



**Regulation Matters:  
a CLEAR conversation**

## **Episode 72: CLEAR's DEI Resources for Regulators and Revisiting a Conversation on Unconscious Bias** **December 12, 2023**

**Line Dempsey:** Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I am currently the chief compliance officer with Riccobene Associates Family Dentistry with practices in North Carolina, Virginia, and South Carolina. I've also been a board member and president of CLEAR.

As many of you are aware, the Council on Licensure Enforcement and Regulation, or CLEAR, is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation. This podcast is an opportunity for you to hear about important topics in our regulatory community.

Today, we're revisiting a previous episode in conjunction with the announcement of new DEI resources for CLEAR members. CLEAR is committed to pursuing the "forever work" of diversity, equity, and inclusion initiatives, and we're pleased to share the work of our DEI committees. CLEAR's DEI Definitions workgroup has developed definitions of key terms frequently used in discussions about DEI. The workgroup carefully considered a range of definitions for each term and is constantly refining and reflecting upon this work. CLEAR's External Resources for Regulators workgroup has compiled a list of resources related to developing, implementing, and measuring DEI initiatives within regulatory organizations. The documents, policies, and research resources are grouped by categories related to starting your DEI journey, foundational knowledge, policy documents, practice standards and practice guides for professionals, DEI-related courses and training, and DEI metrics. There's a wealth of resources, many from fellow regulators, to support you on your DEI journey as we seek to remove bias and discrimination in the professional and occupational regulatory community. Members can login to access these DEI resources for regulators on CLEAR's website, <https://www.clearhq.org>, on the resources overview page.

Another great DEI resource for CLEAR members is my conversation from December 2020 with consultant Chris McIntyre. Chris unpacked for us what it means when we talk about unconscious bias, how it can influence our decision-making, and what we can do to minimize its impact. Let's have a listen.

**Line:** So, let me start with kind of a general question for you. What do we really mean when we talk about unconscious bias?

**Chris:** OK, cool. Thanks, Line. So, look, I mean, there are so many different ways to define these things, but to really simplify it, I like to think of a bias as a preference—I mean, to really just kind of boil it down. And we've all got biases. So, Line, I'm going to kick this your way, a little bit of a pop quiz here. Are you ready?

**Line:** Sure!

**Chris:** OK, all right. So, chocolate or vanilla: what's your preference?

**Line:** Chocolate.

**Chris:** All right, mountains or beaches: what's your preference?

**Line:** Hmm, that's a tough one, but I'm gonna go beaches.

**Chris:** OK, beer or liquor: what's your preference?

**Line:** Liquor.

**Chris:** All right. And then the last one: cats or dogs?

**Line:** Let's go kitty cats.

**Chris:** OK, all right, cool. So, I mean, when it comes to biases, we all have biases, right? And that was a perfect example of that. So, a bias is a preference; unconscious biases are preferences that we're just not aware of. And so, preferences that I'm not aware of impact every aspect of my life; they impact my perceptions, my judgements, and even my memories.

What bias does not mean, though, is that I'm an undercover racist or an undercover sexist. Oftentimes, when people are just getting introduced to this material, they think that bias equals racism or sexism or any of the other isms, and that's one of the first things I always like to unhook. In fact, biases alone aren't even visible without an action. And so, when biases harden into stereotypes and prejudices that guide our actions, that's where the discrimination lives.

And so, there's two main reasons most of our biases are unconscious. Number one: at any one given time, there's about 11 million bits of data available for our brain to pick up, but our conscious brain can only pick up about 40 bits of that. So, there's 11 million bits available; consciousness is only picking up about 40. So, while we're seeing and hearing in HD quality, we're only seeing a fraction of what's available. But we think we're getting it all. So, that's one main reason why unconscious biases are kind of a thing.

The other one is not so much why, but it's a bit of a mindset. And, that is that diversity, which just means differences, diversity's a bit of a paradox in that it contradicts itself - because each of us are like all people, each of us are like some people, and each of us are like no other person at the exact same time, and that's a bit of a contradiction. And I'll kind of explain what I mean. So, we're like all people in that we need air, food, adequate rest. We're all like some people in that we've got, you know, different races and genders. And each of us are unique and will never be duplicated again, that we've got our own unique DNA and fingerprints. And so, I like to think of that paradox as the 3-D nature of diversity.

And it's an important distinction to really lay the foundation. Because, when people say things like there's only one race, there's just the human race, they're 100% correct and 100% incorrect at the same time. In other words, I wanna break it down, really. It's like they're 33% correct because there's only one race, the human race—that's speaking from all people are exactly the same, but what that's ignoring as well, maybe the world's responded to you a little bit differently as a woman than it has for me as a man or as an African American or as a Caucasian or whatever.

So, oftentimes, diversity gets a little bit difficult because people only see one of those three tiers, and the learning is for them to be able to hear and see all three at the same time, so, really, like, see in 3-D. So, just a little bit about unconscious bias.

**Line:** I really love that, see in 3-D. That's great. So, you know, when we generally talk about bias and prejudice, you know, it seems to be generally related to gender or race, right? But are there other areas that we need to really look at?

**Chris:** Yeah, I think there are, because, like you said, oftentimes, some of the more well-known areas of diversity, like gender or race or age or religion or sexual orientation—those are the ones that get most of the airtime. But there's a lot of additional areas of diversity that often get overlooked, like our mental processing styles (you know, am I introverted or extroverted?), our personality styles (am I more assertive or passive?), maybe our appearance, even our physical appearance or ability, maybe our marital or parental status, even political beliefs. I know that I'm in the US; I'm out in San Diego, and I know this one's a huge one right now, especially in American life politically. I mean, there's so much overt bias there. Even things like accent impact how we might get responded to in the workplace.

And those differences that we're talking about, like differences in personality styles, differences in appearance, differences in race, and gender, that's not a problem. That's not where the problems are. The problems come in when we might respond differently to those differences. That's where the challenges begin. In other words, who gets rewarded or shunned for taking the exact same behavior. So as an example, you mentioned gender, I'll just simplify it, a distinction here. Let's think about the difference between men and women. And this is an oversimplification, OK. This isn't always the case but, you know, generally speaking, if we think about some of the differences between how men get responded to and women get responded to in the workplace. He's in a meeting. He changes

the direction of a project a couple of times. And we think, 'OK, well, he's a project leader, he just kind of rethinks it, and he's a little agile.' But when she—and, again, these are generalizations—but when she changes directions a couple of times, oftentimes, we'll look at her as 'Ah, she's a little indecisive.' You know what I mean?

For the guys, I'll come back another example. The guys will come back after lunch, and they're hanging around the water cooler, and they're talking sports, and we look at the guys as 'they're over there bonding; you know, they're just being guys.' When the ladies kinda get together and they're over there by the watercooler, oftentimes we look at that as 'they're probably gossiping over there.'

Or maybe we're in a meeting and, you know, he'll slam his fist down on the desk and he's, you know, he's talking about an issue and we'll say, 'He's super passionate about that issue.' But let her slam her fist down and start to raise her voice and so on, and she gets responded to as 'Wow, she's really emotional,' or even worse than that, right? So, that majority dynamic oftentimes applies anytime there's a majority group and a minority group interacting.

And if you were to go into the teaching field, and I've done this, where maybe it's predominantly women, or nursing and it's predominantly women, and oftentimes, women will have the upper hand. So that subtlety there is really a majority-minority dynamic at play.

**Line:** Right, that makes that makes complete sense. So, what are some of the ways that unconscious bias maybe can influence our decision making when we're looking at something like that, both on a personal level but also on a professional level? Because I mean, obviously, it's gotta have that impact. How is it influencing us?

**Chris:** Yeah, good question. Well Line, I think on a personal level, unconscious bias can actually cause us to violate our own values. I mean, I might value treating everyone equally—I might try to say, I try to treat everybody the same. But subconsciously, I favor people that think and act kinda like me. And so that's a bit of a violation of my own value, right?

You know, another personal example might be, sometimes my best intentions may unintentionally insult other people, totally unintentionally. And we call these microaggressions.

So, for example, and I get this all the time, people will say, you know, they come up to me, and they'll say, 'I don't see color. I was raised not to see color, so I don't see color.' And people will always tell me that, right. Now, I know when they tell me that, I know that their intent is pure. I mean, what they're trying to tell me is, look, 'I don't look down on you because of your race. I don't look down at you because you're black or white or whatever. I try to treat everybody equally.' That's their intent. What their impact can be is, you know, what I basically hear them saying is 'you're black.' I mean, I have fun with them, like when I feel like I've built up a little bit of a camaraderie there, and I'll say 'you know, I love that you're saying that. So tell me, when was the last time you told a white person you don't see color?' I'm playful with them, not judging in any way, just very playful, and it helps to bring up the point.

Or, I might even say something like, you know, 'hey, you girls look really good today.' And my intent is sincere compliment, but what the unintentional message there might be is, your looks matter. You know what I mean, when was the last time I went up to the guys and said, 'hey, you guys look really good today'? So, on a personal level, sometimes, there's oftentimes unintentional messages that get communicated that can impact relationships.

On a professional level, the preferences that I'm unaware of, my unconscious biases, impact the entire employee life cycle. So, everything from just how we recruit, the way we recruit, who we recruit, where we go to recruit our people is impacted by our preferences and unintentional preferences. Our hiring processes, onboarding people, coaching, and developing.

There's a really cool study, I mean, there's so many, Line, for your folks to just kinda go out there and do a web search on examples of unconscious bias. But there's one that's pretty funny. It's an example of confirmation bias. And confirmation bias is where I find data that confirm my biases. So, I'm biased, but I'll go out and get data that only speaks to confirm my biases, and I will reject everything else. There was a really famous study of women in the orchestra, and this was back in the seventies, so it was a little while ago.

And the big five orchestra, for those of you who are familiar, I think Philadelphia, Boston, Cleveland, I think might have one of them; there's large orchestras throughout the country and this is just in the US. They only had 5% women musicians. So 95% men, 5% women, and this was back in the seventies. But the candidates that were applying for positions and auditioning for positions were very diverse. And so was the audience. So they realized, like, what's going on here?

And one thing they did was, they ended up having blind auditions. Because what they realized was that all of the composers and the folks that were making the decisions happened to be men. And there was a little bit of something going on there, not that they were deliberately doing it, but it was unconscious to them. So they started having blind auditions, so they couldn't even see who was behind the screen, and the numbers jumped up to 30 plus percent instantly.

And so, what's funny is, after a study like this, and there's so many, but after a study like this, if I were to go back to the conductors and the folks who are making the decisions, and I asked them, 'do men make better musicians? Do you care if they're men or women', they'd say, 'Heck, no. No way. We only want the best musician for the position.'

But this study was a perfect example of how their unconscious biases and their confirmation bias was forcing them to focus on the imperfections of women more. I'm not even saying that those imperfections weren't there. I'm saying that, unbeknownst to them, they were more critical when women came up to audition than men, and the blind auditions highlighted that.

Now, if that's just one simple, little example of how unconscious bias gets in the way of our employee life cycle, then I have to ask all of your listeners out there:

What are the other areas of your businesses that might be being impacted by preferences that you're not aware of?

In what ways might you be hindering the best talent doing the best work?

So, is unconscious bias may be hindering the way you do your strategic planning, the way you seek talent out, the way you build teams, your project management, your problem solving, your innovation skills? Bottom line, diverse teams, when they are well led, outperform homogenous teams in most meaningful ways.

**Line:** That makes 100% sense, completely. You know, we try to do that in our organization and our teams of having that diversity, because there's so many different things to come in, different points of view and ways to approach problem solving. That's great.

So, obviously, you know, this is not something that's new. Education and awareness are key. And I know Marc and Staci talked about it being a self-reflective and enlightening journey, I think that was their words. So, once we identify areas where unconscious bias is actually influencing our decision making or policies, what can we do to minimize that impact? I mean, I can't really put a screen up to make my decisions, but what can we best do to minimize that?

**Chris:** Yeah, great question. Well, the one thing that we can't do is get rid of it, right? So I love your question there about what can we do to minimize this thing because you can't eliminate bias. It's here and it's regenerative and it's amorphous. So, even if we fix it this way, it's gonna show up that way. And so, I love the subtlety of your question there.

So, I'd break it down into two answers. Number one, on a personal level, we need others to help us to see what we can't, number one. So I need you. I can see your biases, your unconscious biases, and you can see mine, but the funny thing is, I can't see mine, and you can't see yours. And so, I need your help; I need you to kind of help me catch it in the moment. Then, when you have the courage to speak up, and say, 'hey, Chris, that thing you said there; that might have, you know, kinda landed a little differently than you thought.' That's a courageous thing to share. So, I should thank you for those moments where you helped me to see that.

But then two, I need to have the courage to actually listen to what you said when I get caught and not get defensive about it. And that's what we see sometimes. And that's one of the biggest struggles with bias and diversity work is oftentimes, people put their guard up and you know how it goes. Once people, especially smart adults, get defensive, it's tough to break those barriers. Now, we need to be a little bit more courageous and have that courageous conversation and listen twice as hard as we speak, especially when someone's offering an olive branch there. So, on the personal level, I need your help.

At the organizational level, it's such a giant question. But what I'd say is, try to pinpoint the specific areas that you want to improve. So, for example, if it's maybe we realize we're not recruiting a whole

lot of diversity, let's just take a look at the recruitment slice. And let's brainstorm some things we can do to minimize the impact of bias.

So, for example, maybe we don't even begin interviews until we've got 25% of candidates that are diverse. And then, when we submit the resumes, we're going to remove all that stuff anyway. So, we're not hiring specifically for diversity. We want to hire for fit and capabilities, but we want to remove the potential of any unconscious bias. So, let's get a plate of at least 25% diverse candidates, and then strip it, sanitize the resumes and push those things forward.

Maybe, we were hiring pretty well; we're getting people on board, but we just realize most of the diversity in our organization hovers around the lower levels or the lower tiers. And so, if promotions is a thing, then maybe we want to get more clear and we want to communicate clear, quantifiable criteria for advancement consideration. And we want to do that in advance. And, we want to make sure that we've got a diverse promotions panel and transparent in our decision making.

If it's for maybe developing our people, then, maybe those cool stretch assignments that are probably going to lead to a promotion—let's make sure that we're conscious about those and we don't even offer stretch assignments until there's a diverse palette of people that are up for a potential stretch assignment that's gonna lead to that next role. So, if we break down the area that we wanna improve, it's a heck of a lot easier to really pinpoint bias and it makes it a lot easier to address.

**Line:** It sounds like sometimes it can be an uphill battle, for sure. You know, one of the things that Staci also mentioned about CLEAR in particular and their goal was being able to establish tangible measures of success, something that they can feel. How can leaders of organizations know if things that they're doing to identify and reduce unconscious bias are actually successful?

**Chris:** Yeah, that's a good one, and honestly, I think that's one of the key questions here. You know, we can do diversity trainings and all that stuff, but is it helping? What are our indicators for and what are our measures of success?

So, my quick answer to that would be that the key metrics would shift. And so, what I mean by that is, you'd start to see more people of color, or women, or diverse sexual preferences or other underrepresented groups, would be in key positions, and not just token positions.

So I think you see the dynamics and the culture begin to shift, but what we really need here, we need a couple of things. Number one, what we have to have is good, solid data. And so what I'd say is we're going to, depending on the organization that your members and your listeners are in, go find the current industry standards. What are some of the demographics, the diversity and inclusion D&I? What are the D&I demographics that are kind of standard for our industry? And then compare that to what some of the best practices are, and let's see where we're at. Are we kind of at industry standard? Are we a little below? Are we a little above? Maybe, you know, we've got some cool best practices here we can share.

There's an organization called Diversity Inc., so diversityinc.com, and that's a great website that I'd point your listeners to to kinda go and look at some of the D&I benchmarks by industry. They do a lot of really good work, and it's lots of benchmarks and tools and resources there for you.

But some potential metrics might be for your organization, if you've got folks listening in there, like, just give me a few metrics, I can chew on and start to think about, might be, number one: are we even aware in our organization, if I'm a leader in an organization, are we aware of industry D&I metrics and best practices? Do we even know what they are? So, I mean, do we know what the metrics are, and what the standards are, what the current demographics are for our industry? Let's get clear about that. That, in and of itself, is a good first step.

And then, from there, I'd say, you can build what I like to call your smoke detectors. And by smoke detectors, what I'm saying is, go out and survey either your membership or your customers or the people that you serve and your customer data, and let's get some member satisfaction. And probably you have a lot of this; most organizations do this, depending on how large, but what are the member satisfaction scores? What are the member complaints? What are the longevity numbers? What are the turnover numbers? And let's actually stratify that by race, by national origin, by gender, and so on. And let's see if certain differences are showing up. So, are there differences for what, you know, one gender is saying versus another? For a multinational organization, what's America saying versus Australia versus Canada or Germany or the UK, or whatever? These are our customers now. So, what are the differences that we're seeing?

Let's review the data, the stratified data, for trends and differences, then let's provide some personalized feedback. Let's go in and shoot some questions to those groups that are saying that they're not as satisfied, or they're not staying as long, or whatever it is. So let's focus our feedback from that point.

But in terms of just a few more metrics, here's some basic things I see organizations who are just getting started on this ask themselves. Do we have a D&I statement as an organization, diversity and inclusion? Do we have a D&I statement? Is there a, you know, we value diversity for blah, blah, blah. Do you have that statement as an organization, yes or no? Are all your team members able to internalize and understand the business case for diversity? Yes or no?

Are all team members trained on diversity? I mean, just a basic diversity and inclusion seminar and then some advanced things like unconscious bias, because I'd call unconscious bias already diversity 102. And most people need and find value in diversity 101. Let's just make sure we even understand what we mean when we say, diversity and bias and integration. Let's get our terms and things correct so that we are at least speaking the same language. I think, you know, all team members get trained up on that stuff.

Intercultural conflicts—are they on the decline or the incline? Leaders might have some tool kits with some diversity activities they can do. D&I is actually recognized as a strategic imperative. So it's right



there with sales and customer service, diversity and inclusion, because we genuinely believe in that. Do we have senior leadership's sponsorship, which that would require?

And then also, this is a little bit more advanced, but I see in many organizations that I'm working with, I see senior leaders are actually held accountable, and then it's in their performance appraisal and then tied to their metrics and bonuses. Are the D&I metrics changing? Are you, in whatever you're doing, including or not necessarily excluding (by the way, there's a difference between not excluding people, but not fully including people)? And I've seen leaders held accountable for implementing D&I metrics. So, then just an ongoing semi-annual, quarterly, D&I trainings for leaders, employees, that kind of thing.

I'd say that, at the end of the day, when diversity shifts from a class that we all have to take to a value that we live, you're moving in the right direction.

**Line:** Absolutely! So, thank you very much, Chris, for taking the time out to chat with me.

**Chris:** My pleasure, Line. So, let me just leave you with one final quote, if you wouldn't mind.

**Line:** Absolutely.

**Chris:** Yeah. Thank you. So, there's what we think, and then there's what we think we think. And I think that unconscious bias really helps to bridge that gap.

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**Line:** As we continue in our DEI journey, it's great to go back to some of the fundamentals and foundational knowledge that Chris shared with us. We hope that you found it valuable, and we encourage members to log in to the CLEAR website under the Resources Overview menu to access the [DEI definitions and resources page](#) developed by CLEAR's working groups. Thank you to the working group members for their commitment to CLEAR's DEI initiatives.

I also want to thank our listeners for tuning in for this episode. We'll be back with another episode of Regulation Matters: a CLEAR conversation very soon. If you're new to the CLEAR podcast, please subscribe to us. You can find us on Podbean or any of your favorite podcast services. If you've enjoyed this podcast episode, please leave a rating or comment in the app. Your reviews help us improve our ranking and make it easier for new listeners to find us. Feel free to visit our website at [www.clearhq.org](http://www.clearhq.org) for additional resources and a calendar of upcoming programs and events.

Finally, I'd like to thank our CLEAR staff, specifically Stephanie Thompson, Content Coordinator and editor for our program. Once again, I'm Line Dempsey, and I hope to be speaking to you again very soon.

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