The Implicit Association Test And Employment Discrimination Litigation

Stuart B. Kleinman MD, Trauma and Stress Committee

Psychological test data may be inordinately persuasive to jurors, especially those who skeptically regard psychiatry. Merely the term "test" may imbue psychological test data with inordinate credibility. The weight accorded such is especially likely to be great when they are numerically presented.

The concept of implicit bias, i.e., automatic or unconscious bias, has been increasingly considered in the criminal justice system, particularly in relation to how jurors assess witness testimony, and by police departments, with regard to how law enforcement personnel respond to individuals of a different race. The Implicit Association Test (IAT) [1], a quantitative measure of unwitting bias, is now often utilized to attempt: 1) to improve the judgment and conduct of police officers reacting to individuals belonging to groups prone to be stereotypically perceived as violent, and 2) to support claims of discriminatory employer actions. With such recent high-profile incidents as the 2018 arrest of two African-American men who were reported to be waiting in a Philadelphia Starbucks store for a meeting to begin, and Starbucks' subsequent closing of over 8000 US stores for an afternoon to implement training intended, it explained, to help employees recognize potential unconscious bias, it is likely that the IAT and similar instruments will become an even greater component of Title VII and related litigation. Reflecting the impetus for such, the Mayor of Philadelphia requested that the Commission on Human Relations investigate "the extent of, or need for, implicit bias training" of Starbucks' employees.

The IAT constitutes a response latency task which was developed to measure implicit attitudes, especially implicit stereotyping, and is premised upon tasks involving regularly practiced associations being more rapidly performed than tasks which do not, i.e., automatic thoughts or preferences generate faster responses than those requiring deliberation. For example, amongst those with a preference for dogs versus cats, pro-dog keys, which associate dogs with "good" attributes, and cats with "bad" ones, will more rapidly be pressed than pro-cat keys, which link dogs with "bad" attributes, and cats with "good" ones. Similarly, IAT testing of attitudes or stereotypes regarding African-Americans involves pressing keys which link black faces and words reflecting "good" attitudes or stereotypes, and white faces and words reflecting "bad" attitudes or stereotypes, and then keys which link black faces and negative terms, and white faces and positive terms. Typically, milli-seconds distinguish response times. Faster responses to black faces and negative terms than to white faces and the same negative terms are considered to reflect "automatic preferences," representing unconscious bias and a predilection for discrimination against African-Americans. The magnitude of such predilection, particularly the likelihood of consequent actual discriminatory behavior (assuming that the IAT, in fact, measures such bias) is greatly disputed.

Challenges to use of the IAT to support that employment decisions were illegally discriminatory have been based on Federal Rule 702, specifically the scientific merit of the IAT and the associated Daubert criteria, and Federal Rule 403, and whether testimony invoking the IAT is more prejudicial than probative. Testimony of the IAT's primary progenitor, Dr. Greenwald, regarding the IAT was, for example, admitted in *Samaha v. Washington State Department of Transportation* [2], in which the Court, relying upon the Advisory Committee Notes to the 2000 amendments to Rule 702: 1) found "the concept of implicit bias and stereotypes is relevant to the issue of whether an employer intentionally discriminated against an employee", and 2) permitted testimony about "general principles" of implicit bias to educate jurors regarding a concept which the Court determined they might not otherwise understand. In contrast, Dr. Greenwald's testimony was excluded in *Karlo v. Pittsburgh* [3], in which the Court found his proffered opinion was not based on sufficiently reliable data, and did not sufficiently fit the circumstances of the alleged discriminating employer.

Reflecting the import of the concept of implicit bias to the judiciary, and suggesting its potential wider influence, implicit bias was specifically cited in the majority decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* [4], a case in which the Supreme Court decided in a 5 to 4 vote that Congress intended disparate impact claims to be cognizable under the Fair Housing Act, but require the plaintiff to prove that defendant policies caused the claimed disparity. Justice Kennedy wrote, "Recognition of disparate-impact liability under the FHA also plays a role in uncovering discriminatory intent. It permits plaintiffs to counteract unconscious prejudices and disguised animus that escape easy classification as disparate treatment."

A 2009 meta-analysis by Greenwald et al [5] based on 122 studies, and 184 independent samples, estimated the average predictive validity effect size (r) across nine domains of criteria measures to be .274, which the authors characterized as "moderate." In contrast, the average criterion correlation of self-report measures was greater, i.e., .361. However, relevant to the issue of employment discrimination, IAT measures were found to have greater predictive validity than self-report measures with regard to criterion measures of interracial behavior and of other intergroup behavior, although with only a (r) of .24 for interracial behavior, and .20 for other intergroup

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behavior. Greenwald et al further asserted that the magnitude of the correlations was "inevitably attenuated," "due to unreliability of both predictor and criterion measures," and calculated "crudely approximated" disattenuated correlations of .409 for the average predictive validity of IAT measures, and .438 for self-report measures. In contrast, Oswald et al, [6] who have vigorously criticized Greenwald et al's findings on many grounds, conducted their own meta-analysis of the studies employed in the 2009 Greenwald et al meta-analysis, and using different methodology found a much weaker correlation between IAT scores and criterion measures. Rather than .24 and .20 correlations for interracial and for other intergroup behavior, they found overall correlations of .15 and .12. IAT score was found to correlate only with fMRI measures of brain activity, and they note, "IATs, whether they were designed to tap into implicit prejudice or implicit stereotypes, were typically poor predictors of behavior, judgments, or decisions that have been studied or instances of discrimination, regardless of how subtle, spontaneous, controlled, or deliberate they were." Explicit measures were also found to be weak predictors, but performed no worse, and in some instances better, than the IAT in predicting policy preferences, interpersonal behavior, person perceptions, reaction times, and microbehavior. Importantly, no empirical linkage was identified between the fMRI studies, and actual verbal or non-verbal behavior. Also significantly, although fMRI activity highly correlated with the IAT, null results are not reported in the published neuroimaging studies included in the meta-analysis.

Oswald et al [7] subsequently noted in 2015, that Greenwald et al [8] acknowledge that the overall estimates of (IAT measured) implicit bias effect size derived from meta-analysis are small per conventional standards, but regard such as societally significant, specifically, "large enough to explain discriminatory impacts that are societally significant either because they can affect many people simultaneously or because they can affect single persons repeatedly," and that "this level of correlational predictive validity of IAT measures represents potential for discriminatory impacts with very substantial societal significance." Oswald et al, in contrast, assert that "conceptual and empirical support" for this conclusion is "lacking." They observe, for example, that their own finding of a .07 mean correlation between the race IAT and microaggression toward African Americans contradicts the understanding that implicit bias is primarily expressed via subtle, negative behaviors.

A central criticism of the application of the IAT to behavior, particularly decision-making, is its ecological validity. Although, for example, the race IAT has been administered millions of times (Project Implicit), there has been virtually no study of the IAT in relation to real world decision-making, including specifically the many variables that may moderate such. The author of this article is aware of only one study, a 2015 study by Derous et al [9], in which the IAT has been administered fully in conjunction with real world employment-related decision making. In this study, Dutch recruiters reviewed applicants' resumes to screen for various positions. Explicit prejudice predicted greater effect against Arab applicants than did implicit prejudice. In contrast, implicit sexism regarding women produced greater effects than did explicit sexism, but only for women applying for a high client contact position. Such demonstrates the importance of ecological validity, to the extent implicit bias affects decision making, it may do so only in certain situations.

Rooth [10] in 2010 reported on a "semi-real world" study, in which employers/recruiters were asked to review fictitious resumes, and paid the Swedish equivalent of $39 to do so. Problematically, only 193 of 729 employers, i.e. 26%, completed the IAT and a proffered questionnaire in one of the experiments, and only 158 of 811 employers, i.e., 19%, completed the IAT and questionnaire in the other experiment. The study, which used both the IAT stereotype, and IAT attitude measures, found a statistically significant, 5% lower probability of a callback interview for "Arab-Muslim" named applicants, and "strong and consistent" negative correlations between the IAT score, and the probability of an individual with an "Arab-Muslim sounding name" being invited for an interview. Explicit measures demonstrated no such correlation. Oswald et al [7], however, note that Rooth did not report the specific IAT-criterion correlations, but that Greenwald et al [8] obtained the correlations or data, and reported only small correlations between IAT scores and the likelihood of seeking to interview "Arab-Muslim" applicants. Additionally, they identify what they consider to be important methodological limitations of Rooth's study.

Courts have expressed concern regarding using the IAT to support that specific employment decisions were discriminatory. Illustrating such, the Court in *Karlo* wrote, in precluding Greenwald's testimony, "The Court also finds that Greenwald's methodology is unreliable, to the extent that the IAT informed his analysis and provided a basis for his opinion that most people experience implicit bias. Although it has been taken more than fourteen million times, Dr. Greenwald cannot establish that his publicly available test was taken by a representative sample of the population Dr. Greenwald also fails to show that the data is [sic] not skewed by those who self-select to participate, without any controls in place to, for example, exclude multiple retakes or account for [sic] any external factors on the test taker." Similarly, the *Court in Pippen v. State of Iowa* [11], in precluding Dr. Greenwald's testimony, wrote, "meta-analysis only allows conclusions as to correlation, not causation."

A crucial, but relatively unexplored consideration when using the

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Mature Minors

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ty to consent" standard in addition to a general "informed consent" standard.

States that utilize a separate "maturity to consent" standard generally consider variables such as age, level of education, life experience, separateness from parents, academic achievement, extracurricular experiences, work experience, disciplinary history, and the youth's report of future plans. In order to be considered "mature minors," youth generally must demonstrate maturity to consent by "clear and convincing evidence." Below are a few examples of different state statutes, which demonstrate the variability of states' approach to this issue[4]:

- AL (Al. Stat. Ann. 22-8-4): Minors aged ≥ 14 have authority to consent to any legally authorized medical, dental, health, or mental health services. No separate evaluation of maturity required.
- PA (35 Pa. Cons. Stat. Ann. 10101): "Minors" aged ≥ 18 and HS graduates have consent authority
- NV (Nev. Stat. Ann. 129 030): Minors not otherwise emancipated, who are capable of meeting informed consent standard, have consent authority, but only when a physician believes the youth is "in danger of suffering a serious health hazard if health care services not provided"
- OR (Or. Stat. Ann. 109.640): Minors aged ≥ 15 have consent authority; may not apply to refusal of treatment[5]

As can be seen by Oregon's statute and case law, legislators and courts generally require that a youth be "more mature" to refuse (as oppose to consent to) medical treatment, particularly that treatment which may be crucial or potentially life-saving. Although a strong deference is given to parental and/or youth preference, particularly when religiously-motivated (e.g., *In re E.G.* (1989)[6]), a youth's treatment refusal decision can be overridden by a judicial officer, particularly if the youth's decision-making capacity is suspect and/or the youth's treatment refusal decision seems based on less substantive factors (e.g., *In re Cassandra C.* (2015)).

After six months of chemotherapy, Cassandra Callender was in remission from her lymphoma. Unfortunately, it returned nine months later, and her prognosis at this point is unclear. Although her case has resolved, the "mature minor doctrine" continues to evolve and be employed in a variety of permutations across the US. Treating psychiatrists, and forensic psychiatrists who are called upon to evaluate youths' capacity to give informed consent and "maturity to consent," would be well-served to keep abreast of their jurisdiction's case law and statutes regarding this topic. As case law and statutes involving this doctrine continue to evolve, forensic psychiatrists as individuals and AAPL as an organization once again will have the requisite expertise to positively inform and shape policymakers' approach to this issue.

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IAT to assess specific litigant decision-making is potential test manipulation, specifically intentional slowing of response time. Suggesting such to be of significant concern, Fiedler and Bluemke [12], and Steffens [13] found that without instruction, individuals were able to fake IAT responses, although in one of the studies [12], participants were informed of the centrality of reaction times, and significant faking effects depended upon prior test taking, i.e., test knowledge. Two "experts" could not detect faking in this study. Steffens similarly noted the difficulty of detecting faking, and wrote, "We think our findings show that caution is mandatory when regarding the IAT as a test that is not controllable by the individual performing it. Whereas it may be true that the IAT usually measures automatic behavior, test scores can be contaminated by intentional, controlled behavior."

In contrast, Schnabel, Banse, and Asendorpf [14] found that a shyness IAT could not be readily faked, and a study by Cvencek, et. al. [15] found that the use of an index of "combined task slowing" could detect faking with 75% accuracy among the 47 introductory psychology students who were instructed to deliberately slow their responses on gender identity IATs. The ecological utility of Cvencek et. al.'s measure is unknown.

Numerous factors most probably moderate the relationship between implicit attitudes and behavior, just as they influence how explicit attitudes affect behavior. Factors that likely varyingly shape employer or supervisor decision-making include, for example, accountability for production, incentives promoting effective team operation and "successful" results or outcomes, and individuating information. The latter may importantly facilitate positive appraisal of a person who belongs to a group (or groups) which a decision-maker explicitly and/or implicitly generally negatively regards. Oswald, et. al. [7] suggest toward better determining the predictive validity of the IAT that a "productive approach to modeling the societal implications of IAT scores would be to move past abstract debates on the real-world meaning of meta-analytic estimates derived from laboratory studies to conducting large-scale, well-controlled longitudinal investigations that model IAT production of socially meaningful criteria in organi-

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zations, schools, hospitals, and other contexts in which implicit bias is of direct concern" (page 569). Such studies await.

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Expanding

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offense at 14 or 15 years of age. By increasing the number of minors retained under the jurisdiction of the juvenile court, this bill would impose a state-mandated local program.

- CA SB 1276
  - Would hold that in civil proceedings, evidence of a statement used to support the opinion of an expert is not inadmissible as hearsay unless the court determines that the statement is reliable and would require the court to consider certain factors in making its determination. The bill would also authorize, in civil proceedings, that a witness, before testifying in the form of an opinion, be examined with regard to the factors considered by the court to determine the reliability of a statement.
- HR 3356 (Federal)
  - Directs the Department of Justice to develop the Post-Sentencing Risk and Needs Assessment System for use by the Bureau of Prisons to assess prisoner recidivism risk; guide housing, grouping, and program assignments; and incentivize and reward participation in and completion of recidivism reduction programs and productive activities.

The committee is off to a promising start and we look forward to its continued development. Any interested AAPL member should feel free to reach out to Doctors Thompson or Wasser to express their interest in joining!

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An Early Start

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After I completed my four-month rotation at the Sacramento County Youth Detention Facility (YDF) as a first-year child and adolescent psychiatry fellow, I wished I could have extended my experience. I had group therapy time built into my schedule, but no existing group experience seemed satisfactory to my interests in juvenile forensic psychiatry. I decided to start my own therapy group at YDF. I coordinated my personal interests of psychodynamic psychotherapy and juvenile forensic psychiatry with the needs of the probation staff working at YDF. We decided a process group with a select group of long-term residents, known as "mentors," would be the perfect combination. These young men have been detained at YDF anywhere from six months to two years, awaiting adjudication for serious, often violent, charges. They were selected by probation staff to go through the mentor program due to their natural leadership skills, known responsibility and honor status on their units. Mentors are expected to help probation staff with residents who are having difficulties on their units and guide other residents during their stay at YDF. Group therapy provides an opportunity to enhance support for mentors who are balancing their new responsibilities with their own legal challenges and possible incarcerations. The group began the first week of January and has been approved to continue through early 2019. Thus far, the group has been very well received by the mentors and the probation staff. I am very excited about this opportunity to work with these young men in a long-term therapy group and learn more about their experiences within the juvenile justice system.

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'Microaggressions' at Work Can Lead to Harassment Lawsuits

By Jay-Anne B. Casuga

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- Comments, actions that reflect subtle unconscious bias could form basis of harassment litigation
- Whether employees can win such lawsuits is another story

A supervisor asks an Asian employee to help calculate a lunch delivery tip because he should be "good at math." A manager assumes that a Hispanic worker speaks Spanish and asks her to translate something. A male employee laughs when he overhears two female co-workers discuss football.

These aren't examples of blatant discrimination based on race, sex, or other characteristics protected by civil rights laws—and may even misguidedly be intended as compliments. But they could land as subtle "microaggressions" stemming from unconscious biases and stereotypes. If they occur frequently enough, microaggressions could lead workers to file harassment lawsuits against their employers.

"It's possible depending on the nature and the extent of the microaggressions," said Nathaniel M. Glasser, a management attorney with Epstein Becker Green in Washington. Glasser co-leads the firm's Health Employment and Labor strategic industry group. "I think what employers first ought to look to is whether the microaggressions are causing a hostile work environment," he told Bloomberg BNA.

Of course, whether employees would actually win such lawsuits is another story. Before workers can initiate private litigation, they must first file discrimination charges with the Equal Employment Opportunity Commission, which enforces a number of federal anti-bias laws. The commission investigates the allegations and either sues a company on behalf of the worker or issues a right-to-sue letter to the employee.

From there, a court would consider the employee's evidence and decide whether it meets the definition of legal harassment, as well as taking into account any employer defenses.

"These determinations are intensely fact-specific," said Carol Miaskoff, EEOC's acting associate legal counsel. "You look at each piece of conduct and the pattern of conduct."

Combating harassment remains a priority for the commission, which last week launched a new employer training program aimed at creating respectful workplaces. Agency commissioners also have expressed interest in partnering with the National Labor Relations Board on joint anti-harassment guidance.

Microaggressions, Defined

The word "microaggression" isn't a legal term. So what is it exactly?

"In today's lexicon, a microaggression is used to describe a slight, whether intentional or unintentional, against any socially marginalized group or protected group under the law," Glasser said.

More often than not, microaggressions can reflect unconscious biases because they play into stereotypes, whether positive or negative. In many cases, a speaker may not intend the comments or actions to be offensive. For example, imagine a white executive who "compliments" a non-white colleague for "speaking English well."

"The typical defenses are: 'I was joking,' or 'I didn't mean anything by it,'" said Edward Yost, employee relations and development manager at the Society for Human Resource Management in Alexandria, Va. "Intention is irrelevant."

"It's how it's received by the recipient," he said. "That's what makes the difference. That's what will be actionable."

Establishing Harassment Isn't Black and White

Workplace harassment is prohibited under federal and state law. It's generally defined as conduct that's severe or pervasive enough that an objectively reasonable person would consider the work environment to be hostile, intimidating, or abusive.

The attorneys said they aren't aware of any harassment lawsuits that have been premised entirely on microaggression claims. But facts that could be interpreted as microaggressions have been cited in employment cases alleging discriminatory terminations, demotions, or other discrete employer actions.

So could microaggressions ever be used to establish a harassment claim? It depends on the facts of the case.

"It's not a black and white issue," said Ernie Haffner, a senior attorney-adviser in the EEOC's Office of Legal Counsel.

One subtle comment alone might not be "severe" enough under the law. Severe harassment usually takes the form of egregious epithets or unwanted physical contact.

Additionally, isolated comments here and there might not be seen as "pervasive" enough either.

However, if microaggressions emanate from someone in a position of authority, occur routinely, and affect an employee's ability to work, that could be pervasive enough for a court, Glasser said.

Or "at the very least," it could create "a colorable claim to allow it to proceed beyond a motion to dismiss or the summary judgment phase," he said.

But to reach that level, there would have to be more than isolated, sporadic comments, even if offensive, particularly because courts have repeatedly held that Title VII doesn't operate as a "general civility code." Of course, state and local laws may have a lower standard, Glasser said.

Litigation Not the Only Bad Outcome

Even if microaggressions can't form the basis of a legal harassment claim, employers should keep them out of the workplace, the attorneys said.

Microaggressions can lower employee morale and hurt productivity and retention, they said.

"They can chip away at somebody's confidence and make them feel less valued in the workplace," Yost said. "A wise employer will take proactive steps by providing training to employees to not only address more obvious discrimination and harassment, but to take it a step further and address those unconscious biases."

They also should have mechanisms in place for employees to notify supervisors or other company representatives about any alleged harassment, including microaggressions, the attorneys said. Companies also must take reasonable steps to investigate and address problems that may be creating a hostile work environment, they said. Taking those steps also helps employers establish affirmative defenses to harassment claims.

"Employers should treat complaints about microaggressions as seriously as they would any other complaint of discrimination or harassment," Glasser said. "Failure to contain that behavior might lead to litigation, but it also might lead to an unhappy workforce with more attrition."

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Understanding Implicit Bias, And Microaggressions: What Do We Know, What Can We Know?

October 25, 2018

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- What Is The Implicit Association Test (IAT)?
  - A response latency task developed to measure implicit attitudes, especially stereotyping
    - →Premised upon concept that regularly practiced associations are more rapidly performed than tasks that are not
      - Automatic thoughts/preferences generate faster responses than those requiring deliberation

- IAT Testing Of Attitudes Or Stereotypes Regarding African-Americans
  - First press keys which link black faces and words reflecting 'good' attitudes or stereotypes, and white faces and words reflecting 'bad' attitudes or stereotypes
  - Then keys which link black faces and negative terms, and white faces and positive terms

- IAT Testing Of Attitudes Or Stereotypes Regarding African-Americans
  - →Faster test responses linking black faces with negative stereotypes or attitudes, than white faces with negative are deemed to indicate 'automatic preferences', and:
    - Unconscious bias
    - Predilection for discrimination against African-Americans
  - →**Likelihood of consequent actual discriminatory behavior, assuming IAT measures such bias, greatly disputed**
    - Especially particular behavior, in particular circumstances

- Potential Manipulation Of The IAT – 'Faking Good'
  - Intentional slowing of response time
    - →Two studies [1, 2] without instruction, individuals were able to fake IAT responses
      - In one of the studies, participants were informed of the centrality of reaction times
      - Significant faking effects depended upon prior test taking, i.e., test knowledge
        - Two "experts" could not detect faking in this study

- Potential Manipulation Of The IAT – 'Faking Good'
  - Index of "combined task slowing" detected faking with 75% accuracy (3)
    - →Sample: students who were instructed to deliberately slow their responses on gender identity IATs

- Numerous Factors Most Probably Moderate The Relationship Between Implicit Attitudes And Behavior
  - Just as they influence how explicit attitudes affect behavior
    - →For example
      - Accountability for production
      - Incentives promoting effective team operation
      - 'Successful' results or outcomes
      - Individuating information
        - May facilitate positive appraisal of a person who belongs to a group (or groups) which a decision-maker explicitly and/or implicitly generally negatively regards

- Definition Of Microaggressions
  - Subtle affronts or insults that "implicitly communicate or at least engender hostility" directed toward (4)
    - →Minorities
    - →Women
    - →Historically stigmatized groups
  - Less direct form of bias
  - Original Definition (1978)
    - →"Subtle, stunning, often automatic, and non-verbal exchanges which are 'put downs'" (5)

- Types Of Microaggressions
  - Microassaults
    - →Most blatant
    - →"Explicit racial derogation(s) characterized primarily by a verbal or nonverbal attack meant to hurt the intended victim through name-calling, avoidant behavior, or purposeful discriminatory actions" (4)
      - Racial slur
      - Swastika
      - "Colored" to refer to an African-American
    - →Often **intentional**, as opposed to two other types of microaggressions

- Types Of Microaggressions
  - Microinsults (4)
    - →Barbs, put-downs with messages that are
      - Negative
      - Potentially humiliating
    - →Demeaning of racial heritage, or identity
    - →Examples
      - Employer: "most qualified, regardless of race" should be given position
      - Teacher: not calling on minority student who raises hand in class
    - →Not necessarily intentional

- Types Of Microaggressions
  - Microinvalidations
    - →"Exclude, negate, or nullify an individual's" thoughts, feelings or experiential reality (4)
      - White friends telling African-American couple that oversensitive in attributing poor service at restaurant to race
    - →Not necessarily intentional

- Sue's Original Nine Subtypes Of Microaggression (4)
  - Alien in One's Own Land
  - Ascription of Intelligence
  - Color-blindness
  - Assumption of Criminal Status
  - Denial of Individual Racism
  - Myth of Meritocracy
  - Pathologizing Cultural Values/Communication Styles
  - Second-Class Citizen
  - Environmental

- Examples
  - Color-blindness
    - → "America is a melting pot"
      - Message: Members of minority should conform to majority culture

- Examples
  - Myth of Meritocracy
    - →I believe the "most qualified person should get the job"
      - Message: Minorities often given an unfair advantage

- Harm From Microaggressions Versus Macroaggressions
  - "You are so articulate." (6)
    - →Microinsult or compliment
  - "Where were you born?" (6)
    - →Microinvalidation or innocent curiosity
      - Questioner perceives as foreigner or sincere interest in their cultural background

Problematic Conceptual Issues With Microaggressions

- Ambiguity And Legal Implications
  - Was there a microaggression?
    - →"The individual might be unable to establish if a microaggression has occurred. They are often ambiguous and thus harder to identify and categorize than overt, obvious acts of racism. (7)
    - →"It is the subtle and unintentional aspects of microaggressions that make them difficulty to identify because the interpersonal interactions in which they occur are often not perceived as biased or discriminatory." (8)

Problematic Conceptual Issues With Microaggressions

- Conceptual Issues
  - Eye of the beholder
    - →Comment by a White person about lack of educational opportunity, and understanding how such made first year of college challenging
      - Patronizing/indirectly hostile?
      - Supportive?
      - A microaggression?

Correlation Is Not Causation

- Some claim that repeated microaggressions are more harmful
  - → "The invisibility of racial microaggressions may be more harmful to people of color than hate crimes or the covert and deliberate acts of White supremacists such as the Klan and Skinheads." (9)

- Correlation And Causation
  - Scarce amount of longitudinal data demonstrating causation
    - →All but two articles of published research is cross-sectional [6]

- Perception And Causation
  - "In the bulk of research to date, social perception as measured is a process dominated far more by what the judge brings to it than what he takes in during it." (10)

- Harm From Microaggressions Versus Macroaggressions
  - Or does the distress arise from projection of problematic, internally-based personality features onto the external stimulus?
    - →Creation of a genuinely believed and experienced environmental aggression
      - Or both?

- Microaggression Does Not Necessarily Indicate Presence Of Implicit Bias

Footnotes

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