

**CALIFORNIA  
CONTINUING EDUCATION  
COURSE**  
by Correspondence

**IMPLICIT  
BIAS TRAINING**  
2 Clock Hours

**Workbook and Instructions**

by  
**BLAIR BLACK**

DRE SPONSOR NO. 0482

**THE REALTY INSTITUTE, LLC  
REAL ESTATE SCHOOL**

225 W HOSPITALITY LANE, SUITE 316 • SAN BERNARDINO, CA 92408  
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**IMPLICIT BIAS TRAINING**

(2 Clock Hours – Implicit Bias Training)  
by Correspondence

**COURSE TITLE:** IMPLICIT BIAS TRAINING by Blair Black –  
2<sup>ND</sup> Edition – Publication Date 2022

**COURSE DESCRIPTION: (2 Clock Hours – 20 Pages)**

The objective of this course is to comply with Senate Bill 263 which takes effect on January 1, 2023. This mandated two-hour bias training course is required of all real estate licensess. This course will help students identify and understand the impact of how biases affect the consumers or different social groups. Areas covered in this course are implicit bias, explicit bias and systemic bias.

*This course is offered under the category of Implicit Bias Training and there are no prerequisites.*

**COST:** \$25.00 plus Shipping. See our website [www.realtyinst.com](http://www.realtyinst.com) or call for current pricing.

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**INSTRUCTIONS:**

1. Read the text: *Implicit Bias Training in Real Estate* by Blair Black – included.
2. Required incremental assessment quizzes are contained within this course that are designed to properly measure a participants mastery of the course content.
3. There is 1 study quiz for this 2-hour Continuing Education course. Please mark your answers on the attached Study Quiz Answer Sheet found in your workbook.
  - Answers to the study quizzes are found at the end of each segment of quizzes for remediation.
4. The Study Quiz Answer Sheet, found in your workbook, must be submitted along with your “Request for Final Exam.”
5. The final examination for this course can be taken 1 days after you enroll in the course.

**TIME LIMIT:** Two (2) hours of Continuing Education takes 2 hours to complete. It cannot be completed in less time. Your final examination will not be available until the appropriate time has been met and quizzes have been submitted.

**TIME LIMIT continued:**

You have a maximum time of one year from the date of registration to complete this course. If the course is not completed within that time, your enrollment will expire.

Participants taking a correspondence course must have access to the course materials for the approved number of credit hours for that correspondence course prior to completion of the final examination.

- (1) For a correspondence course that uses static print or static print delivered in electronic media, such as internet download when not administered via the internet, a maximum of eight (8) hours reading time per day shall be utilized in calculating the number of days that must lapse from the time the participant has had access to the course material until the examination can be accessed. (Section 3007(h)(2))

**FINAL EXAMINATIONS:** *The open-book final examination will be offered both online and in a live supervised setting, depending on your preference.* As soon as the **Request for Final Examination and Study Quizzes** are received by The Realty Institute, LLC your final examination will be sent to your test administrator or activated for online testing.

- The final examination consist of 10 multiple-choice and questions. You will be allowed 10 minutes to complete the final examination.
- A score of 70-percent or better is required for satisfactory completion of a course.
- No more than 15 hours of continuing education shall be completed in any one 24-hour period.

**PROCTORED EXAM:**

- When you are ready to take your open-book final examination, please return the “**Request for Final Examination**” form enclosed in the back of this book. **Final designation and approval of the test administrator and determination of the date and time will be at the discretion of The Realty Institute, LLC.**
- The administrator cannot be related by blood, marriage, domestic partnership or any other relationship to the person taking the examination which would influence them from properly administering the examination.

- Under no circumstances may the final exams be furnished to the student.
- A participant shall present the test administrator with a current drivers license, or a valid identification card issued by a governmental agency or a recognized real estate trade organization within the preceding five years which bears a photograph, signature and identification number of the participant immediately before taking the final exam. (Section 3007.05)
- When the time limit allowed for the completion of the final exam expires, the screen will automatically time out. If you log out before completing the exam, any unanswered questions will be counted as incorrect. At the time you log out, if you have scored a 70% or better you will be granted credit for the exam.

**ONLINE EXAM:**

- Login at [www.realtyinst.com](http://www.realtyinst.com)
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- You will receive a letter of confirmation confirming your individual username and password to your e-mail address, allowing you to login to your personal account. Your password and username must be entered to access the final exam.
- To begin the test, you must certify under penalty of perjury that you are the registered student to whom the account is assigned to and that you have personally completed each reading assignment, quiz and that the final examination will be completed without any assistance.
  - Failure to comply with this agreement will render any examination null and void, and such violation will be reported to the Department of Real Estate.
- The final examination displays only one question at a time and cannot be recorded by means of printing or downloading. The time remaining for the student to complete the exam will be displayed above each question.

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**RE-EXAMINATION:** If you receive a failing grade after completing the final examination, you may take an alternate examination. You will need to contact The Realty Institute to arrange taking the alternate exam.

The alternate examination must be completed within 30 days of the primary examination. Failing the second examination will require a re-enrollment fee for the failed credit hours, and the student must complete the course hours and pass the final examination to receive credit.

**CONTINUING EDUCATION:** Within the 45 hours of continuing education there must be at least 18 hours of courses specifically designated as consumer protection, a 2-hour course designated as Implicit Bias Training, a 3-hour Fair Housing course with an interactive participatory component as well as 15 hours of continuing education courses in the following subjects: *Ethics, Agency, Trust Fund Handling, Risk Management and Management and Supervision*, **or** one 9-hour survey course covering the mandatory course subjects (*Ethics, Agency, Fair Housing, Trust Fund Handling, Risk Management, Management and Supervision and Implicit Bias Training*).

The remaining courses needed to complete the total 45 hours may be designated as either consumer protection or consumer service courses.

**DRE DISCLOSURE STATEMENT:** This course is approved for continuing education credit by the Department of Real Estate. However, this approval does not constitute an endorsement of the views or opinions which are expressed by the course sponsor, instructor, authors or lecturers.

**COURSE & INSTRUCTOR EVALUATION:** A course and instructor evaluation is available on the Department of Real Estate (DRE) website at [www.dre.ca.gov](http://www.dre.ca.gov). Access this form by typing "RE 318A" in the search box located in the upper right corner of the home page.

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(1) **REFUND** - The student shall have the right to cancel the agreement and any other goods and services included in the agreement until midnight of the eighth business day following enrollment.

(2) **NOTICE OF CANCELLATION** - Cancellations must be made in writing and sent to The Realty Institute, P.O. Box 10309, San Bernardino, CA 92423. The written Notice of Cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid. There is no particular form for the cancellation and it will be effective if it indicates the student's desire not to be bound by the agreement.

If the student cancels the agreement, the student shall have no liability and the institution shall refund any consideration paid by the student within 10 days after the institution receives Notice of Cancellation. All material issued to the student must be returned in satisfactory condition to the school within 10 days following the date of the Notice of Cancellation. If the student fails to return the materials within this 10 day period, the institution may retain that portion of the consideration paid by the student equal to the price of the material and the student may retain the material without further liability.

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## IMPLICIT BIAS TRAINING

2 clock hours – Implicit Bias Training

### STUDY QUIZ ANSWER SHEET

STUDENT NAME: \_\_\_\_\_ DATE \_\_\_\_\_

**INSTRUCTIONS:** Place *all* answers to your study quizzes on this answer sheet and submit it to The Realty Institute along with your “Request for Final Examination.”

**Be sure your marks are heavy and black. Erase completely any answers you wish to change.**

#### QUIZ NO. 1

1. (a) (b) (c) (d)
2. (a) (b) (c) (d)
3. (a) (b) (c) (d)
4. (a) (b) (c) (d)
5. (a) (b) (c) (d)

**This answer sheet must be submitted by mail, fax to (909) 381-0336, or by email to [sales@realtyinst.com](mailto:sales@realtyinst.com) with your Request for Final Examination.**

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### REQUEST FOR FINAL EXAMINATION

When you are ready to take your final examinations, please complete and return the bottom portion of this form. Testing is offered online or with an approved test administrator. Online testing is available **online 24 hours a day, 7 days a week** at [www.realtyinst.com](http://www.realtyinst.com).

The Department of Real Estate requires that all final examinations must be mailed directly to a test administrator by the school, or you must come to the school to take your test. Students who reside outside the San Bernardino/Riverside counties and **who wish to test in their local area must allow seven working days for the test to reach the designated test administrator.** You may also complete the final examination online.

Remember, DRE regulations state, "under no circumstances may final exams be furnished to students. **Final designation and approval of the final examination administrator and determination of the date and time is The Realty Institute, LLC's responsibility.** The administrator cannot be related by blood, marriage, domestic partnership, or any other relationship to the person taking the examination which would influence them from properly administering the examination."

**Section 3007.3(a)(3) states, NO MORE THAN 15 HOURS OF CONTINUING EDUCATION CREDIT MAY BE TAKEN IN ANY 24-HOUR PERIOD.** The final examination consists of 10 multiple-choice questions for which you will be allotted 10 minutes. A score of 70-percent or better is required for satisfactory completion of a course. A Certificate of Completion will be sent to you immediately upon successful completion of a final examination.

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Contact: \_\_\_\_\_

Library or School Address \_\_\_\_\_ Suite No. \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Library or School Phone No. (\_\_\_\_\_) \_\_\_\_\_

If there is a problem scheduling this test, my daytime phone number is:

Phone No. (\_\_\_\_\_) \_\_\_\_\_ Fax No. (\_\_\_\_\_) \_\_\_\_\_

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# IMPLICIT BIAS TRAINING IN REAL ESTATE

2<sup>nd</sup> Edition

by  
Blair black

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# **IMPLICIT BIAS**

## **TRAINING IN REAL ESTATE**

### **1.0 INTRODUCTION**

Prejudiced judgments are often unrecognized and difficult to overcome. They influence our behavior and attitudes towards others in our day to day activities. This course will bring out the different types of biases in real estate and provide a guide to better understand and identify the impact of implicit biases. Recognizing and addressing our own biases will be the first step to create a system to change our behavior and avoid biases.

### **1.1 BIAS DEFINED**

- A. Implicit Bias** – An unfair preference, attitude or stereotype towards people or a group that is not openly expressed.
  
- B. Explicit Bias** – A conscious, intentional or deliberate attitude and feeling expressed toward a certain group.
  
- C. Systemic Bias** – the inclination toward a particular process to support a specific outcome. Also called institutional bias.

### **2.0 IMPLICIT BIAS**

Implicit bias is unfair. Real estate licensees must take steps to ensure that they are treating everyone fairly and equally. Nobody wants to be deprived of opportunities based on what they look like, what culture they're from, or how their name sounds. Implicit biases drives response and affects body language, which can cause different behaviors towards different people. One of the advantages of being aware of the potential impact of implicit social biases is that you can take an active role in overcoming social stereotypes, discrimination and prejudice.

## **2.1 IMPLICIT BIAS IN THE WORKPLACE**

Workplace bias usually refers to an *unfair* preference. An implicit bias is an unfair preference that's *not openly expressed, it is an unconscious reaction*. Implicit bias can affect others too. It can lead to less than optimal business decisions including:

- Alienating team members;
- Creating a toxic work environment;
- Promoting under-qualified candidates.

There can be an implicit bias toward certain groups, which could be judged in an unfair way. For example, research shows that white-sounding names receive 50 percent more interview callbacks than African-American sounding names.

The following groups may be perceived as incompetent.

- People of color
- Older employees
- Those with disabilities
- Professional from blue-collar backgrounds
- Women

As a result, others may be shocked when these “incompetent” groups perform well. An individual with implicit behavior could be asking these people to prove themselves again and again or prove themselves in a manner that's not expected of other groups.

**A. Example: Blue-collar candidate having to prove themselves is explicit bias.** A retail firm typically has three rounds of interviews. A candidate from a blue-collar background does surprisingly well during the three-round interview process. The general partner decides that it's better to be safe than sorry. So he directs his assistant to schedule two more interviews for the blue-collar candidate.

- Requesting the unconventional candidate to go through extra hoops.
- A bank has a structured interview process. Everyone is asked a standard set of behavioral questions based on its three corporate values.

- A German candidate lists fluency in French. The interviewer, who is from Italy decides to conduct the rest of the interview in French, even though none of the other candidates are subjected to a French interview.

**B. Why is this a problem?** Asking someone to “prove themselves again” is both demoralizing and exhausting. These groups may feel that they have to work twice as hard or jump through separate hurdles. Implicit, or unconscious, bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. We all make assessments involuntary, or outside of our intentional control, and those assessments affect our behavior. Our brains are wired to process information quickly and we always reach a conclusion regardless of whether there is enough or contradicting information.

Research has not found that we can eliminate bias, but we can minimize it through vigilance, in self-awareness and education. By interviewing, we seek out information and draw conclusions that confirm our existing beliefs. We form opinions of candidates based on inconsequential attributes like their name, schools or where they were raised. Everything you see in their eyes or facial expressions serves to confirm the opinion you have placed on them; during any interaction with the candidates you will seek out areas to confirm the opinion you have placed upon them.

**C. The Solution** - What can you do to overcome and accept this bias situation? Partner with your assistant or fellow workers and talk about it. Yes, talk about it and accept the fact that you have a problem. You and your partners talk through your assumption and differences to identify where your biases are hurting both you and your fellow workers. We generally blame others for our own failures and blame people for their own failures. If you lose out on a promotion you might believe it’s because of the manager who doesn’t like you.

When others lose out on promotions you might believe it’s that big mistake they made or their poor quality work. However, minorities lose out on promotions all the time and indeed, it’s often because of biases and subtle discrimination so engrained we don’t even know it’s there.

**D. What you can do?** Check yourself when you or others fail. Whenever you make a mistake at work and when others make a mistake at work write about it. Write out what happened, what part of the context played, and what part you or others played in the issue. The benefit to this is two-fold: you will notice patterns in your thinking so that you can minimize your biases, and over time, you will be able to hold yourself accountable.

## **2.2 BEING FAIR, OPEN MINDED AND EMPATHETIC**

These days we are told that our actions suppress minorities, but most of us see ourselves as fair, open-minded, and empathetic. Our actions and thoughts don't appear to align, and we are all experiencing discontent.

**A. What you can do?** Get comfortable with uncomfortable situations so that you can make a difference. If you are really focused on inclusivity, are you getting down into the uncomfortable stuff? Are you having hard conversations with people of color, with white people, with all the groups that make up your diverse workforce? If you're not uncomfortable right now, you have got more work to do. To be a true outstanding crusader for equality, you must be aware of your biases and work hard or minimize them. Learning to understand implicit biases is the first step in addressing them.

## **2.3 SEXUAL AND GENDER BIAS**

Gender bias occurs when someone unintentionally identifies specific stereotypes with different genders. Gender discrimination in the workplace continues to be a major problem. Laws such as, Title VIII of the Civil Right Act and the Equal Pay Act have been enacted to combat this issue. Sexual or gender discrimination at work occurs whenever an individual is treated differently on account of their gender, sexual orientation or pregnancy. The law forbids discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, and any other term or condition of employment.

This form of bias may impact the company's recruitment processes and relationship dynamics. If the hiring panel prefers male candidates over female candidates despite having identical qualifications and employment experience, this is an example of hiring bias.

The gender pay gap is another well-known example. Men's average median wage is around 18% greater than women's as of 2021. For some groups, gender bias may limit job and career progression possibilities. You can avoid gender bias by setting gender neutral recruitment standards, which is done by preparing the definition of the ideal applicant profile and evaluating all candidates against it. You can set gender diversity goals to create a more gender-balanced team by setting qualitative gender diversity objectives. Women should be encouraged to take up leadership roles and the required resources to do so.

#### **2.4 NAME BIAS**

The tendency to favor certain names over others, mainly Anglo-sounding names, is known as name bias. In recruitment, name bias is the most common. This bias is prevalent if a recruiter prefers to interview candidates with Anglo-sounding names over equally qualified ones with non-Anglo names. Name bias can negatively influence diversity. You can prevent name bias by using software for hiding personal information in resumes. This can be done by using blind hiring software to do so. You can also carry it out by hand by making one team member responsible for removing personal information on the resumes of the candidates for the hiring team

#### **2.5 AGE BIAS**

Ageism is the stereotyping or discrimination of others based on their age, which frequently occurs among senior team members. Ageism continues to be a problem since not everyone files a complaint. According to an AARP survey, over 60% of workers age 45 and above had witnessed or experienced age discrimination in the workplace. You can prevent ageism by not making assumptions based on age. Yes, you should not assume that older workers do not know how to utilize technology or are unwilling to learn new skills because they are older. You must ensure that everyone has equitable access to learning opportunities.

You can create two-way mentorship programs where a senior team member is partnered with a new hire to foster cross-generational teamwork. This type of collaboration allows team members of various states to communicate more easily, which can break down age stereotypes.

## **2.6 IMPLICIT BIAS IN BRIEF**

Each bias is different in its own administrators, however; many do a few things to lead a successful staff that is free from these biases. Owners can take a step toward building a diverse work place by realizing that these biases should be avoided and prevented from ever entering the workplace. Employers can become more familiar with unconscious biases and prevent them by making the information readily available.

What can you yourself do to correct biases?

- Get to know your neighbors. It may seem obvious, but getting to know your neighbors is the first step to becoming a kind neighbor.
- Make small kind gestures a daily practice.
- Remind yourself that being connected feels good.
- Meet and engage with different people.
- Check your own implicit biases.

## **3.0 EXPLICIT BIAS**

Explicit bias is conscious, pre-planned or deliberate. In this type of bias, a person is fully aware of the attitudes and feeling expressed. In other words, an individual shows explicit bias and related behavior by knowing or with intent. Most people may harbor beliefs and attitudes about a group of people or a person on a conscious level. With explicit bias, individuals are aware of their prejudices and attitudes towards certain groups.

Explicit bias involves consciously held, self-reported attitudes that shape how one evaluates or behaves toward members of a particular group. Explicit bias is accessible – it can be measured with straightforward questions in surveys, such as “do you agree or disagree with the statement that boys are better than girls at math.” It can also be contested with logic and discussion because it is acknowledged by the person expressing the bias. Implicit bias, in contrast, is activated automatically.

### **3.1 THE HISTORY OF EXPLICIT RACISM**

Explicit racism in housing has existed for years. Zoning laws in the US originated in the early 20<sup>th</sup> century, and for many cities, these zones areas were specifically segregated by race. Uses that were undesirable or more industrial in nature were often constrained to areas for only racial or ethnic minorities. At the same time, zoning laws rooted in racist land-use policies continue to place constraints on the number of unrelated individuals who can live together, and limit the amount of multi-family housing that can be built in certain neighborhoods. These laws continue to keep low-income people of color out of higher income, lower density housing – and farther away from work, school and opportunity – preventing them from accruing generational wealth in the first place.

**A. The Problem** - Explicit biases are conscious acts. You know what you are doing or saying overt racism and racist comments are examples of explicit biases. Implicit bias involves all out of the subconscious feelings, perceptions, attitudes, and stereotypes that have developed as a result of prior influences. It is an automatic positive or negative preference for a group, based on one's subconscious thoughts.

How many times have you heard that women nurses are better at their tasks than male nurses, or women should not be in mortgage lending because men have better sense of numbers.

Implicit bias is understandable and often helpful. However, conscious, explicit bias is another story. Our explicit bias is informed by our implicit bias but is also at least part of a conscious choice.

### **3.2 EXPLICIT VS. IMPLICIT?**

How do we remember the differences between explicit and implicit bias? Mnemonics are an easy way to remember the differences between terms like *explicit* and *implicit*. Since “explicit” information is outwardly apparent, try associating the letter “e” with “exterior.” Meanwhile, “implicit” information conveys inner meanings, so we can associate the letter “i” with “interior.”



People are more likely to express explicit biases when they perceive an individual or group to be a threat to their well-being. Research has shown that white people are more likely to express anti-Muslim prejudice when they perceive national security to be at risk and express more negative attitudes towards Asian Americans when they perceive an economic threat. When people perceive their biases to be valid, they are more likely to justify unfair treatment or even violence. This unfair treatment can have long-term negative impacts on its victims' physical and mental health.

**A. The Solution -** What can be done? Expressions of explicit bias (discrimination, hate speech, etc.) occur as the result of deliberate thought. Thus, they can be consciously regulated. People are more motivated to control their biases if there are social norms in place, which dictate that prejudice is not socially acceptable. As we start forming our biases at an early age, it is important that we reinforce norms in our homes, schools, and in the media that promote respect for one's own and other groups.

Research shows that emphasizing a common group identity (such as "we are all Americans") can help reduce interracial tensions that may arise between majority and minority ethnic groups in the U.S. Also, when conducted under the right conditions, studies show intergroup contact between people of different races can increase trust and reduce the anxiety that underlies bias.

**B. Negative Stereotypes -** Negative stereotypes continue to be powerful despite the norms we purport to hold. Media plays a significant role in shaping our perceptions of race. For many Whites and people of other races and ethnicities, the media's portrayal of Black men and boys is the primary basis for their knowledge and emotional reaction.

With a few notable examples in politics, most media present Black men as figures to be admired for their athleticism, artistic or entertainment talent, or feared for their criminality. For those whose knowledge of race is largely mediated through the media, race itself triggers a complex set of emotions: fear, envy, anxiety, but also admiration and desire.

Black men and boys are systematically portrayed in negative ways in both news and entertainment programming, which can have the effect of activating and exacerbating racial stereotypes. On local news shows, Blacks are disproportionately portrayed as criminals, and Whites as victims. Reducing racial anxiety and its effects on behavior is as important as reducing bias. Both result in conditions that create significant obstacles to the full inclusion of black men and boys in our society – and in the context of the criminal justice system, can literally be dangerous.

However, at this time several major police departments now provide an instructive pathway to abolish the harmful effects of racial anxiety and schools are creating conditions in which black boys and young men have a greater likelihood of reaching their potential. We have learned, for example, that Black students engaging in their studies are ultimately achieving higher grade point averages. (Aronson et al., 2002).

In addition, stereotype threat diminishes and Black students are more apt to perform to their potential when they are not the only representative or one of few representatives of their group when same-race role models are present. In diverse environments, group membership tends to become less defining of individual identity than feeling like “the black guy” in the engineering class. Students can simply be themselves and not see their performance as linked to a group identity.

#### **4.0 SYSTEMIC BIAS**

Systemic bias is prejudice, bigotry, or unfairness directed by health, educational, government, judicial, legal, religious, political, financial, media, or cultural institutions towards individuals of an oppressed or marginalized group. Systemic bias, also called institutional bias, is the inherent tendency of a process to support particular outcomes. The term generally refers to human systems such as institutions.

**A. Structural Bias**, in turn, has been defined more specifically in reference to racial inequities as the normalize and legitimized range of policies, practices, and attitudes that routinely produce cumulative and chronic adverse outcomes for minority populations.

The issue of concern is that patterns of behavior may develop within large institutions which become harmful to the productivity and viability of the larger institutions from which they develop. The major categories of study on systemic bias for these organizations are counter productive work behavior, human resource mistreatment and the relief of stress-inducing behavior.

#### **4.1 COUNTER-PRODUCTIVE WORK BEHAVIOR**

Counter-productive work behavior consists of behavior by employees that harms or intend to harm organizations and people in organizations. The driving forces behind counterproductive work behavior can be bias based. In real estate a licensee can show this kind of behavior by insulting another licensee or avoiding and withholding communication.

#### **4.2 MISTREATMENT OF HUMAN RESOURCES**

Biases can be formed against human resource staff member when employees feel they are not being treated fairly. Biases affect productivity and efficiency in the workplace. Training for employees and HR members is crucial to avoid implicit and explicit biases. There are several types of mistreatment that employees endure in organizations.

- **Abusive Supervisor** - Is the extent to which a supervisor engages in a pattern of behavior that harms subordinates.
- **Bullying** – Involves a repeated pattern or harmful behavior directed towards an individual.
- **Incivility** – Consists of low intensity discourteous and rude behavior with ambiguous intent to harm that violates norm for appropriate behavior in the work place.
- **Sexual Harassment** – Behavior that denigrates or mistreats an individual due to his or her gender, creates an offensive workplace, and interferes with an individuals ability to do their job.

#### **4.3 STRESS-INDUCING BEHAVIOR**

Occupational stress concerns the imbalance between demands (aspects of the job that require mental or physical effort) and resources that help cope with these demands.

Everyone in all major positions gets bullied and embarrassed if they stick to their guns. It happens. So, be as optimistic as possible, be nice to everyone, bail everyone out and hope for the best.

#### **4.4 SYSTEMIC BIAS VS. IMPLICIT BIAS**

What is the difference between systemic and implicit bias? First, let's dig deep in to the differences between systemic bias, and implicit/unconscious bias. Systemic bias is prejudice, bigotry, or unfairness directed by health, educational, government, judicial, legal religious, political, financial, media, or cultural institutions towards individuals of an oppressed or marginalized group. Systemic biases are practices embedded in the everyday working of a system or institution that creates or supports individuals of an oppressed or marginalize group. To put it simply systemic biases are barriers maintained by institutions while unconscious biases are those upheld by individuals.

One might think of a systemic bias of a particular institution in devaluing contributors by women, mentor ethnic minorities. For example, an essay competition that was constantly won by white women could be subject to suspicion of a bias if there were no inherent reasons that white women would constantly be the best writers. Such a bias could be deliberate on the part of the judges. You might look at our legal system. If on one part of the legal system, the policy is working to eliminate unconscious biases among its members, but another part of the legal system, the lawyers, are not. Then the community, regardless of color, will continue to be marginalized and oppressed by a system which judges the community unfairly.

##### **A. Systemic Bias in the Workplace -**

Systemic bias in the everyday workplace:

- Sales - Retail sales associates or security guards result in discrimination against those with black skin.
- Making it mandatory to achieve knowledge in specific areas before qualified to take a state exam.

Institutions are made up of individuals. That's why it's important that individuals are held accountable in addressing their unconscious biases. Workshops which bring groups together to work on unconscious biases can be started. However be sure to hire an experienced anti-oppression facilitator to lead this endeavor. Too often, companies and corporations will try to do this work in house by assigning a black person on the team to organize a "lunch and learn" where other employees reluctantly attend. This is a recipe for disaster as it'll only build resentment and increase hostility within the organization. Also, there are nuances that can create further division if the workshop is not led by an experienced facilitator. Without the right guidance, participants may become tired non-responsive.

**B. Example:**

- Some will believe they are exceptional and don't need the training because they have a Black family member or because they don't see skin color.
- Another may show up believing that talking about racism is divisive.
- Yet another may want to be perfect and show the facilitator that they are being a good student by saying all the right things.

It's harder to hide from oneself. Thus, using a tool that allows for self-reflection and introspection in a guided workshop format can help the individual, not only be true to themselves, but also see how their unconscious biases contribute to the larger issue of systemic biases.

## **5.0 BIASES IN ALL AREAS OF REAL ESTATE**

**A. Preventing Implicit Bias in Real Estate**

What can you do to prevent implicit bias in real estate? Reach out to your local legislators with concerns and attend local city council meetings for the most impact. Recently passed Senate Bill (SB) 263 requires real estate licensees and license applicants to complete implicit bias training during their licensing courses and all 45-hour renewal courses starting January 1, 2023.

## **5.1 APPRAISAL BIASES**

Is it true that appraisers are exacerbating the racial appraisal gap? The appraisers' current valuation process has not only been exacerbating the racial appraisal gap, but also the racial wealth gap, given that homeownership is one of the primary ways that U.S. families accumulate wealth.

Consider two types of bias that can impact appraisal values: neighborhood and individual neighborhood bias would be akin to an appraiser redlining and adjusting values for an entire neighborhood because the area is home to a particular demographic group. This type of bias impacts the value of all homes in that area.

**A. Racial Disparities in Appraisals** - It is reported that Jillian White, a Black appraiser, was assisting her aunt and uncle in refinancing their home loan several years ago when a realtor suggested that they take down family photos and other indications of Black home occupiers — “to erase themselves in the home,” says White — in order to get a higher appraisal. Stories of racial discrimination in appraising home values have been increasing over the last several months, usually with a narrative like this one reported in February 12<sup>th</sup> in San Francisco: A black couple saw the appraisal of their home increase by \$500,000 after they took down photos of themselves in the house and had a white friend pose on their behalf during the appraiser's visit.

Again, if you want to get a fair appraisal and maximum selling price potential for your home, you might need to pretend to be white. That kind of individual bias is just one part of a broader, systemic problem, called “appraisal discrimination” or the “racial appraisal gap.” It's supported by a long span of research showing that homes in majority black neighborhoods have been severely under-valued for decades, therefore widening the wealth gap between black and white families. Until recently, the leadership of the Appraisal Institute, an international professional association representing the real estate appraiser profession, was unwilling to acknowledge that this was even an issue. In 2019, when Congressman Al Green of Texas asked the leaders of several real estate professional organization including the Appraisal Institute if they believed that “invidious discrimination played a role in the devaluation of property” in black neighborhoods, none of them raised acknowledge or admitted the existence of this occurring.

Today the Appraisal Institute has a new perspective on racial disparities. The Institute is now willing to acknowledge that racial bias exists in the industry on some levels. The question looms, however, whether its proposed remedies will be sufficient for closing the appraisal gap.

If an appraiser has bias towards socioeconomic status, race, religion, nationality, gender, sex, age, weight, mental or physical disorders or disabilities, or anything else, the appraiser must withdraw from the assignment. If real property appraisers neglect to do this, they can be fined, disciplined, lose their license, or go to jail.

**B. Fair Appraisal Act (AB948)** - Assembly Bill 948 creates the Fair Appraisal Act. Among its provisions, every sales contract for real property made after July 1, 2022, must include a notice stating that the property appraisal must be unbiased, objective, and not influenced by specific factors, including: race, color, religion, gender, sexual orientation, marital status, medical condition, military or veteran status, national origin, source of income, ancestry, disability, genetic information, or age. The notice will also include information on actions a buyer or seller can take if they believe an appraisal has been affected. Real estate licensees, among other professions, will be required to deliver this same notice when involved in the refinancing of a residential real estate property of up to four units.

## **5.2 BIAS IN MORTGAGE LOAN DISCRIMINATION**

Another form of bias in real estate comes in the form of mortgage loan discrimination. This has been going for as long as people have been lending money for houses, and the statistics are bleak.

**A. Redlining** - Redlining is the practice of denying a creditworthy applicant a loan for housing in a certain neighborhood even though the applicant may otherwise be eligible for the loan. The term refers to the presumed practice of mortgage lenders of drawing red lines around portions of a map to indicate areas or neighborhoods in which they do not want to make loans. Redlining on a racial basis has been held by the courts to be an illegal practice. A lending institution is not expected to approve all housing loan applications or to make all loans on identical terms.

Denying loans or granting loans on more-stringent terms and conditions, however, must be justified on the basis of economic factors and without regard to the race, color, religion, national origin, sex or marital status of the prospective borrowers or the residents of the neighborhood in which the property is located. According to an analysis of 2020 data from the Home Mortgage Disclosure Act, black applicants were denied mortgages 80% more often than white applicants.

After World War II, Black veterans returning were not allowed to obtain mortgage by the Federal Housing Administration. Despite fighting, and in many cases dying, to support the US mission, Black soldiers were explicitly discriminated against because they were viewed by banks and the federal government as “higher risk” loans. In order to obtain federal funding, local developers were required to include in their codes a refusal to sell to people of color. These policies changed in the 1960s, but by then the damage had been done. The homeownership boom, spurred by the federal government to boost the economy, deliberately and unconscionably prevented Black homeownership and thus prevented generational wealth or class mobility to take place as it would for white America.

The implicit racism in our housing policies only underscores growing socioeconomic issues and further barriers to achieve economic prosperity. We must cast light upon these issues and enact changes now if we are really serious about leveling the playing field and creating a system of equal access to economic opportunity.

**B Income Bias** - Another form of bias in housing is called "source of income discrimination." This is when someone's lawful income is rejected when attempting to rent or buy a home. Lawful income can include wages, pensions, unemployment insurance, Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), and veteran's benefits. One form of income that is not considered lawful income under Federal Fair Housing laws is Section 8 vouchers. That means landlords can refuse to rent to households with Section 8 vouchers purely based on their use of the voucher. Several cities and states have enacted laws and ordinances to make it illegal for landlords to refuse housing based solely on the use of Section 8 vouchers by applicants. Currently, Minneapolis is the sole city in Minnesota with an ordinance protecting Section 8 income.



### **5.3 HOME BUYING BIAS**

The law prohibits discrimination in all aspects of the housing business and the Department of Fair Employment and Housing (DFEH) is responsible for enforcing state fair housing laws that make it illegal to discriminate. The mission of the DFEH is to protect people of California from unlawful discrimination based on race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, military or veteran status, familial status, source of income, disability (mental and physical), medical condition, genetic information, age (except senior-housing), citizenship, primary language, or immigration status and from bias-motivated violence and human trafficking. The primary laws related to prohibiting discriminatory housing practices are:

- The Unruh Civil Rights Act
- The Holden Act
- The Fair Housing Act – Title VIII
- The Fair Employment and Housing Act (FEHA)

### **5.4 THE UNRUH CIVIL RIGHTS ACT**

The Unruh Civil Rights Act was enacted in 1959 to provide protection from discrimination by all business establishments in California, including housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status or sexual orientation.

### **5.5 THE HOLDEN ACT**

The Holden Act governs the provision of loans to purchase, construct, rehabilitate or refinance one-to-four unit residence occupied by the owner and to make home improvements to any one-to-four-unit family residence.

### **5.6 THE FAIR HOUSING ACT**

The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.

**A. Sales and Rentals** - In the sale and rental of housing it is illegal discrimination to take any of the following actions because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin:

- Refuse to rent or sell housing;
- Refuse to negotiate for housing;
- Otherwise make housing unavailable;
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide a person different housing services or facilities;
- Falsely deny that housing is available for inspection, sale or rental;
- Make, print or publish any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination;
- Impose different sales prices or rental charges for the sale or rental of a dwelling.
- Use different qualifications criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis, sale or rental approval procedures or other requirements;
- For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood (blockbusting);
- Refuse to provide or discriminate in the terms or conditions of homeowners insurance because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin of the owner and/or occupants of a dwelling.
- Deny access to or membership in an multiple listing service or real estate brokers' organization.

**B. Harassment** - The Fair Housing Act makes it illegal to harass persons because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, or national origin. Among other things, this forbids sexual harassment. Furthermore, it is considered illegal discrimination to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right;

- Retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation.

**C. Retaliation is Illegal** - It is illegal to retaliate against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under HUD's complaint process at any time, even after the investigation has been completed. The Fair Housing Act also makes it illegal to retaliate against any person because that person reported a discriminatory practice to a housing provider or other authority. If you believe you have experienced retaliation, you can file a complaint.

**D. Disability Biases and Protection** - Under the Fair Housing Act, conditions that are protected by disability include, blindness, mobility impairment, hearing impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury and mental illness. Housing providers must make reasonable accommodations and allow reasonable modifications that may be necessary to allow persons with disabilities to enjoy their housing. Certain multi-family housing must be accessible to persons with disabilities.

**Assistance for Persons with Disabilities** – HUD provides a toll-free teletypewriter line: 1-800-877-8339. You can also ask for disability-related assistance.

**Assistance for Persons with Limited English Proficiency** - You can file a complaint in any language. For persons with limited English proficiency, HUD provides interpreters. HUD also provides complaint forms in Arabic, Cambodian, Chinese, Korean, Russian, Somali, Spanish and Vietnamese.

## **5.7 THE FAIR EMPLOYMENT AND HOUSING ACT, (FEHA)**

The Fair Employment and Housing Act is the primary law that provides employees with protection from discrimination, retaliation and harassment in employment. All employment provisions of the FEHA anti-discrimination provisions apply to all public and private employers, labor organizations and employment agencies with five or more full-time or part-time employees.

Categories covered under FEHA include: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

**A. LGBTQ Housing** - (often used to encompass any sexual orientations or gender identities that do not correspond to heterosexual norms). LGBTQ couples have been discriminated against during the bidding process and by inflated purchase prices. Others have been told that the home is no longer available, even though it was still listed for sale.

Real estate agents have steered same sex couples away from homes that heterosexual couples were encouraged to buy. Same sex couples were encouraged to buy only in known LGBTQ neighborhoods. Same sex couples have been turned down by finance companies, even though they met the financial qualifications. Insurance agencies have refused to put both partners' names on homeowner's insurance policies. Some insurance companies have refused to pay claims or have cancelled policies on the basis that the owners were unrelated, even though both names were on the policy.

## **5.8 BIASES IN HOME INSPECTIONS**

Unfortunately, some real estate agents view a thorough and non-bias home inspection as a threat to their sales commission. A prospective homebuyer should have the right to use inspectors of their own choosing. A real estate broker or sales agent who tries to get you to use an inspector of the agent's choice could be trying to control the home inspector selection process. Prospective homebuyers must keep in mind that real estate agents, who receive a commission from the property seller, are working in the best interest of their client, (the seller.)

## **5.9 LOVE LETTERS TO SELLERS**

Buyer "love letters" to sellers have become increasingly common in today's tight housing market because buyers want to do everything they can to increase the chances of their offer being accepted. "Love letters" in real estate are letters that prospective buyers write to sellers to describe why their offer should be chosen over someone else.

The letters are typically personal descriptions of who the buyers are and how they hope to live in the home. However, this can lead to ethical issues for buyers and those representing them. Imagine a buyer writing a long, descriptive piece about their dreams for their home. The letter might state something like "*We dream of our children running down the stairs to find presents under the Christmas tree and their father dressed as Santa Claus.*" From even just that sentence, we can infer that the individual has a family and a husband and that there's a good chance they are Christian. Compare this with a family that may describe gathering around the dinner table for Passover or Eid al-Fitr.

These love letters create another opportunity for bias—conscious or unconscious. A seller might feel moved by a buyer of their own faith or who has a similar family composition. If a seller chooses any buyer over the others because of their implied religion, familial status, or race, they could be breaking fair housing laws. As a result, some real estate offices refuse to consider love letters if they arrive with the offer package. The National Association of Realtors has issued a warning to its members about the possible ramifications of allowing love letters. The state of New York has banned them altogether. It's becoming more and more common to consider love letters to be more risk than they're worth.

## **6.0 IMPLICIT ASSOCIATION TEST**

The Implicit Association Test, AIT, measures the strength of associations between concepts (e.g., black people, gay people) and evaluations (e.g., good, bad) or stereotypes (e.g., athletic, clumsy). According to research and researchers who created the test and maintain it at the Project Implicit website, the IAT is not good for predicting individual biases based on just one test. It requires a collection of tests before it can really make any sort of conclusions.

## **6.1 CONCLUSION**

**As real estate agents, we want to be successful** and we enjoy the feeling that putting up another multiple listing sign will help bring a pay check at the close of escrow. This is a physical part of our work. We also have another part and that is the ability to motivate ourselves and to work with sellers in stressful and emotional times. And by learning about biases we should learn about how to overcome biases we have within ourselves.

**IMPLICIT BIAS TRAINING**  
**STUDY QUIZ #1**

1. Implicit bias in the workplace can lead to less than optimal business decisions including:
  - (a) Alienating team members;
  - (b) Creating a toxic work environment;
  - (c) Promoting under-qualified candidates;
  - (d) All of the above.
  
2. We all make assessments involuntary, or outside of our intentional control, and those assessments affect our behavior. Although we cannot eliminate biases, but we can minimize it through:
  - (a) Vigilance;
  - (b) Self-awareness
  - (c) Education;
  - (d) All of the above.
  
3. The inherent tendency of a process to support a particular outcome is known as:
  - (a) Implicit Bias;
  - (b) Explicit Bias;
  - (c) Systemic Bias;
  - (d) Structural Bias;
  
4. There are several types of mistreatment that employees endure in organizations. That which involves a repeated pattern or harmful behavior directed towards is an individual is know as:
  - (a) Sexual Harassment
  - (b) Bullying
  - (c) Incivility
  - (d) All of the above.
  
5. One form of income that is not considered lawful income under Federal Fair Housing law is:
  - (a) Veteran's Benefits;
  - (b) Social Security Disability Insurance;
  - (c) Section 8 Vouchers;
  - (d) Pensions.

Study Quiz Answers: 1. (d); 2. (d); 3. (c); 4. (b); 5. (c);

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