Erik James Girvan

University of Oregon School of Law 1221 University of Oregon, Eugene, OR 97403-1221 Office: (541) 346-8934; Cell: (541) 636-7479

Email: girvan@uoregon.edu

http://tiny.cc/GirvanGoogleScholar; https://orcid.org/0000-0001-6250-0682

Selected Employment Experience

University of Oregon School of Law, Eugene, Oregon

- ➤ Professor (2023 present)
- ➤ Associate Professor (2017 2023)
- \triangleright Assistant Professor (2012 2017)
 - <u>Courses Taught</u>: Civil Procedure; Electronic Discovery; Psychology of Conflict; Race, Gender, Bias, & Law; Research Methods; Remedies
 - <u>Program Affiliations</u>: Appropriate Dispute Resolution Center; Educational & Community Supports and Center for Equity Promotion (UO College of Education)
- ➤ Associate Dean for Faculty Research and Programs (2023 present)
- Executive Director, Law & Conflict Studies (2022 2023)
- Faculty Director, Conflict Resolution Master's Degree Program (2020 2022)
- ➤ Faculty Co-Director, Conflict Resolution Master's Degree Program (2015 2020)

Lund University, Lund, Sweden

Visiting Researcher (remote), Pufendorf Institute for Advanced Studies (2022)

Pepperdine University School of Law, Malibu, California

Visiting Faculty, Straus Institute for Dispute Resolution (Summers 2017 & 2018)

Faegre & Benson, LLP, 1 Minneapolis, Minnesota

➤ Associate / Attorney, Business Litigation (2002 – 2009)

Education

University of Minnesota, Minneapolis, Minnesota

Ph.D., Psychology, 2012

Concentrations Social and Political Psychology

Advisors Dr. Eugene Borgida and Dr. Marti H. Gonzales

Dissertation Habits of meaning: How legal education and other professional

training attenuate bias in social judgments.

Harvard Law School, Cambridge, Massachusetts

J.D., 2002

Activities Harvard Mediation Program, Dir. of Advanced Mediation Training

Harvard Human Rights Journal, Submissions Editor

University of Alaska Fairbanks, Fairbanks, Alaska

B.A., Political Science, magna cum laude, 1998

¹ Now Faegre Drinker Biddle & Reath LLP.

Academic Publications²

- Erik J. Girvan, Jennifer Wenska Reynolds, & Michael Moffitt, *Decision-making in Alternative Dispute Resolution*, in CAMBRIDGE HANDBOOK OF THE PSYCHOLOGY OF LEGAL DECISION-MAKING (M. K. Miller, L. A. Yelderman, J. A. Cantone, & M. T. Huss, eds.) Cambridge University Press (in press).
 - *Sean Austin, Erik J. Girvan, Kent McIntosh, *National Patterns of Vulnerable Decision Points in School Discipline*, J. OF SCH. PSYCHOL. (manuscript accepted).
 - *Dave Markowitz, Angus Kittelman, **Erik J. Girvan**, Maria Santiago-Rosario, & Kent McIntosh, *Taking Note of Our Biases: How Language Patterns Reveal Bias Underlying the Use of Office Discipline Referrals in Exclusionary Discipline*, EDUCATIONAL RESEARCHER (manuscript accepted).
- 2023 **Erik J. Girvan**, *Post Hoc Interventions in Criminal Sentencing: An Empirical Thought Experiment*, in Post Hoc Interventions: Prospects and Problems (pp. 55-76) (M. Gunnemyr & M. L. Jönsson, eds.) Lund University (2023).³
 - *Erik J. Girvan & Heather Marek, Eye of the Beholder: Increased Likelihood of Prison Sentences for Those Perceived to Have Hispanic Ethnicity, 47 LAW & HUM. BEHAV. 182-200 (2023).⁴
 - *Claudia G. Vincent, Erik J. Girvan, John Inglish, Heather McClure, Mark Van Ryzin, Rita Svanks, Daren Reiley, & Scott Smith, Blending restorative practices with multi-tiered support system in high school before, and during the Covid pandemic: Successes, Challenges, and Adaptations. NAT'L ASSOC. OF SECONDARY SCH. PRINCIPALS BUL., 1-23 (2023).
- Kent McIntosh, Tabathia Baldy, Maria Santiago-Rosario, Eoin Bastable, Sarah Fairbanks Falcon, Sara McDaniel, & Erik J. Girvan, Designing Educational Interventions to Advance Social Justice, in DISPROPORTIONALITY & SOCIAL JUSTICE IN EDUCATION (pp. 273-93) (A. Katisiyannis, D. Whitford, Rapa, L., & N. Gage, eds.) Springer (2022).
- Erik J. Girvan, The School-to-Prison Pipeline: How Federal Anti-Discrimination Law Fails to Protect Equal Educational Opportunity, in The Oxford Handbook Of U.S. Educ. Law (pp. 995-1014) (K. Bowman, ed.) New York, NY: Oxford University Press (2021).
 - *Erik J. Girvan, Kent McIntosh, & Maria Santiago-Rosario, Associations between Community-level Racial Biases, Office Discipline Referrals, and Out-of-School Suspensions, 50:2-3 SCH. PSYCHOL. REV. 288-302 (2021).
 - *Kent McIntosh, Erik J. Girvan, Sarah Fairbanks Falcon, Sara McDaniel, Keith Smolkowski, Eoin Bastable, Maria Santiago-Rosario, Sara Izzard, Sean Austin,

² * = Peer-reviewed journals; + = Law reviews. <u>Underlined</u> co-authors are graduate students. Authorship order reflects responsibility, with the first author being the primary author and contributor.

³ Oregon Law Perspectives webinar: https://youtu.be/A43 WBDGIuo.

⁴ Reported on in *Telemundo* (https://www.axios.com/2023/05/02/criminal-justice-prison-reform-latino-hispanic).

- Rhonda Nese, & Tabathia Baldy, Equity-focused PBIS Approach Reduces Racial *Inequities in School Discipline: A Randomized Controlled Trial*, 36(6) SCH. PSYCHOL. 433-44 (2021).5
- *Kent McIntosh, Erik J. Girvan, Sara C. McDaniel, Maria Reina Santiago-Rosario, Stephanie St. Joseph, Sarah Fairbanks Falcon, Sara Izzard, & Eoin Bastable, Effects of an Equity-Focused PBIS Approach to School Improvement on School Climate and Discipline, 65(4) PREVENTING SCH. FAILURE 354-61 (2021).
- *Claudia G. Vincent, John Inglish, Erik J. Girvan, Mark Van Ryzin, Rita Svanks, Shareen Springer, & Allison Ivey, Introducing Restorative Practices into High Schools' Multi-Tiered Systems of Support: Successes and Challenges, 24(4) CONTEMP. JUSTICE REV. 409-35 (2021).
- Rhonda Nese, Sara McDaniel, Paul Meng, Lisette Spraggins, Vikki Babbs, & Erik J. Girvan, Restorative and Conflict Resolution Interventions, in PEERS AS CHANGE AGENTS: A GUIDE TO IMPLEMENTING PEER-MEDIATED INTERVENTIONS IN SCHOOLS (pp. 185-95) (T.A. Collins & R.O. Hawkins, eds.) New York, NY: Oxford University Press (2021).
- 2020 *Erik J. Girvan, Towards a Problem-Solving Approach to Addressing Racial Disparities in School Discipline Under Anti-Discrimination Law, 50 U. MEMPHIS L. REV. 995-1090 (2020) (symposium issue on Closing the Gap: Solutions to Educational Inequality).
 - *Kent McIntosh, Keith Smolkowski, Cody M. Gion, Lauren Witherspoon, Eoin Bastable, & Erik J. Girvan, Awareness is Not Enough: A Double-blind Randomized Trial of the Effects of Providing Discipline Disproportionality Data Reports to School Administrators, 49(7) EDUC. RESEARCHER 533-37 (2020).
- 2019 Erik J. Girvan, The Law and Social Psychology of Racial Disparities in School Discipline, in ADVANCES IN PSYCHOL. & LAW, Vol. 4 (pp. 235-76) (B. Bornstein & M. Miller, eds.) Switzerland: Springer International Publishing AG (2019).
 - *Erik J. Girvan, Kent McIntosh & Keith Smolkowski, Tail, Tusk, and Trunk: What Different Metrics Reveal About the Problem of Racial Disproportionality in School Discipline, 54 EDUC. PSYCHOL. 40-59 (2019).6
- 2018 *Kent McIntosh, Kathleen Elwood, Lisa McCall & Erik J. Girvan, Using Discipline Data to Enhance Equity in School Discipline, 53 Intervention in Sch. & Clinic 146-52 (2018).
- 2017 *Erik J. Girvan, Cody Gion, Kent McIntosh, & Keith Smolkowski, The Relative Contribution of Subjective Office Referrals to Racial Disproportionality in School Discipline, 32 SCH. PSYCHOL. Q. 392-404 (2017).

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⁵ Selected as School Psychology Article of the Year (https://www.apa.org/pubs/highlights/spotlight/issue-228).

⁶ Selected for coverage in APA Division 15's Podcast, Emerging Research in Educational Psychology (https://soundcloud.com/user-883650452/dr-erik-girvan; https://podcasts.apple.com/us/podcast/dr-erikgirvan/id1429028409?i=1000474525320).

- *Joshua Kahn & Erik J. Girvan, Applying Rules and Standards Accurately: Indeterminacy and Transfer Among Adult Learners, 27 HUM. RESOURCE DEV. Q. 87-112 (2017).
- ⁺Erik J. Girvan, When Our Reach Exceeds Our Grasp: Remedial Realism in Antidiscrimination Law, 94 OR. L. REV. 359-423 (2016).
 - *Erik J. Girvan, Wise Restraints?: Learning Legal Rules, Not Standards, Reduces the Effects of Stereotypes in Legal Decision-Making, 22 PSYCHOL., PUB. POL'Y, & LAW 31-45 (2016).
 - *Erik J. Girvan & Heather Marek, Psychological and Structural Bias in Civil Jury Awards, 8 J. Aggression, Conflict, & Peace Res. 247-57 (2016).
 - *Keith Smolkowski, **Erik J. Girvan**, Kent McIntosh, Rhonda Nese, & Robert H. Horner, *Vulnerable Decision Points for Disproportionate Office Discipline Referrals: Comparisons of Discipline for African American and White Elementary School Students*, 41 Behav. Disorders 178-95 (2016).⁷
 - Claudia Vincent, John Inglish, **Erik J. Girvan**, Jeffrey Sprague, & Timothy McCabe, *Integrating School-wide Positive Behavior Interventions and Supports (SWPBIS)* and Restorative Discipline (RD), in INEQUALITY IN SCHOOL DISCIPLINE: RESEARCH AND PRACTICE TO REDUCE DISPARITIES (pp. 115-34) (R.J. Skiba, K. Mediratta, & M.K. Rausch, eds.) New York: Palgrave MacMillan (2016).
- ⁺Erik J. Girvan, On Using the Psychological Science of Implicit Bias to Advance Anti-Discrimination Law, 26 GEO. MASON U. CIV. RTS. L.J. 1-86 (2015).⁸
 - *Erik J. Girvan, Grace Deason, & Eugene Borgida, The Generalizability of Gender Bias: Testing the Effects of Contextual, Explicit, and Implicit Sexism on Labor Arbitration Decisions, 39 LAW & HUM. BEHAV. 525-37 (2015).
 - Eugene Borgida & Erik J. Girvan, Social Cognition in Law, in APA HANDBOOK OF PERSONALITY AND SOCIAL PSYCHOLOGY, ATTITUDES AND SOCIAL COGNITION, Vol. 1, 753-74 (E. Borgida & J. Bargh eds.) Washington, DC: APA Books (2015).
- *Kent McIntosh, **Erik J. Girvan**, Robert H. Horner, & Keith Smolkowski, *Education not Incarceration: A Conceptual Model for Reducing Racial and Ethnic Disproportionality in School Discipline*, 5 J. APPLIED RES. ON CHILD. 4, 1-22 (2014).
 - Jennifer Hunt, Erik J. Girvan, Grace Deason, & Eugene Borgida, Gender Stereotyping: Scientific Status, in Modern Scientific Evidence: The LAW and Science of Expert Testimony, 708-75 (D.L. Faigman, J. Blumenthal, E. Cheng, J. Mnookin, E. Murphy, & J. Sanders, eds.) St. Paul, MN: West Publishing Co. (2014).
- ⁺Erik J. Girvan & Grace Deason, Social Science in Law: A Psychological Case for Abandoning the "Discriminatory Motive" Under Title VII, 60 CLEV. St. L. Rev. 1057-1101 (2013).

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⁷ Selected as *Behavioral Disorders* Article of the Year (podcast: https://tinyurl.com/y9prsoht).

⁸ Selected for review in JOTWELL (http://worklaw.jotwell.com/the-truth-is-not-enough-to-set-us-free/).

- *Erik J. Girvan, Robert J. Cramer, Tess M.S. Neal, Caroline Titcomb, & Stanley L. Brodsky, *The Propriety of Peremptory Challenges for Perceived Personality Traits*, 37 LAW & PSYCHOL. REV. 49-82 (2013).
- *Erik J. Girvan, Jason Weaver, & Mark Snyder, Elevating Norm Over Substance: Self-Monitoring as a Predictor of Decision Criteria and Decision Time Among Independent Voters, 10 ANALYSES SOC. ISSUES & PUB. POL'Y 321-36 (2010).
- *Erik J. Girvan, Rethinking the Economic Model of Deterrence: How Insights from Empirical Social Science Could Affect Policies Towards Crime and Punishment, 5 REV. LAW & ECON. 461-91 (2009).

Other Publications

- Erik J. Girvan, The Impacts of Offender Race and Ethnicity on Sentence Type in Oregon: 2005-2018 (2019) (report to the Oregon Criminal Justice Commission).
- Kent McIntosh, **Erik J. Girvan**, Robert H Horner, Keith Smolkowski, George Sugai, *A 5-Point Intervention Approach for Enhancing Equity in School Discipline*, OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports (2018) (https://nepbis.org/wp-content/uploads/2018/12/F1.-A-5-Point-Intervention-Approach-for-Enhancing-Equity-in-School-Discipline.pdf).
- <u>Lili McIntyre</u> & **Erik J. Girvan**, *Do We Measure What We Value?* (2015) (http://www.indisputably.org/?p=7640).
- Erik J. Girvan & Lauren Reba-Harrelson, Supporting Breadth in Psychology and Law, Committee on Early Career Professionals column in the American Psychology Law Society, APA Division 41, Newsletter, 46-49 (2014) (http://ap-ls.wildapricot.org/resources/Documents/apls fall 2014.pdf).
- Kent McIntosh, **Erik J. Girvan**, Robert H. Horner, Keith Smolkowski, & George Sugai, *Recommendations for Addressing Discipline Disproportionality in Education*, OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports (2014) (http://www.pbis.org/school/equity-pbis/recommendations).
- Eugene Borgida & Erik J. Girvan, Book Review: Psychological Science in the Courtroom: Consensus and Controversy, 36 CRIM. JUST. REV. 366-368 (2011).
- Erik J. Girvan, Seth Lamden, et al., Recent Developments in Insurance Coverage Litigation, 43 TORT TRIAL & INS. PRAC. L.J. 519 (2008).
- William L. Killion, Kerry L. Bundy, & Erik J. Girvan, *Minnesota*, *in* BUSINESS TORTS: A FIFTY-STATE GUIDE 399 (M. Daller ed.) New York: Aspen (2007).
- Mark D. Mese, Erik J. Girvan, et al., Recent Developments in Insurance Coverage Litigation, 42 TORT TRIAL & INS. PRAC. L.J. 547 (2006).

Ongoing Projects

Definitions of and Remedies for Discrimination (empirical and legal policy research).

Anti-Discrimination Law and School Discipline (empirical and legal policy research).

Impacts of Psychological and Structural Bias on Legal Case Outcomes (empirical and legal policy research).

Academic Presentations

- Vulnerable Decision Points in Prison Disciplinary Segregation, presentation as part of a panel on Innovations in Detecting Racial Bias in Experimental and Real-World Data from Legal Contexts at the American Psychology-Law Society Conference, March 18, Philadelphia, PA (2023) (with Kate Ginsburg Kempany).
- Operationalization of Legal Concepts, invited speaker at panel on Social Sciences Research Strategies and Methods at the Association of American Law Schools 2023 Annual Meeting, January 7, San Diego, California (2023).
- Breaking Out of the Law School Silo: Interdisciplinary and Empirical Research in Law, invited panel discussant at the Association of American Law Schools 2023 Annual Meeting, January 5, San Diego, California (2023).
- Post Hoc Interventions in Criminal Sentencing: An Empirical Thought Experiment, invited talk for the at the Lund University Pufendorf Institute for Advanced Studies Theme on Post Hoc Interventions, October 5, Lund, Sweden (2022).
- Bridges and Barriers to Educational Equity: Should Law Schools Continue to Use Remote Learning Technology and Pedagogy for In-person Classes?, organizer and facilitator of discussion group at the Association of American Law Schools 2022 Annual Meeting, January 9, held virtually (2022) (Remote session).
- Digging Beneath the 3 Ds: The Potential of Natural Language Processing to Identify Intervention Targets from Teachers' Descriptions of Discipline Incidents, invited talk at University of Florida Educational Policy Research Center conference on Improving Data for School Discipline Research, sponsored by the American Educational Research Association, October 18, Gainesville, Florida (2021).
- Assessing Bias in Sentencing Decisions of Hispanic Defendants using Other- and Self-Identified Ethnicity, presentation part of a panel on Assessing Racial Bias, Discrimination, and Injustice in Legal Institutions at the Law & Society Association annual conference, May 27, Chicago, Illinois (2021) (Remote session).
- Toward a Problem-Solving Approach for Anti-Discrimination Law: Addressing Racial Disparities in School Discipline, University of Oregon School of Law Perspectives webinar presentation, April 8, Eugene, Oregon (2021) (Remote session).
- Eye of the Beholder or Beheld?: Examining the Magnitude of Racial and Ethnic Disparities in Outcomes of Sentencing Decisions, presentation part of a panel on Turning the Lens: Researching Sentencers at The Empirical Research on Sentencing (ERoS) Annual Conference, August 27, Ljubljana, Slovenia (2020) (Remote session).
- Local community members' implicit and explicit racial biases predict racial disparities in exclusionary discipline in their schools, presentation part of a panel on New Directions in the Psychological Study of Racial Disparities, Police

- Encounters, and Race Relations in the 21st Century at the Law, Society, & Psychological Science (Law & Society Association CRN) mini-conference, June 12, Denver, CO (2020) (Remote session).
- Towards a problem-solving approach to addressing racial disparities in school discipline under anti-discrimination law, presentation part of a panel on Disproportionality in Discipline and Treatment of Students with Disabilities at The University of Memphis Law Review Annual Symposium on Closing the Gap: Solutions to Educational Inequality, March 13, Memphis, TN (2020) (Symposium cancelled).
- Project ReACT: A Multicomponent Approach for Improving Racial Equity in School Discipline, presented as part of a panel on Integrating Restorative Practices with Multi-Tiered Systems of Support to Promote Equitable Behavioral Outcomes at the Institute for Education Sciences Annual PI Meeting, January 9, Washington, D.C. (2020).
- Racial Bias in Civil Jury Awards, presentation at the American Psychology-Law Society Conference, March 16, Portland, OR (2019).
- The Role of Law in Educational (In)equity, organizer and facilitator of discussion group at the Association of American Law Schools 2019 Annual Meeting, January 6, New Orleans, Louisiana (2019).
- The Psychology of Implicit Bias, guest presentation as part of a panel on Socio-Economic Pedagogy and Implicit Bias at the Association of American Law Schools 2019 Annual Meeting, January 5, New Orleans, Louisiana (2019).
- *Under-Incarceration?: White Privilege in Criminal Justice*, presentation as part of a panel on Implicit Bias in Law at ClassCrits X, November 10, New Orleans, LA (2017).
- Using Theories of Implicit Bias to Combat Racial Disparities in the "School-to-Prison Pipeline," presentation as part of the session on Strategies for Promoting Positive Mental Health Outcomes for Black Youth at the American Psychological Association Annual Convention, August 5, Washington, DC (2017).
- Holes in the Safety Net: Legal and Practical Shortcomings in Federal Protections of LGBTQ Students, presentation as part of the session on Working Toward LGBT Equality at the American Psychological Association Annual Convention, August 4, Washington, DC (2017).
- Why Do We Still Have Racial Disparities in School Discipline?, presentation as part of the Workshop on Education Law at the South Eastern Association of Law Schools Annual Conference, August 2, Boca Raton, Florida (2017).
- How Unstable Measures Impact the Effectiveness of Anti-Discrimination Law: An Examination of Racial Disparities in School Discipline, paper presentation as part of a panel on Law & Discrimination at the Law and Society Association International Meeting on Law and Society, June 20 23, Mexico City, Mexico, (2017).
- An Assessment of the Effectiveness of Restorative Justice as an Intervention for Reducing Bias Against LGBTQ Students in Schools. Symposium on Victimization and Vulnerable Populations: Implications for Victims Service Provision and Policy

- at the American Psychology-Law Society Conference, March 17, Seattle, Washington (2017).
- The Ambivalent Response to Efforts to Give the Psychology of Implicit Bias to Law. Symposium on Giving Psychology to Law through Education and Expert Testimony at the Society for the Psychological Study of Social Issues annual conference, June 24-26, Minneapolis, Minnesota (2016).
- Bias in the School-to-Prison Pipeline: Identifying Vulnerable Decision Points for Racially Disproportionate School Discipline. Symposium on Interdisciplinary Perspectives on Hate, Prejudice, and Discrimination in the Criminal Justice System at the American Psychology-Law Society Conference, March 10 12, Atlanta, Georgia (2016).
- Psychological and Structural Bias in Civil Jury Awards. Symposium on Jury Decision Making at the American Psychology-Law Society Conference, March 10 12, Atlanta, Georgia (2016).
- Two Levels of Implicit Bias in Judicial Decision-Making. Symposium on Law and Images at the Association of American Law Schools 110th Annual Conference, January 9, New York, New York (2016).
- When Our Reach Exceeds Our Grasp: Remedial Realism in Anti-Discrimination Law. Invited talk at the Junior Faculty Works-in-Progress Conference at Marquette University Law School, September 26, Milwaukee, Wisconsin (2015).
- Fruit of a Poison Tree?: Comparing Structural and Psychological Sources of Bias in Civil Jury Decisions. Invited talk at the Social Psychology and Law Preconference to the Society for Personality and Social Psychology Annual Meeting, February 26, Long Beach, California (2015).
- A Question of Efficacy: The Role of Psychological Science of Implicit Bias in Advancing Anti-Discrimination Law. Invited talk at the University of Kansas School of Law, February 13, Lawrence, Kansas (2015).
- It Ain't Broke if You Can't Fix it: The Need for Remedial Realism in Anti-Discrimination Law and Psychology. Invited talk at the William S. Richardson School or Law New Directions In Law & Psychology Symposium, December 12, Honolulu, Hawai'i (2014).
- It Ain't Broke if You Can't Fix it: The Psychological Science of Workable Solutions to Discrimination. Invited talk at the University of Nebraska Future Directions in Psychology, Public Policy, and the Law Conference, June 11 13, Lincoln, Nebraska (2014).
- The Influence of Social Cognitive Psychology in Law. Symposium on Social Psychology and Law at the American Psychology-Law Society Conference, March 6 8, New Orleans, Louisiana (2014).
- Wise Restraints?: How Learning the Law Affects Socially-Biased Decision-Making. Invited talk at the University of Iowa College of Law, January 23, Iowa City, Iowa (2014).

- The Influence of Explicit and Implicit Gender Attitudes on Labor Arbitration Decisions. Invited talk at the Implicit Bias, Philosophy, and Psychology Conference, April 19 21, University of Sheffield, Sheffield, United Kingdom (2013).
- When Legal Education Attenuates Use of Social Stereotypes. Symposium on Stereotypes and Perceptions. Presentation at the American Psychology-Law Society Conference, March 7 9, Portland, Oregon (2013).
- The Influence of Explicit and Implicit Gender Attitudes on Labor Arbitration Decisions. Presentation at the American Psychology-Law Society Conference, March 7 9, Portland, Oregon (2013).
- Toward a Broader Theory of Discrimination and Hostile Environments: The Role of Dehumanization. Invited Discussant at the American Psychology-Law Society Conference, March 7 9, Portland, Oregon (2013).
- No Royal Road for Reducing Prejudice: Experience, not Accountability, Attenuates Gender Bias in Employment-Arbitration Decisions. Symposium on Employment Discrimination at the 4th International Congress on Psychology and Law, March 2 5, Miami, Florida (2011).
- Discrimination and the Psychological "Motive": A Revised Framework for Disparate Treatment Under Title VII. Symposium on Law and Uncertainty at the Twin Cities Law & Society Conference, October 24, Minneapolis, Minnesota (2009).
- The Merits and Challenges of Transparency: A Proposed Experimental Examination of Camera Coverage on Courtroom Trials. Symposium on Courts and Judges at the Twin Cities Law & Society Conference, October 24, Minneapolis, Minnesota (2009).
- Do not Protest too Much: Backlash and Implicit Bias in Employment Arbitration Decisions. Symposium on The Policy Implications of Blatant and Subtle Acts of Sexism at the American Psychology-Law Society Conference, March 5-8, San Antonio, Texas (2009).

Grants & Fellowships

External Research Funding Awards: 9

- ReACT Initial Efficacy: Testing the Effects of a Promising Intervention to Achieve Equity in School Discipline (R305A230399), U.S. Department of Education Institute for Education Sciences (Co-PI with Kent McIntosh, Keith Smolkowski, Kim St. Martin, Ambra Green, & Gulcan Cil), \$3,800,000 (2023-2027; nationally competitive, peer-reviewed award)
- Project BASICS: Behavioral Accountability for a Successful Instructional Climate in Schools (R305A210071), U.S. Department of Education Institute for Education Sciences (Co-PI with Claudia Vincent, John Inglish, & Heather McClure) \$1,999,999 (2021-2025; nationally competitive, peer-reviewed award)

Justice Reinvestment Evaluation, State of Oregon Criminal Justice Commission (PI

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⁹ Total external research funding: \$8,752,644

- with Angela Addae), \$109,900 (2020; state-funded award)
- Project ReACT: Neutralizing the Effects of Implicit Bias on Racial Disproportionality in School Discipline (R324A170034), U.S. Department of Education Institute for Education Sciences (Co-PI with Kent McIntosh), \$1,400,000 (2017-2020; nationally competitive, peer-reviewed award)
- Positive and Restorative Investment in Discipline Reform in Education (PRIDE): Integrating School-wide Positive Behavior Interventions and Supports (SWPBIS) and Restorative Discipline (RD) (R305A170631), U.S. Department of Education Institute for Education Sciences (Co-PI with Claudia Vincent) \$1,390,000 (2017-2020; nationally competitive, peer-reviewed award)
- Race and Gender Disparities Research to Practice Collaborative Grant (with Jeffrey Sprague, John Inglish, and Claudia Vincent), \$25,000 (2013; nationally competitive, peer-reviewed award)
- American Psychological Foundation/Council of Graduate Departments of Psychology, Clarence J. Rosencrans Scholarship, \$2,000 (2011; nationally competitive, peer-reviewed award)
- Society for the Psychological Study of Social Issues Research Grant, \$1,000 (Summer 2011; nationally competitive, peer-reviewed award)
- National Academy of Arbitrators Research and Education Foundation Research Grant (with Eugene Borgida & Grace Deason), \$23,995 (Fall 2009)
- American Psychology-Law Society Grant-in-Aid, \$750 (Summer 2009; nationally competitive peer-reviewed award)

Internal Funding Awards:

- Wayne Morse Center for Law and Politics Resident Scholar, \$10,000 (2015-2016)
- University of Oregon Incubating Interdisciplinary Initiatives (I3) Grant (with Jeffrey Sprague, John Inglish, and Claudia Vincent), \$48,499 (2013, intra-institutionally competitive, peer-reviewed award)
- Center for the Study of Political Psychology Research Grant, \$1,500 (Spring 2011)
- University of Minnesota Political Psychology Minor Grant, \$1,000 (Spring 2011)
- College of Liberal Arts Student Research and Travel Award, \$500 (Spring 2011)
- Center for the Study of Political Psychology Research Grant, \$1,750 (Spring 2009)
- Department of Psychology Travel Grant, \$500 (Spring 2009)
- Center for the Study of Political Psychology Research Grant, \$6,400 (Spring 2008)

Fellowships:

- Social Systems Data Science Network Faculty Data Science Fellowship, full tuition for intensive course on use of machine learning for natural language processing in Python (2021)
- University of Minnesota Doctoral Dissertation Fellowship, full tuition plus stipend (2011-2012; interdepartmentally competitive, peer-reviewed award)
- Department of Psychology Research Fellowship (Spring 2010; intra-departmentally competitive, peer-reviewed award)
- University of Minnesota Graduate School Research Fellowship (Summer 2009;

interdepartmentally competitive, peer-reviewed award)

Graduate Research Partnership Program Fellowship (Summer 2008)

University of Minnesota Graduate School Fellowship, full tuition plus stipend (2007-2009)

Awards & Honors

University of Oregon, Fund for Faculty Excellence Award (2019)

University of Oregon, Rev. Dr. Martin Luther King, Jr. Institutional Transformation Award (2017)

Elected Marshal for Class of 2017 (2017)

Orlando J. Hollis Faculty Teaching Award (2016)

Selected Media Appearances

Marina E. Franco, *Perception of Latinos' race impacts crime sentences, study finds*, Axios/Noticias Telemundo (May 2, 2023)

(https://www.axios.com/2023/05/02/criminal-justice-prison-reform-latino-hispanic; https://www.telemundo.com/noticias/noticias-telemundo/hispanos-enee-uu/latinos-sistema-justicia-penal-estados-unidos-rcna82430).

Megan Cave, *Expert Instruction Episode 6: Implicit Bias*, PBISApps (Feb. 16, 2021) (https://www.pbisapps.org/community/Pages/Expert-Instruction-Episode-6- Implicit-Bias.aspx).

Love Cross, City Club of Eugene: Implicit bias: in the schools, in the courts, in society, KLCC (Jan. 11, 2021) (https://www.klcc.org/post/city-club-eugene-implicit-bias-schools-courts-society).

Haven Orecchio-Egresitz, *The 'war on drugs' may be a bigger problem than the drugs themselves, experts say*, Insider (Nov. 10, 2020)

(https://www.insider.com/ending-war-on-drugs-solution-to-tense-cop-community-relationships-2020-11)

Matthew Denis, *Training for empathy and prevention*, Register-Guard (Dec. 17, 2018) (https://www.registerguard.com/news/20181217/training-for-empathy-and-prevention)

Kellee Azar, Starbucks closes stores for racial bias training after Philadelphia incident, KATU (May 29, 2018) (https://katu.com/news/local/starbucks-close-for-racial-bias-training-after-philadelphia-incident).

Julia Belluz, Companies like Starbucks love anti-bias training. But it doesn't work—and may backfire, Vox (Apr. 19, 2018) (https://www.vox.com/science-and-health/2018/4/19/17251752/philadelphia-starbucks-arrest-racial-bias-training).

Emily Cureton & Geoffrey Riley, *Seeing our blind spots*, Jefferson Public Radio (Feb. 12, 2016) (http://ijpr.org/post/seeing-our-blind-spots#stream/0).

Selected
Professional
Keynote
Presentations,
Workshops,
& Trainings

Lane Council of Governments, All Staff Training, January 13, Eugene, Oregon (2022).

Oregon Business & Industry, Board of Directors Meeting, November 11, Newburg, Oregon (2021).

Federal Bureau of Investigation, Portland Field Office, 2021 Cross Functional

- Community Engagement Workshop Series, June 15, Portland, Oregon (2021).
- Georgia Council of Court Administrators, Spring 2021 Conference, March 16, Athens, Georgia (2021) (remote presentation).
- Keynote speaker, Idaho Prosecuting Attorneys Association Winter Conference, February 7, Boise, Idaho (2020).
- Multnomah County and Clarke County District Attorneys' Offices, January 30, Portland, Oregon (2020).
- Deschutes County District Attorneys' Office, Sheriffs, local law enforcement, and Parole & Probation, September 20 & November 15, Bend, Oregon (2019).
- Keynote speaker, Diversity & Social Justice Conference of the Washington Education Association Riverside, March 16, Vancouver, Washington (2019).
- Keynote speaker, ReFUEL HR Annual Conference of the Human Resource Association of Central Utah, March 14, Provo, Utah (2019).
- Plenary speaker, Oregon Justice Reinvestment Summit, February 14, Salem, Oregon (2019).
- Oregon Department of Justice, November 29, December 11 & 13, January 29, Salem and Portland, Oregon (2018-2019).
- University of Oregon, workshop series for members of academic search committees, September-May, Eugene, Oregon (2014-20).
- Federal Bureau of Investigation Leadership Conference, September 26, Portland, Oregon (2018).
- Plenary speaker, U.S. Courts 2018 Bench Bar Conference, September 14, Ft. Hall, Idaho (2018).
- Keynote speaker, 30th Annual Employment Law Seminar sponsored by Parsons, Behle, & Latimer, May 22, Salt Lake City, Utah (2018).
- Oregon Department of Human Services, February 1, Beaverton & Oregon City, & April 6, Clackamas & Hillsboro, Oregon (2018).
- Keynote speaker, Building Bridges of Understanding in our Communities, September 28, Tigard, Oregon (2017).
- Miller, Nash, Graham, & Dunn LLP, June 8 & 9, Portland, Oregon & Seattle, Washington (2017).
- Oregon Department of Justice, Criminal Enforcement Division, November 4, February 9, May 30, & July 25, Salem, Oregon (2016-2017) (with Capt. Sam Kamkar).
- Multnomah County District Attorney's Office, April 28, Portland, Oregon (2017).
- Oregon Criminal Defense Lawyer's Association Annual Juvenile law Conference, April 22, Newport, Oregon (2017) (with Judge Darleen Ortega and Carrie Leonetti).
- Lane County Parole & Probation, April 18, Eugene, Oregon (2017).

- Oregon State Bar Board of Governors and PLF Board of Directors, April 14, Portland, Oregon (2017).
- 30th Annual North West Bankruptcy Institute, April 7, Vancouver, Washington (2017).
- Oregon District Attorneys Association annual leadership retreat, December 1, Gleneden Beach, Oregon (2016).
- Marion County Health Department, October 28, Salem, Oregon (2016).
- School Board Members for school districts in Lane County, October 11, Eugene, Oregon (2016).
- Lane County District Attorney's Office, August 26, Eugene, Oregon (2016).
- Lane Powell PC, July 13 & 14, Portland, Oregon & Seattle, Washington (2016).
- Administrators of the Arlington Independent School District, June 10, Arlington, Texas (2016).
- University of Oregon Executive and Senior Leadership Team, June 7, Eugene, Oregon (2016).
- Tonkon Torp LLP, May 14, Sunriver, Oregon (2016).
- Oregon Circuit Judges Association Conference, April 11, Sunriver, Oregon (2016).
- Eugene School District 4J Implicit Bias & Disproportionate Discipline Work Session, January 14, Eugene, Oregon (2016).
- Eugene Police Department November In-Service Training, November 4-18, Eugene, Oregon (2015).
- Oregon Criminal Defense Lawyers Association Juvenile Law Training Academy, October 19, Silverton, Oregon (2015).
- Lane County K 12 Curriculum Leaders, Special Education Directors, and School Superintendents, October 20, Eugene, Oregon (2015).
- National Association of Administrative Law Judiciary 2015 Annual Conference, October 13, Portland, Oregon (2015).
- Washington County Juvenile Department, July 29, Hillsboro, Oregon (2015).
- Governor's Summit on Reducing Disproportional Minority Contact in the Juvenile Justice System, session on Breaking the School to Prison Pipeline in Oregon: Implication for Policy and Practice, November 26, Eugene, Oregon (2014) (with Kent McIntosh).
- Oregon School Discipline Advisory Committee, an advisory committee to the Oregon Department of Education, November 12, Salem, Oregon (2014) (with Kent McIntosh).
- University of Oregon Executive Leadership Team (i.e., President, Provost, Deans), program chairs, and high-level professional staff at the University of Oregon, October January, Eugene, Oregon (2014-2015).

Professional Memberships & Licenses

Bar Admissions:

- > State of Minnesota (2002; currently inactive)
- ➤ United States Court of Appeals for the Eighth Circuit
- United States District Courts: Central District of Illinois, Northern District of Illinois, District of Minnesota, Eastern District of Wisconsin, and Western District of Wisconsin

American Bar Association, 2002 - present

American Psychology-Law Society, 2007 – present

American Psychological Association, 2016 - 2020

Society for the Psychological Study of Social Issues, 2008 – 2016

Professional Service

Journals and Granting Institutions:

- Editorial Board Member:
 - o Law & Human Behavior, 2018-present
 - o Journal of Aggression, Conflict, and Peace Research, 2015-19
- Ad hoc Reviewer: AERA Open, American Educational Research Journal, Behavioral Sciences & the Law, Educational Psychologist, Harvard Education Press, Social Science Research, National Science Foundation (Law and Social Sciences Program)

Professional Organizations:

- American Association of Law Schools, Section on Education Law, *Executive Committee*, 2019-present
- American Psychological Association, *Committee on Legal Issues*, 2017-20, *cochair*, 2019-20
- American Psychology-Law Society, Early Career Professionals Committee, 2014-17
- American Psychology-Law Society, Legal Scholars Committee, 2013-2016
- American Psychology-Law Society, *Reviewer of Presentation Proposals for 2015 Annual Conference*, San Diego, CA
- American Psychology-Law Society, Reviewer of Presentation Proposals for 2014 Annual Conference, New Orleans, LA
- American Psychology-Law Society, *Reviewer of Presentation Proposals for 2013 Annual Conference*, Portland, OR
- Society for the Psychological Study of Social Issues, *Reviewer of Presentation Proposals for 2012 SPSSI Biennial Conference*, Charlotte, NC
- American Psychology-Law Society, *Reviewer of Presentation Proposals for 2011 APA Convention*, Washington, DC
- Society of Experimental Social Psychology, *Volunteer Symposia Host and Transportation Coordinator*, 2010 Annual Conference, Minneapolis, MN
- American Psychology-Law Society, Campus Representative, 2009-2010

Legal System:

 Oregon Supreme Court Council on Inclusion and Fairness, Data Analysis Subcommittee, *Member*, 2017-2021

- Oregon Criminal Justice Commission, Justice Reinvestment Equity Advisory Committee, *Member*, 2019-2020¹⁰
- Oregon Law Commission, Oregon State Capitol Workplace Harassment Work Group, Member, 2018-2019
- Oregon Law Enforcement Contacts Policy Data and Review Committee, Consultant, 2016-17

Institutional Service

University of Oregon:

- Graduate Council (2014-19, 2022-present)
- Student Conduct and Community Standards Committee (2019-23), *Faculty Chair* (2019-21)
- University Appeals Board (2019-22)
- Fund for Faculty Excellence Selection Committee (2019-21), *Chair* (2020-21)
- Lokey Graduate Science Award Committee (2018-19)
- UO Doctoral Research Fellowship Review Committee (2014-15, 2016-17)
- NSF Advance Grant Planning Group (2012-14)

Law School Committees:

- Appointments (2022-23)
- ABA Self Study & Site Visit Committee, Chair (2021-22)
- Academic Standing Committee (2021-22)
- Dean's Faculty Advisory Committee (2016-17; 2019-21) (elected by faculty)
- Appointments (2018-19)
- Assessments/Outcomes (2017-18)
- CRES Advisory (2014-17)
- Career & Professional Success, *Chair* (2014-15)
- Academic Standing & Professional Success (2012-14)
- Diversity/Community and Inclusion (2013-14)
- Library (2012-13)

Search Committees:

- Dean of the Graduate School (2018)
- Associate Dean of the Graduate School (2017)
- Managing Director of the Portland Program (2015)
- Faculty Support Specialist (2015)
- Assistant/Associate Director of Admissions (2015)
- ADR Program Director (2014)

Special Administrative Assignments:

- Non-JD Graduate Programs Workgroup, *Chair* (2018-19)
- Law School Dean's 5-Year Review Committee (2015-16)
- CRES 10-Year Program Review (2015-16)

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https://www.oregon.gov/cjc/CJC%20Document%20Library/HB3064ReportSept2020.pdf

¹⁰ Co-authored evaluation report:

- Law School Program Review (2013-14)
- Analysis of Undergraduate Law Curriculum (2013)
- Bar Exam Performance Working Group (2012-13)
- Scholarship Committee Working Group (2012)

Student Organizations:

- Oregon Law Review, 100th Anniversary Symposium Issue (2021-22)
- Moot Court Advisory Board (2014-15)

Major Graduate Student Papers & Final Projects Supervised

Notes:

(C)=Course Concentration

(D)=Dissertation

(T)=Thesis

(TP)=Terminal Project

(WR)=Writing Requirement

- (D)Sean Austin (2022) "National Patterns of Vulnerable Decision Points in School Discipline."
- (WR)Rachael Burch (2022) "Arlington Heights, Abbot v. Perez, and a Resistance to Change."
- (WR)Carly Cannon (2022) "Overrepresented Students with Underrepresented Supports."
- (WR)Ellen McKean (2022) "The Right to Language Assistance: Towards a Model Statute."
- (T) Agnieszka Alboszta (2022) "International Mobility: Perceptions on Identity and Conflict."
- (T)Tiffany Couch (2022) "Social Identity Theory, Partisan Identification, and Political Polarization."
- (WR)Francesco Fischer (2021) "Jury Selection in a Post-Socially Distanced America."
- (WR)Grace Kaesermann (2021) "Life Without Parole Guardianship and Leaving the Elderly without a Voice."
- (T)Wemimo Ayannubi (2021) "Cultural Conflict; Conflict in the Black Community Between the African Americans and Africans in Diaspora."
- (T)Samantha McCourt (2021) "Solved Cases and Conflict Resolution: Analyzing the Need for ADR Techniques in Intergroup Communication in the Missing and Murdered Indigenous Women's Crisis."
- (WR)Scott Cumming (2020) "Oregon's Residential Landlord-Tenant Act & Oxford House."
- (WR)Mackenzie Lang (2020) "Underserving Survivors: Failing to Protect from Institutional Betrayal Inside the Criminal Justice System."
- (WR)Eric Dennis (2020) "Mexico's Unorthodox Path to Federally Legal Cannabis."
- (WR)Cristal Jones (2020) "Still Strangers in the Land: Achievement Barriers, Burdens, and Bridges Facing African American Students Within Predominately White Law Schools."
- (WR)JJ. Juilfs (2020) "Confidentiality in the Northwest: Attorney-Client Privilege Applied to Post-Employment Communications with Former Employees."
- (T) Anne Gregory (2020) "Chunkey, Cahokia, and Indigenous Conflict Resolution."
- (T)Max-Edward Rizer (2020) "Using Best Interest of the Child Framework in Genetics Counseling."
- (TP)Nadine Philp (2020) "Preparing for Change: A Consulting Series for Teams in Transition."

- (WR)Victoria R. Redman (2018) "Navigating Unchartered Waters: The Circuit Split Over Whether Punitive Damages Should Be Available Under the Doctrine of Unseaworthiness."
- (D)Cody Gion (2018) "Effects of a Multifacited Classroom Intervention on Racial Disproportionality."
- (D)Heather Marek (2018) "Criminalizing our way to Racial Equality? An Empirical Look at Hate Crime Regulation."
- (D) Eoin Bastable (2018) "Exploring Educators' Commitment to Racial Equity in School Discipline Practice: A Qualitative Study of Critical Incidents."
- (D) Smrithi Prasad (2017) "Role of Mindfulness in Economic Risk-Taking."
- (TP)Awab Al-rawe (2017) "The University of Oregon's Manzil-Midrash Program Review and Curriculum."
- (T)S. Aaron Weah-Weah, III (2017) "How Social Dominance Theory Might Contribute to Our Understanding of the Liberian Civil War (1989-2003)."
- (T)Katherine Lubiani (2017) "Pre-Entry: Expanding the Methods by Which Public Defenders Prepare Clients for a Successful Re-Entry Prior to Incarceration."
- (T)Patrick Brian Wiley (2017) "Beauty *or* the Beast: Understanding Attitudes about Wolves in Washington State and Their Implications for Wolf Management."
- (T)Makoto Kurokawa (2017) "Nationalism and Islands Dispute in East China Sea."
- (WR) Maggie Carlson (2017) "Waiving Goodbye to Childhood: The Disparate Impact of Measure 11 on Oregon's Children."
- (D)Devin E. Howington (2016) "What Does Accuracy Get You? Empathic Accuracy During a Negotiation."
- (C)Michelle Souder (2016) "The Changing Landscape of Leadership and Managing Organizational Conflict."
- (C)Julie D. Stephens (2016) "College & University Teaching."
- (TP)Wesley Lucas (2016) "What we do: Evaluating Best Practices in Court-Connected Domestic Relations Mediation."
- (D)Tina Gutierez-Schmich (2016) "Public Pedagogy and Conflict Pedagogy: Sites of Possibility for Anti-Oppressive Teacher Education."
- (T)Lili McEntire (2016) "Reducing The Trauma: Alternative Dispute Resolution in Disaster Relief Efforts."
- (WR)Zachariah D. Conway (2016) "The Role of Implicit Bias in Environmental Injustice."
- (WR) Jonathan C. Heritage (2016) "Challenging Rape Myths in the Adversarial Justice Model for Addressing Sexual Violence: A Proposal to Move Justice Beyond Old and Harmful Ideas."
- (T) Sequoia Hill (2016) "Barriers to Implementation of School-Based Conflict Resolution Education: An Analysis of Principals' Perspectives Using the Theory of Planned Behavior."
- (TP)Stephanie Frazier (2016) "Crisis Intervention Guide: Supporting Law Enforcement and the Mental Health Community Through Continued Education."
- (WR) Timothy Wright (2016) "Putting Some Over the Hill: The Disparate Impact of Drought in California."
- (WR)Christopher Weathers (2016) "Forgetting the Small Guy: The Supreme Court's Bias in Favor of Big Business."

- (WR) Ariana Denley (2016) "Discrimination Does Not Have to be Hostile: How the Recognition of Discriminatory Favoritism Could Reshape Antidiscrimination Law."
- (TP)Dennis "Mustafa" Moore (2016) "Starting an Inclusive and Diverse Grassroots Nonprofit Organization."
- (WR)Colin Cox (2016) "O'Bannon v. NCAA and Title IX: Do they Work Together to Improve or Worsen the Current State of Collegiate Athletics?"
- (T)Robert Herndon (2015) "From Stable to Sustainable: An Integrated Model of Reconciliation in Transitional Societies."
- (T)Mitchell Kiefer (2015) "Conflict Transformation and Deliberative Democracy: A New Approach for Interdisciplinary Potential."
- (WR)Leslie Canton (2015) "Oregon's Process of Death- Qualification Introduces Impermissible Bias into Capital Case Venires."
- (WR) Kiara Fiegi (2015) "Unintended Consequences of the Three Strikes Law."
- (WR) Megan Gilmore (2015) "Discrimination and the Death Penalty Through the Lens of the United States, Iran, and China."
- (TP)Mason Hines (2015) "Conflict Resolution Activities for Middle School Skill-Building: Review of Research and Theoretical Foundation."
- (WR) Kathleen Mahoney (2015) "Are Pet Regulations in Apartment Complexes a Tool for Racial Discrimination."
- (WR)Patricia Rincon (2015) "Disparate Impact Jurisprudence and In-Group Favoritism in School Discipline."
- (T)Elizabeth Rubin (2015) "School Based Restorative Justice."
- (WR) Cassandra Snelling (2015) "The Negative Implications of the Batson and Terry Frameworks"
- (TP)Sarah Altemus-Pope (2014) "Implementing a Community-Based Forest Collaborative Group: Design and Outcomes."
- (T)Corianne Etheredge (2014) "Willingness to Adopt Restorative Discipline in Schools: An Analysis of Northwest Justice Forum Pre-training on Restorative Justice and Schools Survey Data."
- (WR) Jacek Berka (2014) "Stop-and-Frisk and the Fourth Amendment: Legal Considerations, Statistical Realities, and Legal Remedies."
- (WR) Tyler Call (2014) "Freedom to Do, or Not Do unto Others: Religious Free Exercise in the Expanding Context of Personhood and Broadening State Action."
- (WR) Eric Harris (2014) "How the Stop and Frisk of African-American Males Influences Their Views on Law Enforcement."
- (WR)Samuel Morones (2014) "Civil Asset Forfeiture and its Effect on Racial Minorities."
- (WR) Taylor Overbeck (2014) "Time to Transition: The Inadequacies of Transgender Protection Under Title VII."
- (WR) Charles Weber (2014) "The Effect of SROs and Juvenile Arbitration on the Economic Success of Students in South Carolina."
- (WR) Allison Knight (2013) "Doing the Same Thing Again and Again but Expecting a Different Outcome: Insanity and Mental Health in Criminal Justice."
- (T)Autumn Chen (2011) "Counteracting Gender and Parental Status Biases and Stereotypes in Employment."
- (T)John Alden (2010) "Using Accountability to Mitigate Caregiver Bias in the Workplace."

• (T)Karina Kuhrt (2009) "A P x S Approach to Studying Gender Bias in Arbitration."