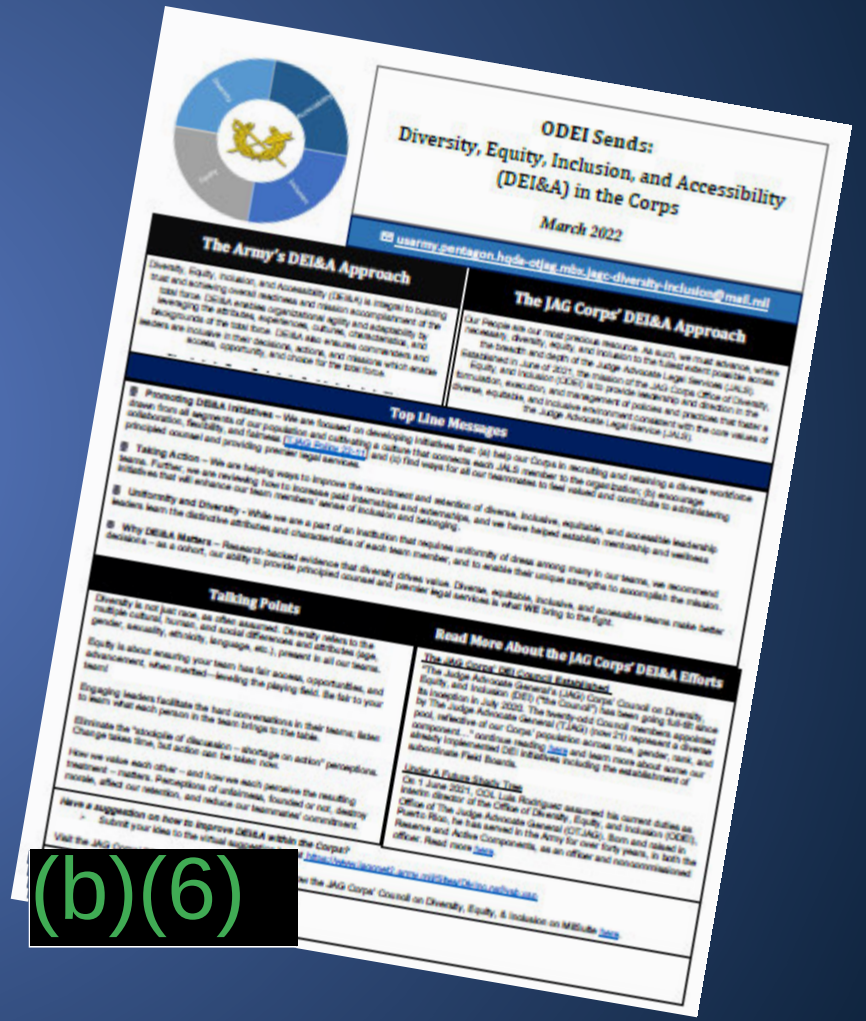
DEI & the JAG Corps



(b) (6)
Program Coordinator
Office of Diversity, Equity, and Inclusion
(b) (6)

Agenda

- Background
- Initiatives
- Your ODEI
- Your Council
- Your Field Boards
- Affinity Mentorship Groups
- Contact Us
- Questions



Background

- TJAG Established Council on DE&I ("DEIC") on 10 July 2020
  - Recruiting & Accessions; Assignments; Training & Education; Promotions; and Retention; other Obstacles to Inclusion
  - 3 Co-Chairs; XO; 16 members
  - Subordinate advisory boards ("Field Boards")
- TJAG Established ODEI on 25 March 2021
  - provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting
  - Director (GS-15); Deputy Director (COL/JA); Program Coordinator (WO/LA)

What Have We Done

- Established DEIC
- Established Subordinate FBs x10
- JALS-wide DEI Survey
- JALS Listening Sessions
- Creation of DEIC Information Platforms
- Establishment of ODEI
- Created and hired a Director, ODEI (Civilian)
- ODEI Director Appointed to Army E&I Agency
- Inclusion of DEI in Article 6 *State of the Corps* Address

What Have We Done

- Published TJAG Policy Memo 22-11 (DEI&A)
- SGM Nolan Reading Room Dedication at TJAGLCS
- Establishment of Gray/Propp-Fowle Chair on DE&I at TJAGLCS
- Incorporated Implicit Bias Training in MJ Curriculum at TJAGLCS
- Magistrate No-knock Warrant Limitations
- Published Various DE&I-related articles in *The Army Lawyer*
- JAGC Affinity Group Engagements
- Various updates to Recruiting and Accessions--and more!!!

What We Are Doing

- Establishing a Foundation (Norms, Process Maps, Strategic Plan, SOPs, Business Rules, etc.) for ODEI and Council
- Reviewing, analyzing, and summarizing Field Board work on Retention, Recruitment & Accessions, and Training & Education, and Assignments
- Creating & Validating an enterprise-wide Training Plan and Training Packages
- HBCU Recruitment Tour – BG Sullivan
- Writing more *TAL* Articles

What We Plan to Do

- Leverage Affinity Groups
- Launch Training & Resource Packages
  - Sr. Leaders (to include Civilian Supervisors)
  - Courses
  - Organization-level
- Issue new JALS-wide survey
- Conduct more enterprise-wide listening sessions
- Create a collaborative community w/ the field
- WHATEVER WE CAN TO IMPROVE WHEREVER NECESSARY!

Your ODEI

- (b) (6) Director
- VACANT, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Your Council



(b)(6)



(b)(6)

(b)(6)

Your Field Boards

- Comprised of a total of 10-15 personnel each
- All ranks, components, and diverse backgrounds
- Work to propose recommendations and approaches to better foster diversity, equity, and inclusion across the JAG Corps.
- Identify and assess problems and opportunities, and recommend DE&I-related solutions, that may impact recruiting, accessions, training and education, retention, promotions, assignments, and other obstacles to inclusion.
- Application period now open through Fri, 30 Sep – APPLY!

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #32

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

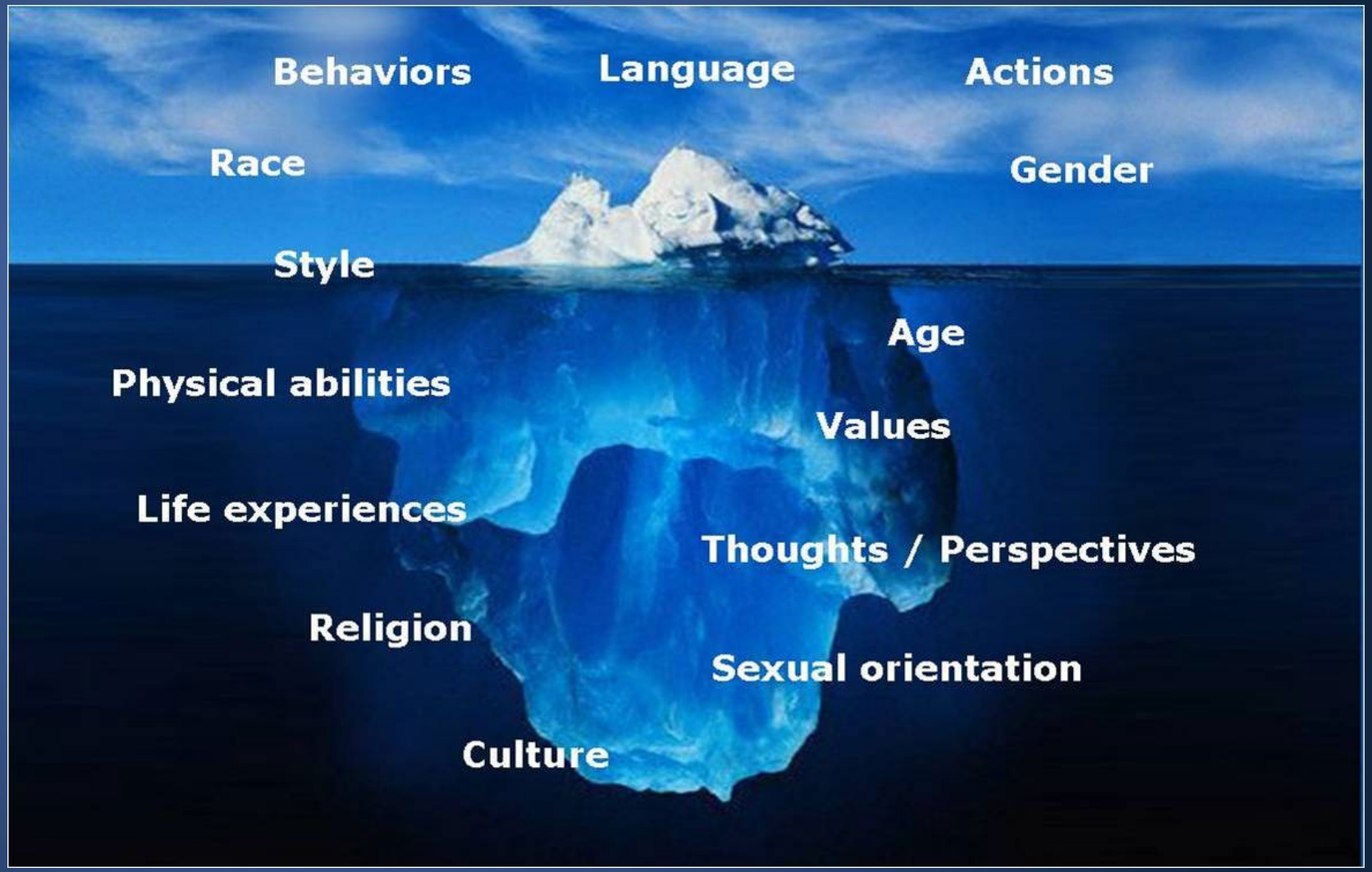
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

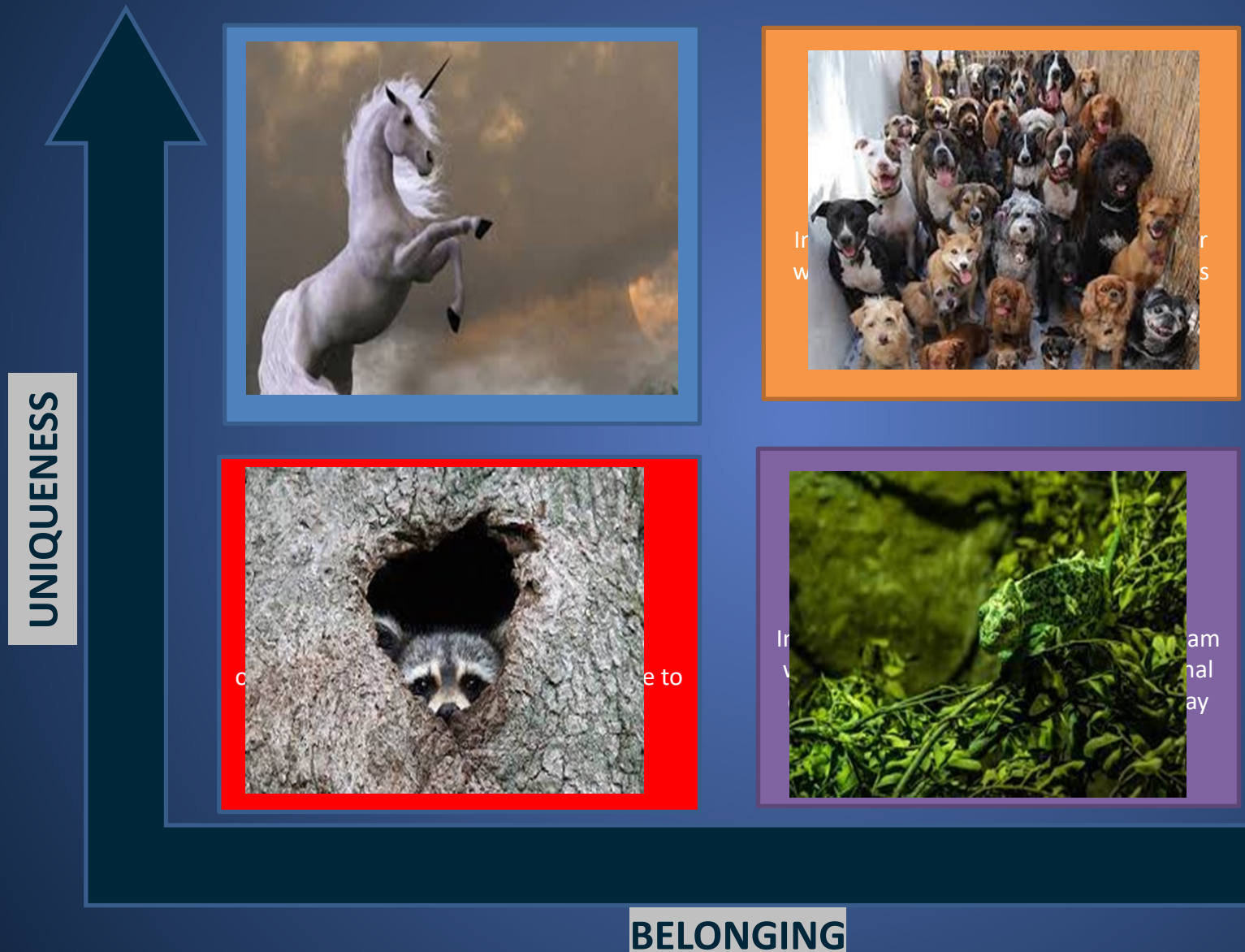
Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #33

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

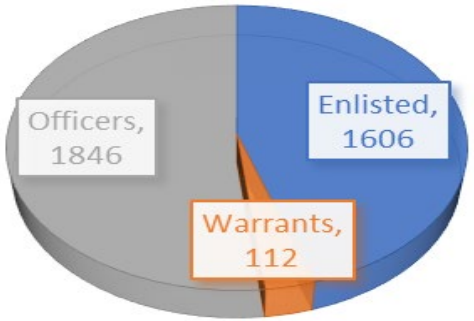
Background

- ODEI established by TJAG on 25 March 2021
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

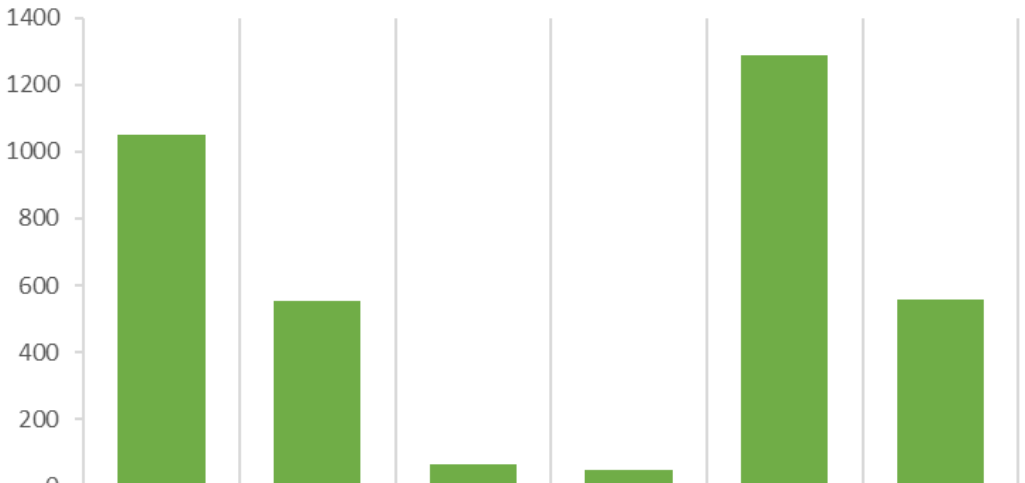
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"

JAGC Active Component Demographics

COHORT

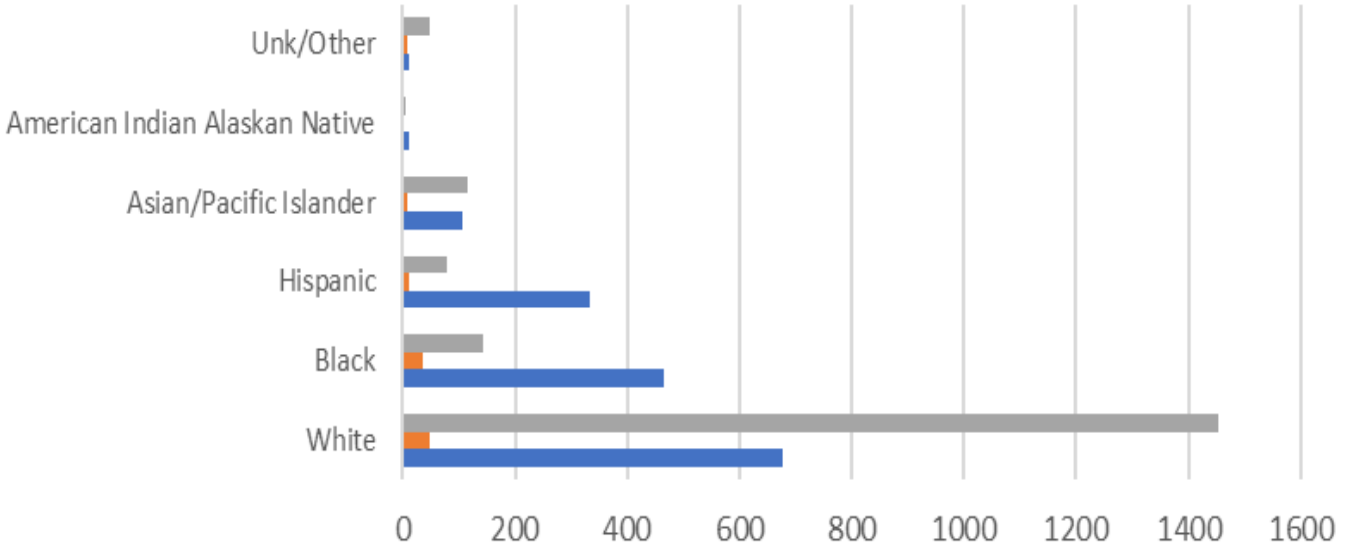


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

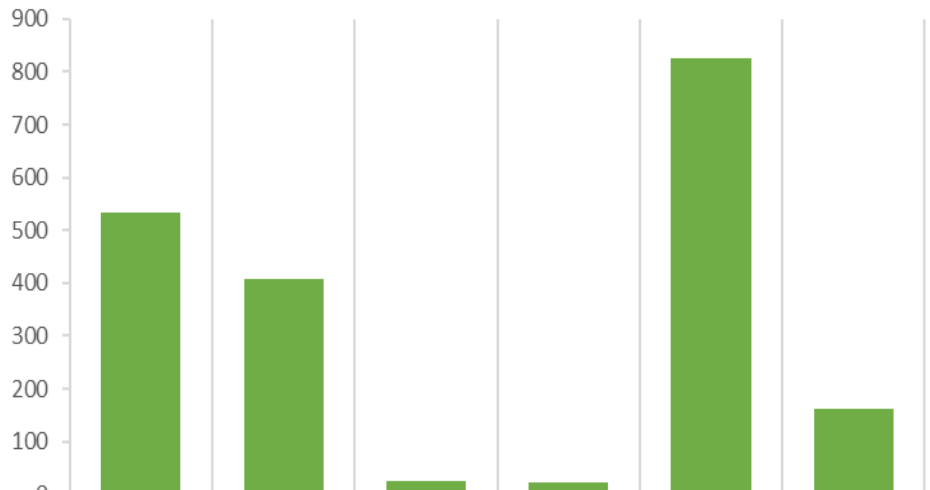
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

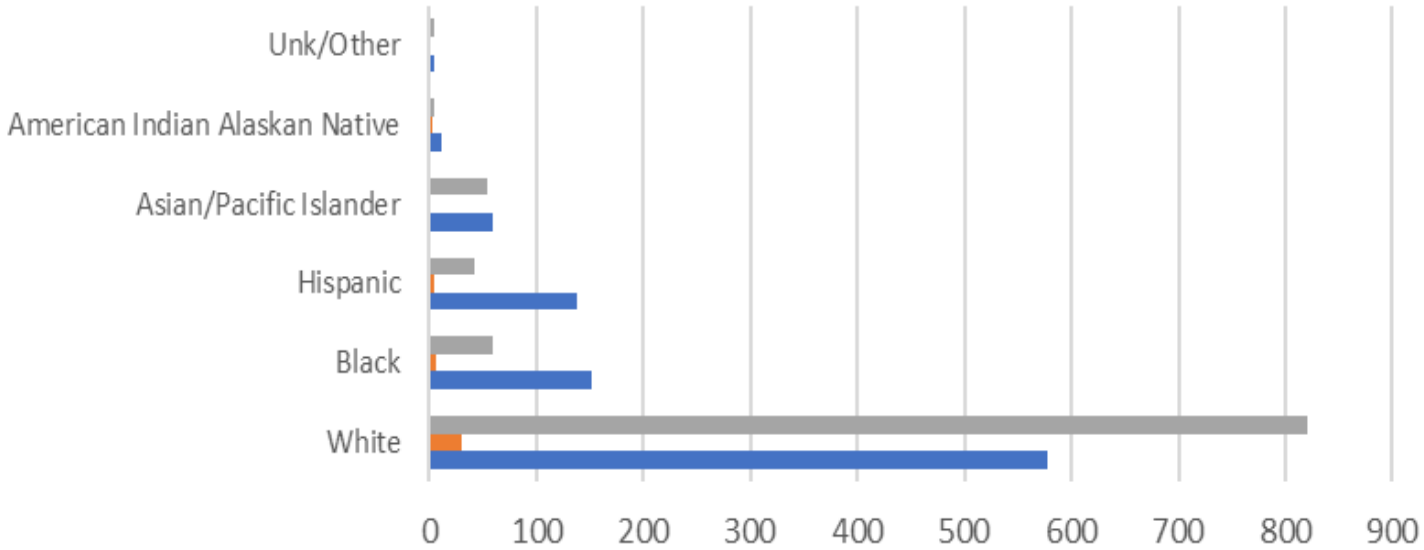


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	534	407	24	21	826	162

RACE/ETHNICITY

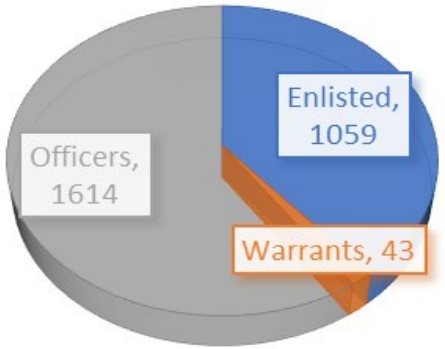


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	821	60	43	55	5	4
Warrants	30	6	5	1	3	0
Enlisted	577	152	138	59	11	4

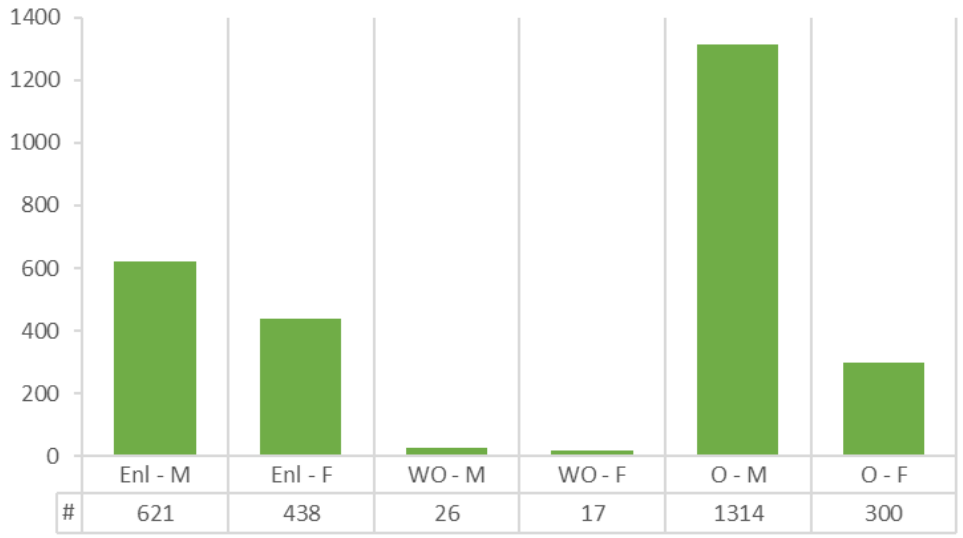
JAGC Reserve Component Demographics

Data as of 31 August 2022

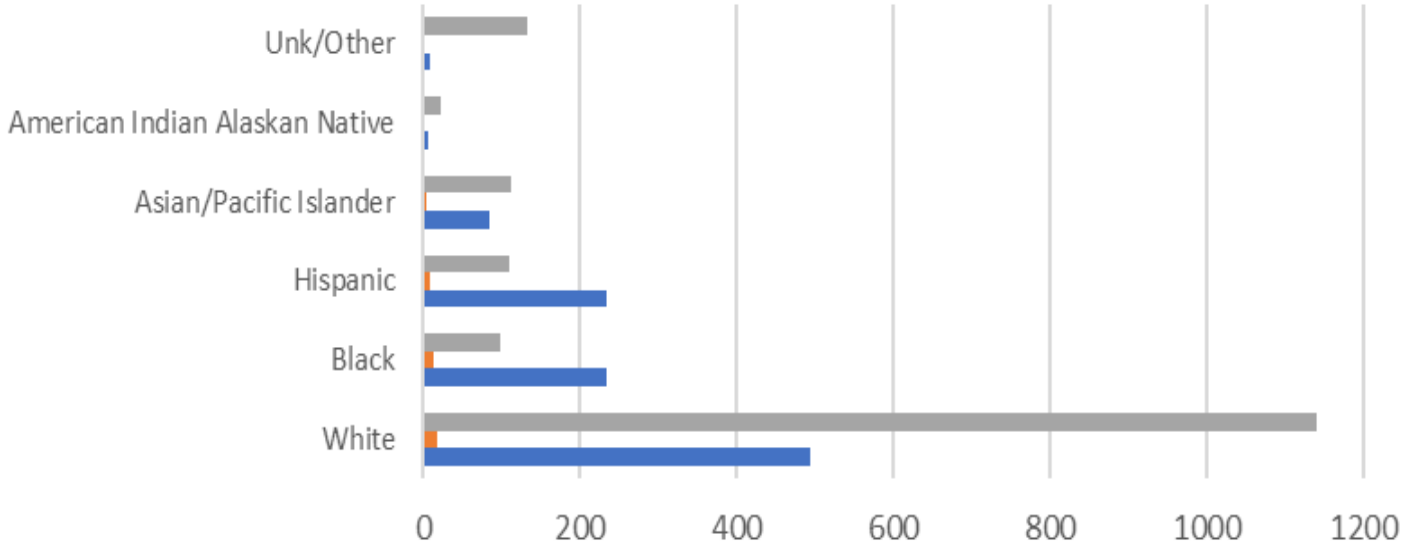
COHORT



GENDER



RACE/ETHNICITY

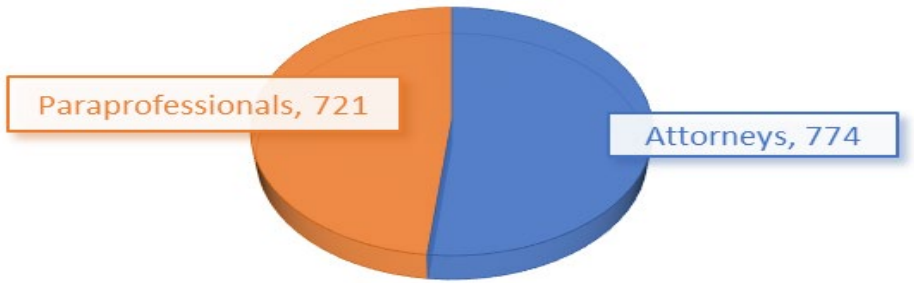


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

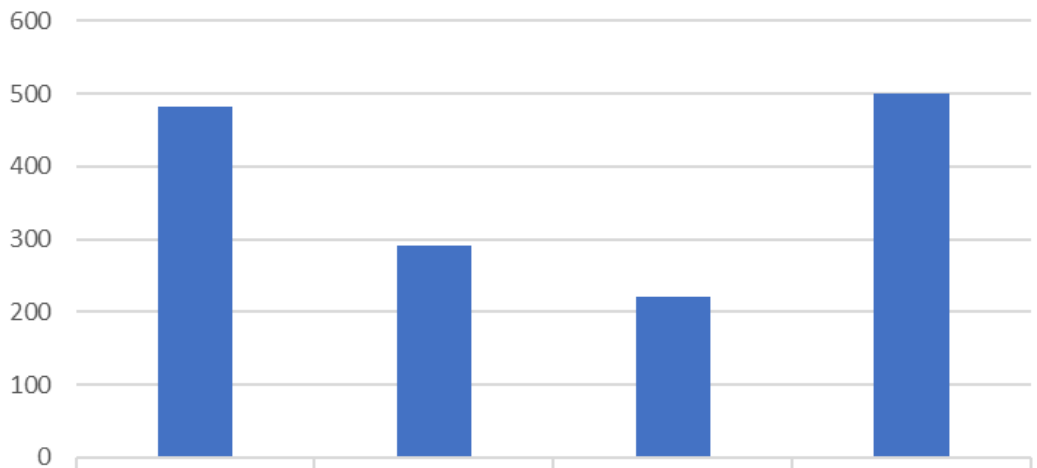
JALS Civilian Demographics

Data as of 31 August 2022

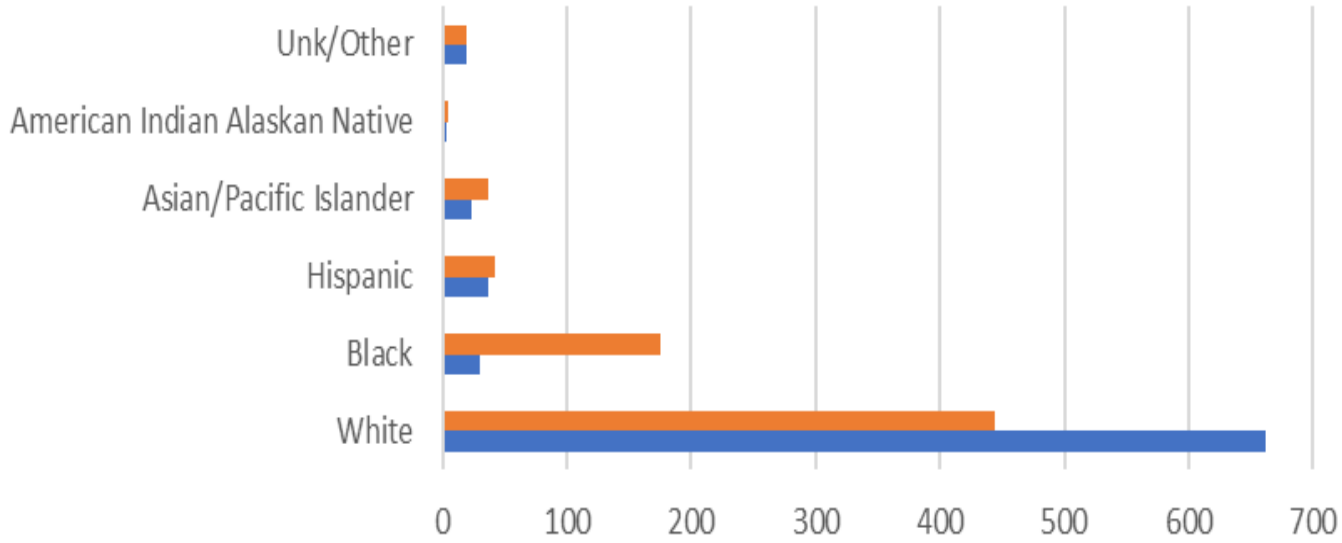
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6) Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

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- Monthly Enterprise Virtual Training
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DEI&A - *Defined*



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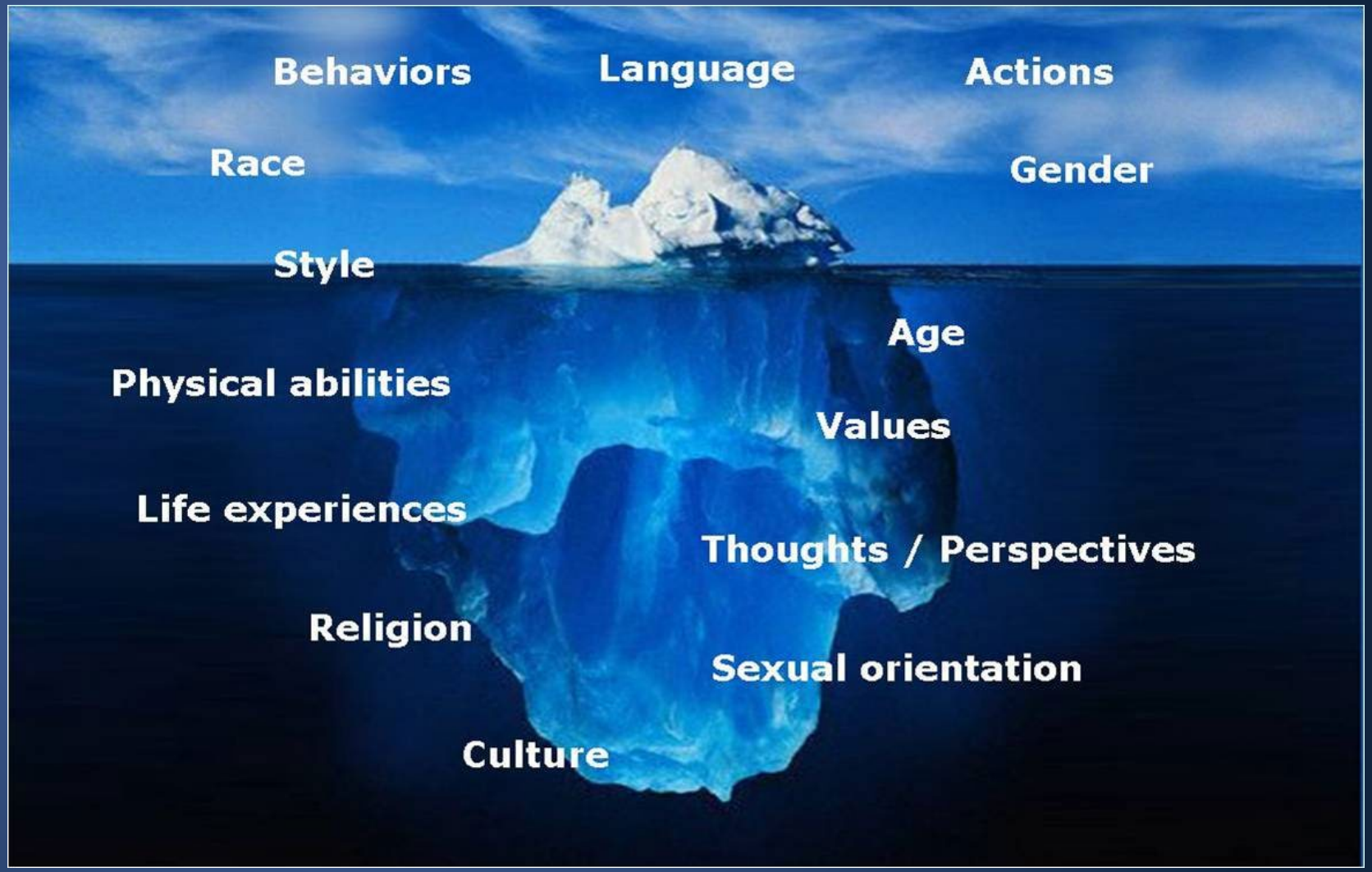
--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



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Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY AND EQUALITY | VIDEO

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
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Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

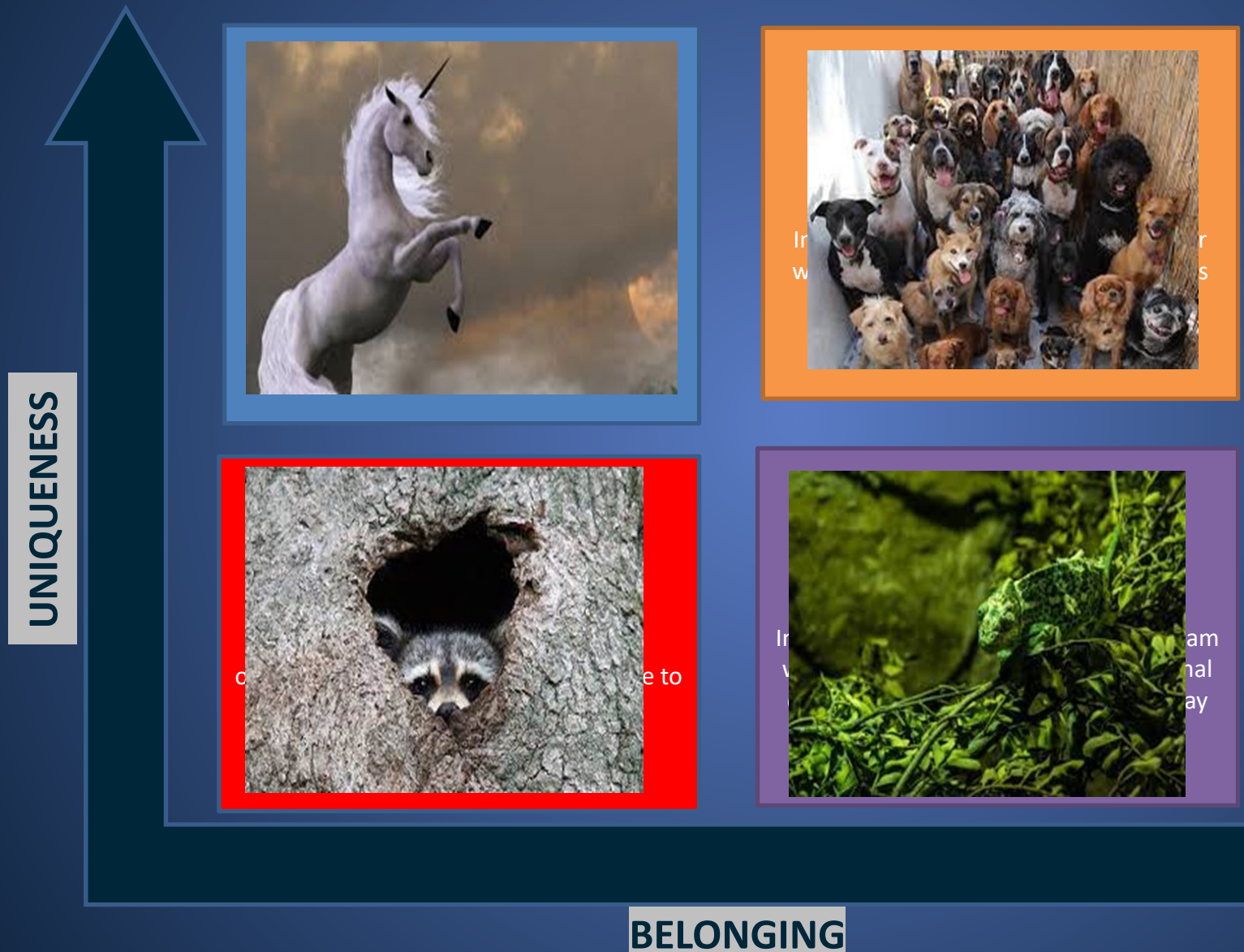
TJAG's Charge

"Are we as inclusive as we can be?"



(b) (6)

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



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- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
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Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #34

Key Concepts for Creating More Inclusive Workplaces



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Introduction

- Social Identity
- Implicit Bias
- Subtle Acts of Exclusion
- Dimensions of Inclusion
- Equality to Equity to Inclusion
- Becoming an Advocate for Equity and Inclusion

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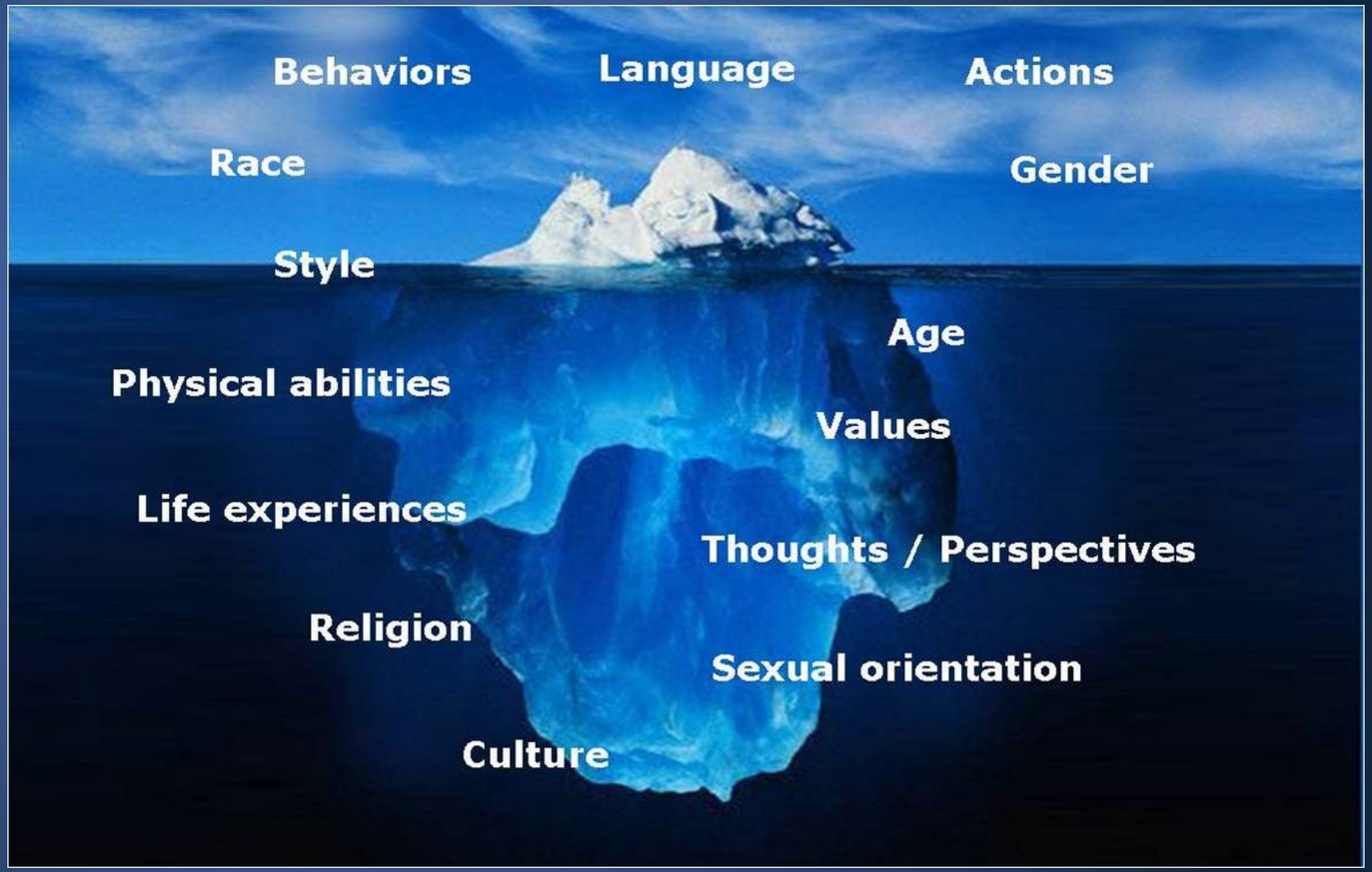
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Diversity – What Does it Look Like?



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- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%

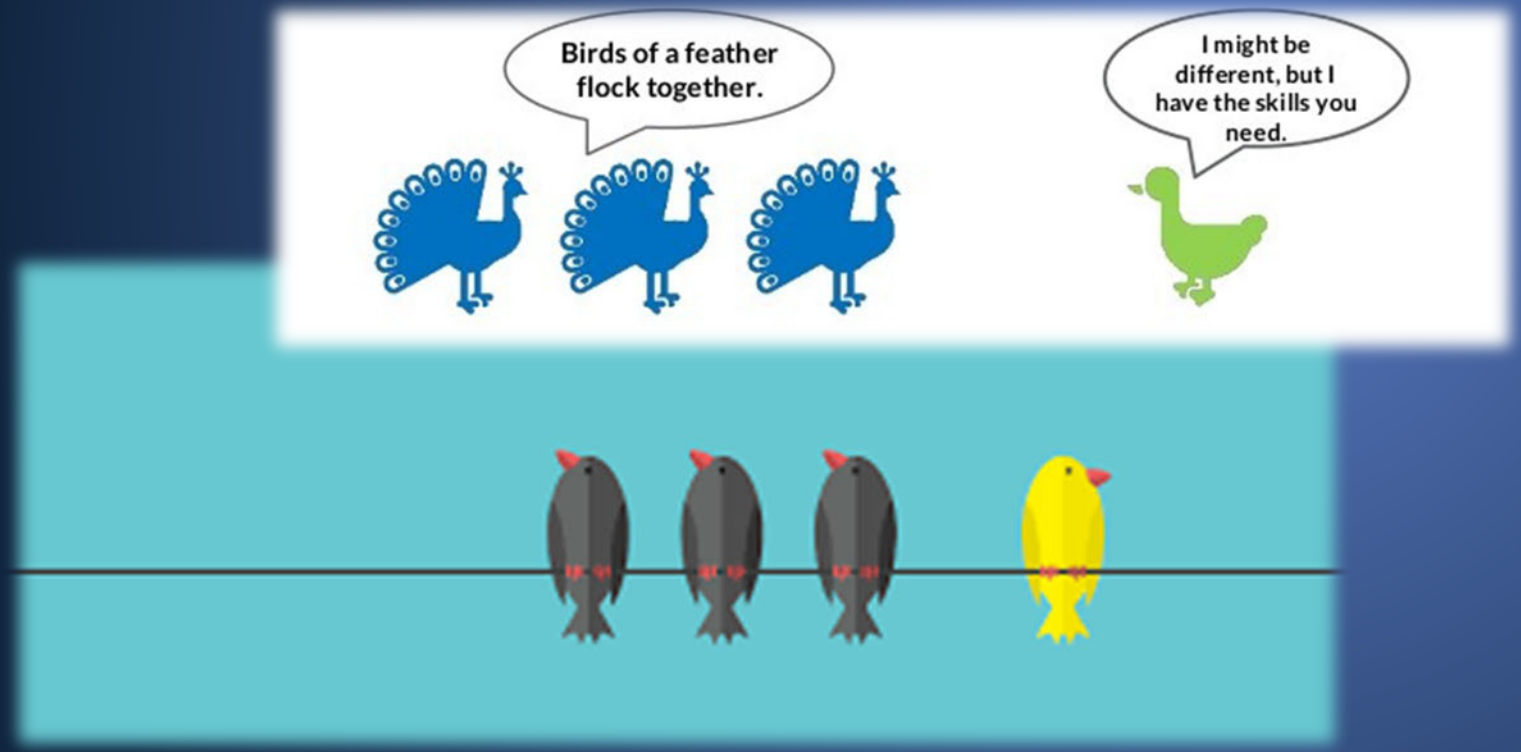


Implicit (Unconscious) Bias

- **Implicit bias** refers to the attitudes or stereotypes that affect our views, our actions, and our decision-making ability
- What are some factors that influence how we view the world?
  - Our experiences shape who we are…
  - and our race, ethnicity, gender, height, weight, sexual orientation, place of birth, and other factors…
  - **impact the lens with which we view the world**
- At Ease
  - Discussions of this type can evoke emotional responses, and **that is okay**

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us

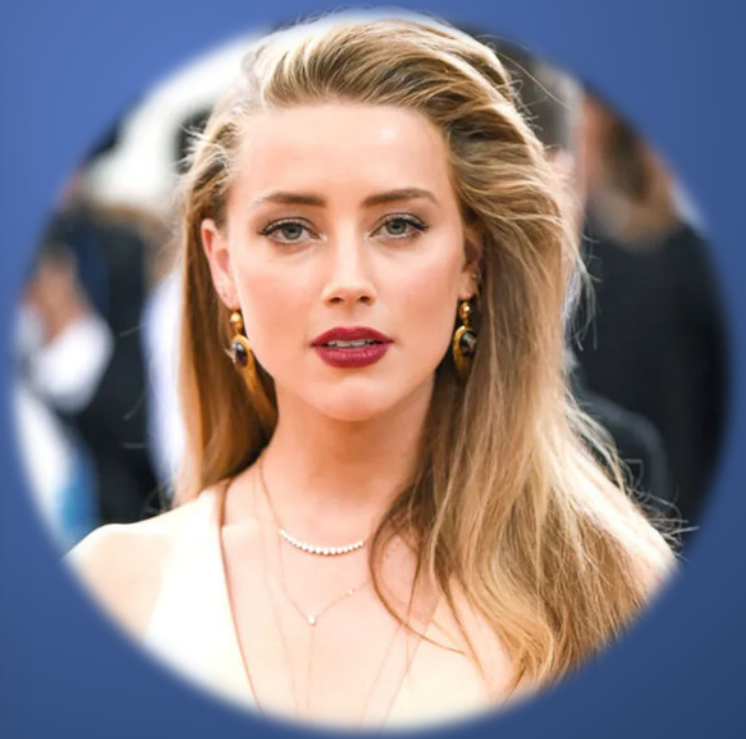


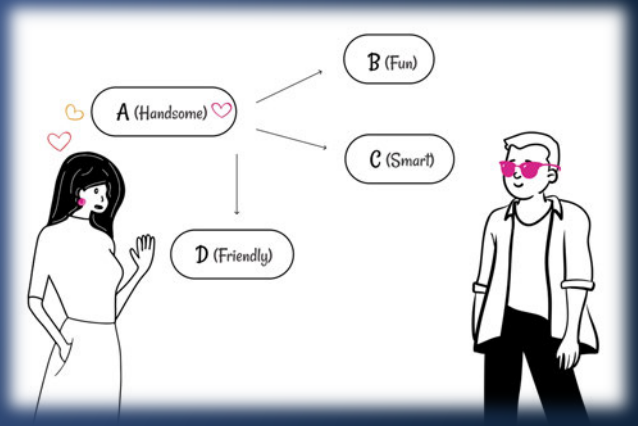


Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good







Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along









Subtle Acts of Exclusion

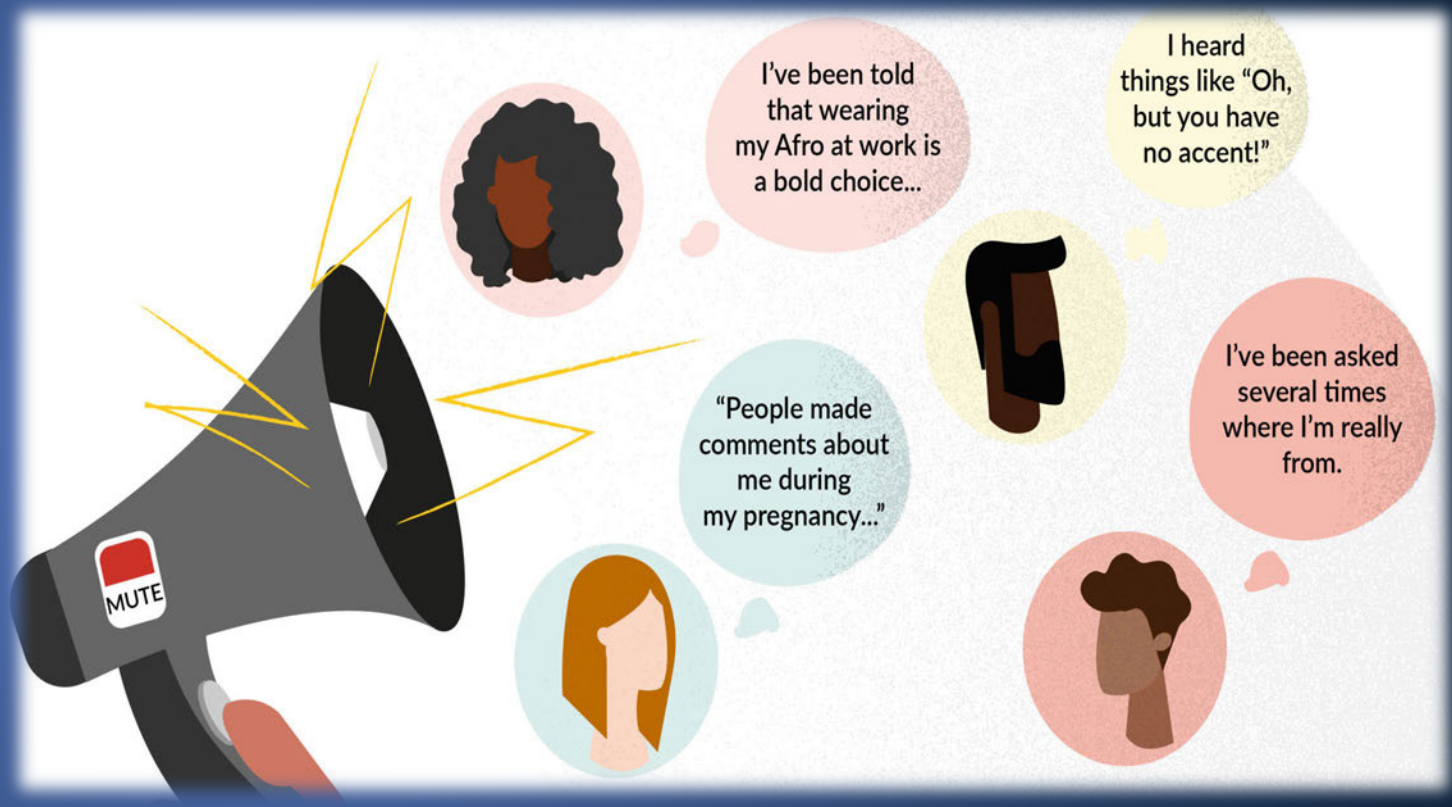
The subtle, confusing, insidious things that people say and do that end up excluding people with marginalized identities.

- Intention is not to exclude usually the opposite
- Can be hard to identify
- Challenging to speak about
- Can cause “attributional ambiguity” –the sense of anxiety created when someone with a marginalized identity is unable to ascertain if action was based on their identity or some other factor
- Cumulative effects can be devastating for individual and ultimately impact organization’s bottom line (death of a thousand cuts)

- “You are so articulate”
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- “You got gypped”

Messages Received by Subject

- You are invisible
- You are inadequate
- You don’t belong
- You are not normal
- You are a threat
- You are a burden



Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



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FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**


Becoming an Advocate for Equity & Inclusion
FEAR ZONE
LEARNING ZONE
GROWTH ZONE
I recognize inequity detracts from mission accomplishment
I deny inequity is an issue
I avoid hard conversations
I stay in my comfort zone
I mentor / coach / talk to others who look & think like me
I listen to others who look & think differently
I educate myself about inequity
I seek out uncomfortable conversations
I understand my own advantage in ignoring inequity
I recognize how and where inequity impacts our mission
I implement & promote policies that ensure equity & inclusion
I act against inequity and behavior that excludes when I see or hear it
I educate leaders, peers, and subordinates about how equity & inclusion empowers our team
I am intentional about being inclusive
I ensure equal access to professional opportunities
I don't let missteps deter me
I seek out others who look & think differently than me
We are all starting somewhere different on this spectrum

Presentation #35

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

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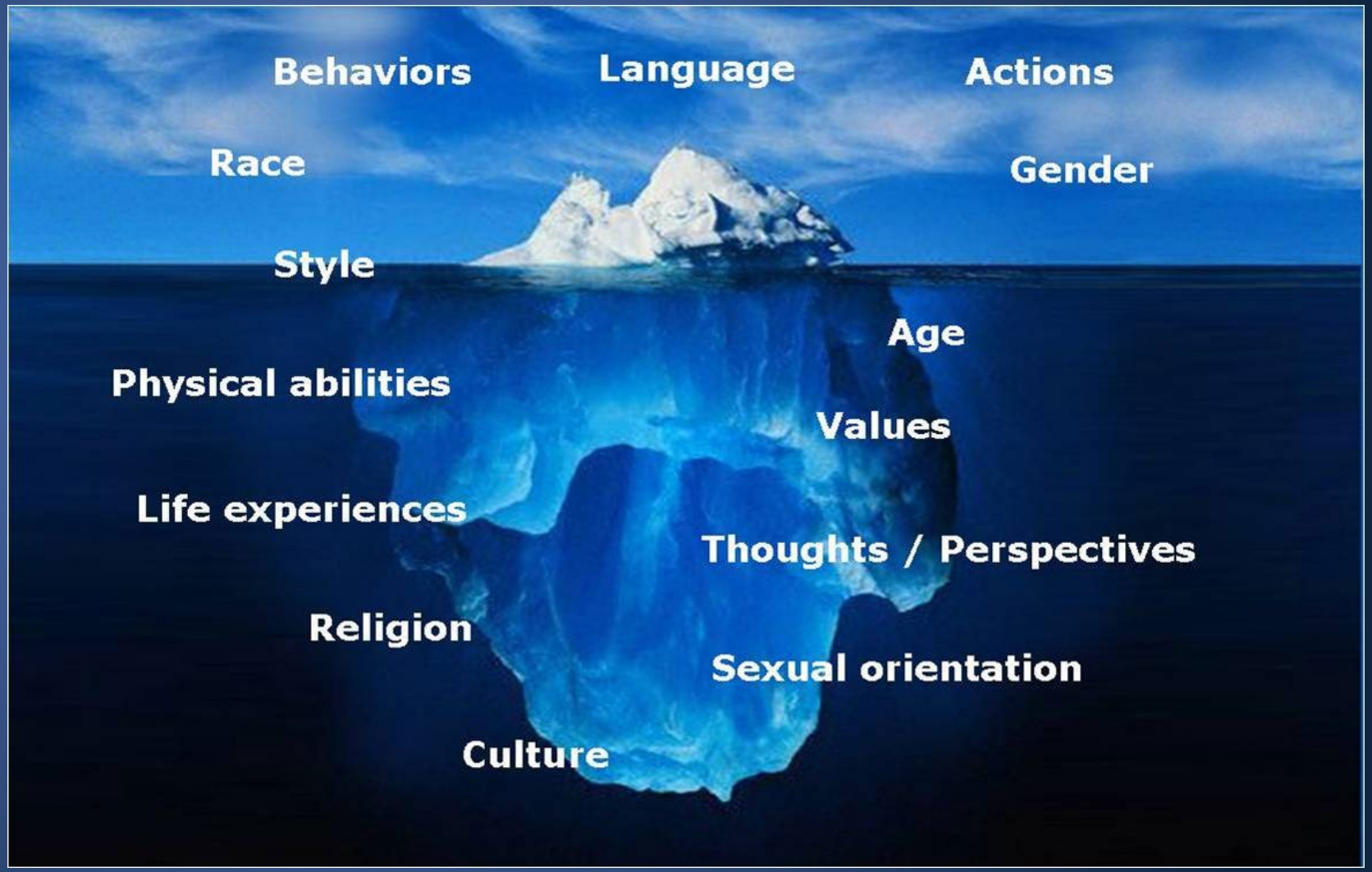
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INCLUSION

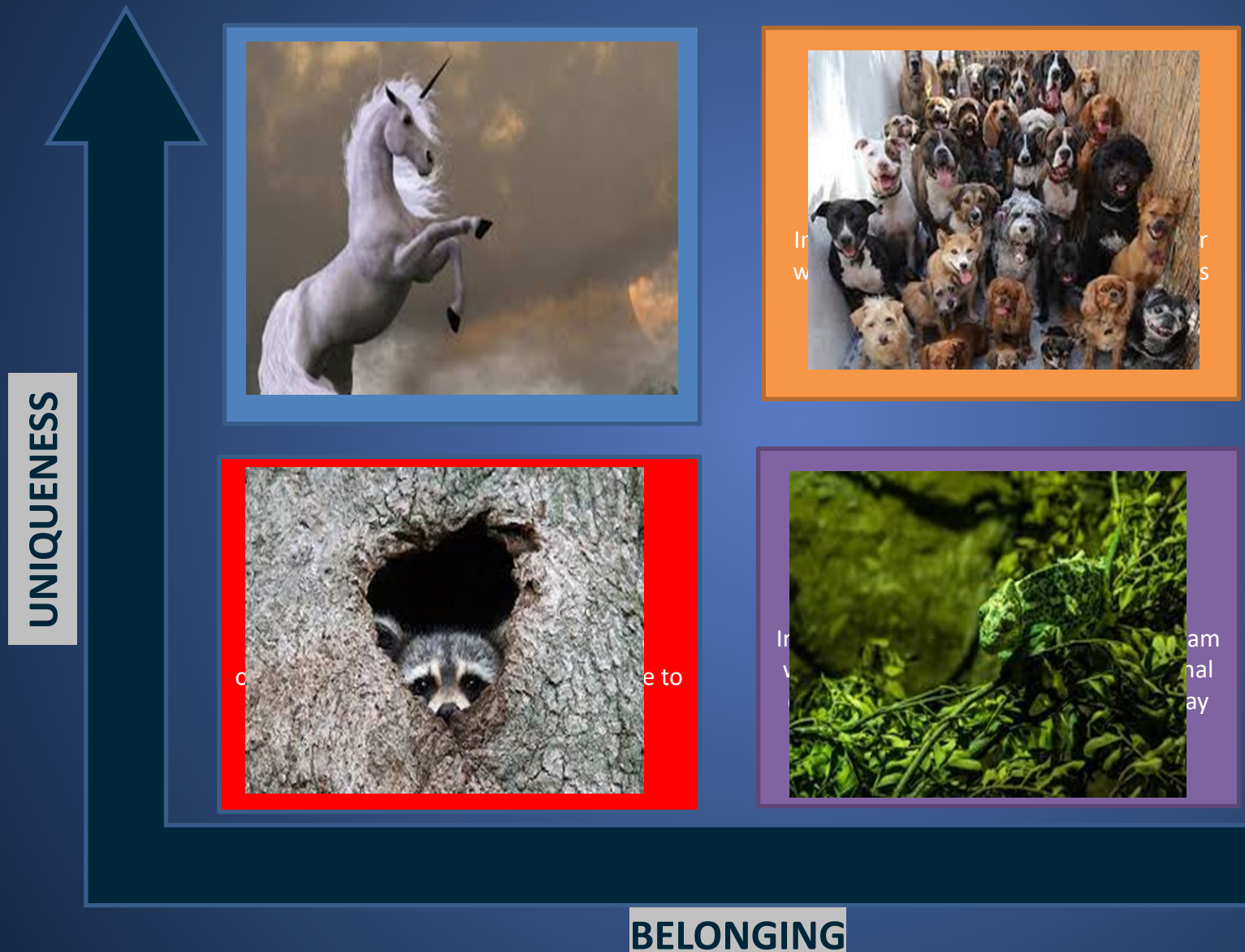
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FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



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Questions to Consider

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QUESTIONS?

Microaggressions or Subtle Acts of Exclusion



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

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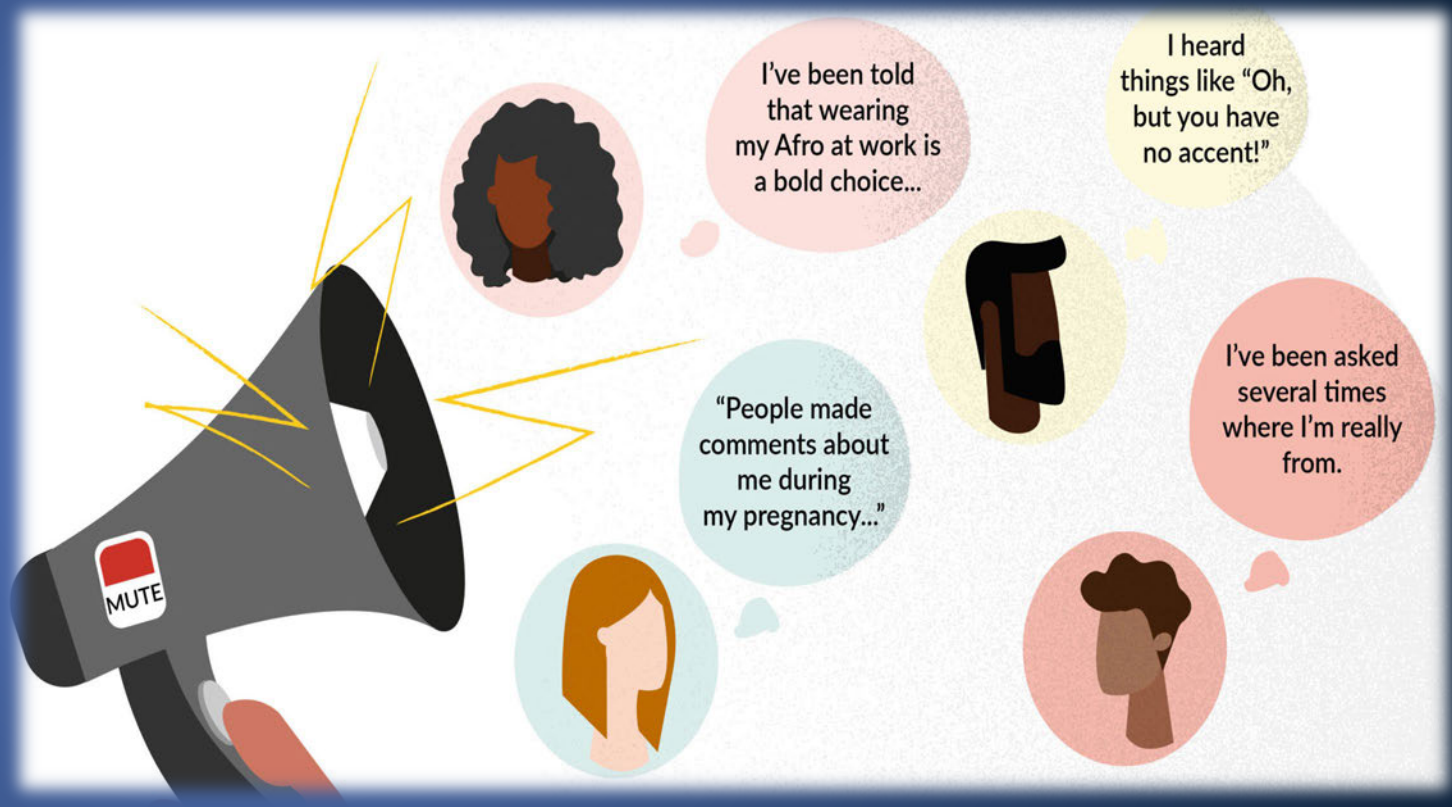
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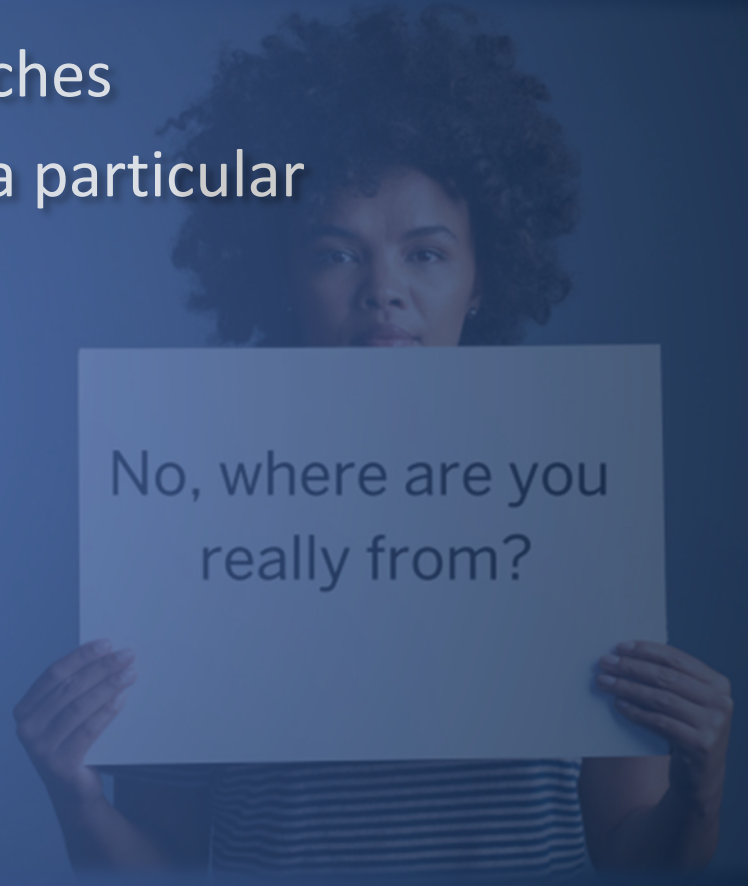
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Examples of SAE - *Race & Ethnicity*

- Telling someone, “You speak good English.”
- Clutching your purse when a person of color approaches
- Questioning someone as to whether they belong in a particular group, place, or neighborhood
- Asking someone, “Where are you really from?”
- Asking someone, “What are you?”
- Saying, “I don’t even see color.”
- Joking about mispronouncing someone’s name
- Touching a Black person’s hair
- Saying, “You, People.”
- Telling someone, “Your accent is so cute.”



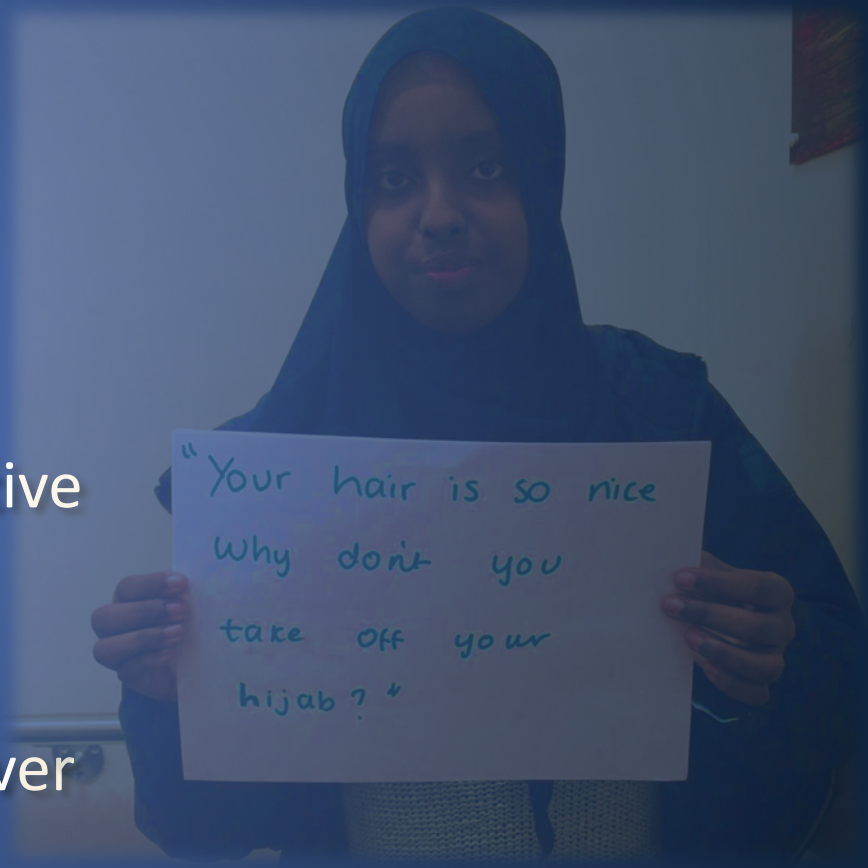
Examples of SAE – *Gender & Sexuality*

- Assuming the gender of someone's spouse
- Mistaking seniority (man vs woman)
- Suggesting someone, "Man up."
- Assuming all people identify as either male or female
- Not learning which pronouns LQBTQIA+ colleagues prefer
- Telling someone, "You don't act gay."
- "Mansplaining"
- Assuming the woman is the primary caregiver
- Accusing a confident and assertive woman of being aggressive or challenging
- Talking over women in a meeting (or men if more women in the room)



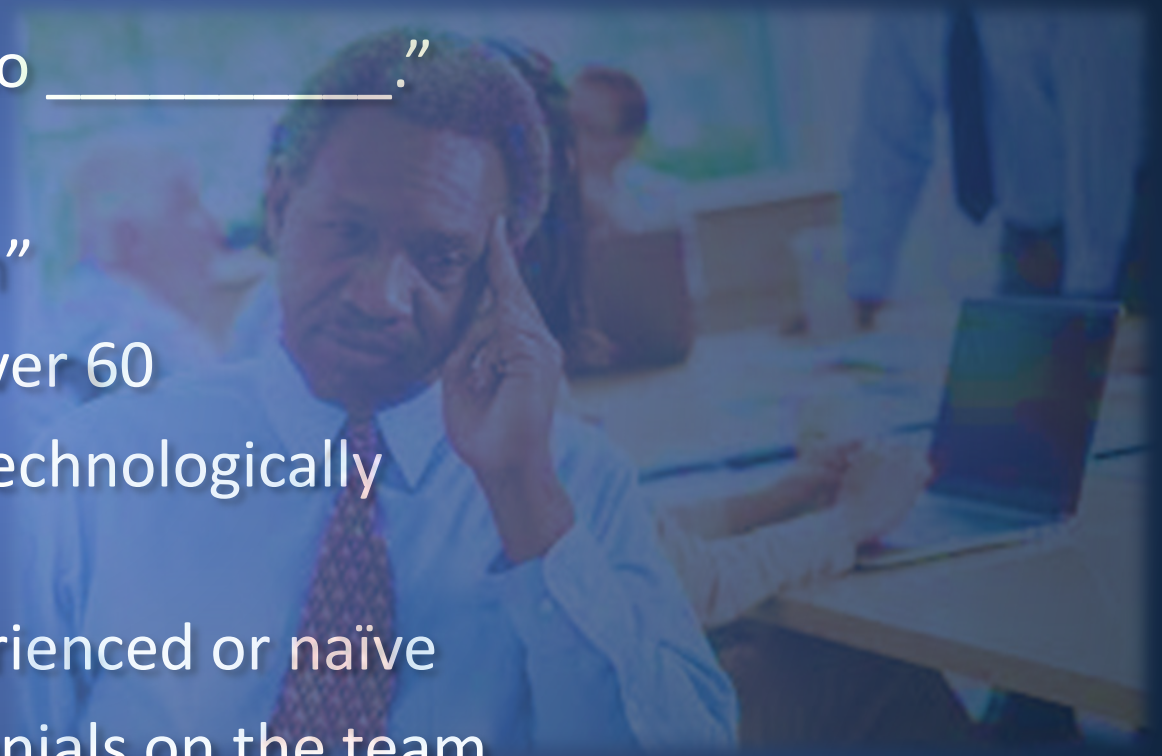
Examples of SAE - *Religion*

- Scheduling important events or deadlines on religious holidays
- Assuming everyone celebrates traditional American holidays (i.e., Christmas)
- Prayer in workplace
- Making jokes about religious clothing
- Using religious language in derogatory or appropriative ways (e.g., “spirit animal”)
- Calling someone “crazy” for their beliefs
- Making statements of superiority of one’s religion over another’s
- Endorsing religious stereotypes



Examples of SAE - *Age*

- Asking someone, “When are you going to retire?”
- Telling someone, “You’re too young/old to _____.”
- Calling someone a “Boomer”
- Suggesting an older adult is “out of touch”
- Speaking very loudly for any employee over 60
- Assuming that older workers are not as technologically savvy as their younger counterparts
- Assuming a younger person to be inexperienced or naïve
- Assigning all the grunt work to the millennials on the team
- Telling a millennial that they’re “too young” to understand or have an opinion on something



Examples of SAE - *Ability*

- “You are such an inspiration!”—highlights low expectations
- Asking, “So, what’s wrong with you?”
- Telling someone, “But you look so normal.”
- Aiding without asking—”Anything I can do to assist you?”
- Only making eye contact with the translator for a deaf person
- Speaking slowly to person in a wheelchair
- Assuming someone’s ability limits them from physical or mental activities
- Asking someone, “Can I pray for you?”
- Telling someone to “Get better.”



Questions to Ask Yourself

- Is what I am about to say/ask:
  - *Based on a stereotype or assumption?*
  - *Unnecessarily intrusive?*
  - *Overstepping?*
  - *Based in kindness?*
  - *A good use of my authority/privilege?*
  - *Going to make the person feel inadequate or excluded?*
  - *Going to question their normalcy?*
  - *Going to make them feel invisible?*
  - *Something I would say to a person of a different race/gender/sexuality/age/ability?*



Guidelines for Speaking Up

- Pause the action/conversation
- Assume good intent
- Explain why action/conversation was paused
- Have patience but expect progress

How to Respond to SAEs

- Consider:
  - timing
  - your relationship with the person
  - your own assumptions and beliefs about the person that may get in the way of having a productive conversation
  - having some “grace” with them
  - how to approach the person in a way that gets them to understand and change their future behavior
  - taking a deep breath and don’t get too reactive
- Try:
  - asking, “Can we talk about what just happened?”
  - clarifying what was said
  - clarifying their intent v. impact
  - sharing the impact it had on you
  - challenging their stereotype
  - appealing to their empathy/core values
  - connecting them to people/resources that can help shift their perspectives

Tips for Accepting Feedback

- Acknowledge the feedback with gratitude
- Replace defensiveness with curiosity and empathy
- Follow through and follow up

How to Get Better at Avoiding SAEs

- Listen carefully, don't interrupt and don't justify
- Focus on understanding the impact you had
- Take responsibility and apologize
- Seek permission to clarify/ask questions to understand more
- Seek out people you share an affinity with who can share helpful perspectives
- Continue to do your own work

In Conclusion

- Most people who commit microaggressions don’t realize that it’s generated from outside the level of conscious awareness of the perpetrator
- Since microaggressions are subtle, it's often hard to know if you're committing one or if you're on the receiving end
- Microaggressions can have macro impact
- Because microaggressions are often communicated through language, it is very important to pay attention to how we talk, especially in the workplace

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #36



Leading Diverse Generations

(b) (6)

DIRECTOR, OFFICE OF DIVERSITY, EQUITY, AND INCLUSION


Boomer


Gen X


Millennial


Gen Z

Every Generation At Work



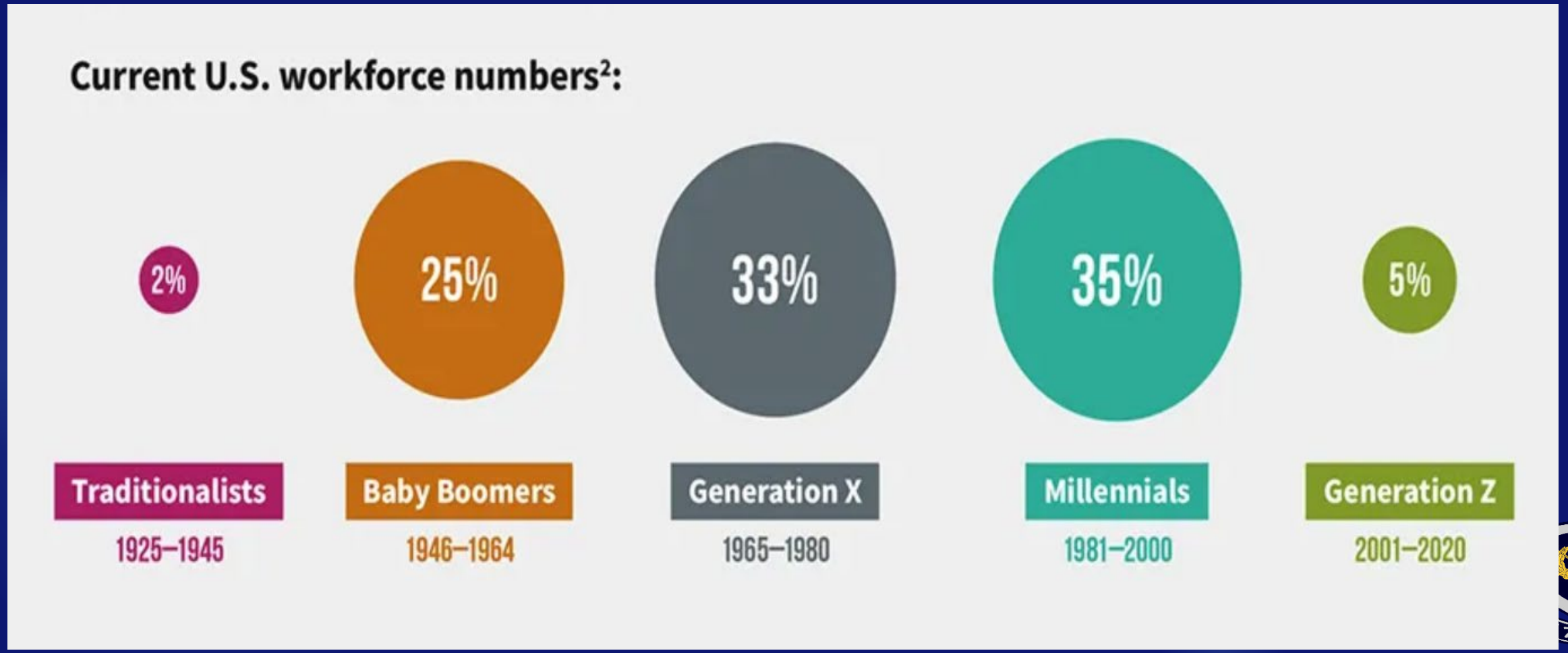
Elements that Make up a Generation

- Time in history
- Shared economies
- Technology
- Entertainment
- Tragedies, Heroes, Villians
- Shared Culture
- Family environments

Generations in the Workplace

The Silent Generation	Baby Boomers	Generation X	Millennials	Generation Z
				
1928 – 1945	1946 – 1964	1965 - 1980	1981 – 1996	1997 - 2012

Generational Breakdown of Workplace



Generations Trivia: Silents/Greatest

- **More than two decades before The Pretenders hit the charts with "Back on the Chain Gang," who recorded "Chain Gang" in 1960?**

- **Hint: One of the most soulful singers in 50s and 60s**
- **Answer: Sam Cooke**

The Silent Generation-1925-1945

- Currently make up 2% of the U.S. workforce
- *Did you know?*
  - ✓ About 19 million people belong to the silent generation (compared to 70 million baby boomers)
  - ✓ Many traditionalists have stayed with the same employer throughout their entire working lives
- Experienced: Great Depression, WWI, WWII, radio
- Common stereotypes: "old" in thoughts and attitudes; "silent"-- when actually outspoken and curious; rigid in opinions; nothing to contribute to today's problems
- See themselves as: hardworking, respectful of authority, conservative, ethical, dedicated, task-oriented

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
Silent/Traditional	Respect for Authority and Hierarchy	Loyal, long term committment	Linear, follow rules, not broken/don't fix	Respect, recognition, stability	Subtle and personalized

Generations Trivia: Baby Boomers

- **Playing the character of LTC Bill Kilgore, what actor said, "I love the smell of napalm in the morning"?**
- **Hint: He's a Du All or a Do Nothing kind of guy.**
- **Answer: Robert Duvall**

Baby Boomers- 1946-1964

- Currently make up **25%** of the U.S. workforce
- ***Did you know?***
  - 65% of baby boomers plan to work past age 65
  - 10,000 baby boomers reach retirement age every day
- **Experienced**: Moon Landing, Watergate, Vietnam War, Civil Rights Movement, TV
- **Common stereotypes: behind the times; don't embrace technology; grouchy; disinterested in learning new things**
- **See themselves as: optimistic, competitive, competent, ambitious, multi-taskers**

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Boomers	Challenge Authority, prefer flat democratic organizations	Loyal to the team and go the extra mile	Like Structure but challenge rules, cautious about change, work long hours	Company loyalty, teamwork, duty	Job titles, parking spaces, office size

Connecting and Leading Baby Boomers

- **Recognize their experience and expectations**
- **Ask them to share experiences and appreciate them**
- **Allow them to take charge of significant responsibility**
- **Give them space and resources—don’t micromanage**
- **Call on them to give back and coach others**
- **Remind them of their younger years if they get impatient**

Generations Trivia: Generation X

- **Who became the first American woman in space in 1983?**
- **Hint: This lady got to take the "ride" of her life!**
- **Answer: Sally Ride**

Generation X- 1965-1980

- Currently make up **33%** of the U.S. workforce
- ***Did you know?***
  - Gen Xers make up the highest percentage of startup founders at 55%
  - Gen Xers will outnumber baby boomers by 2028
- Experienced: the fall of the Berlin **Wall,** MTV, Nintendo, PCs
- Common stereotypes: lazy and skeptical; known for questioning authority; cynical & poor team members; spoiled
- See themselves as: adaptable, flexible, pragmatic, independent, results-focused, self-starters

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Boomers	Challenge authority, prefer flat democratic organizations	Loyal to the team and go the extra mile	Like Structure but challenge rules, cautious about change, work long hours	Company loyalty, teamwork, duty	Job titles, parking spaces, office size
Gen X	Unimpressed with authority, expect their competence to be respected	Loyal to their manager, career just one part of their identity	Flexible, see change as an opportunity	Personal-professional interest rather than company, flexible work	Immediate feedback, informal, publicly communicated

Connecting and Leading Generation X

- **Listen and Communicate understanding—Build relationship**
- **Be honest—they know life is tough—don't pretend it isn't**
- **Give them places for authentic community**
- **Give minimal boundaries**
- **Influence through relationship not position**

Generations Trivia: Millennials

- **What game came bundled with the original Game Boy?**
- **Hint: When this game dropped, it hit me like a ton of bricks.**
- **Answer: Tetris**

Millennials -1981- 1996

- Currently make up **35%** of the U.S. workforce
- ***Did you know?***
  - ✓ By 2025, millennials will comprise 75% of the global workforce
  - ✓ About 15% of millennials age 25–35 live at home with their parents
- **Experienced: 9/11, Columbine, the internet, mobile technology**
- **Common stereotypes: sheltered; few practical skills; technologically obsessed; job-hoppers; entitled; praise-hungry**
- **See themselves as: innovative, ambitious, multi-taskers, tenacious, entrepreneurial**

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
Silent/Traditional	Respect for authority and hierarchy	Loyal, long term committment	Linear, follow rules, not broken/don't fix	Respect, recognition, stability	Subtle and personalized
Boomers	Challenge authority, prefer flat democratic organizations	Loyal to the team and go the extra mile	Like Structure but challenge rules, cautious about change, work long hours	Company loyalty, teamwork, duty	Job titles, parking spaces, office size
Gen X	Unimpressed with authority, expect their competence to be respected	Loyal to their manager, career just one part of their identity	Flexible, see change as an opportunity	Personal-professional interest rather than company, flexible work	Immediate feedback, informal, publicly communicated
Millennials	Respect competence	Loyal to colleagues, expect equity	More fluid, expect to make the rules with change = improvement	Responsibility, unique experiences, flexibility	Regular, informal

Connect and Leading Millennials

- Create incentive—clarify the “why”
- Micromanage at first—offer consistent feedback
- Let them share their ideas
- Communicate the importance of their work—connect to mission
- Tell them the truth
- Celebrate progress
- Manage by objective
- Mentor more than manage

Generations Trivia: Generation Z

- **What pop singer became the first male to appear solo on the cover of Vogue?**
- **Hint: He was pictured wearing a dress.**
- **Answer: Harry Styles**

Generation Z – 1997-2020

- Currently make up **5%** of the U.S. workforce
- Most racially and ethnically diverse generation
- Most activist generation—played crucial roles in social movements
- Mental health issues
- ***Did you know?***
  - ✓ 40% of Gen Z wants to interact with their boss daily or several times each day
  - ✓ 84% of Gen Z expects their employer to provide formal training
- **Experienced: Economic downturn, global warming, COVID**
- **Common stereotypes: obsessed with social media; self-centered; little knowledge of real life; technologically dependent; have a short attention span; reward seekers**
- **See themselves as: competitive, tech-savvy, interactive, social, progressive**

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
Silent/Traditional	Respect for authority and hierarchy	Loyal, long term committment	Linear, follow rules, not broken/don't fix	Respect, recognition, stability	Subtle and personalized
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Millennials	Respect competence	Loyal to colleagues, expect equity	More fluid, expect to make the rules with change = improvement	Responsibility, unique experiences, flexibility	Regular, informal
Gen Z	No one way conversations, want to be engaged	Loyal to the experience, invested in their career	Agile, seek balanced rules, change is reality	Personalized, independence, ability to work on multiple projects	Regular, in-person

Connecting and Leading Generation Z

- Increase Information sharing to alleviate fears of uncertainty
- Show them paths to career progression
- Explain how their individual contributions matter—purpose driven
- Give them room for autonomy and keep them motivated
- Provide specific constructive feedback to demonstrate you are invested in them
- Harness community and connection to engage and empower them
- Prioritize wellness and mental health to show you care
- Build the relationship before expecting trust

Army Values and Gen Z

- Loyalty/Duty/Honor-Lack of faith in institutions
- Respect-treat others as they want to be treated
- Selfless Service-more individualistic
- Integrity-believe in doing what's right but are pessimistic about leaders
- Personal Courage-have but also anxious



“With warfare becoming more complex, the Army will need an officer corps with an increasingly diverse set of skills and individual officers that are as adaptive and innovative as they are disciplined and fit. The only way to develop these officers is to lean into some of the unique strengths of Generations Y and Z and reward them for changing the mold rather than simply fitting it.”

“The Changing Character of Followers” by Al Boyer and Cole Livieratos



QUESTIONS?



Presentation #37

Equity & Privilege



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

OTJAG ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Introduction

- Acknowledging and understanding privilege allows us to recognize there are things we may take for granted that are not afforded to everyone
- Understanding that others may not have had the same experiences that we had, is a crucial part of developing cultural competence and humility
- Recognizing our own privilege is not about guilt, but allows us to better work within the diverse communities of which we may be a part
- We must understand that others may have faced barriers to equity that we may not have

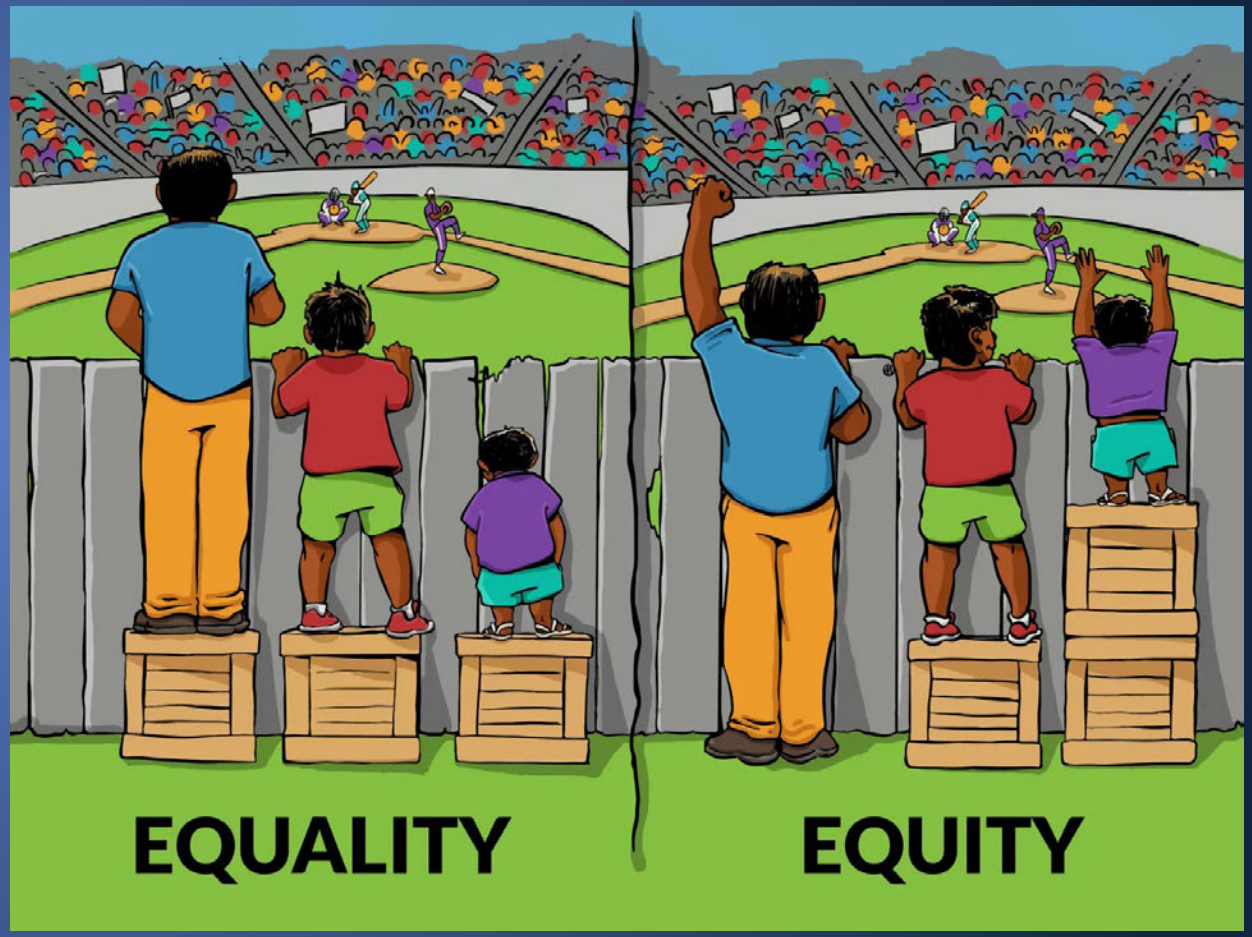
Equity

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force



Equity v Equality

- Whereas *equity* recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access

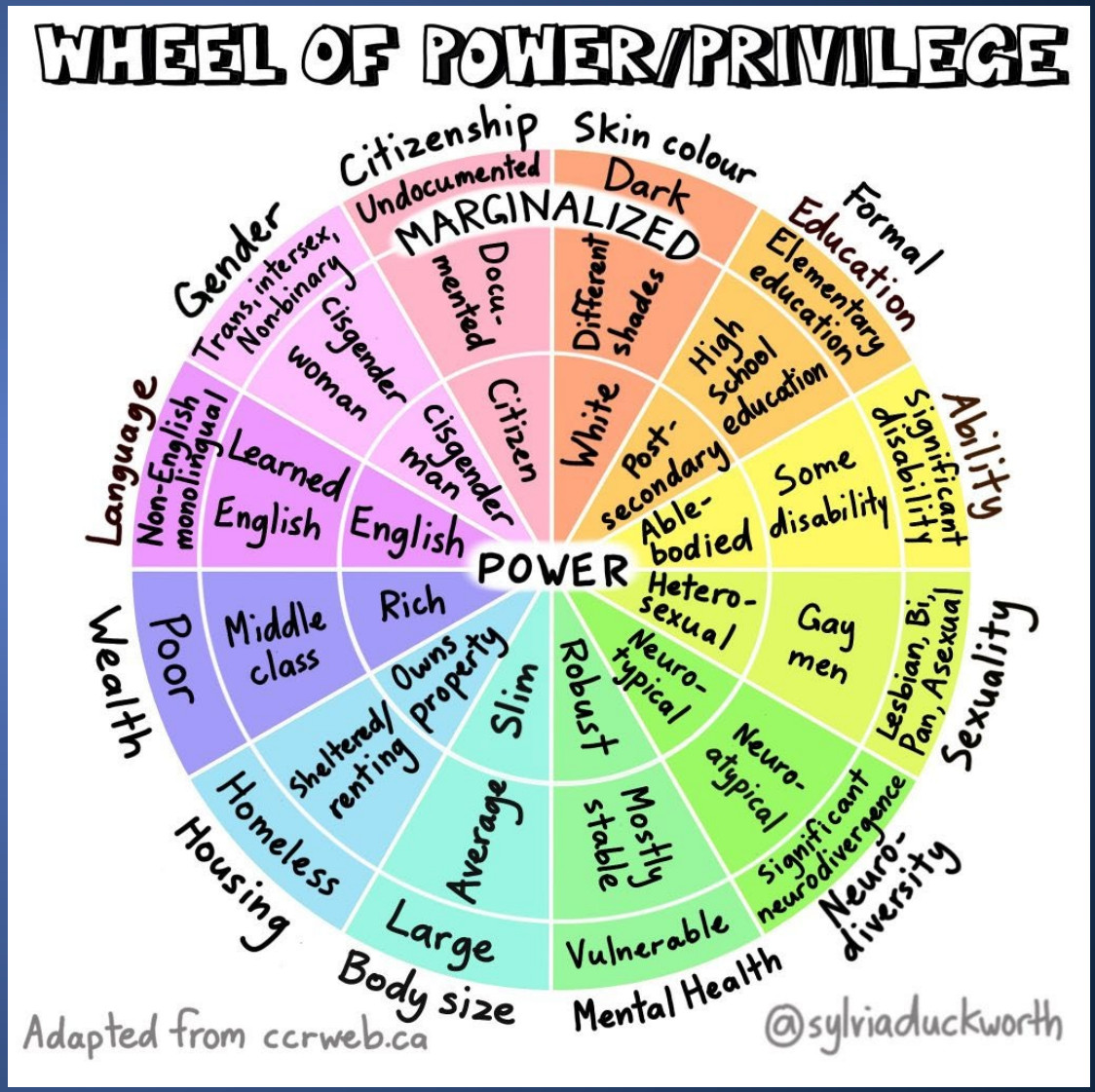


Advantage v Privilege

- **Advantage** – an edge, a lead, leverage, an upper hand
  - a condition or circumstance that puts an individual or group of people in a favorable or superior position
  - can be both born out of privilege (primary legacy college admittance) and earned (academic scholarship to an elite academic institution)
- **Privilege** - "Privilege" refers to **certain social advantages, benefits, or degrees of prestige and respect that an individual has by virtue of belonging to certain social identity groups**
  - "*Access to privilege doesn't determine one's outcomes, but it is definitely an asset that makes it more likely that whatever talent, ability, and aspirations a person with privilege has will result in something positive for them*." - Peggy McIntosh

Power & Privilege

- Sylvia Duckworth's illustration of Wheel of Power/Privilege can help us get a more intricate visualization of the term “marginalized“ - treated as insignificant or peripheral
- The further you are from power, the more ignored and unimportant you may feel
- As you try to place yourself in the different categories, notice how your level of power/marginalization shifts between categories
- A different way to interpret this illustration is through an intersectionality lens



Examples of Privilege

- Gender Privilege
- Racial Privilege
- Heterosexual Privilege
- Socioeconomic Privilege
- Able-Bodied Privilege
- Language Privilege
- Religious Privilege
- Age Privilege
- Beauty Privilege
- Couple Privilege



Gender Privilege

The unearned social, economic, and political advantages or rights that are granted a specific gender solely on the basis of their sex

- I’m almost never asked "when do you plan on having children" by my colleagues
- I can easily find a professional mentor of my gender
- The presence of my gender will not be billed as a "perk" at a conference
- I will never hear "the first male" when holding a title or status
- My relationship status is not a primary topic of conversation
- I rarely worry about unsolicited sexual advances at a professional or social gathering
- I never feel anxious about "sticking out" as one of the few members of my gender in attendance



Racial Privilege

The unearned advantages afforded to people based largely on complexion and related physical features

- I am never asked to speak for all people of my racial group
- My children will be given an academic curriculum that can testify to the existence of their race
- I can count on my skin color to not work against the appearance of financial reliability
- I can do well in challenging situations without having it be called a credit to my race
- I can take a job or enroll in a college that has affirmative action policies and not have my peers assume I got it because of my race



Heterosexual Privilege

Unearned, often unconscious benefits afforded to heterosexuals based on their sexual orientation

- I can express affection in most social situations and not expect hostile or violent reactions from others
- I feel comfortable living with my partner openly
- It is easy for me to find role models of my gender and sexual orientation
- I can raise, adopt, and teach my children without people believing that I will force them into my sexuality



Socioeconomic Privilege

The benefit from one's hierarchical standing within a society based on social identity, economic factors, and access to diverse forms of capital

- ❑ I buy what I need and want without worry
- ❑ I do not fear being homeless or hungry
- ❑ I am free of the burden of debt
- ❑ I can get a loan/mortgage at a bank with little nuisance
- ❑ I can live where I choose and expect that I will be welcomed there
- ❑ I can sleep all day and still make money
- ❑ I am believed to be innocent by the criminal justice system until proven guilty
- ❑ I can give my children an inheritance



Able-Bodied Privilege

Able-bodied privilege is an advantage people gain simply because they are not limited by physical or mental impairments

- I can walk, see, talk, hear, and feel
- I can drive and access public transportation
- I do not need help communicating
- My achievements are not deemed as an inspiration
- I am not the punchline of ableist jokes



Language Privilege

Language privilege refers to the benefits and advantages a person receives due to the language they speak and its prevalence worldwide

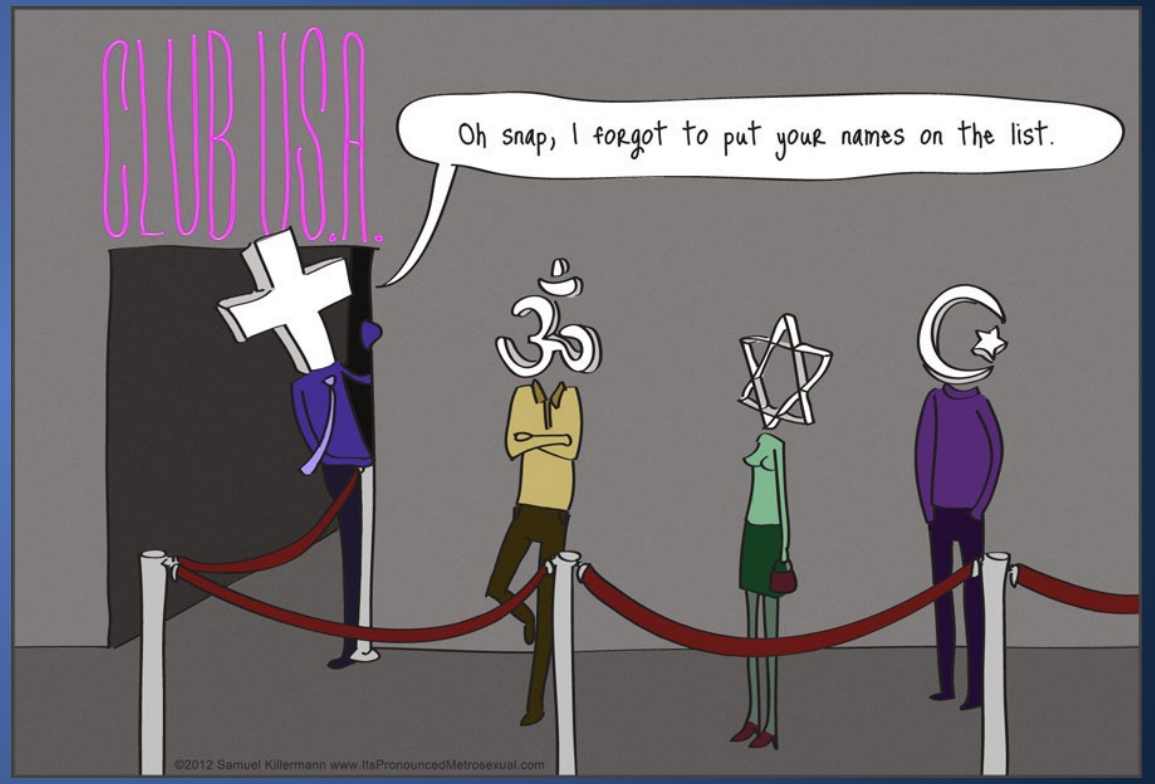
- I can travel the world with a reasonable assumption that someone will speak my native language
- I do not have to “code-switch” between dialects based on my surroundings
- My dialect is preferred in business and educational settings



Religious Privilege

Religious privilege is a social advantage that is bestowed upon members of the dominant group where unconscious or conscious attitudes and beliefs are advantageous to group member over non-members in society

- I can expect to have time off to celebrate holidays that align with my religion
- I can worship freely without fear of violence or threats
- When swearing an oath, you will place your hand on a religious scripture pertaining to your faith



Age Privilege

Age is *a double-edged sword* when it comes to privilege and should be viewed as a factor with multiple facets of influence

- My age is not used as the punchline of a joke
- I am not assumed to be technologically illiterate
- I am not assumed to lack knowledge because of my age
- Beauty products are not designed to avoid the signs of my current age
- People do not talk down to me or patronize me because of my age
- People do talk down to me or patronize me because of my age
- People never say “You’re too young to do that job”



Beauty Privilege

A principle that people who are deemed attractive based on beauty standards that stand in society, have an upper hand, and are afforded many opportunities that regular people who society regards as unattractive don't have

- ❑ I am more likely to be hired than someone who is unattractive
- ❑ I am more likely to get out of doing unpleasant tasks
- ❑ People often assume I am rude or unapproachable
- ❑ I have been unjustly criticized for being cocky or conceited
- ❑ I've intentionally "dressed down" in an effort to be taken more seriously in the workplace
- ❑ I have been given assignments that my other more qualified colleagues deserve



Couple Privilege

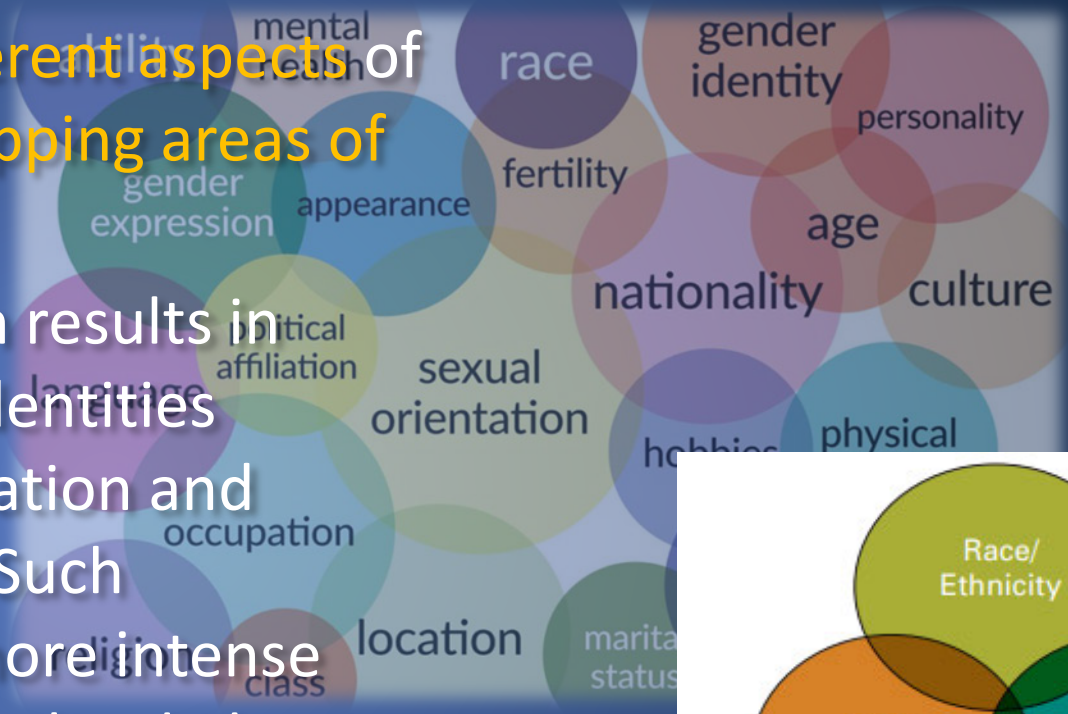
The advantages, benefits and accommodations that couples are automatically given in society over single people or non-nested partners

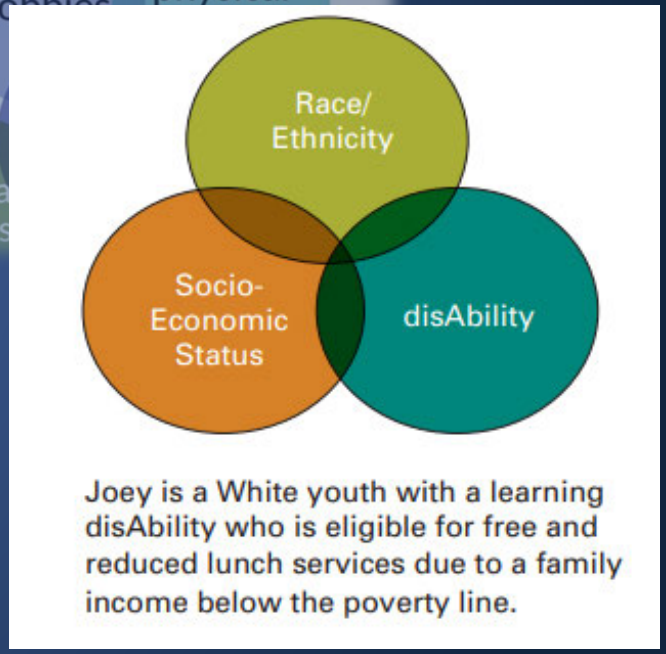
- I feel awkward dining in a restaurant alone
- It's difficult getting medical treatment without a ride home
- Valentine's Day…bah humbug
- I never get invited to "couples" events
- I have no one to split the bills with
- I never get the option of bringing a plus-one to an event—friends don't count
- I don't get the benefit of a co-signer on a loan



Intersectionality

- Intersectionality - refers to how different aspects of a person combine and create overlapping areas of privilege and oppression
- Holding one of these identities often results in facing discrimination. When these identities intersect, the likelihood of discrimination and oppression increases exponentially. Such experiences are distinct and often more intense than those related to a single marginalized identity and can magnify social and economic disadvantage. *Or the inverse when speaking of privilege





Joey is a White youth with a learning disAbility who is eligible for free and reduced lunch services due to a family income below the poverty line.

Intersectionality Exercise

- Gen Z
- College graduate
- Middle-Class
- Physical disability
- Ivy-League graduate
- Dual-Citizen
- Latino
- Caucasian
- Family-owned Business
- Divorced
- Bi-Lingual
- Member of the LGBTQIA+ Community
- Christian
- Heterosexual
- U.S. Born
- College athlete
- Asian American
- Tall
- Married
- Spiritual
- 1st-generation college student
- Land owner

Questions to Consider

- Which aspect(s) of your identity provide the most access or privileges?
- Which aspect(s) of your identity hurt your options or opportunities the most? Why?
- What aspect(s) of your identity have the strongest effect on your self-image? How?
- What aspect(s) of your identity play a greater role in how others see you? How?
- How can you use your privilege to support others?

In Conclusion

- We all have been afforded certain privileges and advantages at one time or another
- Having privilege does not mean that an individual is immune to life's hardships, but it does mean they have--at some time or another--received an unearned benefit or advantage, by nature of their social identity
- Certain aspects of our identity can be privileged while others can be marginalized
- Intersectionality shows us how some aspects of our identity result in privilege and more opportunities, while others result in oppression and/or additional barriers
- Equity requires us to acknowledge our privileges so that we may assist in the equitable distribution and management of resources and opportunities **for all**

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmailcom
  - https://wwwfacebookcom/jagchispanicmentorship3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmailcom
  - https://wwwfacebookcom/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagcapan@gmailcom
  - wwwfacebookcom/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmailcom
  - https://wwwfacebookcom/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmailcom
  - https://wwwfacebookcom/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://wwwjagcnet2armymil/Sites/DivIncnsf

MilSuite

https://wwwmilsuitemil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #38

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

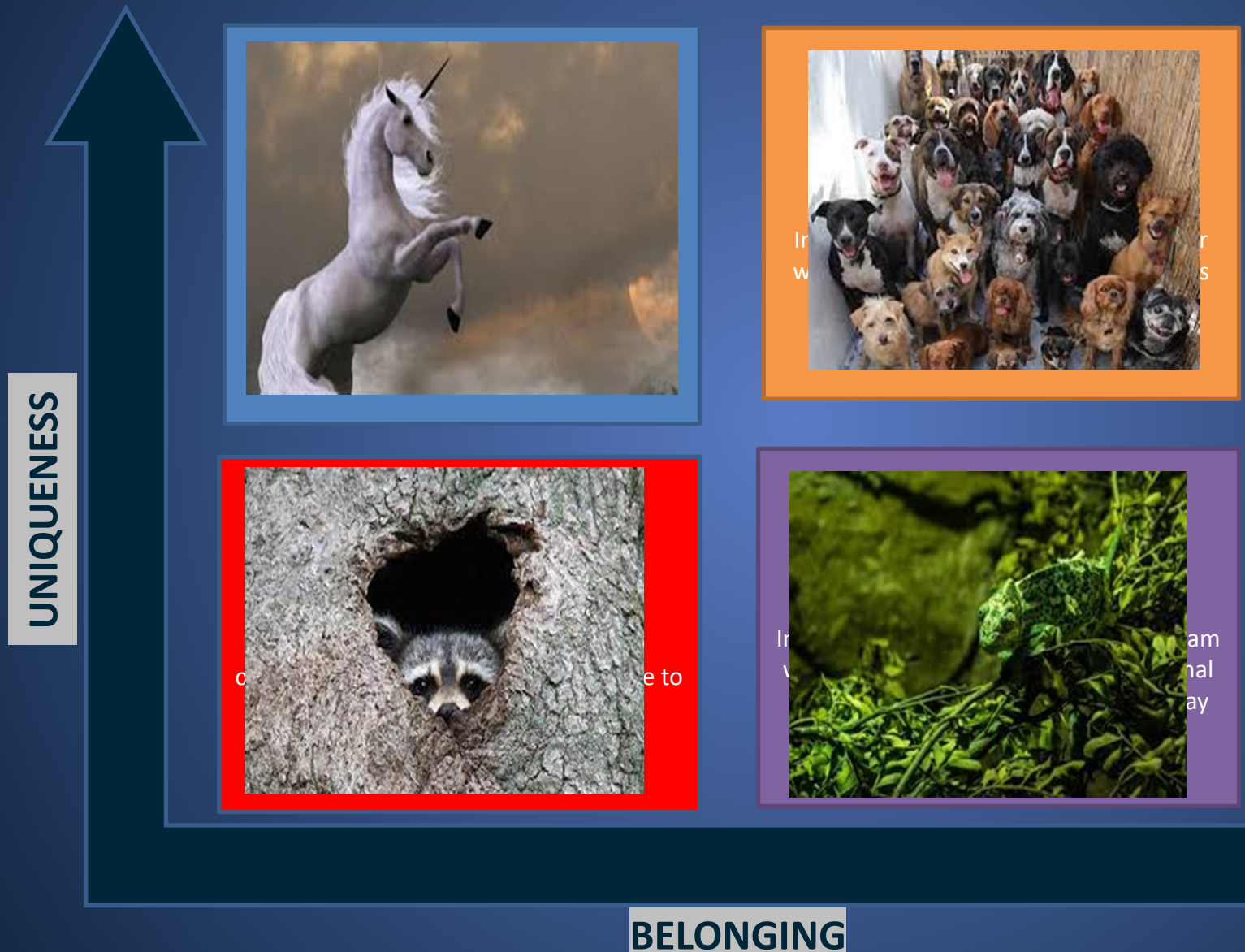
Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

People with Disabilities and Reasonable Accommodations

- An individual with a disability, as defined in the Americans with Disability Act, is someone who has a physical or mental impairment that substantially limits one or more major life activities
- Federal agencies are required by law to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship
- An accommodation is any change in the work environment or in the way things are typically done that enables an individual with disabilities to partake in employment opportunities

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #39

Recognizing & Mitigating Bias in MJ



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6) Program Specialist

Introduction

- How does decision-making work?
- What is cognitive bias?
- Why implicit bias training?
- How it can influence your work
- Mitigation

BEFORE WE GET STARTED



WHAT THIS CLASS IS NOT







Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

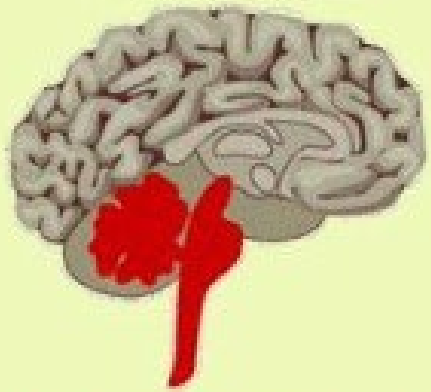
Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

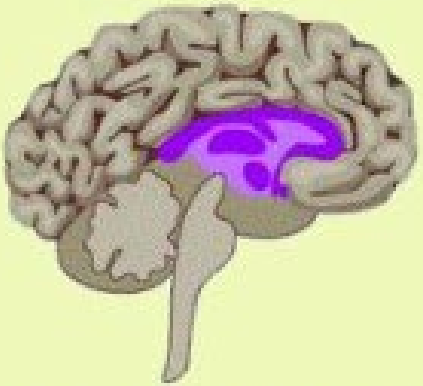
Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

How does the brain work?

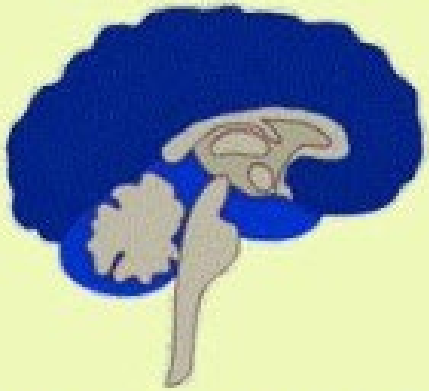
The Three-Parted Brain



Lizard Brain
(Brain stem and cerebellum)
Autopilot
Fight & Flight



Mammal Brain
(Limbic System)
Emotions
Memories
Habits
Attachments

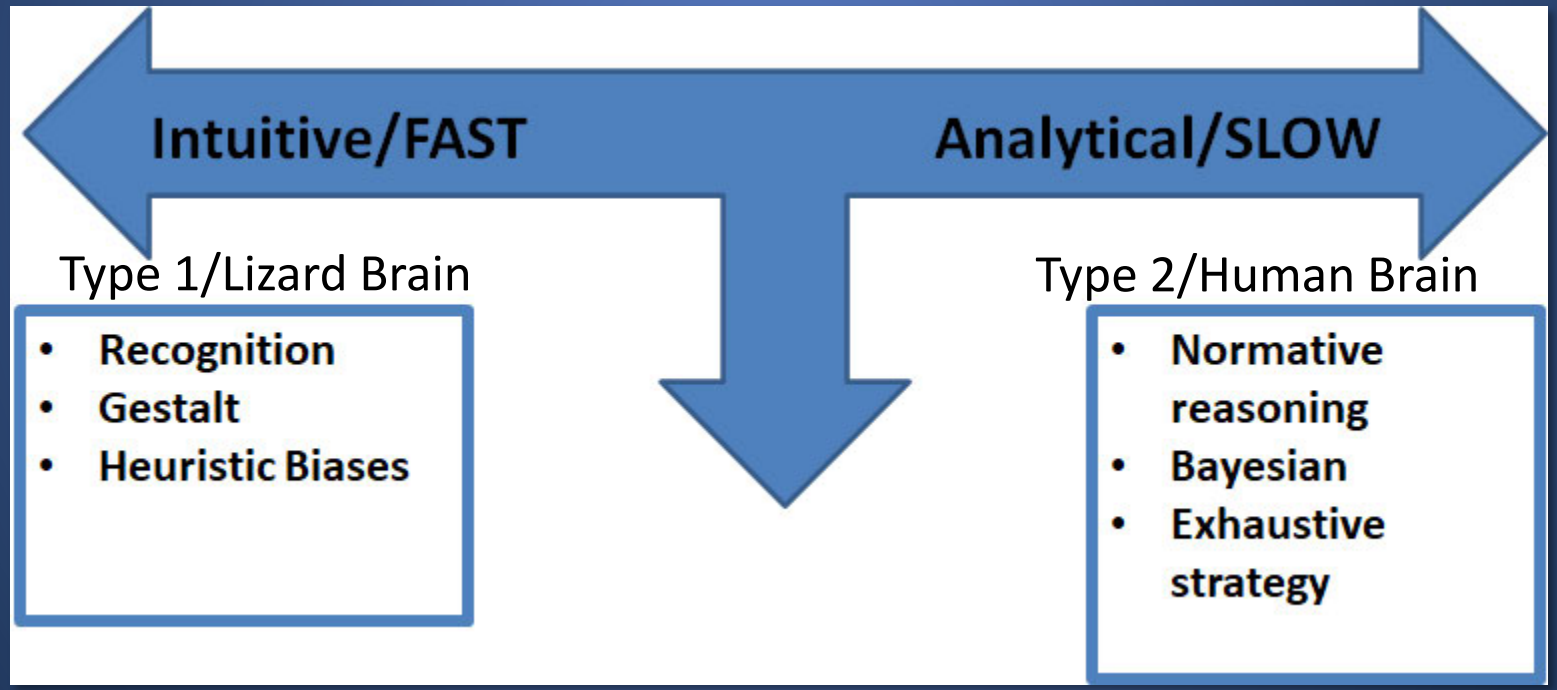


Human Brain
(Neo-Cortex)
Language, abstract thought, imagination, consciousness, reasoning, rationalising

(From Paul D. MacLean's model of the "Triune Brain")

Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Heuristics

Heuristics

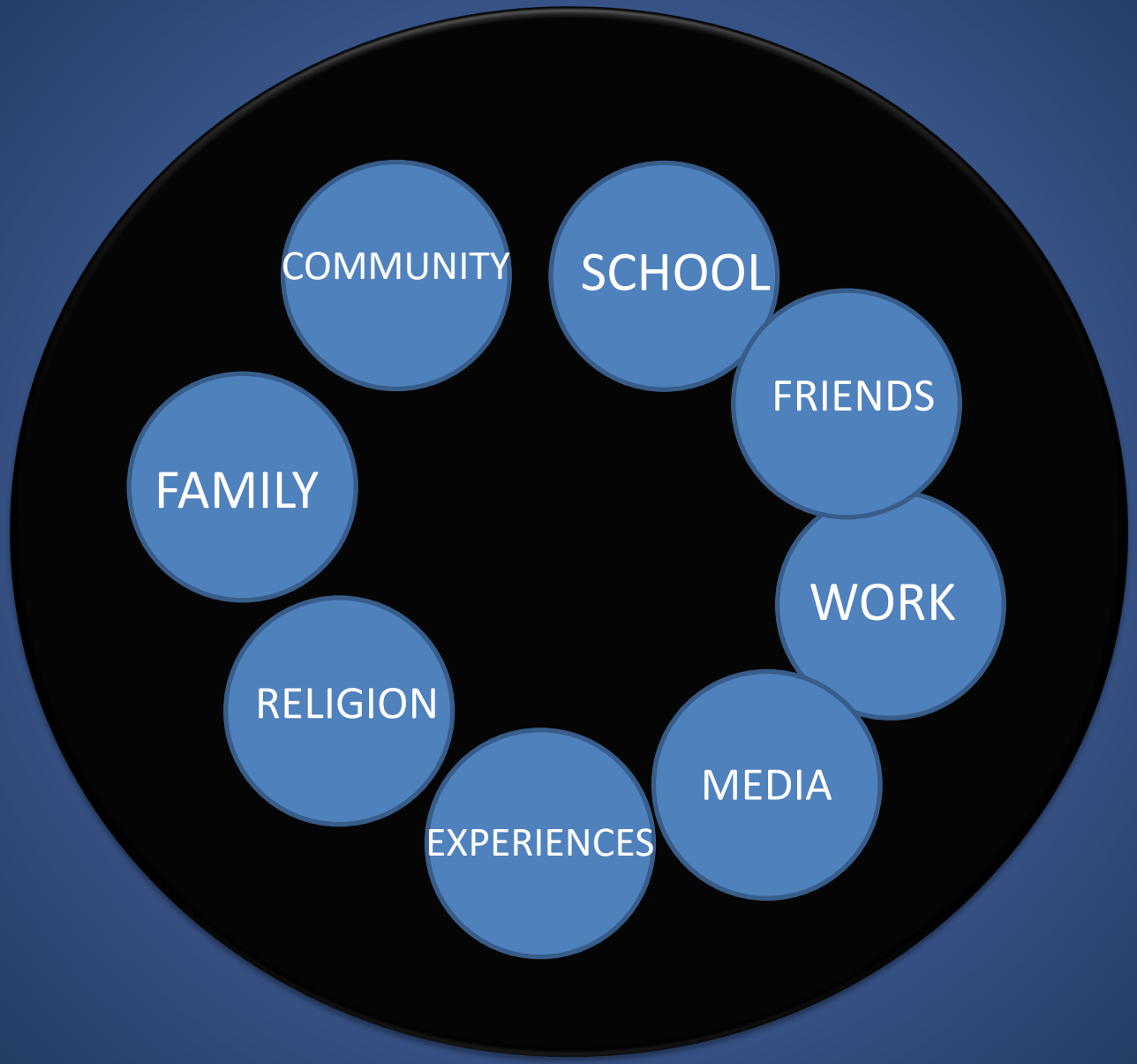
Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

Our Heuristics Come from Our Environment



Who’s always driving this van?



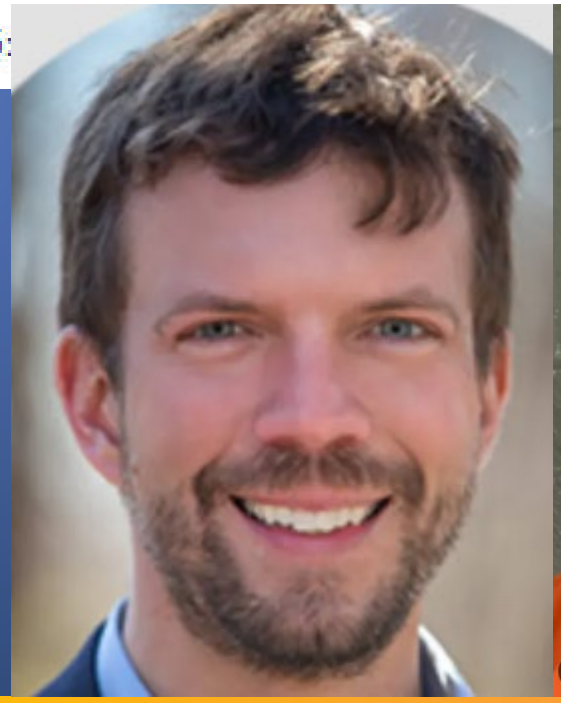
First Impression:

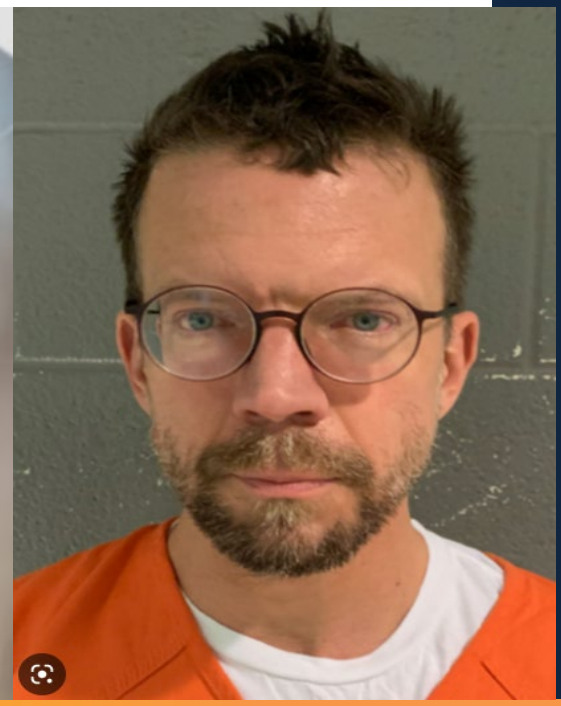
Allegation of child pornography possession

- Sex?
- Age?
- Race?
- Education level?
- Occupation?

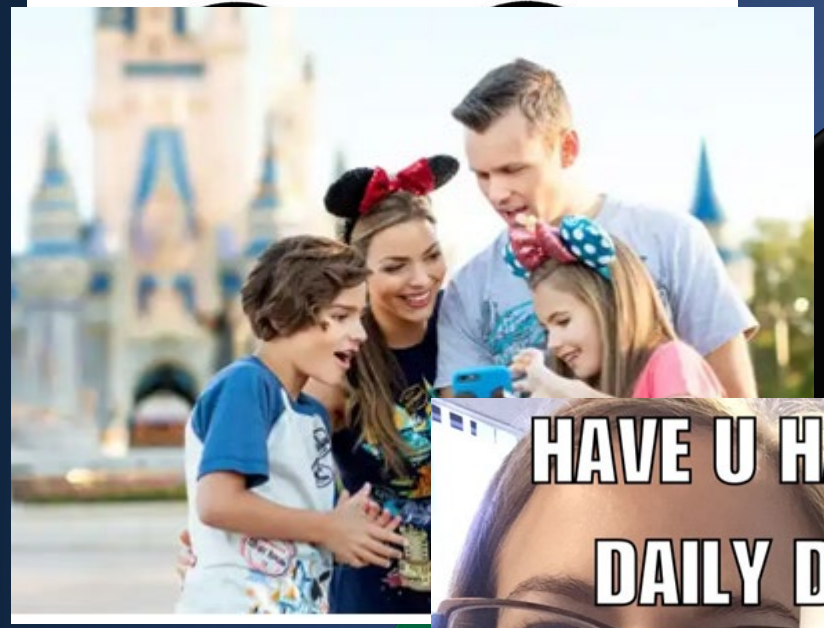
Former College Park mayor held without bond after arrest on child pornography charges

by 7News Staff | Mon, March 6th 2023, 5:





ses Come from Our E

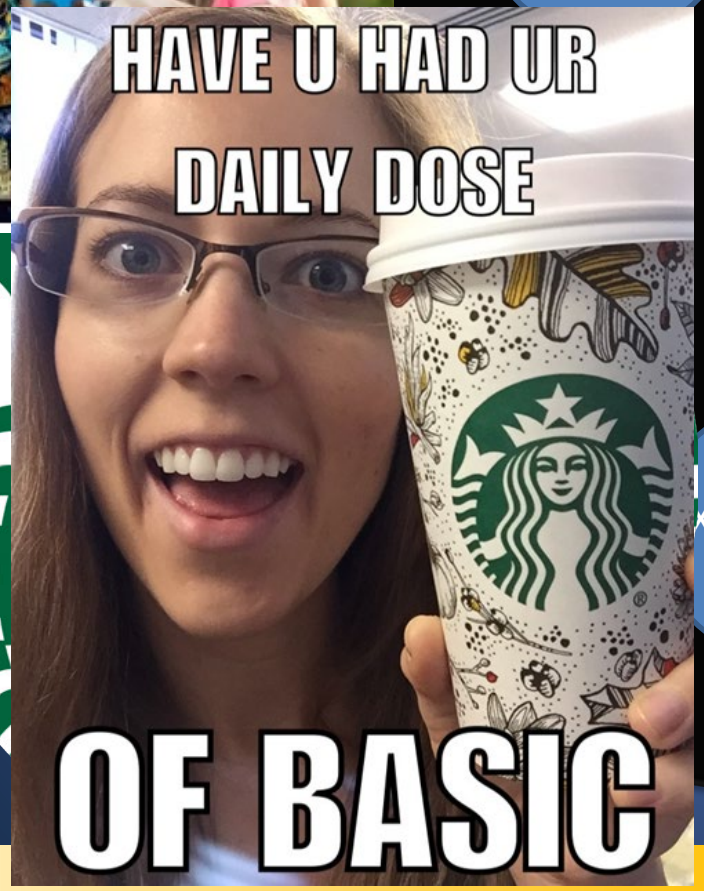


COMMUNITY

SCHOOL

FRIE





XPERIEN






COPS



Explicit vs. Implicit Bias

Explicit Bias: "attitudes and beliefs we have about a person or group on a conscious level"

Implicit Bias: "The brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness."

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

More Heuristics in Practice

Hypothetical

CPT Stone, commander of HHC, gets a call from 1LT Timmons, one of his platoon leaders. 1LT Timmons is his best performing PL, and has served with CPT Stone for 18 months. 1LT Timmons tells CPT Stone that he received an allegation of misconduct.

- PVT O'Neal alleges that SPC Steele has been maltreating him.
- 1LT Timmons has looked into the matter and says there is no issue.
- CPT Stone listens to 1LT Timmons's explanation and trusts 1LT Timmons's judgment.

Heuristics

Blind Obedience / Halo Effect

Showing undue deference to authority, technology, or factors such as attractiveness

- *My boss says because of this, it can't be this.*
- *In the past my boss handled issues this way, so I will do the same.*



Heuristics: Bias by any other name…

Emotional Bias

Negative or positive feelings towards Soldiers influences view of case of disposition (counter-transference)

E.g Soldier with background notable for previous Art 15 for disrespect, saying they didn't say what they're accused of saying, …… "Yeah, they said it"



Hypothetical (Continued)

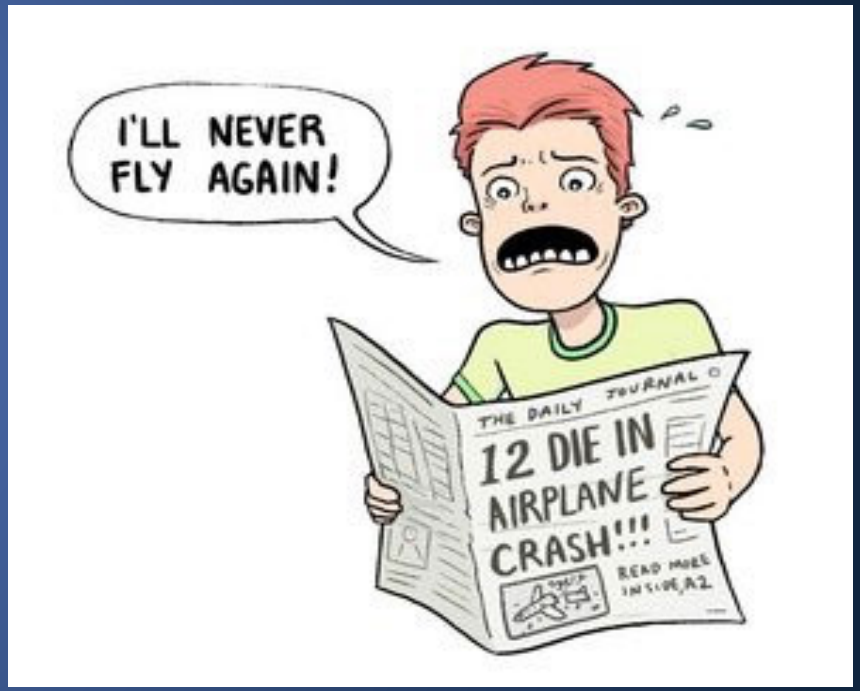
CPT Stone reports the maltreatment allegation to his BN commander, LTC Boggs.

- LTC Boggs has recently completed another maltreatment investigation from another company where the alleged victim eventually admitted that she exaggerated her allegations because she felt her supervisor was too hard on her. LTC Boggs is dubious of this new allegation and asks about PVT O'Neal's duty performance.

Heuristics

Availability Bias

Recall a similar situation, case, or other information because it happens to be a recent experience or comes to your mind quickly



E.g. A commander's incident report lands are your desk. While scanning the report you notice many details similar to a case you were briefed on last week. You know how this case will play out because it's a "fresh" and "available" entity in your mind.

Hypothetical (Continued)

LTC Boggs, in accordance with policy, sends an initial report to COL Larson, the BDE commander.

- “Sir, looks like we have another one. All indications are that the low performing Soldier is trying to deflect from his deficiencies by pointing a finger at a great young trooper. I can get you more information as we go along.”
- COL Larson: “Boggsy, I got it. Get with JAG so we can close this out, but I fully understand what is going on.”

Heuristics

Anchoring Bias

Focus on features in the Soldier's initial presentation or first bits of information too early in the investigative process without adjusting the charges or desired outcome when further information is/becomes available.

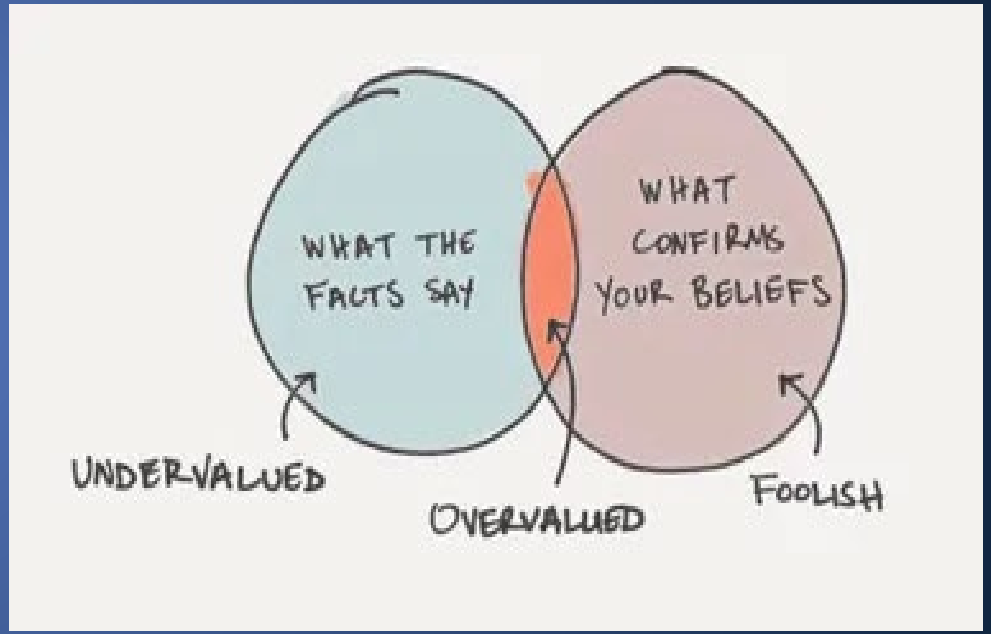


Heuristics

Confirmation Bias

Notice and consider only the facts and details that favor our hypothesis and ignore aspects inconsistent with it.

Example: A Soldier with a history of …… charges, upon file review, you only look for the instances that strengthen your belief about the Soldier.



Edgar & Edgar 2016, Nickerson 1998

IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

WHY DO WE NEED IMPLICIT BIAS TRAINING?

Why do WE need implicit bias training?

Inside the Army's Decision to Eliminate Photos from Officer Promotion Boards

The study showed that using official photos led to decisions from board members that appeared to reveal unconscious bias, Army officials say.

"It's just that people, even if they don't think about it, they tend to want to be around people that look and think and act like them," said Army Chief of Staff

Article: https://www.military.com/daily-news/2020/06/25/inside-armys-decision-eliminate-photos-officer-promotion-boards.html

Authority to Conduct Implicit Bias Training

14 July 2020 Memo by SecDef, "Immediate Actions to Address Diversity, Inclusion, and Equal Opportunity in the Military Services:" "I . . . direct[ed] a three-pronged approach to take the initiative against discrimination, prejudice, and bias in all ranks of our Armed Forces. The purpose of this approach is to **promote the morale, cohesion, and readiness of the force**. Each effort aims to identify actions the Department can take within policies, programs, and processes to improve diversity, inclusion, and equal opportunity for our Service members" including "Add[ing] **bias awareness and bystander intervention to the violence prevention framework. Addressing racial prejudice and bias within the force requires a combination of ongoing skill development, leadership, and accountability**."

10 U.S.C. 113(g)(1)(B): "Each national defense strategy shall include . . . Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces."

The Problem Has Been Studied

1972 Department of Defense Task Force on the Administration of Military Justice in the Armed Forces: Data showed a "clearly discernable disparity in disciplinary rates between black and white servicemen," including the statistic that although Black servicemembers made up 16% of the force, they made up 25% of nonjudicial punishment issued. **Black servicemembers represented 34.3% of accused at GCM and SPCMs.**

1992 Defense Equal Opportunity Management Institute (DEOMI): Racial disparities in arrest, nonjudicial punishment, and courts-martial preferral and referrals. **"Black[] [servicemembers] were . . . 1.7 times more likely to receive nonjudicial punishments than their white counterparts."**

And Studied…

2017 Protect Our Defenders Report: "[F]or every year reported (2006 – 2015) and across all service branches, black service members were substantially more likely than white service members to face military justice or disciplinary action, and these disparities failed to improve or even increased in recent years." **Black Soldiers were 1.61 (61%) times more likely to face GCM or SPCM than White Soldiers.**

2019 Government Accountability Office Report: Services uniformly track subjects by gender, but not by race/ethnicity. "Racial and gender disparities exist in investigations, disciplinary actions, and punishment of servicemembers in the military justice system[.]" **Black servicemembers were 2.11 times more likely to be the subject of an investigation than a White servicemembers.**

And Studied…

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD):

Accessions Waivers for Drugs/Alcohol/Misconduct

Surveillance Drug Testing and ASAP Referrals

Family Advocacy Program Substantiation of family Abuse

Sexual Assault Reporting

Law Enforcement Reporting & Law Enforcement Officer Discretion

Adverse Administrative Separation for Misconduct

Non-Judicial Punishment Outcomes for Military Discipline Offenses (Disrespect)

Courts-Martial

Appellate Issues

Professional Responsibility Complaints against Judge Advocates

Army Corrections Command

Army Clemency and Parole Board

And Studied…

2022 Holistic Evaluation and Assessment of Army Racial Disparities (HEARD): **Army-specific analysis of racial disparity Military Justice system.** "The report found that racial disparity does exist in a number of key areas across the military justice system, disciplinary processes, and military personnel policies. The report's findings will enable us to immediately enact policies to begin addressing racial disparities, while also serving as a point for further study and data gathering. Our shared Army values of values diversity, equity, and inclusion will inform these efforts." ~ *Sec. Army Wormouth*

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Where Bias Can Influence Commanders & JAs

Pre-Trial Investigation and Charging Decisions

- Assumptions as to who may be offender & victim
- Lack of empathy of suspect/accused of a racial minority
- Assigning attributes based on impressions, not on facts (e.g., Black subject "Looks angry/mean" where White subject "Looks young and naive")
- Informs beliefs as to credibility of subject/accused or other witnesses of color
- **Fill in factual gaps with assumptions based on stereotypes**

Trial Strategy

- Peremptory challenges for facially race-neutral reasons but applied only to racial minorities *See Flowers v. Mississippi,* 139 S. Ct. 2228 (2019).
- Assumptions about how panel members see evidence (Minority member more sympathetic? Female member less sympathetic in sex assault case?)
- Closing argument tinged with racial animus ("He's an animal," "A thug")

MITIGATION

Continue training

- Disseminate this through your office (this is not just a legal issue; it is a leadership issue)
- DEI training in office (LDP) ✓
- Identify distractions and sources of stress in the decision-making environment
- Bias awareness/interruption (work with Operational Psychologists)

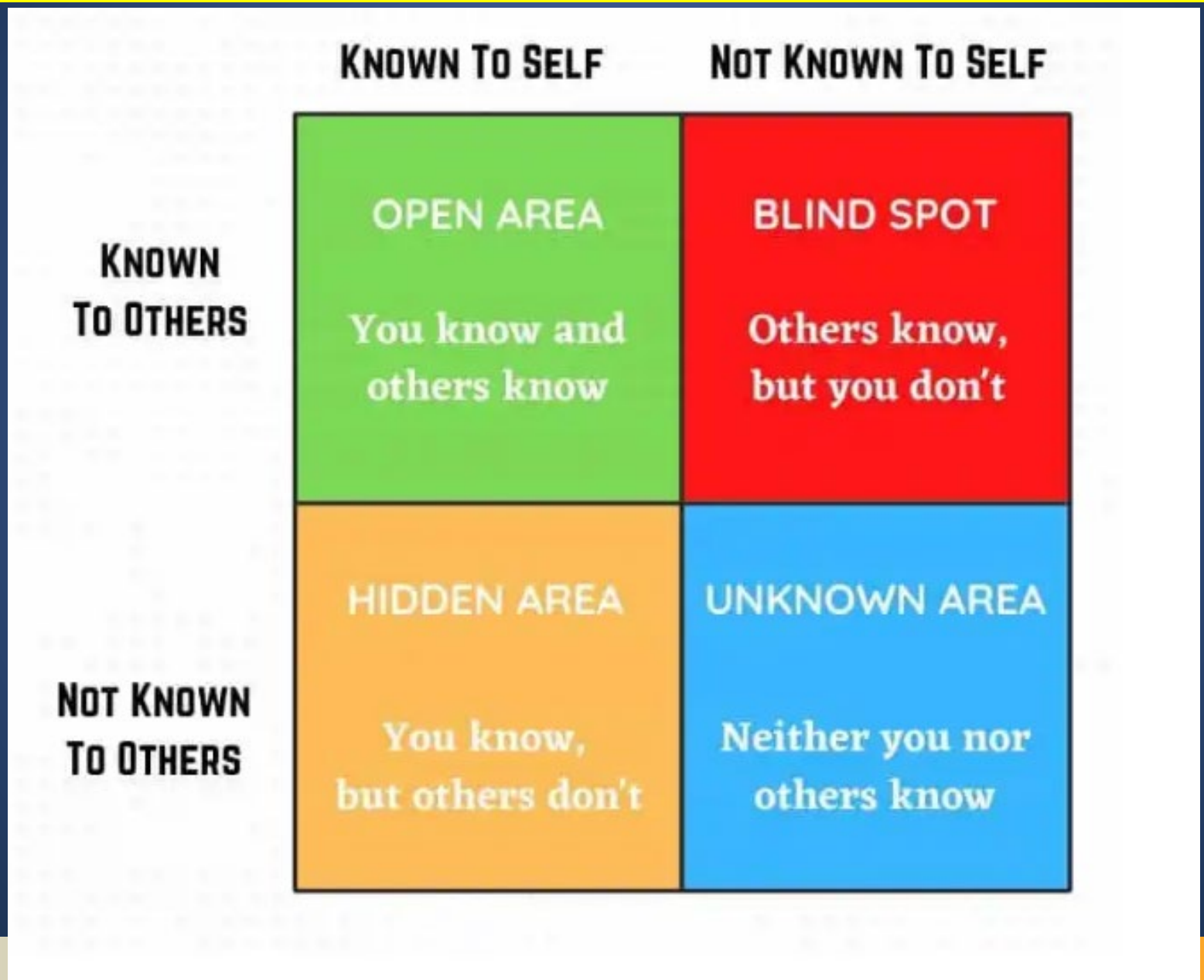
Get data!: Regularly track race/ethnicity, just like we track MOS, deployments, etc.

- Quarterly assessments on who is being investigated, prosecuted, separated (trend analysis)
  - MJO
- Part of multi-discipline team meetings (OSJA, CID, MPI, FAP)
- Continue to get feedback from trusted sources

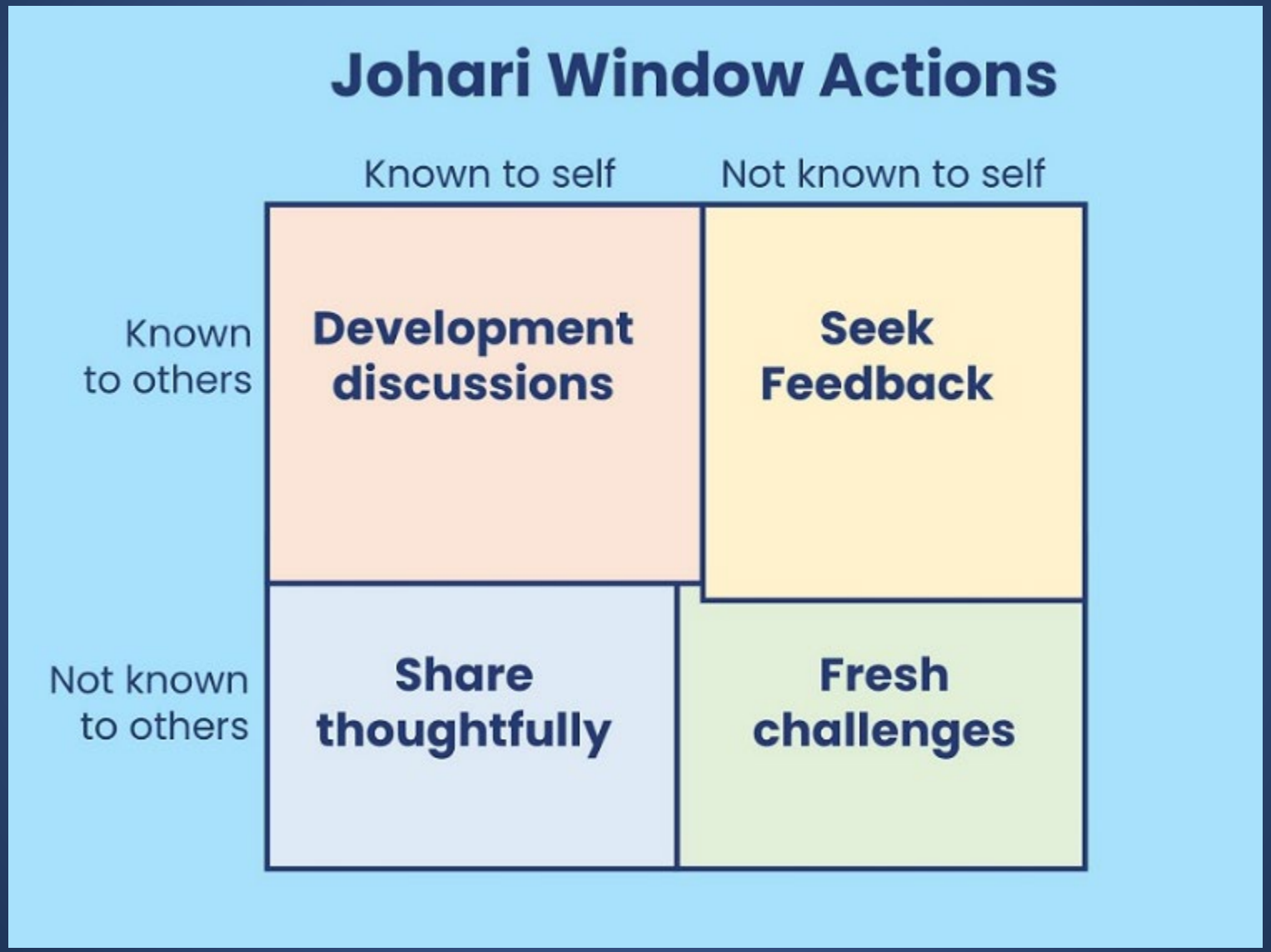
Assess the known facts: Challenge factual assumptions

- ACKNOWLEDGE we all have biases
- Ask questions. Lots of questions.
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- "**Art vs. science**" of discipline: Focus on the "should" as much as the "can"

Johari Window



So…what do I do now?



QUESTIONS?



(b) (6)

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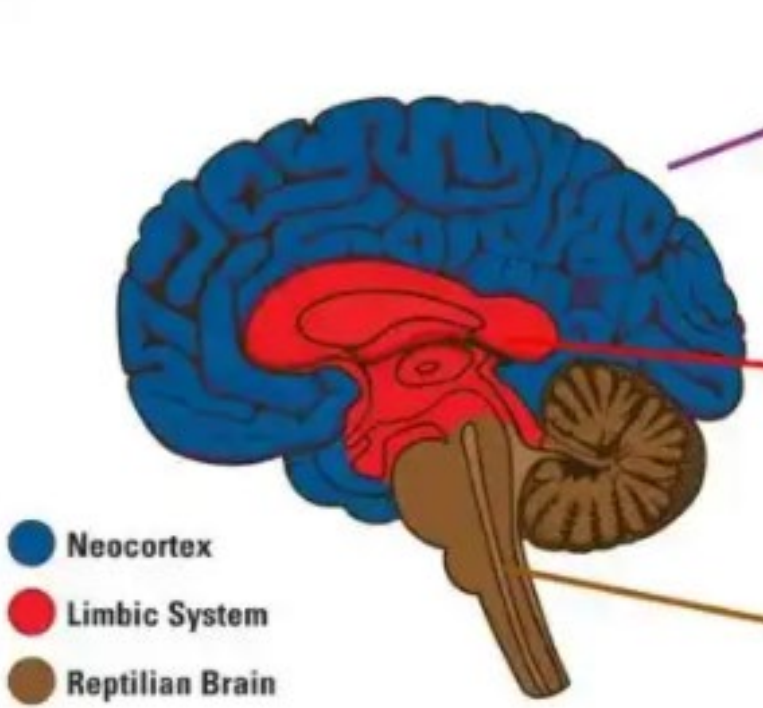
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Numerous Past Studies, Same Conclusions

PREVIOUS FINDINGS AND RECOMMENDATIONS

STUDY/REPORT	Racial Disparities Exist across the Investigative and Military Justice Systems	Significant Discretion with Few Safeguards = Increased Disparate Outcomes	Data Collection must be Improved	ultural Competency and Cognitive Bias Training for all in the military justice system	Resource Appropriately (no unfunded mandates)	Conduct Root Cause Analysis with better data but don't wait to start making improvements
1972 Task Force on the Administration of Military Justice in the Armed Forces	●	●	●	●	●	
2011 MLDC Military Leadership Diversity Commission	●		●	●	●	
2019 GAO Government Accountability Office	●		●			●
2020 Air Force IG Independent Racial Disparities Review	●	●	●	●	●	●
2020 DAC-IPAD Racial and Ethnic Data Relating to Disparities in the Investigation, Prosecution, and Conviction of Sexual Offenses the Military	●		●	●		●
2022 CNA Exploring Racial, Ethnic, and Gender Disparities in the Militar Justice System	●	●	●		●	●

Triune Brain Theory



Cortex
(Neomammalian brain)
150.000 years old

Complex processes
• Perception, planning, attention, abstract thinking, language...

Thinking Brain

Limbic System
(Paleomammalian brain)
200-250 Million years old

Primitive survival functions
• Fulfilling our animal needs and emotions (feeding, reproduction, parenting...)

Feeling Brain

Brain Stem
(Reptilian brain)
300 Million years old

• Maintaining **body functions**
• **Routing information** up and dow
• Instinctive behaviours

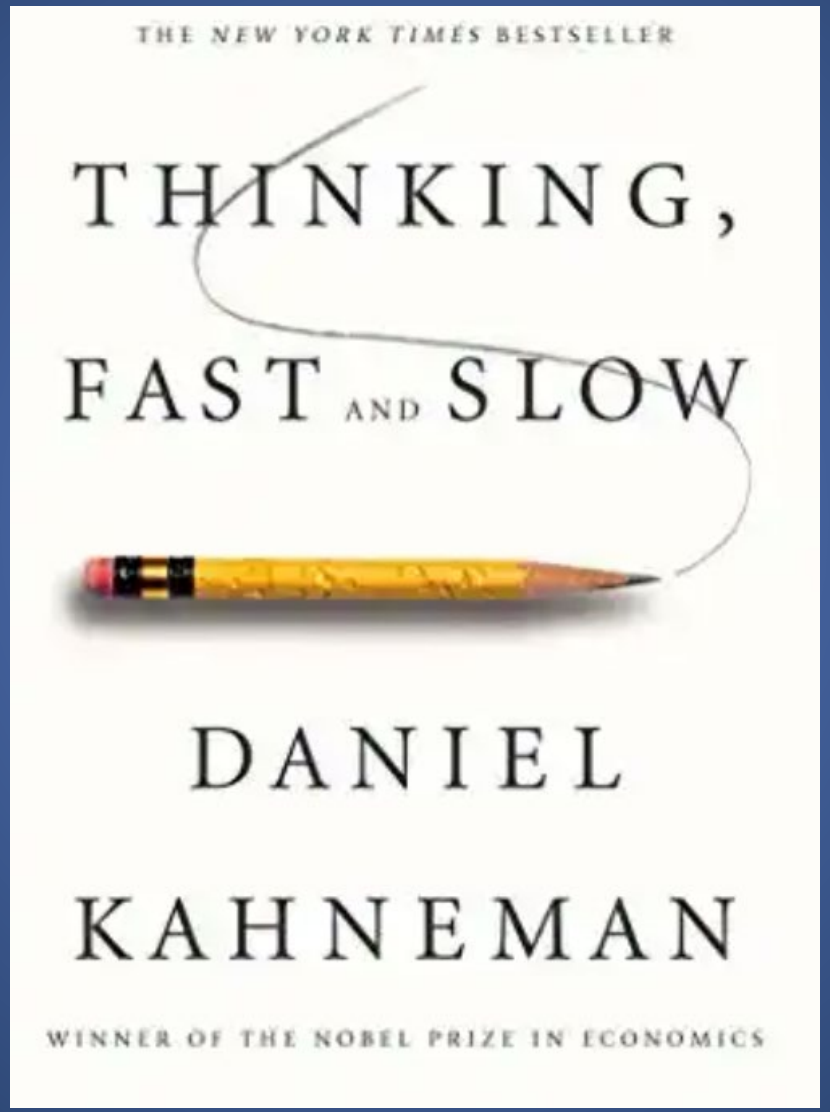
Living Brain

Source: Paul MacLean – Triune brain theory (1952),

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For further reading…



Another perspective:



In Conclusion

- Everyone has unconscious biases that influence their worldview and decision making
- Harvard University's Implicit Association Test (IAT)
  - Web-based
  - Association of different racial groups with negative words, or weapons
  - Just an indicator; can reveal patterns and tendencies among large groups of people
  - implicit.harvard.edu/implicit/takeatest.html
- Key takeaway: Have more awareness of biases and challenging your assumptions

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #40

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

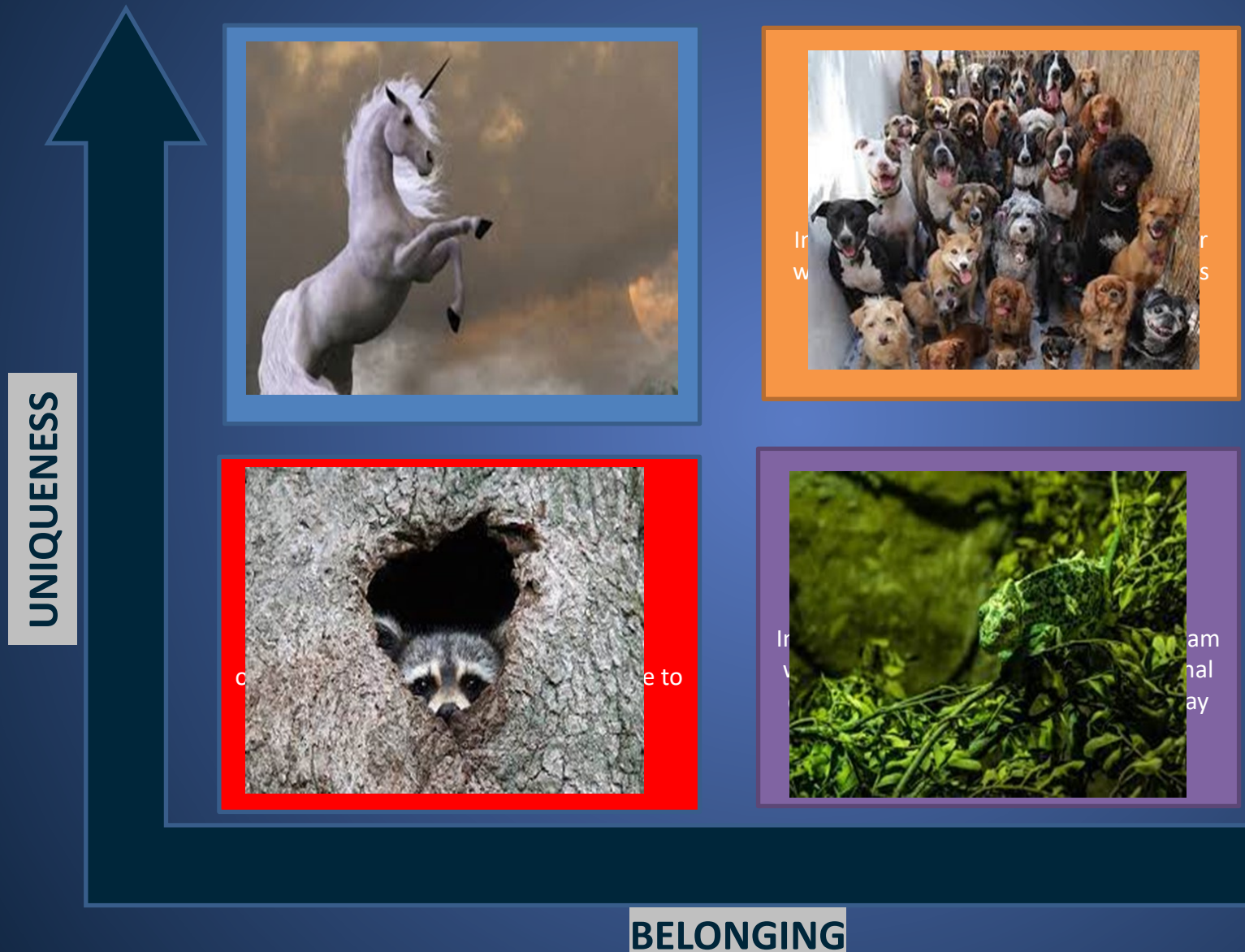
Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

People with Disabilities and Reasonable Accommodations

- An individual with a disability, as defined in the Americans with Disability Act, is someone who has a physical or mental impairment that substantially limits one or more major life activities
- Federal agencies are required by law to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship
- An accommodation is any change in the work environment or in the way things are typically done that enables an individual with disabilities to partake in employment opportunities

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #41

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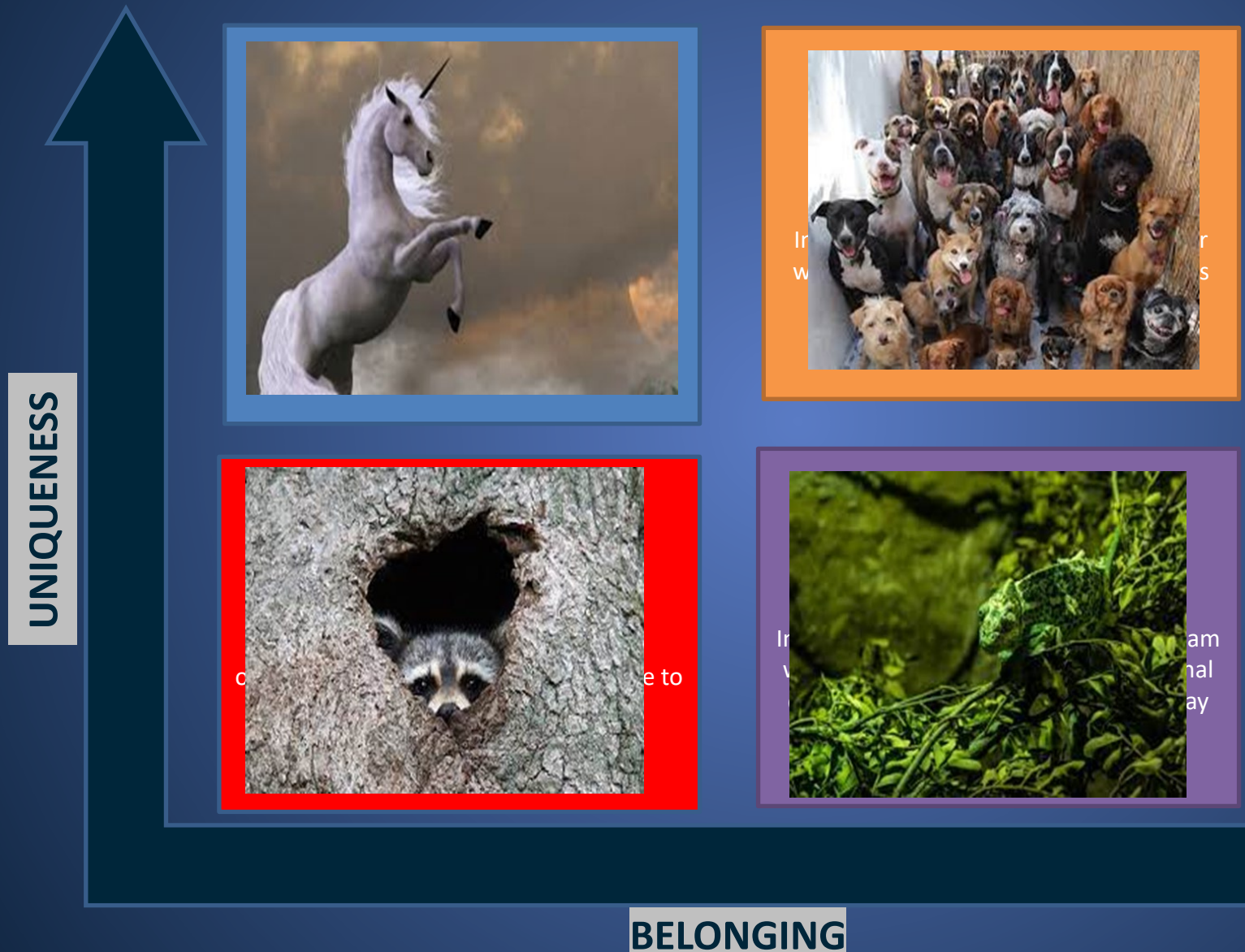
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Keep up with ODEI

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QUESTIONS?

Presentation #42

DEI&A: An Overview



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEIA

(b) (6)

(b) (6), Chief Operations Officer

Introduction

Training creates a baseline for JALS personnel and creates a shared understanding of DEI&A

Agenda:

- Background on DEIC & ODEIA
- ODEIA Initiatives
- JALS Demographics
- DEI&A defined

Background

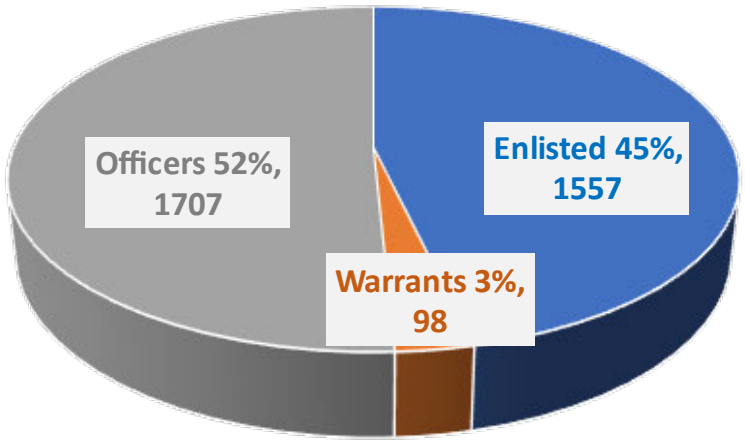
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEIA established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEIA Initiatives

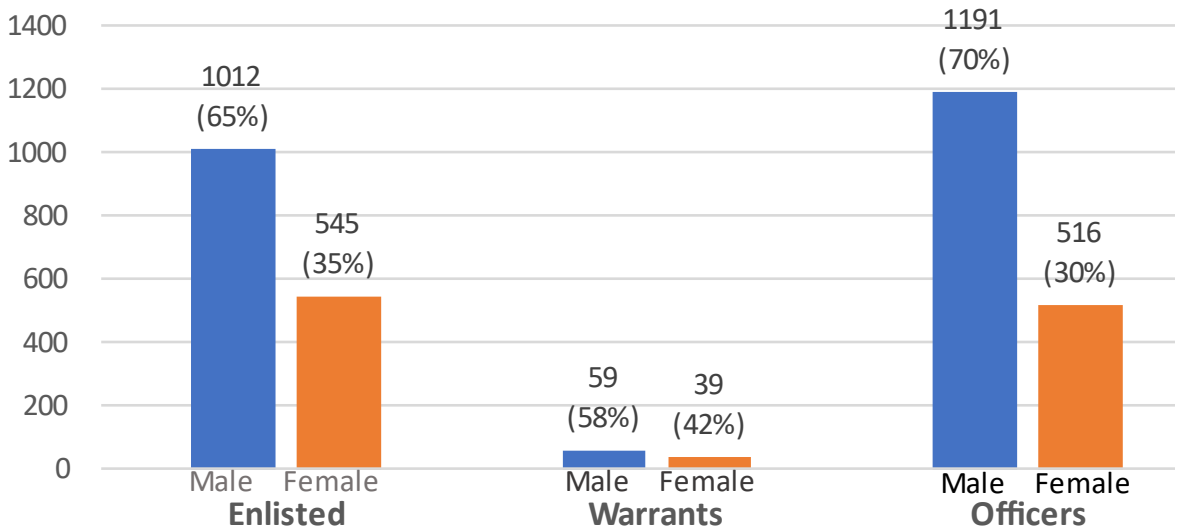
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JAGC Active Component Demographics

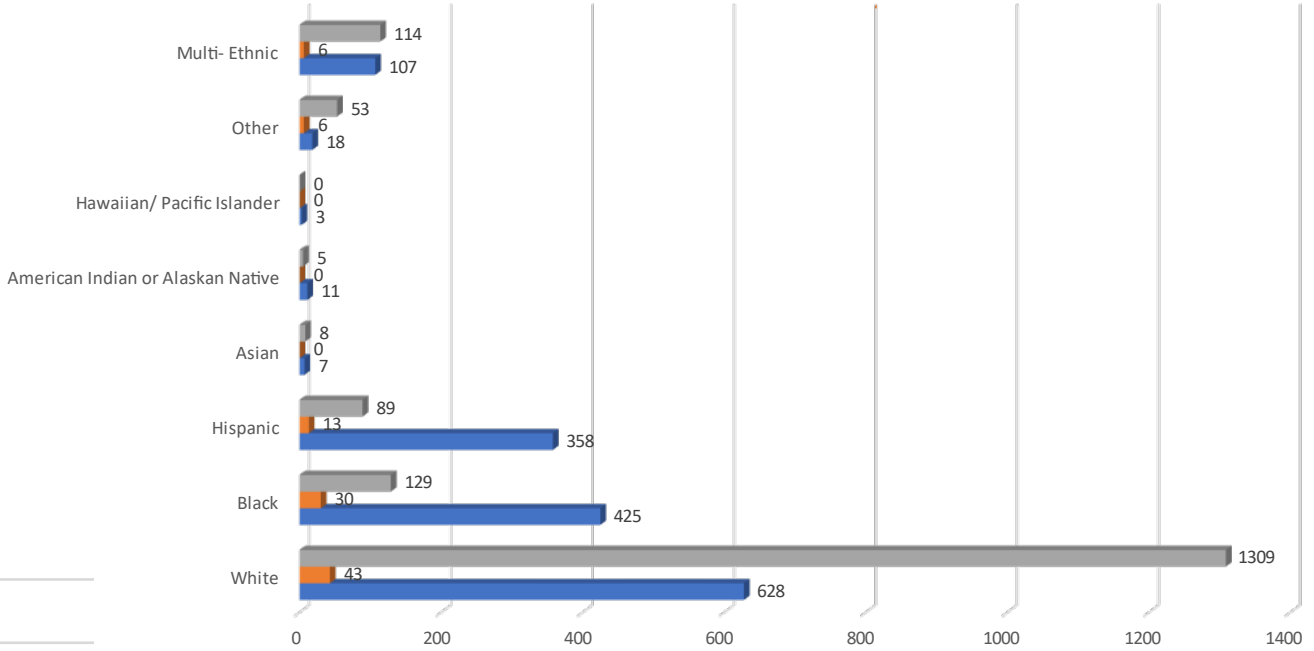
COHORT



GENDER



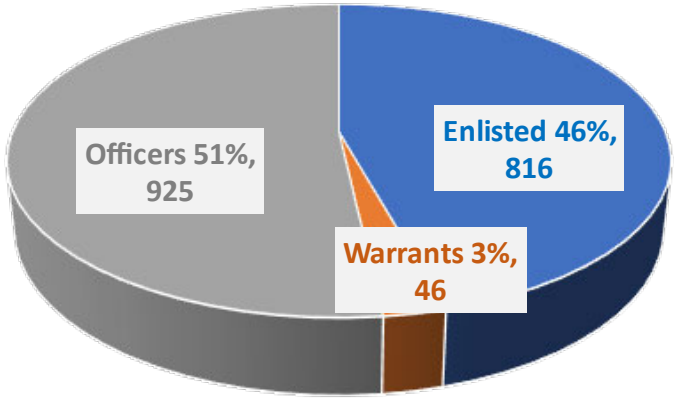
RACE/ ETHNICITY



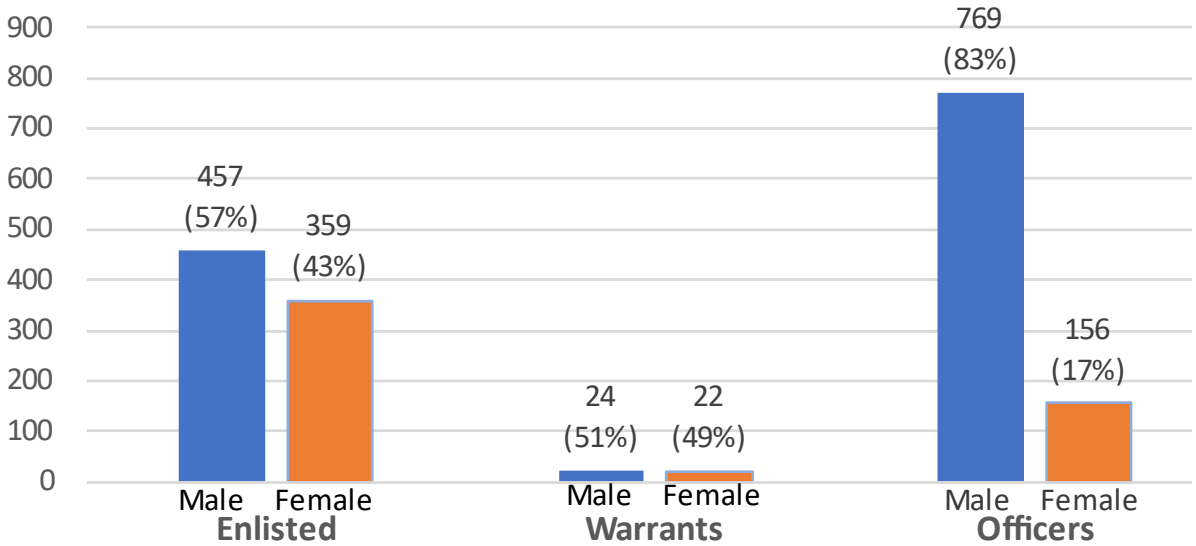
	White	Black	Hispanic	Asian	American Indian or Alaskan Native	Hawaiian/ Pacific Islander	Other	Multi-Ethnic
Enlisted	628 (40.3%)	425 (27.2%)	358 (22.9%)	7 (0.4%)	11 (.7%)	3 (0.1%)	18 (1.1%)	107 (6.8%)
Warrants	43 (43.8%)	30 (30.6%)	13 (13.2%)	0 (0%)	0 (0%)	0 (0%)	6 (6.1%)	6 (6.1%)
Officer	1309 (76.6%)	129 (7.5%)	89 (5.2%)	8 (0.4%)	5 (0.2%)	0 (0%)	53 (3.1%)	114 (6.6%)

JAGC National Guard Component Demographics

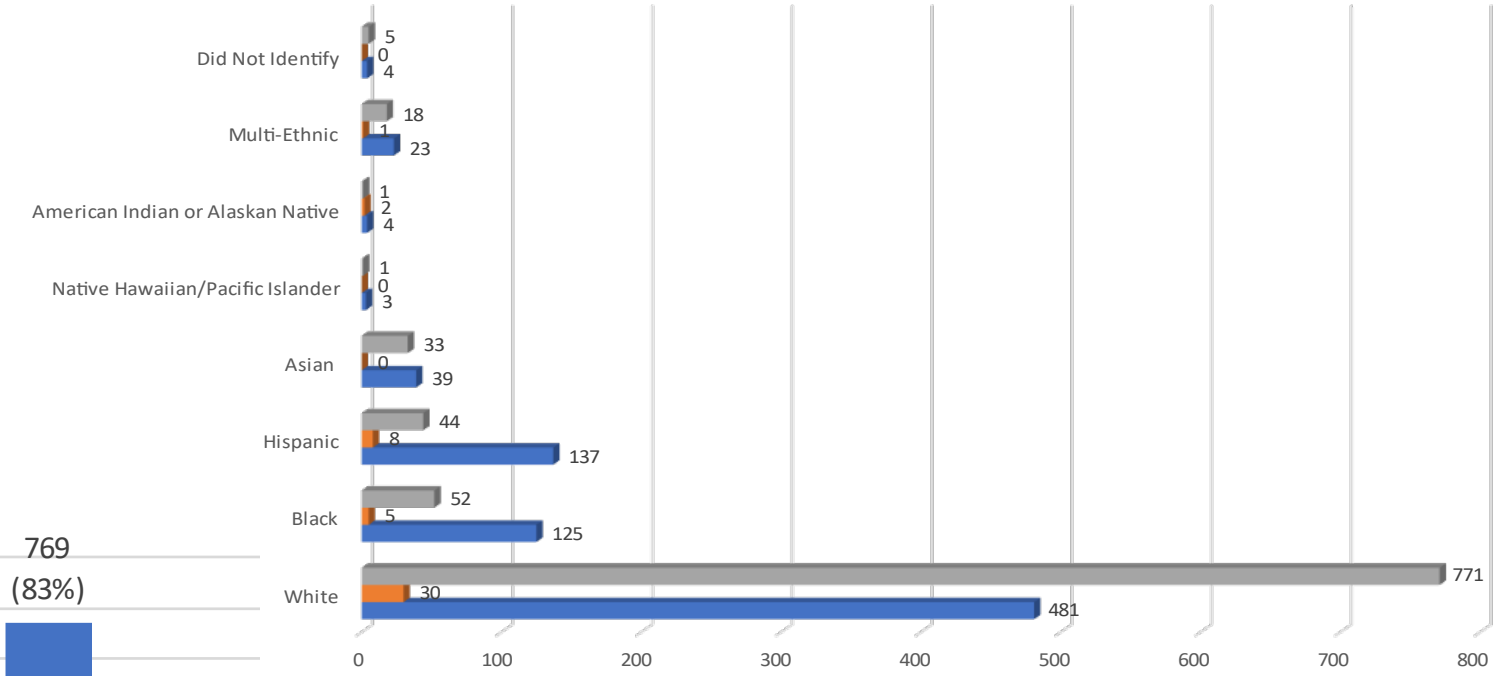
COHORT



GENDER



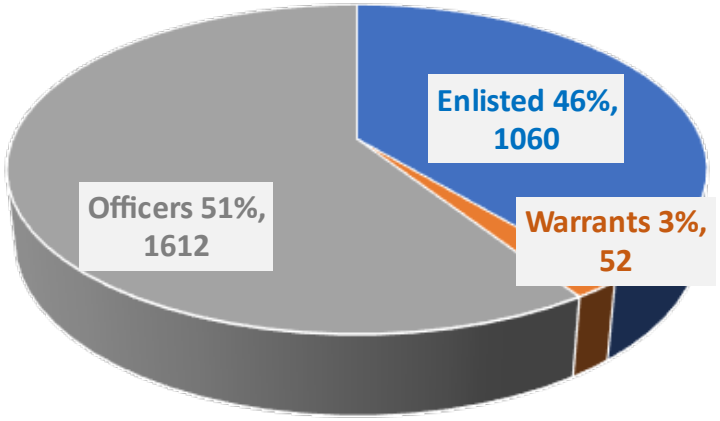
RACE/ ETHNICITY



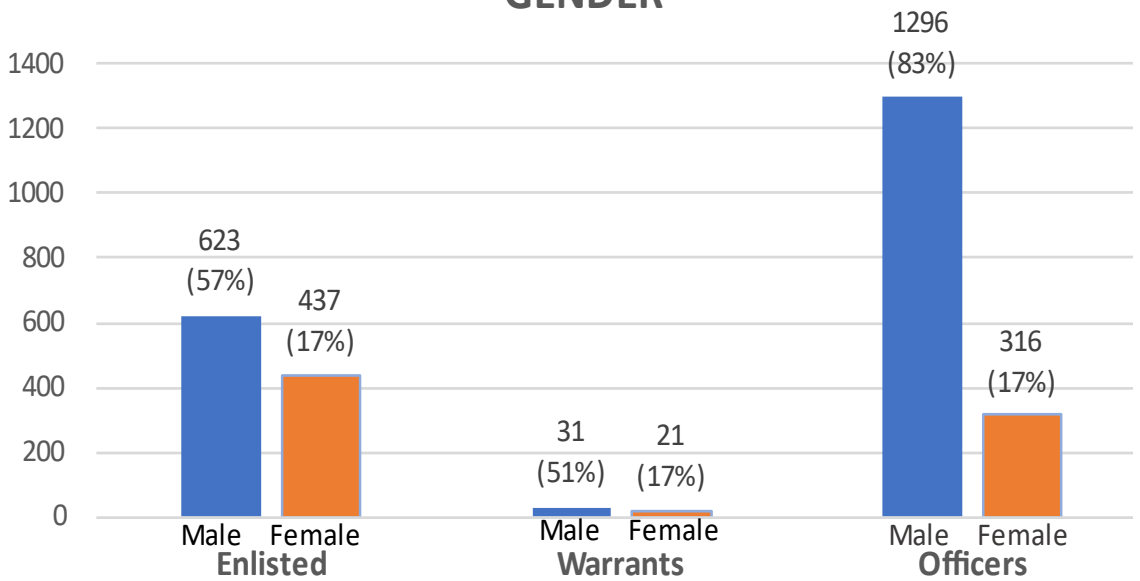
	White	Black	Hispanic	Asian	Native Hawaiian / Pacific Islander	American Indian or Alaskan Native	Multi-Ethnic	Did Not Identify
Enlisted	481 (59%)	125 (15.3%)	137 (16.7%)	39 (4.7%)	3 (.3%)	4 (.4%)	23 (2.8%)	4 (.4%)
Warrants	30 (65.2%)	5 (10.8%)	8 (17.3%)	0 (0%)	0 (0%)	2 (4.3%)	1 (2.1%)	0 (0%)
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JAGC Reserve Component Demographics

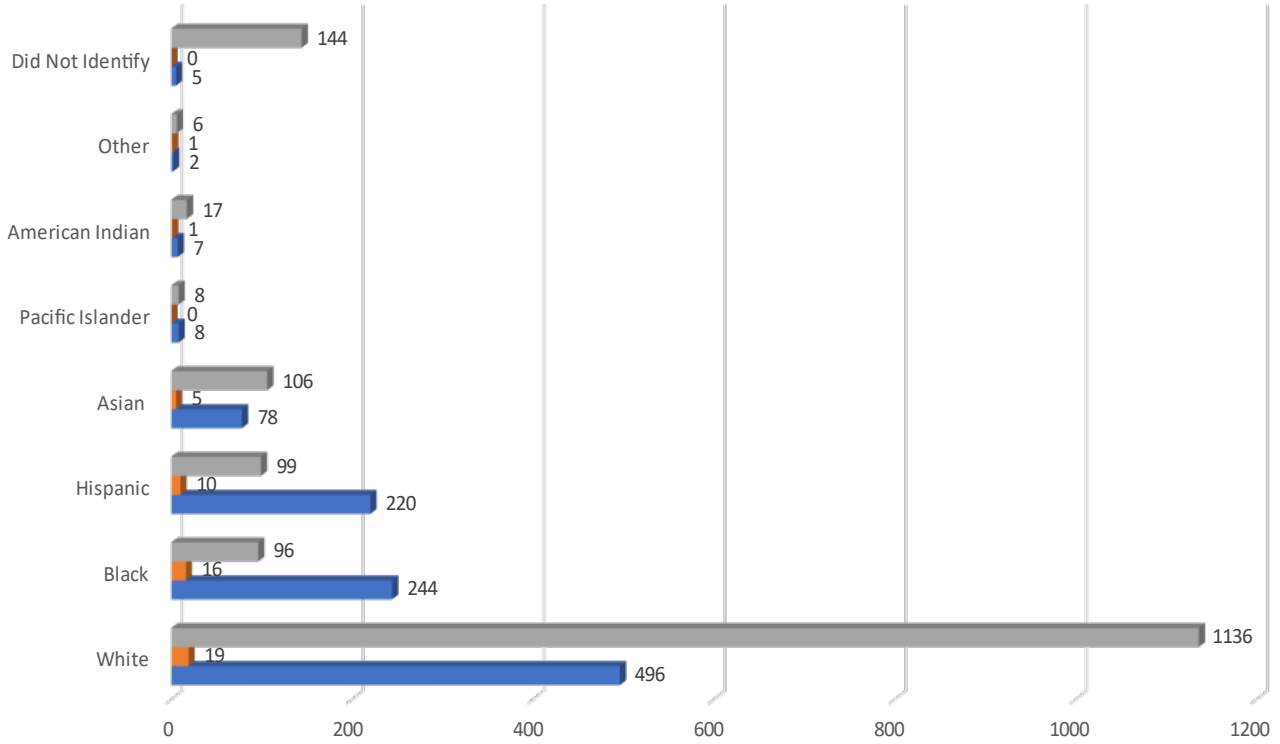
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GENDER



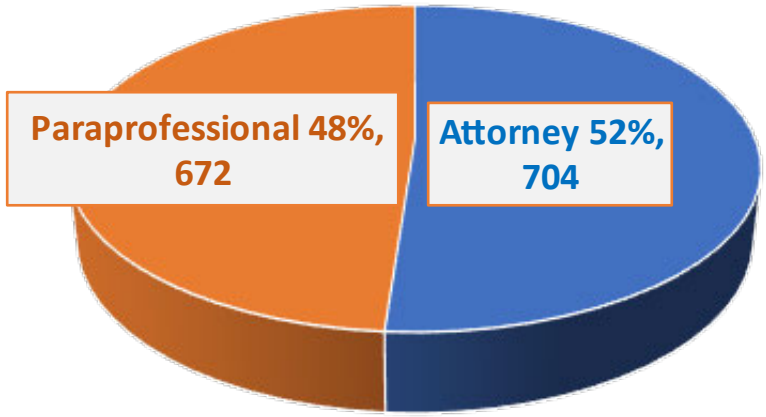
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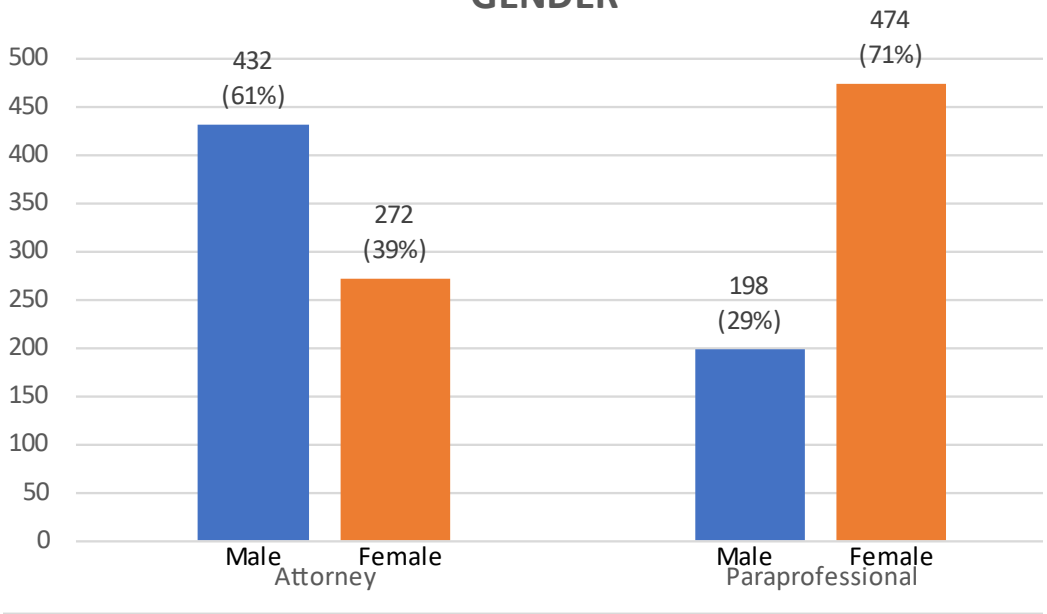
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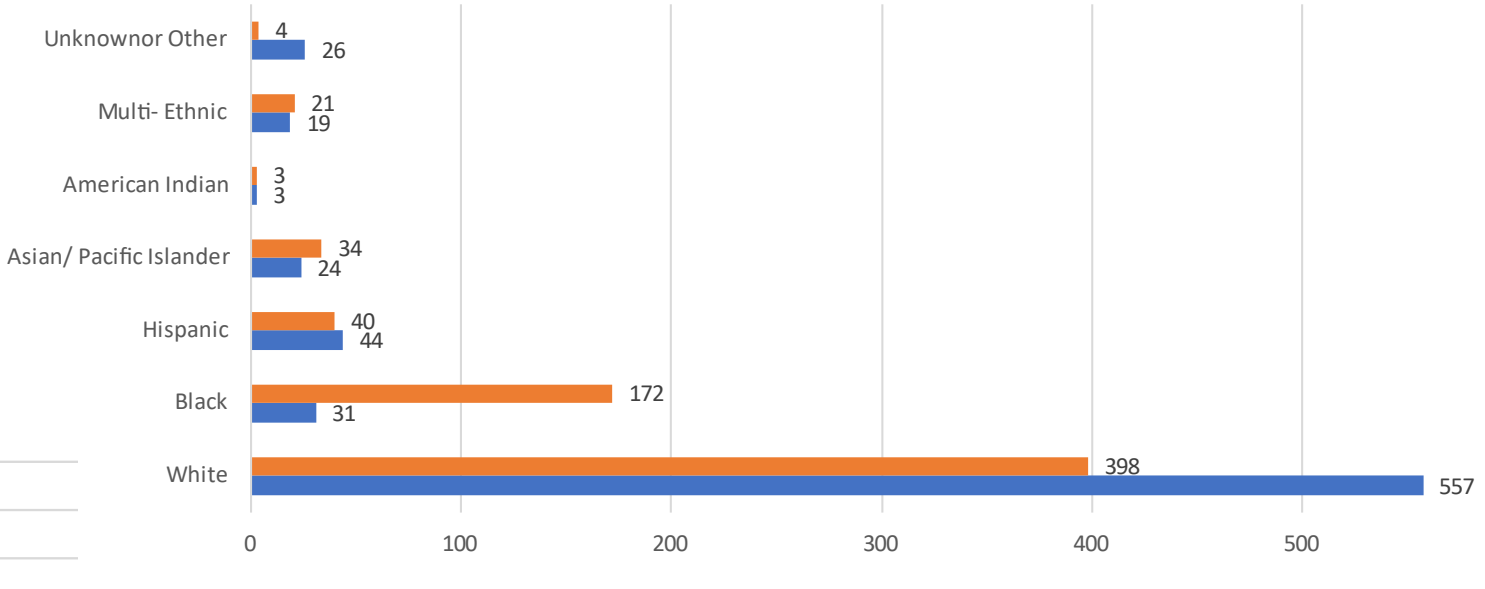
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GENDER



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Attorney	557 (79.1%)	31 (4.4%)	44 (6.2%)	24 (3.4%)	3 (.4%)	19 (2.6%)	26 (3.6%)
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DEI&A - *Defined*

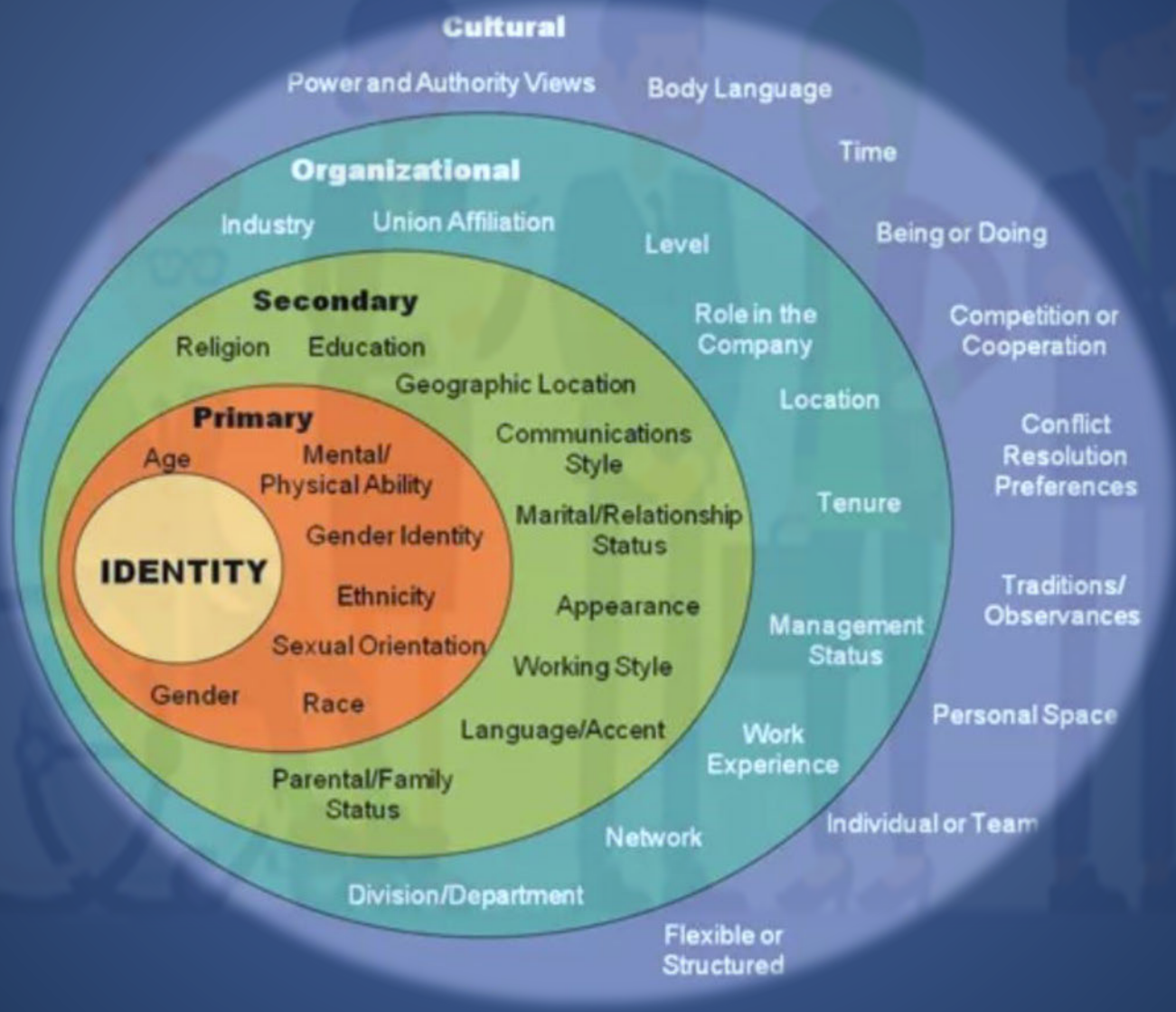


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

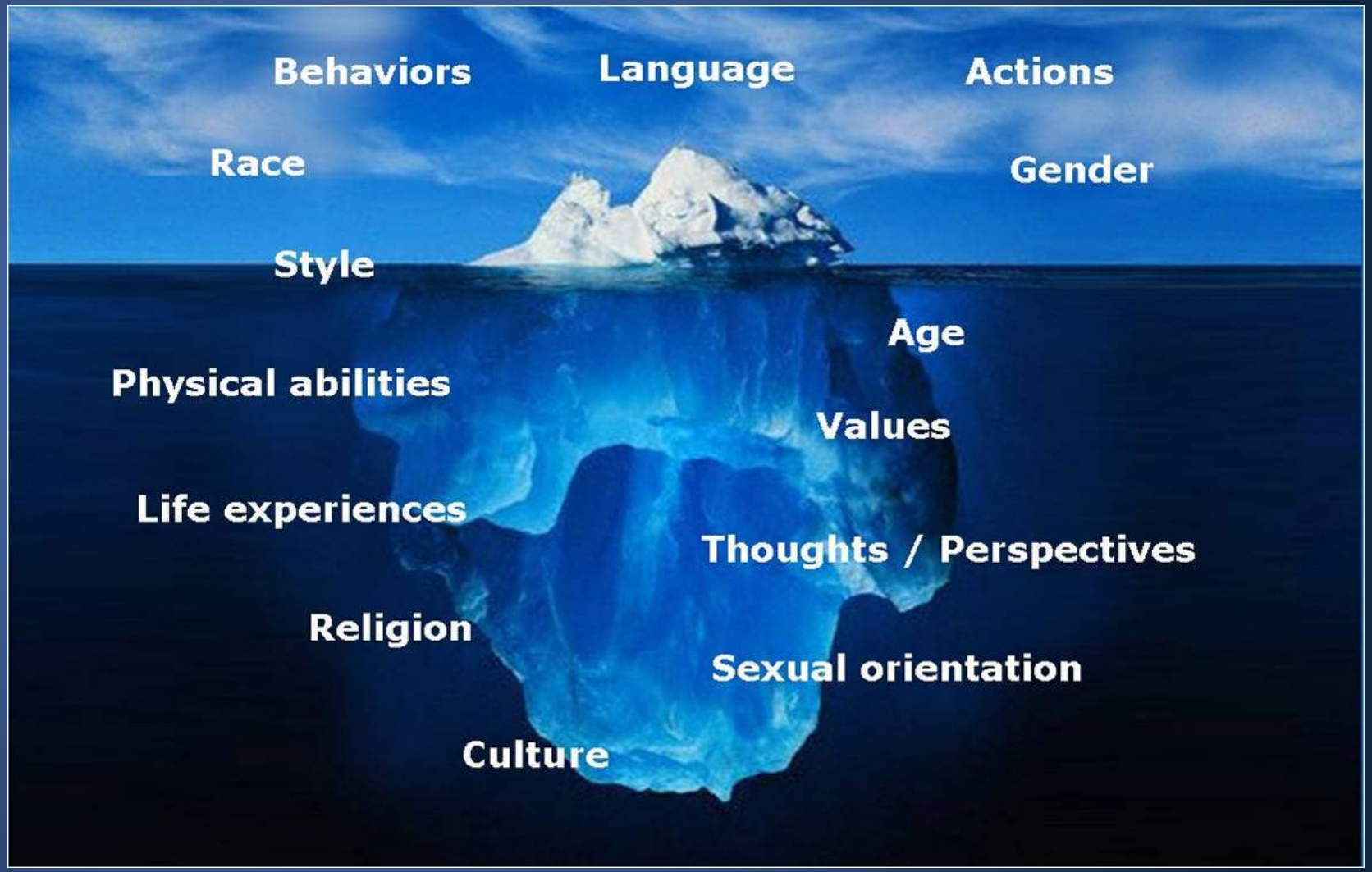
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%

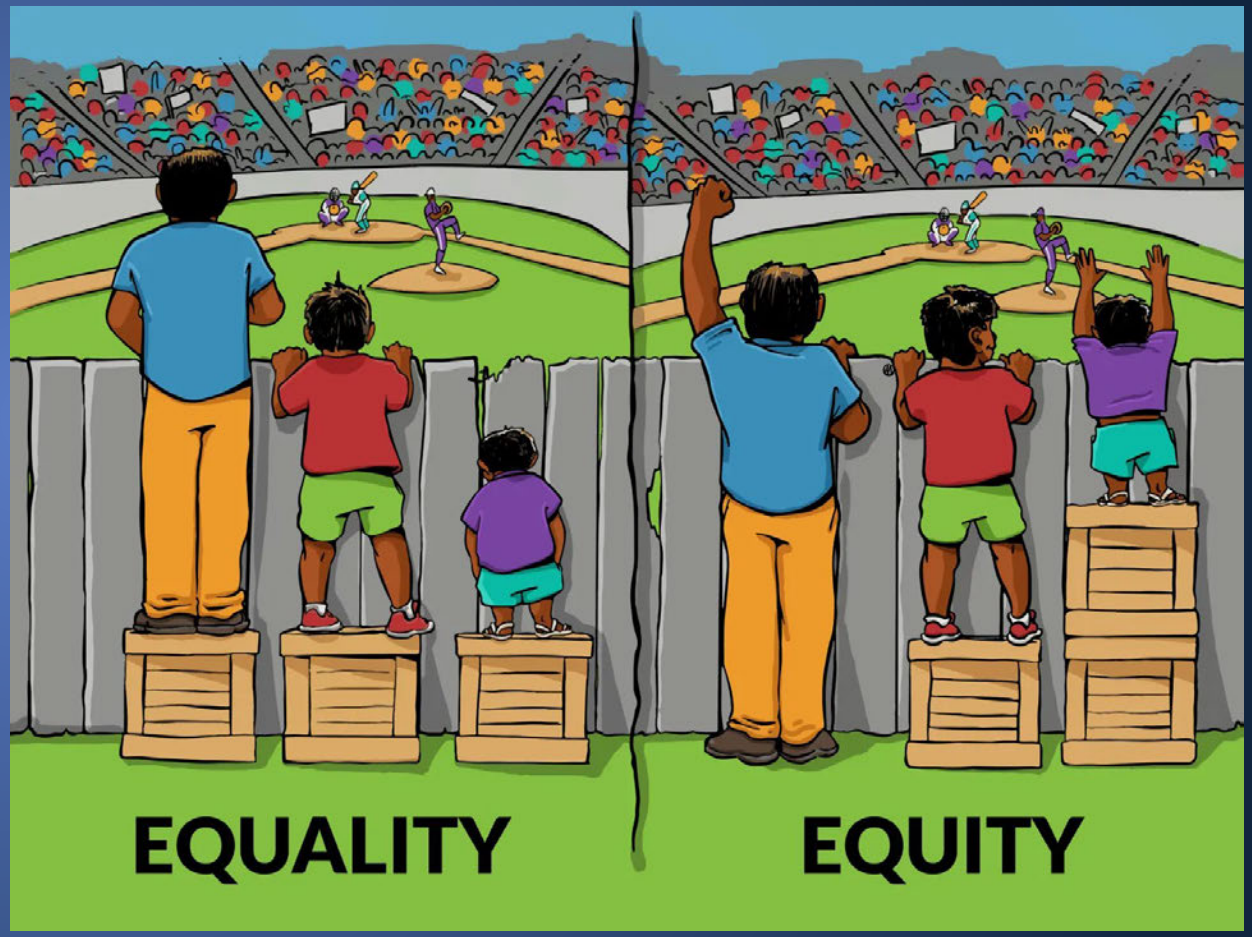


EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY v EQUALITY

- Whereas *equity* recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access



FROM EQUALITY TO EQUITY TO INCLUSION



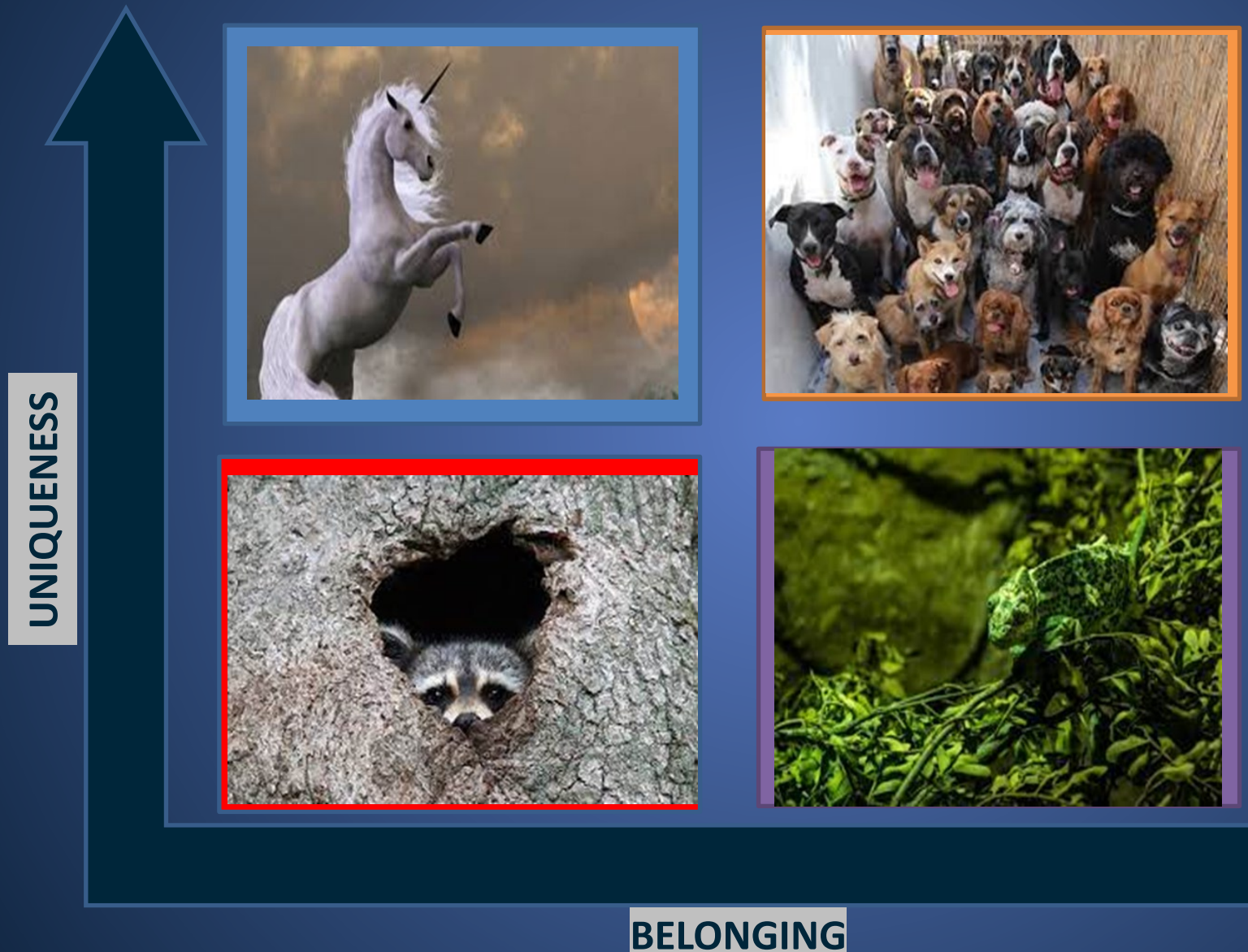
EQUALITY EQUITY INCLUSION

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
- Persons with disabilities face accessibility barriers in all aspects of society
- A barrier is an obstacle or anything that prevents a person with a disability from fully participating in in all aspects of society because of their disability
  - Barriers can be visible, invisible, physical, attitudinal, technological, information and communication barriers
  - By removing all unnecessary barriers, an individual can use their abilities to achieve their objectives, thus having the same opportunity to achieve success

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are linked to accomplishing the mission versus *the way we have always done business*?
- Who was this organization designed to fit?

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEIA & the Council

MS Teams

JAGC ODEI- DEI&A Training and Resources

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

QUESTIONS?

Implicit (Unconscious) Bias



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Introduction

- It is challenging to recognize and acknowledge our own unconscious biases
- Biases result from the things we were taught and the observations we make throughout our life
- Biases can be mitigated
- Change – of any kind – is uncomfortable. The most important thing you can do, especially as a leader, is prepare for that discomfort

Amazing Mind

We cna raed tihs bcuseae the huamn
mnid deos not raed ervey lteter by istlef,
but the wrod as a wlohe.
Our brians tkae shrutctus.

Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

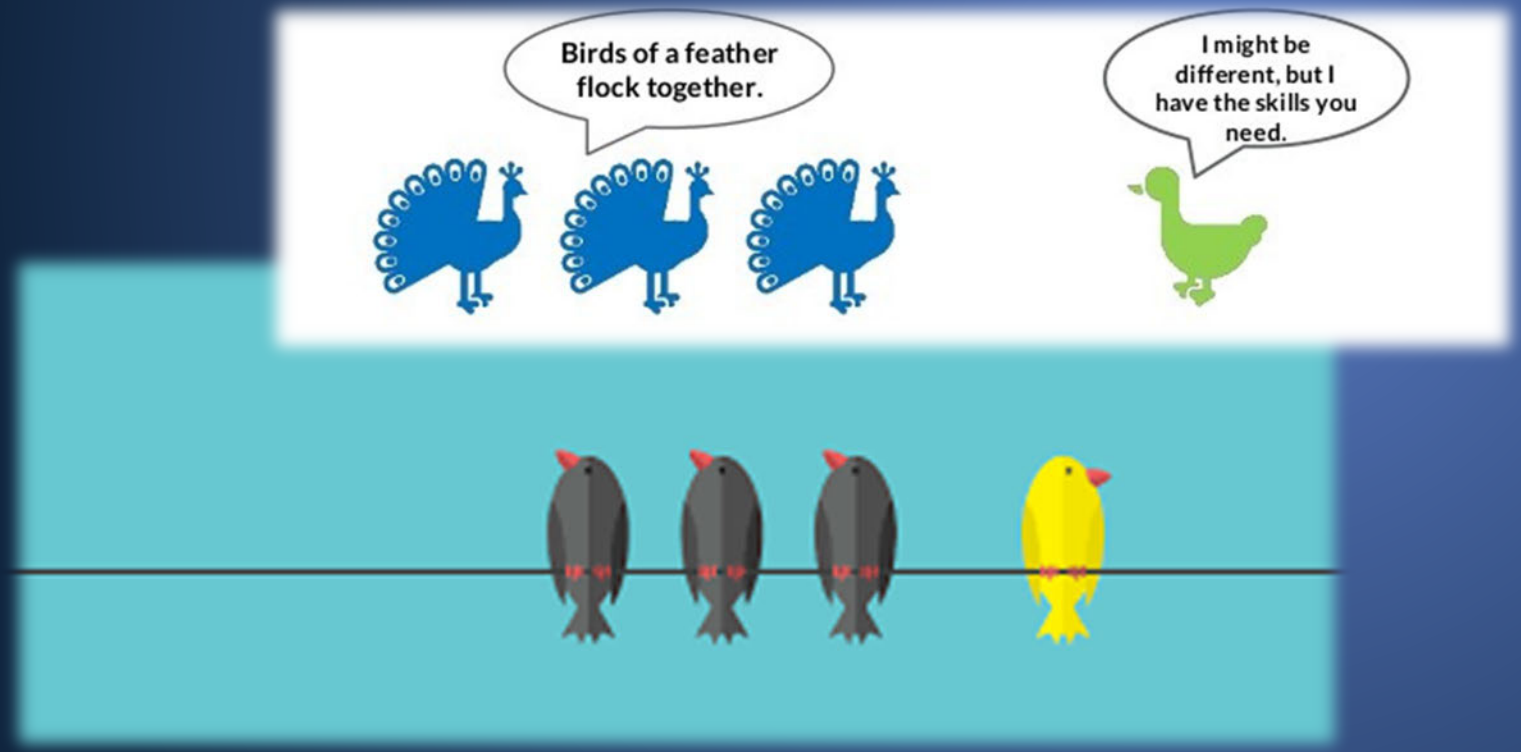
Implicit (Unconscious) Bias

- **Implicit bias** refers to the brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness

  - Not good or bad…just is
  - Often can affect our decision-making
  - Influenced by our experiences
  - **impacts the lens with which we view the world**

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us





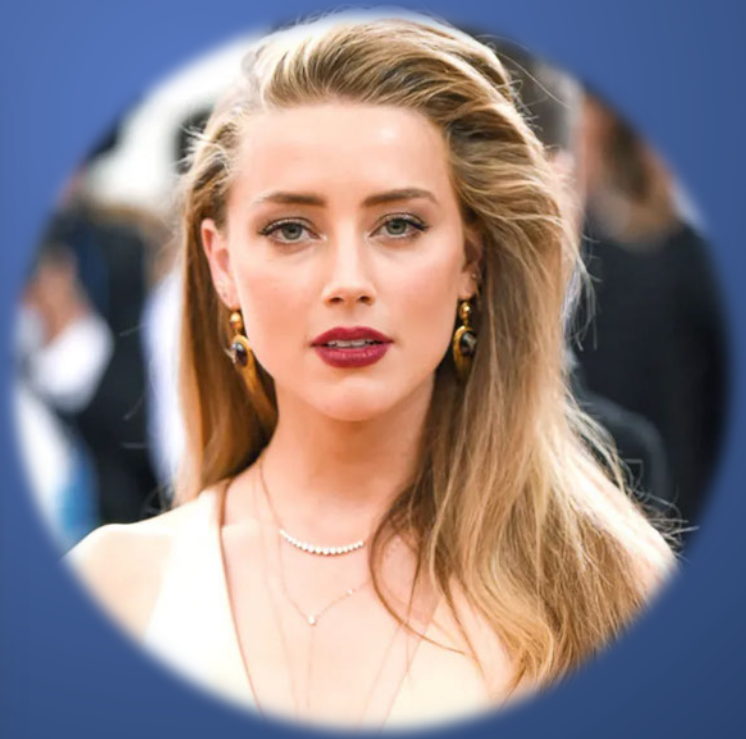
Affinity Bias, *cont.*

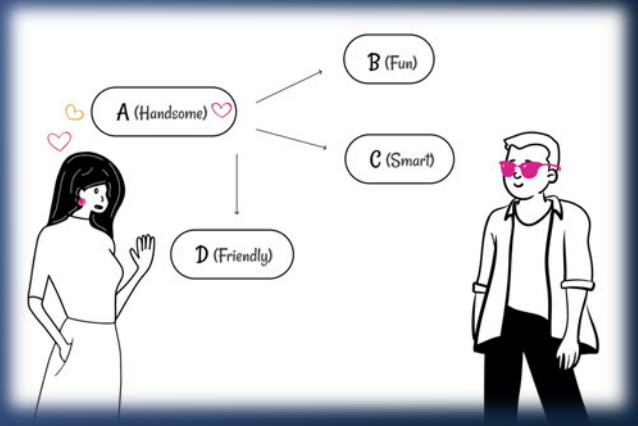
- Some examples of affinity bias (similarity bias) in the workplace:
  - common traits, attended the same college, served in the same unit at the same time, badges/tabs
- How it affects the workplace:
  - hiring decisions; promotions; mentorship opportunities; and how certain people's ideas are received
- Combat it by:
  - take time to get to know everyone better; find common ground; actively seek diversity

Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good







Halo Bias, *cont.*

- Some examples of halo bias in the workplace:
  - PT stud, looks good in uniform, outgoing personality, nice smile, best athlete at frisbee football
- How it affects the workplace;
  - gives one the best assignments; an employee is highly competent in one area, and the supervisor rates the employee correspondingly high in all areas; creates reputation for “favoritism” and unfairness; overshadows higher qualified co-workers; one gets away with showing up late
- Combat it by:
  - change the tools you're using to assess employees' performance, skills, and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along









Confirmation Bias, *cont.*

- Some examples of confirmation bias in the workplace:
  - interpretations of issues, resume review, singling out a colleague as lazy, calling ahead to get “a feel” for an inbound employee before their arrival and actively seeking out things that support that “bias”
- How it affects the workplace:
  - leads to flawed decision-making; miss out on important information and facts; “what we see depends mainly on what we look for”
- Combat it by:
  - ask neutral questions; play devil’s advocate; consider all the evidence and facts available; seek out different perspectives; be willing to change your mind in light of new evidence and facts; listen to what others have to say

6 Ways to Mitigate Unconscious Bias

1

Recognize and accept that you have bias

2

Develop the capacity to use a flashlight on yourself

3

Practice "Constructive Uncertainty"

4

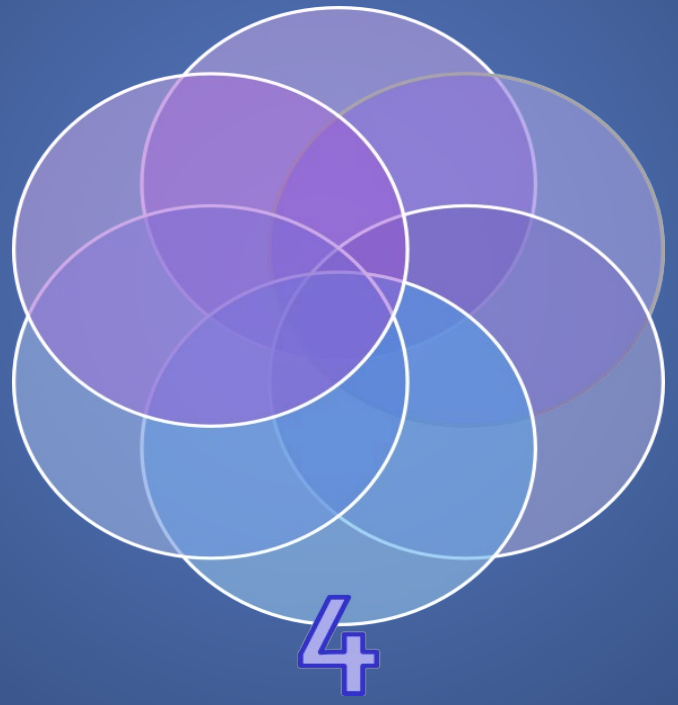
Explore awkwardness, and discomfort

5

Engage with people you consider "others" and expose yourself to positive role models in that group

6

Get feedback



Source: Cook Ross

In Conclusion

- We ALL have biases
- Bias is an unavoidable part of personal and professional life
- Unlike conscious bias, people who exhibit unconscious bias have no idea they're acting in a way that favors some people and excludes others
- With training and awareness however, you can limit or eliminate the impact of bias in your organization
- By understanding the various unconscious biases, you can raise awareness in the workplace and build a more inclusive work environment
- Tackling bias doesn't have to be difficult—it starts with you

QUESTIONS?

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  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
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  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Presentation #43

DEI&A: An Overview



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEIA

(b) (7)(A), (b) (6), Director

(b) (6), Chief Operations Officer

Introduction

Training creates a baseline for JALS personnel and creates a shared understanding of DEI&A

Agenda:

- Background on DEIC & ODEIA
- ODEIA Initiatives
- JALS Demographics
- DEI&A defined

Background

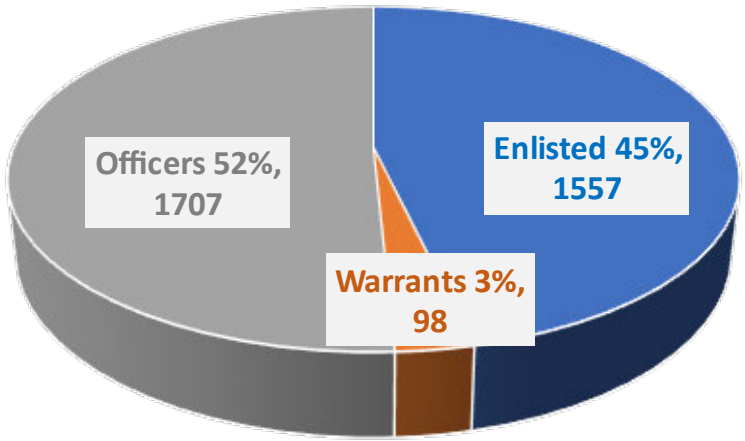
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEIA established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEIA Initiatives

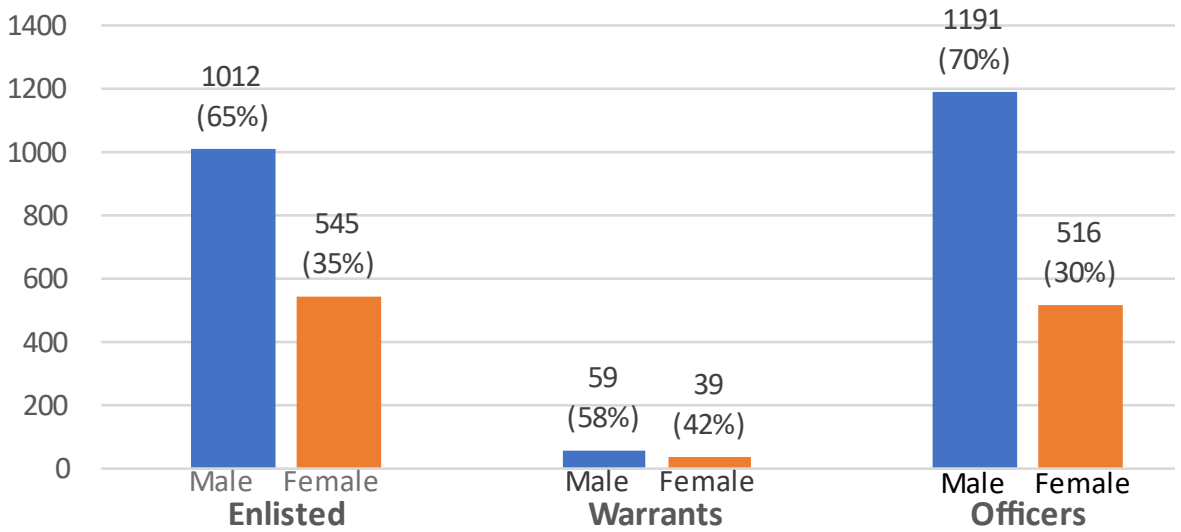
- JALS DEI&A STRATPLAN – **to be aligned w/ Army & DoDs**
- DEIA Train-the-Trainer
- Monthly Enterprise Virtual Training
- DEI&A training at all levels of JAGC PME (TJAGLCS)
- Facilitating bias discussions at boards (GOSC, Accessions, Interns, FLEP, etc.)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community

JAGC Active Component Demographics

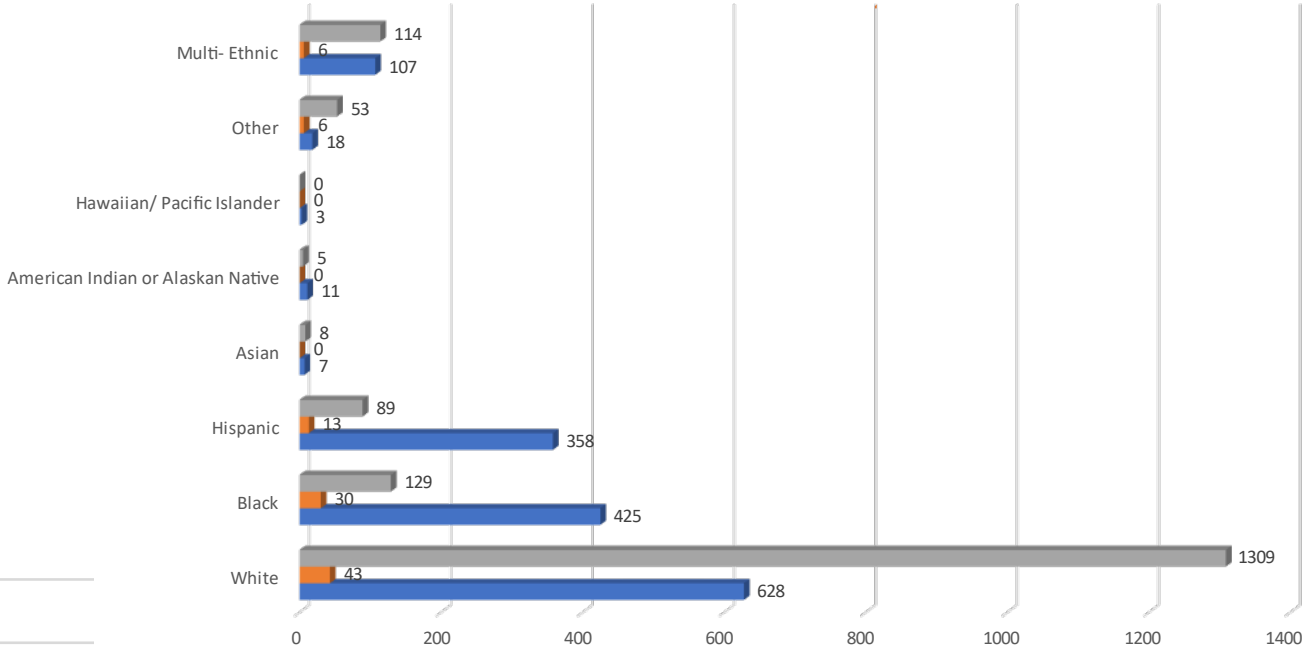
COHORT



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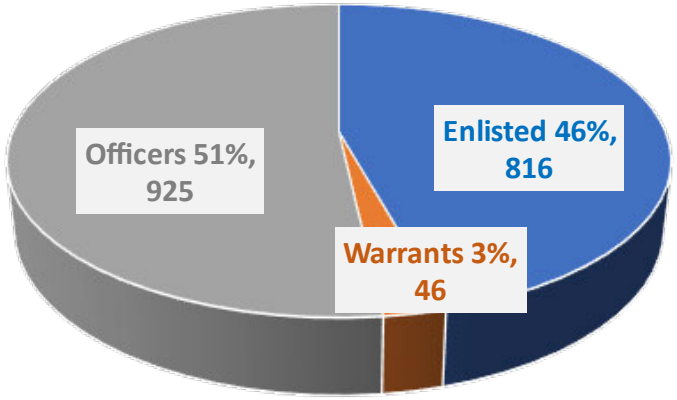
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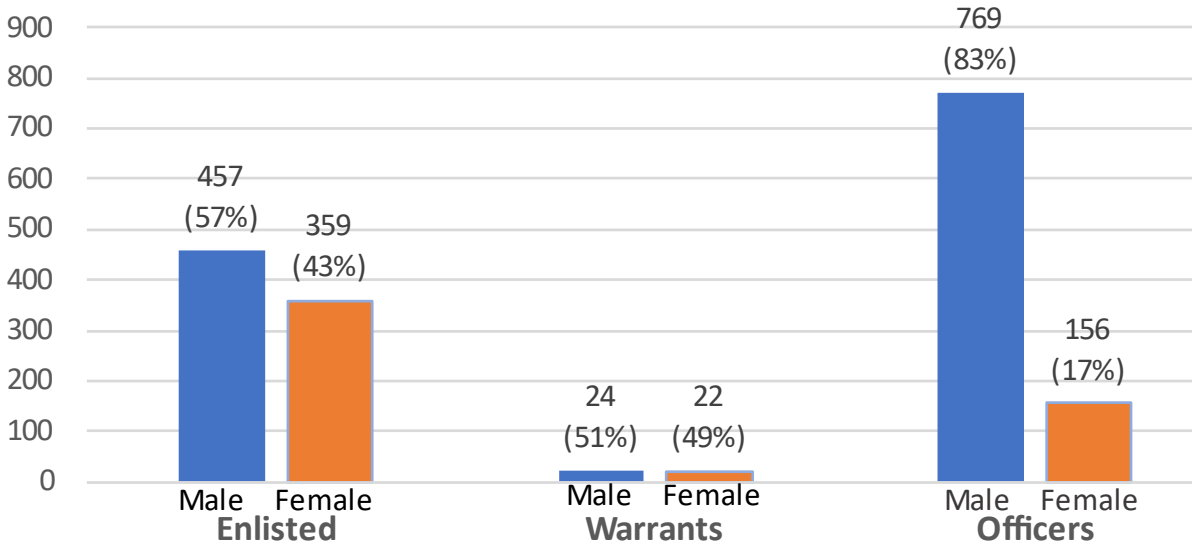
	White	Black	Hispanic	Asian	American Indian or Alaskan Native	Hawaiian/ Pacific Islander	Other	Multi-Ethnic
Enlisted	628 (40.3%)	425 (27.2%)	358 (22.9%)	7 (0.4%)	11 (.7%)	3 (0.1%)	18 (1.1%)	107 (6.8%)
Warrants	43 (43.8%)	30 (30.6%)	13 (13.2%)	0 (0%)	0 (0%)	0 (0%)	6 (6.1%)	6 (6.1%)
Officer	1309 (76.6%)	129 (7.5%)	89 (5.2%)	8 (0.4%)	5 (0.2%)	0 (0%)	53 (3.1%)	114 (6.6%)

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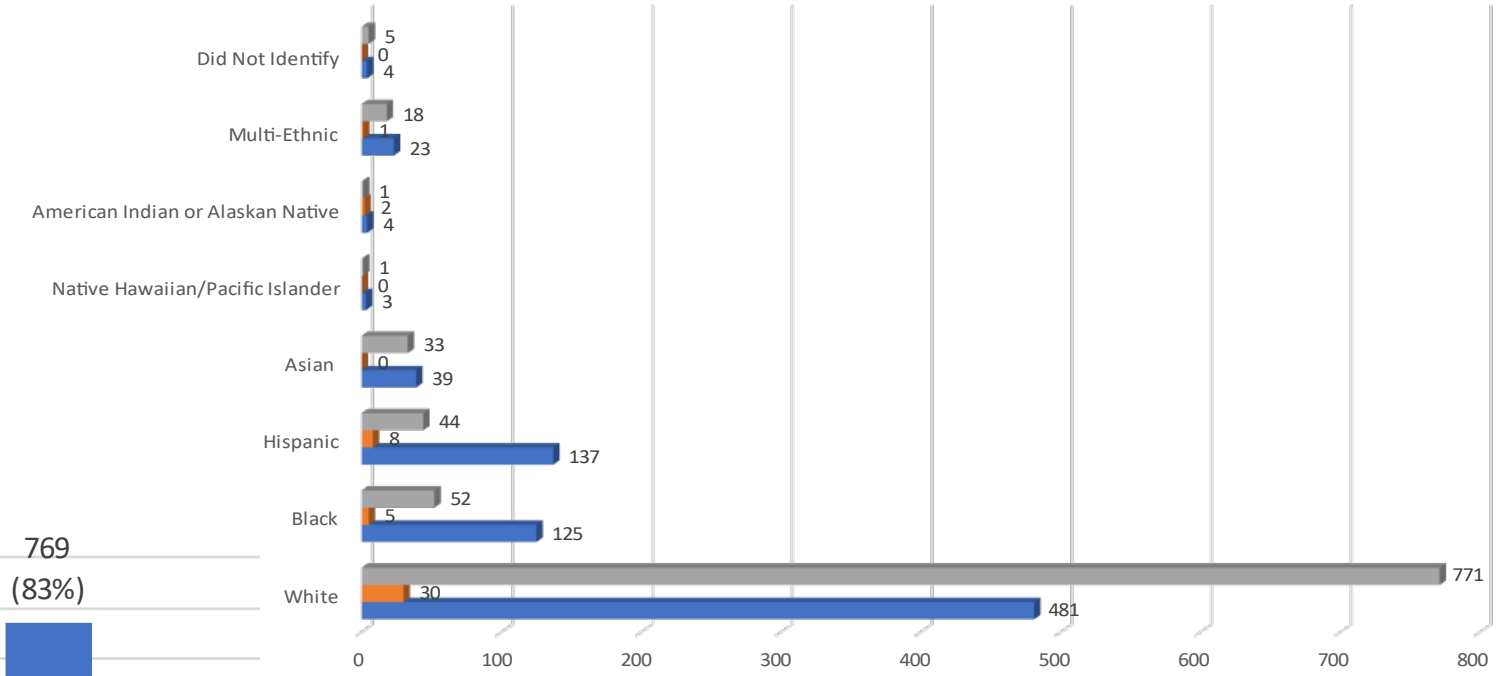
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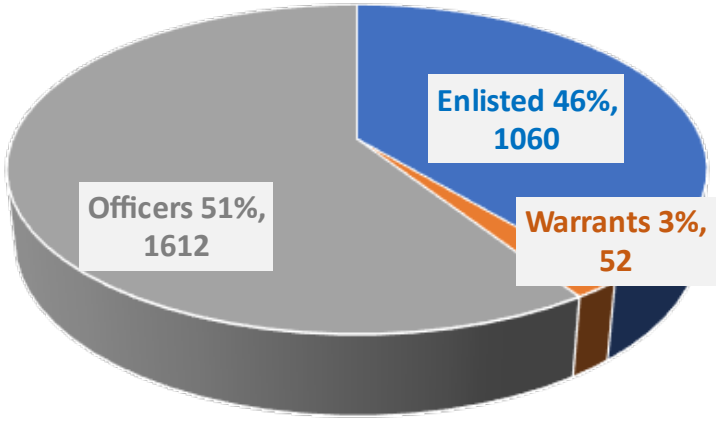
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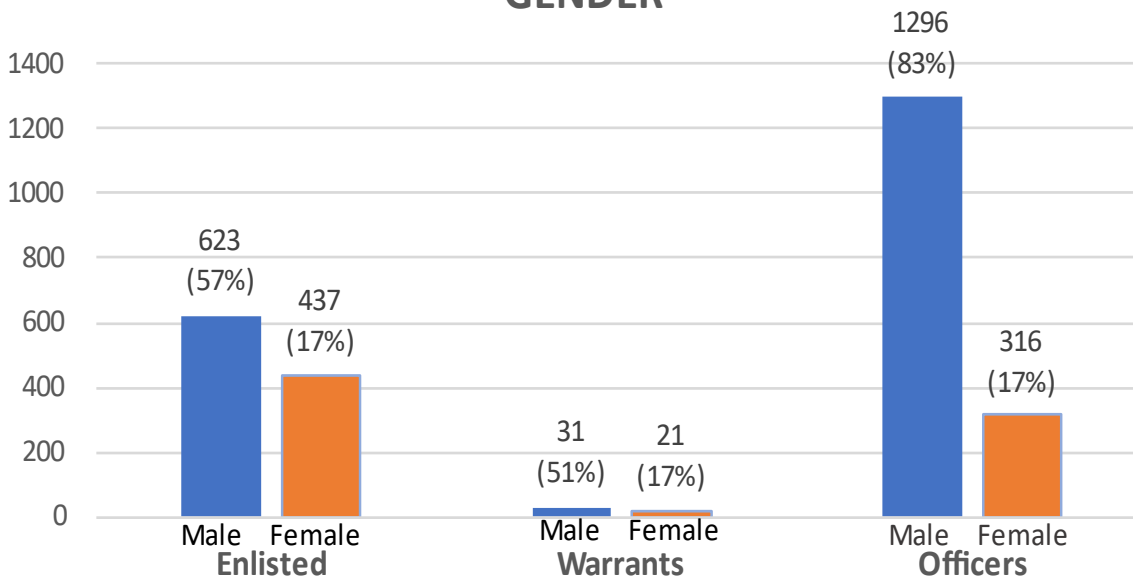
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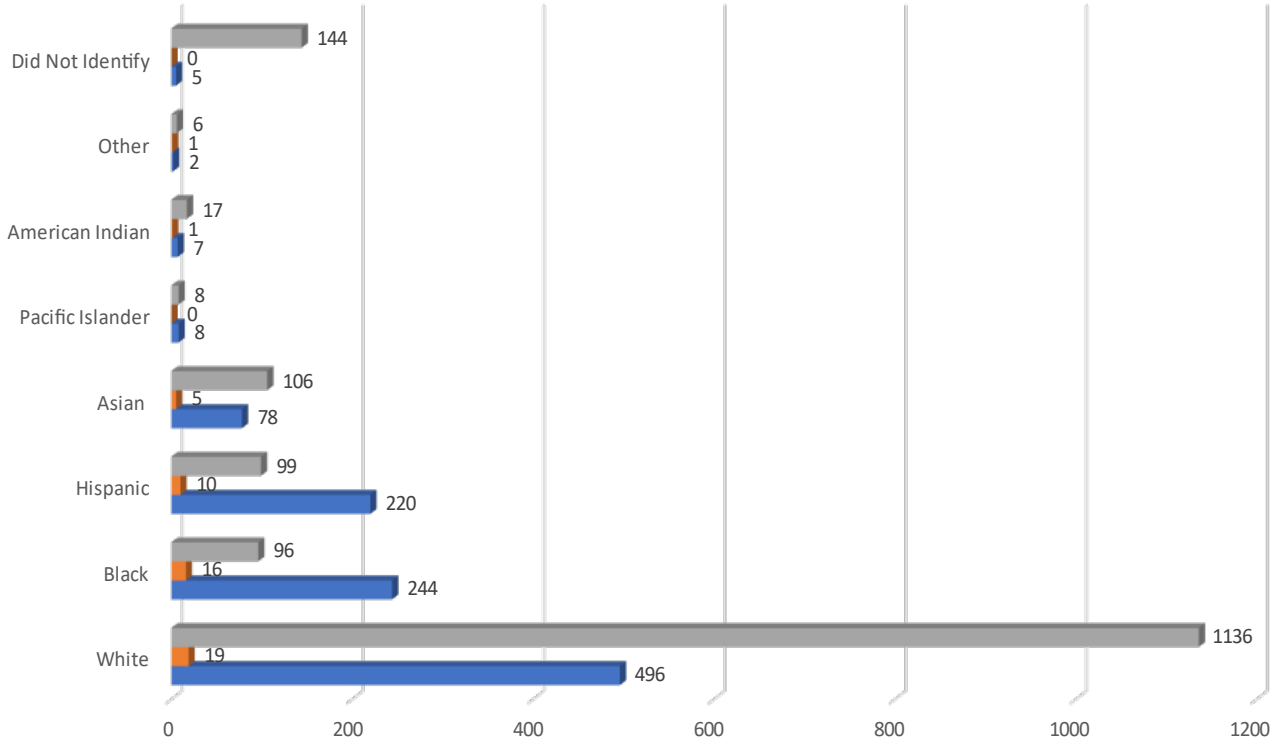
COHORT



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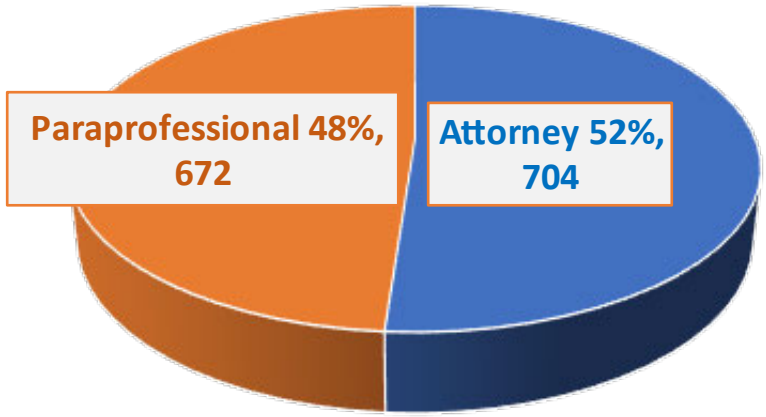
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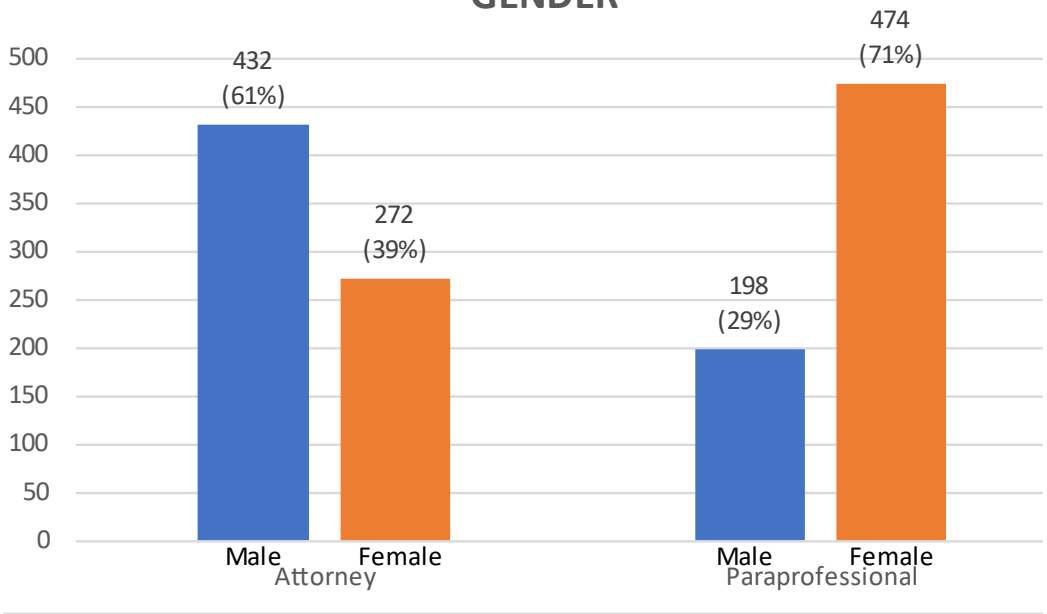
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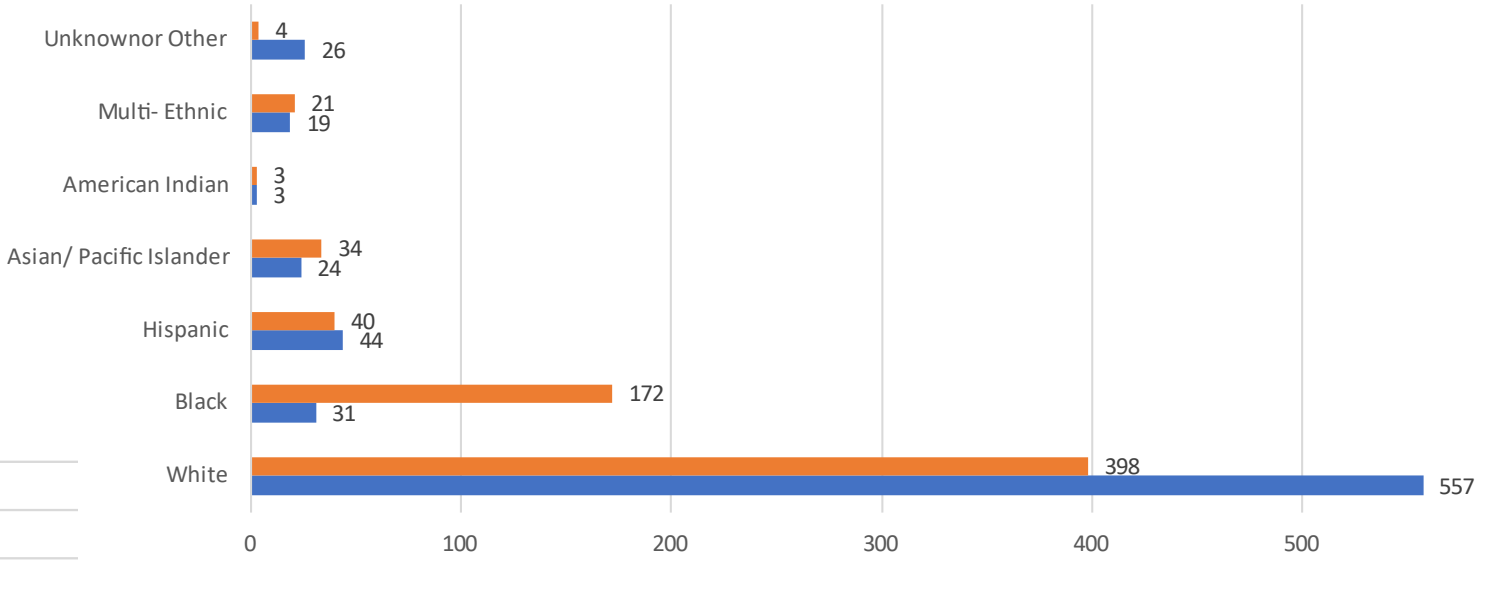
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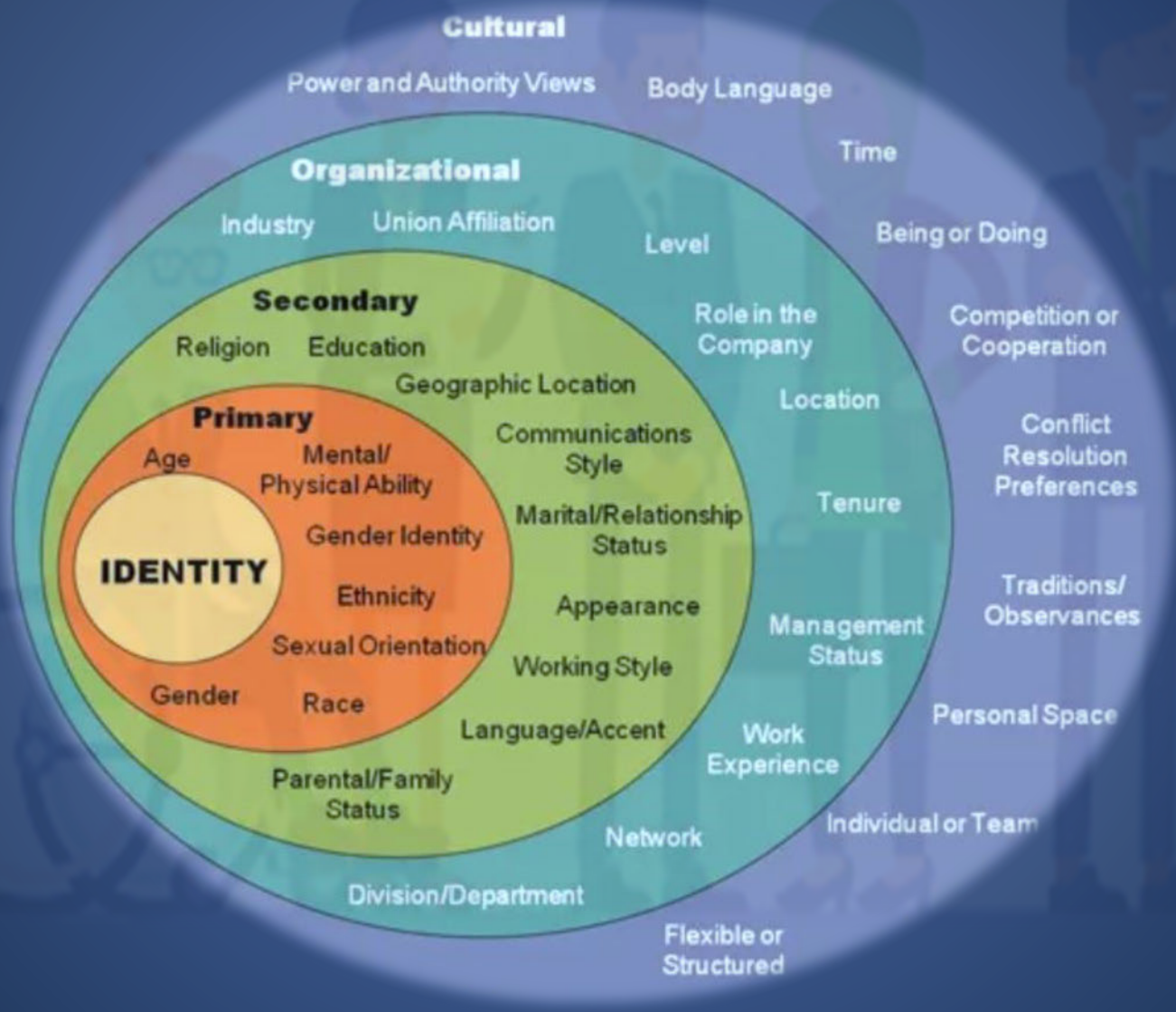


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

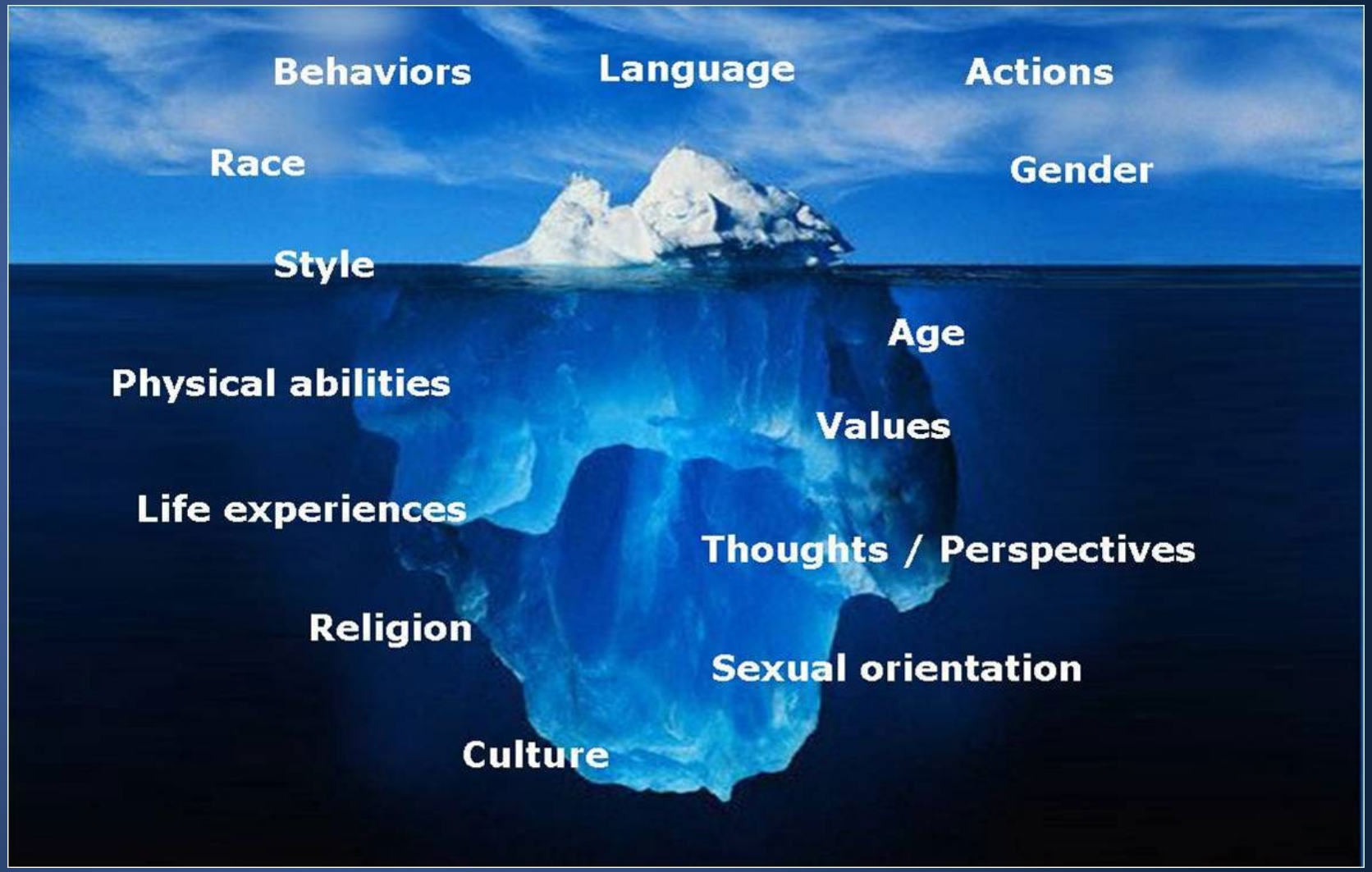
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%

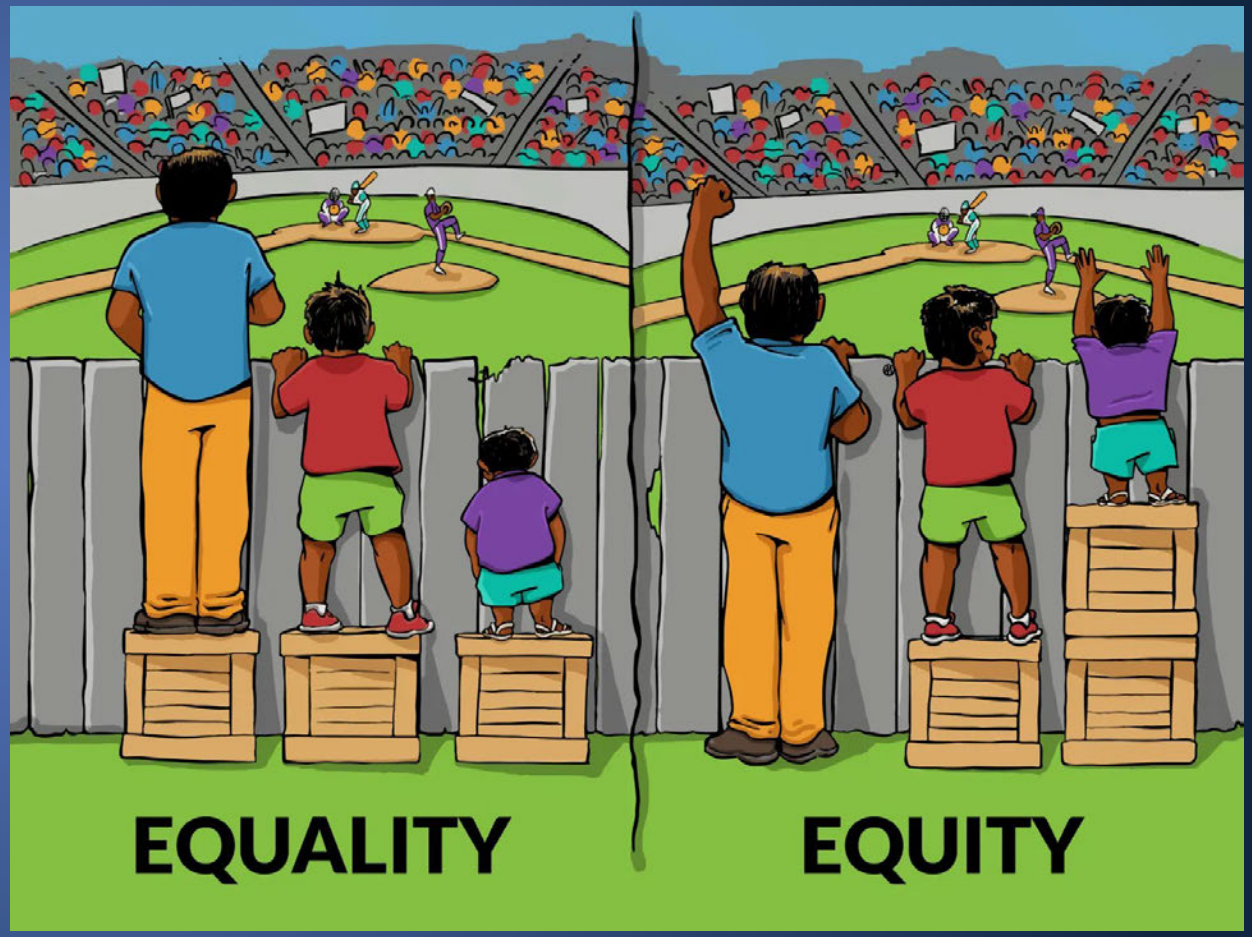


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- Leaders cannot fulfill the promise of equal opportunity without giving equal access



FROM EQUALITY TO EQUITY TO INCLUSION



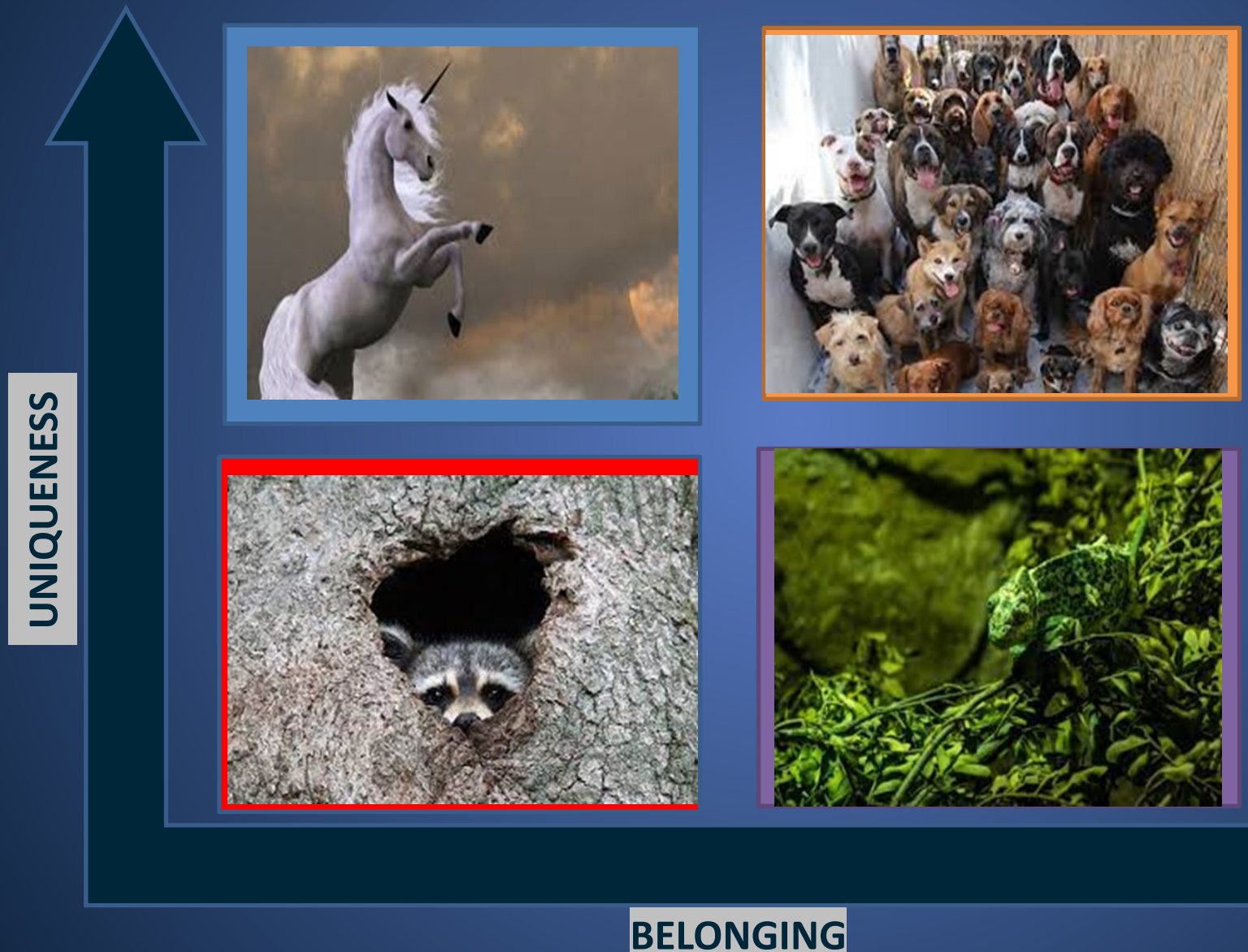
EQUALITY EQUITY INCLUSION

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Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
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- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEIA & the Council

MS Teams

JAGC ODEI- DEI&A Training and Resources

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

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usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

QUESTIONS?

Implicit (Unconscious) Bias



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Introduction

- It is challenging to recognize and acknowledge our own unconscious biases
- Biases result from the things we were taught and the observations we make throughout our life
- Biases can be mitigated
- Change – of any kind – is uncomfortable. The most important thing you can do, especially as a leader, is prepare for that discomfort

Amazing Mind

We cna raed tihs bcuseae the huamn
mnid deos not raed ervey lteter by istlef,
but the wrod as a wlohe.
Our brians tkae shrutctus.

Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

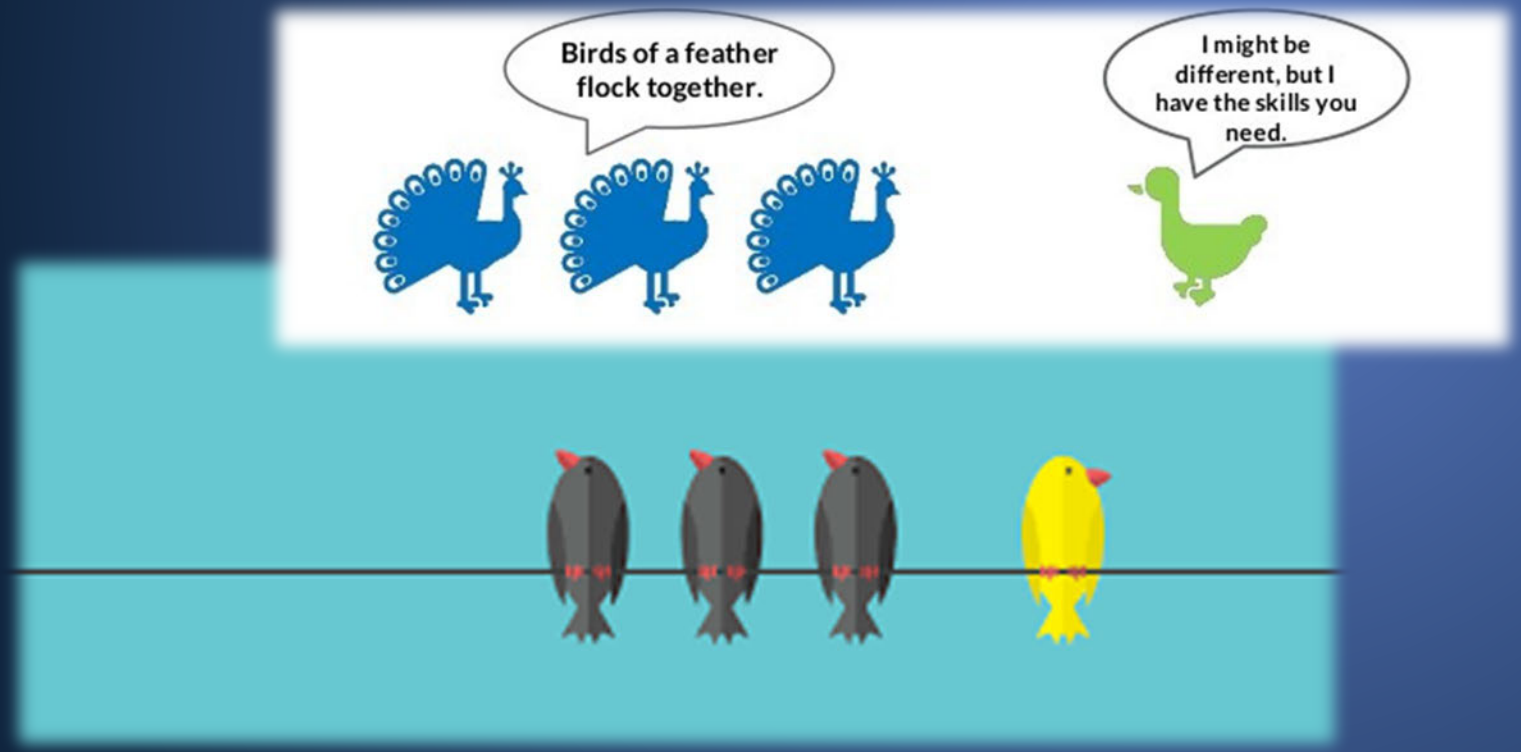
Implicit (Unconscious) Bias

- **Implicit bias** refers to the brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness

  - Not good or bad…just is
  - Often can affect our decision-making
  - Influenced by our experiences
  - **impacts the lens with which we view the world**

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us





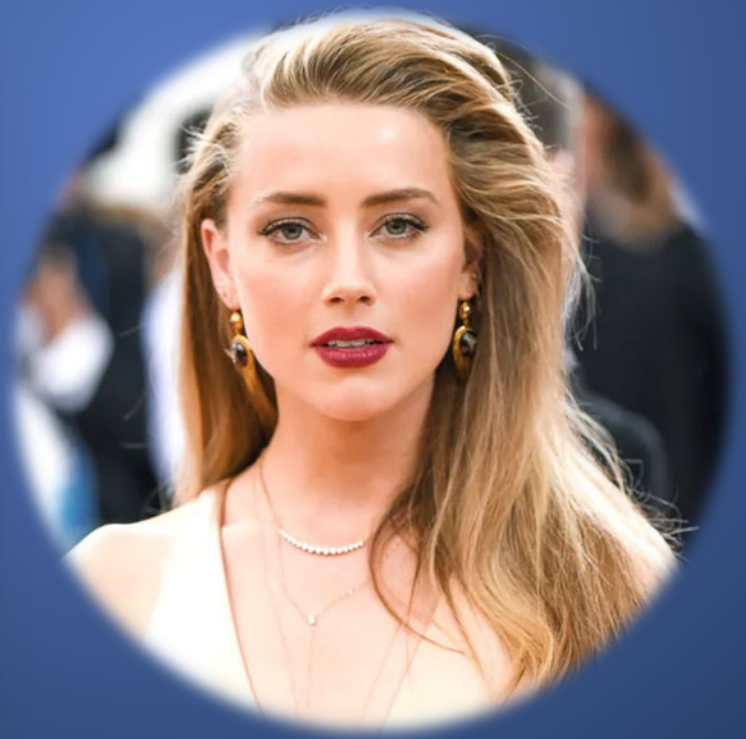
Affinity Bias, *cont.*

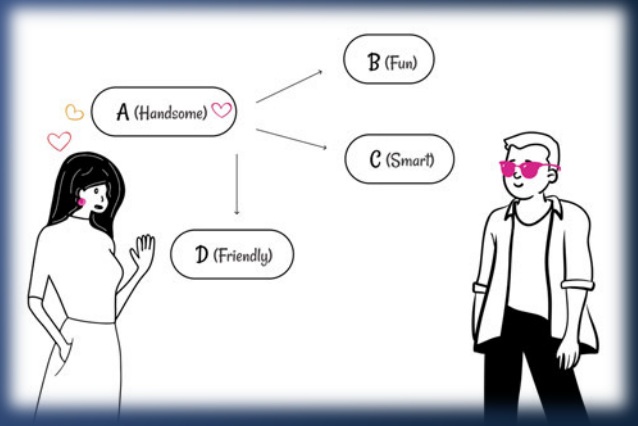
- Some examples of affinity bias (similarity bias) in the workplace:
  - common traits, attended the same college, served in the same unit at the same time, badges/tabs
- How it affects the workplace:
  - hiring decisions; promotions; mentorship opportunities; and how certain people's ideas are received
- Combat it by:
  - take time to get to know everyone better; find common ground; actively seek diversity

Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good







Halo Bias, *cont.*

- Some examples of halo bias in the workplace:
  - PT stud, looks good in uniform, outgoing personality, nice smile, best athlete at frisbee football
- How it affects the workplace;
  - gives one the best assignments; an employee is highly competent in one area, and the supervisor rates the employee correspondingly high in all areas; creates reputation for “favoritism” and unfairness; overshadows higher qualified co-workers; one gets away with showing up late
- Combat it by:
  - change the tools you're using to assess employees' performance, skills, and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along









Confirmation Bias, *cont.*

- Some examples of confirmation bias in the workplace:
  - interpretations of issues, resume review, singling out a colleague as lazy, calling ahead to get “a feel” for an inbound employee before their arrival and actively seeking out things that support that “bias”
- How it affects the workplace:
  - leads to flawed decision-making; miss out on important information and facts; “what we see depends mainly on what we look for”
- Combat it by:
  - ask neutral questions; play devil’s advocate; consider all the evidence and facts available; seek out different perspectives; be willing to change your mind in light of new evidence and facts; listen to what others have to say

6 Ways to Mitigate Unconscious Bias

1

Recognize and accept that you have bias

2

Develop the capacity to use a flashlight on yourself

3

Practice "Constructive Uncertainty"

4

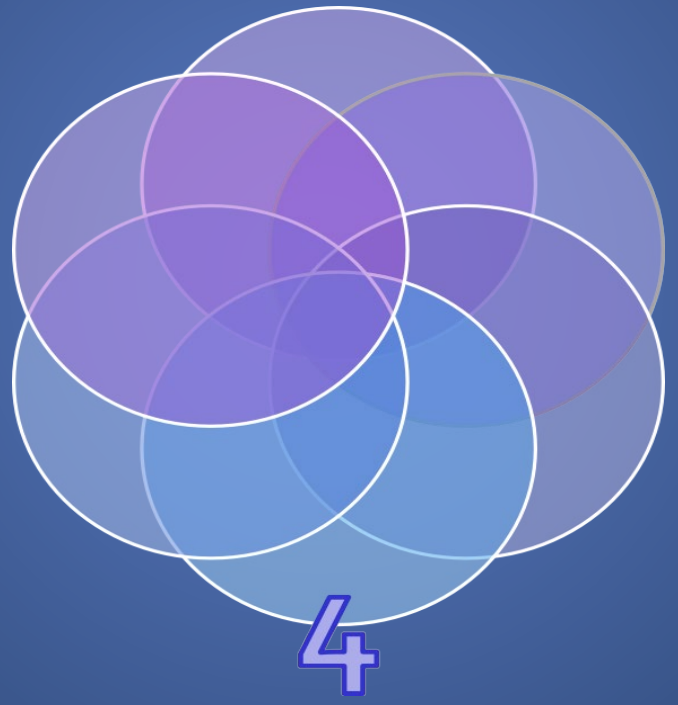
Explore awkwardness, and discomfort

5

Engage with people you consider "others" and expose yourself to positive role models in that group

6

Get feedback



Source: Cook Ross

In Conclusion

- We ALL have biases
- Bias is an unavoidable part of personal and professional life
- Unlike conscious bias, people who exhibit unconscious bias have no idea they're acting in a way that favors some people and excludes others
- With training and awareness however, you can limit or eliminate the impact of bias in your organization
- By understanding the various unconscious biases, you can raise awareness in the workplace and build a more inclusive work environment
- Tackling bias doesn't have to be difficult—it starts with you

QUESTIONS?

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Presentation #44

DEI&A: An Overview



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEIA

(b) (6), Director

(b) (6), Chief Operations Officer

Introduction

Training creates a baseline for JALS personnel and creates a shared understanding of DEI&A

Agenda:

- Background on DEIC & ODEIA
- ODEIA Initiatives
- JALS Demographics
- DEI&A defined

Background

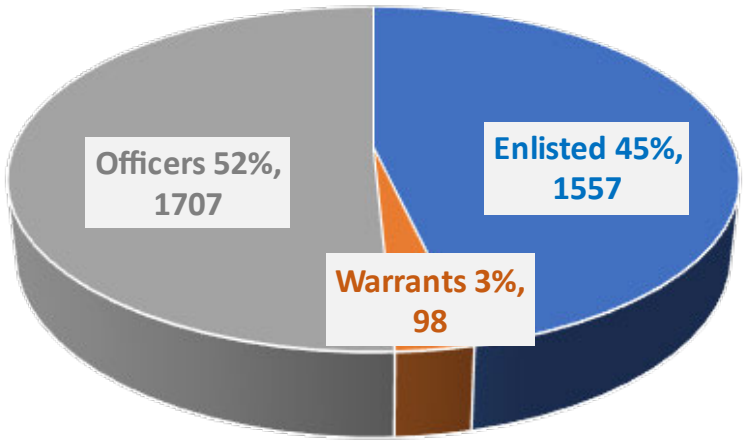
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEIA established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEIA Initiatives

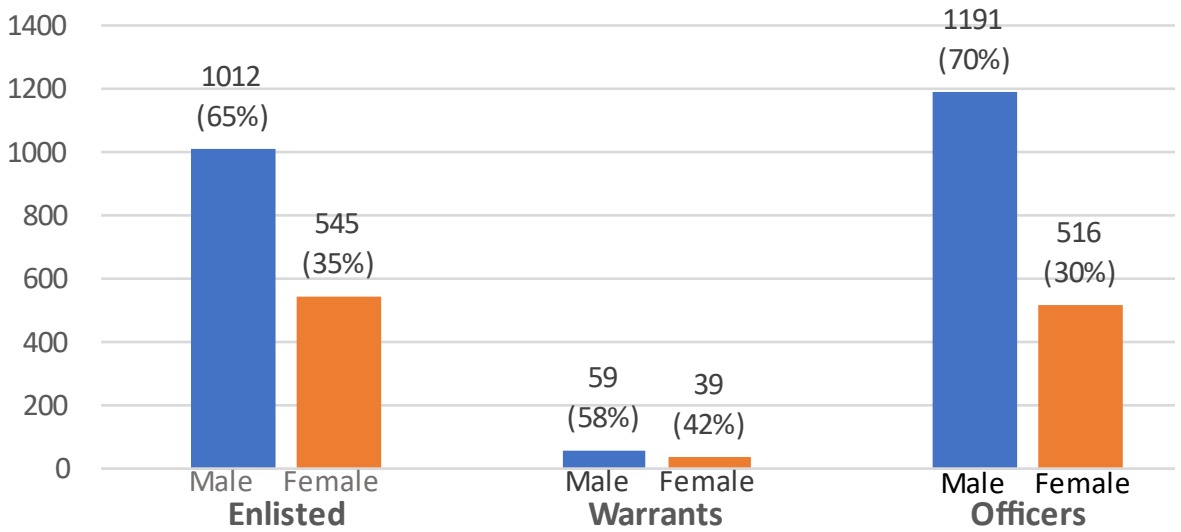
- JALS DEI&A STRATPLAN – **to be aligned w/ Army & DoDs**
- DEIA Train-the-Trainer
- Monthly Enterprise Virtual Training
- DEI&A training at all levels of JAGC PME (TJAGLCS)
- Facilitating bias discussions at boards (GOSC, Accessions, Interns, FLEP, etc.)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community

JAGC Active Component Demographics

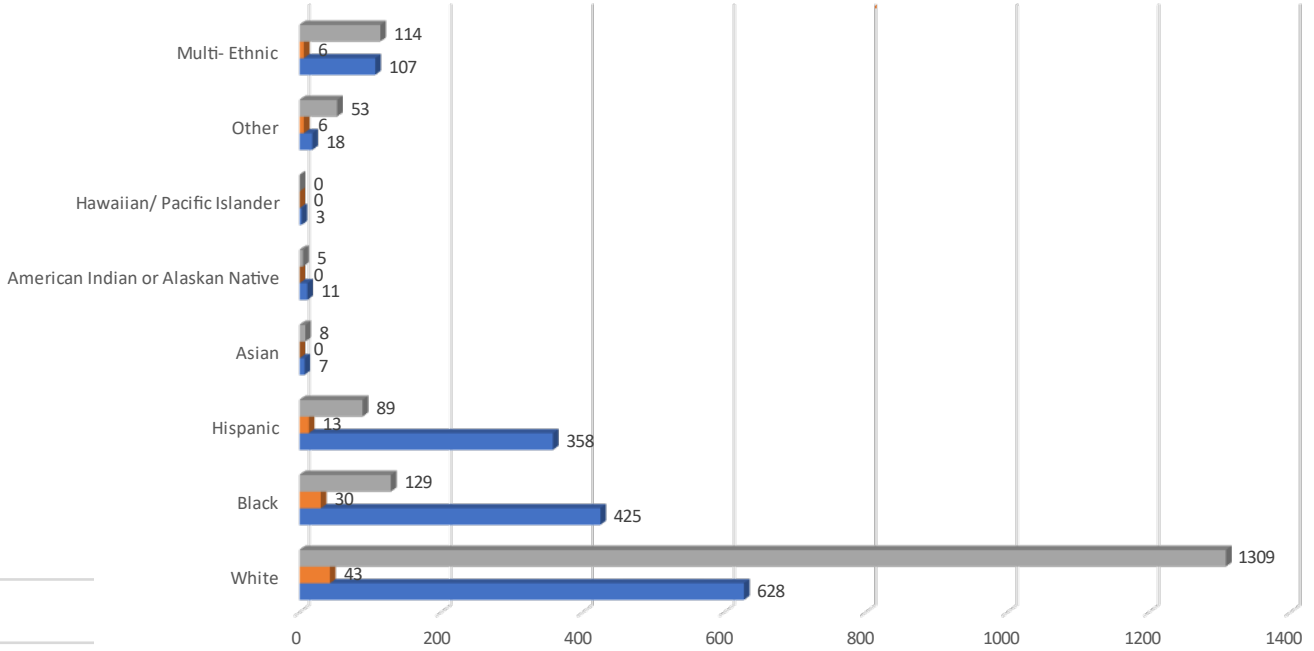
COHORT



GENDER



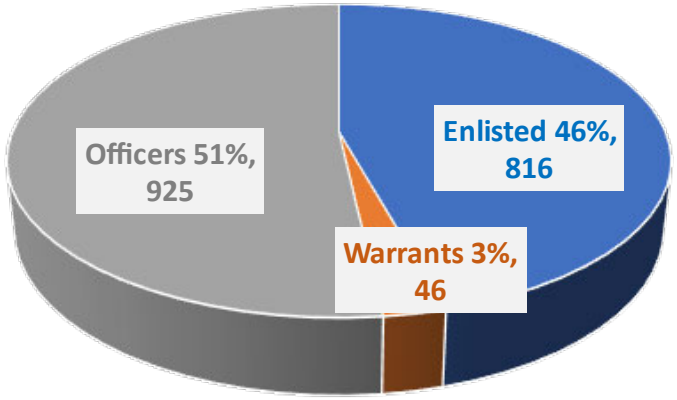
RACE/ ETHNICITY



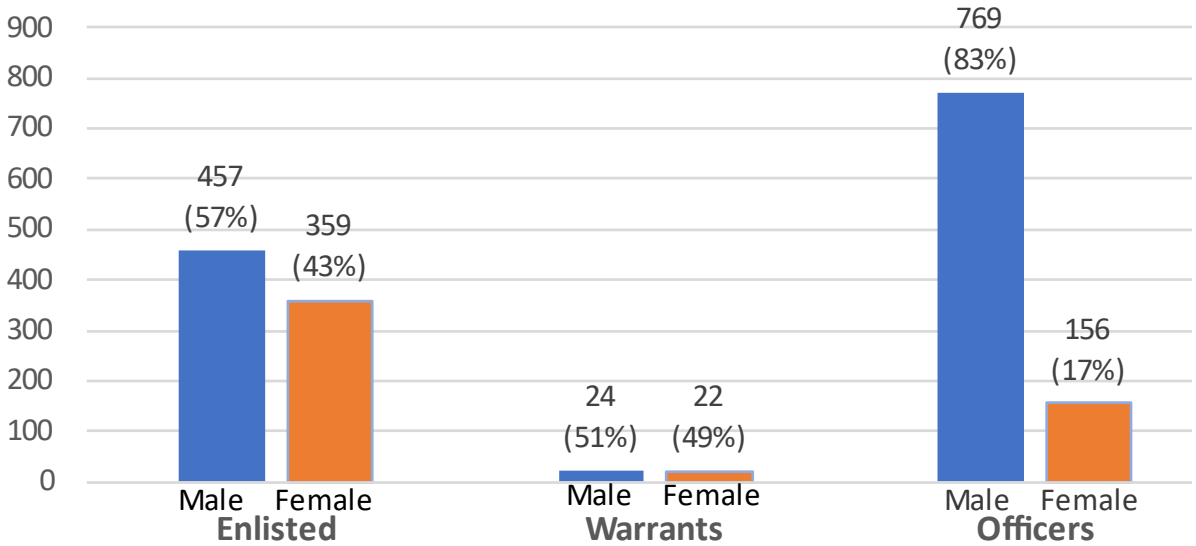
	White	Black	Hispanic	Asian	American Indian or Alaskan Native	Hawaiian/ Pacific Islander	Other	Multi-Ethnic
Enlisted	628 (40.3%)	425 (27.2%)	358 (22.9%)	7 (0.4%)	11 (.7%)	3 (0.1%)	18 (1.1%)	107 (6.8%)
Warrants	43 (43.8%)	30 (30.6%)	13 (13.2%)	0 (0%)	0 (0%)	0 (0%)	6 (6.1%)	6 (6.1%)
Officer	1309 (76.6%)	129 (7.5%)	89 (5.2%)	8 (0.4%)	5 (0.2%)	0 (0%)	53 (3.1%)	114 (6.6%)

JAGC National Guard Component Demographics

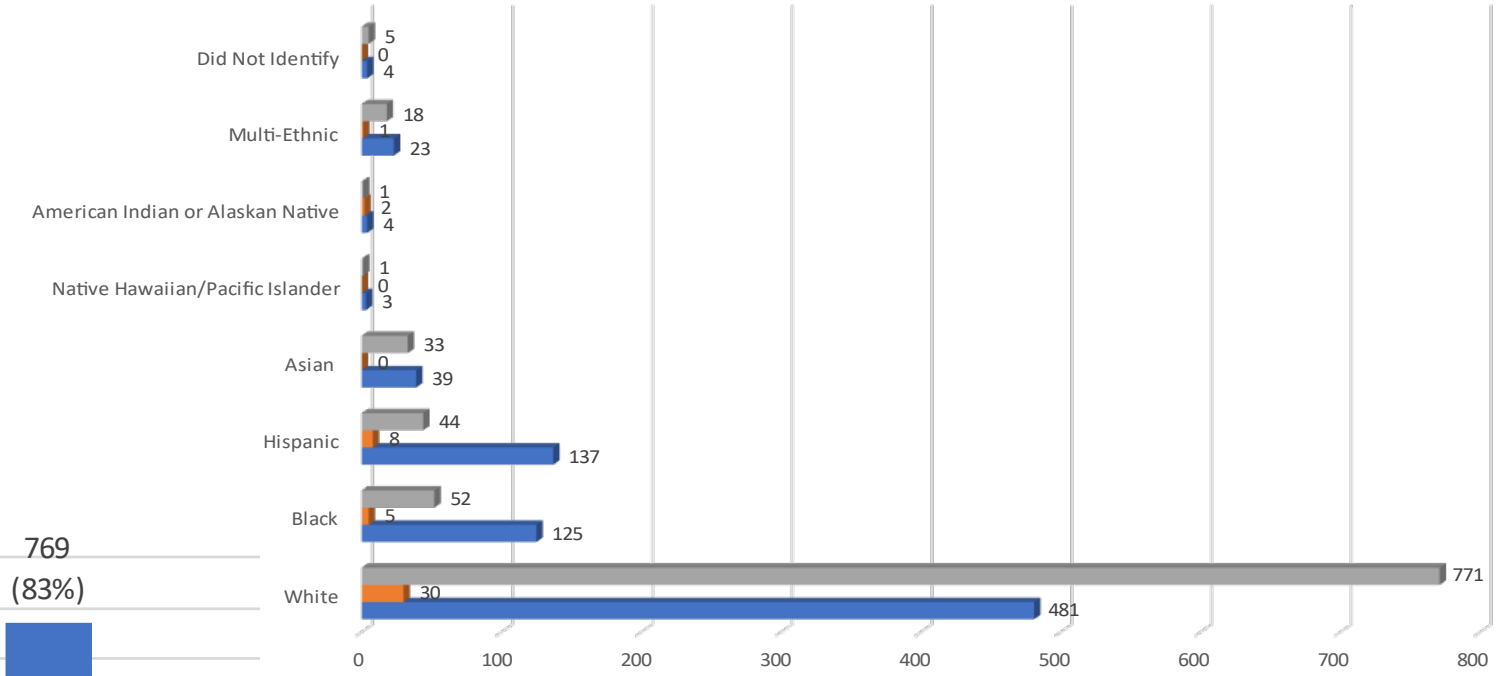
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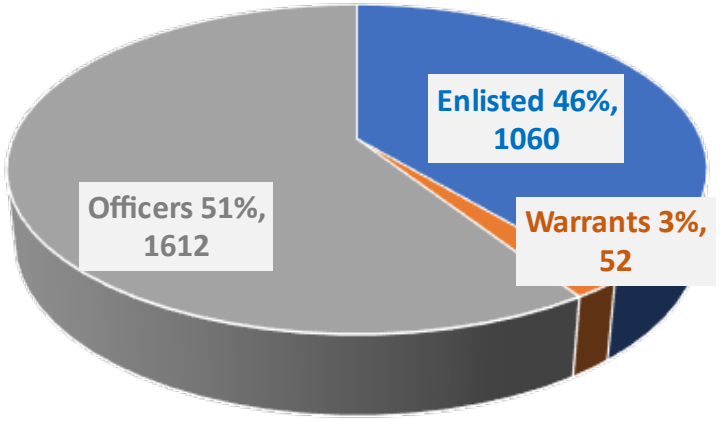
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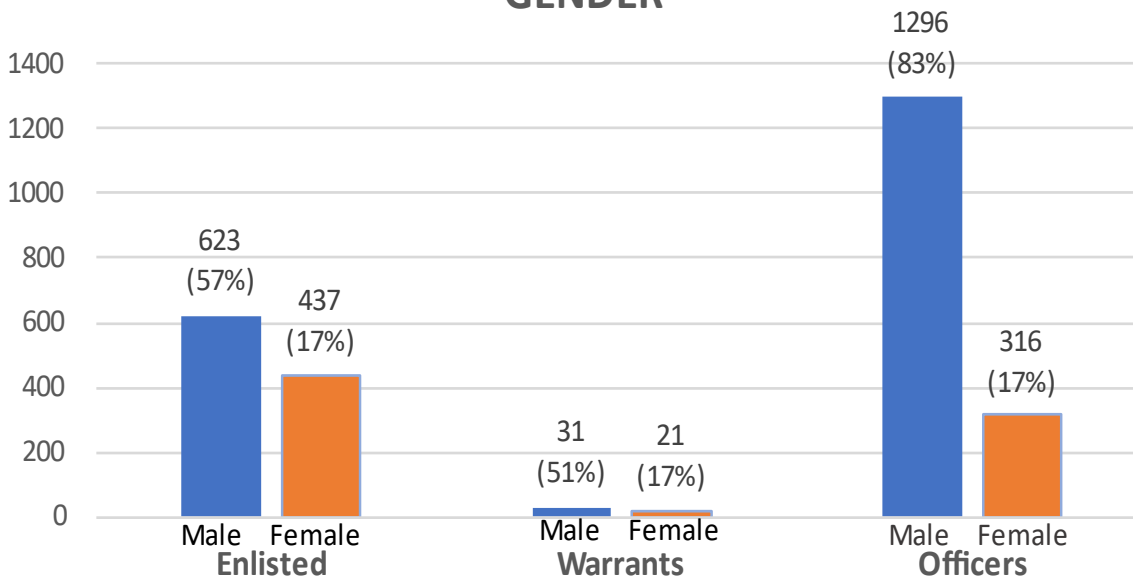
	White	Black	Hispanic	Asian	Native Hawaiian / Pacific Islander	American Indian or Alaskan Native	Multi-Ethnic	Did Not Identify
Enlisted	481 (59%)	125 (15.3%)	137 (16.7%)	39 (4.7%)	3 (.3%)	4 (.4%)	23 (2.8%)	4 (.4%)
Warrants	30 (65.2%)	5 (10.8%)	8 (17.3%)	0 (0%)	0 (0%)	2 (4.3%)	1 (2.1%)	0 (0%)
Officer	771 (83.3%)	52 (5.6%)	44 (4.7%)	33 (3.5%)	1 (.1%)	1 (.1%)	18 (1.9%)	5 (.5%)

JAGC Reserve Component Demographics

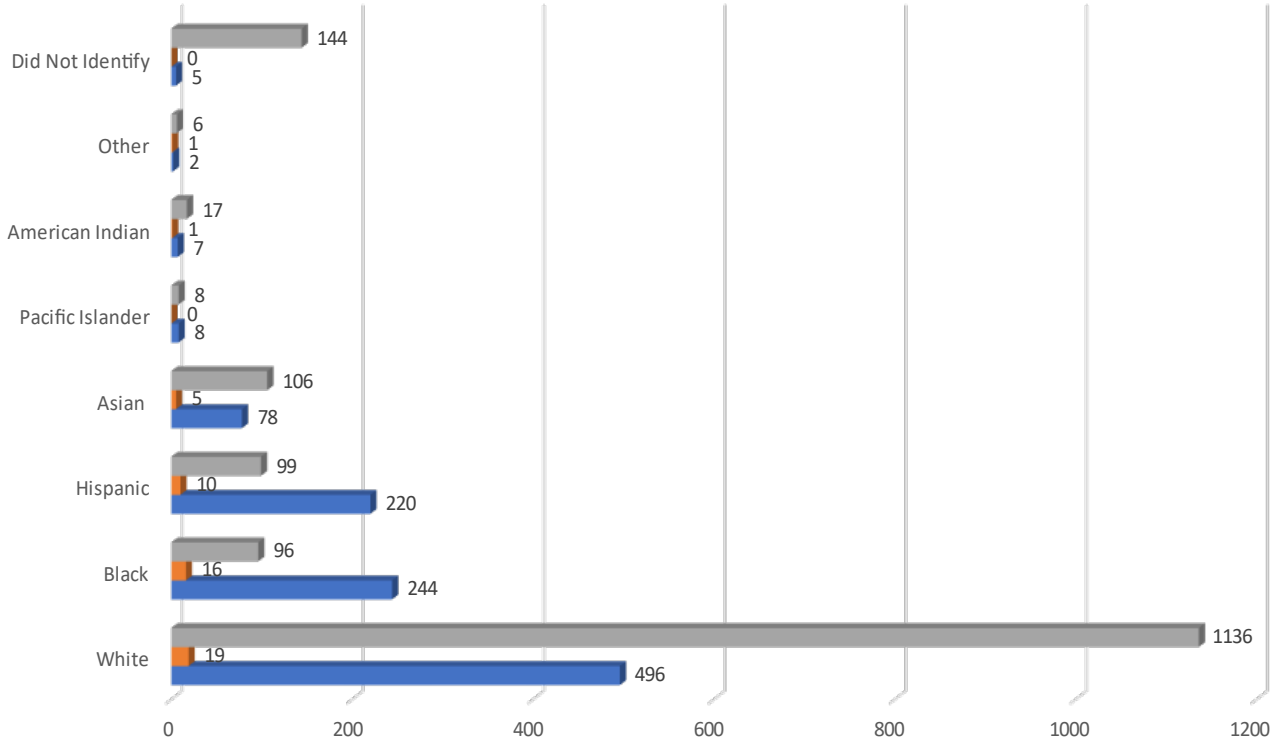
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GENDER



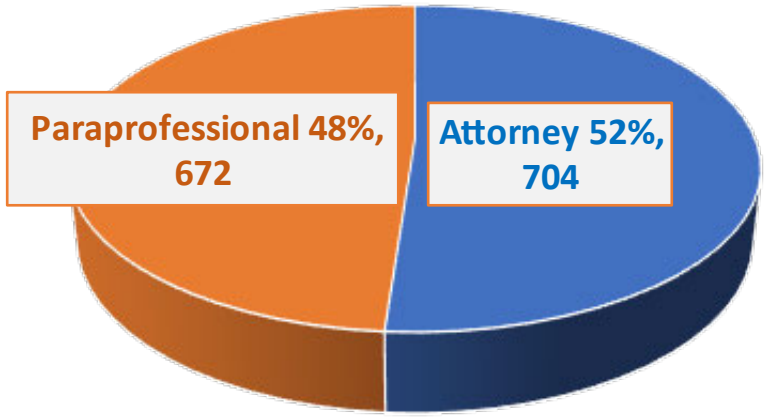
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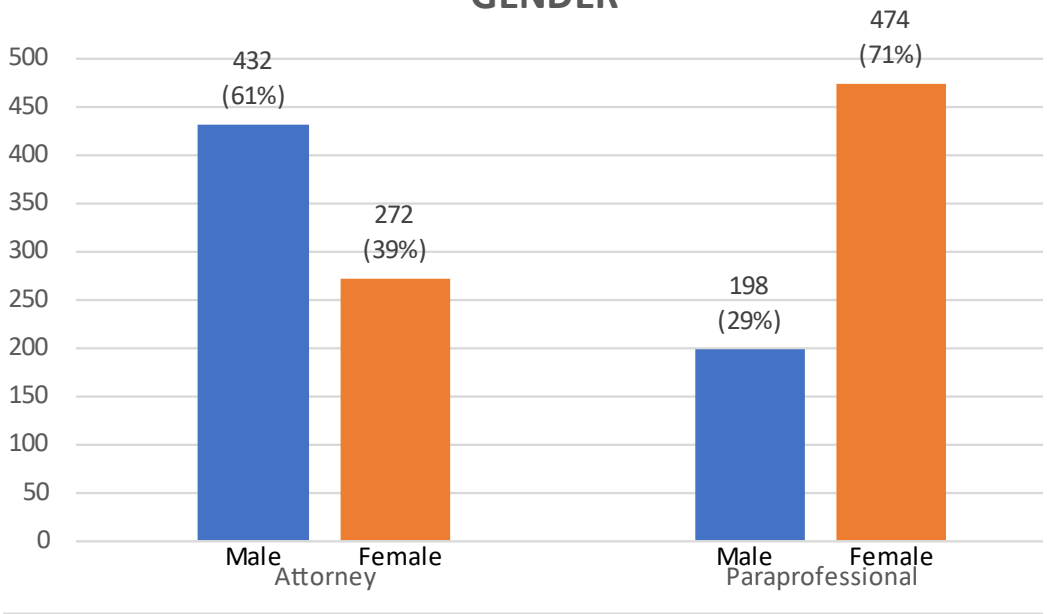
	White	Black	Hispanic	Asian	Pacific Islander	American Indian	Other	Did Not Identify
Enlisted	496 (46.7%)	244 (23%)	220 (20.7%)	78 (7.3%)	8 (.7%)	7 (.6%)	2 (.1%)	5 (.4%)
Warrants	19 (36.5%)	16 (30.7%)	10 (19.2%)	5 (9.6%)	0 (0%)	1 (1.9%)	1 (1.9%)	0 (0%)
Officer	1136 (70.4%)	96 (5.9%)	99 (6.1%)	106 (6.5%)	8 (.4%)	17 (1%)	6 (.3%)	144 (8.9%)

JALS Civilian Demographics

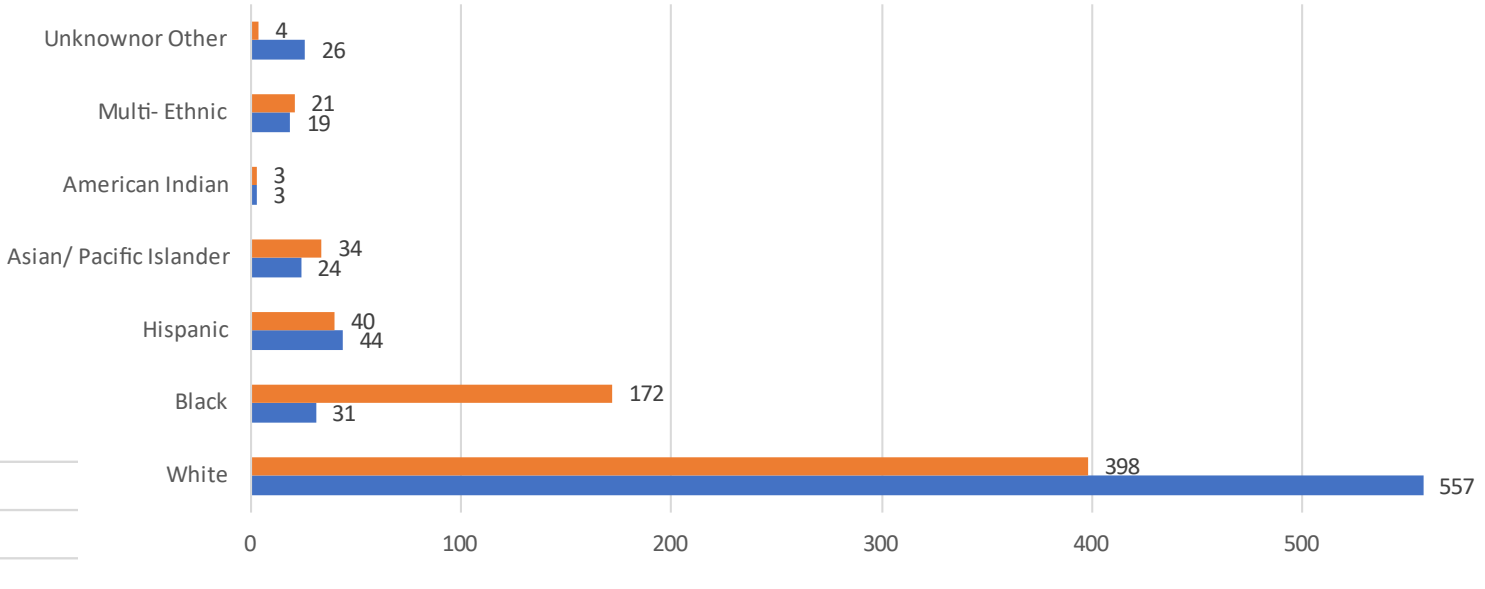
COHORT



GENDER



RACE / ETHNICITY



	White	Black	Hispanic	Asian/ Pacific Islander	American Indian	Multi-Ethnic	Unknown or Other
Attorney	557 (79.1%)	31 (4.4%)	44 (6.2%)	24 (3.4%)	3 (.4%)	19 (2.6%)	26 (3.6%)
Paraprofessional	398 (59.2%)	172 (25.5%)	40 (5.9%)	34 (5%)	3 (.4%)	21 (3.1%)	4 (.5%)

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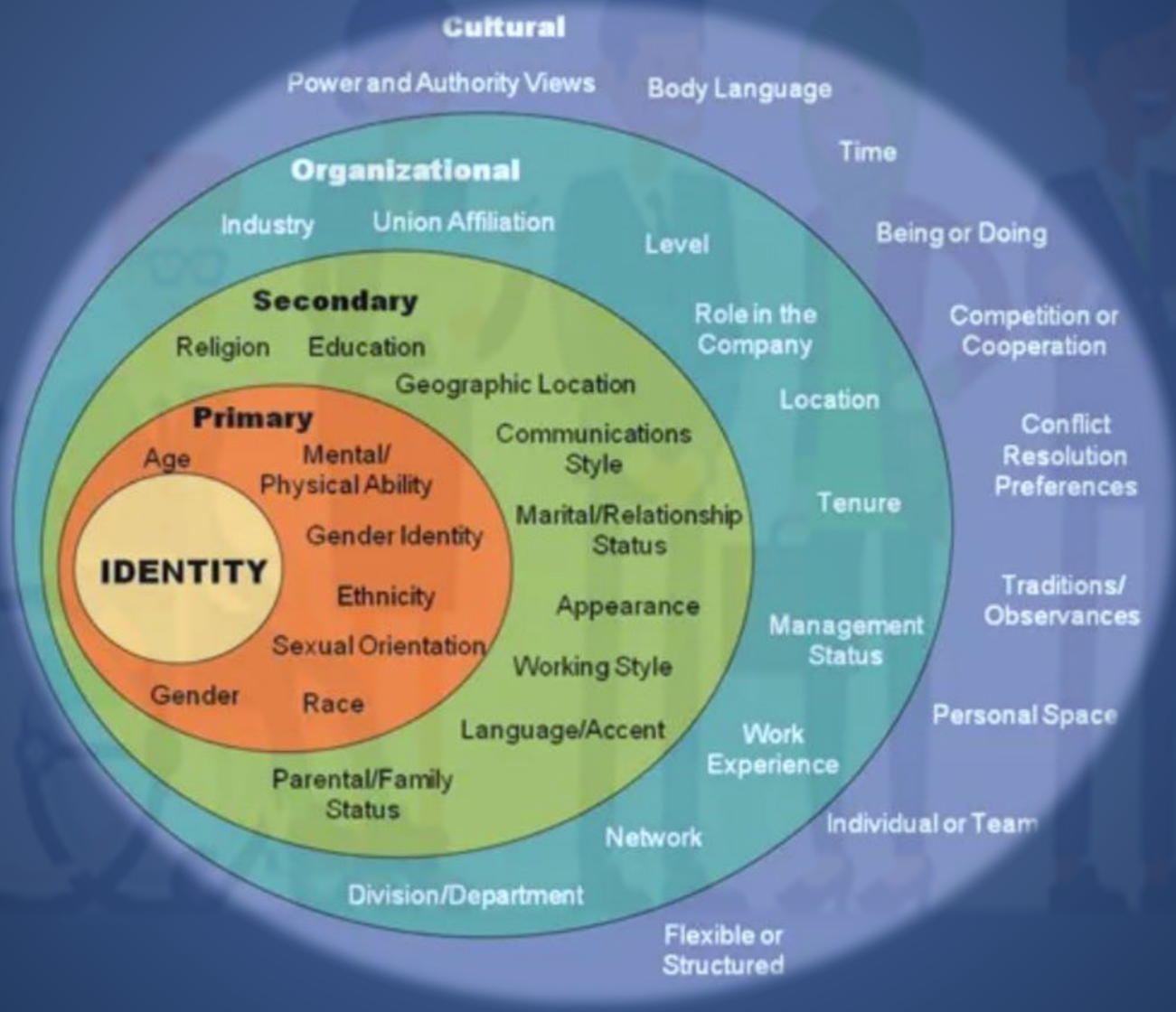


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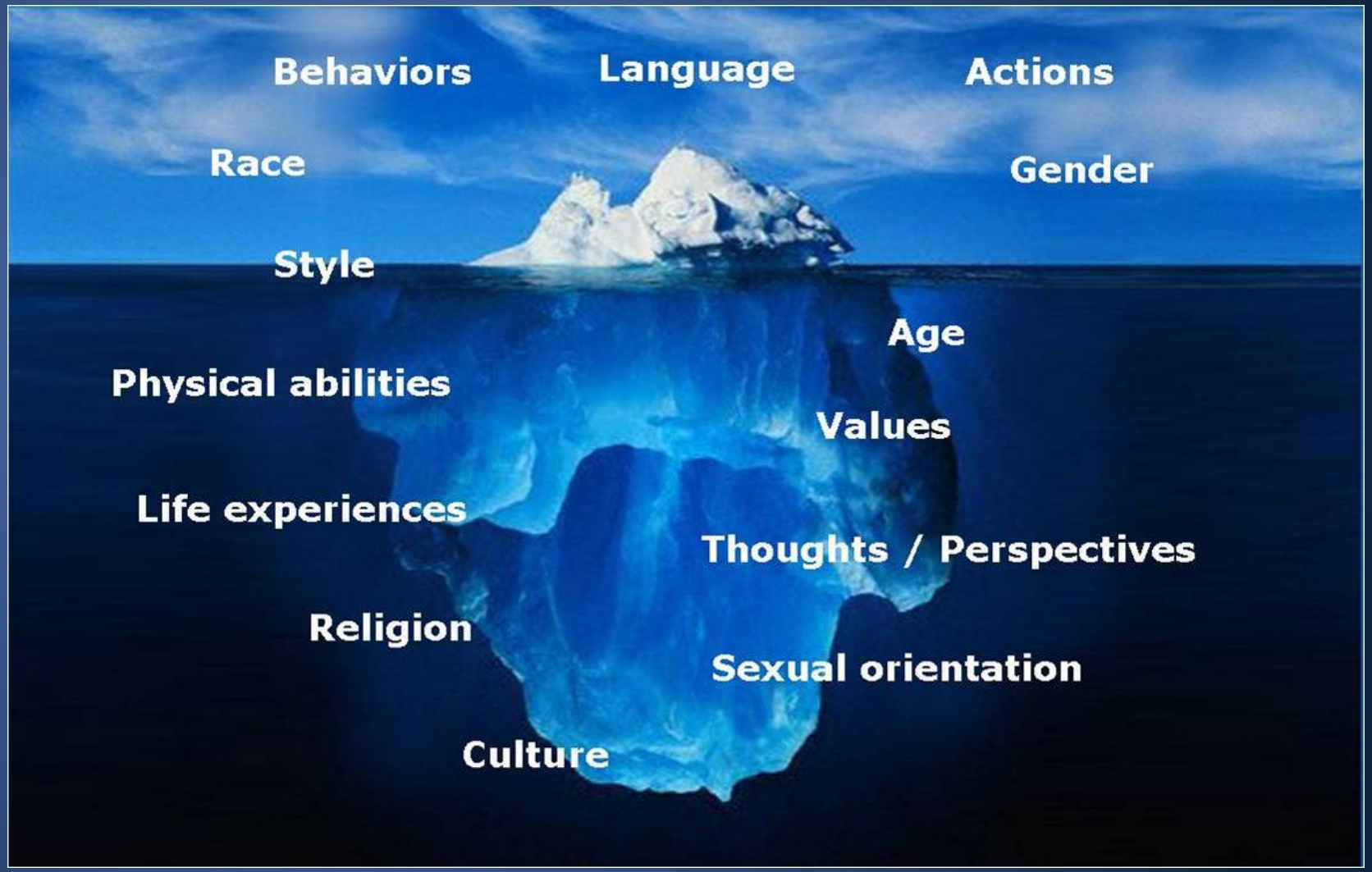
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- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%

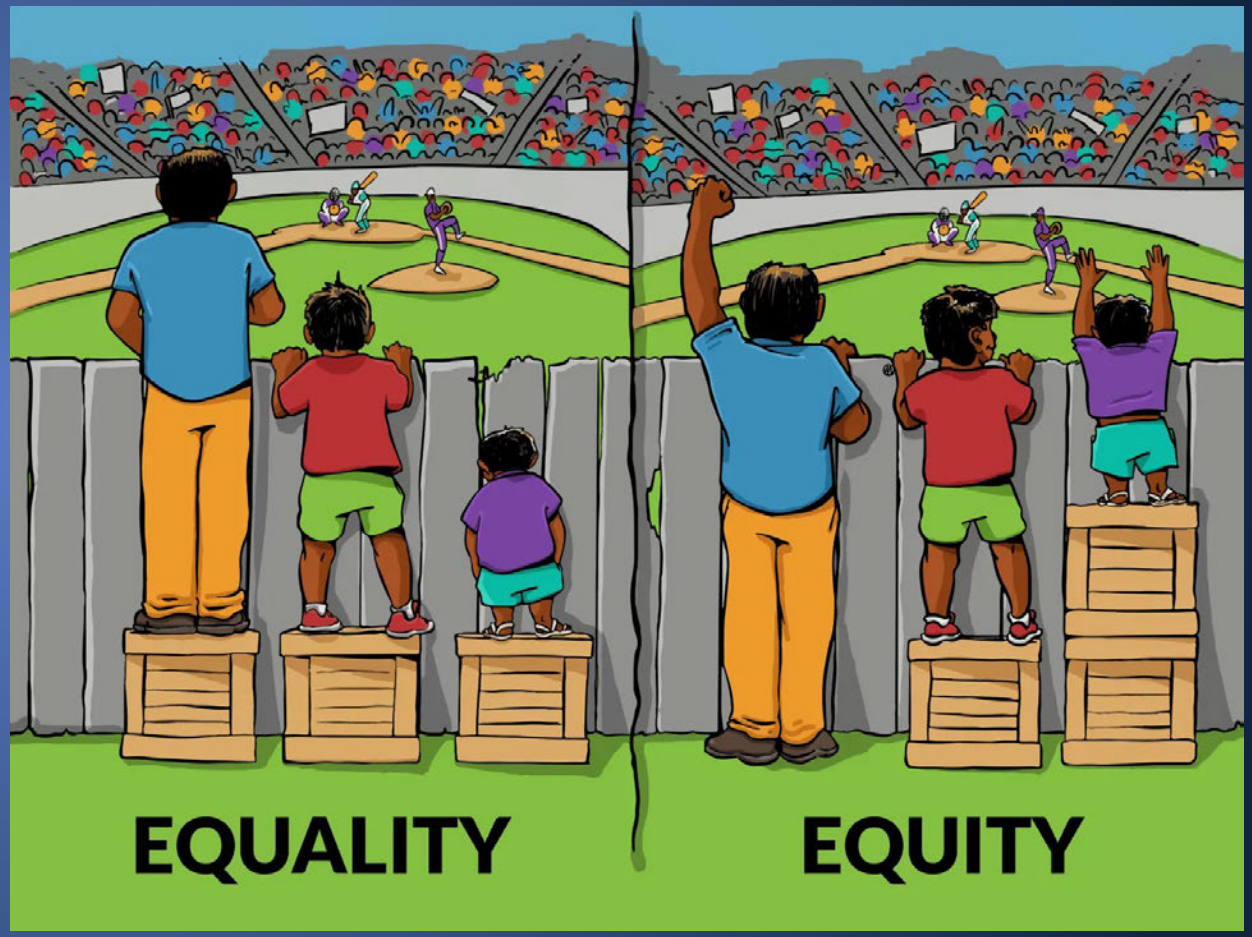


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FROM EQUALITY TO EQUITY TO INCLUSION



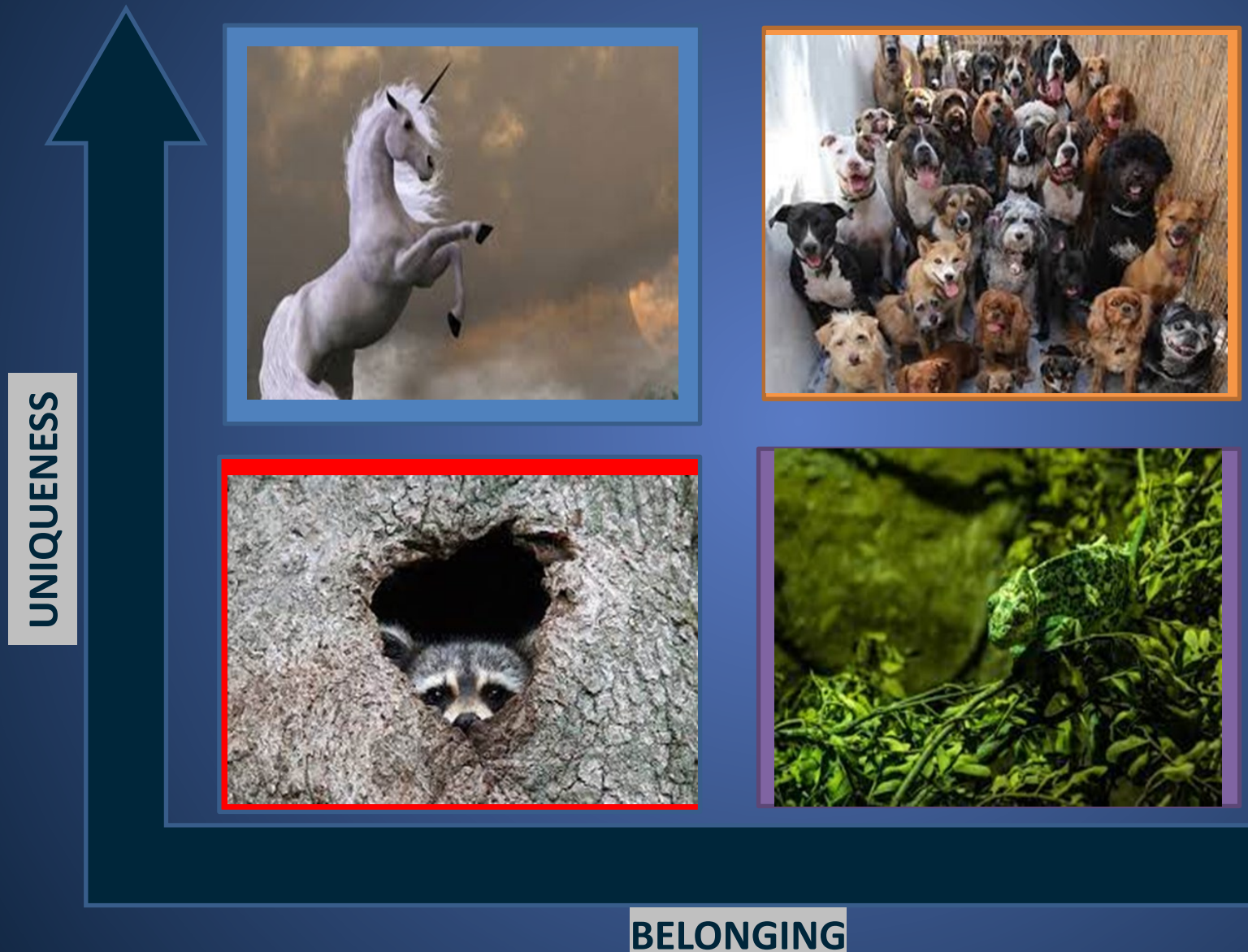
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QUESTIONS?

Implicit (Unconscious) Bias



Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

Introduction

- It is challenging to recognize and acknowledge our own unconscious biases
- Biases result from the things we were taught and the observations we make throughout our life
- Biases can be mitigated
- Change – of any kind – is uncomfortable. The most important thing you can do, especially as a leader, is prepare for that discomfort

Amazing Mind

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Our brians tkae shrutctus.

Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

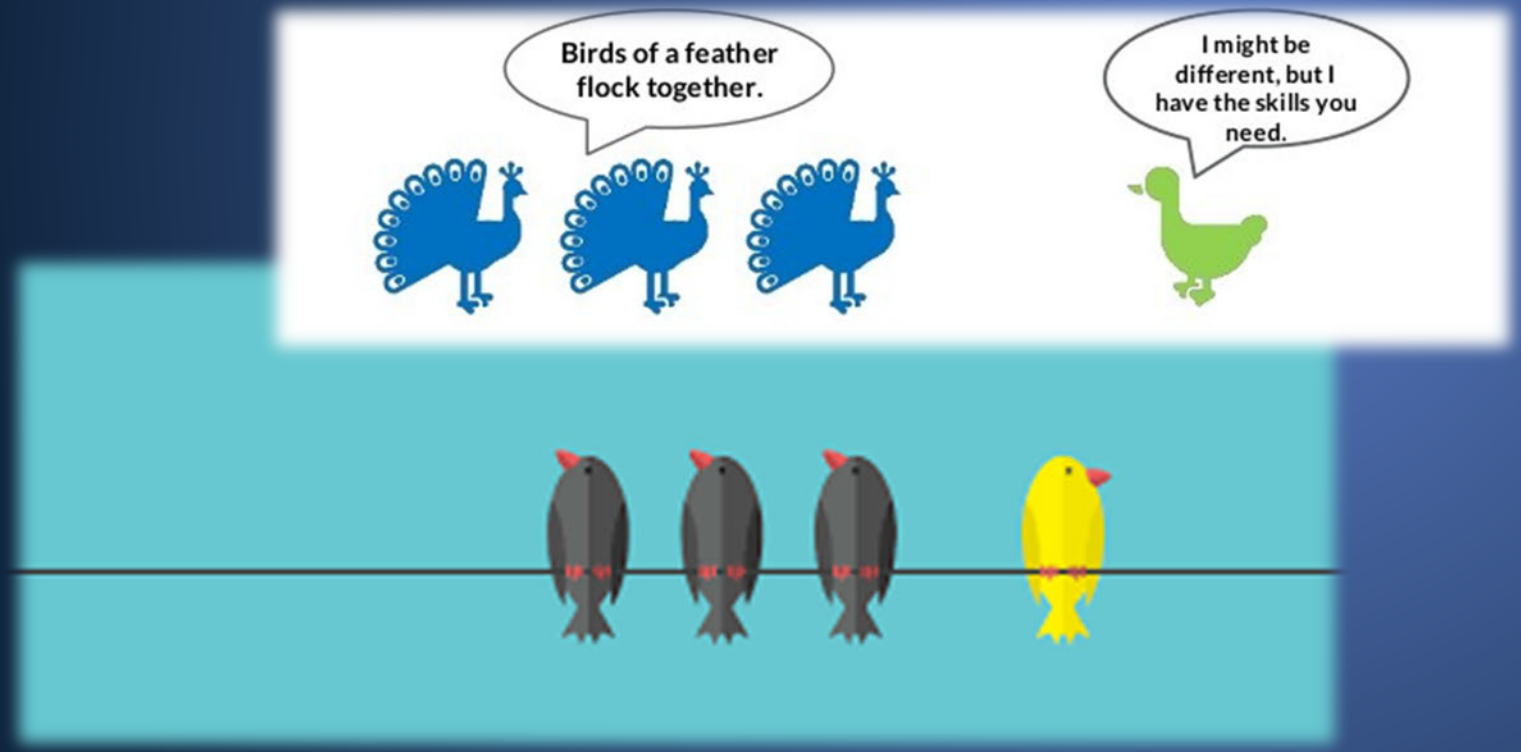
Implicit (Unconscious) Bias

- **Implicit bias** refers to the brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness

  - Not good or bad…just is
  - Often can affect our decision-making
  - Influenced by our experiences
  - **impacts the lens with which we view the world**

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us





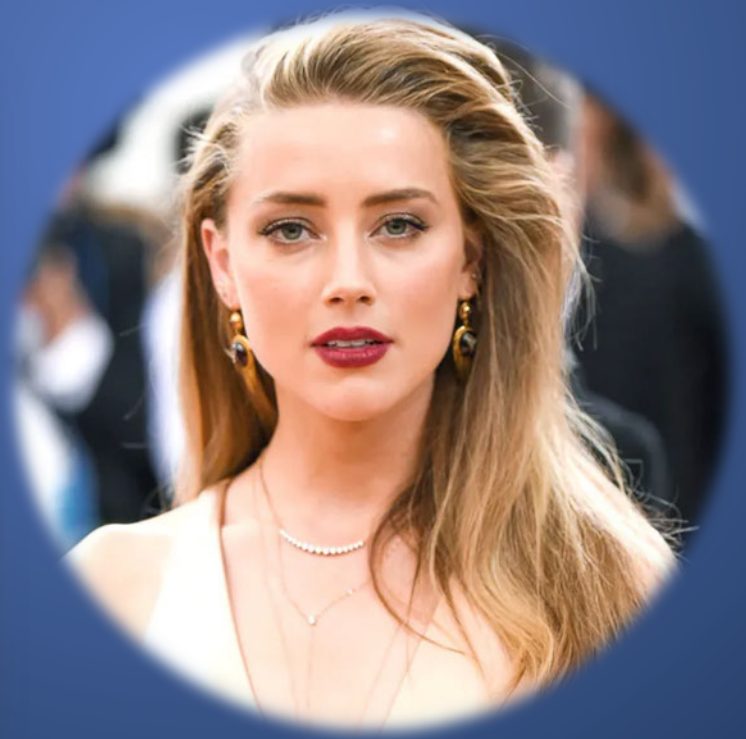
Affinity Bias, *cont.*

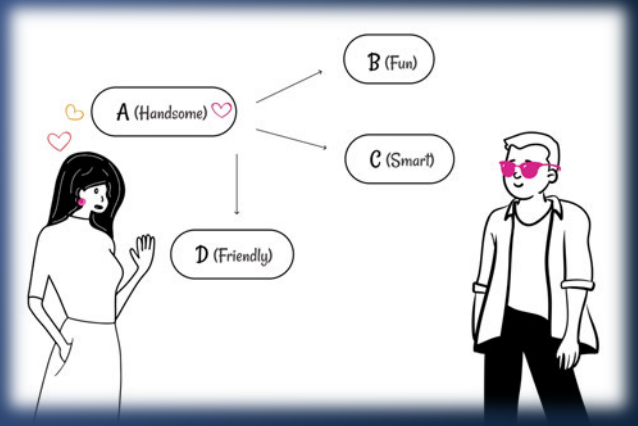
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- Combat it by:
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- What is it?
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Halo Bias, *cont.*

- Some examples of halo bias in the workplace:
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6 Ways to Mitigate Unconscious Bias

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Recognize and accept that you have bias

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Develop the capacity to use a flashlight on yourself

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Practice "Constructive Uncertainty"

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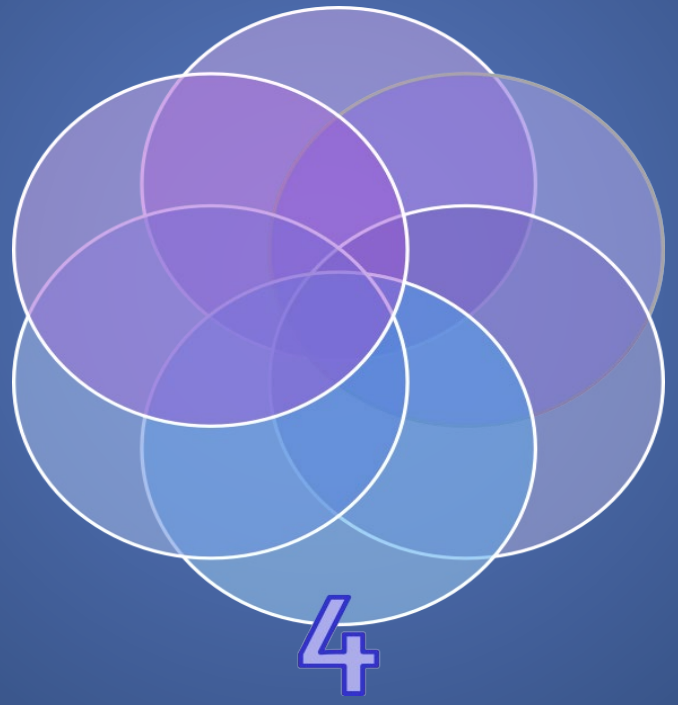
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Get feedback



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In Conclusion

- We ALL have biases
- Bias is an unavoidable part of personal and professional life
- Unlike conscious bias, people who exhibit unconscious bias have no idea they're acting in a way that favors some people and excludes others
- With training and awareness however, you can limit or eliminate the impact of bias in your organization
- By understanding the various unconscious biases, you can raise awareness in the workplace and build a more inclusive work environment
- Tackling bias doesn't have to be difficult—it starts with you

QUESTIONS?

Affinity Mentorship Groups

OPEN TO EVERYONE

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  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
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  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Presentation #45

DEI&A: An Overview



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEIA

(b) (6), Director

(b) (6), Chief Operations Officer

Introduction

Training creates a baseline for JALS personnel and creates a shared understanding of DEI&A

Agenda:

- Background on DEIC & ODEIA
- ODEIA Initiatives
- JALS Demographics
- DEI&A defined

Background

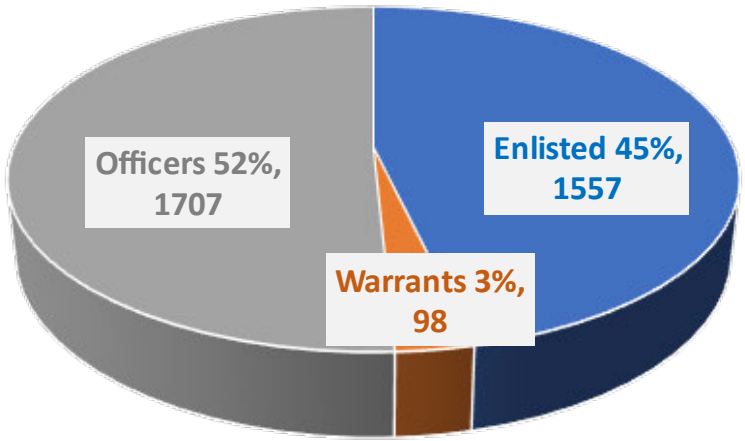
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEIA established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEIA Initiatives

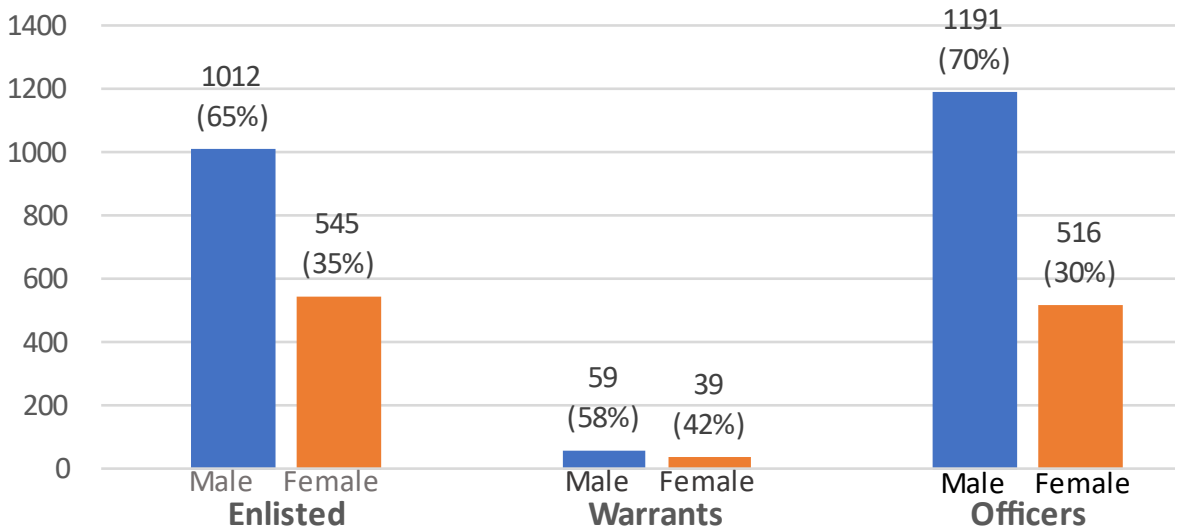
- JALS DEI&A STRATPLAN – **to be aligned w/ Army & DoDs**
- DEIA Train-the-Trainer
- Monthly Enterprise Virtual Training
- DEI&A training at all levels of JAGC PME (TJAGLCS)
- Facilitating bias discussions at boards (GOSC, Accessions, Interns, FLEP, etc.)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community

JAGC Active Component Demographics

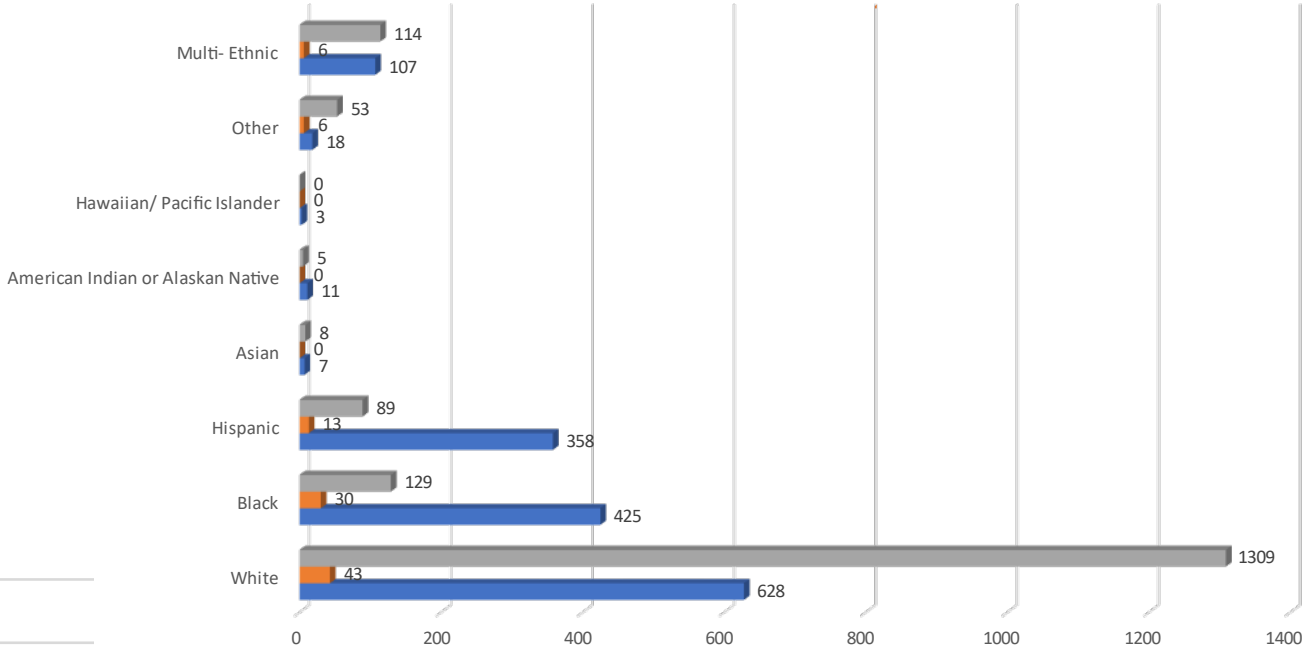
COHORT



GENDER



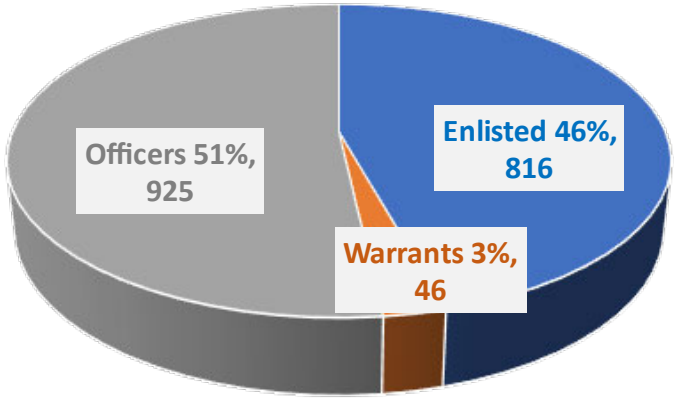
RACE/ ETHNICITY



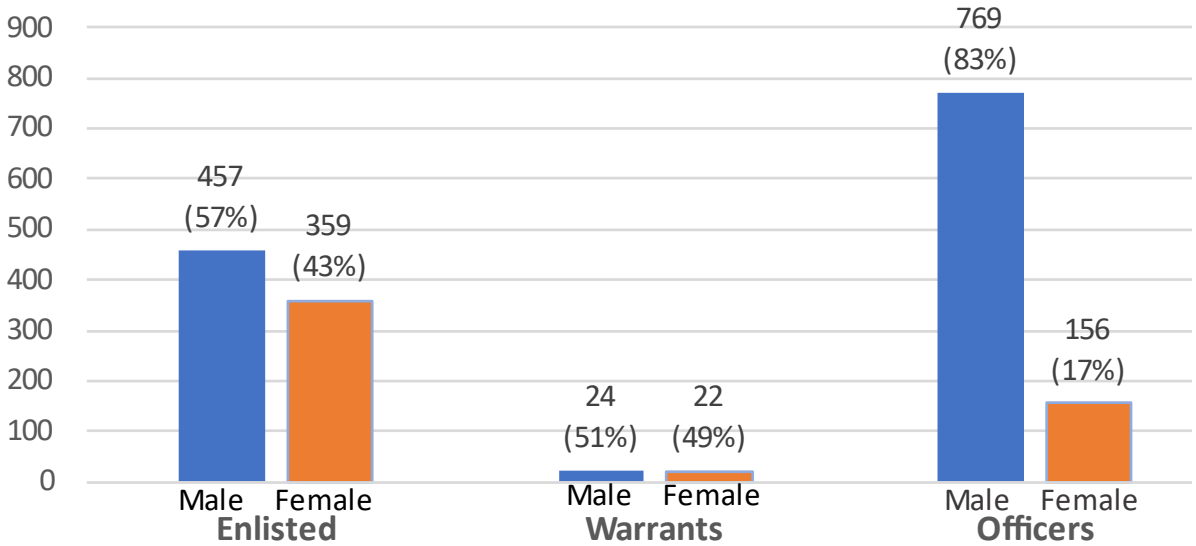
	White	Black	Hispanic	Asian	American Indian or Alaskan Native	Hawaiian/ Pacific Islander	Other	Multi-Ethnic
Enlisted	628 (40.3%)	425 (27.2%)	358 (22.9%)	7 (0.4%)	11 (.7%)	3 (0.1%)	18 (1.1%)	107 (6.8%)
Warrants	43 (43.8%)	30 (30.6%)	13 (13.2%)	0 (0%)	0 (0%)	0 (0%)	6 (6.1%)	6 (6.1%)
Officer	1309 (76.6%)	129 (7.5%)	89 (5.2%)	8 (0.4%)	5 (0.2%)	0 (0%)	53 (3.1%)	114 (6.6%)

JAGC National Guard Component Demographics

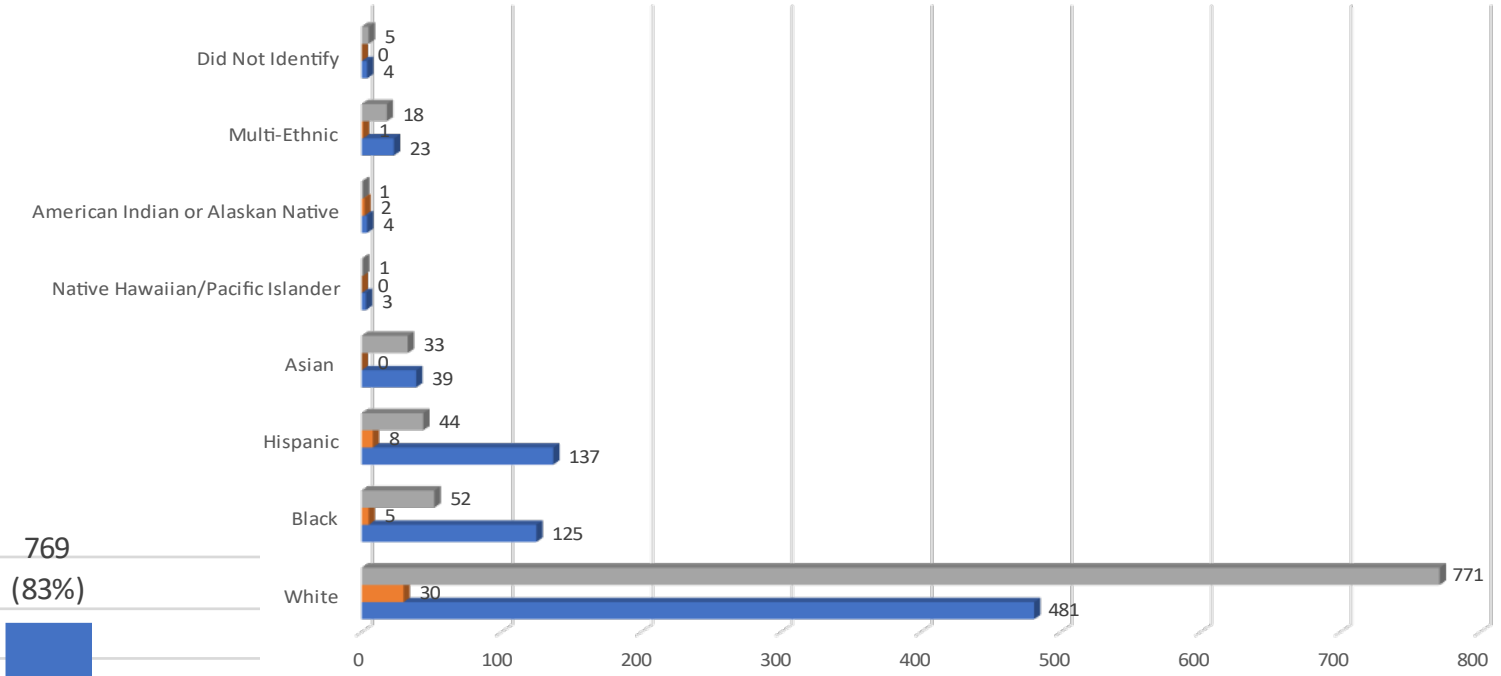
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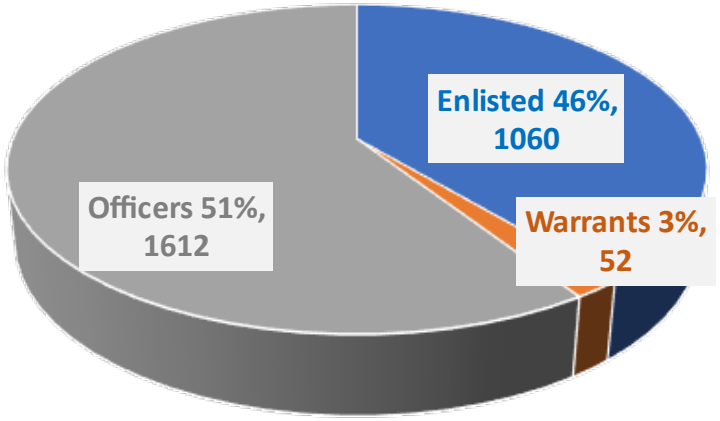
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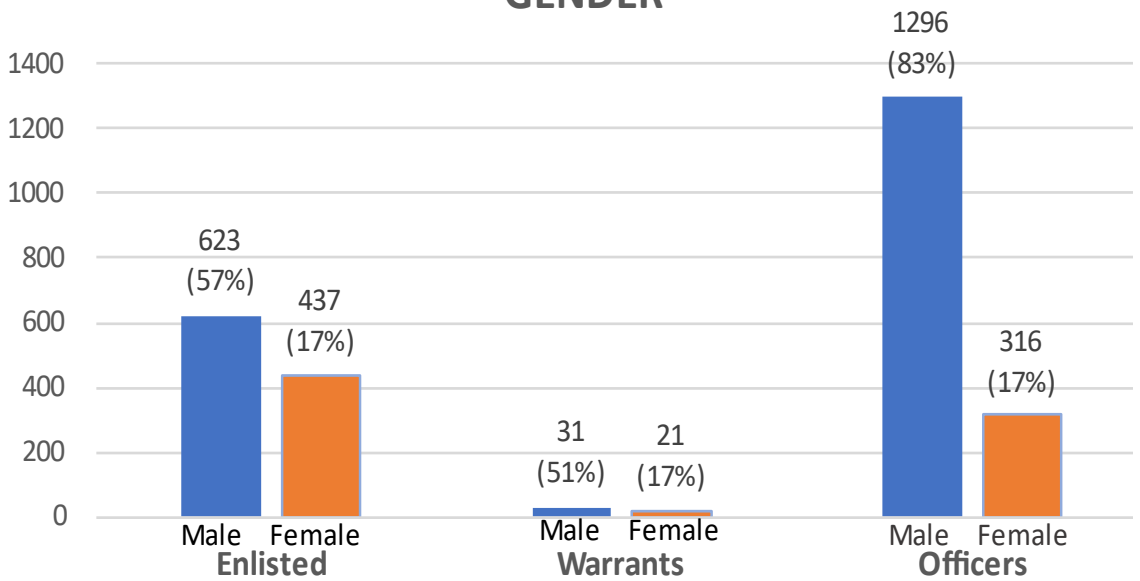
	White	Black	Hispanic	Asian	Native Hawaiian / Pacific Islander	American Indian or Alaskan Native	Multi-Ethnic	Did Not Identify
Enlisted	481 (59%)	125 (15.3%)	137 (16.7%)	39 (4.7%)	3 (.3%)	4 (.4%)	23 (2.8%)	4 (.4%)
Warrants	30 (65.2%)	5 (10.8%)	8 (17.3%)	0 (0%)	0 (0%)	2 (4.3%)	1 (2.1%)	0 (0%)
Officer	771 (83.3%)	52 (5.6%)	44 (4.7%)	33 (3.5%)	1 (.1%)	1 (.1%)	18 (1.9%)	5 (.5%)

JAGC Reserve Component Demographics

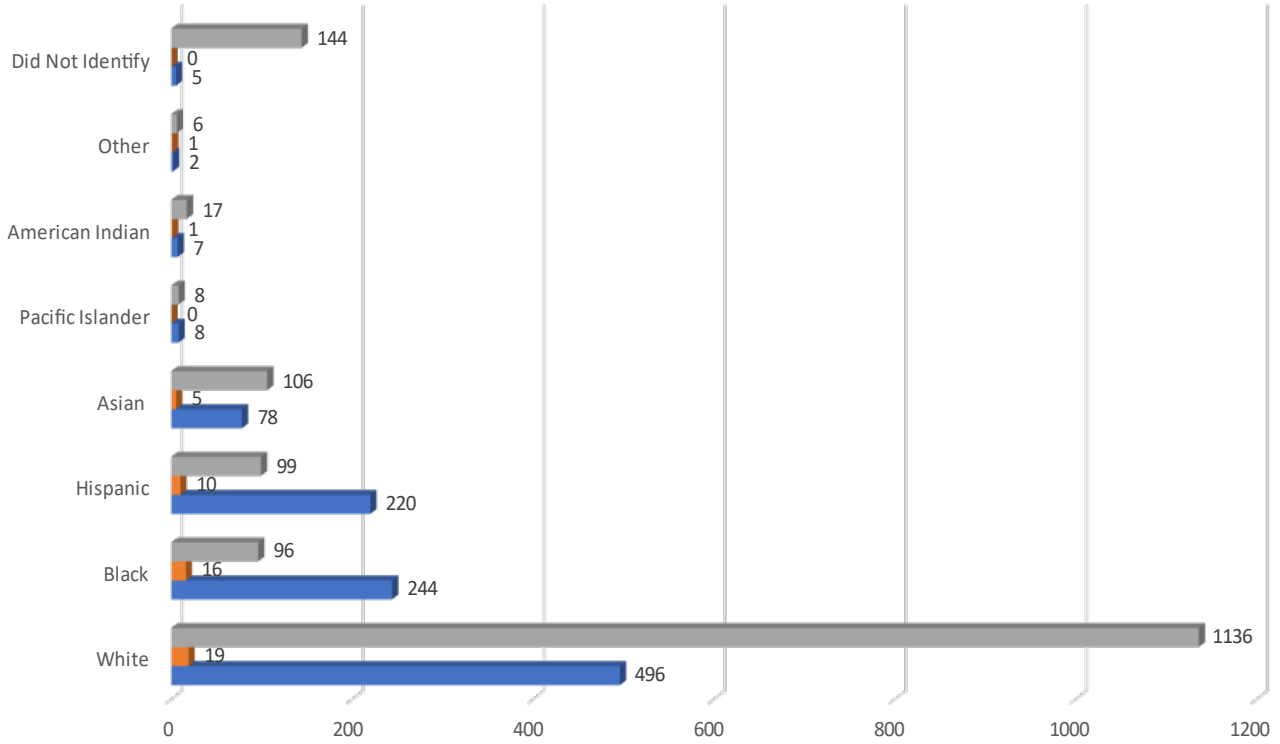
COHORT



GENDER



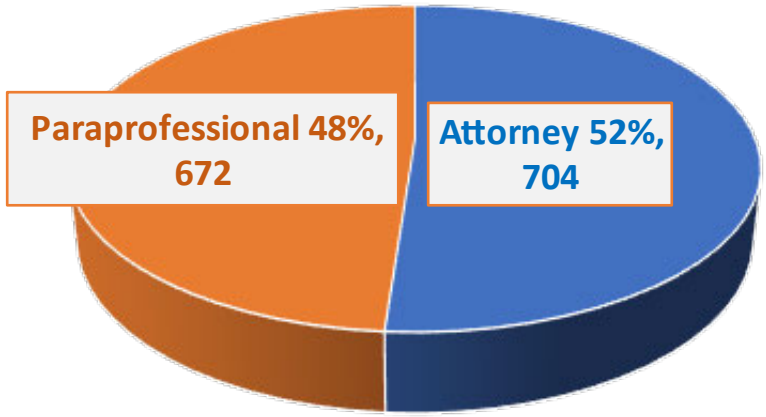
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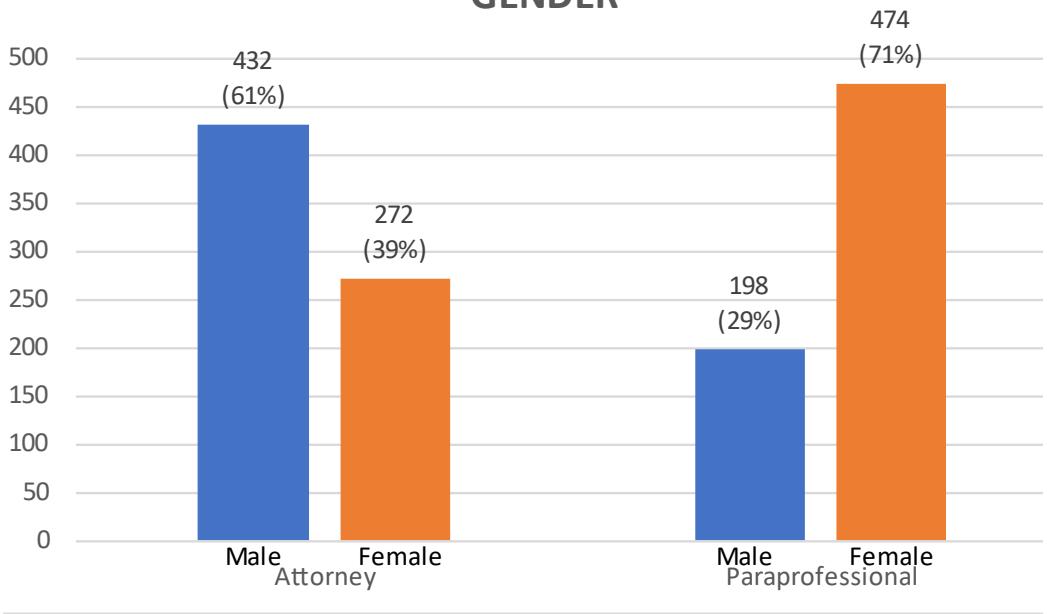
	White	Black	Hispanic	Asian	Pacific Islander	American Indian	Other	Did Not Identify
Enlisted	496 (46.7%)	244 (23%)	220 (20.7%)	78 (7.3%)	8 (.7%)	7 (.6%)	2 (.1%)	5 (.4%)
Warrants	19 (36.5%)	16 (30.7%)	10 (19.2%)	5 (9.6%)	0 (0%)	1 (1.9%)	1 (1.9%)	0 (0%)
Officer	1136 (70.4%)	96 (5.9%)	99 (6.1%)	106 (6.5%)	8 (.4%)	17 (1%)	6 (.3%)	144 (8.9%)

JALS Civilian Demographics

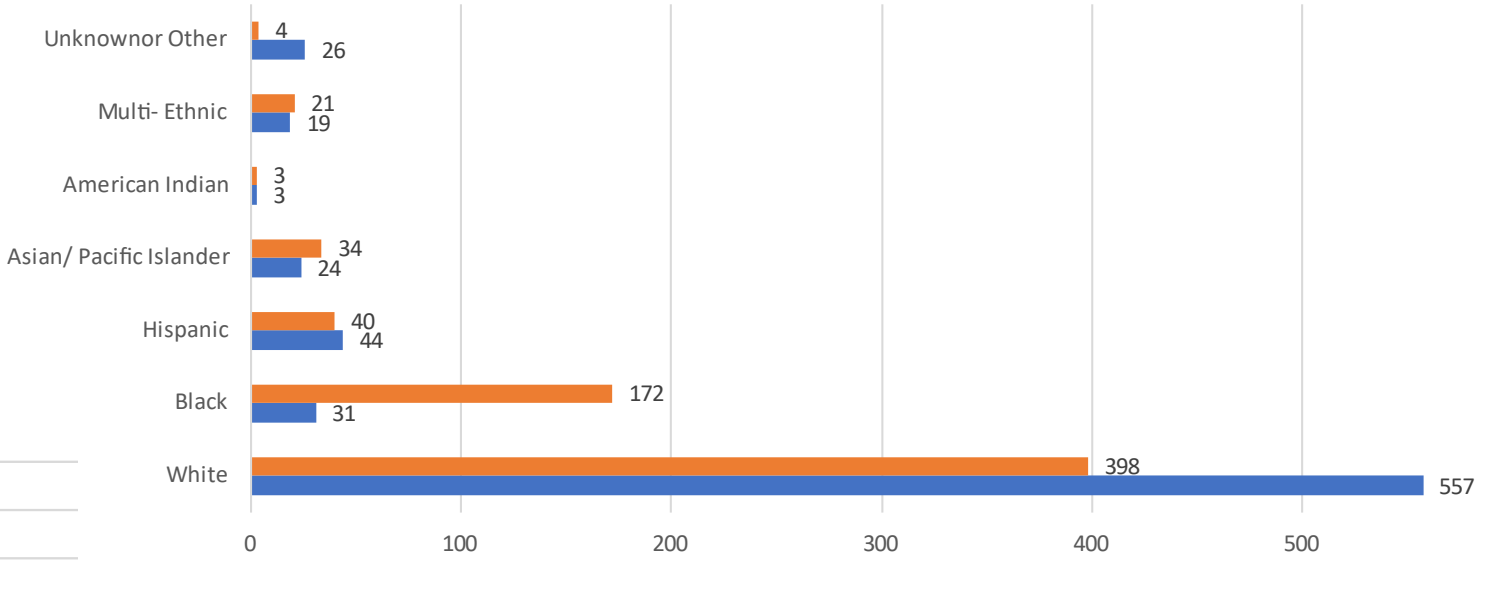
COHORT



GENDER



RACE / ETHNICITY



	White	Black	Hispanic	Asian/ Pacific Islander	American Indian	Multi-Ethnic	Unknown or Other
Attorney	557 (79.1%)	31 (4.4%)	44 (6.2%)	24 (3.4%)	3 (.4%)	19 (2.6%)	26 (3.6%)
Paraprofessional	398 (59.2%)	172 (25.5%)	40 (5.9%)	34 (5%)	3 (.4%)	21 (3.1%)	4 (.5%)

DEI&A - *Defined*

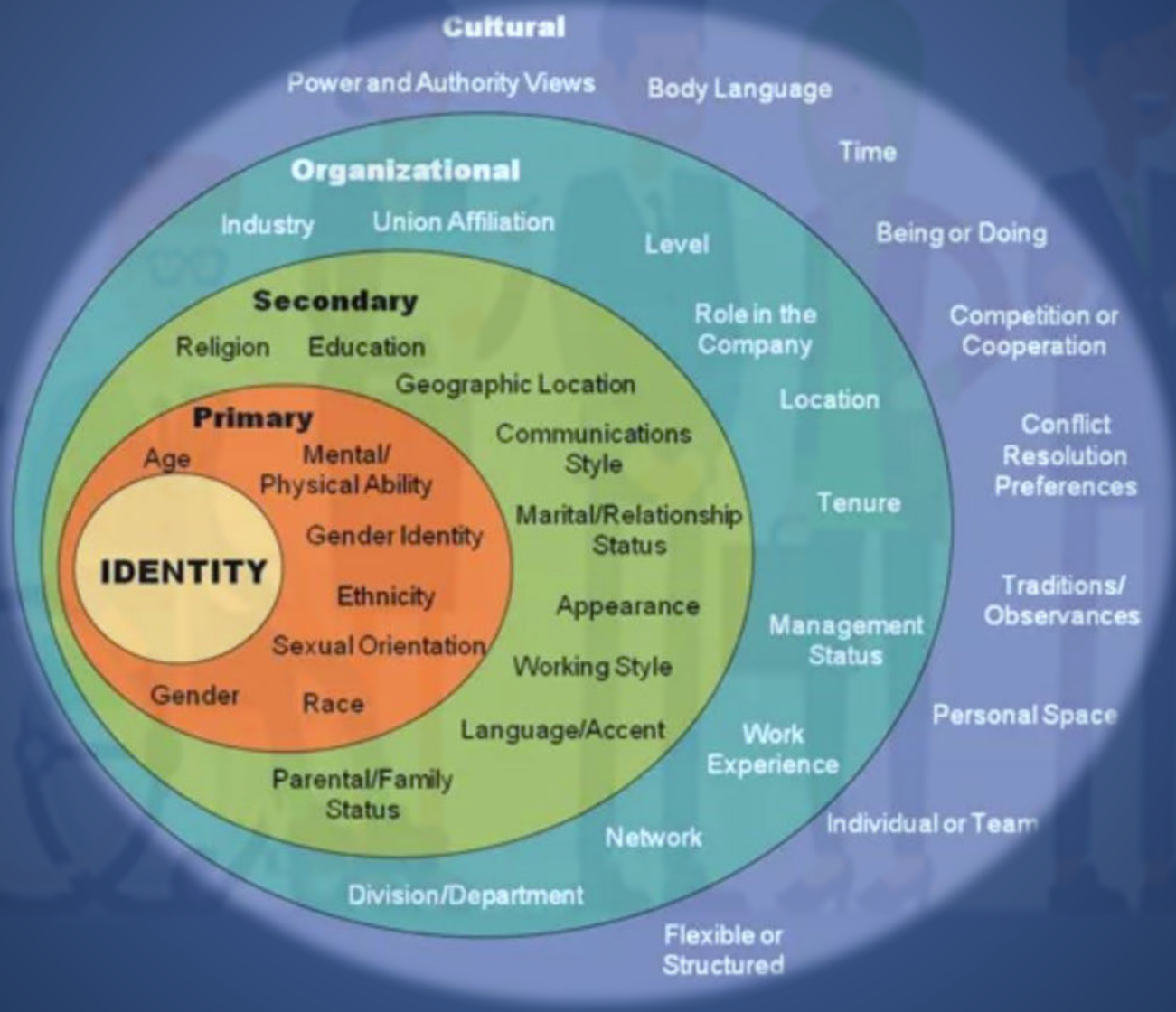


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

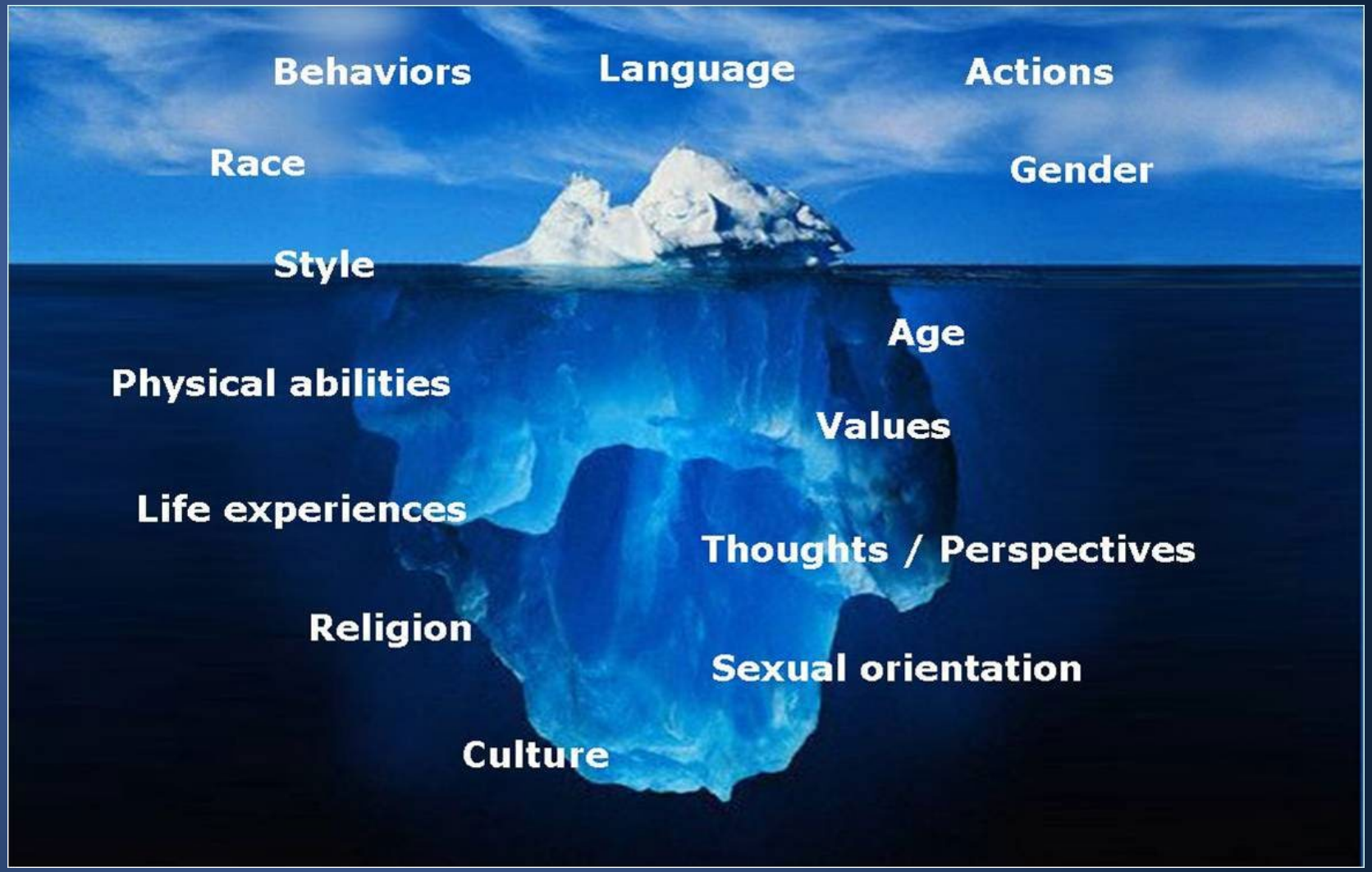
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%

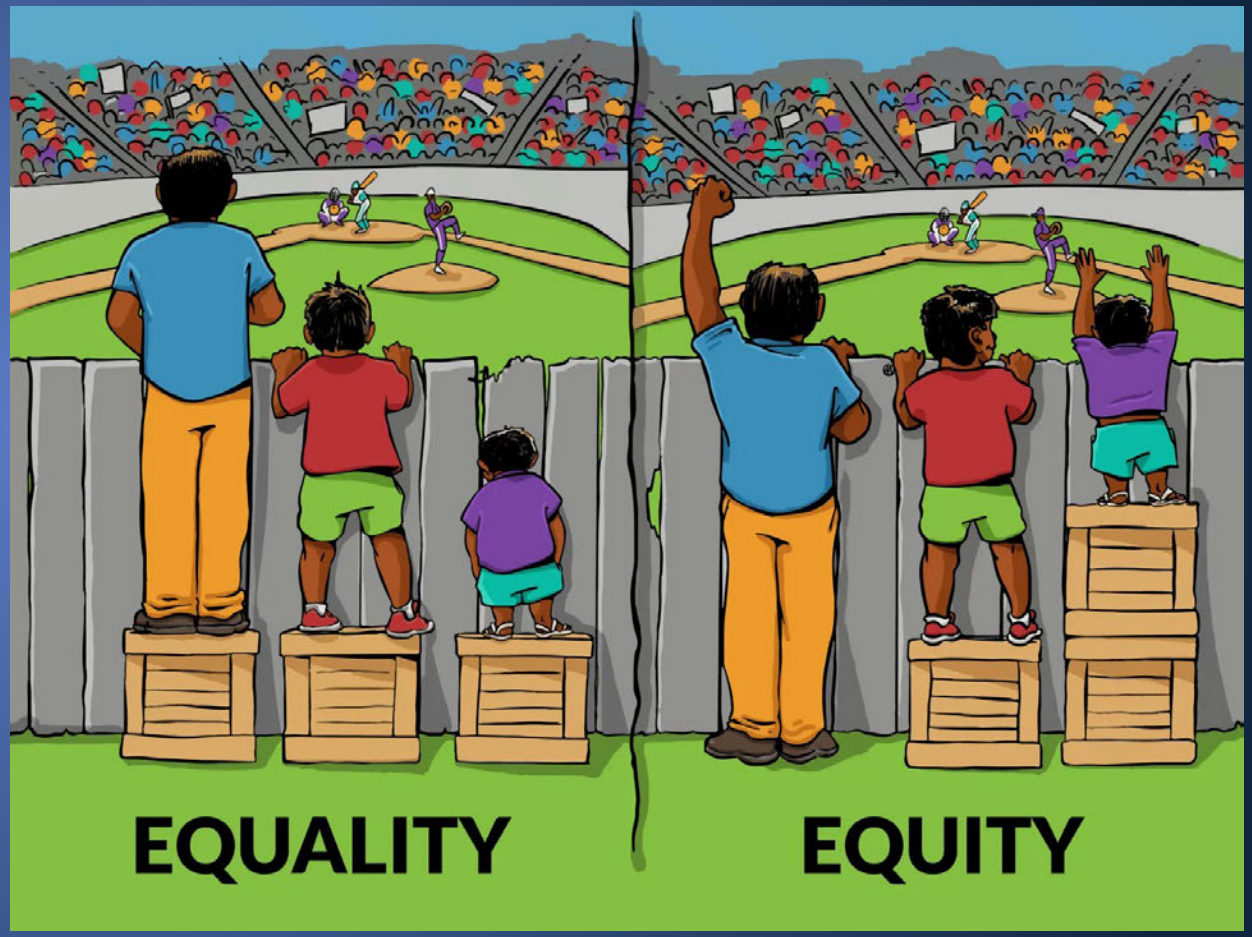


EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY v EQUALITY

- Whereas *equity* recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access



FROM EQUALITY TO EQUITY TO INCLUSION



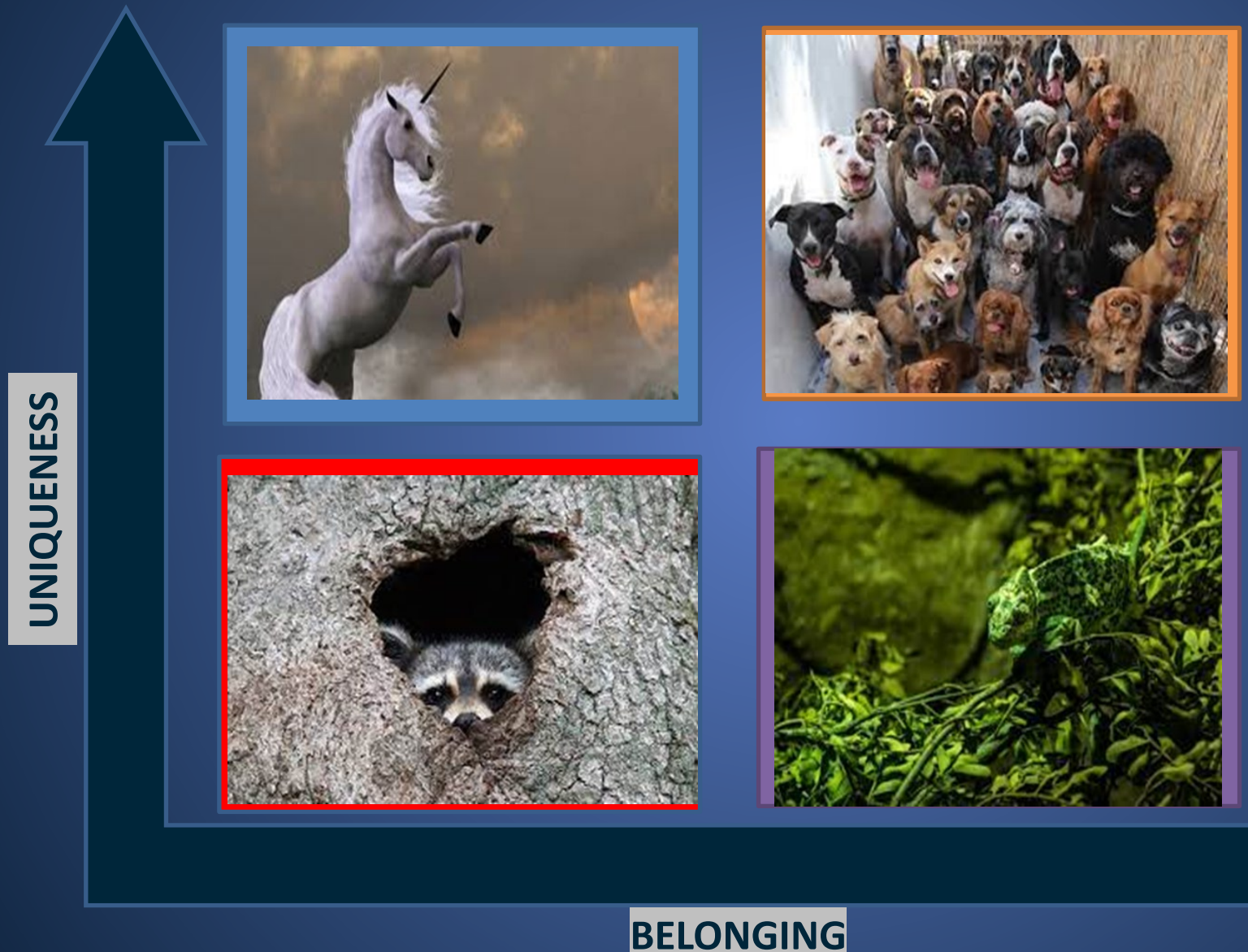
EQUALITY EQUITY INCLUSION

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
- Persons with disabilities face accessibility barriers in all aspects of society
- A barrier is an obstacle or anything that prevents a person with a disability from fully participating in in all aspects of society because of their disability
  - Barriers can be visible, invisible, physical, attitudinal, technological, information and communication barriers
  - By removing all unnecessary barriers, an individual can use their abilities to achieve their objectives, thus having the same opportunity to achieve success

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are linked to accomplishing the mission versus *the way we have always done business*?
- Who was this organization designed to fit?

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  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEIA & the Council

MS Teams

JAGC ODEI- DEI&A Training and Resources

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

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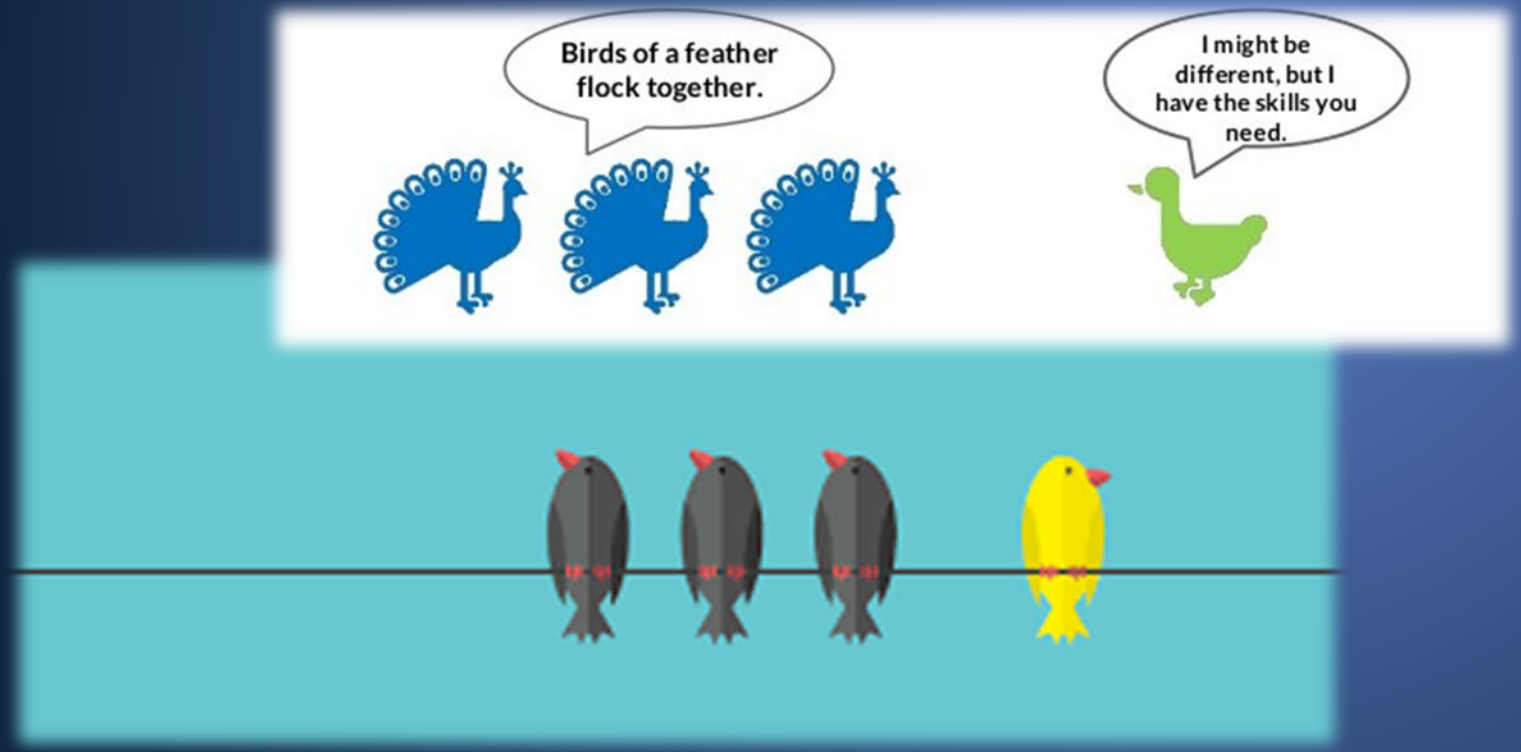
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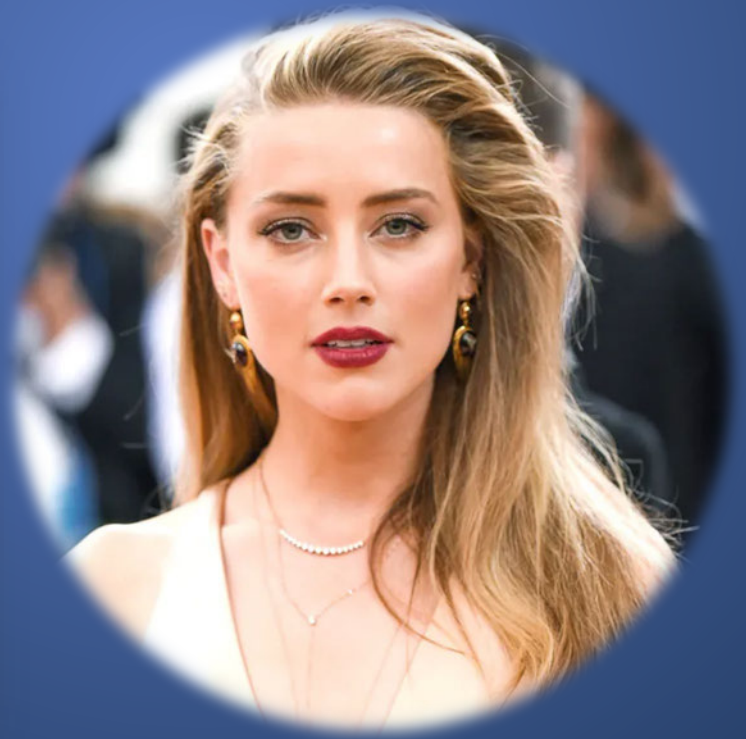
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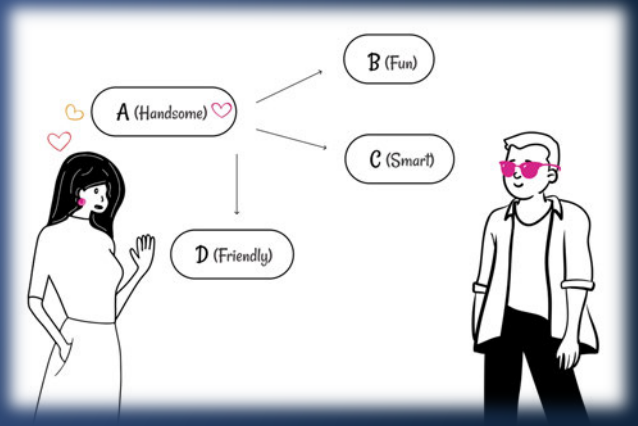
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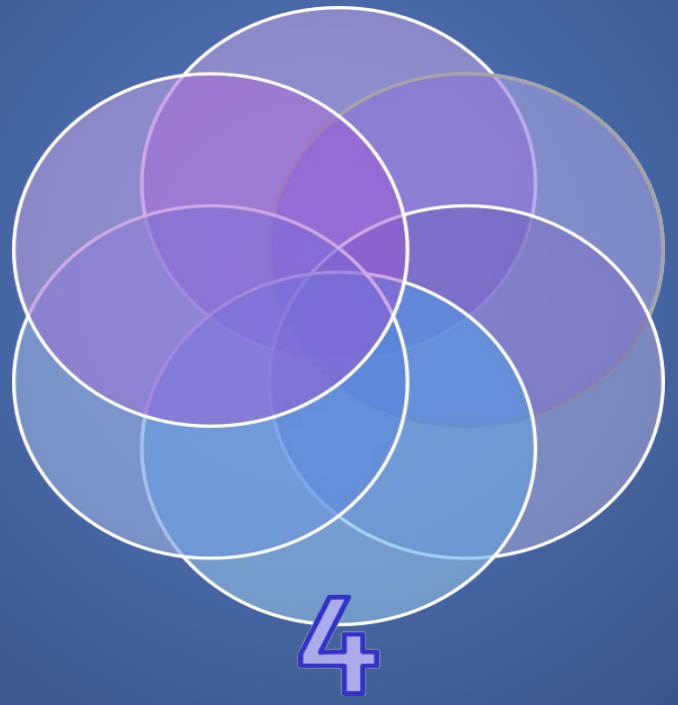
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Source: Cook Ross

In Conclusion

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- By understanding the various unconscious biases, you can raise awareness in the workplace and build a more inclusive work environment
- Tackling bias doesn't have to be difficult—it starts with you

QUESTIONS?

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Presentation #46

Building Inclusive Teams



(b) (6)

Director

Office of Diversity, Equity, and Inclusion

(b) (6)

Benefits of an Inclusive Work Environment

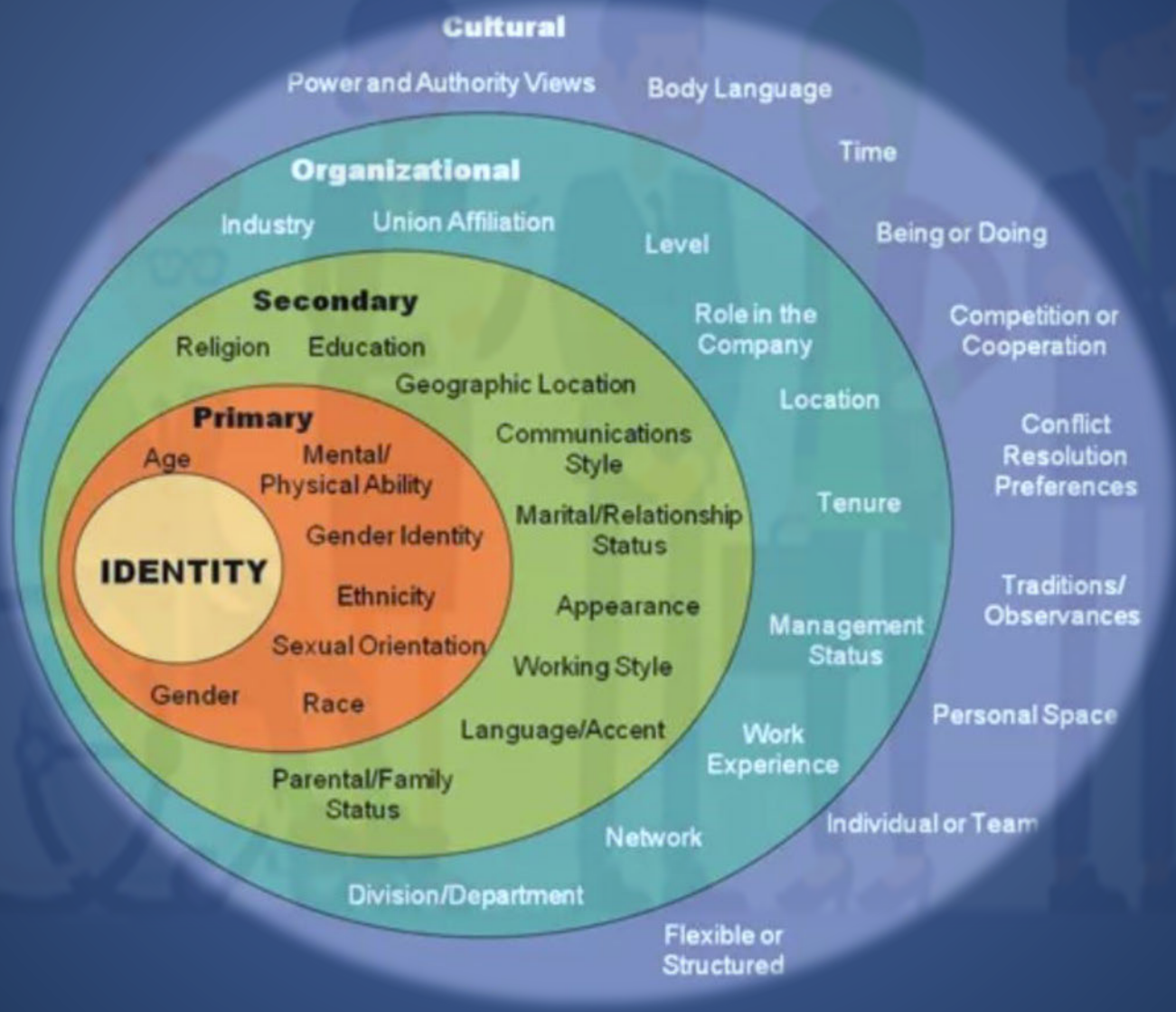
- Inclusive work environments produce higher performance
- Increases collaboration
- Increase employee engagement
- Fuels innovation and creativity
- Increases recruiting
- Decreases turnover, increases retention
- Positively impacts the workers' experience
- Decreases complaints

DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

Questions to Consider

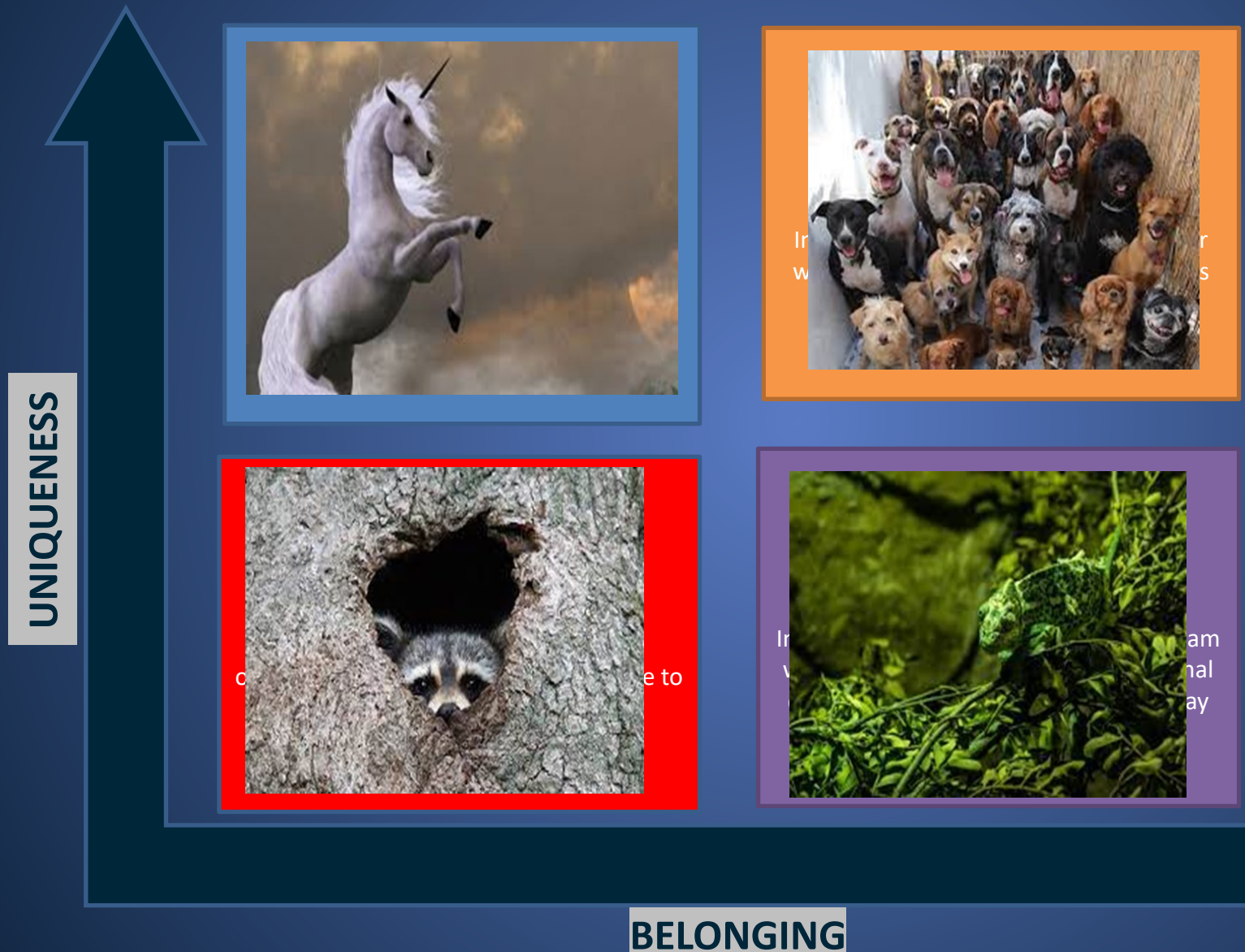
- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



Dimensions of Inclusion and Exclusion

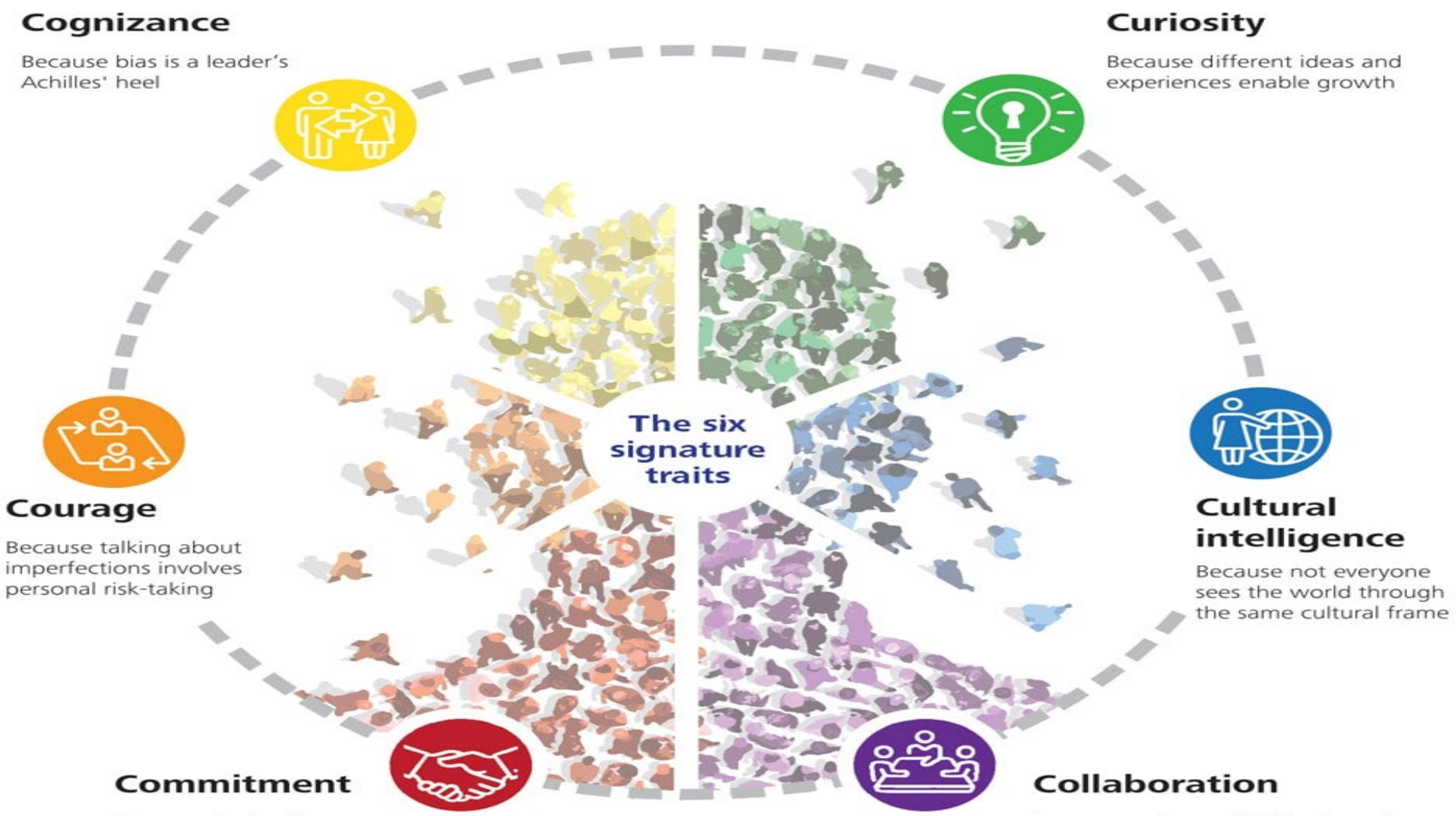


ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD



We are all starting somewhere different on this spectrum

Figure 1. The six signature traits of an inclusive leader



Graphic: Deloitte University Press | DUPress.com

7 Common Pitfalls (& How to Avoid Them)

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

"Inclusive leadership is not a destination. It's a journey that requires humility, curiosity and courage."

Thais Compoint Author of "Succeed as an Inclusive Leader"

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- Buffalo JAGs Mentorship Group
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  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
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  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

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https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Presentation #47



Leading Diverse Generations

(b) (6)

DIRECTOR, OFFICE OF DIVERSITY, EQUITY, AND INCLUSION


Boomer


Gen X


Millennial


Gen Z

Every Generation At Work



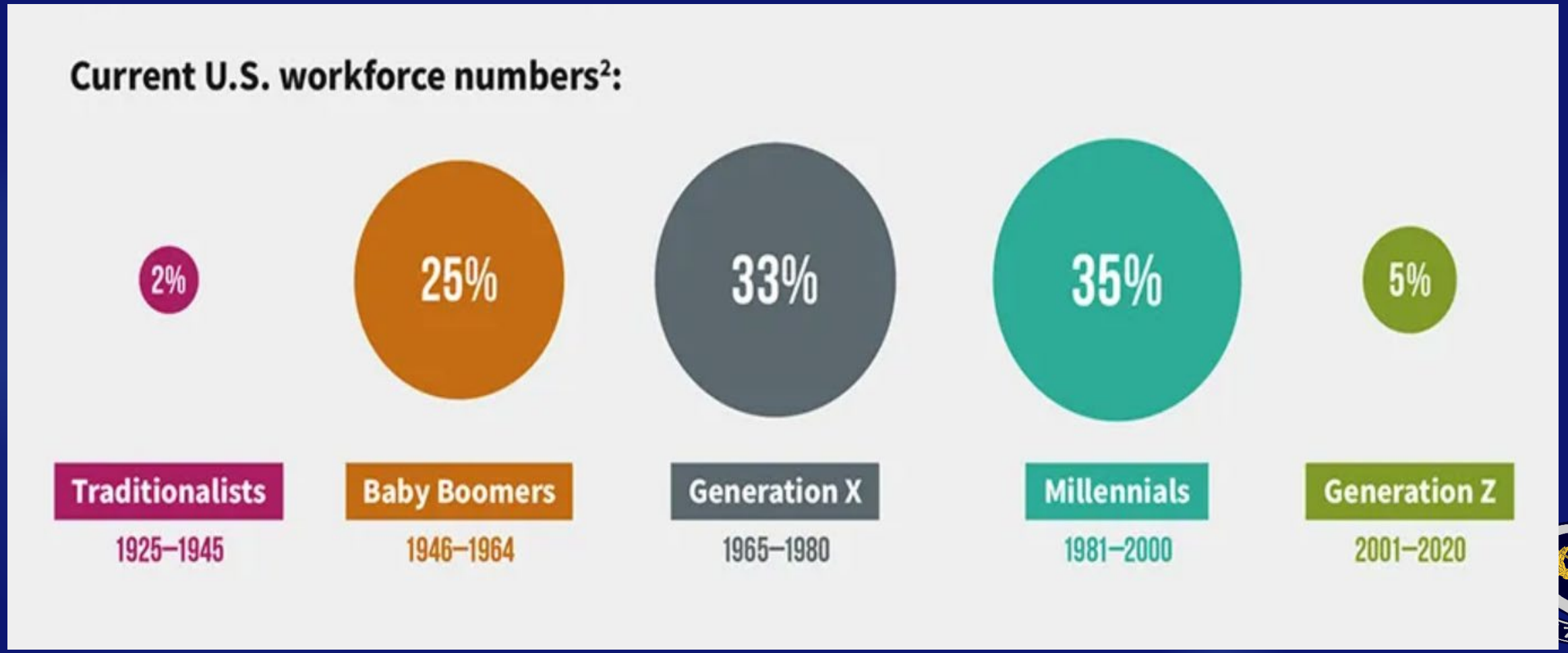
Elements that Make up a Generation

- Time in history
- Shared economies
- Technology
- Entertainment
- Tragedies, Heroes, Villians
- Shared Culture
- Family environments

Generations in the Workplace

The Silent Generation	Baby Boomers	Generation X	Millennials	Generation Z
				
1928 – 1945	1946 – 1964	1965 - 1980	1981 – 1996	1997 - 2012

Generational Breakdown of Workplace



Generations Trivia: Silents/Greatest

- **More than two decades before The Pretenders hit the charts with "Back on the Chain Gang," who recorded "Chain Gang" in 1960?**

- **Hint: One of the most soulful singers in 50s and 60s**
- **Answer: Sam Cooke**

The Silent Generation-1925-1945

- Currently make up 2% of the U.S. workforce
- *Did you know?*
  - ✓ About 19 million people belong to the silent generation (compared to 70 million baby boomers)
  - ✓ Many traditionalists have stayed with the same employer throughout their entire working lives
- Experienced: Great Depression, WWI, WWII, radio
- Common stereotypes: "old" in thoughts and attitudes; "silent"-- when actually outspoken and curious; rigid in opinions; nothing to contribute to today's problems
- See themselves as: hardworking, respectful of authority, conservative, ethical, dedicated, task-oriented

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
Silent/Traditional	Respect for Authority and Hierarchy	Loyal, long term committment	Linear, follow rules, not broken/don't fix	Respect, recognition, stability	Subtle and personalized

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- Currently make up **25%** of the U.S. workforce
- ***Did you know?***
  - 65% of baby boomers plan to work past age 65
  - 10,000 baby boomers reach retirement age every day
- **Experienced**: Moon Landing, Watergate, Vietnam War, Civil Rights Movement, TV
- **Common stereotypes: behind the times; don't embrace technology; grouchy; disinterested in learning new things**
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Boomers	Challenge Authority, prefer flat democratic organizations	Loyal to the team and go the extra mile	Like Structure but challenge rules, cautious about change, work long hours	Company loyalty, teamwork, duty	Job titles, parking spaces, office size

Connecting and Leading Baby Boomers

- **Recognize their experience and expectations**
- **Ask them to share experiences and appreciate them**
- **Allow them to take charge of significant responsibility**
- **Give them space and resources—don’t micromanage**
- **Call on them to give back and coach others**
- **Remind them of their younger years if they get impatient**

Generations Trivia: Generation X

- **Who became the first American woman in space in 1983?**
- **Hint: This lady got to take the "ride" of her life!**
- **Answer: Sally Ride**

Generation X- 1965-1980

- Currently make up **33%** of the U.S. workforce
- ***Did you know?***
  - Gen Xers make up the highest percentage of startup founders at 55%
  - Gen Xers will outnumber baby boomers by 2028
- Experienced: the fall of the Berlin **Wall,** MTV, Nintendo, PCs
- Common stereotypes: lazy and skeptical; known for questioning authority; cynical & poor team members; spoiled
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Connecting and Leading Generation X

- **Listen and Communicate understanding—Build relationship**
- **Be honest—they know life is tough—don't pretend it isn't**
- **Give them places for authentic community**
- **Give minimal boundaries**
- **Influence through relationship not position**

Generations Trivia: Millennials

- **What game came bundled with the original Game Boy?**
- **Hint: When this game dropped, it hit me like a ton of bricks.**
- **Answer: Tetris**

Millennials -1981- 1996

- Currently make up **35%** of the U.S. workforce
- ***Did you know?***
  - ✓ By 2025, millennials will comprise 75% of the global workforce
  - ✓ About 15% of millennials age 25–35 live at home with their parents
- **Experienced: 9/11, Columbine, the internet, mobile technology**
- **Common stereotypes: sheltered; few practical skills; technologically obsessed; job-hoppers; entitled; praise-hungry**
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Millennials	Respect competence	Loyal to colleagues, expect equity	More fluid, expect to make the rules with change = improvement	Responsibility, unique experiences, flexibility	Regular, informal

Connect and Leading Millennials

- Create incentive—clarify the “why”
- Micromanage at first—offer consistent feedback
- Let them share their ideas
- Communicate the importance of their work—connect to mission
- Tell them the truth
- Celebrate progress
- Manage by objective
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Generations Trivia: Generation Z

- **What pop singer became the first male to appear solo on the cover of Vogue?**
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Generation Z – 1997-2020

- Currently make up **5%** of the U.S. workforce
- Most racially and ethnically diverse generation
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- Mental health issues
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- Loyalty/Duty/Honor-Lack of faith in institutions
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“The Changing Character of Followers” by Al Boyer and Cole Livieratos



QUESTIONS?



Presentation #48



Leading Diverse Generations

(b) (6)

DIRECTOR, OFFICE OF DIVERSITY, EQUITY, AND INCLUSION


Boomer


Gen X


Millennial


Gen Z

Every Generation At Work



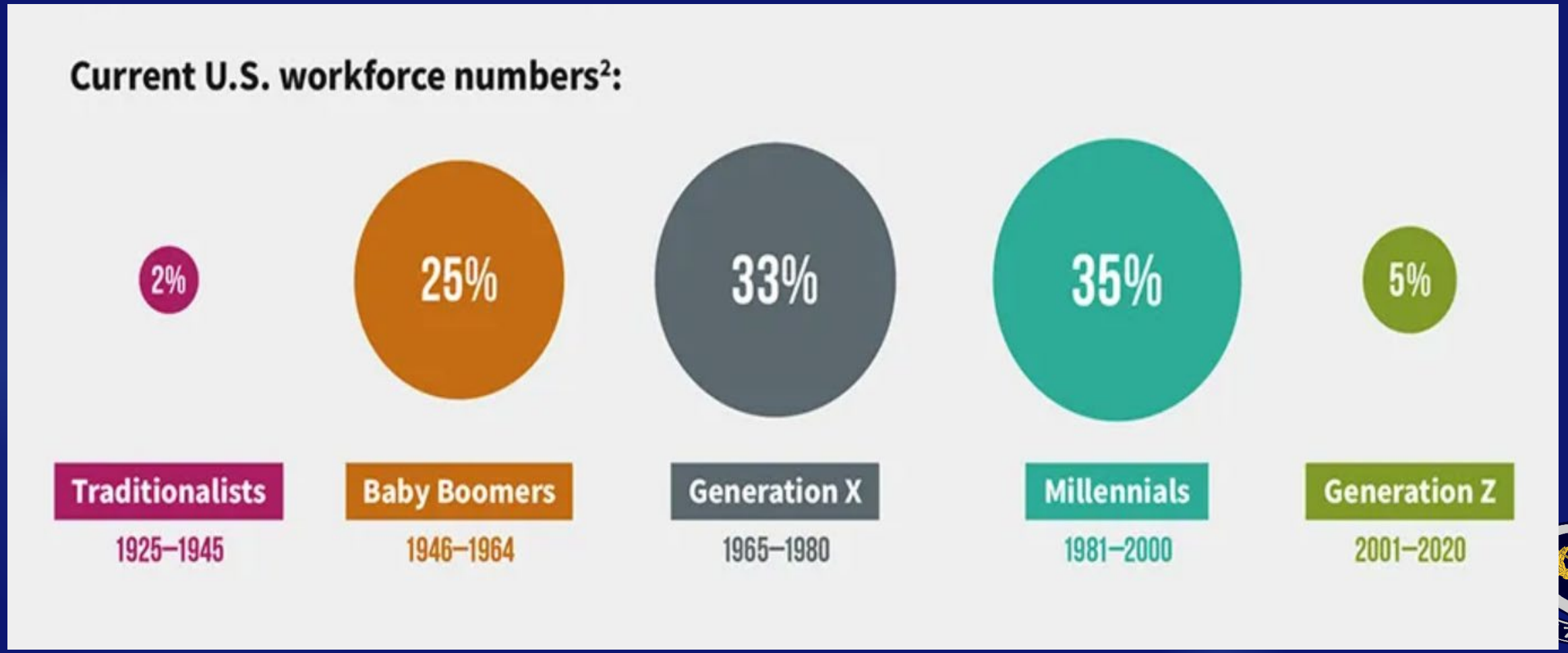
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QUESTIONS?



Presentation #49

DEI&A: An Overview



Office of Diversity, Equity, & Inclusion

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

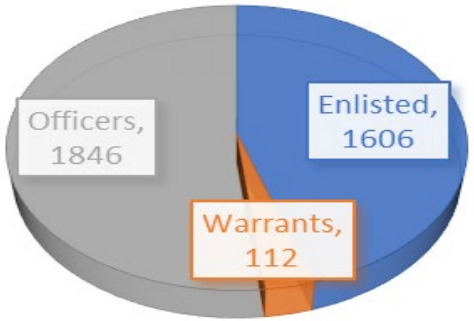
Background

- ODEI established by TJAG on 25 March 2021
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

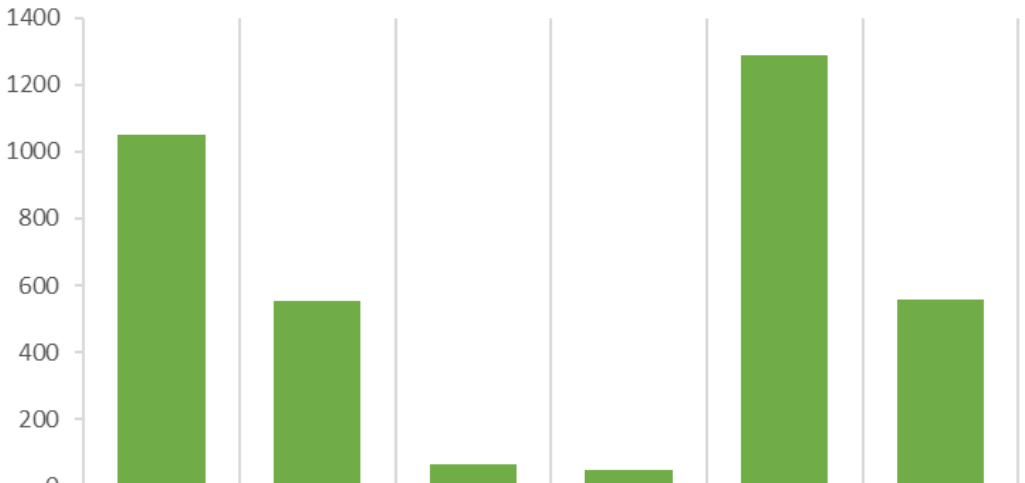
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"

JAGC Active Component Demographics

COHORT

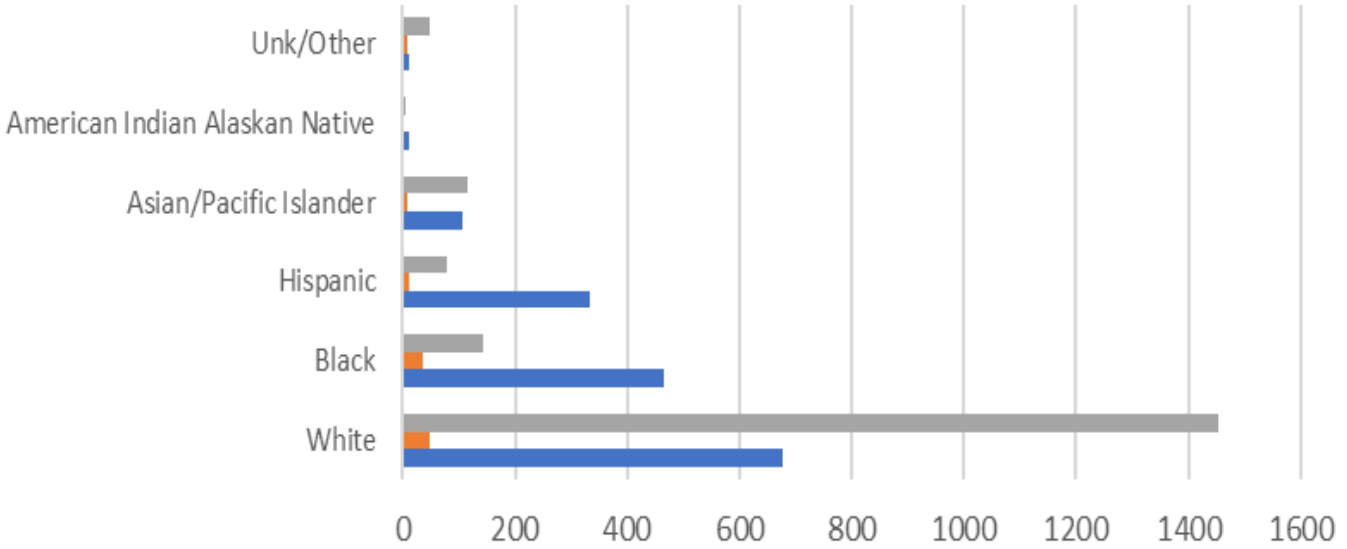


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	1052	554	66	46	1290	556

RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1454	143	79	115	6	49
Warrants	49	36	12	8	0	7
Enlisted	678	464	334	107	11	12

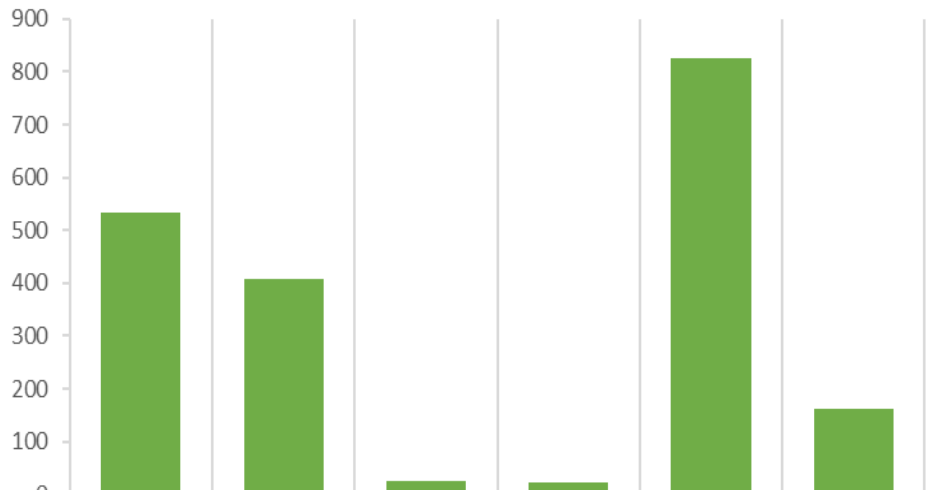
JAGC National Guard Component Demographics

Data as of 31 August 2022

COHORT

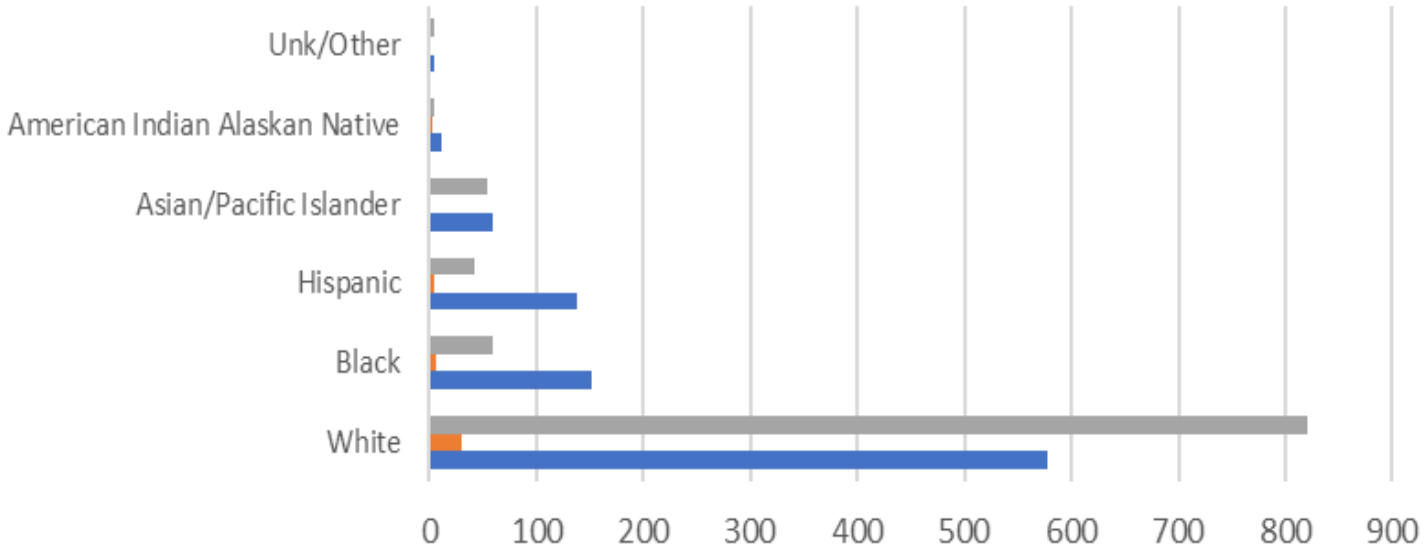


GENDER



	Enl - M	Enl - F	WO - M	WO - F	O - M	O - F
#	534	407	24	21	826	162

RACE/ETHNICITY

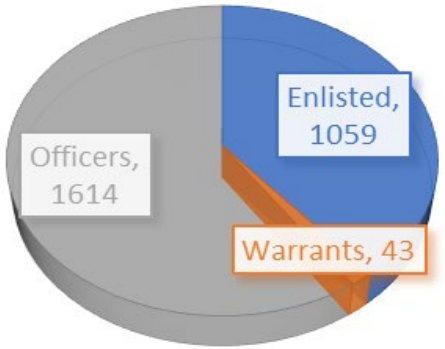


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	821	60	43	55	5	4
Warrants	30	6	5	1	3	0
Enlisted	577	152	138	59	11	4

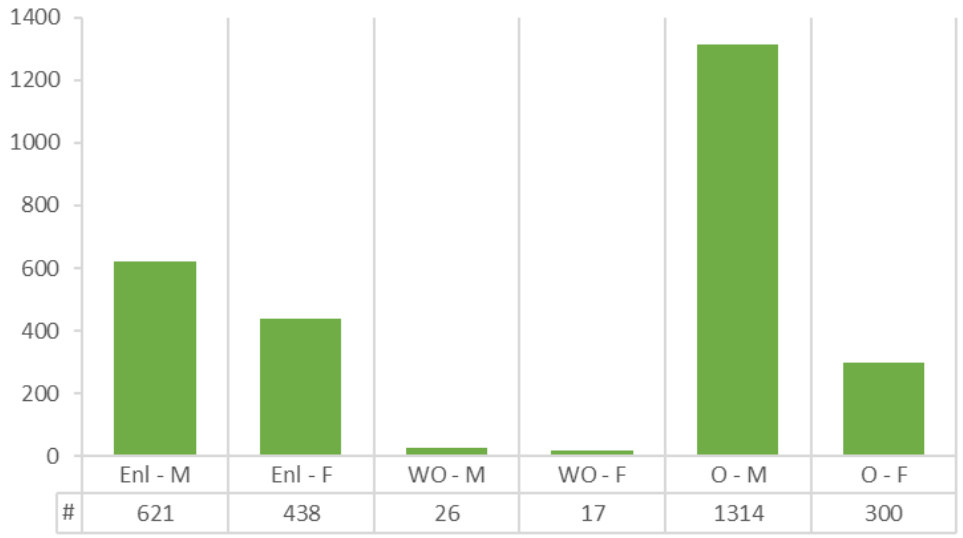
JAGC Reserve Component Demographics

Data as of 31 August 2022

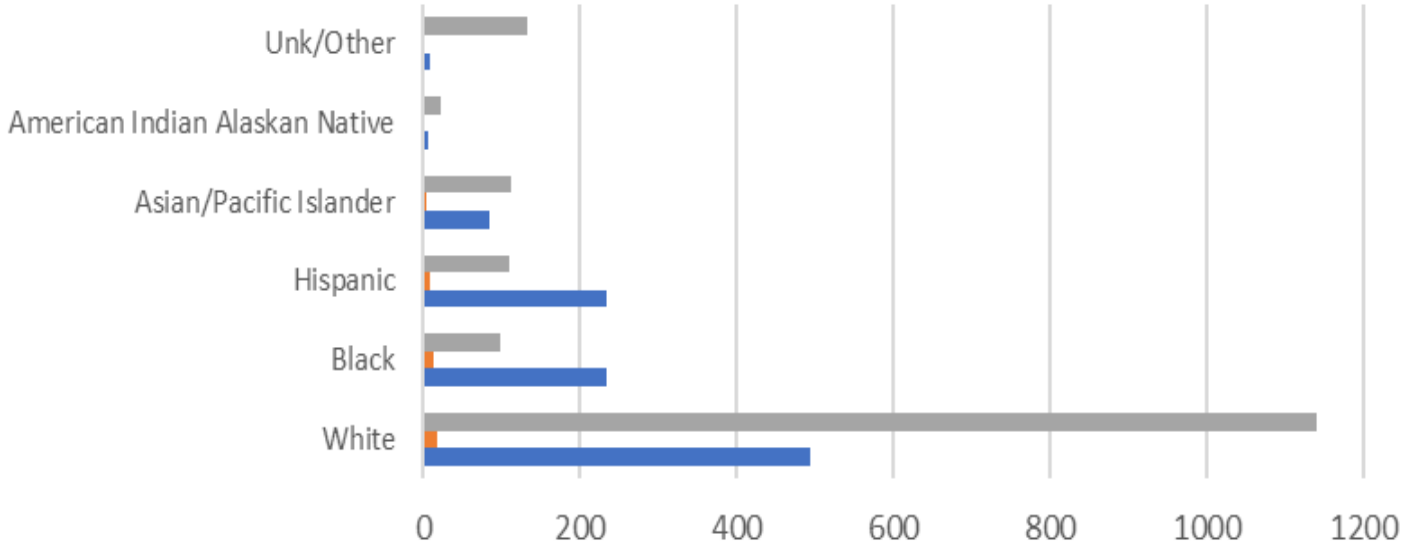
COHORT



GENDER



RACE/ETHNICITY

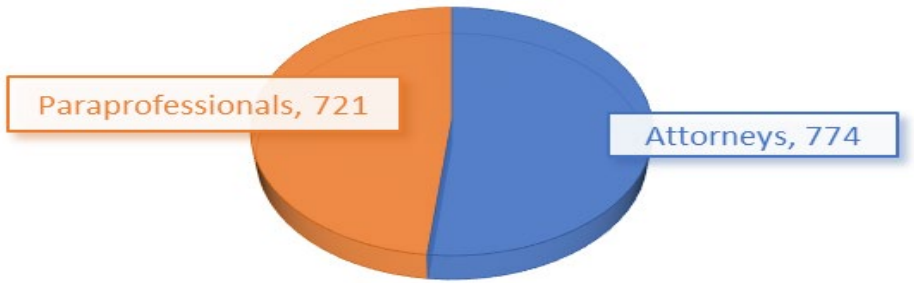


	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Officers	1140	99	109	111	23	132
Warrants	17	13	8	4	1	0
Enlisted	493	234	233	84	7	8

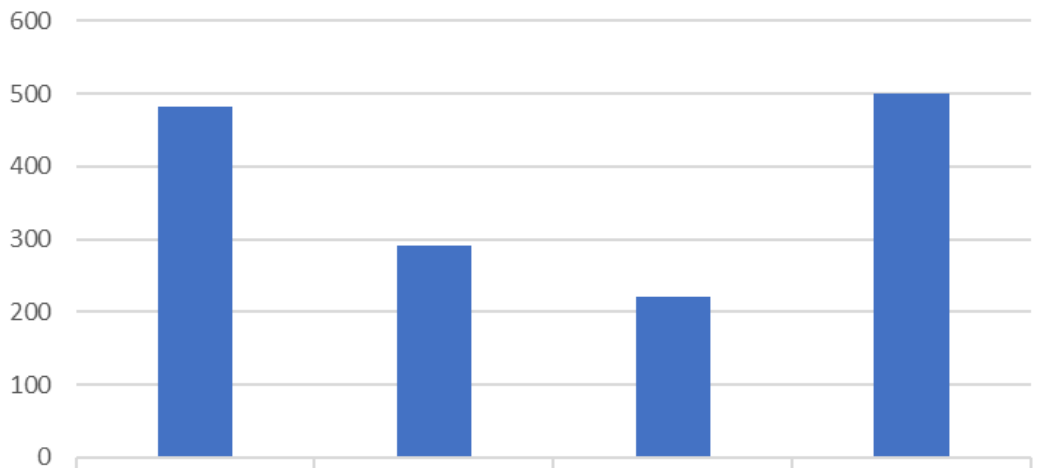
JALS Civilian Demographics

Data as of 31 August 2022

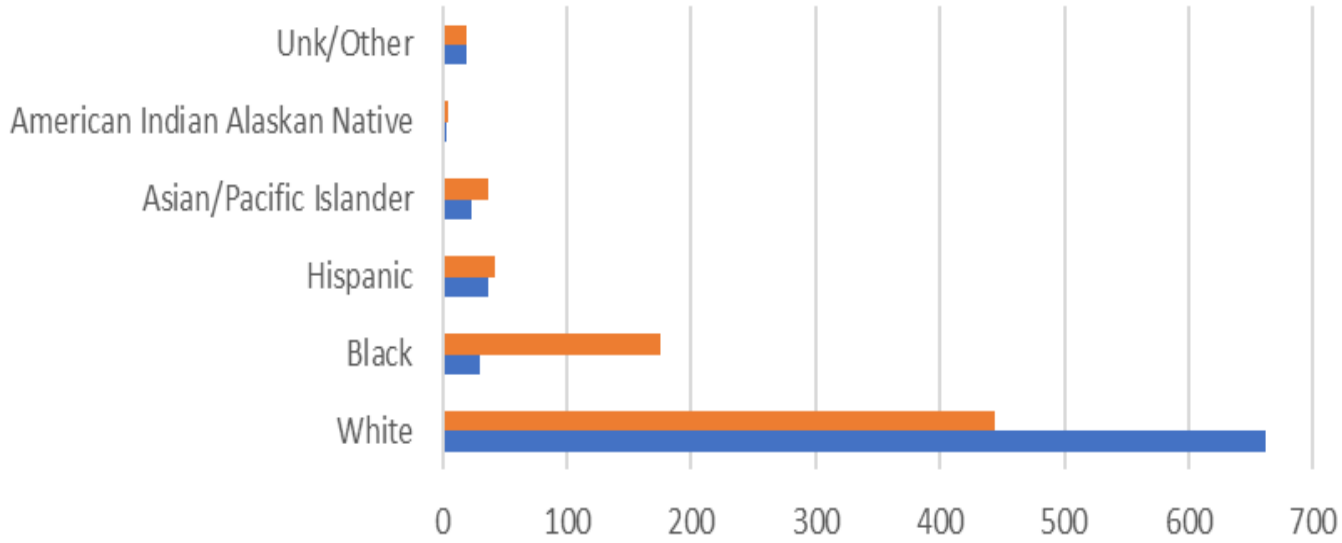
COHORT



GENDER



RACE/ETHNICITY



	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan Native	Unk/Other
Para	444	175	42	37	4	19
Atty	662	30	37	23	3	19



Your ODEI

- (b) (6), Director
- Vacant, Deputy Director
- (b) (6), Program Coordinator
- (b) (6), Program Specialist

ODEI Initiatives

- Developing JALS DEI&A STRATPLAN – **to be aligned w/ Army's**
- Monthly Enterprise Virtual Training
- Conducting Training In Person and Virtual Training for SJA Offices
  - Unconscious Bias; DEI in Mentorship; Mitigating Microaggressions; Generations in the Workplace; Recognizing & Mitigating Bias in MJ; Building Inclusive Teams; LGBTQIA+ Topics; The Color of Law
- Conducting DEI&A training at all levels of JAGC PME (TJAGLCS)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community
- Facilitating bias discussions at various boards (GOSC, Reserve Accessions, Interns, FLEP, WO Accessions, etc.)
- Working with SIO and JARO on strategic engagement/messaging

DEI&A - *Defined*



DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win.

--Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures

--It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives.

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are actually linked to accomplishing the mission versus the way we have always done business?
- Who was this organization designed to fit?

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Dimensions of Inclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them

- Includes the provision of accommodations and modifications to ensure equal access to employment
- Includes the reduction or elimination of physical and attitudinal barriers to equitable opportunities
- A commitment to ensuring that people with disabilities can independently access activities and spaces

Keep up with ODEI

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

QUESTIONS?

Presentation #50

Building Inclusive Teams



(b) (6)

Director

Office of Diversity, Equity, and Inclusion

(b) (6)

Benefits of an Inclusive Work Environment

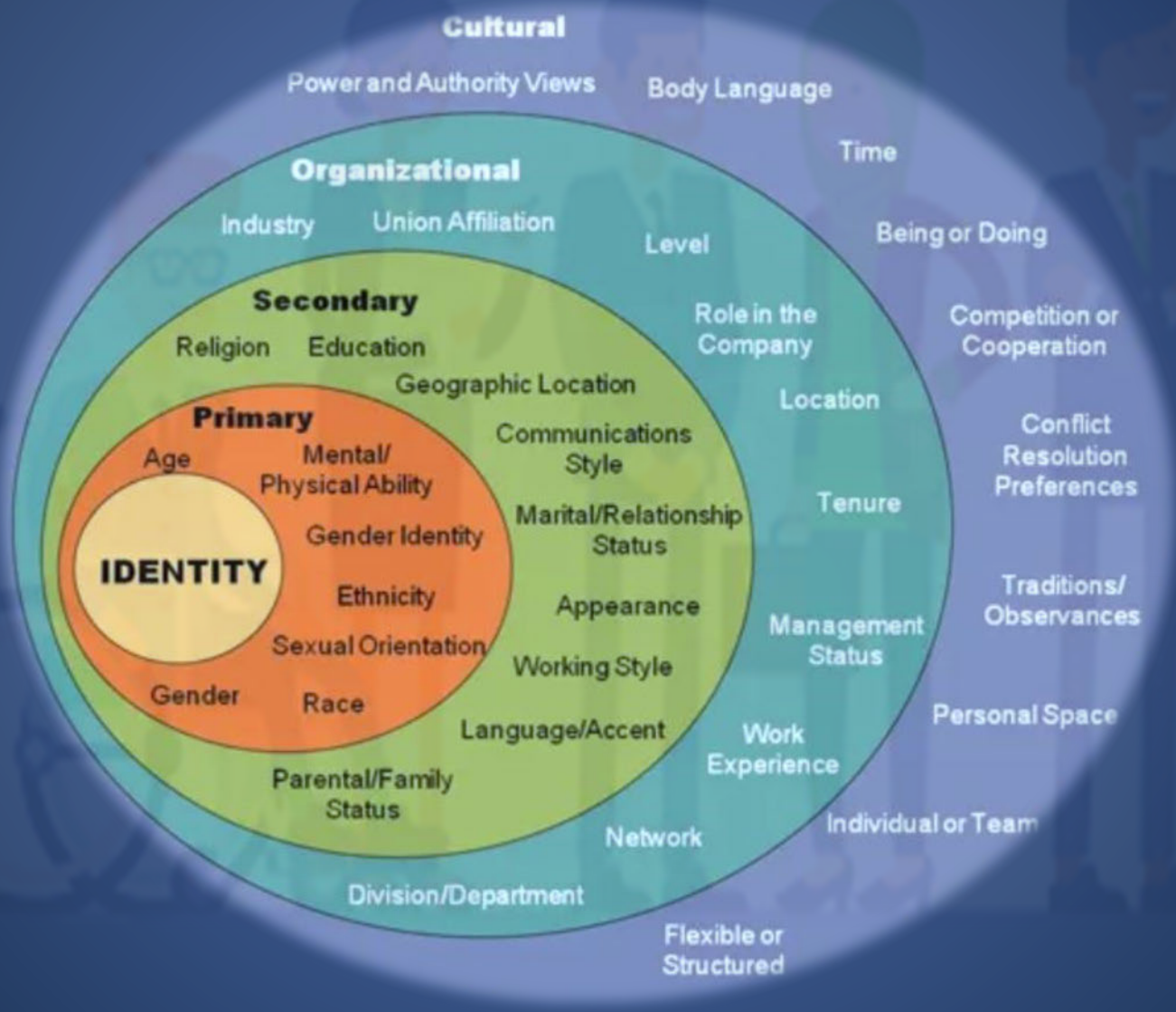
- Inclusive work environments produce higher performance
- Increases collaboration
- Increase employee engagement
- Fuels innovation and creativity
- Increases recruiting
- Decreases turnover, increases retention
- Positively impacts the workers' experience
- Decreases complaints

DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



FROM EQUALITY TO EQUITY TO INCLUSION



EQUALITY **EQUITY** **INCLUSION**

Questions to Consider

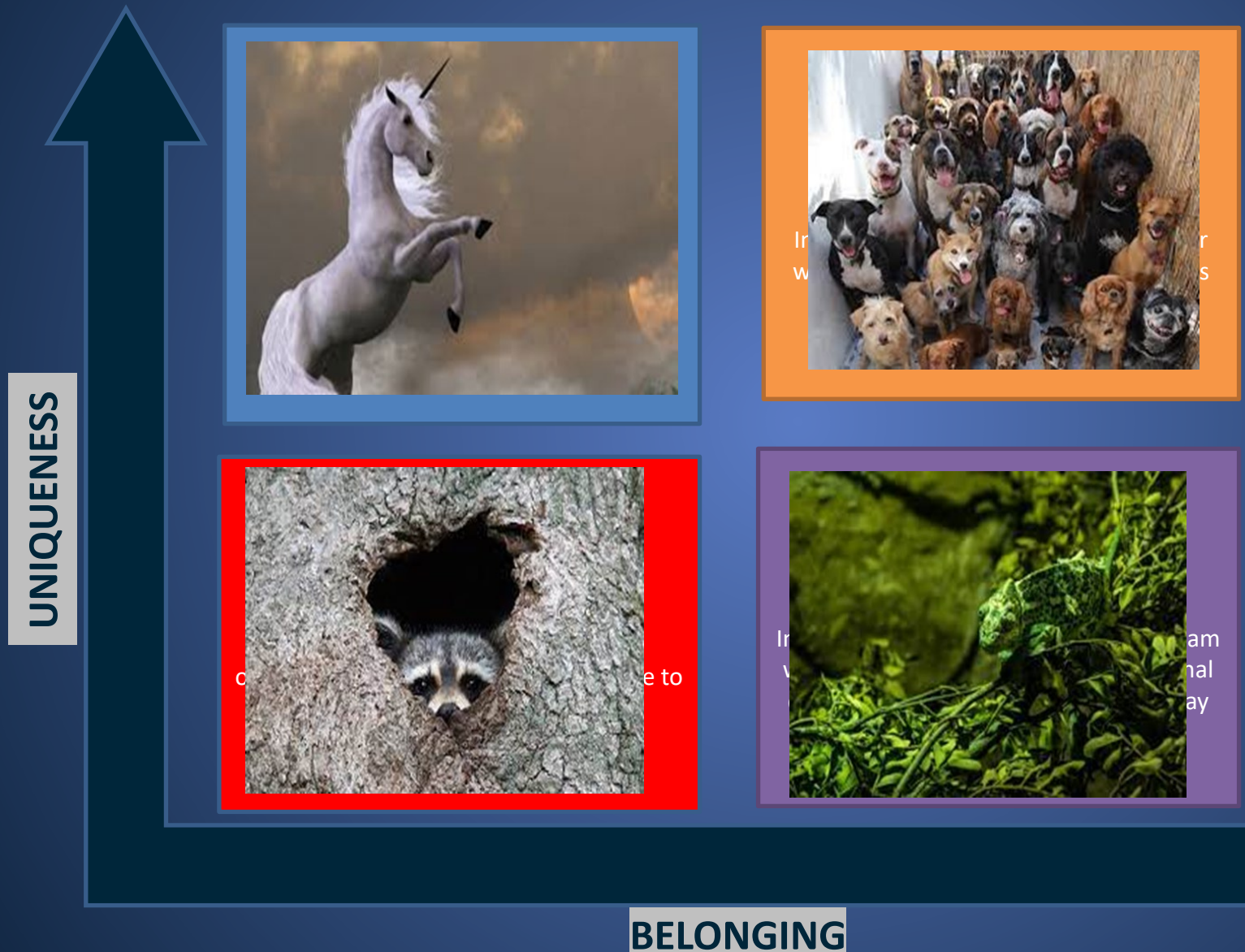
- What barriers might exist for employees to reach their full potential in our organization?
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- What systemic constructs should we rethink?
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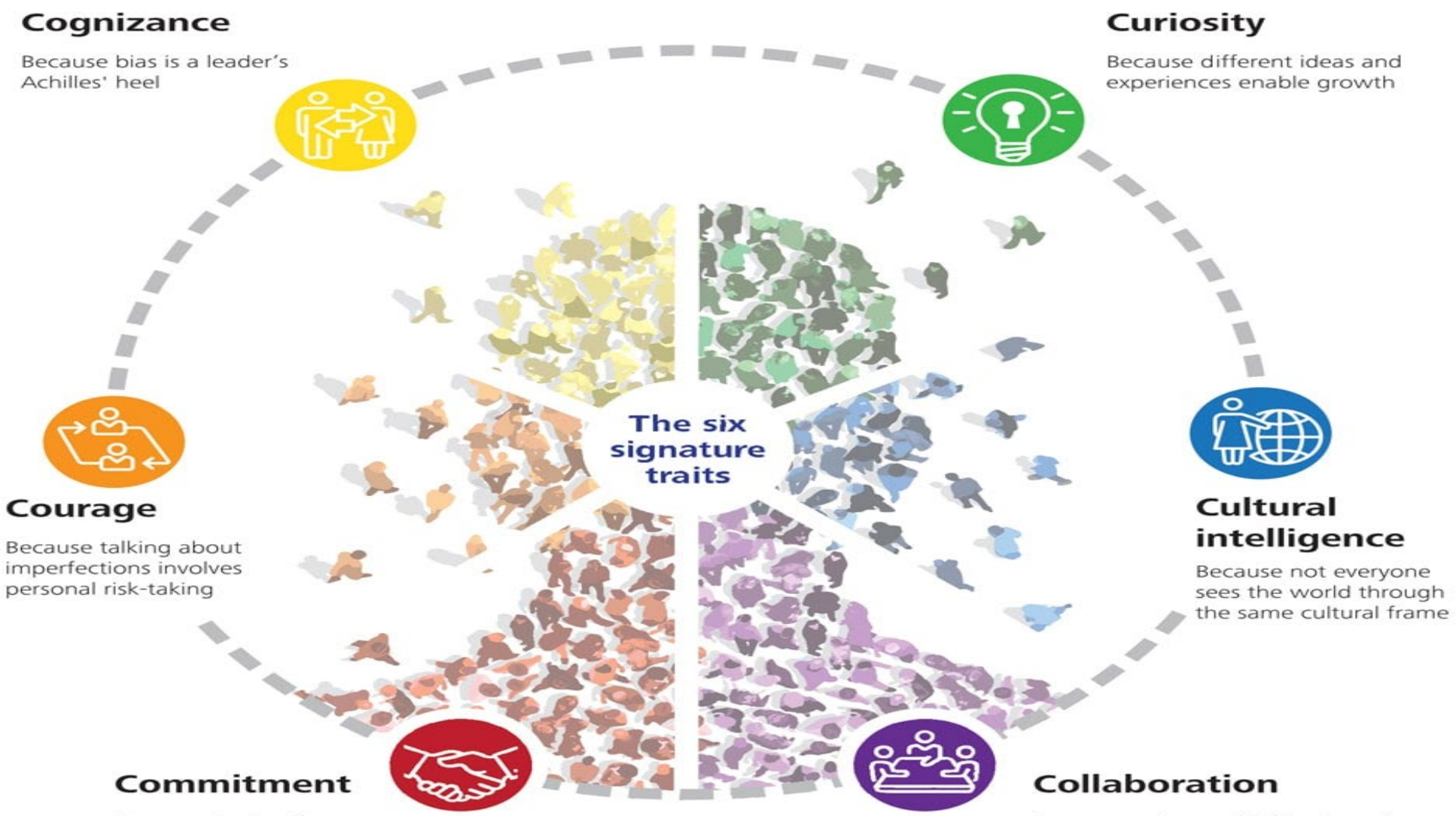


Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

Figure 1. The six signature traits of an inclusive leader



Graphic: Deloitte University Press | DUPress.com

7 Common Pitfalls (& How to Avoid Them)

1. Lacking vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Knowing it all
6. Doesn’t recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

Scenario 1

- SGM Randolph has been a stellar performer. She has trained and led the paralegals to be one of the most efficient offices in the JAG Corps. She has often discussed with you that the paralegals are ready to take on more responsibility. She has mentioned more than once that several of the paralegals' enlistments are ending, and many are considering getting out because they don't feel their skills are being utilized. She also points out that many of the paralegals are Black or Hispanic and often feel as if they are treated as "the help" instead of a member of the team. She finally says that many of the staff feel that the DEI events are simply performative to check the block and that the leadership team does not really believe creating an equitable and inclusive workplace is important.

Four Conversational Traps: ADDA

- There are 4 conversational traps that people should be wary of when it comes to discussions of identity and diversity
  - Avoid
  - Deflect
  - Deny
  - Attack

From "Say the Right Thing: How to talk about Identity, Diversity, and Justice" by Kenji Yoshino and David Glasgow

Avoid

- Most common
- Fall silent
- Leave the room
- Remember something else you need to do
- Say something “nice” rather than say what you think
- Expressing your views but crediting them to another source
- Pausing the conversation so that you can process what has been said in order to return for a constructive dialogue is okay, but articulate that

Deflect

- Shift attention from the topic being discussed to one that you are more comfortable with
- Deflecting to tone—focusing on ***how*** someone says something rather than on ***what*** they said
- Deflecting by channel switching—shifting focus from one group to another
- Deflecting to yourself—divert attention of from perceived slight to your own good character

Deny

- Rejects others perspective without considering that you could be wrong
- Announce from their “objective” perch that the other person is categorically wrong
- Denies another person’s emotions are real
- Acknowledges other’s feelings are real but illegitimate—oversensitive
- Denier assumes the mantle of power or authority

Attack

- Attack refers to combative, personal affronts, such as insults, sarcasm, eye-rolling, and passive-aggressive behavior

- All 4 ADDA are reflexive—want to get to being reflective in responses



We are all starting somewhere different on this spectrum

"Inclusive leadership is not a destination. It's a journey that requires humility, curiosity and courage."

Thais Compoint Author of "Succeed as an Inclusive Leader"

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEI & the Council

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/council-on-diversity-equity-inclusion

QUESTIONS?

Attorney Demographics

Demo Category	Active Duty	Active Duty %	Reserve	Reserve %	National Guard	National Guard %	DA Civilian	DA Civilian %	All %	ABA %
Total	1846		1614		988		774		5,222	
Male	1290	70%	1314	81%	826	84%	482	63%	75%	62%
Female	556	30%	300	19%	162	16%	292	37%	25%	38%
White	1454	79%	1140	71%	821	83%	662	85%	78%	81%
Black	143	8%	99	6%	60	6%	30	4%	6%	4.5%
Hispanic	79	4%	109	7%	43	4%	37	5%	5%	5.8%
Asian/ Pacific Islander	115	6%	111	7%	55	5%	23	2%	6%	5.5%
Am Indian/ Alaska Nativ	6	>1%	23	1%	5	>1%	3	>1%	1%	.5%
Other/ Unkn	49	3%	132	8%	4	>1%	19	2%	45	

Requested Date of Training	Organization/ Course	Location	Topic	File Number
3-Oct-23	JMRC/Hohenfels	Germany	DEI in Mentorship & Implicit Bias	FY24#4 and FY24#2
19-Oct-23	Fort Eustis JALS	Fort Eustis, VA	Building Inclusive Teams & DEI in Mentorship	FY24#3 and FY24#4
24-Oct-23	WOILE	TJAGLCS	Building Inclusive Teams & Implicit Bias	FY24#3 and FY24#2
2-Nov-23	154th LOD	Alexandria, VA	Recognizing and Mitigating Bias in MJ	FY24#5
7-Nov-23	CASCOM OSJA	Fort Gregg-Adams	DEI&A Overview	FY24#1
15-Nov-23	ALC & SLC 001-24	TJAGLCS	DEI&A Overview	FY24#1
1-Dec-23	222nd JA OBC	TJAGLCS	DEI&A Overview	FY24#1
1-Dec-23	Fort Huachuca OSJA	Fort Huachuca	Implicit Bias & Building Inclusive Teams	FY24#2 and FY24#3
16-Jan-24	Senior Civilian Course	TJAGLCS	Leading Diverse Generations	FY24#7
18-Jan-24	OSJA	Fort Eisenhower, GA	Building Inclusive Teams	FY24#3
2-Feb-24	USAMA	West Point, NY	DEIA Overview & Mitigating Bias in MJ	FY24#1 and FY24#5
5-Feb-24	Law for Paralegal Crs	TJAGLCS	DEIA Overview & Implicit Bias	FY24#1 and FY24#2
14-Feb-24	2x ALC classes	TJAGLCS	DEIA Overview & Implicit Bias	FY24#1 and FY24#2
14-Feb-24	1 SLC class	TJAGLCS	Building Inclusive Teams	FY24#3
15-Feb-24	OSJA	Presidio Monterey	Building Inclusive Teams	FY24#3
7-Mar-24	SETAF (2nd yr SJA)	Vicenza, Italy	Building Inclusive Teams	FY24#3
12-Mar-24	1SFC(A) (2nd yr SJA)	Fort Liberty, NC	DEI&A Overview & Implicit Bias	FY24#1 and FY24#2
13-Mar-24	XVIIIAbn Corps	Fort Liberty, NC	DEI&A Overview & Implicit Bias	FY24#1 and FY24#2
15-Mar-24	JA OBC	TJAGLCS	DEIA Overview	FY24#1
19-Mar-24	WOAC	TJAGLCS	Mitigating Bias	FY24#2

FY24#1

DEI&A: An Overview



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEIA

(b) (6), Director

(b) (6), Chief Operations Officer

Introduction

Training creates a baseline for JALS personnel and creates a shared understanding of DEI&A

Agenda:

- Background on DEIC & ODEIA
- ODEIA Initiatives
- JALS Demographics
- DEI&A defined

Background

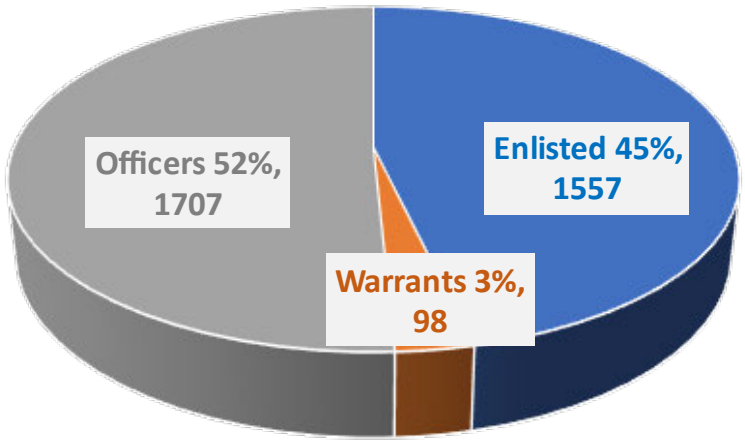
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEIA established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEIA Initiatives

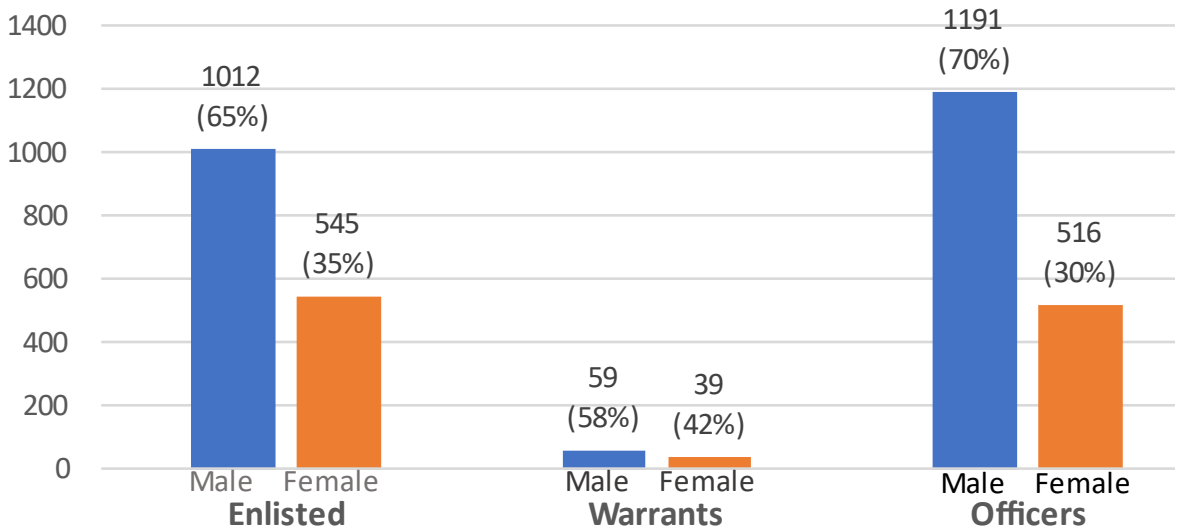
- JALS DEI&A STRATPLAN – **to be aligned w/ Army & DoDs**
- DEIA Train-the-Trainer
- Monthly Enterprise Virtual Training
- DEI&A training at all levels of JAGC PME (TJAGLCS)
- Facilitating bias discussions at boards (GOSC, Accessions, Interns, FLEP, etc.)
- Engage with Army Equity & Inclusion Agency and DoD DEIA community

JAGC Active Component Demographics

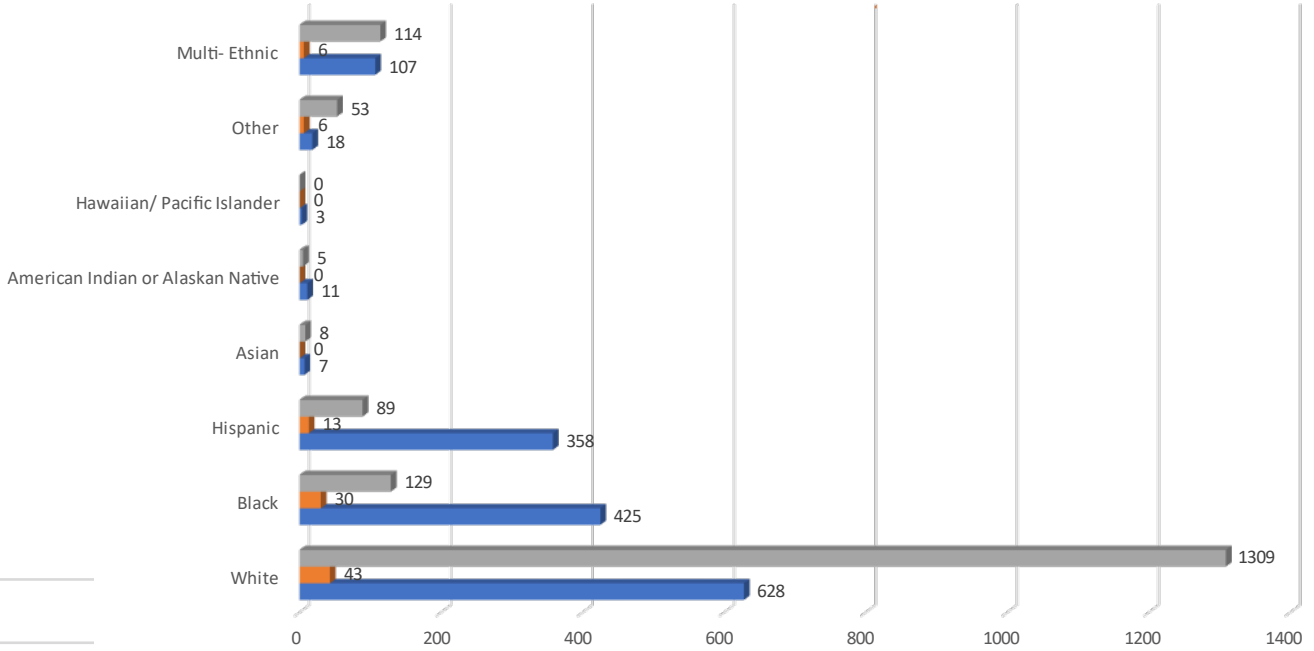
COHORT



GENDER



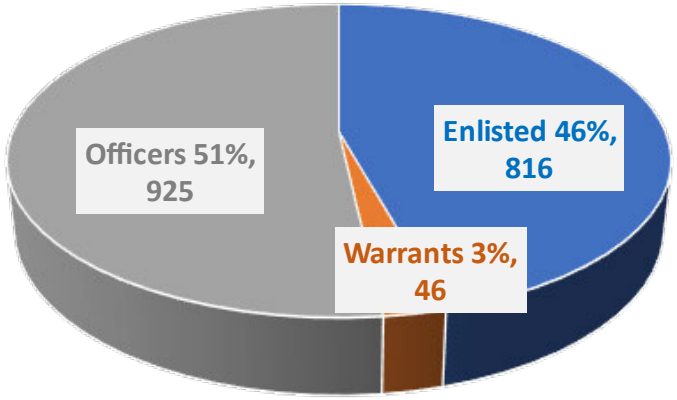
RACE/ ETHNICITY



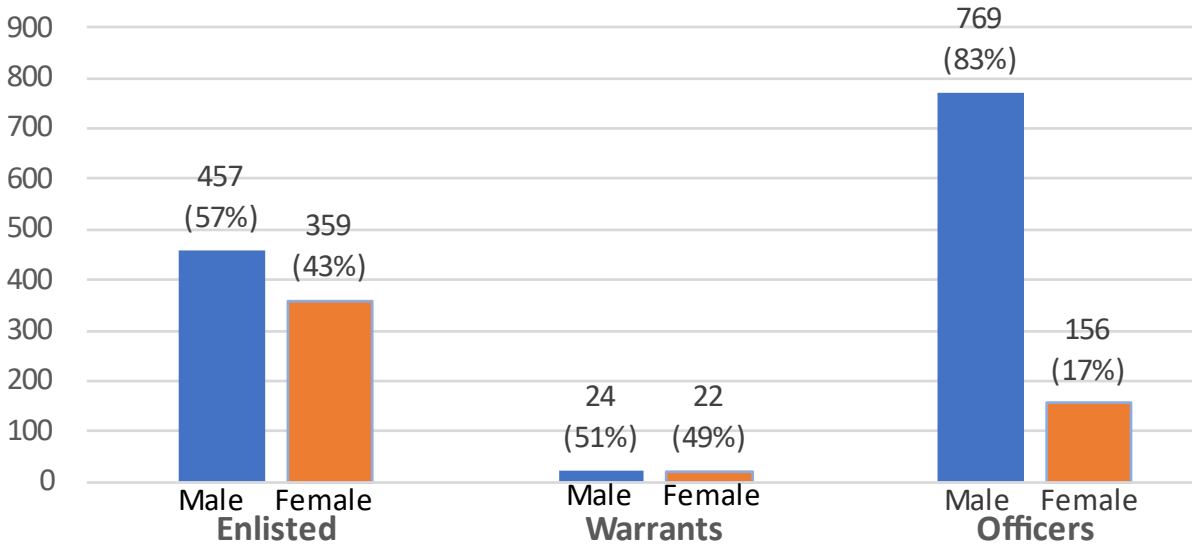
	White	Black	Hispanic	Asian	American Indian or Alaskan Native	Hawaiian/ Pacific Islander	Other	Multi-Ethnic
Enlisted	628 (40.3%)	425 (27.2%)	358 (22.9%)	7 (0.4%)	11 (.7%)	3 (0.1%)	18 (1.1%)	107 (6.8%)
Warrants	43 (43.8%)	30 (30.6%)	13 (13.2%)	0 (0%)	0 (0%)	0 (0%)	6 (6.1%)	6 (6.1%)
Officer	1309 (76.6%)	129 (7.5%)	89 (5.2%)	8 (0.4%)	5 (0.2%)	0 (0%)	53 (3.1%)	114 (6.6%)

JAGC National Guard Component Demographics

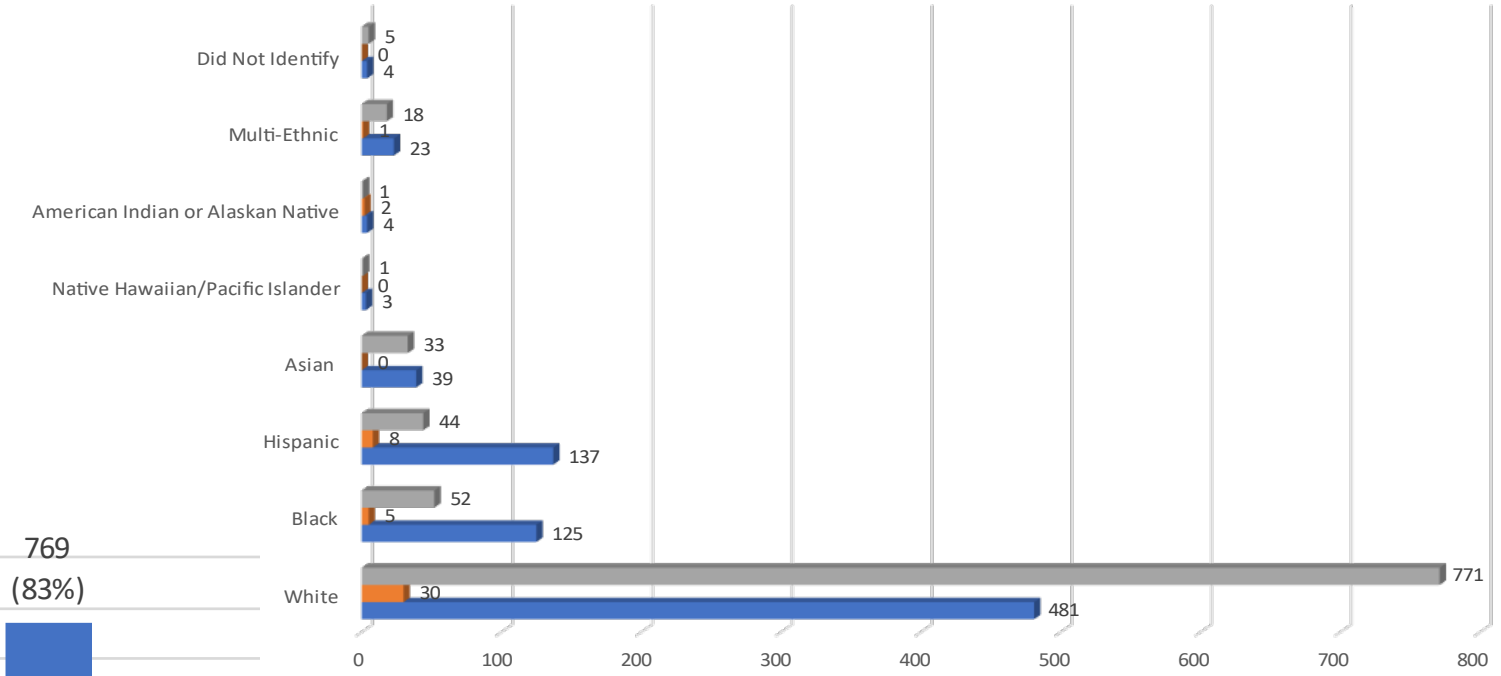
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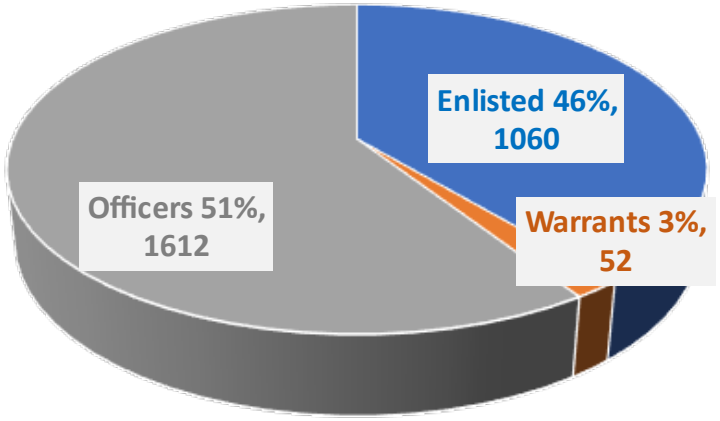
RACE/ ETHNICITY



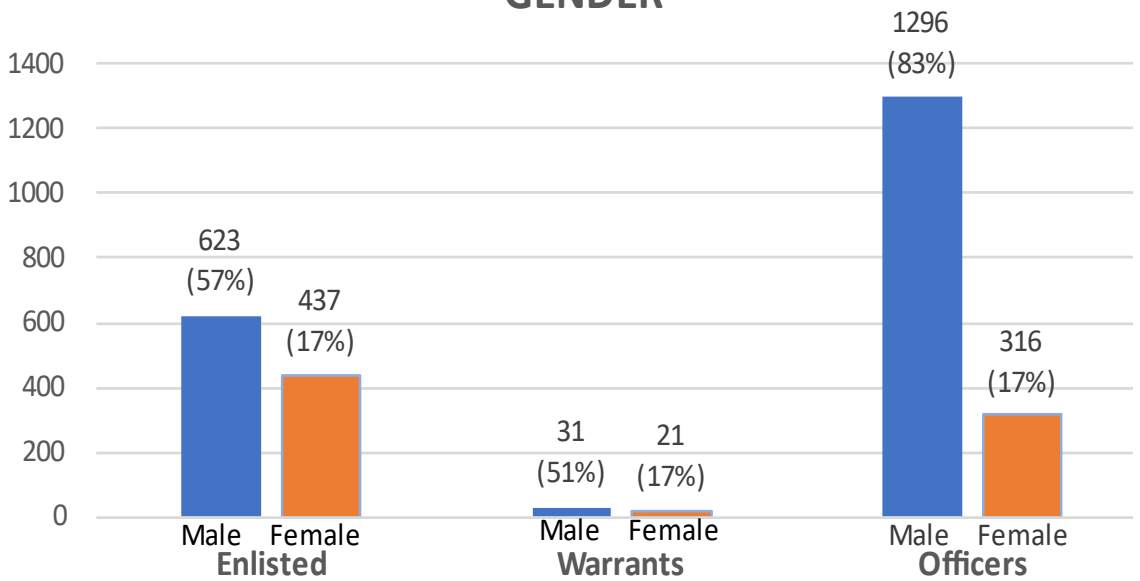
	White	Black	Hispanic	Asian	Native Hawaiian / Pacific Islander	American Indian or Alaskan Native	Multi-Ethnic	Did Not Identify
Enlisted	481 (59%)	125 (15.3%)	137 (16.7%)	39 (4.7%)	3 (.3%)	4 (.4%)	23 (2.8%)	4 (.4%)
Warrants	30 (65.2%)	5 (10.8%)	8 (17.3%)	0 (0%)	0 (0%)	2 (4.3%)	1 (2.1%)	0 (0%)
Officer	771 (83.3%)	52 (5.6%)	44 (4.7%)	33 (3.5%)	1 (.1%)	1 (.1%)	18 (1.9%)	5 (.5%)

JAGC Reserve Component Demographics

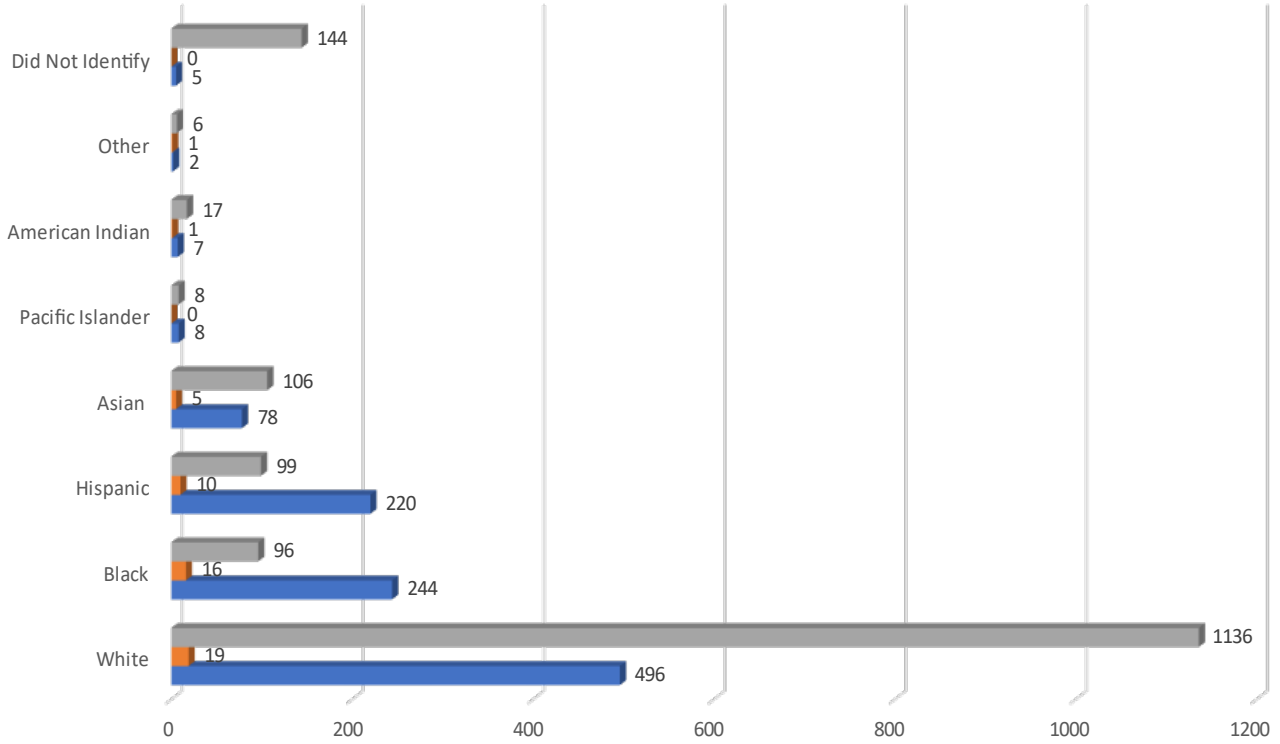
COHORT



GENDER



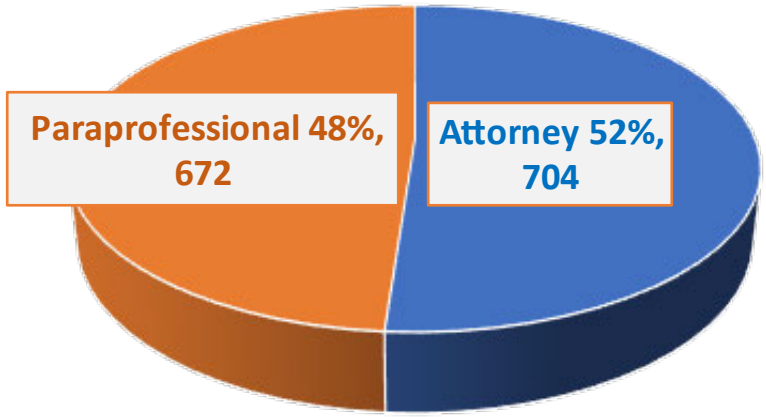
RACE/ ETHNICITY



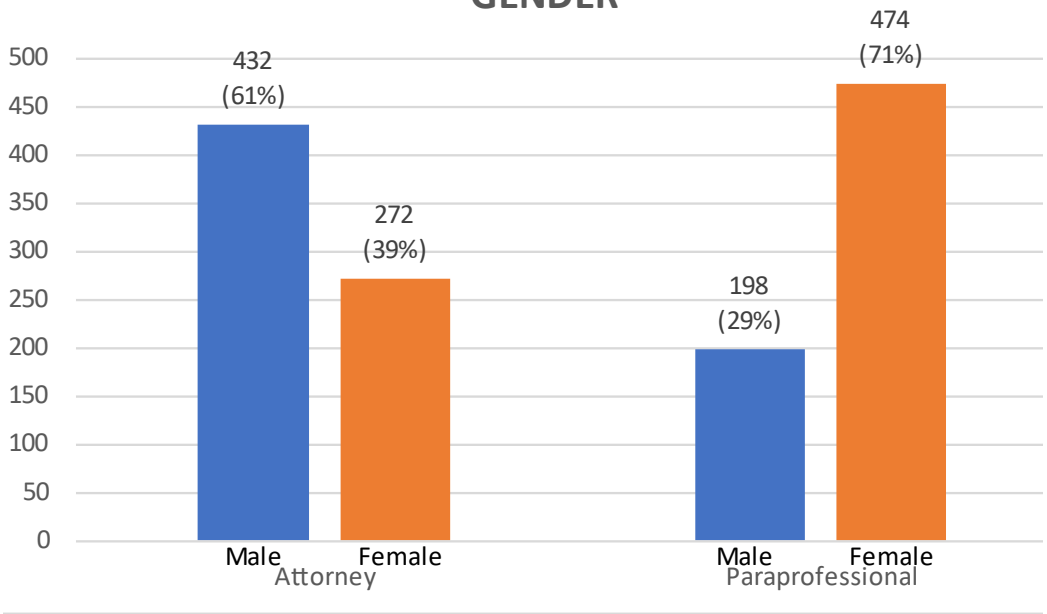
	White	Black	Hispanic	Asian	Pacific Islander	American Indian	Other	Did Not Identify
Enlisted	496 (46.7%)	244 (23%)	220 (20.7%)	78 (7.3%)	8 (.7%)	7 (.6%)	2 (.1%)	5 (.4%)
Warrants	19 (36.5%)	16 (30.7%)	10 (19.2%)	5 (9.6%)	0 (0%)	1 (1.9%)	1 (1.9%)	0 (0%)
Officer	1136 (70.4%)	96 (5.9%)	99 (6.1%)	106 (6.5%)	8 (.4%)	17 (1%)	6 (.3%)	144 (8.9%)

JALS Civilian Demographics

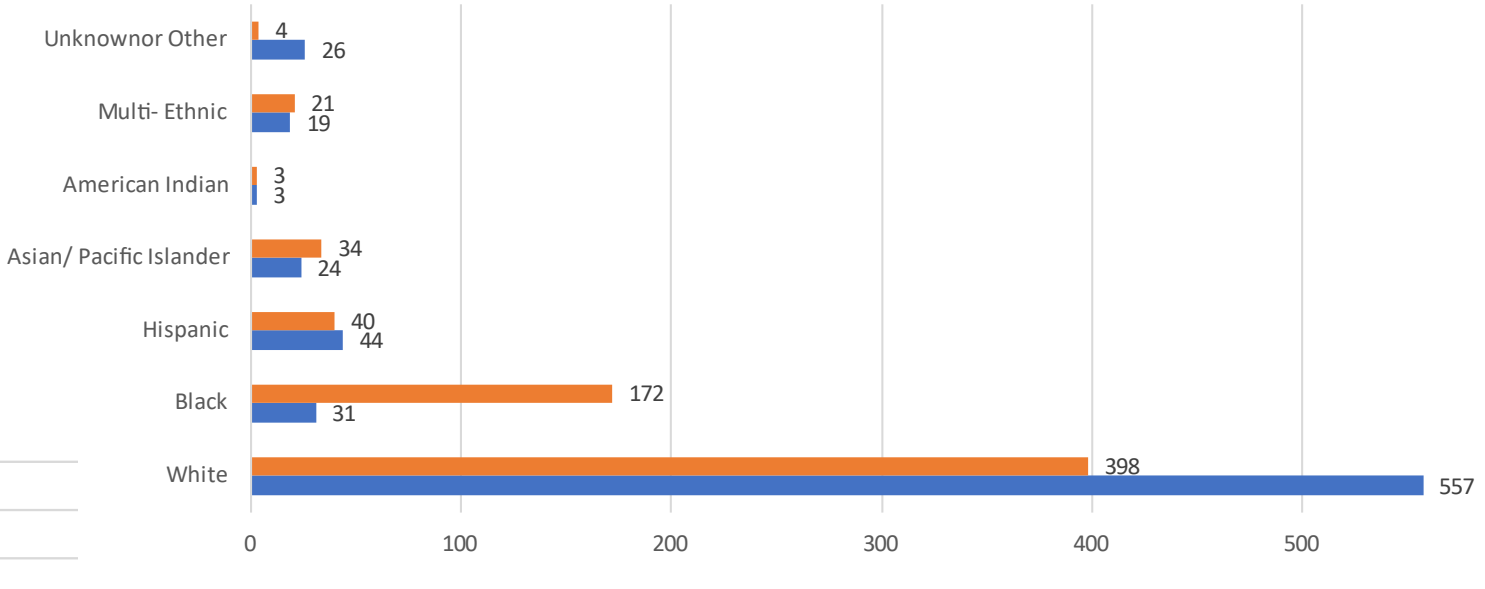
COHORT



GENDER



RACE / ETHNICITY



	White	Black	Hispanic	Asian/ Pacific Islander	American Indian	Multi-Ethnic	Unknown or Other
Attorney	557 (79.1%)	31 (4.4%)	44 (6.2%)	24 (3.4%)	3 (.4%)	19 (2.6%)	26 (3.6%)
Paraprofessional	398 (59.2%)	172 (25.5%)	40 (5.9%)	34 (5%)	3 (.4%)	21 (3.1%)	4 (.5%)

DEI&A - *Defined*

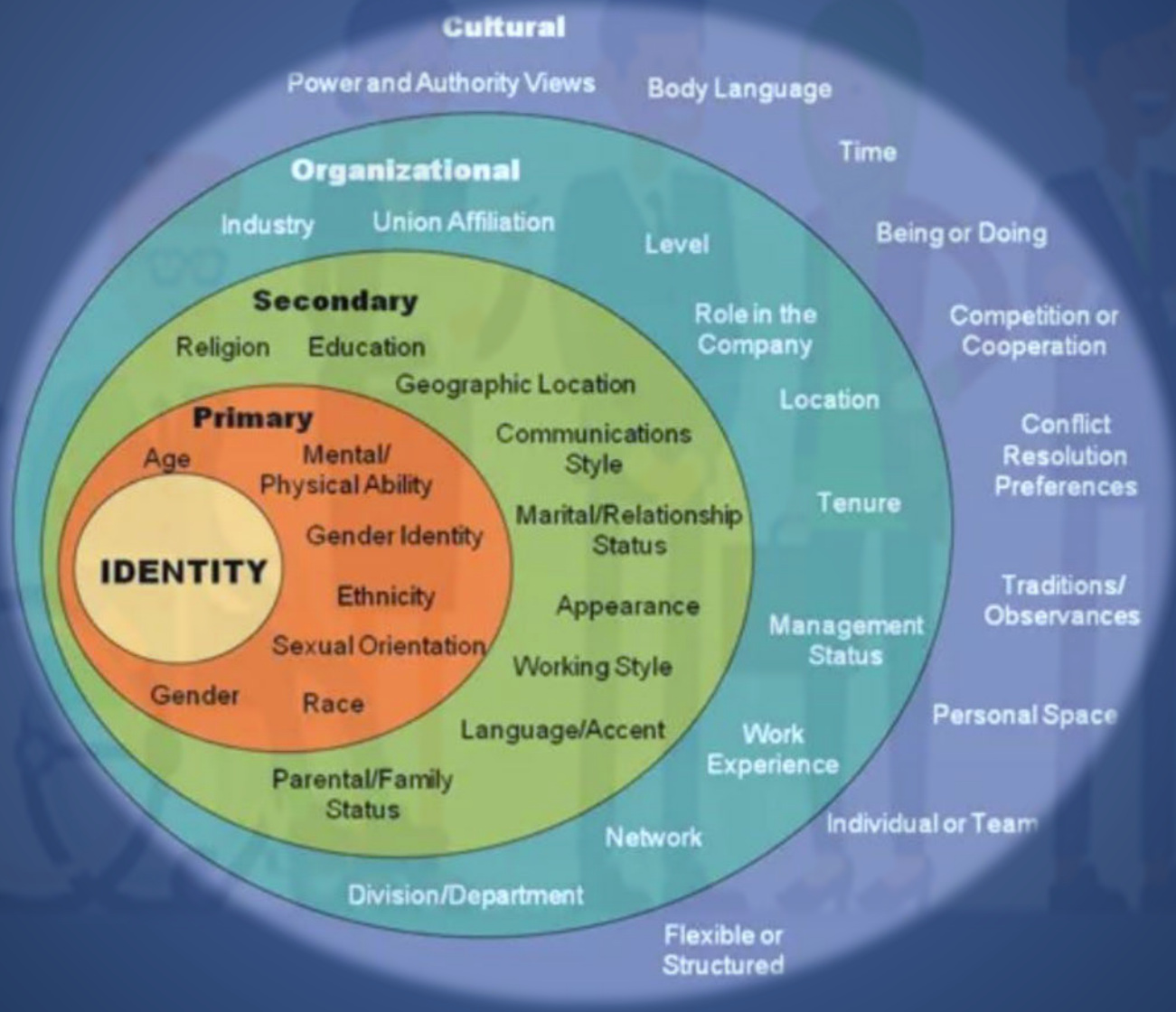


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

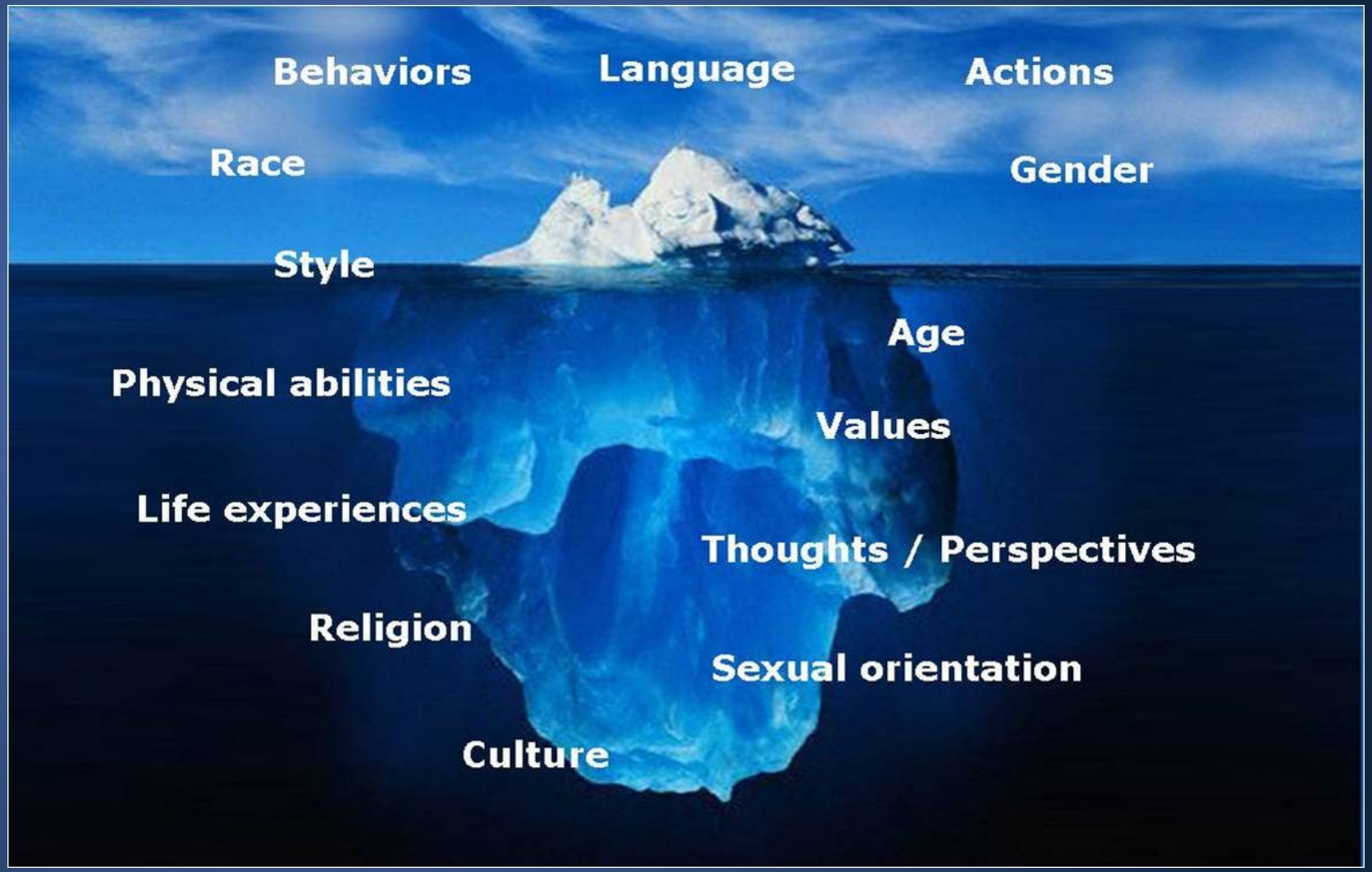
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%

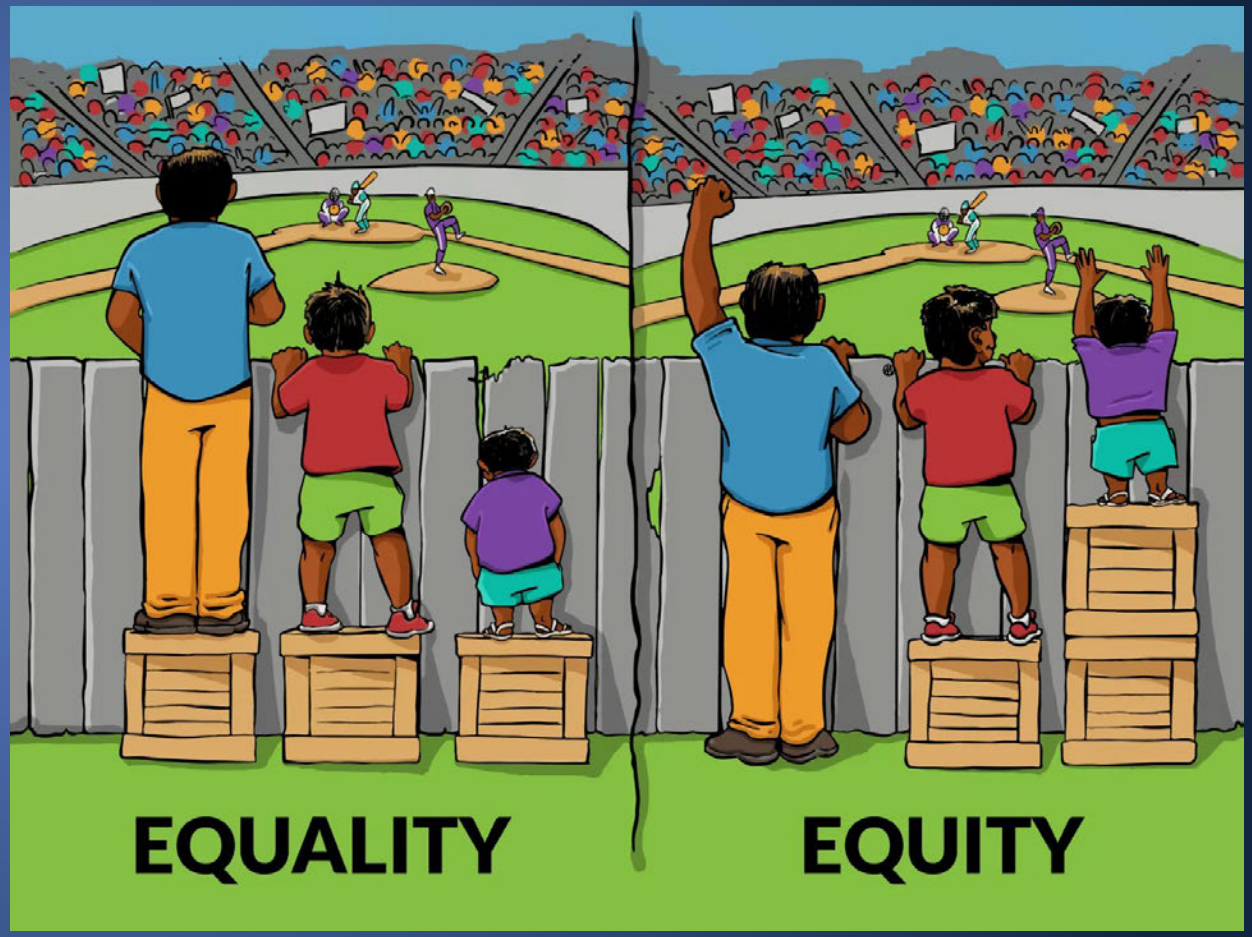


EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

EQUITY v EQUALITY

- Whereas *equity* recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access



FROM EQUALITY TO EQUITY TO INCLUSION



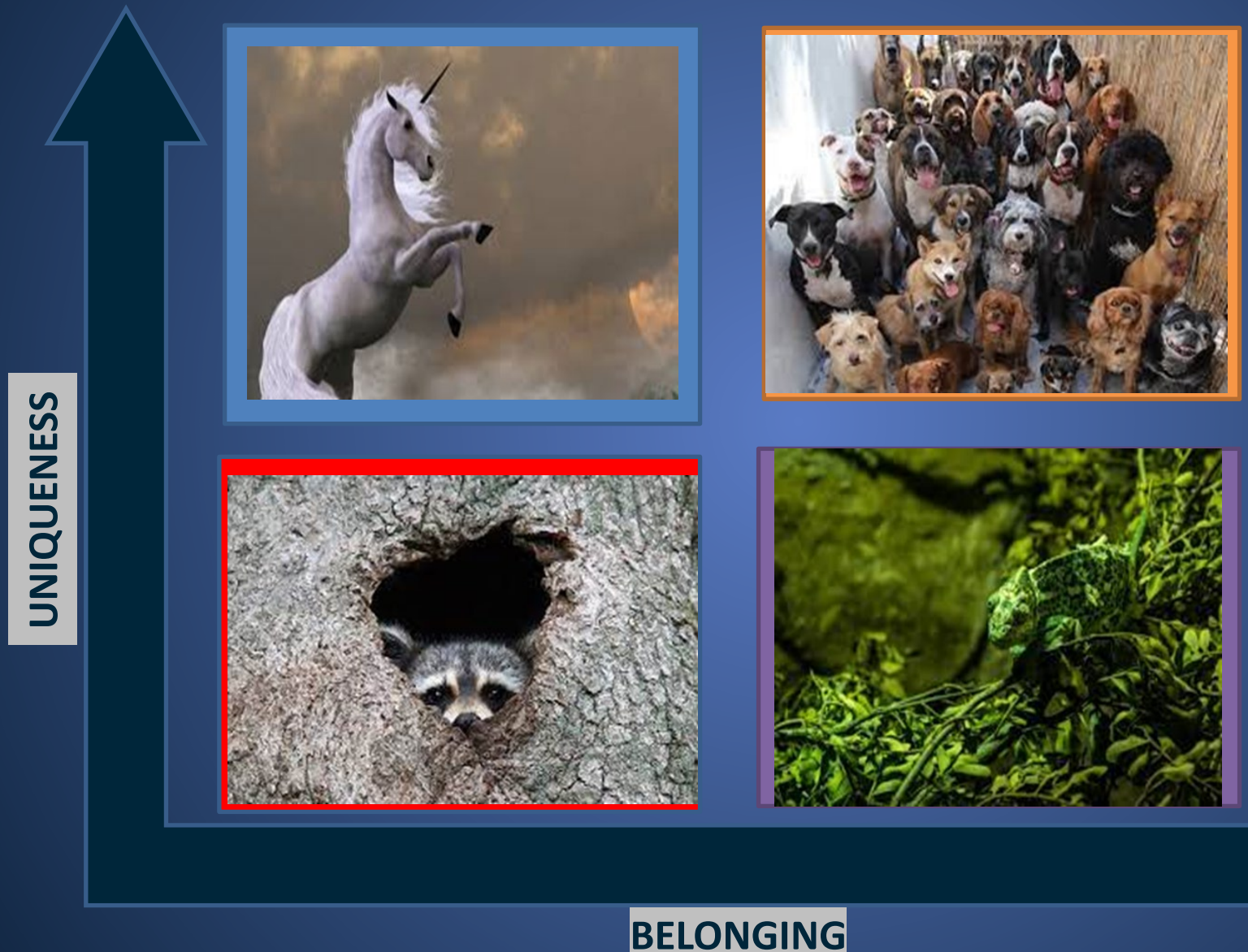
EQUALITY EQUITY INCLUSION

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
- Persons with disabilities face accessibility barriers in all aspects of society
- A barrier is an obstacle or anything that prevents a person with a disability from fully participating in in all aspects of society because of their disability
  - Barriers can be visible, invisible, physical, attitudinal, technological, information and communication barriers
  - By removing all unnecessary barriers, an individual can use their abilities to achieve their objectives, thus having the same opportunity to achieve success

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are linked to accomplishing the mission versus *the way we have always done business*?
- Who was this organization designed to fit?

Affinity Mentorship Groups

OPEN TO EVERYONE

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  - athenascouncil1775@gmail.com
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https://www.jagcnet2.army.mil/Sites/DivInc.nsf

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https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

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QUESTIONS?

FY24#2

Implicit (Unconscious) Bias



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

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“If you have a brain, you have bias.”

Sondra Thiederman

Amazing Mind

We cna raed tihs bcuseae the huamn
mnid deos not raed ervey lteter by istlef,
but the wrod as a wlohe.
Our brians tkae shrutctus.

Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

Implicit (Unconscious) Bias

- **Implicit bias** refers to the brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness

  - Not good or bad…just is
  - Often can affect our decision-making
  - Influenced by our experiences
  - **impacts the lens with which we view the world**

What do you think about when you see these images?











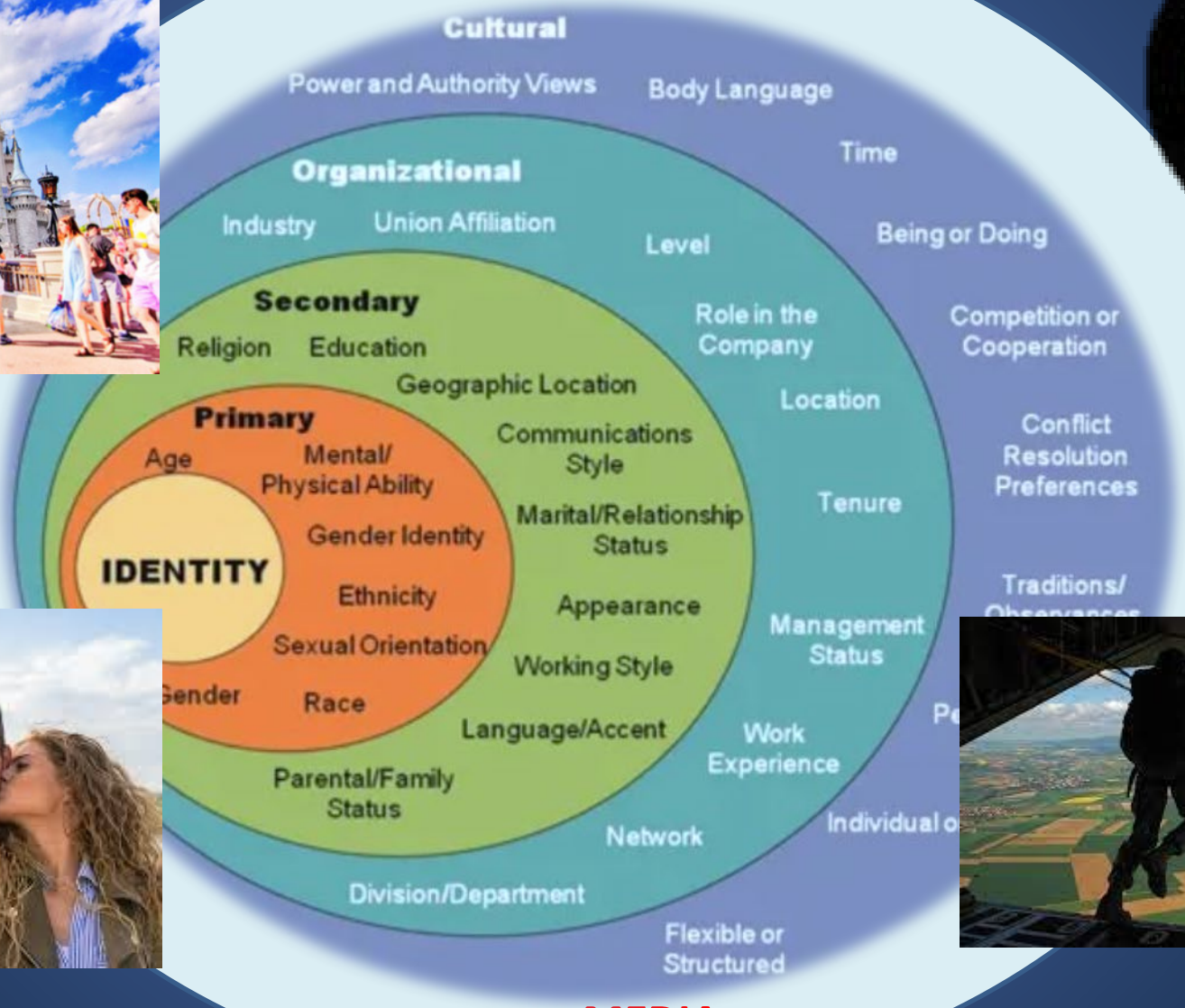
Our Social Identities in Bias









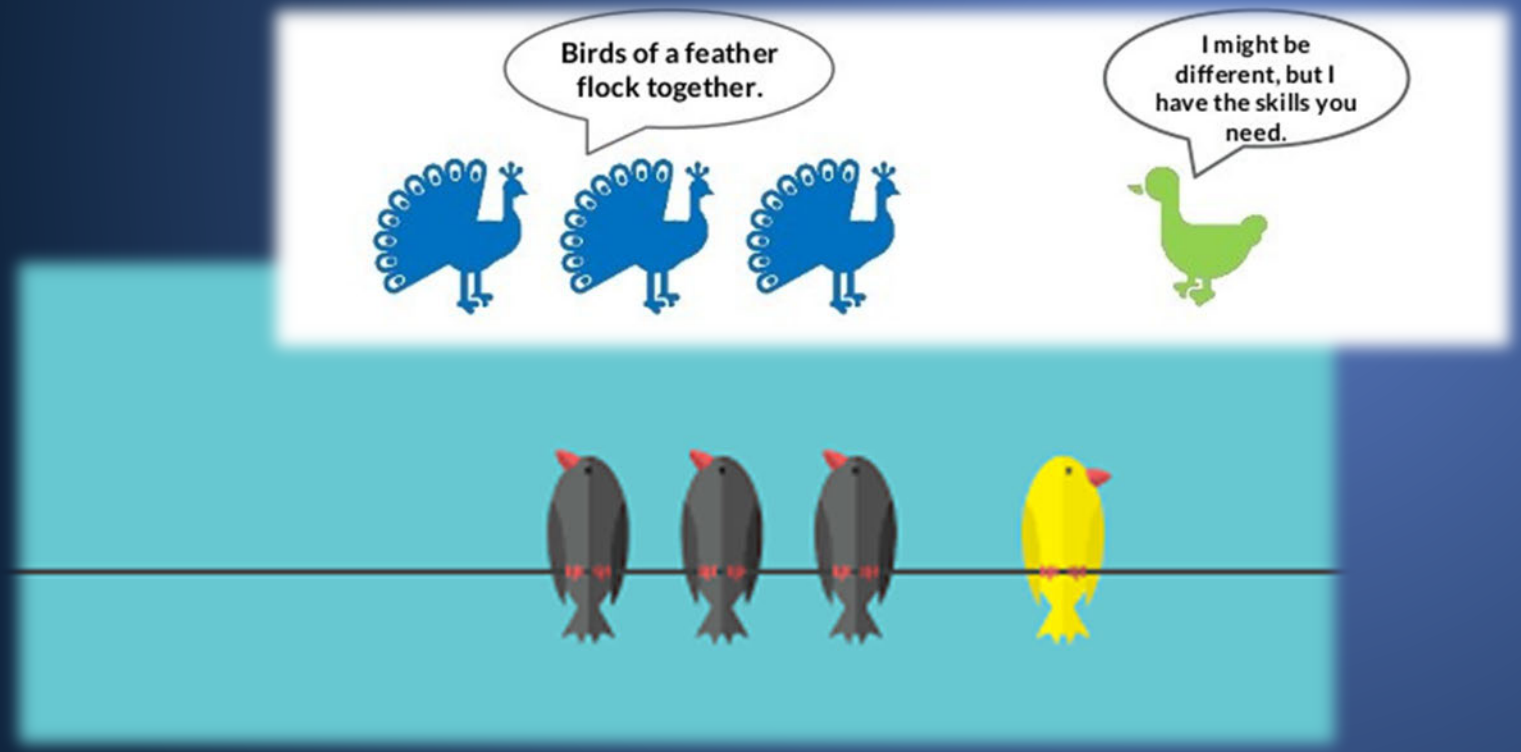


IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us





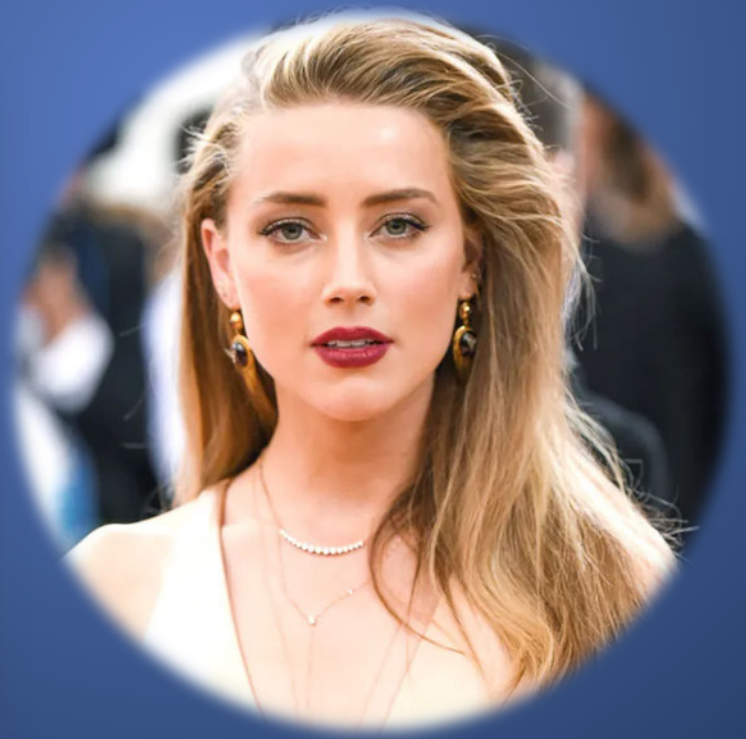
Affinity Bias, *cont.*

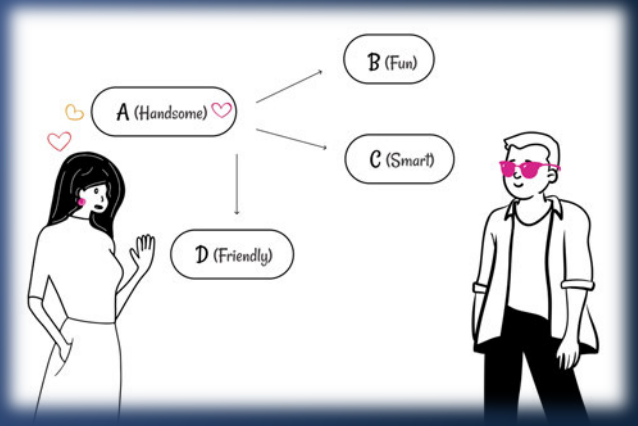
- Some examples of affinity bias (similarity bias) in the workplace:
  - common traits, attended the same college, served in the same unit at the same time, badges/tabs
- How it affects the workplace:
  - hiring decisions; promotions; mentorship opportunities; and how certain people's ideas are received
- Combat it by:
  - take time to get to know everyone better; find common ground; actively seek diversity

Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good





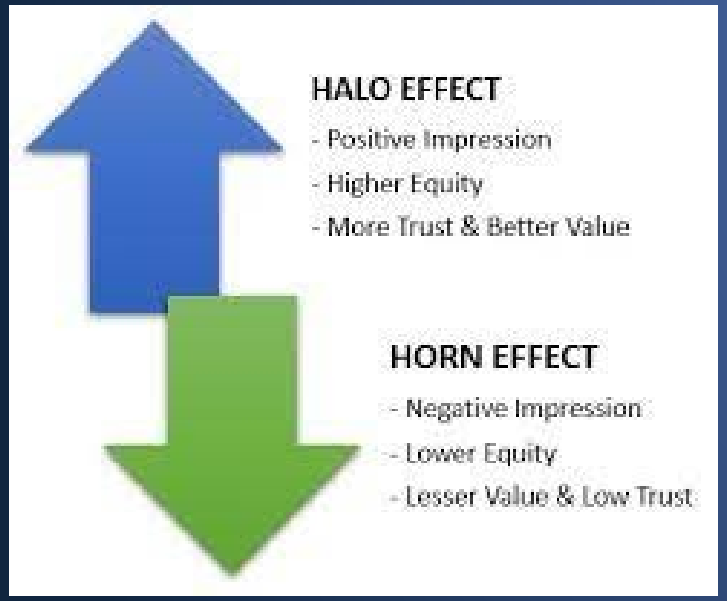


Halo Bias, *cont.*

- Some examples of halo bias in the workplace:
  - Maxing PT, looks good in uniform, outgoing personality, nice smile, best athlete at frisbee football
- How it affects the workplace;
  - gives one the best assignments; an employee is highly competent in one area, and the supervisor rates the employee correspondingly high in all areas; creates reputation for “favoritism” and unfairness; overshadows higher qualified co-workers; one gets away with showing up late
- Combat it by:
  - Utilize objective assessments for skills and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Horn Effect

- What is it?
  - our tendency to think everything about a person is negative because our first impression of them was negative







Horn Affect Bias, *cont.*

- Some examples of horn bias in the workplace:
  - Show-up late once, fails PT once , made one mistake, not given any opportunities, also could apply to one characteristic (ex: accent)
- How it affects the workplace;
  - fail to develop equitably, overlook talent and potential, could set a climate of “one mistake and done”
- Combat it by:
  - Objectively assess employees' performance, skills, and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along









Confirmation Bias, *cont.*

- Some examples of confirmation bias in the workplace:
  - interpretations of issues, resume review, singling out a colleague as lazy, calling ahead to get “a feel” for an inbound employee before their arrival and actively seeking out things that support that “bias”
- How it affects the workplace:
  - leads to flawed decision-making; miss out on important information and facts; “what we see depends mainly on what we look for”
- Combat it by:
  - ask neutral questions; play devil’s advocate; consider all the evidence and facts available; seek out different perspectives; be willing to change your mind in light of new evidence and facts; listen to what others have to say

Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group







Groupthink, *cont.*

- Some examples of groupthink in the workplace:
  - putting together teams that lack diversity, ostracizing others, censorship, going along to get along
- How it affects the workplace:
  - can be toxic to teams and organizations; stifles innovations; pressures employees to conform
- Combat it by:
  - celebrate diverse perspectives; encourage personal and professional development; evaluate and recognize independently; encourage conflict; encourage psychological safety; build diverse teams

6 Ways to Mitigate Unconscious Bias

1

Recognize and accept that you have bias

2

Develop the capacity to use a flashlight on yourself

3

Practice "Constructive Uncertainty"

4

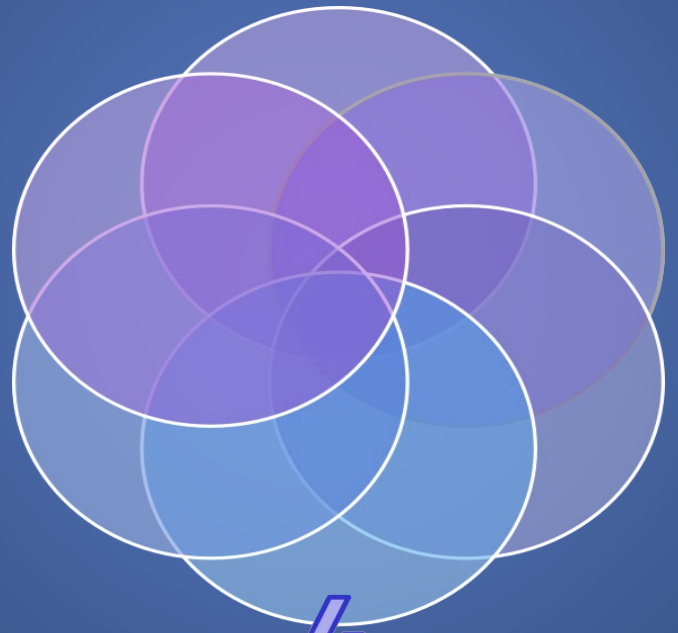
Explore awkwardness, and discomfort

5

Engage with people you consider "others" and expose yourself to positive role models in that group

6

Get feedback



Source: Cook Ross

In Conclusion

- We ALL have biases
- Understanding the various unconscious biases, can raise awareness in the workplace and build inclusivity
- Tackling bias doesn't have to be difficult—it starts with you
- Questions to ask yourself:
  - Do I have an automatic feeling or judgment about this person?
  - Am I being reminded of someone?
  - What is this person triggering in my background?
  - Do I notice any patterns in my decision making that might be impacted by my biases?
  - How might I consciously intervene to mitigate the impact of this bias?

QUESTIONS?

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FY24#3

Building Inclusive Teams



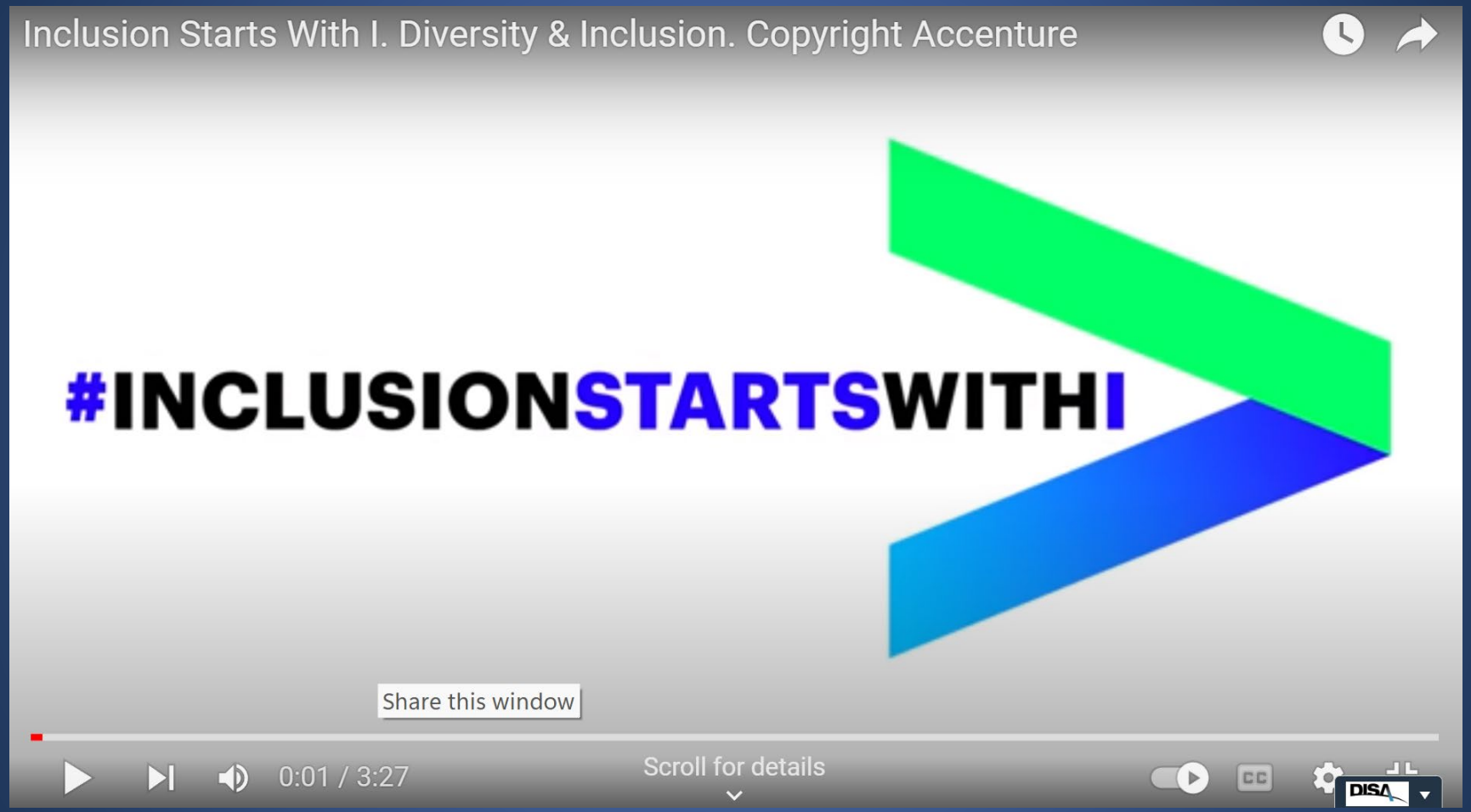
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Your ODEIA

(b) (6), Director

(b) (6), Chief Operations Officer

Agenda



https://www.youtube.com/watch?v=QDna1RV-tYo

Agenda

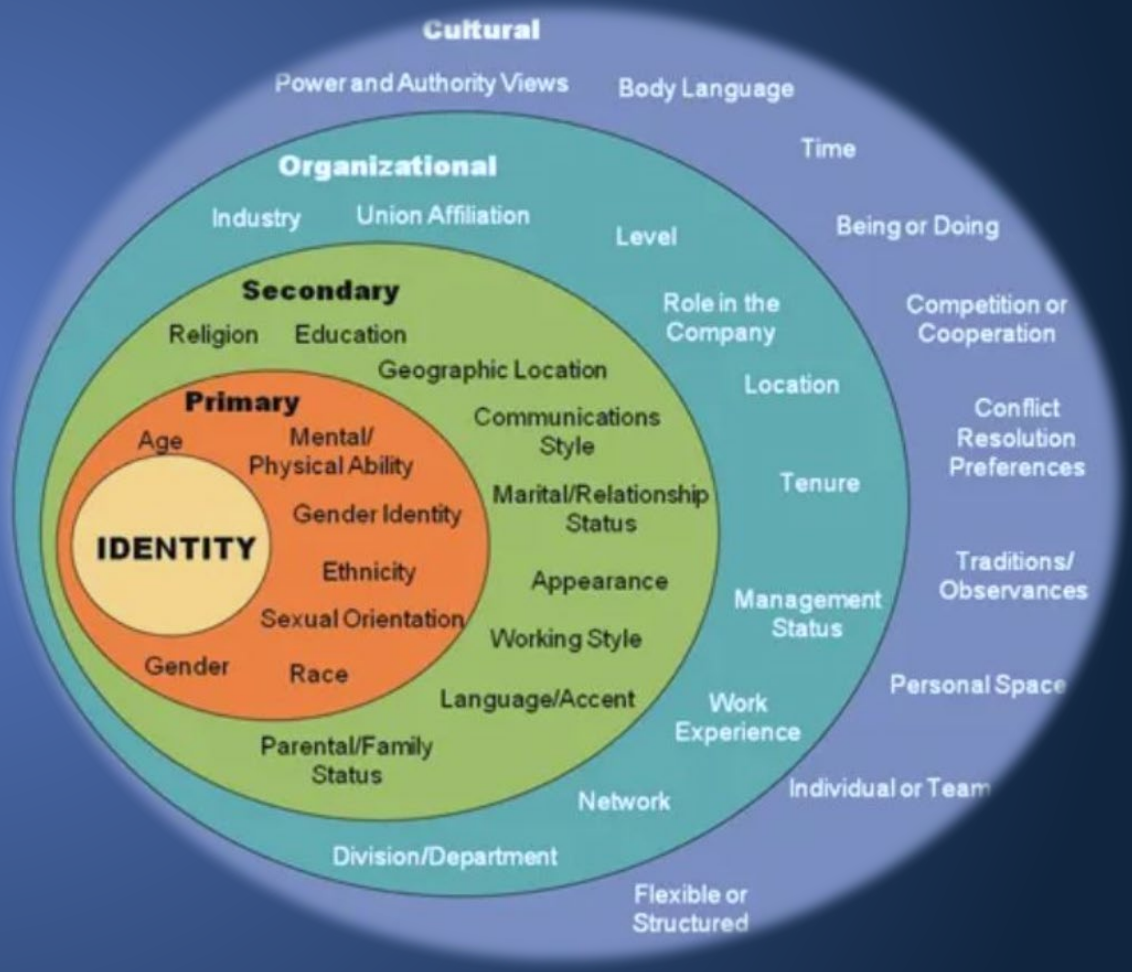
- Benefits of Inclusion in the Workplace
- Define Diversity, Equity, Inclusion & Accessibility
- Signature Traits of an Inclusive Leader
- Behaviors for Shaping Inclusive Climates
- Psychological Safety
- Common Pitfalls
- Conversational Traps
- Becoming an Advocate for Equity & Inclusion

Benefits of an Inclusive Work Environment

- Inclusive work environments produce higher performance
- Increases collaboration
- Builds cohesive teams that leverage talents
- Increase employee engagement
- Fuels innovation and creativity
- Increases recruiting
- Decreases turnover, increases retention
- Positively impacts the workers' experience

DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win



EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force

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Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



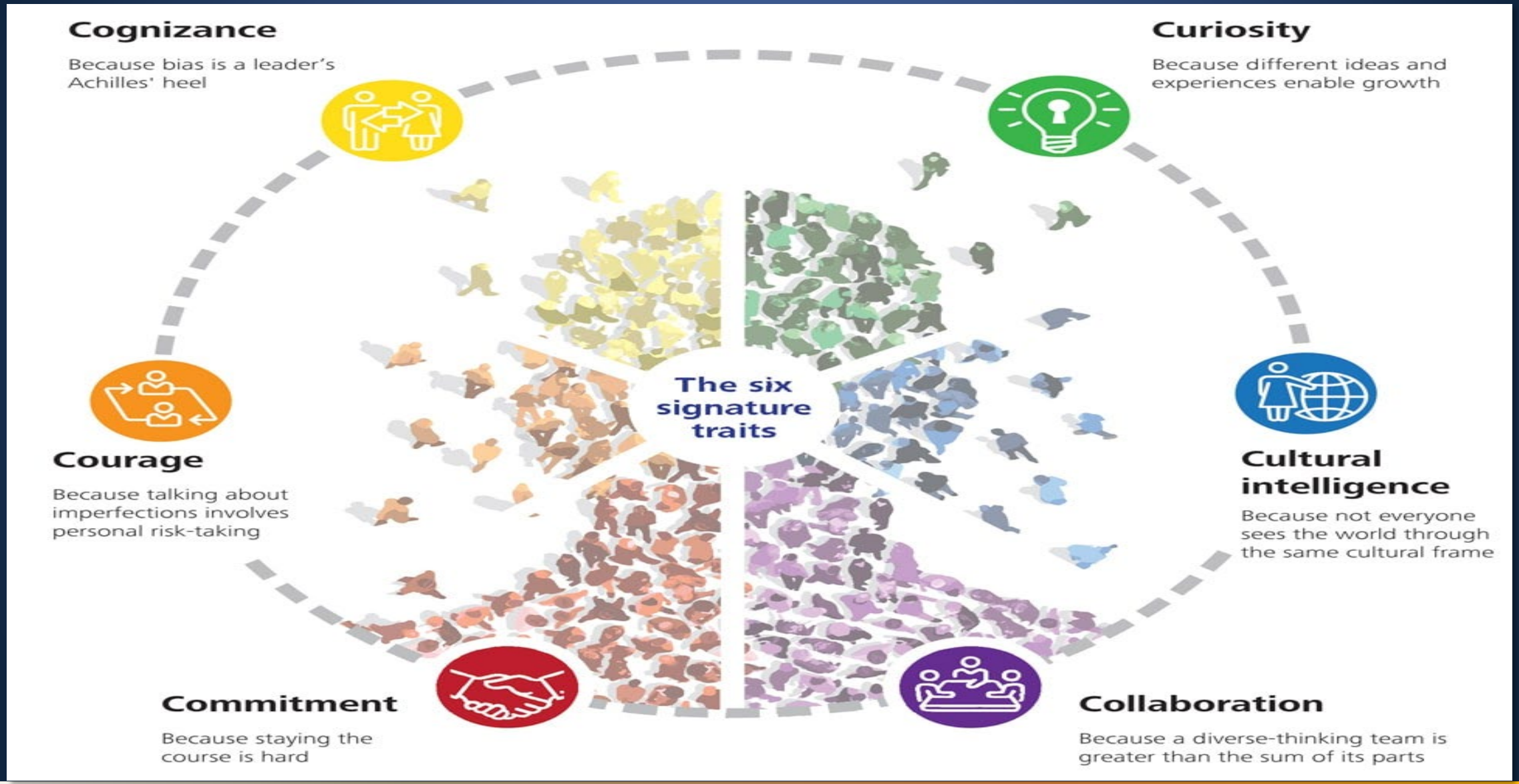
Source: Army People Strategy: DEI Annex

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



Signature Traits of an Inclusive Leader



Graphic Source: Deloitte University Press

7 Common Pitfalls (& How to Avoid Them)

1. Not clearly stating vision and goals
2. Treating everyone the same
3. Showing favoritism
4. Being inflexible
5. Lack of humility
6. Forgetting to recognize or reward
7. Failing to provide feedback

*Self-reflection: As we describe each pitfall, conduct your own personal assessment and write down those that you would admit that you need to avoid.

Behaviors for Shaping Inclusive Climates



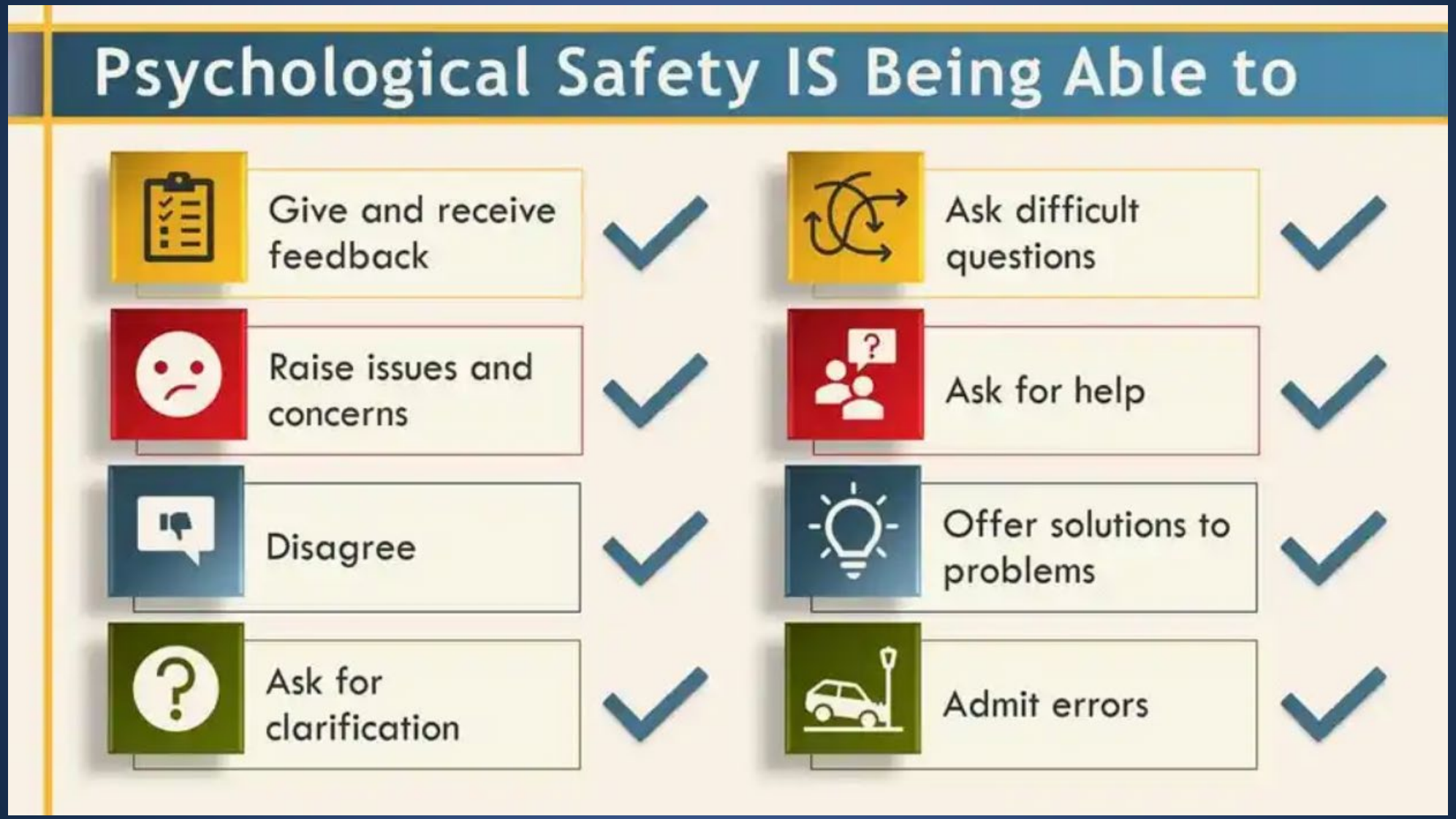








What is Psychological Safety?



Source: https://symondsresearch.com/psychological-safety/

Four Conversational Traps: ADDA

- There are 4 conversational traps that people should be wary of when it comes to discussions of identity and diversity
  - Avoid
  - Deflect
  - Deny
  - Attack

From "Say the Right Thing: How to talk about Identity, Diversity, and Justice" by Kenji Yoshino and David Glasgow



We are all starting somewhere different on this spectrum

"Inclusive leadership is not a destination. It's a journey that requires humility, curiosity and courage."

Thais Compoint Author of "Succeed as an Inclusive Leader"

QUESTIONS?

Keep up with ODEI & the Council

MS Teams

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FY24#4

DE&I in Mentorship



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Your ODEI

(b) (6), Director

(b) (6) Chief Operations Officer

Introduction

- Benefits of fostering an environment where mentoring relationships form organically, is crucial to creating a diverse, equitable, and inclusive workplace culture

- The benefits of mentorship extend well beyond the domains of individual employee performance, human resources outcomes, or firm performance

- Mentoring programs are powerful tools for cultural change, particularly when it comes to addressing issues of implicit bias or other forms of discrimination in the workplace

Mentorship

According to AR 600-100, *Army Profession and Leadership Policy*, **Mentorship** is **a voluntary and developmental relationship** that **exists between a person with greater experience** (the mentor) **and a person with less experience** (the mentee), **characterized by mutual trust and respect**





Why Mentorship Matters

Mentoring helps leaders:

- Foster positive workplace cultures
- Create inclusive work environments for employees of diverse backgrounds
- Equitably provide personal growth

Many empirical studies confirm the benefits of mentorship

- A survey conducted by Heidrick & Struggles on Mentoring Programs revealed that "more than ¾ of respondents say their most impactful mentoring relationship was either 'very important' or 'extremely important' to their career development"
- 87% of mentors and mentees feel empowered by the relationship and reported greater confidence and career satisfaction.
- Companies that leverage mentoring programs to improve representation at the managerial position can improve the representation of ethnic and racial minorities and women by up to 25%

6 Types of Mentorship

1. One-on-One Mentoring
2. Situational Mentoring (Coaching)
3. Developmental & Career Mentoring
4. Reverse Mentoring
5. Group Mentoring
6. Peer Mentoring



One-on-One Mentoring

- Focused on building personal relationships and individual skill building
  - The most traditional type of mentoring
  - Only the mentor and mentee are involved in this type of mentoring
  - Usually a more-experienced individual is paired with a less-experienced or much younger mentee (i.e., Sr. Legal Administrator and WO1; DSJA and Chief of NSLD; Sr. Military Justice Ops NCO and new MJA)

Situational Mentorship

- A person with a special knowledge or a particular skillset helps guide the mentee's learning or improvement of a specific set of skills
- Also referred to as "coaching"
- Unlike mentoring, coaching relies primarily on teaching and guiding to help bring out and enhance current capabilities
- A coach helps those being coached to understand their current level of performance and their potential, and instructs them on how to reach the next level of knowledge and skill

Differences between Mentoring and Coaching

	Mentoring	Coaching
Focus:	Individual Development	Performance Improvement
Role:	no agenda	Specific agenda
Relationship:	Self-selecting	Comes with the position
Source of Influence:	Perceived value	Position
Arena:	Life / Career	Business or sports
Time Frame:	Long term	Short term
Agenda:	Open	Set
Orientation:	relationship related	Task related
Approach:	Non-structured	structured
Personal Objective:	Improved performance	Personal satisfaction

Developmental & Career Mentoring

- This type of mentoring is long-term and typically entails managers and directors who mentor their employees as they progress in their careers over the course of a few years
- This, according to AR 600-100, should include identification of personal goals, organizational goals, objectives, and developmental activities, at minimum

Reverse Mentoring

- The opposite format of traditional mentoring, where the senior leader is mentored by a younger or more junior employee, possibly a new hire
  - It is also known as “upwards mentoring” or “supportive mentorship”
  - It’s an avenue for senior members to learn from a junior member who possess skills and/or knowledge they may not have (i.e., a client services paralegal assisting the new attorney with the use of the CIS database)
- Reverse programs are instrumental in helping achieve diversity, equity and inclusion goals by increasing visibility amongst diverse employees with senior leaders and by fostering an environment of acceptance and belonging for the employees of the organization

Group Mentoring

- Group mentoring, also known as “team mentoring” is where one individual acts as a mentor and oversees multiple mentees
  - With group mentoring, usually mentees have a related goal (i.e., JAGC Affinity Mentorship Groups)
  - With group mentoring, group members can help keep one another accountable and help support the learning and development of the other group members
- Helps build community, promotes allyship, and provides a space for employees to share challenges they face and helps them work to overcome them

Peer Mentoring

- Peer mentoring is a relationship between people who are at the same career stage or age, in which one person has more experience than the other in a particular domain
  - Can be a one-on-one relationship or experienced in a group
- Discuss points of interest; share feedback and best practices; provide support; transfer knowledge
  - Participants in this model are usually serving in the same role or department or have shared or similar experiences, whether in their professional or personal lives

Functions of Mentors

- Mentors provide two main functions: career functions and psychosocial functions
  - *Career functions* are meant to help the mentee advance in their career and include coaching, sponsorship, allyship, and providing challenging assignments or developmental opportunities
  - *Psychosocial functions* are meant to enhance a mentee's feelings of competence, identity, and effectiveness
- Research shows that mentorship is a way to create more opportunities for continued engagement and is a vital component when trying to retain diverse talent and establishing a more diverse and inclusive workplace

DE&I Mentorship Practices

- Facilitate connections
- Know your mentees
- Provide access to career opportunities
- Share professional and personal experiences and knowledge
- Highlight the value of the mentee's role in the organization
- Help develop S.M.A.R.T goals
- Provide constructive feedback routinely
- Practice emotionally intelligence and be self-aware
- Be humble and encourage diverse mentorship

In Conclusion

MENTORSHIP:

- Supports Leader Competencies
- Encourages Personal & Professional Development
- Develops Leaders v. Managers
- Employed through various methods and diverse mentors/mentee relationships
- Helps retain diverse talent and foster more inclusive environments



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Group Mailbox

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QUESTIONS?

FY24#5

Recognizing & Mitigating Bias in MJ



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Agenda

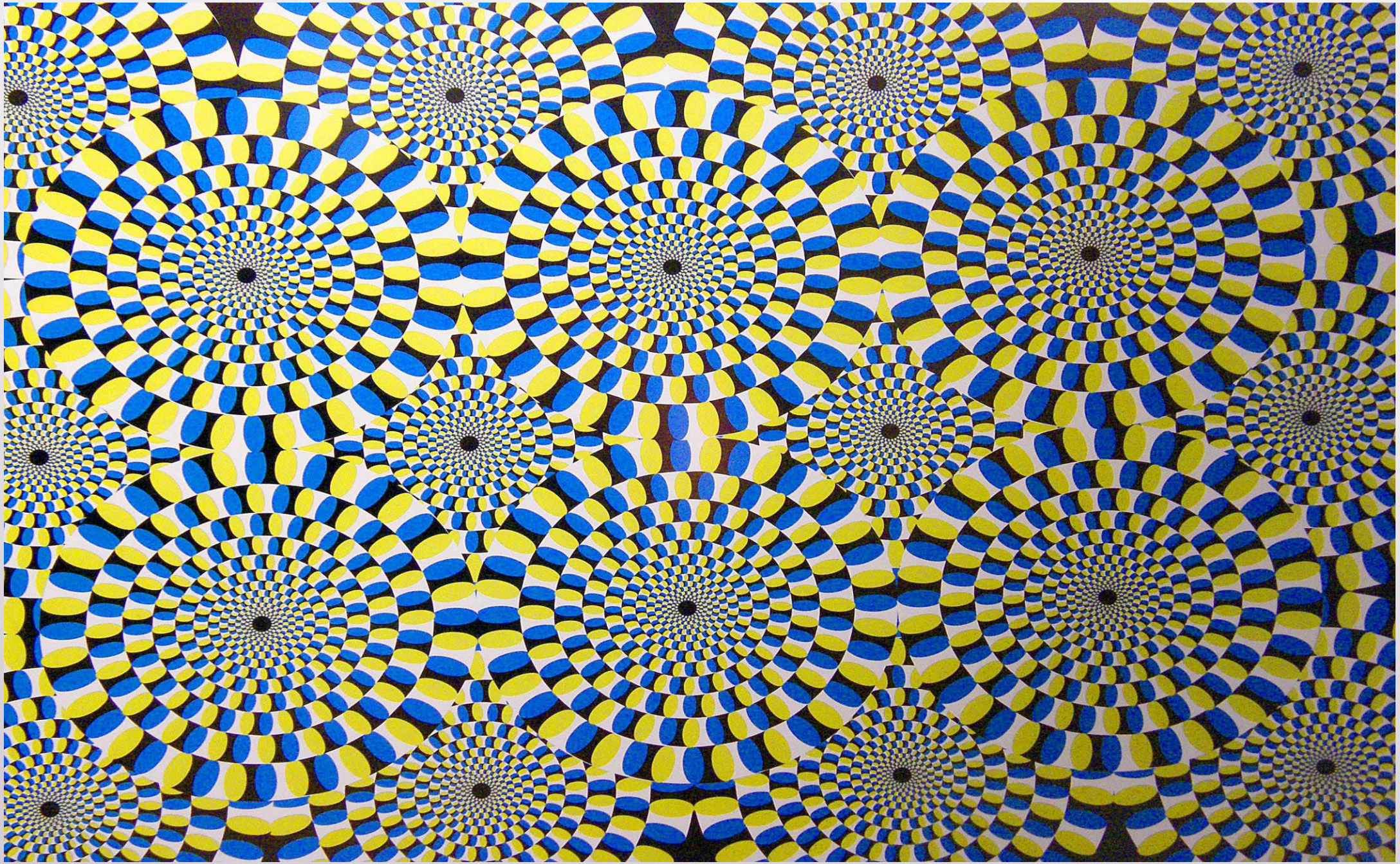
- Theory of Decision Making
- Heuristics
- Social Identities
- Explicit v. Implicit Bias
- Discretionary Actors
- Studies
- Army HEARD Report Findings
- Mitigation Strategies

Intro Video

https://www.youtube.com/watch?v=bhro7IXnc2E

Amazing Mind

We cna raed tihs bcuseae the huamn
mnid deos not raed ervey lteter by istlef,
but the wrod as a wlohe.
Our brians tkae shrutctus.



Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

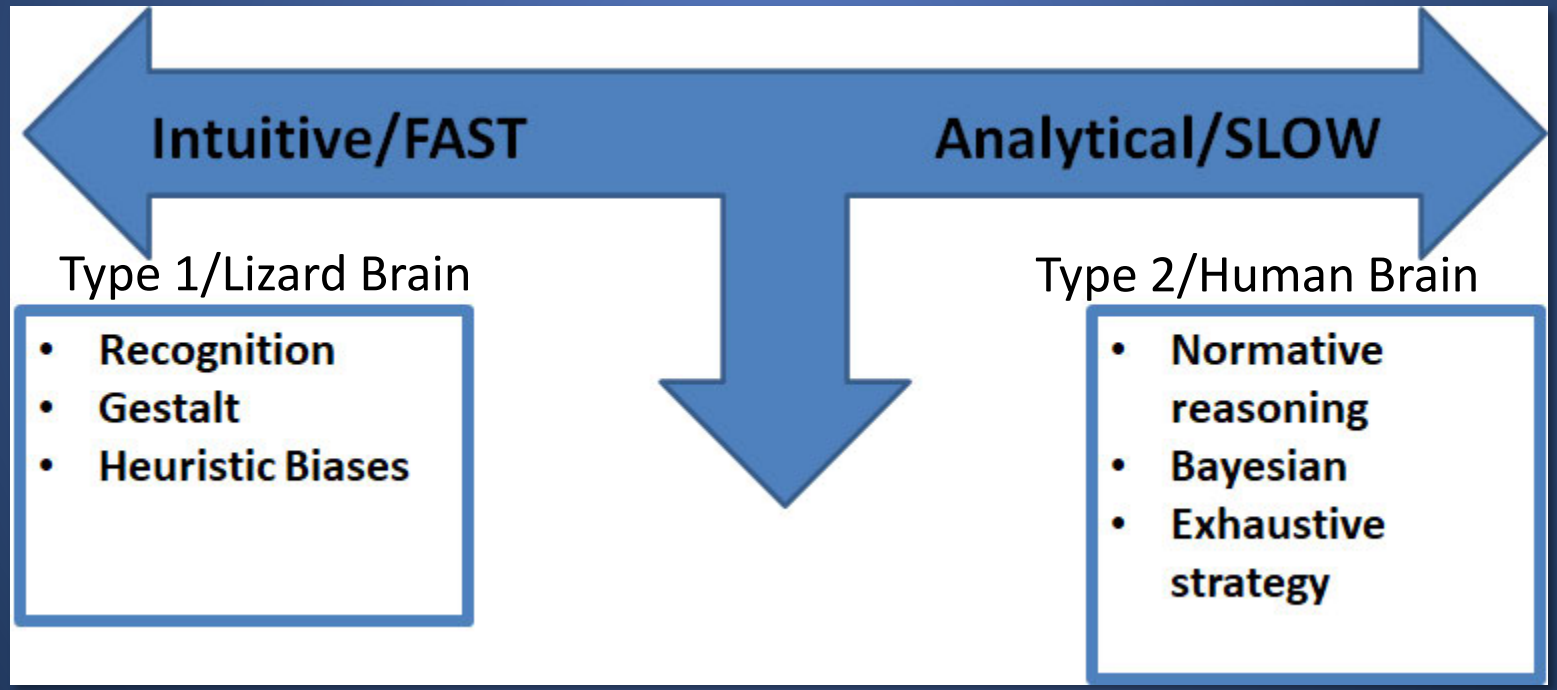
Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Heuristics

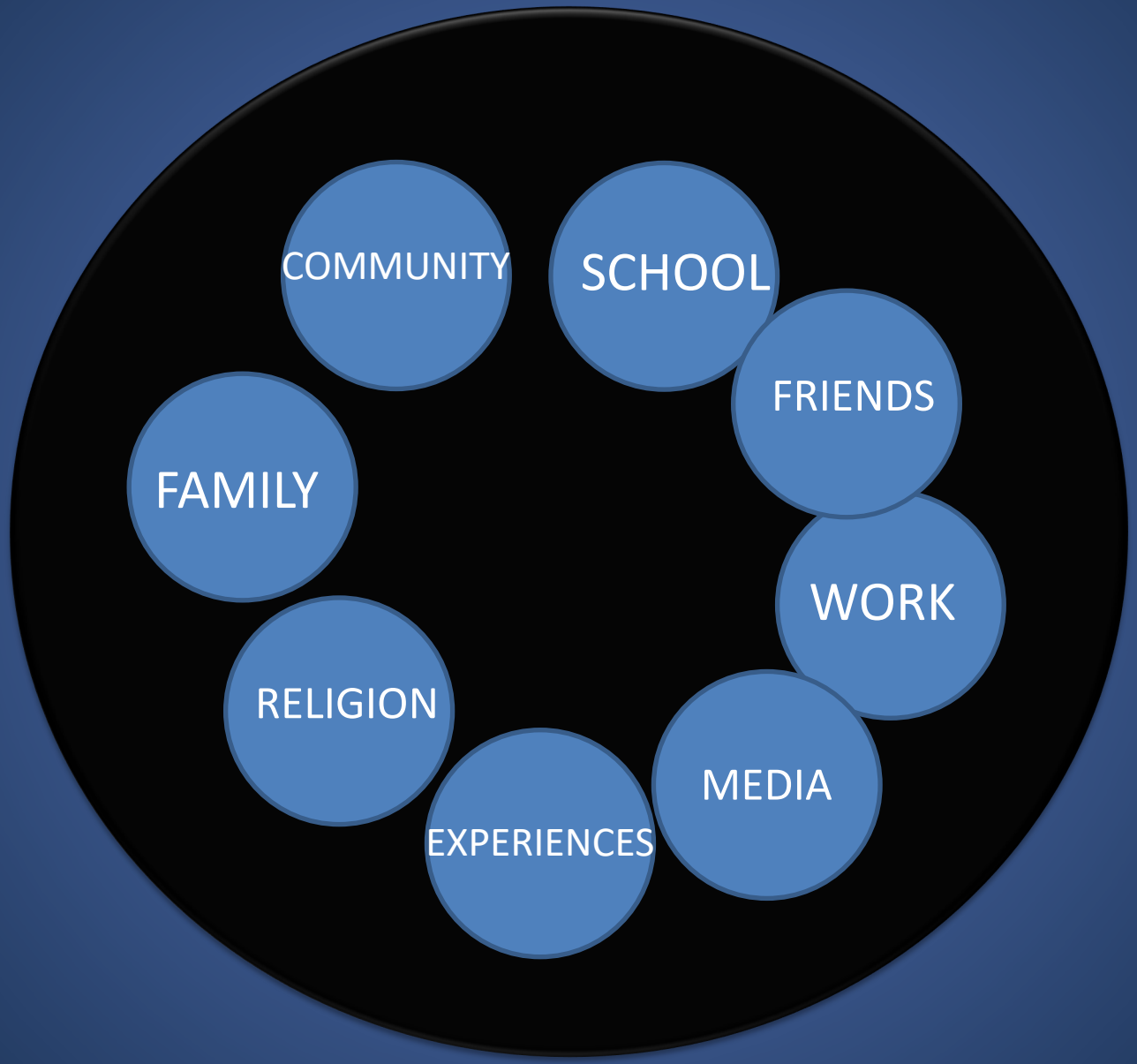
Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.
- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.



Our Heuristics Come from Our Environment



What do you think about when you see these images?











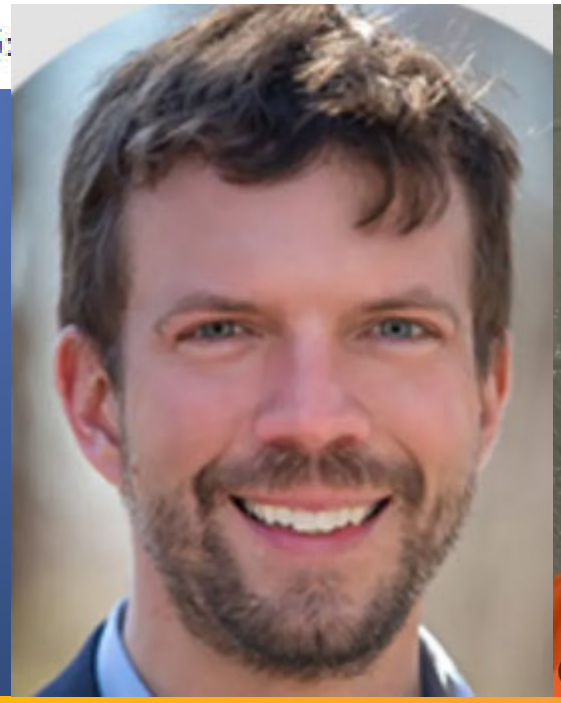
First Impression:

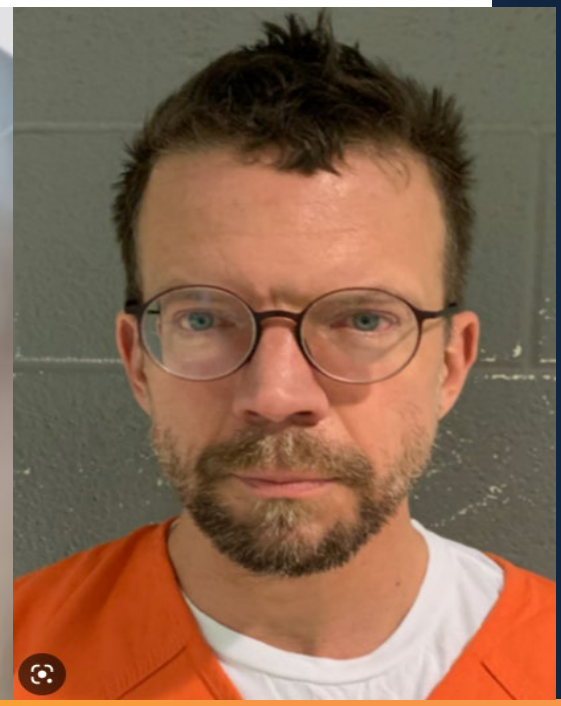
Allegation of child pornography possession

- Sex?
- Age?
- Race?
- Education level?
- Occupation?

Former College Park mayor held without bond after arrest on child pornography charges

by 7News Staff | Mon, March 6th 2023, 5:





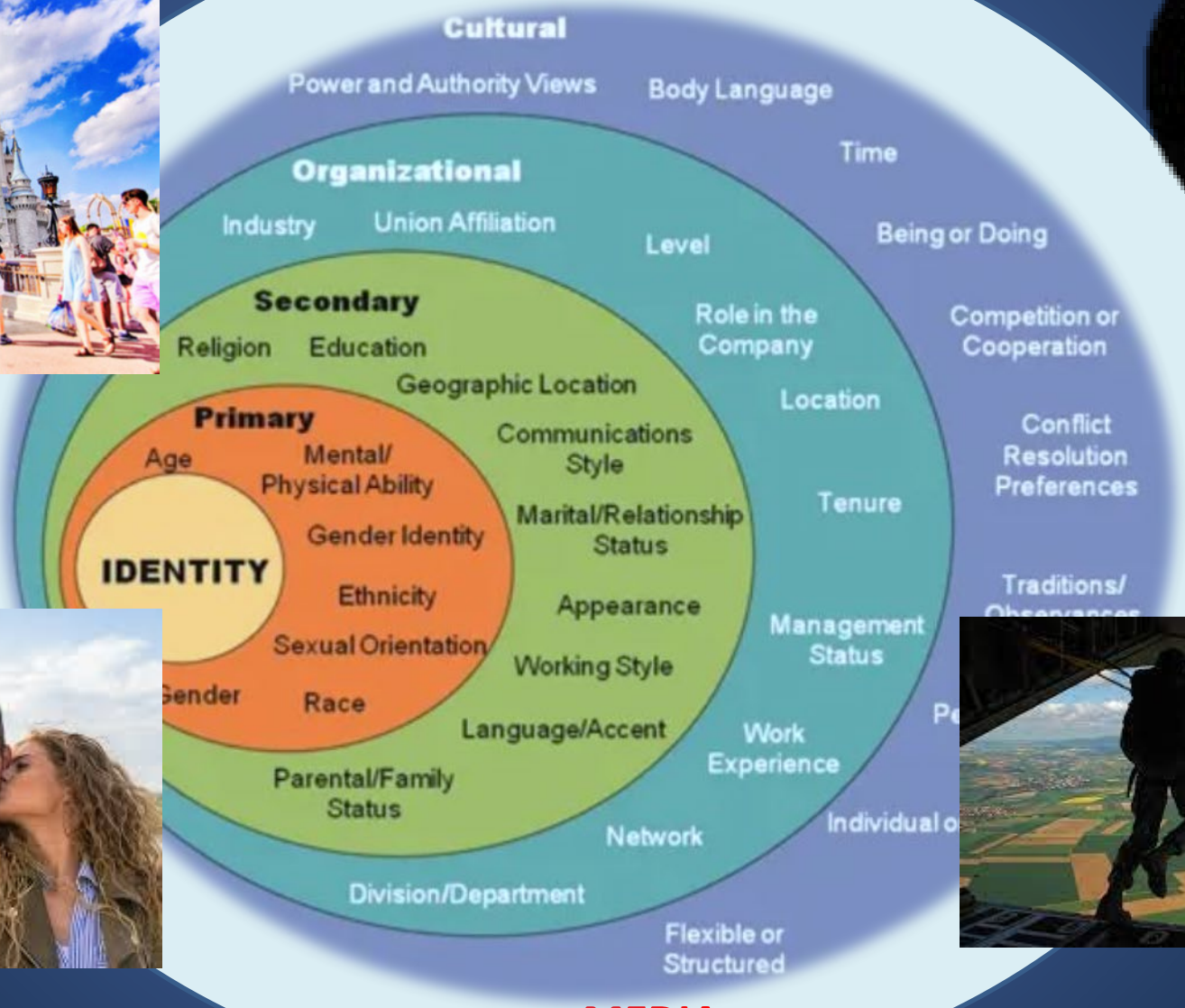
Our Social Identities in Bias











Explicit vs. Implicit Bias

Explicit Bias: "attitudes and beliefs we have about a person or group on a conscious level"

Implicit Bias: "The brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness."

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

Scenario

Hypothetical

CPT Stone, commander of HHC, gets a call from 1LT Timmons, one of his platoon leaders. 1LT Timmons is his best performing PL, and has served with CPT Stone for 18 months. 1LT Timmons tells CPT Stone that he received an allegation of misconduct.

- PVT O'Neal alleges that SPC Steele has been maltreating him.
- 1LT Timmons has looked into the matter and says there is no issue.
- CPT Stone listens to 1LT Timmons's explanation and trusts 1LT Timmons's judgment.

Halo Effect

Blind Obedience / Halo Effect

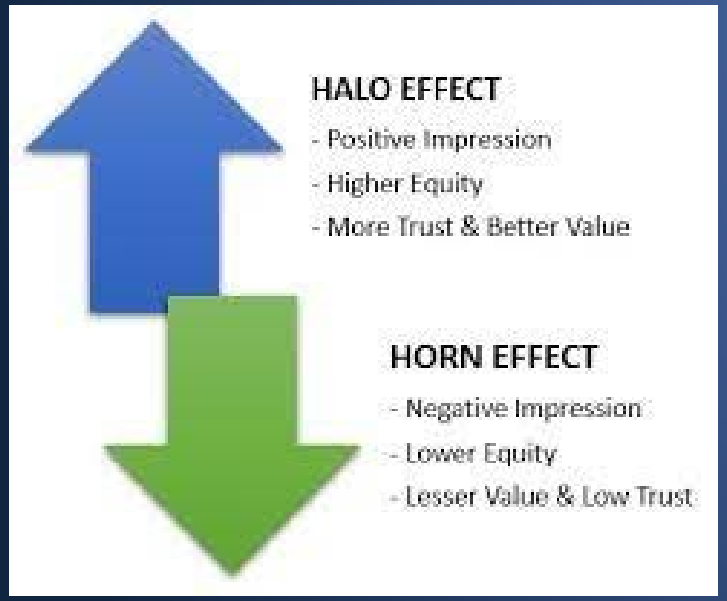
Showing undue deference to authority, technology, or factors such as attractiveness

- *My boss says because of this, it can't be this.*
- *In the past my boss handled issues this way, so I will do the same.*



Horn Effect

- What is it?
  - our tendency to think everything about a person is negative because our first impression of them was negative







Anchoring Bias

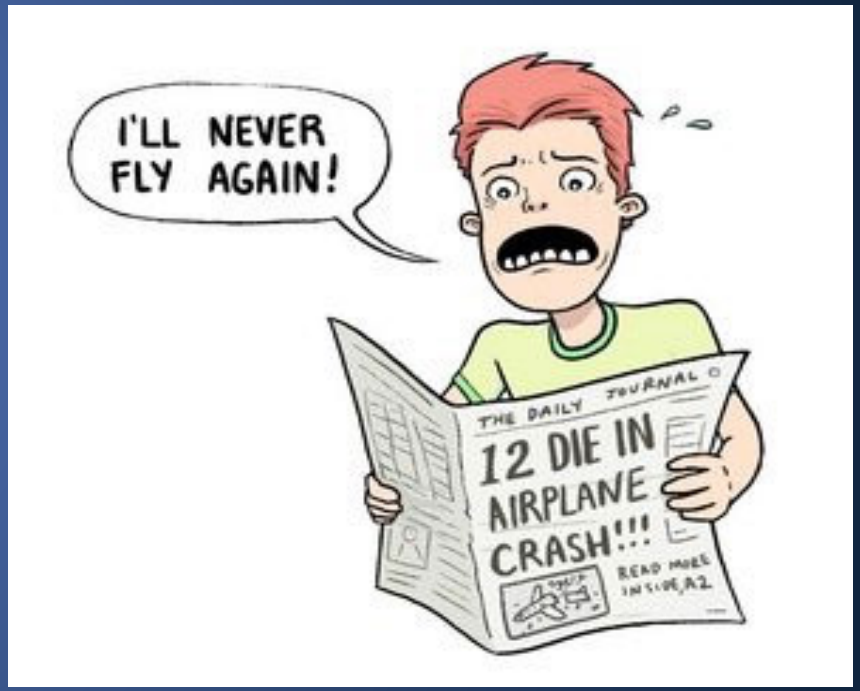
Focus on features in the Soldier's initial presentation or first bits of information too early in the investigative process without adjusting the charges or desired outcome when further information is/becomes available.



Availability Bias

Recall a similar situation, case, or other information because it happens to be a recent experience or comes to your mind quickly

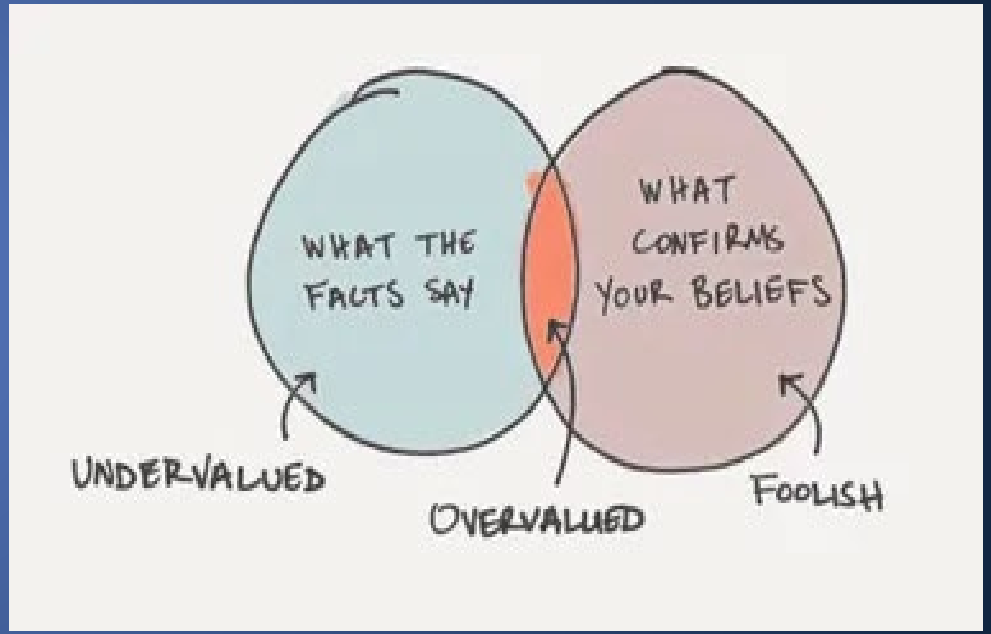
E.g. A commander's incident report lands are your desk. While scanning the report you notice many details similar to a case you were briefed on last week. You know how this case will play out because it's a "fresh" and "available" entity in your mind.



Confirmation Bias

Notice and consider only the facts and details that favor our hypothesis and ignore aspects inconsistent with it.

Example: A Soldier with a history of …… charges, upon file review, you only look for the instances that strengthen your belief about the Soldier.



Edgar & Edgar 2016, Nickerson 1998

IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

(b) (5)

Army HEARD Report Findings

Finding 1: Data Improvement
- Demographics data
- Gaps in data capturing processes and procedures

Finding 2: Inconsistent Racial/ Ethnic Standards
- With regards to race/ethnicity identifications
- Not consistent with Office of Management and Budget standards

Finding 3: Perceptions of the Force
- Individual & system racial discrimination
- Perceived to be due to unconscious bias

(b) (5)

(b) (5)

(b) (5)

Army HEARD Report Findings

Finding 4: Data Collection Process
- Identified discretionary actors
- Processes and procedures

Finding 5: Over Representation
- African American Soldiers in Adverse Actions

Finding 6: Law Enforcement MOS Representation of African American Soldiers
- Under MP, CID Agents, Judge Advocates, & Military Judges
- Over Paralegals & Legal Administrators

Where Bias Can Influence Commanders & JAs

Pre-Trial Investigation and Charging Decisions

- Assumptions as to who may be offender & victim
- Lack of empathy of suspect/accused of a racial minority
- Assigning attributes based on impressions, not on facts (e.g., Black subject "Looks angry/mean" where White subject "Looks young and naive")
- Informs beliefs as to credibility of subject/accused or other witnesses of color
- **Fill in factual gaps with assumptions based on stereotypes**

Trial Strategy

- Peremptory challenges for facially race-neutral reasons but applied only to racial minorities *See Flowers v. Mississippi,* 139 S. Ct. 2228 (2019).
- Assumptions about how panel members see evidence (Minority member more sympathetic? Female member less sympathetic in sex assault case?)
- Closing argument tinged with racial animus ("He's an animal," "A thug")

MITIGATION

Continue training

- Disseminate this through your office (this is not just a legal issue; it is a leadership issue)
- DEI training in office (LDP) ✓
- Identify distractions and sources of stress in the decision-making environment
- Bias awareness/interruption

Get data! Regularly track race/ethnicity, just like we track MOS, deployments, etc.

- Quarterly assessments on who is being investigated, prosecuted, separated (trend analysis)
  - MJO reports
- Part of multi-discipline team meetings (OSJA, CID, MPI, FAP)
- Continue to get feedback from trusted sources

Assess the known facts: Challenge factual assumptions

- ACKNOWLEDGE we all have biases
- Ask questions.
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- "**Art vs. science**" of discipline: Focus on the "should" as much as the "can"

In Conclusion

- Everyone has unconscious biases that influence their worldview and decision making
- Data supports disparities in the Military Justice System
- Awareness of biases
- Challenge assumptions
- Help us recruit & retain

QUESTIONS?

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Patricia D. Devine and Kristen A. Vasquez, "The Rocky Road to Positive Intergroup Relations" in *Confronting Racism: The Problem and the Response*, edited by Jennifer L. Eberhardt and Susan T. Fiske (1998).

Rachel D. Godsil and HaoYang Jing, *Prosecuting Fairly: Addressing the Challenge of Implicit Bias, Racial Anxiety, and Stereotype Threat*, CDAA Prosecutor's Brief, Vol. 40, No. 2 (Winter 2018).

Rachel Godsil, et al., *The Science of Equality, Volume 1: Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat in Education and Health Care* (2014).

Mary C. Murphy and Valeria Jones Taylor, "The Role of Situational Cus in Signaling and Maintaining Stereotype Threat" (2011" in Stereotype Threat, Theory, Process, and Application, edited by Michael Inzli

Jennifer A. Richeson, et al., *African Americans' Implicit Racial Attitudes and the Depletion of Executive Function After Interracial Interactions* (2005), 23 Social Cognition 336.

John P. Wilson, Kurt Hugenberg, and Nicholas O. Rule, *Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat* (Jul. 2017), 113 Journal of Personality and Social Psychology.

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Chris Gutherie, Jeffrey J. Rachlinski, and Andrew J. Wistrich, *Blinking on the Bench: How Judges Decide Cases*, 93 Cornell L. Rev 101 (2007).

Jerry Kang, Mark Bennett, Devon Carbado, Pam Caset, Nilanjana Dasgupta, David Faigman, Rachel Godsil, Anthony G. Greenwald, Justin Levinson, and Jennifer Mnookin, *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124 (2012).

Justin D. Levinson, Mark W. Bennett, and Koichi Hioki, *Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes*, 69 Fla. L. Rev. 63 (2017).

National Center for State Courts, Addressing Implicit Bias in the Courts, https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15IB_Summary_033012.pdf?q_ DMMIVv0v_eDJUa1ADxtw59Zt_svPg (2012).

Jeffrey J. Rachlinski, Sheri Johnson, and Andrew J. Wistrich; and Guthrie, Chris, *Does Unconscious Racial Bias Affect Trial Judges?* (2009). 84 Notre Dame L. Rev 3 (2009).

Keep up with ODEI & the Council

MS Teams

JAGC ODEI- DEI&A Training and Resources

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











FY24#6

DEI&A: An Overview



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Your ODEIA

(b) (6), Director

(b) (6), Program Manager

Introduction

Training creates a baseline for JALS personnel and creates a shared understanding of DEI&A

Agenda:

- Background on DEIC & ODEIA
- ODEIA Initiatives
- JALS Demographics
- DEI&A defined

Background

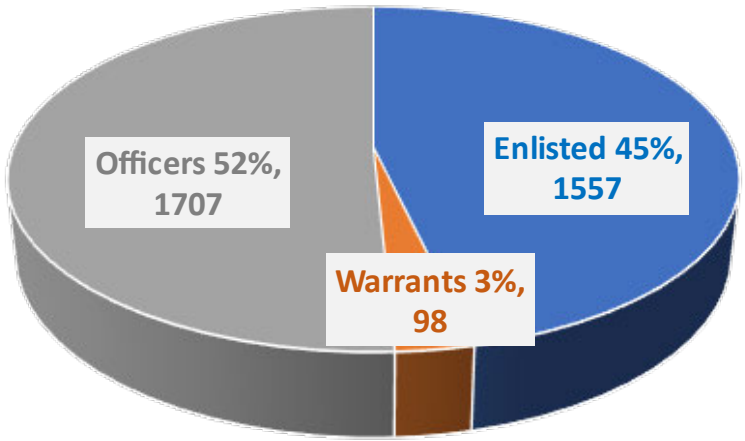
- Council on DE&I ("DEIC") established by TJAG on 10 July 2020
  - Lines of Effort: Recruiting & Accessions; Assignments; Training & Education; Promotions; Retention; other Obstacles to Inclusion
  - Composition: Approx. 20 members including 3 Co-Chairs and an XO
  - Field Boards: Subordinate advisory boards that act as "voices of the Corps"
- ODEIA established by TJAG on 25 March 2021
  - A major effort of the DEIC
  - Mission: To provide leadership and guidance in the formulation, execution, and management of policies and practices that foster a diverse, equitable, and inclusive environment consistent with the core values of the JALS
  - Chartered Tasks: data analysis and metrics, policy review and development, training, advisory support, and diversity recruiting

ODEIA Initiatives

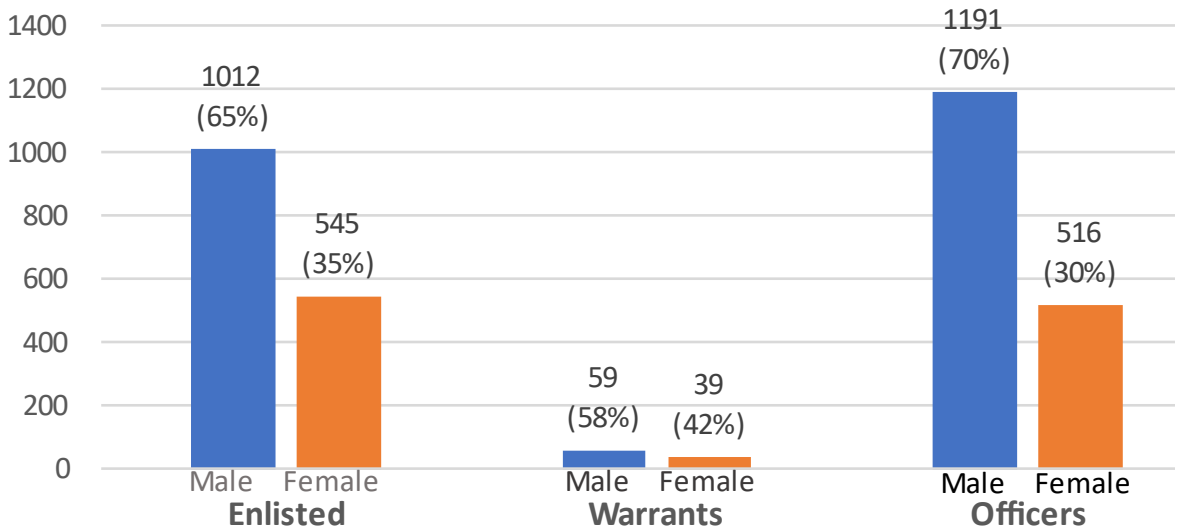
- JALS DEI&A STRATPLAN – **to be aligned w/ Army & DoDs**
- Monthly Enterprise Virtual Training
- In-person and Virtual Training for Legal Organizations
- Integrating DEI&A training at all levels of JAGC PME (TJAGLCS)
- Facilitating bias discussions at boards (GOSC, Accessions, Interns, FLEP, etc.)
- Coordinate with SIO and JARO on strategic engagement/messaging
- Engage with Army Equity & Inclusion Agency and DoD DEIA community

JAGC Active Component Demographics

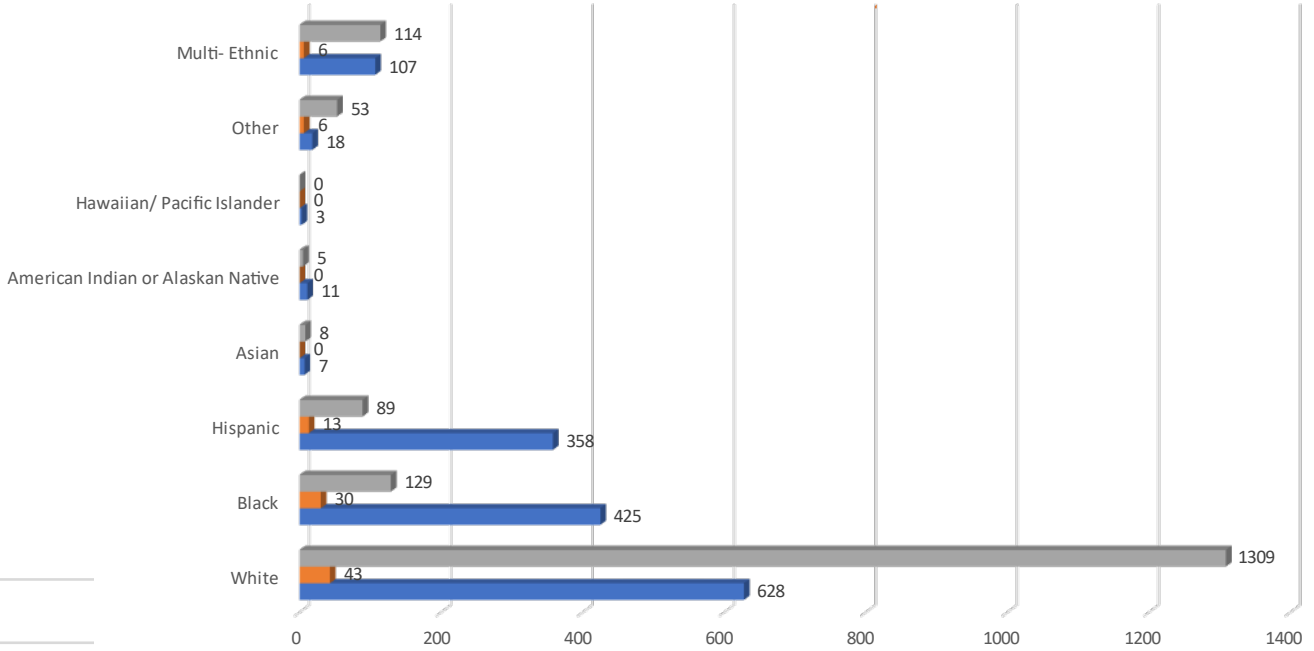
COHORT



GENDER



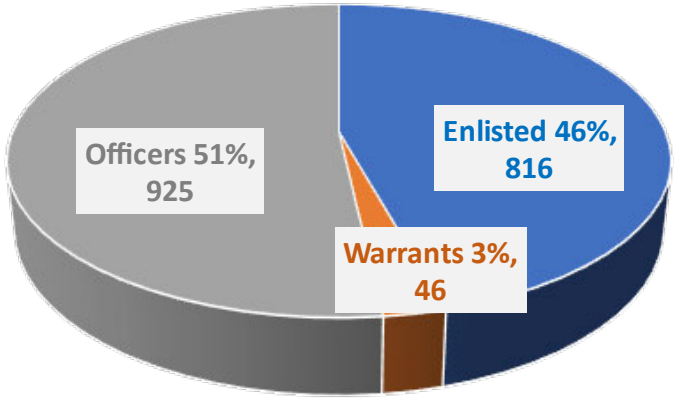
RACE/ ETHNICITY



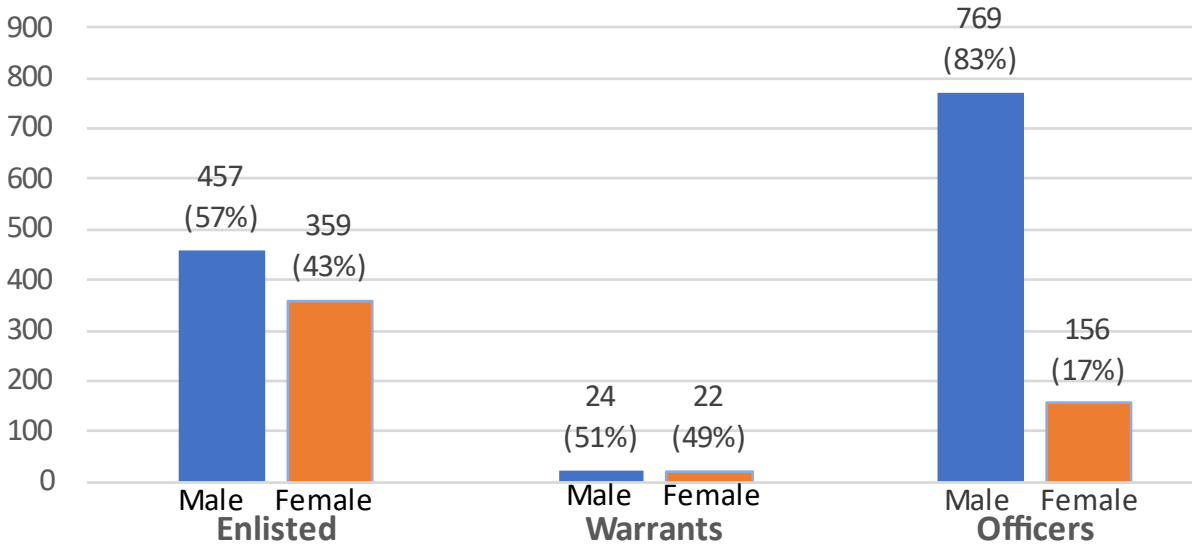
	White	Black	Hispanic	Asian	American Indian or Alaskan Native	Hawaiian/ Pacific Islander	Other	Multi-Ethnic
Enlisted	628 (40.3%)	425 (27.2%)	358 (22.9%)	7 (0.4%)	11 (.7%)	3 (0.1%)	18 (1.1%)	107 (6.8%)
Warrants	43 (43.8%)	30 (30.6%)	13 (13.2%)	0 (0%)	0 (0%)	0 (0%)	6 (6.1%)	6 (6.1%)
Officer	1309 (76.6%)	129 (7.5%)	89 (5.2%)	8 (0.4%)	5 (0.2%)	0 (0%)	53 (3.1%)	114 (6.6%)

JAGC National Guard Component Demographics

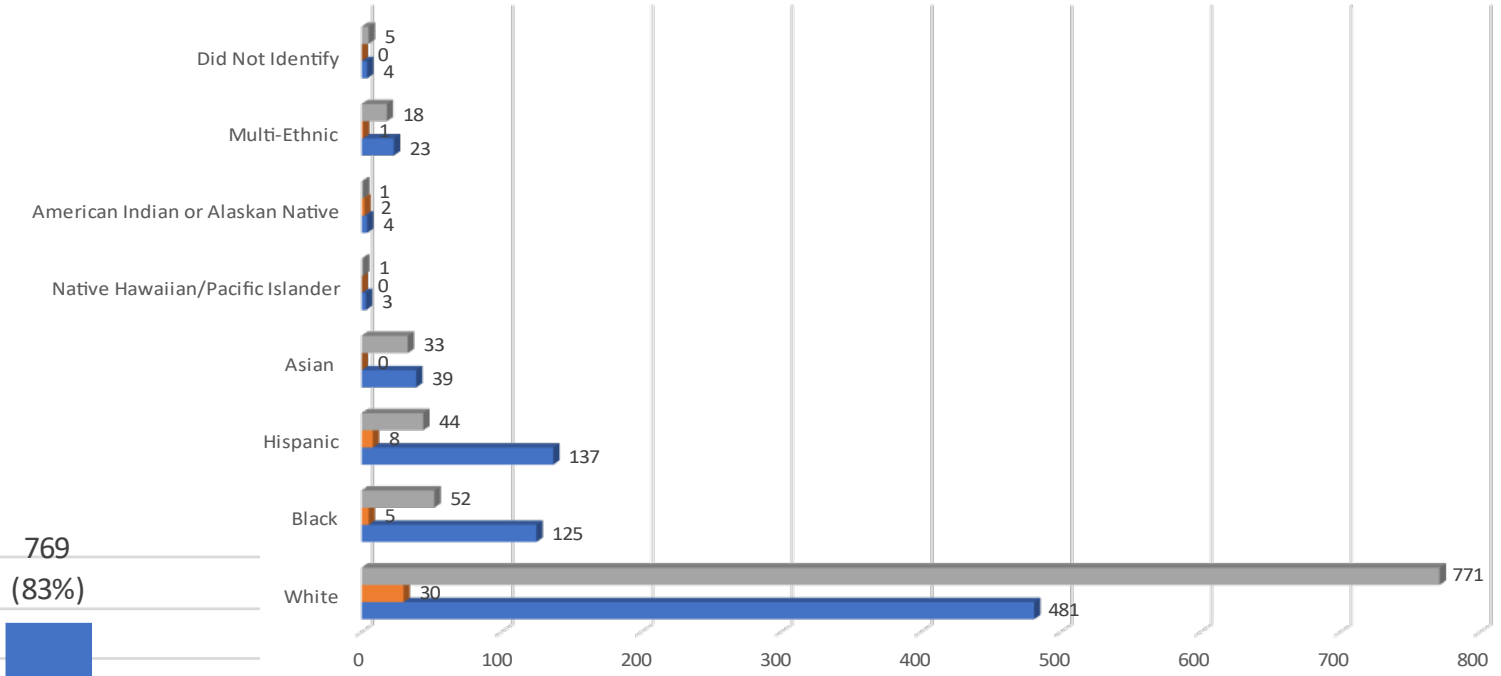
COHORT



GENDER



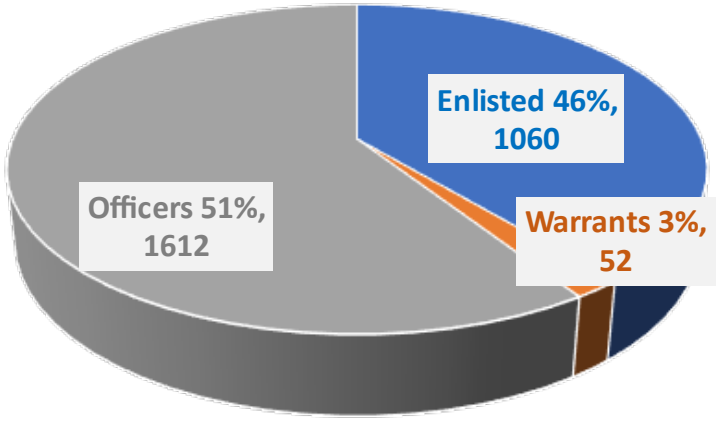
RACE/ ETHNICITY



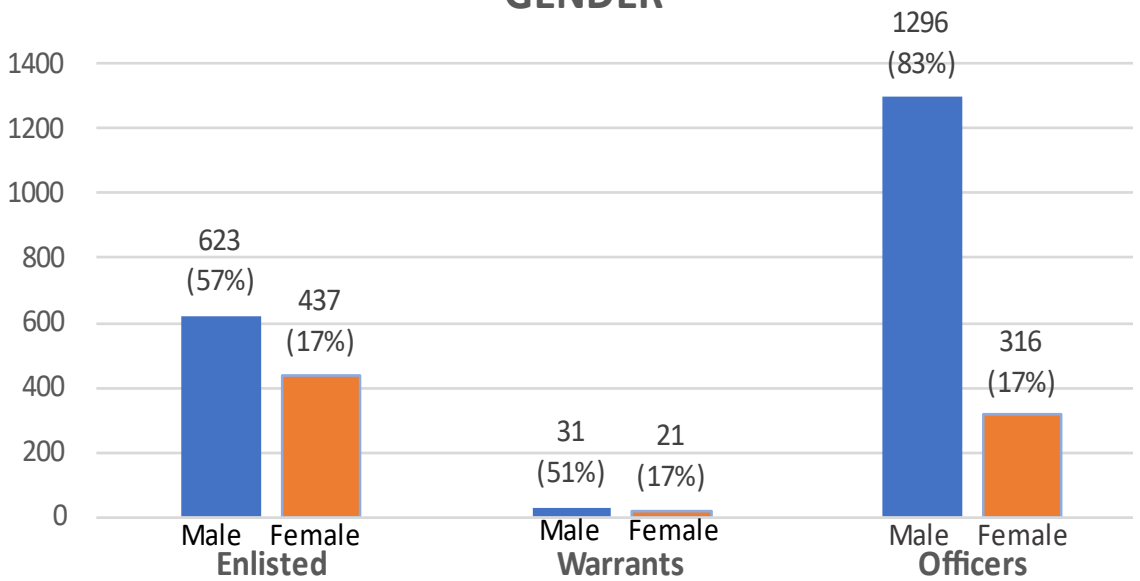
	White	Black	Hispanic	Asian	Native Hawaiian / Pacific Islander	American Indian or Alaskan Native	Multi-Ethnic	Did Not Identify
Enlisted	481 (59%)	125 (15.3%)	137 (16.7%)	39 (4.7%)	3 (.3%)	4 (.4%)	23 (2.8%)	4 (.4%)
Warrants	30 (65.2%)	5 (10.8%)	8 (17.3%)	0 (0%)	0 (0%)	2 (4.3%)	1 (2.1%)	0 (0%)
Officer	771 (83.3%)	52 (5.6%)	44 (4.7%)	33 (3.5%)	1 (.1%)	1 (.1%)	18 (1.9%)	5 (.5%)

JAGC Reserve Component Demographics

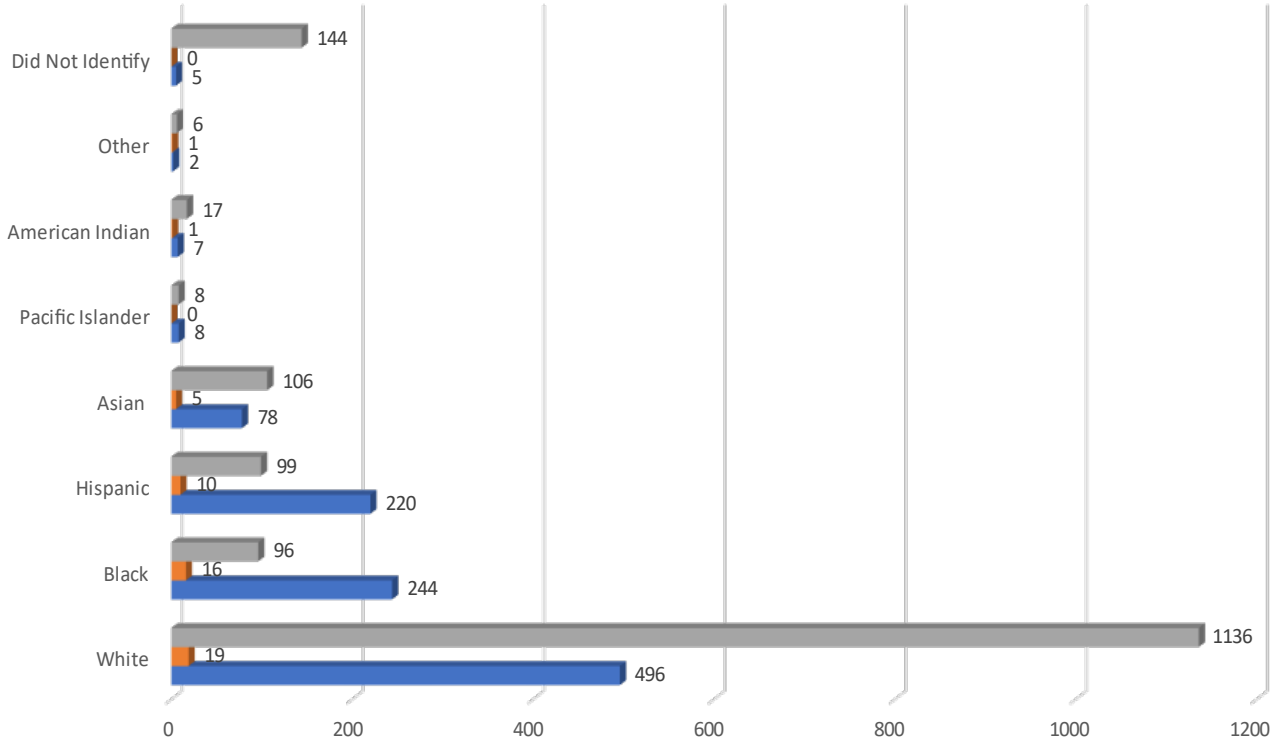
COHORT



GENDER



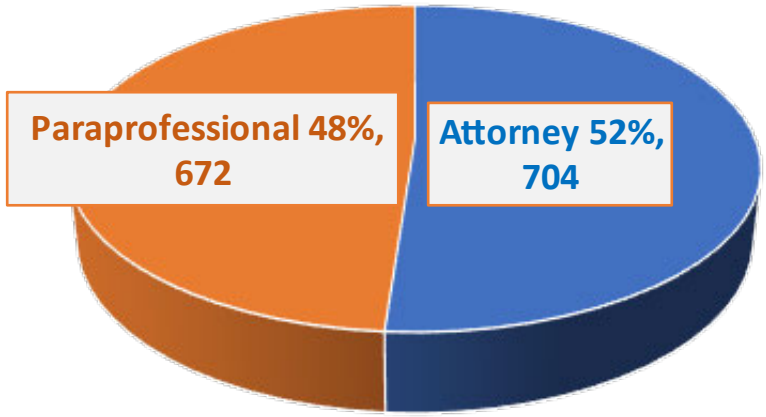
RACE/ ETHNICITY



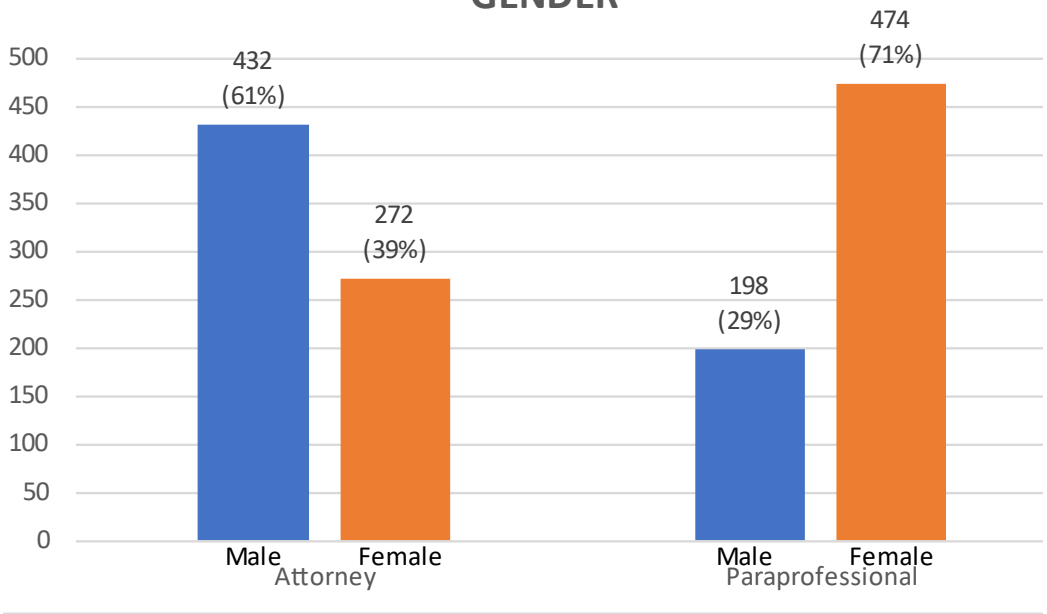
	White	Black	Hispanic	Asian	Pacific Islander	American Indian	Other	Did Not Identify
Enlisted	496 (46.7%)	244 (23%)	220 (20.7%)	78 (7.3%)	8 (.7%)	7 (.6%)	2 (.1%)	5 (.4%)
Warrants	19 (36.5%)	16 (30.7%)	10 (19.2%)	5 (9.6%)	0 (0%)	1 (1.9%)	1 (1.9%)	0 (0%)
Officer	1136 (70.4%)	96 (5.9%)	99 (6.1%)	106 (6.5%)	8 (.4%)	17 (1%)	6 (.3%)	144 (8.9%)

JALS Civilian Demographics

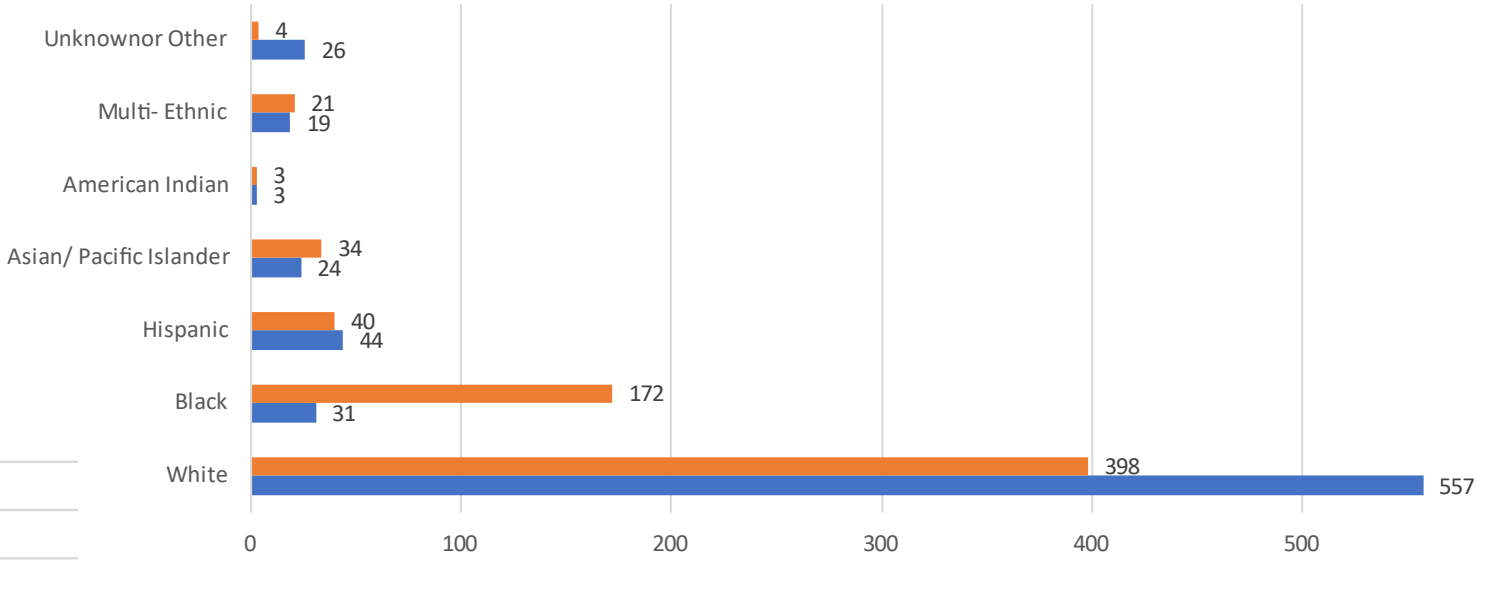
COHORT



GENDER



RACE / ETHNICITY



	White	Black	Hispanic	Asian/ Pacific Islander	American Indian	Multi-Ethnic	Unknown or Other
Attorney	557 (79.1%)	31 (4.4%)	44 (6.2%)	24 (3.4%)	3 (.4%)	19 (2.6%)	26 (3.6%)
Paraprofessional	398 (59.2%)	172 (25.5%)	40 (5.9%)	34 (5%)	3 (.4%)	21 (3.1%)	4 (.5%)

DEI&A - *Defined*

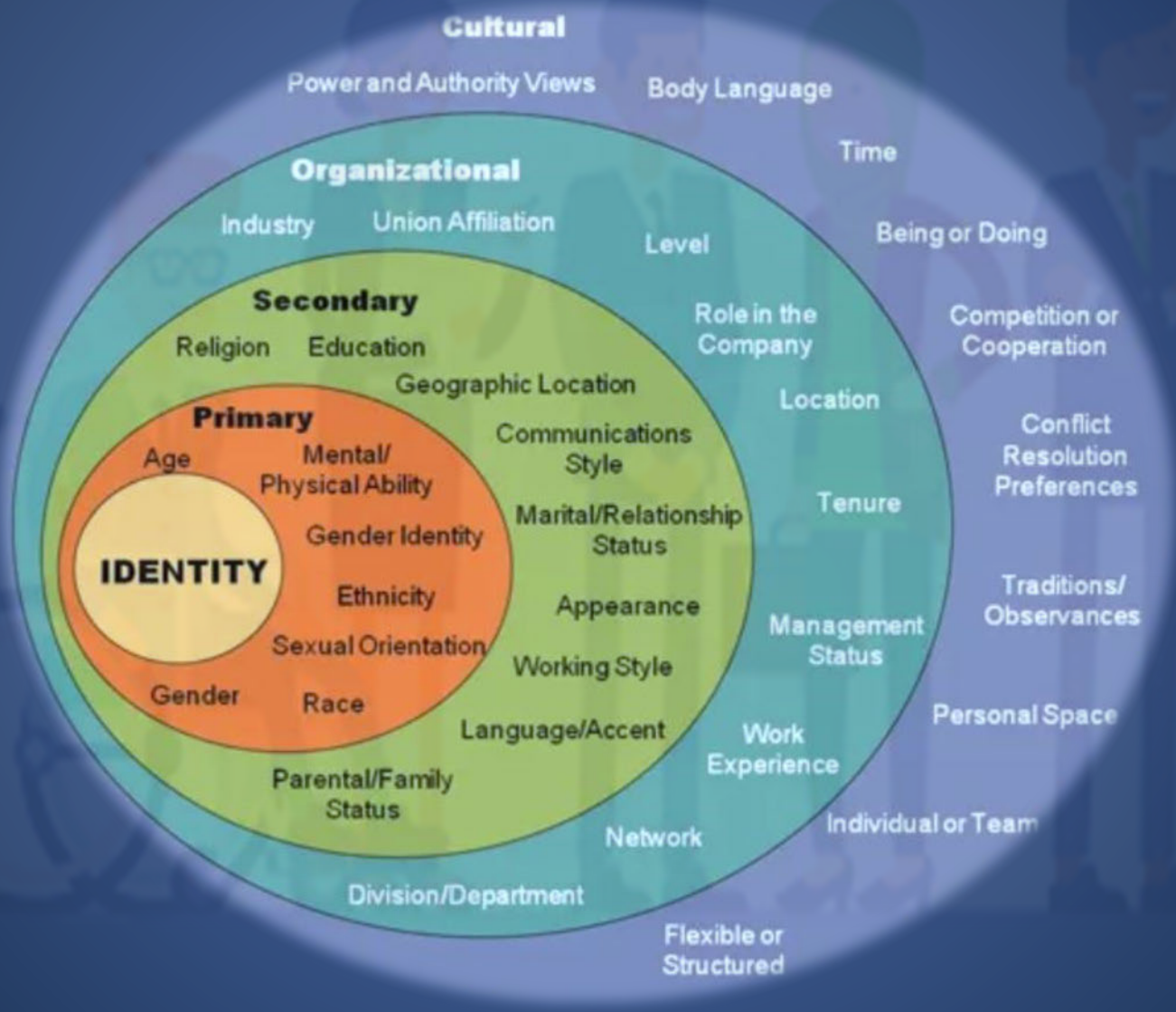


DIVERSITY

Diversity includes all attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the nation we serve and enable the Army to deploy, fight, and win

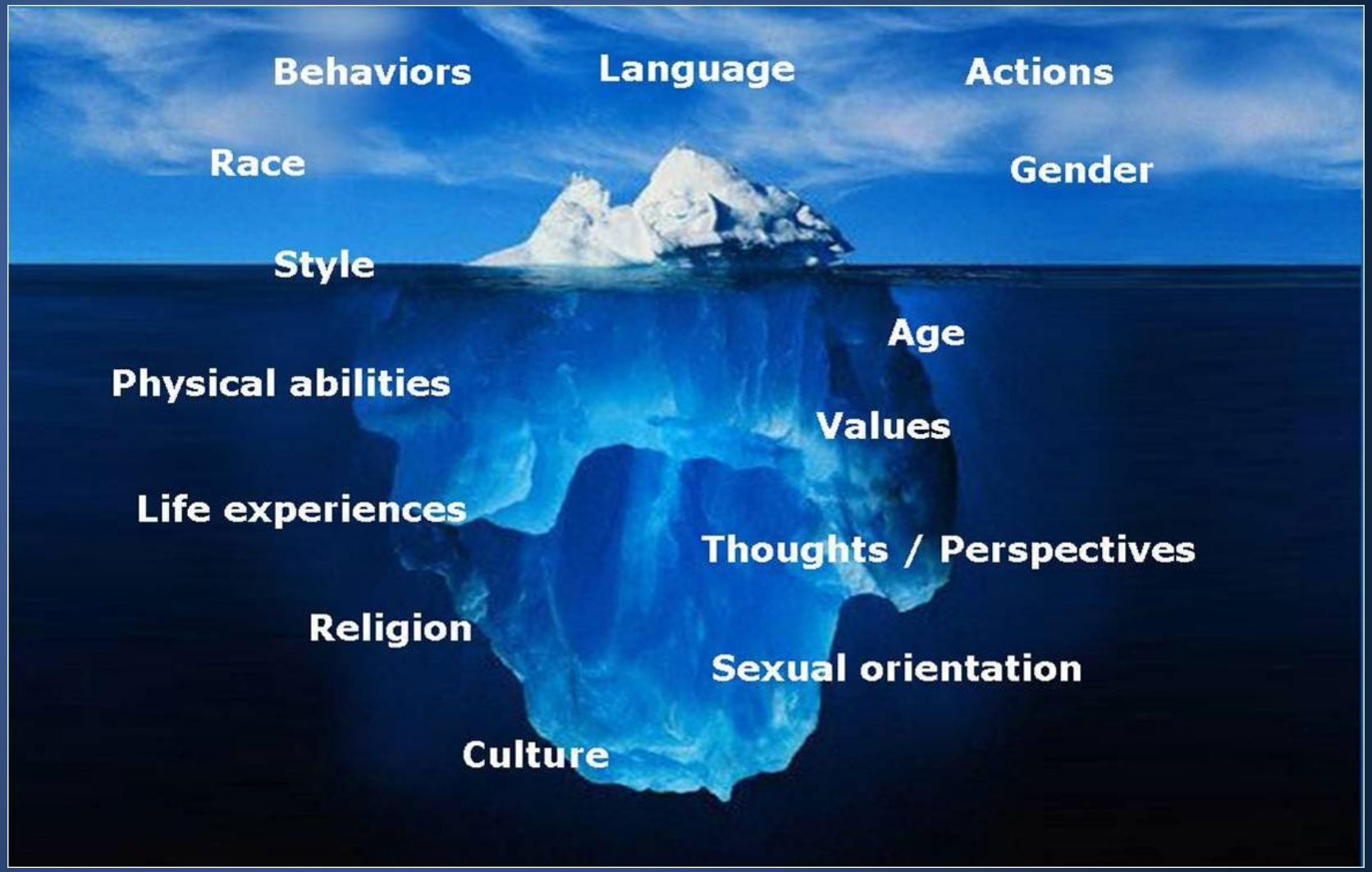
- Including, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures
- It also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences

Diversity – What Does it Look Like?



The Diversity Iceberg

- There's more to a person than meets the eye - you must look below the surface to see the remaining 90%



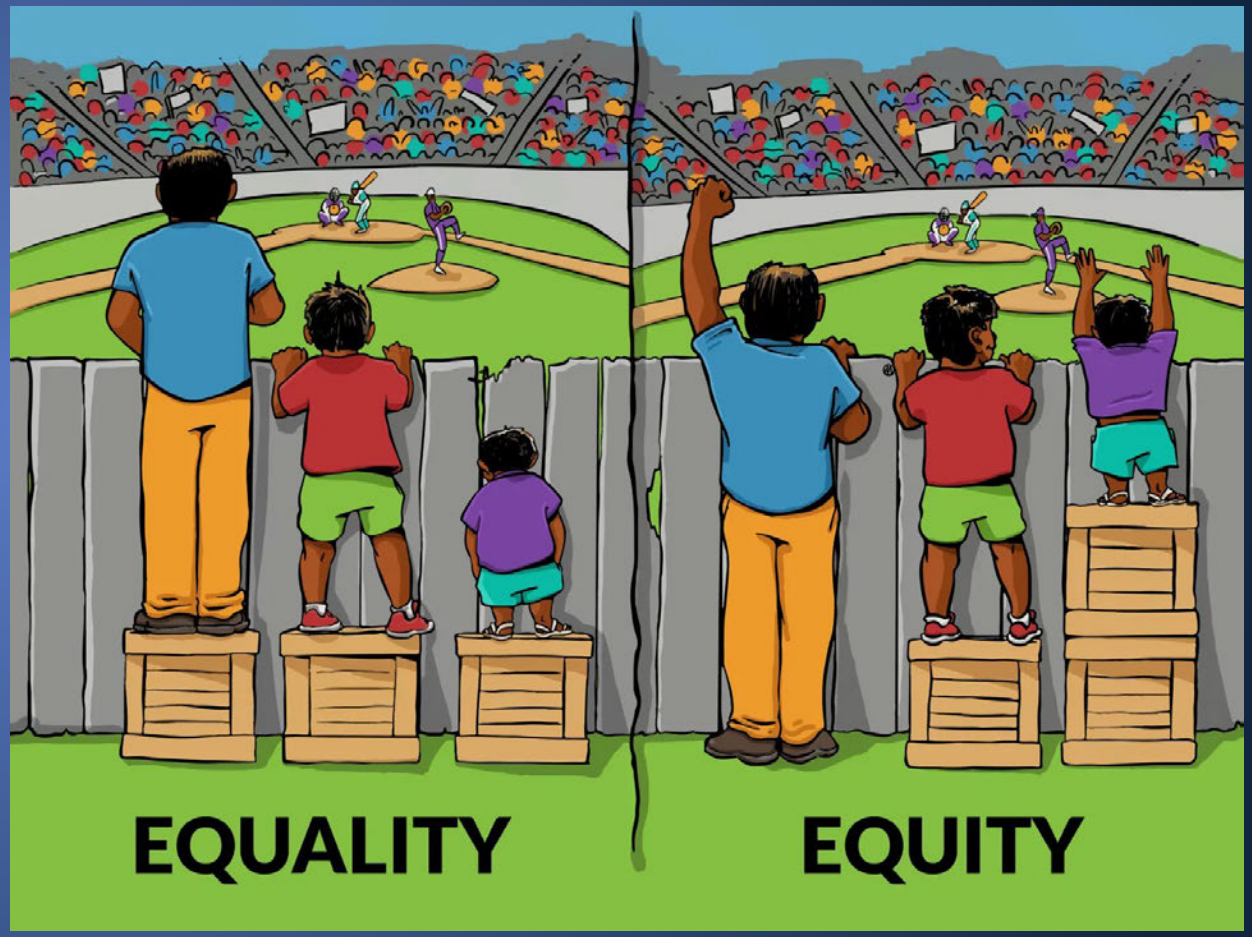
EQUITY

Equity is the fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians, while striving to identify and encourage drivers and identify and eliminate barriers that have prevented the full participation of the total force



EQUITY v EQUALITY

- Whereas *equity* recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome, equality means each individual or group of people is given the same resources or opportunities
- Leaders cannot fulfill the promise of equal opportunity without giving equal access



FROM EQUALITY TO EQUITY TO INCLUSION



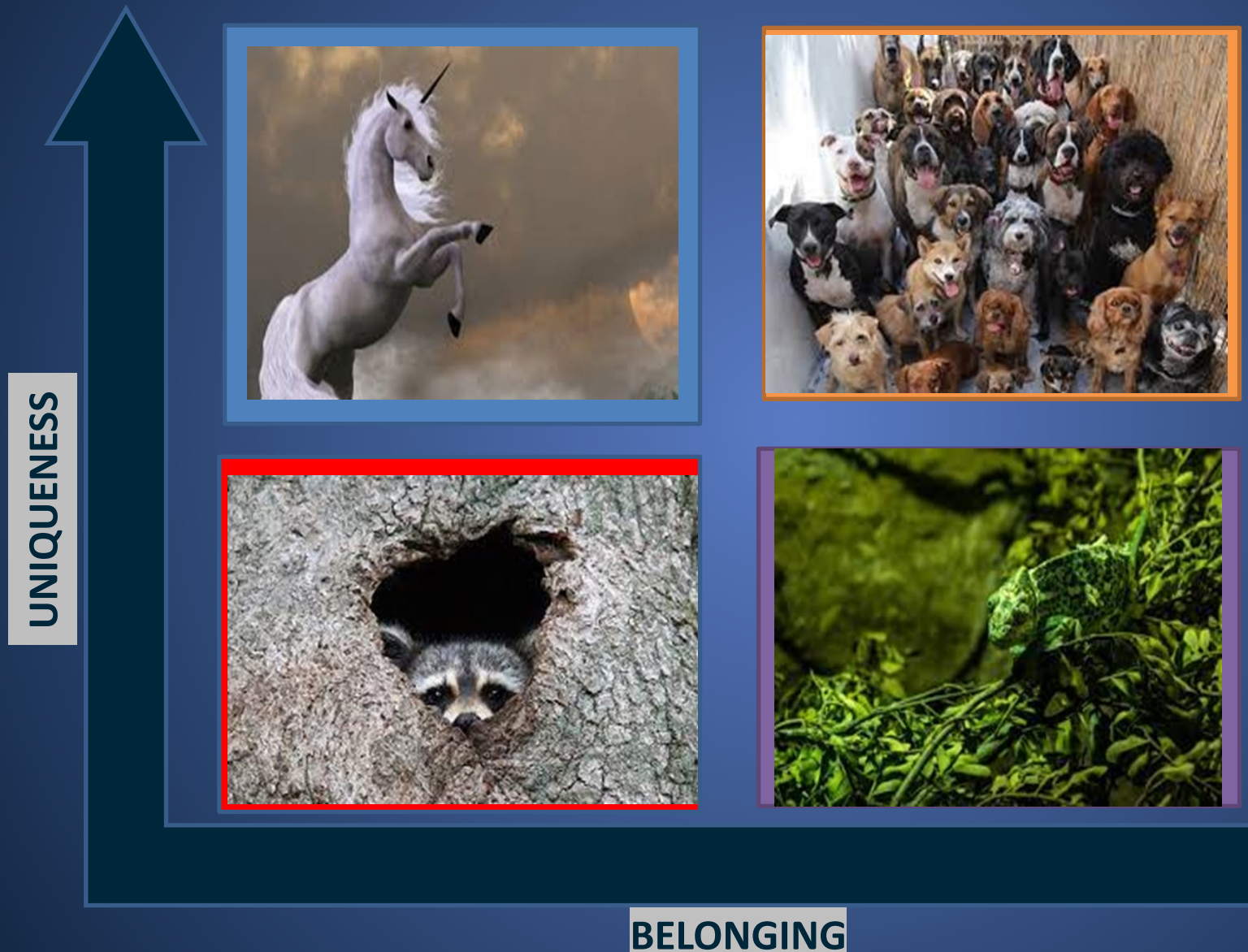
EQUALITY EQUITY INCLUSION

INCLUSION

Inclusion is the process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions; enabling workforce members to achieve their full potential in focused pursuit of organizational objectives



Dimensions of Inclusion and Exclusion



ADAPTED FROM:
Changing Hearts & Minds, Jim Pearl, PhD

ACCESSIBILITY

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them



ACCESSIBILITY, cont.

- Today, more than 50 million people in the United States, approximately one in five, have some type of disability
- Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace
- Persons with disabilities face accessibility barriers in all aspects of society
- A barrier is an obstacle or anything that prevents a person with a disability from fully participating in in all aspects of society because of their disability
  - Barriers can be visible, invisible, physical, attitudinal, technological, information and communication barriers
  - By removing all unnecessary barriers, an individual can use their abilities to achieve their objectives, thus having the same opportunity to achieve success

Questions to Consider

- What barriers might exist for employees to reach their full potential in our organization?
- Do our processes and procedures have a disparate effect/impact on some?
- What systemic constructs should we rethink?
- How much of our organizational norms, procedures, and expectations are linked to accomplishing the mission versus *the way we have always done business*?
- Who was this organization designed to fit?

QUESTIONS?

Implicit (Unconscious) Bias



Office of Diversity, Equity, Inclusion & Accessibility

Office of The Judge Advocate General

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

“If you have a brain, you have bias.”

Sondra Thiederman

Amazing Mind

We cna raed tihs bcuseae the huamn
mnid deos not raed ervey lteter by istlef,
but the wrod as a wlohe.
Our brians tkae shrutctus.

Theory of Decision Making



In One Second….

You're exposed to 11 million bits of information.

Only 40-50 bits are consciously processed!

THE UNCONSCIOUS MIND

Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

Implicit (Unconscious) Bias

- **Implicit bias** refers to the brain's automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness

  - Not good or bad…just is
  - Often can affect our decision-making
  - Influenced by our experiences
  - **impacts the lens with which we view the world**

What do you think about when you see these images?











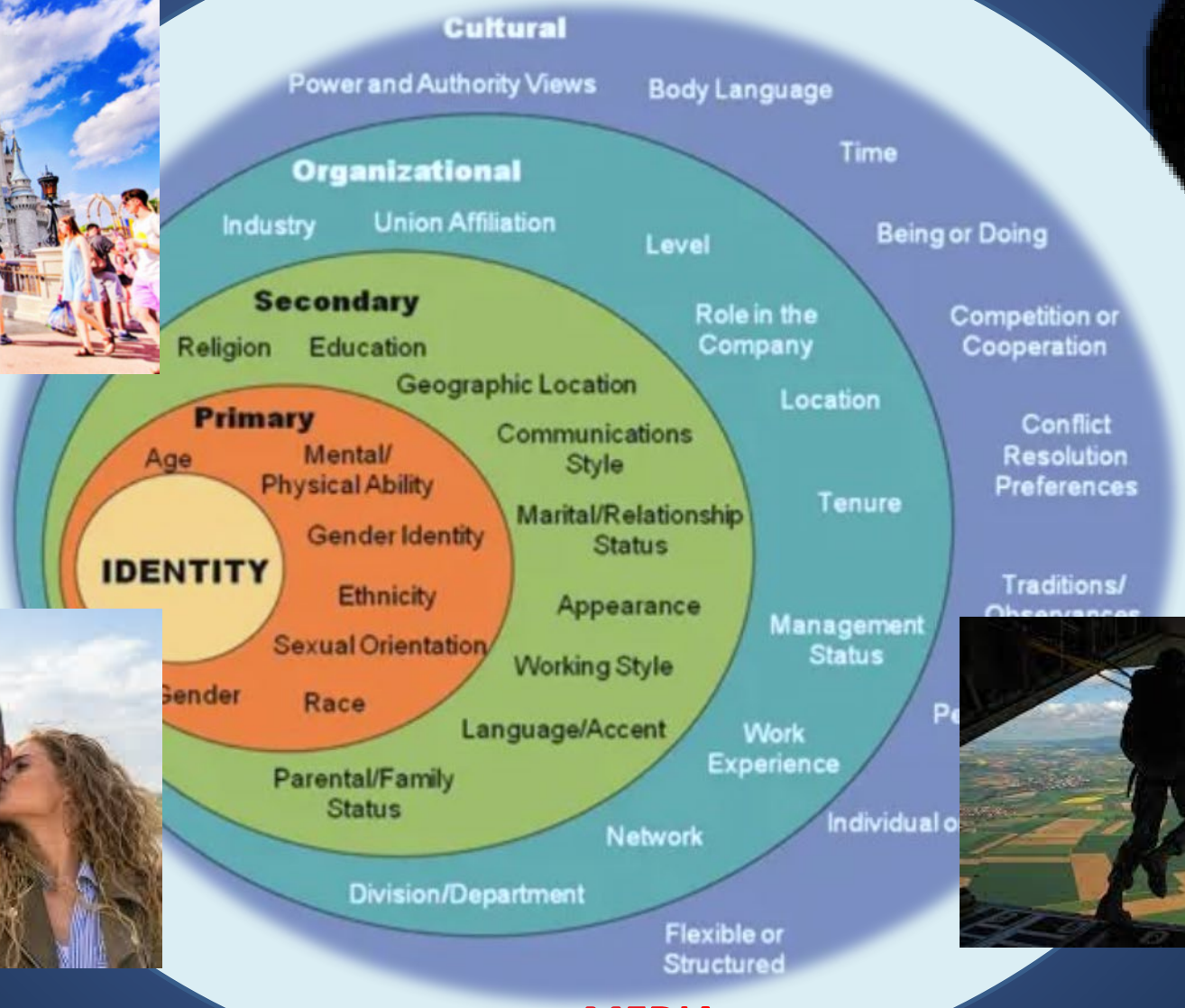
Our Social Identities in Bias









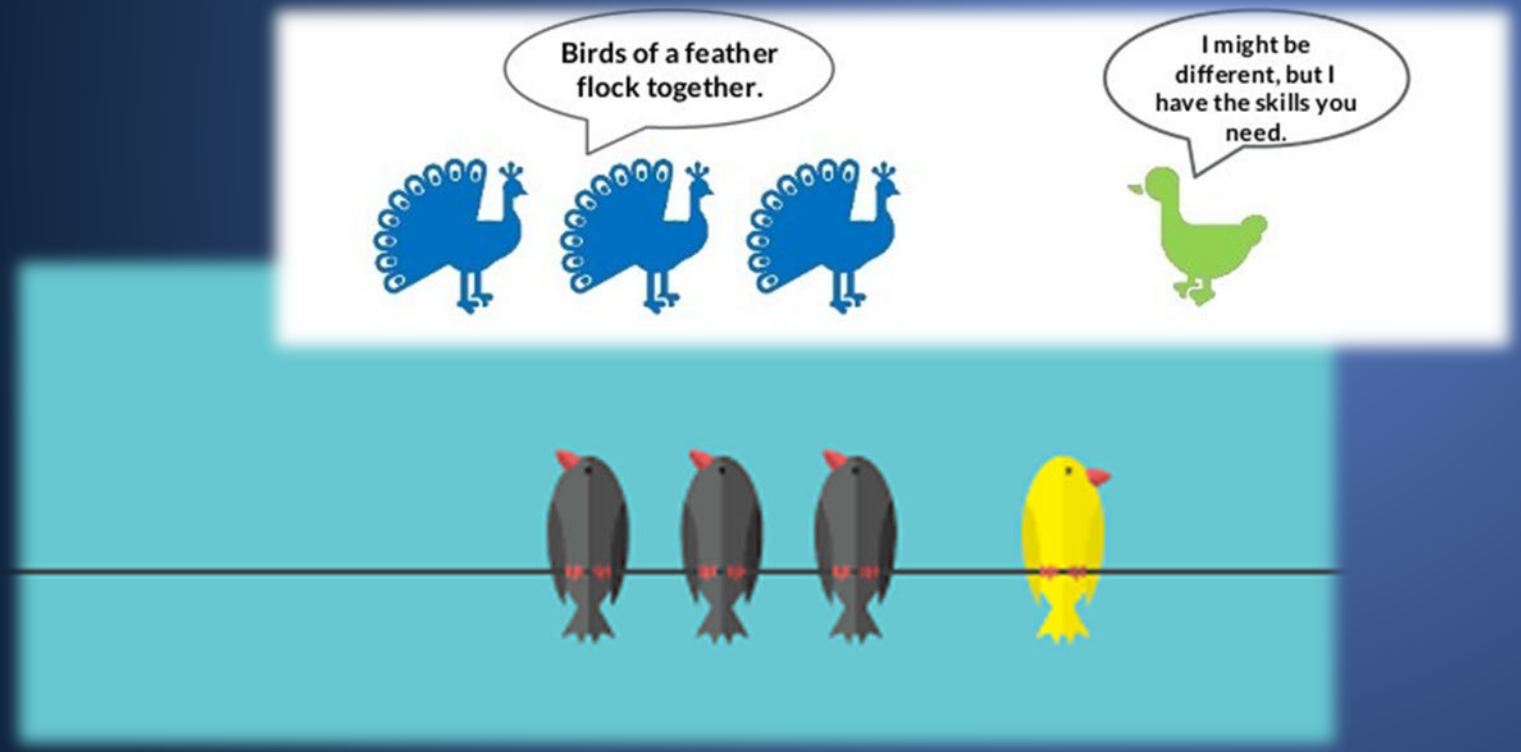


IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us





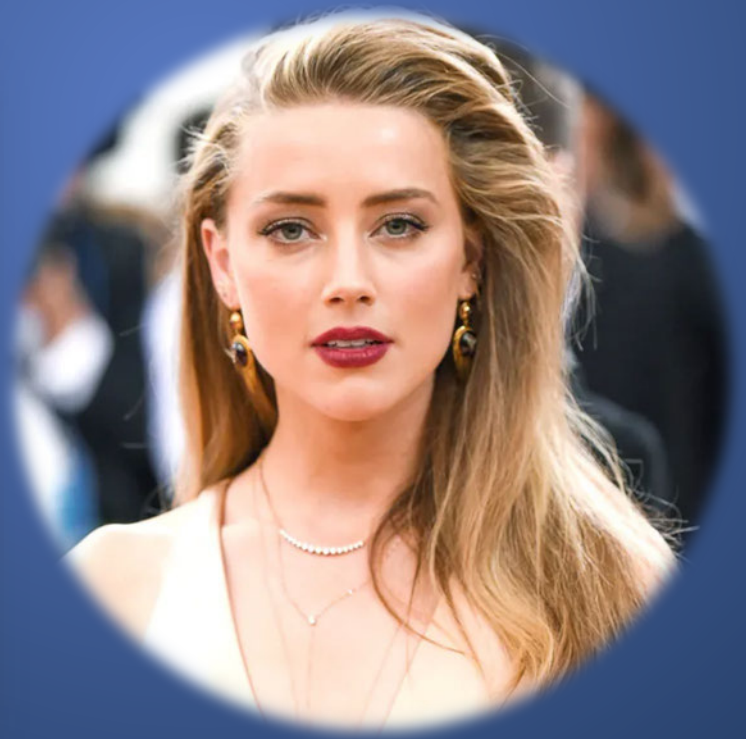
Affinity Bias, *cont.*

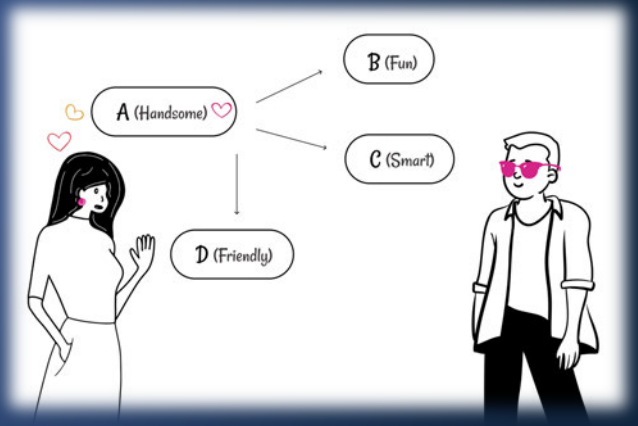
- Some examples of affinity bias (similarity bias) in the workplace:
  - common traits, attended the same college, served in the same unit at the same time, badges/tabs
- How it affects the workplace:
  - hiring decisions; promotions; mentorship opportunities; and how certain people's ideas are received
- Combat it by:
  - take time to get to know everyone better; find common ground; actively seek diversity

Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good





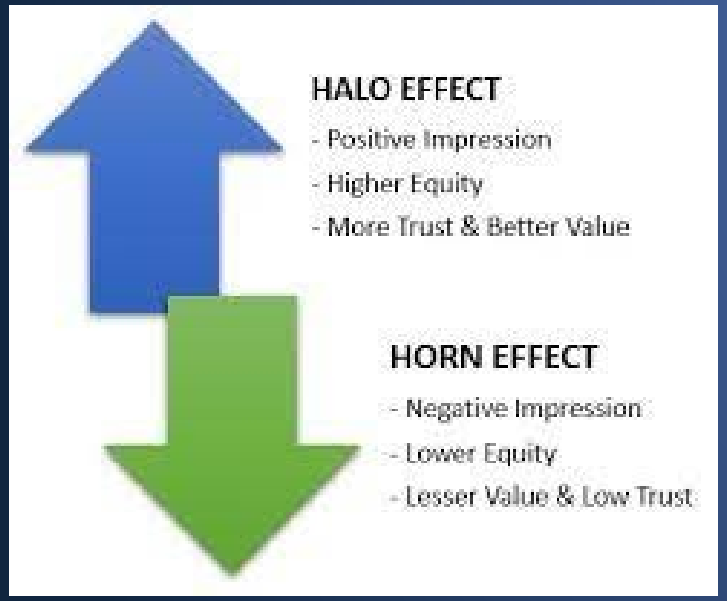


Halo Bias, *cont.*

- Some examples of halo bias in the workplace:
  - Maxing PT, looks good in uniform, outgoing personality, nice smile, best athlete at frisbee football
- How it affects the workplace;
  - gives one the best assignments; an employee is highly competent in one area, and the supervisor rates the employee correspondingly high in all areas; creates reputation for “favoritism” and unfairness; overshadows higher qualified co-workers; one gets away with showing up late
- Combat it by:
  - Utilize objective assessments for skills and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Horn Effect

- What is it?
  - our tendency to think everything about a person is negative because our first impression of them was negative







Horn Affect Bias, *cont.*

- Some examples of horn bias in the workplace:
  - Show-up late once, fails PT once , made one mistake, not given any opportunities, also could apply to one characteristic (ex: accent)
- How it affects the workplace;
  - fail to develop equitably, overlook talent and potential, could set a climate of “one mistake and done”
- Combat it by:
  - Objectively assess employees' performance, skills, and competencies; don’t over rely on first impressions; use structured interviews; build awareness

Confirmation Bias

- What is it?
  - seeking out information and evidence that justifies our position or makes us feel like we were right all along









Confirmation Bias, *cont.*

- Some examples of confirmation bias in the workplace:
  - interpretations of issues, resume review, singling out a colleague as lazy, calling ahead to get “a feel” for an inbound employee before their arrival and actively seeking out things that support that “bias”
- How it affects the workplace:
  - leads to flawed decision-making; miss out on important information and facts; “what we see depends mainly on what we look for”
- Combat it by:
  - ask neutral questions; play devil’s advocate; consider all the evidence and facts available; seek out different perspectives; be willing to change your mind in light of new evidence and facts; listen to what others have to say

Groupthink

- What is it?
  - the bandwagon effect, or group think, occurs when individuals try too hard to fit into a group, by agreeing with the majority, or by stifling opinions that may differ from the group







Groupthink, *cont.*

- Some examples of groupthink in the workplace:
  - putting together teams that lack diversity, ostracizing others, censorship, going along to get along
- How it affects the workplace:
  - can be toxic to teams and organizations; stifles innovations; pressures employees to conform
- Combat it by:
  - celebrate diverse perspectives; encourage personal and professional development; evaluate and recognize independently; encourage conflict; encourage psychological safety; build diverse teams

6 Ways to Mitigate Unconscious Bias

1

Recognize and accept that you have bias

2

Develop the capacity to use a flashlight on yourself

3

Practice "Constructive Uncertainty"

4

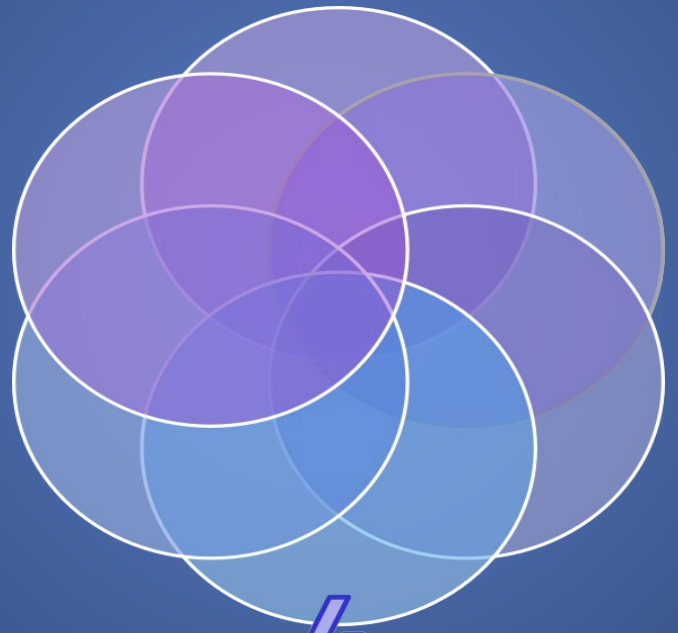
Explore awkwardness, and discomfort

5

Engage with people you consider "others" and expose yourself to positive role models in that group

6

Get feedback



Source: Cook Ross

In Conclusion

- We ALL have biases
- Understanding the various unconscious biases, can raise awareness in the workplace and build inclusivity
- Tackling bias doesn't have to be difficult—it starts with you
- Questions to ask yourself:
  - Do I have an automatic feeling or judgment about this person?
  - Am I being reminded of someone?
  - What is this person triggering in my background?
  - Do I notice any patterns in my decision making that might be impacted by my biases?
  - How might I consciously intervene to mitigate the impact of this bias?

QUESTIONS?

Affinity Mentorship Groups

OPEN TO EVERYONE

- JAGC Hispanic Mentorship Group:
  - hmgjagc@gmail.com
  - https://www.facebook.com/jagchispanic.mentorship.3
- Buffalo JAGs Mentorship Group
  - buffalojagsmentorshipgroup@gmail.com
  - https://www.facebook.com/groups/bjagsmentorshipgroup
- JAGC Asian-Pacific American Network:
  - Jagc.apan@gmail.com
  - www.facebook.com/groups/jagcapan/
- JAGC Pride Network:
  - jagcpridenetwork@gmail.com
  - https://www.facebook.com/groups/jagpride
- Athena's Council Mentorship Group:
  - athenascouncil1775@gmail.com
  - https://www.facebook.com/groups/256231586565092











Keep up with ODEIA & the Council

MS Teams

JAGC ODEI- DEI&A Training and Resources

JAGCNet

https://www.jagcnet2.army.mil/Sites/DivInc.nsf

MilSuite

https://www.milsuite.mil/book/community/spaces/armyjag/office-of-diversity-equity-inclusion

Group Mailbox

usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

FY24#7

Leading Diverse Generations

(b) (6)

DIRECTOR, OFFICE OF DIVERSITY, EQUITY, AND INCLUSION


Boomer


Gen X


Millennial


Gen Z

Every Generation At Work

2023



2023

- https://www.youtube.com/watch?v=NsWn16SvhVQ

Elements that Make up a Generation

2023

- **Time in history**
- **Shared economies**
- **Technology**
- **Entertainment**
- **Tragedies, Heroes, Villians**
- **Shared Culture**
- **Family environments**

Technology Impacts

2023



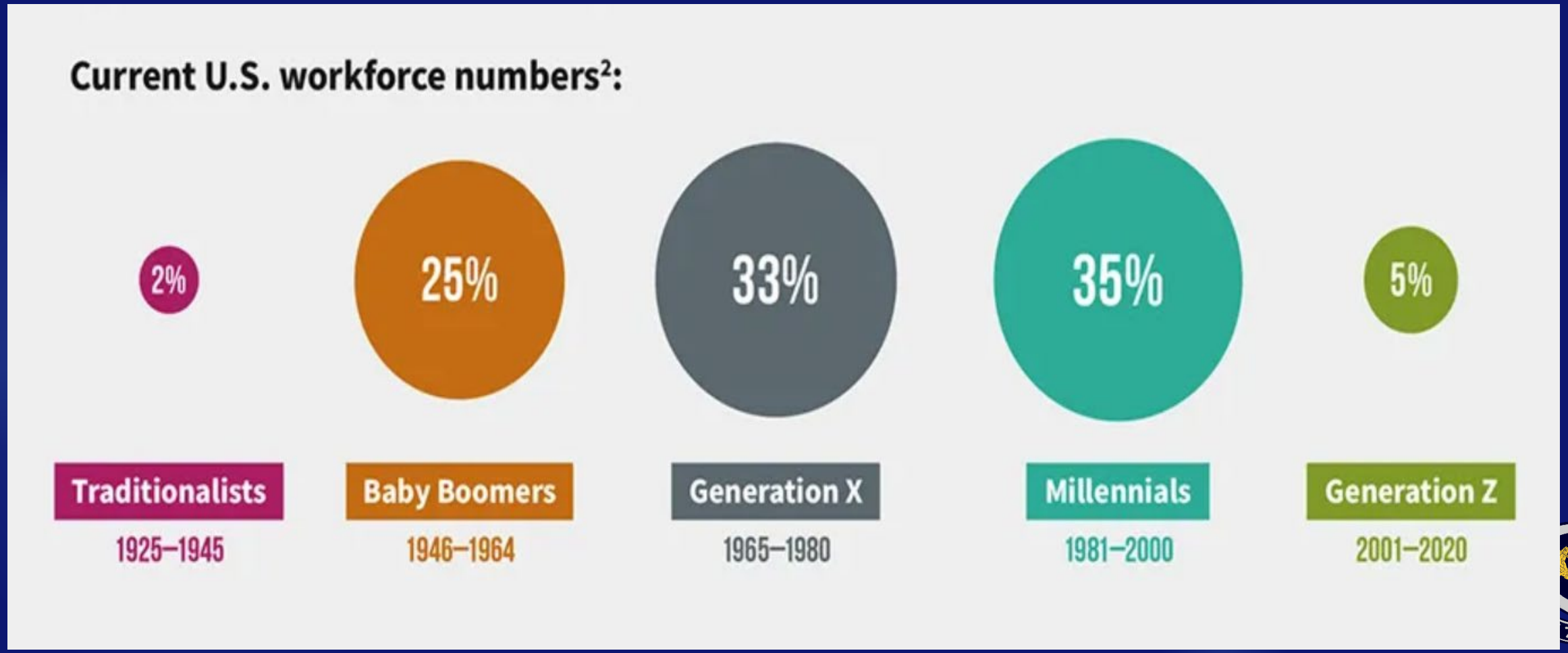
Generations in the Workplace

2023

				
The Silent Generation	**Baby Boomers**	**Generation X**	**Millennials**	**Generation Z**
1928 – 1945	**1946 – 1964**	**1965 - 1980**	**1981 – 1996**	**1997 - 2012**

Generational Breakdown of Workplace

2023



Generations Trivia: Silents/Greatest

2023

- **More than two decades before The Pretenders hit the charts with "Back on the Chain Gang," who recorded "Chain Gang" in 1960?**

- **Hint: One of the most soulful singers in 50s and 60s**
- **Answer: Sam Cooke**

The Silent Generation

2023

- Currently make up 2% of the U.S. workforce
- *Did you know?*
  - ✓ About 19 million people belong to the silent generation (compared to 70 million baby boomers)
  - ✓ Many traditionalists have stayed with the same employer throughout their entire working lives
- Experienced: Great Depression, WWI, WWII, radio
- Common stereotypes: "old" in thoughts and attitudes; "silent"-- when actually outspoken and curious; rigid in opinions; nothing to contribute to today's problems
- See themselves as: hardworking, respectful of authority, conservative, ethical, dedicated, task-oriented

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
Silent/Traditional	Respect for Authority and Hierarchy	Loyal, long term committment	Linear, follow rules, not broken/don't fix	Respect, recognition, stability	Subtle and personalized

Generations Trivia: Baby Boomers

2023

- **Playing the character of LTC Bill Kilgore, what actor said, “I love the smell of napalm in the morning”?**
- **Hint: He’s a Du All or a Do Nothing kind of guy.**
- **Answer: Robert Duvall**

Baby Boomers

2023

- Currently make up **25%** of the U.S. workforce
- ***Did you know?***
  - 65% of baby boomers plan to work past age 65
  - 10,000 baby boomers reach retirement age every day
- **Experienced**: Moon Landing, Watergate, Vietnam War, Civil Rights Movement, TV
- **Common stereotypes: behind the times; don't embrace technology; grouchy; disinterested in learning new things**
- **See themselves as: optimistic, competitive, competent, ambitious, multi-taskers**

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
Silent/Traditional	Respect for Authority and Hierarchy	Loyal, long term committment	Linear, follow rules, not broken/don't fix	Respect, recognition, stability	Subtle and personalized
Boomers	Challenge Authority, prefer flat democratic organizations	Loyal to the team and go the extra mile	Like Structure but challenge rules, cautious about change, work long hours	Company loyalty, teamwork, duty	Job titles, parking spaces, office size

Connecting and Leading Baby Boomers

2023

- **Recognize their experience and expectations**
- **Ask them to share experiences and appreciate them**
- **Allow them to take charge of significant responsibility**
- **Give them space and resources—don’t micromanage**
- **Call on them to give back and coach others**
- **Remind them of their younger years if they get impatient**

Generations Trivia: Generation X

2023

- **Who became the first American woman in space in 1983?**
- **Hint: This lady got to take the “ride” of her life!**
- **Answer: Sally Ride**

Generation X

2023

- Currently make up **33%** of the U.S. workforce
- ***Did you know?***
  - Gen Xers make up the highest percentage of startup founders at 55%
  - Gen Xers will outnumber baby boomers by 2028
- Experienced: the fall of the Berlin **Wall,** MTV, Nintendo, PCs
- Common stereotypes: lazy and skeptical; known for questioning authority; cynical & poor team members; spoiled
- See themselves as: adaptable, flexible, pragmatic, independent, results-focused, self-starters

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
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Boomers	Challenge authority, prefer flat democratic organizations	Loyal to the team and go the extra mile	Like Structure but challenge rules, cautious about change, work long hours	Company loyalty, teamwork, duty	Job titles, parking spaces, office size
Gen X	Unimpressed with authority, expect their competence to be respected	Loyal to their manager, career just one part of their identity	Flexible, see change as an opportunity	Personal-professional interest rather than company, flexible work	Immediate feedback, informal, publicly communicated

Connecting and Leading Generation X

2023

- **Listen and Communicate understanding—Build relationship**
- **Be honest—they know life is tough—don't pretend it isn't**
- **Give them places for authentic community**
- **Give minimal boundaries**
- **Influence through relationship not position**

Generations Trivia: Millennials

2023

- **What game came bundled with the original Game Boy?**
- **Hint: When this game dropped, it hit me like a ton of bricks.**
- **Answer: Tetris**

Millennials

2023

- Currently make up **35%** of the U.S. workforce
- ***Did you know?***
  - ✓ By 2025, millennials will comprise 75% of the global workforce
  - ✓ About 15% of millennials age 25–35 live at home with their parents
- **Experienced: 9/11, Columbine, the internet, mobile technology**
- **Common stereotypes: sheltered; few practical skills; technologically obsessed; job-hoppers; entitled; praise-hungry**
- **See themselves as: innovative, ambitious, multi-taskers, tenacious, entrepreneurial**

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
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Millennials	Respect competence	Loyal to colleagues, expect equity	More fluid, expect to make the rules with change = improvement	Responsibility, unique experiences, flexibility	Regular, informal

Connect and Leading Millennials

2023

- Create incentive—clarify the “why”
- Micromanage at first—offer consistent feedback
- Let them share their ideas
- Communicate the importance of their work—connect to mission
- Tell them the truth
- Celebrate progress
- Manage by objective
- Mentor more than manage

Generations Trivia: Generation Z

2023

- **What pop singer became the first male to appear solo on the cover of Vogue?**
- **Hint: He was pictured wearing a dress.**
- **Answer: Harry Styles**

Generation Z

2023

- Currently make up **5%** of the U.S. workforce
- Most racially and ethnically diverse generation
- Most activist generation—played crucial roles in social movements
- Mental health issues
- ***Did you know?***
  - ✓ 40% of Gen Z wants to interact with their boss daily or several times each day
  - ✓ 84% of Gen Z expects their employer to provide formal training
- **Experienced: Economic downturn, global warming, COVID**
- **Common stereotypes: obsessed with social media; self-centered; little knowledge of real life; technologically dependent; have a short attention span; reward seekers**
- **See themselves as: competitive, tech-savvy, interactive, social, progressive**

Generation	Relationship w/ Authority	Relationship w/ Organization	Work Styles	Motivation	Recognition
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Millennials	Respect competence	Loyal to colleagues, expect equity	More fluid, expect to make the rules with change = improvement	Responsibility, unique experiences, flexibility	Regular, informal
Gen Z	No one way conversations, want to be engaged	Loyal to the experience, invested in their career	Agile, seek balanced rules, change is reality	Personalized, independence, ability to work on multiple projects	Regular, in-person

Connecting and Leading Generation Z

2023

- Increase Information sharing to alleviate fears of uncertainty
- Show them paths to career progression
- Explain how their individual contributions matter—purpose driven
- Give them room for autonomy and keep them motivated
- Provide specific constructive feedback to demonstrate you are invested in them
- Harness community and connection to engage and empower them
- Prioritize wellness and mental health to show you care
- Build the relationship before expecting trust

	Gen Z	Millenials
Technology	**Internet and Smartphones always** --95% of teens have access to smartphone --45% of teens online constantly	**Internet and smartphone innovations** --73% of teens have access --24% of teens online constantly
Mental Health	**Elevated Levels of depression and anxiety** --50% of males and 34% of females report above average mental health	**Moderate levels of depression and anxiety** --59% of males and 44% of females report above average mental health
Individualism & Teamwork	**More individualistic/less social** --Anxious about group member contributions --27% of 10th graders socialize with friends every day --70% struggle with in-person communication	**More group oriented/more social** --More likely to enjoy camaraderie in group --47% of 10th graders socialize with friends every day --50% struggle with in-person communication
Diversity	**Most diverse generation ever** --48% non-white --68% believe increasing diversity is good for society --81% rated tolerance for others with different beliefs strong --78% rated ability to see others perspective as strong	**Diverse generation** --38% non-white --61% believe increasing diversity is good for society --73% rated tolerance for others as strong --65% rated ability to see world from others perspectives as strong

Army Values and Gen Z

2023

- Loyalty/Duty/Honor-Lack of faith in institutions
- Respect-treat others as they want to be treated
- Selfless Service-more individualistic
- Integrity-believe in doing what's right but are pessimistic about leaders
- Personal Courage-have but also anxious

2023

“With warfare becoming more complex, the Army will need an officer corps with an increasingly diverse set of skills and individual officers that are as adaptive and innovative as they are disciplined and fit. The only way to develop these officers is to lean into some of the unique strengths of Generations Y and Z and reward them for changing the mold rather than simply fitting it.”

“The Changing Character of Followers” by Al Boyer and Cole Livieratos

2023

QUESTIONS?

2. All training material presented by OTJAG DEI to the JAG Corps General Officer Steering Committee, as discussed by CW5 Richmond in The Army Lawyer in Issue 3, 2022.

GOSC #1 Was presented in Oct 2022

GOSC #2 Was presented in Oct 2023

Mitigating Bias in the Assignment Process



(b) (6)

ROADMAP

What is cognitive bias?

Implicit Bias that can Affect Hiring/Assignments

Mitigation

Discussion

Questions

Theory of Decision Making



In One Second….

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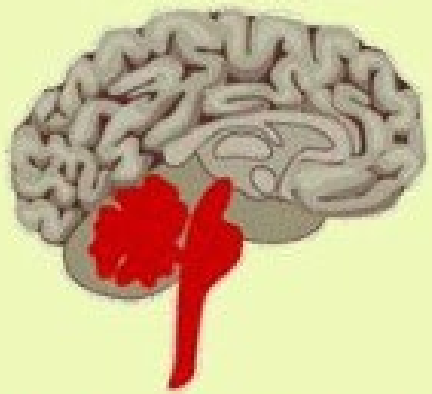
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THE UNCONSCIOUS MIND

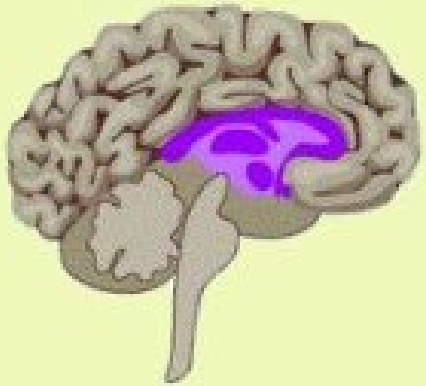
Wilson, T.D. (2004). Strangers to ourselves: Discovering the adaptive unconscious. Cambridge, Mass: Belknap

How does the brain work?

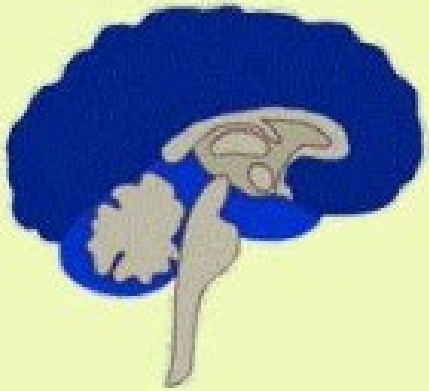
The Three-Parted Brain



Lizard Brain
(Brain stem and cerebellum)
Autopilot
Fight & Flight



Mammal Brain
(Limbic System)
Emotions
Memories
Habits
Attachments

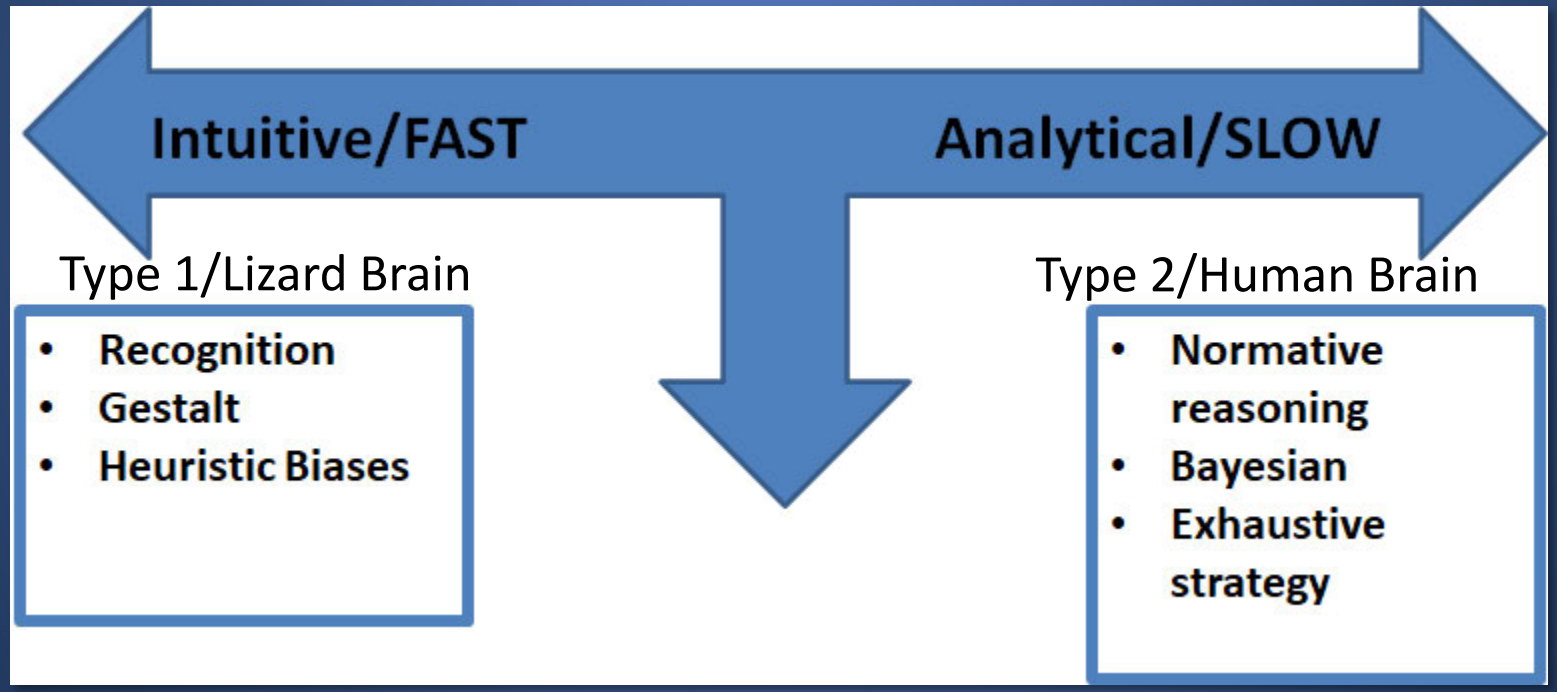


Human Brain
(Neo-Cortex)
Language, abstract thought, imagination, consciousness, reasoning, rationalising

(From Paul D. MacLean's model of the "Triune Brain")

Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Heuristics

Heuristics

Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions

- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

Acad Med. 2011 Mar;86(3):307-13.

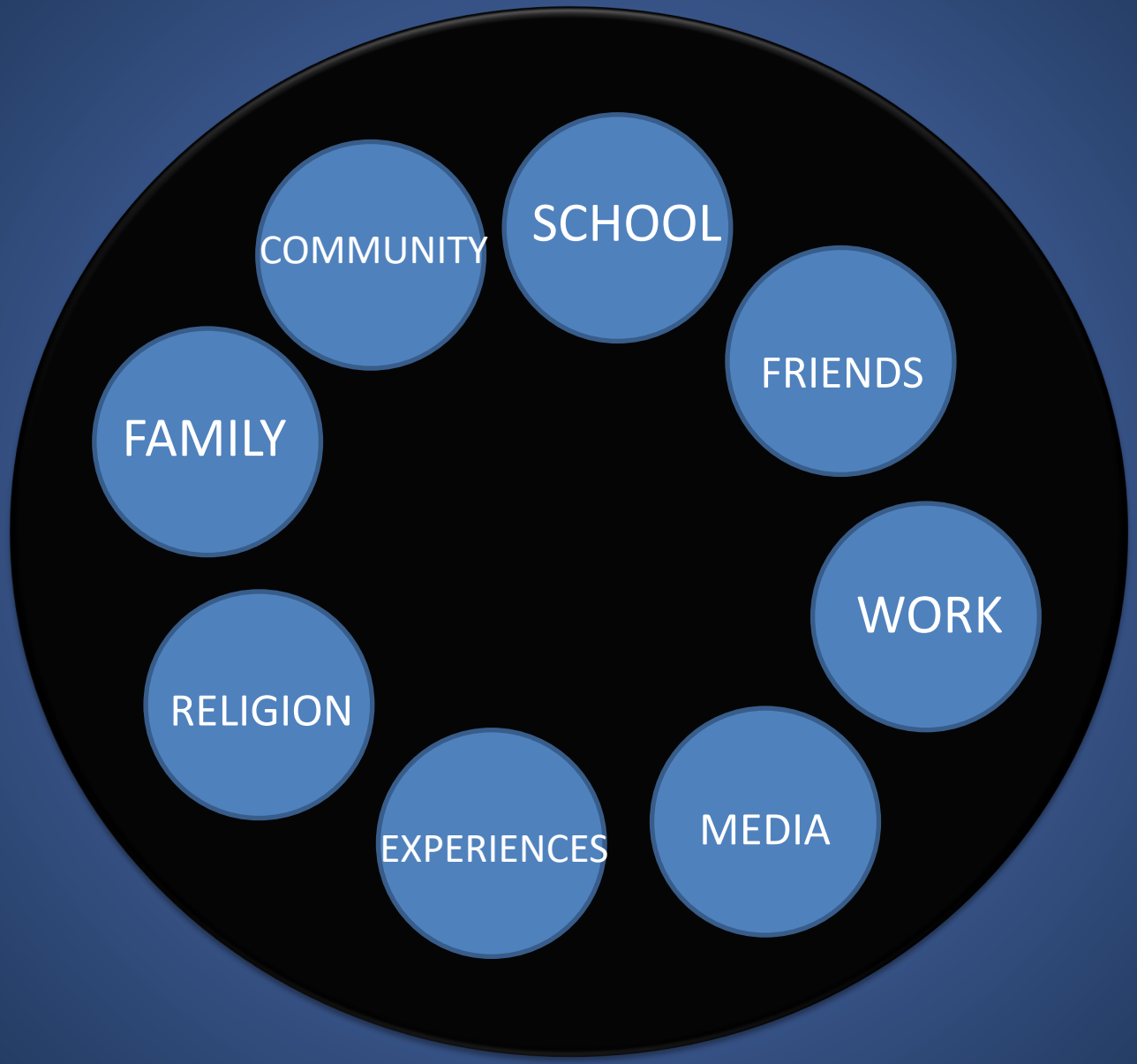
Explicit vs. Implicit Bias

Explicit Bias: “attitudes and beliefs we have about a person or group on a conscious level”

Implicit Bias: “The brain’s automatic, instant association of stereotypes or attitudes toward a person or group, without our conscious awareness.”

- In-group favoritism
- Positive emotions like admiration, sympathy and trust
- Alternatively, can have negative emotions to people from another group, or a group associated with negative stereotype

Our Biases Come from Our Environment



IMPLICIT BIAS ≠

Racist
Bigoted
Sexist
Homophobic
Transphobic

Implicit Bias that can Affect Hiring/Assignments

Heuristics

Affinity Bias

The subconscious connection based on a common bond

- *"We deployed together and shared the same experience and hardship."*
- *"We both have roots in North Carolina."*
- *"We are both avid golfers."*
- *"We are both graduates of [insert university Here]."*



Heuristics

Similarity Bias

Comparing or recognizing a likeness



“People who are like me are better than others.”

“She has something that I see in myself.”

Heuristics

Beauty Bias

Admiring physical attributes as a measure of success



“He is a PT stud and therefore great for that assignment.”

“She looks like a Soldier and would fit right in.”

“He fell out of a run once and therefore cannot be a leader.”

Heuristics

Halo Bias

Creating esteem for an individual based on a singular achievement



"She crushed it as an action officer and therefore would be perfect to supervise other action officers."

"He is an Ivy League grad so must be super smart and can be amazing in every job."

Heuristics

Horn Bias

One misstep clouds a person's chances forever

"He screwed up a project when he worked for me five years ago, so I don't trust him to ever do anything good again."

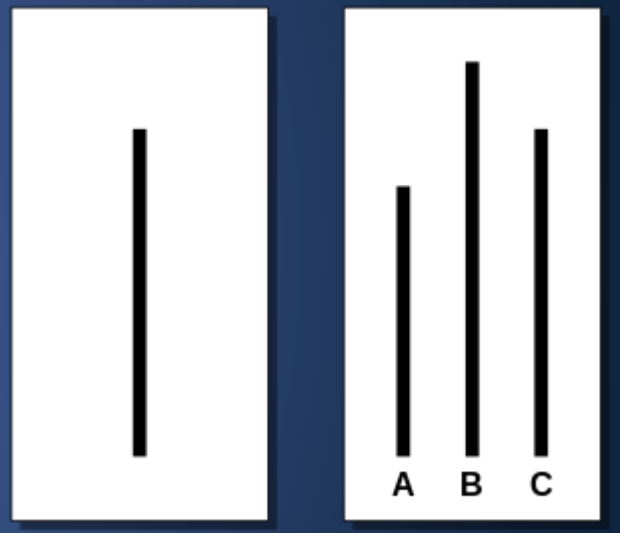
"She is overweight, which means she is lazy and not a good example for others."



Heuristics

Conformity Bias

Going along with the majority of the group and not voicing a different opinion



"I don't agree with the rest of the group about her, but I don't want to be 'that guy' and give a different take on someone who is a very popular/unpopular with the rest of the group."

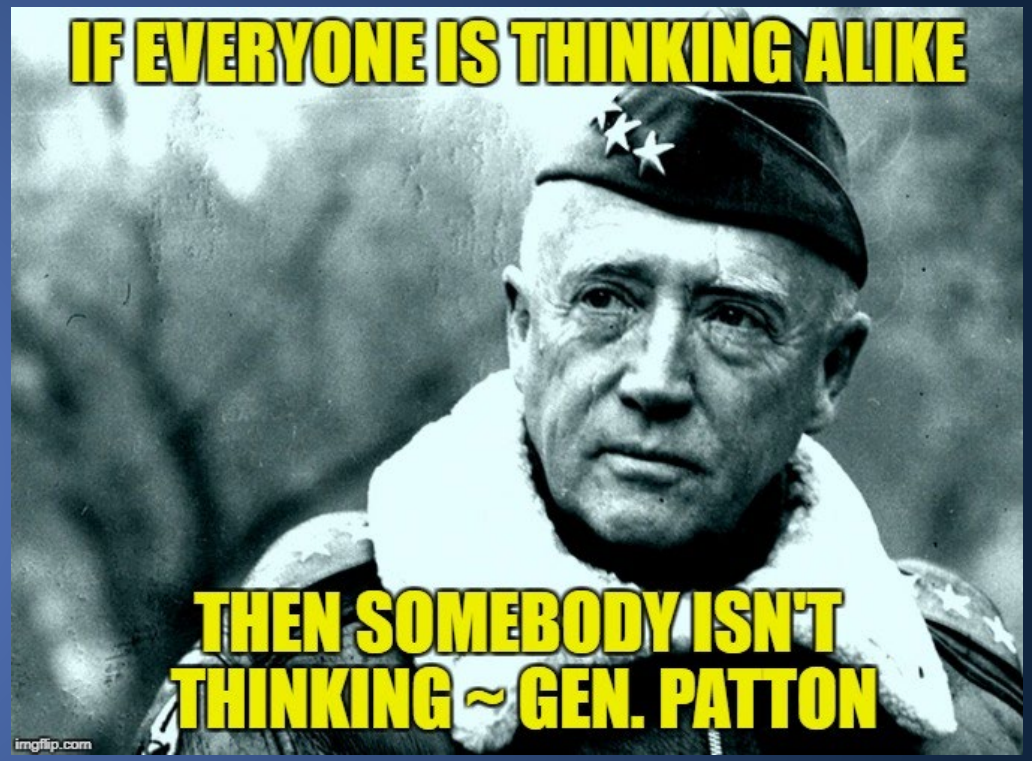
SEE ALSO ASCH CONFORMITY EXPERIMENTS

Heuristics

Groupthink

An unconscious drift toward a similar/same thought process by encouraging people to desire harmony or conformity within a group. In many cases, people will set aside their own personal beliefs to adopt the opinion of the rest of the group.

"The more we talk about Option A, the more Option A seems to be what the group wants. I don't agree, but I don't want to rock the boat. Option A it is."



MITIGATION

Be Actively Aware of Our Potential Biases

- Talk it through, either with the group or to yourself
- Pay attention to how you feel: is this individual causing an emotional reaction?
- Bias awareness/interruption

Have a Routine Process for Decisions

- Slow down!
- Time crunch → mental pressure → cognitive shortcuts → heuristics → stereotypes & biases
- Follow the same process each time, every time

Have Objective Criteria for Who is Right for which Assignment

- Not personality-driven
- Counter stereotypes (put self in their shoes, consciously challenge stereotypical views)
- Challenge your beliefs of what is the “right fit” for a position

DISCUSSION QUESTIONS

Am I aware of the cognitive biases or thinking traps that have influenced my decision making in the past?

How can we (the GOSC) standardize our decision-making process?

What can we do to lessen or avoid conformity bias during the assignment process?

If we believe someone is a good fit for a particular job, can we articulate the objective reasons why? If not a good fit, can we articulate why? If searching for whys you may need to check your biases.

Are we willing to consider people for jobs that they have not put in for?

DISCUSSION QUESTIONS

Are we considering any factors that could have a disparate effect on members of particular groups?

Would it be a good idea to rate/score each candidate and generate an OML? How might we objectively define and weigh/score factors (individual preference, qualifications, personal life circumstances, educational/occupational skills, etc.)?

Can we de-identify our personnel (e.g., assigning each a roster #) and use only case #/ID to review candidates for positions? What are the pros and cons of that COA?



- Companies in the top quartile for gender diversity were 15% more likely to outperform competitors

- Companies in the top quartile for ethnic diversity were 35% more likely to outperform competitors

~Hunt V., et. Al. *Why Diversity Matters* 2015

QUESTIONS?



(b) (6)

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Mitigating Bias in the GOSC Process



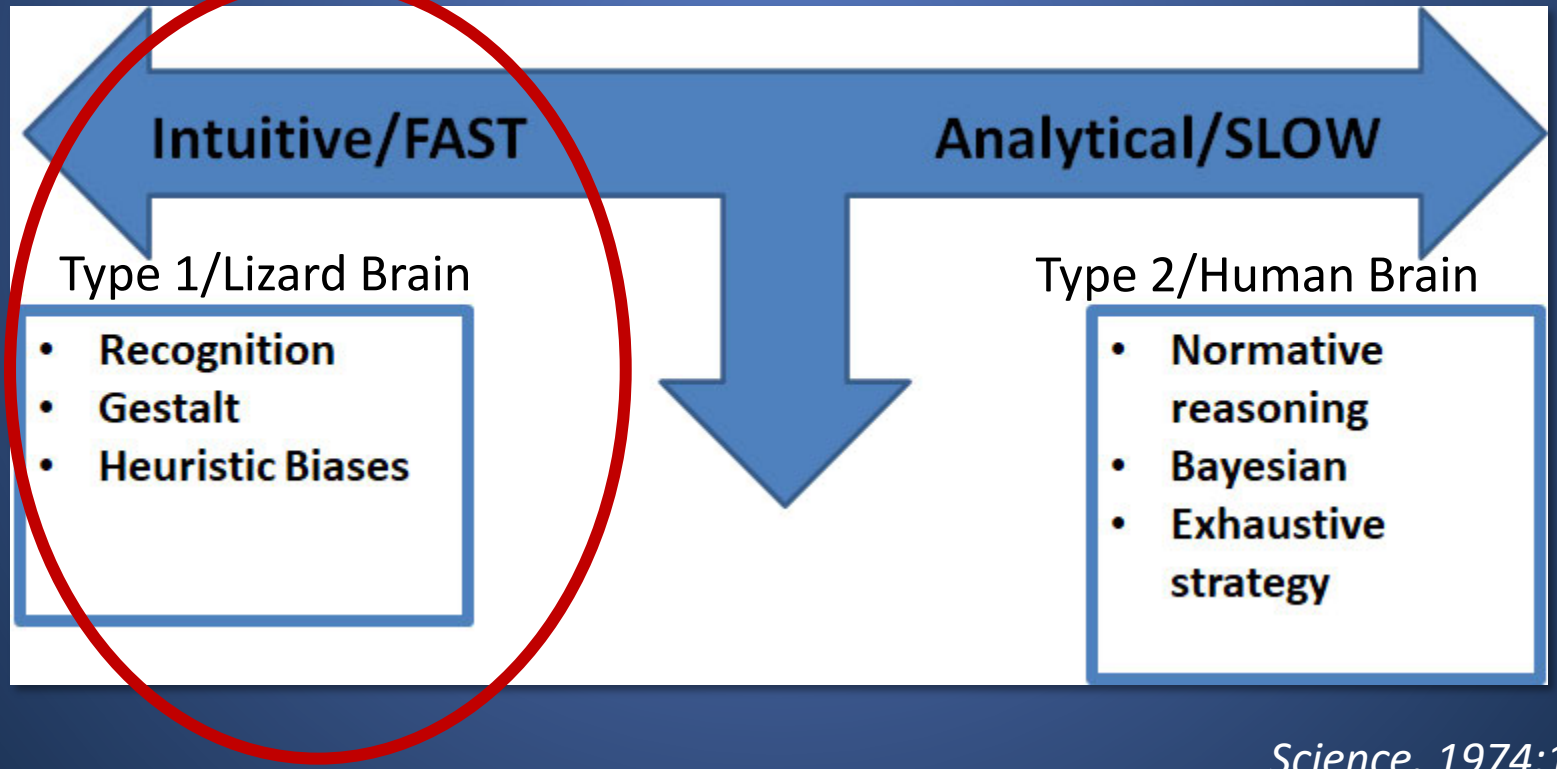
Office of Diversity, Equity, & Inclusion
Office of The Judge Advocate General
usarmy.pentagon.hqda-otjag.mbx.jagc-diversity-inclusion@army.mil

Agenda

- Theory of Decision Making
- Implicit vs. Explicit Bias
- Various Types of Implicit Bias
- Types of Explicit Bias
- Mitigating Bias in the Selection Process
- Conclusion

Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Heuristics

Heuristics

Cognitive shortcuts that permit us to use a “FAST” thinking approach via the use of pattern recognition.

- **Advantage**:
  - Reduce time and effort to make reasonably good judgments and decisions.

- **Disadvantage**:
  - Potential to lead to systematic cognitive errors called biases

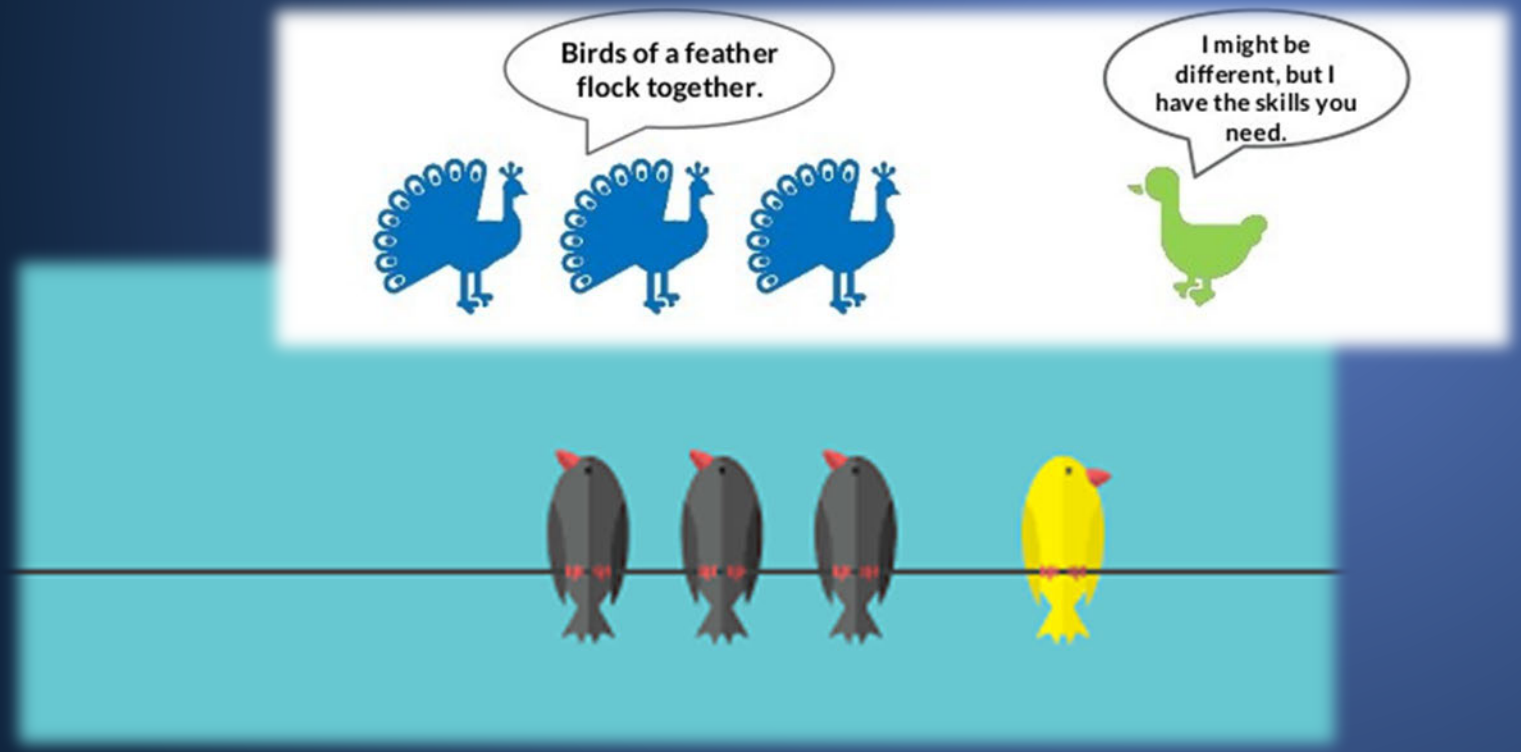
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Implicit (Unconscious) Bias

- Implicit Bias (Unconscious Bias) – assumptions we make about individuals or groups of people within society, and we are not automatically conscious of those assumptions, our decision, or the impact on others.
  - Lens we see the world through--Based on our experiences, race, religion, ethnicity, sexual orientation, gender, place of birth, and other factors…
  - Intuitive/Fast thinking—lizard brain

Affinity Bias

- What is it?
  - favoring those who tend to have something in common with us

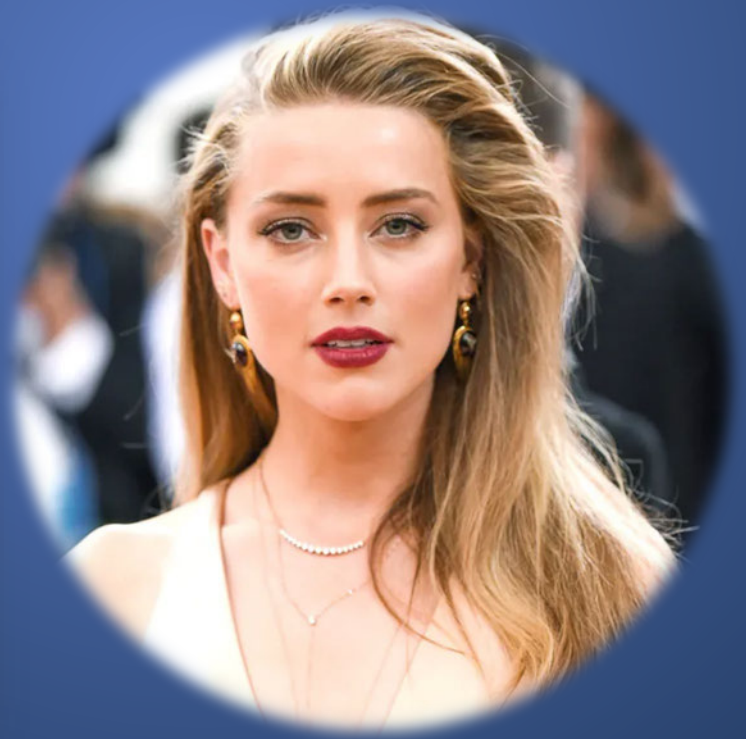


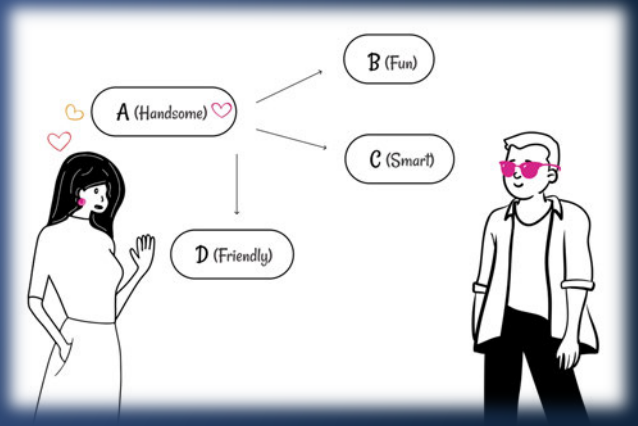


Halo Bias

- What is it?
  - our tendency to think everything about a person is good because our first impression of them was good

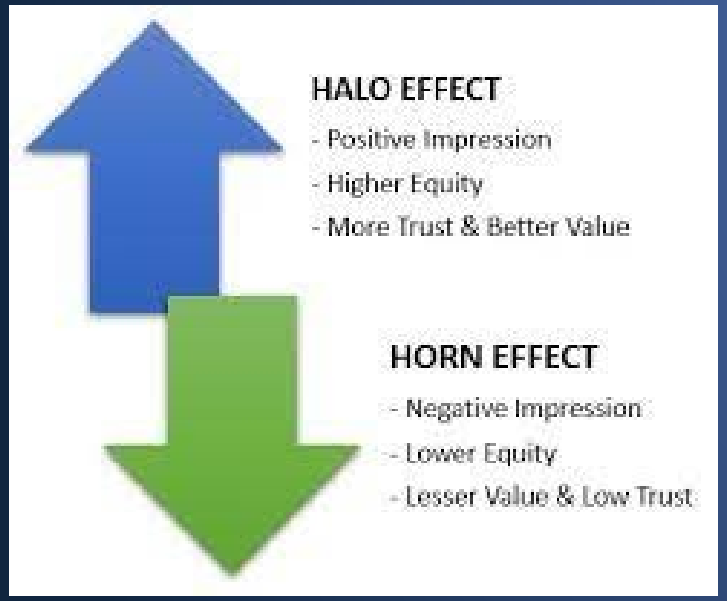






Horn Bias

- What is it?
  - our tendency to think everything about a person is negative because our first impression of them was negative

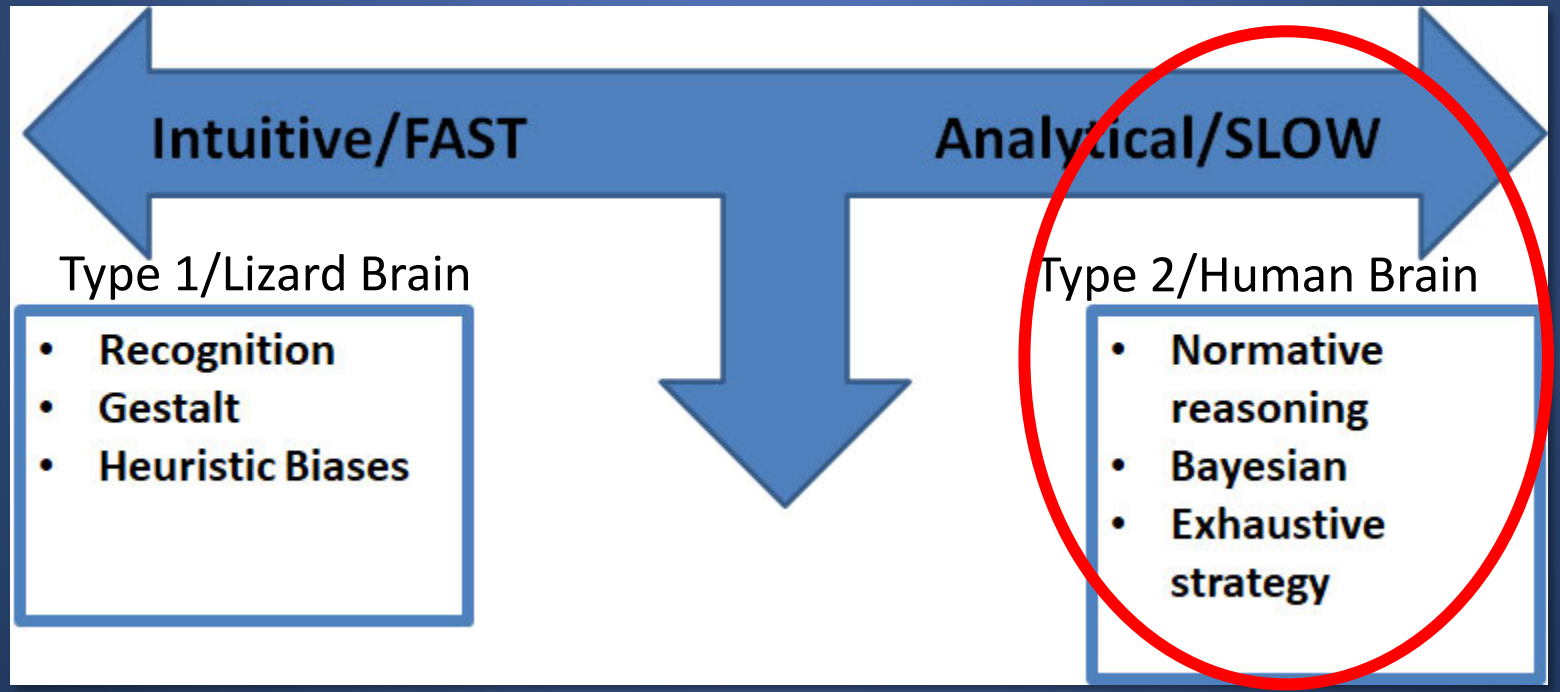






Theory of Decision Making

Dual Process Theory



Science. 1974;185(4157):1124-1131

Explicit (Cognitive) Bias

- Explicit Bias (Cognitive Bias) – when we use flawed judgements to make assessments of people or data caused by the brain's tendency to be biased.

Confirmation Bias

– When we interpret information in a way that reinforces our beliefs and values and only pay attention to information that reinforces our beliefs and values









Anchoring Bias

- When facts that are presented **first** exert greater influence on cognitive process
  - Could begin as an affinity, horns, or halo bias
  - Studies show that anchors are prevalent in decision making even when the anchor has no relevance to criteria you are basing decision on

    -- Estimates of athlete's performance were influenced by number on jersey (higher jersey number = higher estimate)

Smart Leaders Don’t Have Biases, Right?

- https://www.youtube.com/watch?v=q2cSoZPMUwA

How do you prevent a person's "reputation" from triggering one of the previous cognitive biases?

Mitigating Bias

- Utilize objective criteria on how you are evaluating a person's fit for a position and/or spell out why you think a person is right based on their demonstrated behavior
  - SJA Positions require: demonstrated skill in leading people, emotional intelligence, strategic vision, etc…
  - Time consuming however without objective criteria, bias will influence decision-making

Mitigating Bias

- "Consider the opposite" – if recommending a person is right for a position, flip the script and list reasons they are not right
  - Come up with 5 reasons they may not be right
  - Compare to reasons they are a "good fit"
  - Focus on their demonstrated behavior not their "attitude", "motivation", etc….

QUESTIONS?

Resources

- Thinking Fast and Slow by Daniel Kahneman
- Why do we compare everything to the first piece of information we received? Anchoring Bias , explained: https://thedecisionlab.com/biases/anchoring-bias
- Don’t Let Anchoring Bias Weigh Down Your Judgement: https://hbr.org/2022/08/dont-let-anchoring-bias-weigh-down-your-judgment

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Strategies for Confronting Unconscious Bias

by Kathleen Nalty

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So—what's in a name? Apparently, a lot. If you are named John, you will have a significant advantage over Jennifer when applying for a position, even if you both have the exact same credentials.[1] If your name is José, you will get more callbacks if you change it to Joe.[2] And if you're named Emily or Greg, you will receive 50% more callbacks for job interviews than equally qualified applicants named Lakisha or Jamal.[3]

A three-part dialogue published in *The Colorado Lawyer* earlier this year raised awareness about the prevalence of conscious and unconscious biases in the legal profession.[4] While we may be aware of our conscious attitudes toward others, we are typically clueless when it comes to our unconscious (or implicit) biases. This article will help you recognize your unconscious biases and provides research-based strategies for addressing them.

Why Does It Matter?

Research studies reveal just how much bias impacts decisions—not just on a conscious basis, but to a much greater extent, on an unconscious basis. Experts believe that the mind's unconscious is responsible for 80% or more of thought processes.[5] Yet the conscious mind is simply not capable of perceiving what the unconscious is thinking.[6] You can be two people at the same time: a conscious self who firmly believes you do not have any bias against others because of their social identities, and an unconscious self who harbors stereotypes or biased attitudes that unknowingly leak into decision-making and behaviors.[7] The good news is that we can work to redirect and reeducate our unconscious mind to break down stereotypes and biases we don't agree with by engaging in the research-based activities outlined in this article.

This process is critical to making better decisions in general, and is particularly important as the legal industry struggles to play catch-up with respect to inclusiveness. In addition to eliminating the hidden barriers that keep the legal profession from being more diverse, recognizing and dealing with unconscious biases actually helps individuals become smarter, more effective lawyers. After all, this is a service industry, and our ability to interact with a diverse community and serve a wide variety of clients depends on making decisions free from fundamental errors. Finding the pitfalls in our thinking, taking them into account, and working to eliminate them leads to better decision-making. Individuals who make better decisions also help their organizations perform better.

So there is a lot at stake in terms of whether you will invest the time to be more inclusive and become a more effective lawyer by attending to your unconscious biases.

Types of Unconscious Cognitive Biases

We all have unconscious cognitive biases that can, and often do, interfere with good decision-making. There are too many to address in this article, but it is worthwhile to learn about a few that are particularly important with respect to diversity and inclusion.

Confirmation Bias

Confirmation bias is a type of unconscious bias that causes people to pay more attention to information that confirms their existing belief system and disregard that which is contradictory. Clearly this can harm good decision-making. You can probably think of at least one instance when you advised a client or reached a decision and later realized you dismissed or unintentionally ignored critical information that would have led to a different and perhaps better outcome.

Confirmation bias can also skew your evaluations of others' work and potentially disrupt their careers. In *The Colorado Lawyer*'s three-part dialogue, Professor Eli Wald briefly mentioned a research study on confirmation bias in the legal industry that I feel bears further elaboration here.[8] In 2014, Dr. Arin Reeves released results of a study she conducted to probe whether practicing attorneys make workplace decisions based on confirmation bias.[9] This study tested whether attorneys unconsciously believe African Americans produce inferior written work and that Caucasians are better writers.

With the help of other practicing attorneys, Reeves created a research memo that contained 22 errors (spelling, grammar, technical writing, factual, and analytical). The memo was distributed to 60 partners working in nearly two dozen law firms who thought they were participating in a "writing analysis study" to help young lawyers with their writing skills. All of the participants were told the memo was written by a (fictitious) third-year associate named



About the Author

Kathleen Nalty is a lawyer/consultant who specializes in diversity and inclusion. She has assisted dozens of legal organizations in their implementation of inclusiveness initiatives—kathleen@kathleennaltyconsulting.com. Previously, she co-founded the Center for Legal Inclusiveness in Denver and led the organization as its executive director. Early in her legal career, she worked as a federal civil rights prosecutor for the U.S. Department of Justice, where she prosecuted hate crimes, slavery, and police brutality cases. Much of the content of this article is taken from Nalty's book *Going All In on Diversity and Inclusion: The Law Firm Leader's Playbook* (Kathleen Nalty Consulting LLC, 2015).

Thomas Meyer who graduated from New York University Law School. Half of the participants were told Thomas Meyer was Caucasian and the other half were told Thomas Meyer was African American. The law firm partners participating in the study were asked to give the memo an overall rating from 1 (poorly written) to 5 (extremely well written). They were also asked to edit the memo for any mistakes.

The results indicated strong confirmation bias on the part of the evaluators. African American Thomas Meyer's memo was given an average overall rating of 3.2 out of 5.0, while the exact same memo garnered an average rating of 4.1 out of 5.0 for Caucasian Thomas Meyer. The evaluators found twice as many spelling and grammatical errors for African American Thomas Meyer (5.8 out of 7.0) compared to Caucasian Thomas Meyer (2.9 out of 7.0). They also found more technical and factual errors and made more critical comments with respect to African American Thomas Meyer's memo. Even more significantly, Dr. Reeves found that the female and racially/ethnically diverse partners who participated in the study *were just as likely* as white male participants to be more rigorous in examining African American Thomas Meyer's memo (and finding more mistakes), while basically giving Caucasian Thomas Meyer a pass.[10]

The attorneys who participated in this study were probably shocked by the results. That is the insidious nature of unconscious bias—people are completely unaware of implicit biases they may harbor and how those biases leak into their decision-making and behaviors.

Attribution Bias

Another type of unconscious cognitive bias—attribution bias—causes people to make more favorable assessments of behaviors and circumstances for those in their "in groups" (by giving second chances and the benefit of the doubt) and to judge people in their "out groups" by less favorable group stereotypes.

Availability Bias

Availability bias interferes with good decision-making because it causes people to default to "top of mind" information. So, for instance, if you automatically picture a man when asked to think of a "leader" and a woman when prompted to think of a "support person," you may be more uncomfortable when interacting with a female leader or a man in a support position, particularly at an unconscious level.

Affinity Bias

The adverse effects of many of these cognitive biases can be compounded by affinity bias, which is the tendency to gravitate toward and develop relationships with people who are more like ourselves and share similar interests and backgrounds. This leads people to invest more energy and resources in those who are in their affinity group while unintentionally leaving others out. Due to the prevalence of affinity bias, the legal profession can best be described as a "mirrortocracy"—not a meritocracy. A genuine meritocracy can never exist until individual lawyers and legal organizations come to terms with unconscious biases through training and focused work to interrupt biases.

How Unconscious Bias Plays Out in the Legal Profession

Traditional diversity efforts have never translated into sustained diversity at all levels. Year after year, legal organizations experience disproportionately higher attrition rates for attorneys in already underrepresented groups—female, racially/ethnically diverse, LGBTQ, and those with disabilities.[11] Before 2006 and the first of eight national research studies,[12] no one was sure what was causing higher attrition rates for attorneys in these groups. Now the answer is clear: every legal organization has hidden barriers that disproportionately impact and disrupt the career paths of many female, LGBTQ, racially/ethnically diverse, and disabled lawyers.

According to the research studies, critical career-enhancing opportunities are shared unevenly by people in positions of power and influence, often without realizing that certain groups are disproportionately excluded. Hard work and technical skill are the foundation of career progress, but without some access to these opportunities, attorneys are less likely to advance in their organizations. Specifically, female, LGBTQ, disabled, and racially/ethnically diverse attorneys have disproportionately less access to the following:

- networking opportunities—informal and formal
- insider information
- decision-makers
- mentors and sponsors
- meaningful work assignments
- candid and frequent feedback
- social integration

- training and development
- client contact
- promotions.

The studies all point to bias as the major cause of these hidden barriers. Certainly, overt discrimination still exists and contributes to this dynamic. But it turns out that a specific kind of unconscious (and thus unintentional) bias plays the biggest role. Affinity bias, which causes people to develop deeper work and trust relationships with those who have similar identities, interests, and backgrounds, is the unseen and unacknowledged culprit. When senior attorneys—the vast majority of whom are white and male—gravitate toward and share opportunities with others who are like themselves, they unintentionally tend to leave out female, LGBTQ, disabled, and racially/ethnically diverse attorneys.

Strategies for Identifying and Interrupting Unconscious Bias

Having unconscious bias does not make us bad people; it is part of being human. We have all been exposed to thousands of instances of stereotypes that have become embedded in our unconscious minds. It is a bit unsettling, however, to think that good, well-intentioned people are actually contributing—unwittingly—to the inequities that make the legal profession one of the least diverse. The good news is that once you learn more about cognitive biases and work to disrupt the stereotypes and biased attitudes you harbor on an unconscious level, you can become a better decision-maker and help limit the negative impacts that are keeping our industry from being more diverse and inclusive.

The obvious place to start is with affinity bias; learning and reminding yourself about affinity bias should help you lessen the effect on people in your "out groups." Affinity bias has been well-documented in major league sports. A series of research studies analyzing foul calls in NBA games demonstrates the powerful impact of simply being aware of affinity bias. In the first of three studies examining data from 13 seasons (1991–2004), researchers discovered that referees called more fouls against players who were not the same race as the referee, and these disparities were large enough to affect the outcomes in some games.[13] Based on a number of studies documenting the existence of "in group" or affinity bias in other realms, the researchers inferred that the differential in called fouls was mostly happening on an unconscious level.

The findings of the first study, released in 2007, were criticized by the NBA, resulting in extensive media coverage. The researchers subsequently conducted two additional studies—one using data from basketball seasons before the media coverage (2003–06) and the other focusing on the seasons after the publicity (2007–10). The results were striking. In the seasons before referees became aware they were calling fouls disparately, the researchers replicated the findings from the initial study. Yet after the widespread publicity, there were no appreciable disparities in foul-calling.

The lesson to be learned from this research is that paying attention to your own affinity bias and auditing your behaviors can help you interrupt and perhaps even eliminate this type of implicit bias. Ask yourself the following questions:

- How did I benefit from affinity bias in my own career? Did someone in my affinity group give me a key opportunity that contributed to my success? Many lawyers insist they "pulled themselves up by their own bootstraps" but upon reflection have to acknowledge they were given key opportunities—especially from mentors and sponsors. Barry Switzer famously highlighted this tendency when he observed that "some people are born on third base and go through life thinking they hit a triple."[14]
- Who are my usual favorites or "go to" lawyers in the office or practice group?
- With whom am I more inclined to spend discretionary time, go to lunch, and participate in activities outside of work?
- Do I hold back on assigning work to attorneys from underrepresented groups until others vouch for their abilities?
- When I go on client pitches, do I always take the same people?
- Who makes me feel uncomfortable and why?
- Who do I avoid interacting with or giving candid feedback to because I just don't know how to relate to them or because I'm afraid I'll make mistakes?
- To whom do I give second chances and the benefit of the doubt (e.g., the people in my "in group") and who do I judge by group stereotypes and, therefore, fail to give second chances?

It is easy for skeptics to dismiss inequities described by attorneys in underrepresented groups (or even the research studies documenting the disparate impact of hidden barriers) until they are presented with concrete evidence that some people simply have more access to opportunities that play a critical, but mostly unacknowledged, role in any attorney's success. Thus, when implementing inclusiveness initiatives, it is important to actually count who has access to work-related opportunities, such as going on client pitches or participating in meaningful assignments, to counteract skeptics' tendency to not believe what they don't (or won't) see.

Research scientists are learning more about how implicit biases operate, including methods for uncovering and interrupting them.[15] While it is not yet clear whether implicit biases can be completely eliminated, certain techniques have been shown to lessen bias and disrupt its impact. To rescript your unconscious thoughts and interrupt implicit biases, you have to work your "ABS": first, develop *Awareness* of those biases, and then make the *Behavior* and *Structural* changes required to disrupt them.

Awareness

If you make conscious negative judgments about groups that are based on stereotypes, you can challenge your thinking by asking yourself why: Why am I bothered by people in that group? Why do I or why should I care about that? Why do I persist in thinking all members of that group engage in that stereotyped behavior? Then actively challenge those beliefs every time they are activated. Overriding stereotypes takes a conscious act of will, whereas the activation of stereotypes does not, because they are often embedded in your unconscious mind.

Two easy ways to develop awareness of your unconscious biases are:

1. Keep track of your surprises (i.e., instances when something you expected turned out to be quite different).[16] Those surprises offer a window into your unconscious. For example, when you pass a slow-moving car impeding the flow of traffic, do you expect to see a very elderly driver behind the wheel? When you see that the driver is actually younger, does that surprise you? You may truly believe you are not consciously

biased against the elderly, but you reflexively presumed that the slower driver was elderly. That is a product of unconscious bias. How could that attitude influence decision-making in other areas, such as in interactions with more senior colleagues, witnesses, jurors, or clients?

2. Take a free, anonymous implicit association test (IAT) online at implicit.harvard.edu/implicit/selectatest.html. This series of tests, sponsored by Harvard University and taken by millions of people since the late 1990s, can reveal areas where you unknowingly harbor unconscious biases. There are over a dozen different tests, measuring unconscious bias with respect to disability, race, age, gender, gender roles, mental health, weight, sexual orientation, religion, and more. The tests measure how quickly or slowly you associate positive or negative words with different concepts. Your unconscious, immediate assumptions reveal themselves in the delayed responses measured by the computer when you struggle to connect words and concepts that are not as readily associated. You might not like, or be in denial with respect to, some of the test results, but they can be useful in revealing often uncomfortable truths about what your unconscious mind is up to.

While awareness is necessary, it is not sufficient, by itself, to interrupt unconscious bias. Behavior changes are also essential.

Behavior Changes

Like correcting a bad habit, you can retrain yourself to think in less biased and stereotyped ways.[17] Motivation is key; research shows that people who seek to be fair and unbiased are more likely to be successful in purging their biases.[18]

Researchers have identified strategies people can use to change their behaviors to overcome bias. They include the following:

Retrain your brain. "The 'holy grail' of overcoming implicit bias is to change the underlying associations that form the basis of implicit bias."[19] To do so, you need to develop the ability to be self-observant. Pay attention to your thinking, assumptions, and behaviors and then acknowledge, dissect, and alter automatic responses to break the underlying associations.

Actively doubt your objectivity. Take the time to review your decisions (especially those related to people and their careers) and search for indicia of bias; audit your decisions to ensure they don't disparately impact people in other groups. Pause before you make a final decision. Question your assumptions and first impressions. Ask others for feedback to check your thought processes. Ask yourself if your decision would be different if it involved a person from a different social identity group. Finally, justify your decision by writing down the reasons for it. This will promote accountability, which can help make unconscious attitudes more visible.

Be mindful of snap judgments. Take notice every time you jump to conclusions about a person belonging to a different social identity group (like the slow driver). Have a conversation with yourself about why you are making judgments or resorting to stereotypes. Then resolve to change your attitudes.

Oppose your stereotyped thinking. One of the best techniques seems odd but has been shown to have a lasting effect: think of a stereotype and say the word "no" and then think of a counter-stereotype and say "yes." People who do this have greater long-term success in interrupting their unconscious bias with respect to that stereotype.[20] To decrease your implicit biases, you might also want to limit your exposure to stereotyped images; for instance, consider changing the channel if the TV show or song features stereotypes.

Deliberately expose yourself to counter-stereotypical models and images. For example, if it is easier for you to think of leaders as male, study successful female leaders to retrain your unconscious to make the connection between leaders and both women and men. Research has shown that simply viewing photos of women leaders helps reduce implicit gender bias.[21] Even the Harvard professor who invented the IAT—Dr. Mahzarin Banaji—has acknowledged she has some gender bias. To interrupt it, she put rotating photographs on her computer screensaver that are counter-stereotypical, including one depicting a female construction worker feeding her baby during a work break.

Look for counter-stereotypes. Similarly, pay more attention and be more consciously aware of individuals in counter-stereotypic roles (e.g., male nurses, female airline pilots, athletes with disabilities, and stay-at-home dads).

Remind yourself that you have unconscious bias. Research shows that people who think they are unbiased are actually more biased than those who acknowledge they have biases.[22] There is a Skill Pill mobile app on managing unconscious bias available for enterprise usage (skillpill.com). If you play this short app before engaging in hiring, evaluation, and promotion decisions, it could help you interrupt any unconscious biases. But you don't need an app to prompt yourself to be mindful of implicit bias and its impact. You could create a one-page reminder sheet that accompanies every evaluation form or candidate's résumé, for instance.

Engage in mindfulness exercises on a regular basis, or at least before participating in an activity that might trigger stereotypes (e.g., interviewing a job candidate).[23] Research shows that mindfulness breaks the link between past experience and impulsive responses, which can reduce implicit bias.[24]

Engage in cross-difference relationships. Cultivate work relationships (or personal relationships outside of work) that involve people with different social identities.[25] This forces you out of your comfort zone and allows your unconscious to become more comfortable with people who are different. Those new relationships will also force you to dismantle stereotypes and create new types of thinking—both conscious and unconscious. So find ways to mentor junior colleagues who are different from you in one or more dimensions (gender, race, age, religion, parental status, etc.), and ask them how they view things. This will open you up to new ways of perceiving and thinking.

Mix it up. Actively seek out cultural and social situations that are challenging for you—where you are in the distinct minority or are forced to see or do things differently. For example, go to a play put on by PHAMILY (an acting troupe of people with mental and physical disabilities) or attend a cultural celebration that involves customs and people you have never been exposed to. The more uncomfortable you are in these situations, the more you will grow and learn.

Shift perspectives. Walk in others' shoes; look through their lenses to see how they view and experience the world. Join a group that is different (e.g., be the male ally in the women's affinity group). This will help you develop empathy and see people as individuals instead of lumping them into a group and applying stereotypes.[26] And if you're really serious about reducing implicit racial bias, research shows that picturing yourself as having a different race results in lower scores on the race IAT.[27]

Find commonalities. It is also useful to look for and find commonalities with colleagues who have different social identities from yourself.[28] Do they have pets? Are their children attending the same school as your children? Do they also like to cook, golf, or volunteer in the community? You will be surprised to discover how many things you have in common. Research shows that when you deliberately seek out areas of commonality with others, you will behave differently toward them and exhibit less implicit bias.[29]

Reduce stress, fatigue, cognitive overload, and time crunches. We are all more prone to revert to unconscious bias when we are stressed, fatigued, or under severe cognitive load or time constraints.[30] Relax and slow down decision-making so that your conscious mind drives your behavior with respect to all people and groups.[31]

Give up being color/gender/age blind. Don't buy into the popular notion that you should be blind to differences; it is impossible and backfires anyway. Your unconscious mind sees and reacts to visible differences, even if you consciously believe you don't. Research demonstrates that believing you are blind to people's differences actually makes you more biased.[32] The better course is to acknowledge these differences and work to ensure they aren't impairing your decision-making—consciously or unconsciously. The world has changed. In the 20th century, we were taught to avoid differences and there was an emphasis on assimilation (the "melting pot"). In the 21st century, we know that being "difference-seeking" and inclusive actually causes people to work harder cognitively,[33] which leads to better organizational performance and a healthier bottom line. Today's mantra should be: "I need your differences to be a better thinker and decision-maker, and you need mine too."

Awareness of implicit bias is not enough. Self-monitoring is also insufficient. Individual behavior changes often have to be supported and encouraged by structural changes to have the greatest impact on interrupting implicit biases.

Structural Changes

Highly skilled, inclusive leaders make concerted efforts to ensure that hidden barriers are not thriving on their watch. Because bias flourishes in unstructured, subjective practices, leaders should put structured, objective practices and procedures in place to help people interrupt their unconscious biases. Just knowing there is accountability and that you could be called on to justify your decisions with respect to others can decrease the influence of implicit bias.[34]

Leaders, in conjunction with a diversity and inclusiveness (D+I) committee, can examine all systems, structures, procedures, and policies for hidden structural inequities and design action plans to make structural components inclusive of everyone. Structural changes should be designed to address the hidden barriers first, because research shows that these are the most common impediments.

To make the invisible visible with respect to mentorship and sponsorship, one firm simply added the following question to its partners' end-of-year evaluation form: "Who are you sponsoring?"

This simple but profoundly illuminating question allowed firm leaders determine who was falling through the cracks. The firm then created a D+I Action Plan with a focus on mentorship and sponsorship. The firm is currently implementing a "Culture of Mentorship" to ensure that all attorneys receive equitable development opportunities so they can do their best work for the firm. After all, a business model where some attorneys are cultivated and others are not makes no sense; the organization could accomplish so much more if every one of its human capital assets operated at the highest level possible. Imagine the enhancement to the bottom line for organizations that are inclusive and have eliminated hidden barriers to success for everyone.

There are dozens of structural changes that can be made, ranging from small to large. But the structural change with the most potential for lasting change is a D+I competencies framework. Recently, a two-year study of more than 450 companies by Deloitte determined that the talent management practices that predicted the highest performing companies all centered on inclusiveness.[35] Many companies that have instituted D+I competencies and hold employees accountable for inclusive behaviors in their job duties and responsibilities are making real progress with respect to diversity. For example, at Sodexho, implementation of D+I competencies has resulted in "double digit growth in representation of women and minorities."[36]

This type of framework is critical in any legal organization. Many people would do more with respect to inclusiveness if they just knew what to do. Competencies define behaviors along an easily understandable scale—are you unskilled, skilled, or highly skilled in inclusiveness (and, therefore, contributing to the organization's success in more meaningful ways)? This key component was lacking in the legal industry, so I wrote and published a book in 2015: *Going All In on Diversity and Inclusion: The Law Firm Leader's Playbook*. This book contains individual and organizational competencies frameworks, as well as the tools and strategies law firm leaders need to address the hidden barriers, identify the unconscious biases that allow those barriers to thrive, and make genuine progress on diversity and inclusion.

Examples of Bias-Breaking Activities: Stories from the Front Lines

Implementing the de-biasing strategies outlined above is not a "one and done" proposition. It is an ongoing process and must become second-nature to be most effective. Once you start implementing these strategies, the lessons learned will be impactful.

I teach a class at the University of Denver Sturm College of Law on "Advancing Diversity and Inclusion," which includes a session on unconscious biases. As part of their learning experience, I ask my students to engage in some of the activities outlined above and write short essays on what they discovered or learned. They have had some eye-opening experiences that will help them interrupt their own implicit biases and make them better decision-makers as practicing lawyers.

For instance, one student who is not very religious visited a local mosque to learn more about Muslim people and their faith. The student attended a presentation on Islam during an open house and observed the members during prayer. His experience gave him more familiarity and comfort with a group of people that is currently widely disparaged and stereotyped.

After taking an IAT that revealed an unconscious bias against older people and consciously acknowledging he avoids his older colleagues at work, another student decided to confront this tendency by finding commonalities with them. Specifically, the student knew that he shared an interest in gardening with an older colleague with whom he would be working on an upcoming project. So he deliberately struck up a conversation with this coworker about gardening and found it was then easier to work with him on the project.

Another student decided to consciously observe his reflexive thought processes by noticing what he was thinking or how he reacted to different people and then opposing any stereotyped thoughts. While attending a basketball game, he saw a black man dressed in medical scrubs enter the gym. Immediately, the student observed that he was trying to figure out what the man did for a living. The student noticed that he assumed the man worked as an x-ray technician or medical assistant. At that point, he realized that the man's race and gender might be triggering these assumptions and the student then visualized the man as a nurse, a home health-aid worker, or a physician. This student wrote that the exercise made him aware of how often he jumps to conclusions about others based on visible cues and makes assumptions that might be completely wrong.

A female student decided to doubt her own objectivity with respect to how she viewed the support staff at her company. She believes she's a gender champion but was surprised to realize that she really doesn't view the support staff (mostly women) as favor-

ably as the sales staff (mostly men). She decided to picture women in sales positions and men in support positions to try to retrain her unconscious mind and the assumptions she was used to making.

Another student, who is white and grew up in an all-white community, chose to observe the "Black Lives Matter" demonstration and participate in the Martin Luther King Day parade. She also later attended a Sunday service at an all-black church and wrote this about the experience:

> Overall it was a good experience because I think being uncomfortable can be good for a person. Looking back, I really had no reason to be uncomfortable because everyone was very nice and welcoming; my uneasiness was made up in my head based on assumptions I feared people would make about me.

Putting yourself in situations that are uncomfortable and observing your own attitudes, judgments, and behaviors can flip a switch in your brain and help you learn new ways of thinking and interacting with others. The real-world impact of this is illustrated by a story told to me by an in-house attorney who reassessed a biased assumption before it had an impact on someone else's career. The attorney met with a group of people at her company to discuss staffing a challenging position that would require a lot of travel. The name of a qualified female employee candidate was proposed. The lawyer knew the candidate was a single mother of a toddler and immediately suggested to the group that it might be very difficult for a single mother to handle the extensive travel required. Effectively, this comment removed the woman from consideration. Later, the lawyer attended a workshop on unconscious bias. She realized that she'd made assumptions that might not be true. The lawyer met with the female employee and asked her if she was able to travel for business. The female employee said that travel wasn't an impediment because she had several family members nearby who could help care for her child while she was out of town. The lawyer immediately went back to the group and explained her mistake, asking that the female employee's name be included for consideration for the position.

Conclusion

Many attorneys, judges, and other law professionals in the Colorado legal community are pioneers when it comes to diversity and, particularly, inclusion. Ten years ago, with the establishment of the Deans' Diversity Council, this legal community was the first in the country to focus on the new paradigm of inclusiveness and how it must be added to traditional diversity efforts to make diversity sustainable. The three-part dialogue on unconscious bias featured in *The Colorado Lawyer* was truly ground-breaking because it addressed challenges not often discussed openly.

The next step is to take action, on an individual and organizational basis, to eliminate hidden barriers and interrupt the unconscious biases that fuel those barriers. It should be deeply concerning to everyone that good, well-meaning people are doing more to foster inequities in the legal workplace—unintentionally and unknowingly—just by investing more in members of their affinity or "in groups" than the harm caused by outright bigotry. This unfortunate dynamic will change only when we come to terms with the fact that we all have biases—conscious and unconscious—and begin to address those biases. Good intentions are not enough; if you are not intentionally including everyone by interrupting bias, you are unintentionally excluding some.

So now, ask yourself, are you up to this challenge?

Notes

1. In a randomized, double-blind study, science faculty rated John, the male applicant for a lab manager position, as significantly more competent than Jennifer, the female candidate, awarding him an average starting salary more than 10% higher and volunteering to mentor him more often than Jennifer, even though she had the exact same credentials and qualifications. The insidious role of unconscious bias was revealed in the finding that the female evaluators were equally as likely as their male colleagues to exhibit bias for John and against Jennifer. Moss-Racusin et al., "Science faculty's subtle gender biases favor male students," *Proceedings of the National Academy of Sciences* (Sept. 2012), www.pnas.org/content/109/41/16474.abstract.

2. Matthews, "He Dropped One Letter in His Name While Applying for Jobs, and the Responses Rolled In," *Huffington Post* (Sept. 2, 2014), www.huffingtonpost.com/2014/09/02/jose-joe-job-discrimination_n_5753880.html.

3. Bertrand and Mullainathan, "Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination," *The National Bureau of Economic Research* (July 2003), www.nber.org/papers/w9873.

4. Sandgrund, "Can We Talk? Bias, Diversity, and Inclusiveness in the Colorado Legal Community: Part I—Implicit Bias," 45 *The Colorado Lawyer* 49 (Jan. 2016), www.cobar.org/tcl/tcl_articles.cfm?articleid=9166; Sandgrund, "Can We Talk? Bias, Diversity, and Inclusiveness in the Colorado Legal Community: Part II—Diversity," 45 *The Colorado Lawyer* 49 (Feb. 2016), www.cobar.org/tcl/tcl_articles.cfm?articleid=9155; Sandgrund, "Can We Talk? Bias, Diversity, and Inclusiveness in the Colorado Legal Community: Part III—Inclusiveness," 45 *The Colorado Lawyer* 67 (Mar. 2016), www.cobar.org/tcl/tcl_articles.cfm?articleid=9179.

5. Banaji and Greenwald, *Blindspot: Hidden Biases of Good People* 61 (Delacorte Press, 2013).

6. *Id.* at 55.

7. *Id.* at 20.

8. Sandgrund, Part I, *supra* note 4 at 48.

9. Reeves, "Yellow Paper Series: Written in Black & White—Exploring Confirmation Bias in Racialized Perceptions of Writing Skills" (Nextions Original Research, 2014), www.nextions.com/wp-content/files_mf/1446822647201404011 4WritteninBlackandWhiteYPS.pdf.

10. *Id.* at 5.

11. *See* New York City Bar Association, "2014 Diversity Benchmarking Report" (2015), www.nycbar.org/images/stories/pdfs/diversity/benchmarking2014.pdf.

12. American Bar Association (ABA), "Visible Invisibility: Women of Color in Law Firms" (2006), http://bit.ly/1DNJRza; ABA, "From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms" (2009), www.americanbar.org/content/dam/aba/administrative/diversity/Convocation_2013/CWP/VisiblySuc-

cessful-entire-final.authcheckdam.pdf; ABA, "Visible Invisibility: Women of Color in Fortune 500 Legal Departments" (2013), http://bit.ly/1bZFxWQ; Bagati, "Women of Color in U.S. Law Firms," Catalyst, Inc. (2009), http://bit.ly/1EvTogK; Cruz and Molina, "Few and Far Between: The Reality of Latina Lawyers," Hispanic National Bar Association (Sept. 2009), http://bit.ly/1dxLPxh; Women's Bar Association of the District of Columbia, "Creating Pathways for Success for All: Advancing and Retaining Women of Color in Today's Law Firms" (May 2008), http://bit.ly/1DZYgYa; Minority Corporate Counsel Association, "Sustaining Pathways to Diversity: The Next Steps in Understanding and Increasing Diversity and Inclusion in Large Law Firms" (2009), http://bit.ly/1biQdyh; Corporate Counsel Women of Color, "The Perspectives of Women of Color Attorneys in Corporate Legal Departments: Research Report" (2011).

13. Pope et al., "Awareness Reduces Racial Bias," Economic Studies at Brookings (Feb. 2014), www.brookings.edu/~/media/research/files/papers/2014/02/awareness-reduces-racial-bias/awareness_reduces_racial_bias_wolfers.pdf.

14. *See* Shatel, "The Unknown Barry Switzer: Poverty, Tragedy Built Oklahoma Coach Into a Winner," *The Chicago Tribune* (Dec. 14, 1986), http://articles.chicagotribune.com/1986-12-14/sports/8604030680_1_big-eight-coach-aren-t-many-coaches-oklahoma.

15. One of the best resources for information on bias is an annual review by the Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University: Staats et al., "State of the Science: Implicit Bias Review 2015" (Kirwan Institute, 2015), http://kirwaninstitute.osu.edu/wp-content/uploads/2015/05/2015-kirwan-implicit-bias.pdf; Staats, "State of the Science: Implicit Bias Review 2014" (Kirwan Institute, 2014), http://bit.ly/Sabh1y; Staats and Patton, "State of the Science: Implicit Bias Review 2013" (Kirwan Institute, 2013), http://bit.ly/1KynIcC.

16. Reeves, *The Next IQ: The Next Level of Intelligence for 21st Century Leaders* (ABA, 2012). *See also* Lieberman and Berardo, "Interview Bias: Overcoming the Silent Forces Working against You," *Experience*, http://bit.ly/1GLnTD1.

17. "Implicit biases are malleable; therefore, the implicit associations that we have formed can be gradually unlearned and replaced with new mental associations." Staats et al., *supra* note 15 (citing Blair, 2002; Blair et al., 2001; Dasgupta, 2013; Dasgupta and Greenwald, 2001; Devine, 1989; Kang, 2009; Kang and Lane, 2010; Roos et al., 2013).

18. Rachlinski et al., "Does Unconscious Racial Bias Affect Trial Judges?" 84 *Notre Dame L.Rev.* 1195 (Mar. 2009).

19. Staats and Patton, *supra* note 15.

20. Kawakami et al., "Just Say No (to Stereotyping): Effects of Training in the Negation of Stereotypic Associations on Stereotype Activation," 78 *J. of Personality and Social Psychology* 871 (May 2000).

21. *See* Jolls and Sunstein, "The Law of Implicit Bias," 94 *California L.Rev.* 969–96 (2006). *See* also Blair and Lenton, "Imaging Stereotypes Away: The Moderation of Implicit Stereotypes through Mental Imagery," 8 *J. of Personality and Social Psychology* 828 (May 2001).

22. Uhlmann and Cohen, "'I Think It, Therefore It's True': Effects of Self-Perceived Objectivity on Hiring Discrimination," 104 *Organizational Behavior and Human Decision Processes* 207 (2007).

23. Mindfulness helps you be more aware; to identify, tolerate, and reduce unproductive thoughts and feelings; to resist having your attention pulled away from what is happening in the moment; to have some mastery over your thought processes; and to reduce stress. For examples of mindfulness exercises, visit the Living Well website at www.livingwell.org.au/mindfulness-exercises-3. Also recommended is Stanford Professor Shirzad Chamine's book, *Positive Intelligence: Why Only 20% of Teams and Individual Achieve Their True Potential and How You can Achieve Yours* (Greenleaf Group Book Press, 2012) and website, www.positiveintelligence.com.

24. Suttie, "Can Mindfulness Help Reduce Racism?" *Greater Good: The Science of a Meaningful Life* (Dec. 9, 2014), http://bit.ly/1zL2oLf; Torres, "Mindfulness Mitigates Biases You May Not Know You Have," *Harvard Business Rev.* (Dec. 24, 2014).

25. Brannon and Walton, "Enacting Cultural Interests: How Intergroup Contact Reduces Prejudice by Sparking Interest in an Out-Group's Culture," 79 *J. of Personality and Social Psychology* 631 (Aug. 2013); Kellogg Insight, "Stacking the Deck against Racism" (Oct. 1, 2008), http://bit.ly/1bZUB6H. *See also* Pettigrew, "Generalized Intergroup Contact Effects on Prejudice," 23 *Personality and Social Psychology Bulletin* 173 (Feb. 1997); Pettigrew and Tropp, "A Meta-Analytic Test of Intergroup Contact Theory," 90 *J. of Personality and Social Psychology* 751 (May 2006).

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28. Gaertner, *Reducing Intergroup Bias: The Common In-group Identity Model* (Psychology Press, 2000) (When we re-categorize others according to features or characteristics we share, we are more likely to see them as part of us and are less likely to discriminate against them as an out group).

29. Gaertner and Dovidio, "Common Ingroup Identity Model," *The Encyclopedia of Peace Psychology* (2011).

30. Stepanikova, "Racial-Ethnic Biases, Time Pressure, and Medical Decisions," 53(3) *J. of Health and Social Behavior* 329 (July 2012).

31. Kang, "Communications Law: Bits of Bias," in Levinson and Smith, eds., *Implicit Racial Bias across the Law* 132 (Cambridge University Press, 2012).

32. Richeson and Nussbaum, "The impact of multiculturalism versus color-blindness on racial bias," 40 *J. of Experimental Social Psychology* 417 (2004), http://groups.psych.northwestern.edu/spcl/documents/colorblind_final_000.pdf.

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34. Green and Kalev, "Discrimination-Reducing Measures at the Relational Level," 59 *Hastings L.J.* 1435 (June 2008); Kang et al., "Implicit Bias in the Courtroom," 590 *UCLA L.Rev.* 1124 (2012).

35. Bersin, "Why Diversity and Inclusion Will Be a Top Priority for 2016," *Forbes* (Dec. 6, 2015), www.forbes.com/sites/joshbersin/2015/12/06/why-diversity-and-inclusion-will-be-a-top-priority-for-2016/#aea220f4bd40.

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