UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY
LONDON DIVISION

Equal Employment Opportunity Commission

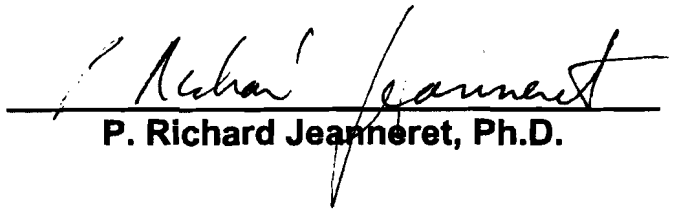
v

Wal-Mart Stores, Inc.

Case No. 01-339

Responsive Report to the Expert Report of William T. Bielby Dated March 1, 2007

Prepared By



P. Richard Jeanneret, Ph.D.

April 4, 2008

EXHIBIT 7

APPENDIX C

BRIEF SUMMARY OF STEREOTYPING REFERENCE ARTICLES RELIED UPON BY DR. BIELBY

Dr. Bielby's Citations Regarding EEOC v. Wal-Mart, Inc.							
Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability** (e.g., fit to what organizational setting?)	**Relevance to 6097**
Bielby, W. T. (2000). Minimizing workplace gender and racial bias. *Contemporary Sociology, 29(1),* 120-129.	Referred Journal	Literature Review	14, 30	Author gives suggestions for minimizing bias: judgments should be based on timely and relevant information, decision makers should evaluate that information consistently with respect to clearly articulated criteria, and a mechanism should exist for holding decision makers accountable for the process they have used and criteria they have applied in making their judgments. Author says EEO accountability is also key, but says "EEO regulations and laws contain considerable ambiguity regarding what constitutes compliance" (p. 125).	Task is not to eliminate stereotypical thinking, but to minimize its impact on personnel decisions. "Personnel systems whose criteria for making decisions are arbitrary and subjective are highly vulnerable to bias due to the influence of stereotypes....Highly subjective personnel systems also reinforce the impact of segregated informal networks and personal ties in hiring and internal selection decisions" (p. 123). "Placing substantial weight on prior industry experience in an industry dominated by white males has the same effect as a strict seniority system in a firm that has historically excluded women and minorities" (p. 124).	Gives policy and practice recommendations to reduce discrimination in employment decisions specifically aimed at medium to large organizations, covered by EEO laws, who likely have a specialized HR or personnel function.	Bielby states "...accountability [is] necessary to minimize the impact of stereotypes and gender bias on personnel decisions" (p. 14). Norton et al. (2004) study he cites showed accountability had no effect on reducing bias.

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Bielby, W. T., & Baron, J. N. (1986). Men and women at work: Sex segregation and statistical discrimination. *American Journal of Sociology, 91*(4), 759-799.	Referred Journal	Archival	7, 19	Authors conclude "employers do reserve some jobs for men and others for women, based on their knowledge of technical and organizational features of work and their perceptions (however accurate) of sex differences in skills and work orientations....Our findings indicate that small differences in job requirements get amplified into large differences in gender composition...the propensity to hire females in a mixed line of work appears to be an all-or-nothing proposition. With few exceptions, a job was either inappropriate for women or appropriate only for women, regardless of amount of overlap in the attributes for prospective male and female employees." (p. 782)	Article suggests that discrimination does not fit with their "efficiency perspective of sex segregation."	Gender segregation by organization or by job title. Data from the U.S. Department of Labor 1972, and some onsite ratings. Defined mixed gender occupations as those where males constituted 20-80% of the workforce. Criterion yields 84 of 645 detailed occupational categories studied to be labeled as "mixed" (24% of employment in 290 establishments). Data from late 60's to early 70's. May need further analysis/support to generalize to late 90's.	Data is about 20 years older than hiring practices in question. Deals with segregation that may or may not have been based on previously legal policies dealing with physical demand limits for women. (Prior to 1970 employers could legally segregate genders based on physical requirements of job in question). Article is cited to support argument that "physically demanding work is one example of the kind of trait that contributes to the sex labeling of a job." The article suggests that physical requirements figured explicitly or implicitly in employers policies for assigning women to specific jobs in 40% of a sample of 153 (of 290 from larger sample) narrative reports. The article also states "legal restriction on lifting for women became unconstitutional after 1970".

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Borgida, E., Hunt, C., & Kim, A. (2005). Science for Judges IV: Agent orange revisited and human behavior research: On the use of gender stereotyping research in sex discrimination and litigation. *Journal of Law and Policy, 13*, 613-628.	Referred Journal	Literature Review	5	Social framework analysis is meant to provide the jury with a context to use when thinking about the case in question.	Authors cite Gutek and Stockdale suggesting that "it is important to point out that a social framework analysis does not demonstrate that discrimination or harassment either does or does not occur but provides information to help the jury determine whether or not discrimination or harassment occurred".	Author suggests that gender stereotyping testimony has previously been accepted by courts through expert witnesses using social framework analysis. Can also use outside of employment discrimination law.	Expert testimony is meant to discuss general causation, rather than establishing specific causation.

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Cleveland, J. N., Stockdale, M., & Murphy, K. R. (2000). *Women and Men in Organizations: Sex and Gender Issues at Work* (pp. 41-66). Mahwah, NJ: Lawrence Erlbaum Associates.	Book Chapter	Literature Review	11	Strength of gender stereotypes can be lessened by race and age variables. For example, White college-aged women are more likely to be seen in a stereotypical light than are Black middle-aged women. Authors also suggest, "There is evidence (from studies conducted in the 1970s and again in the 1990's) suggesting a small but consistent impact of gender stereotypes on work-related decisions and on men's and women's self perceptions of their behavior, performance, and worth (including expectations of pay)" (p. 65).	Men are more likely to be hired for managerial and professional positions, however women and minorities may be facing decreased discrimination due to increases in interviewer training, structured interviews, and increases in racial and gender diversity. Still are likely to face discrimination in promotion.	Provides an overview of some views of gender, race, and age stereotyping.	No direct relevance, discusses generalities. Describes how individuals may view the "typical" man/woman from a stereotype bias. Stereotypes most prevalent in absence of data. In 6097 hiring individuals had access to data in multiple forms. Additionally, research from Williams and Best conducted their work in the late 70's.
DiMaggio, P. (1997). Culture and cognition. *Annual Review of Sociology*, 23, 263-287.	Referred Journal	Literature Review	8	Cognition, including schemas, is one aspect of culture.	N/A	Review of culture from primarily a sociological perspective. No discussion of the role of organizations or work context.	Not relevant, to Bielby's point. No discussion of gender-based schemas, sex-labeled jobs, or related decision making.

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Eberhardt, J. L., & Fiske, S. T. (1996). Motivating individuals to change: What is a target to do? In C. N. MacRae, C. Stangor, & M. Hewstone (Eds.) *Stereotypes and Stereotyping* (pp. 369-415). New York: Guilford Press.	Book Chapter	Literature Review	27	Individuals' strategies against stereotyping and discrimination have less widespread impact than do group strategies (i.e., organizational change).	Accountability for the accuracy and justifiability of one's decision makes individuals more vigilant decision makers. Thus, accountability reduces discrimination to the extent that the third party/higher powers do not endorse use of stereotypes. If third parties have stereotypic opinions, accountability could lead to greater discrimination.	Review of individual differences in prejudice and stereotyping, group-level theories of stereotyping; and strategies for the target to motivate change (i.e., less stereotyping and discrimination).	Not relevant. Strategies presented are designed to assist the target in combating prejudice and discrimination (i.e., what the target of discrimination can do).
Faigman, D. L., & Monahan, J. (2005). Psychological evidence at the dawn of the law's scientific age. *Annual Review of Psychology, 56*, 631-659.	Book Chapter	Literature Review	5	Suggests that even some areas of psychology that are well researched, such as eyewitness identification, are likely to not be able to provide expert opinions regarding specific causation.	N/A	Application of Daubert rule regarding the use of expert testimony and implications for the individuals testifying as experts on psychological subject matter.	Provides criteria for testimony to be considered "expert" and allowable. Of interest is the application of the relevance or "fit" of the argument to the case in question. Underscores importance of generalizability of psychological findings to case in question. Also specifies that if social frameworks are used they "should require that both general causation and specific causation be demonstrated independently under Daubert" (p. 652).

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Fiske, S. T., Lin, M., & Neuberg, S. L. (1999). The continuum model: Ten years later. In S. Chaiken, & Y. Trope (Eds.) *Dual Process Theories in Social Psychology* (pp. 231-254). New York: Guilford Press.	Book Chapter	Literature Review	27	Impression formation includes a number of steps from initial encounter to assessment. Automaticity of formation (i.e., categorization, use of stereotypes) is influenced by situational and individual motivation factors.	Authors cite other research that found accountability to a third party decreases likelihood of discrimination, by motivating more effortful impression formation--impressions based more on individuating information than general categories.	Review of the Continuum Model, which describes the ways in which people form impressions of others ranging from immediate categorization to careful attribute-by-attribute analysis.	Weak link. If decision makers held accountable, personnel decisions/impressions should be more strongly based on individual attributes than heuristics or stereotypes.
Gaertner, S. L., Dovidio, J. F., Nier, J., Hodson, G., & Houlette, M. A. (2005). Aversive racism: Bias without intention. In R. L. Nelson & L. B. Neilson (Eds.), *Handbook on employment discrimination research: Rights and realities* (pp. 377-393). Kluwar Academic Press.	Book Chapter	Literature Review	10	Authors propose that intergroup biases (i.e., in-group favoritism) are at the core of most aversive racism. For instance, when applicant is weak on one dimension and strong on another, perceiver will weight the weak dimension more heavily for the out-group applicant yet weight the strong dimension more heavily for the in-group candidate.	Discrimination occurs when the "aversive racist" (he/she does not view him/herself as being prejudiced) can justify or rationalize a negative response on the basis of some factor other than race.	Review of experimental evidence of aversive racism--a conflict between the denial of personal prejudice and unconscious negative feelings and beliefs--in the behavior of Whites toward Blacks. Of studies cited, all were experimental and the majority was conducted with White college student participants. Authors discuss only White-Black interactions; no mention of gender or aversive sexism.	Suggests that individuals give the "benefit of the doubt" to in-group members but not out-group members. However, all cited research explores White-Black relations only.

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Giovanni, M. (2004). What gets measured gets done: Achieving results through diversity and inclusion. *Journal for Quality and Participation, 27(4),* 21-27.	Referred Journal	Literature Review	30	To increase diversity need: 1) clear objectives and measureable goals, and 2) to hold management accountable and reward successes.	N/A	Diversity/inclusion initiatives. Suggests steps necessary to insure the success of a diversity/inclusion plan and how to measure/monitor progress toward that end.	Not relevant. Greater accountability regarding initiative implementation related to greater success.
Gorman, E. H. (2005). Gender stereotypes, same-gender preferences, and organizational variation in the hiring of women: Evidence from law firms. *American Sociological Review, 70*(4), 702-728.	Referred Journal	Field Survey; analyzed data from 770 firms, collected from NALP Directory annual survey	8	Organizations evaluate male and female candidates in light of organization-specific role-incumbent schemas--traits of past job holders are viewed as necessary for success in job.	Gender discrimination may occur when jobholders are predominantly male or female because the relevant gender is perceived as key for successful job performance.	Based on large U.S. law firms during the mid 90's; stereotypical hiring criteria (i.e., masculine or feminine) affects proportion of men/women hired.	In this study, number of hiring criteria that were stereotypically masculine had a negative effect on number of women hired.
Heilman, M. E. (1980). The impact of situational factors on personnel decisions concerning women: Varying the sex composition of the applicant pool. *Organizational Behavior and Human Performance, 26,* 386-395.	Referred Journal	Lab Study; participants were 100 MBA students	8	The proportion of women in the applicant pool can impact personnel decisions. When women comprised 25% or less of the applicant pool, the female applicant was perceived as less qualified, lower in potential, and less likely to be recommended for the job.	Situational factors can influence the use of/reliance on sex stereotypes. When stereotypic characterizations are inconsistent with the perceived nature of the job, they negatively affect a woman's employment opportunities.	Selection for managerial position. The study manipulated the applicant pool; to Bielby's point, no evidence that participants' "gender-associated job holder schemas" were affected.	Women viewed as more stereotypically feminine when the applicant pool was 25% or less female. Findings pertain to applicant pool (i.e., situational factors) rather than job description.

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Heilman, M. E. (1983). Sex bias in work settings: The lack of fit model. *Research in Organizational Behavior, 5,* 269-298.	Referred Journal	Literature Review	8	Review of lit. shows little support for the ideas that sex stereotypes accurately reflect powerful and consistent differences between the sexes. It is apparent that when sex differences occur, they tend to be in the direction of the stereotype. Measurement issues: sex of the researcher, sex-related content of the problem/issue presented, and/or type of measure all may be sources of bias. Model proposed suggests how a lack of fit (between perceived female attributes and male job requirements) explains how both self-directed sex bias (self-limiting behavior) and other-directed sex bias (discrimination) operate before and after a woman's entry into organization.	Cited work of Kiesler (1975) which suggests sex-typing of jobs may not be based on perceived content of job and sex-related attributes linked with it, but that jobs may become sex-typed as male or female according to the usual job-holders, making judgments of sex-typing actuarial in nature. Likely both lead to jobs being labeled male or female. Also, like Kiesler, Heilman assumes a cognitive model, asserting that rational information processing, not some irrational imperative, underlies occupational sex bias.	Based on research at least 30-40 years old. Studies cited deal with perceived success of man vs. woman in white-collar jobs or tasks (save one describing the submission of a painting in a contest).	Cited studies by Cohen & Bunker (1975) and Cash, Gillen & Burns (1977) wherein females were found to be less acceptable than male job candidates only when the job was a masculine sex-typed one. Thus, it appears there was nothing about females *per se*, but about the meshing of their assumed attributes with the job type, that determined whether discrimination in selection processes occurred.

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Heilman, M. E., Martell, R. F., & Simon, M. C. (1988). The vagaries of sex bias: Conditions regulating the undervaluation, equivaluation, and overvaluation of female job applicants. *Organizational Behavior and Human Decision Processes, 41*, 98-110.	Referred Journal	Lab Study; participants were 241 college students	8	Differential evaluations of male and female job applicants depending on if performance was verified and sextype of job. Competence and likely success of female applicant undervalued compared to male, unless female rated as high ability.	Discrimination is more likely when the job has a sextype and performance ability is unknown.	Selection for sextyped position. Participants rated the quality/skill of photographers in either football (very male-sextyped) or tennis (moderately male-sextyped) who were previously judged as having either "high" or "unknown" ability.	Female applicants "undervalued" (i.e., rated less favorably) compared to male applicants when job is male-sextyped.

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Hodson, G., Dovidio, J. F., & Gaertner, S. L. (2002). Processes in racial discrimination: Differential weighting of conflicting information. *Personality and Social Psychology Bulletin, 28*(4), 460-471.	Referred Journal	Lab Study; participants were 78 white college students	10	Black applicants were not discriminated against when credentials were unambiguous, and were actually favored over white candidates by the lower-prejudice scoring White participants. Authors state data supports aversive racism framework which proposes that whites' bias against blacks is most likely to be expressed when socially appropriate, normative responses are less clearly defined and negative responses can be justified on factors other than race.	Aversive racism is presumed to represent the racial attitudes of a substantial portion of well-educated and liberal Whites in the US; they regard themselves as nonprejudiced but nonetheless discriminate in subtle, rationalizable ways. Study done with white college students who are expected to be more aversive than traditional, open racists. "Aversive racists are unlikely to discriminate solely on the basis of a person's social category membership, but when presented with information that supports their biases, they will discriminate in ways that can be justified by this information" (p. 461).	Sample of college students asked to make a college admission decision in favor of a white or black candidate. Not generalizable to employment decisions or decisions dealing with gender rather than race. Also, authors specifically state (and find, as compared to national norm data) educated whites are likely to hold different racial attitudes (and behavior based on these attitudes) than the general population.	Opposite of findings from Norton et al. (2004) and Gaertner et al. (2005) studies Bielby cites.

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Hunt, J. S., Borgida, E., Kelly, K. M., & Burgess, D. (2002). Gender stereotyping: Scientific status. In D. Faigman, D. H. Kaye, M. J. Sacks, & J. Sanders (Eds.), *Modern scientific evidence: The law and science of expert testimony* (pp. 384-426). West Publishing Co.	Book Chapter	Review Article	12, 13	Bielby cites the authors to support the claim that "it is only under very specific circumstances that individuating information [e.g., about the applicant] reduces the impact of stereotyping" (p.12). The authors note that individuating information that is ambiguous and/or stereotype-consistent does not decrease stereotype use; information that is inconsistent with group stereotypes usually disconfirms stereotypes.	Per employment discrimination, authors cite research suggesting that discrimination is most likely when female applicants apply for jobs with high male: female ratio (or vice versa) or little information (e.g., qualifications) is known about the applicant.	General review of gender stereotyping literature. Impact of gender stereotypes on personnel selection / employment decisions is discussed.	To the extent that 6097 applicants provided individuating information that made them seem less like a typical man or woman, "the information should decrease the use of global gender stereotypes in judgments about that person" (p.410). Yet, the authors note that perceivers must be "motivated" and "have the cognitive resources necessary to form an individualized impression of the person" (p.409; see also p.419).
Izraeli, D. N. (1983). Sex effects or structural effects? An empirical test of Kanter's theory of proportions. *Social Forces, 62*(1), 153-165.	Referred Journal	Field Survey	8	Found support for "Kanter's general argument that the sex ratio of a group's membership affects its culture". Noted that Kanter used a 15:85 ratio to represent skewed groups but 20:80 ratio used in this study. Also suggested groups with 40-60% of a given gender were considered balanced groups. Considerable discussion given to "tokenism".	"Stereotypes are more prevalent when there is insufficient information on which to judge the individual in question....An unexpected finding is that group sex ratio had a stronger effect on women's attitudes toward both the relative abilities of the sexes and the women's role on the committee than it had on men." (p. 161)	Used a 1977 listing of organizations in Israel (do not provide dates of actual data collection), to compose respondent list.	Findings based from approximately 30 years ago in a different social context (Israeli, pre-established union committees from small - medium sized factories). Study did not look at selection decisions but rather how group membership may affect group culture.

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Kerr, S. (1975). On the folly of rewarding A, while hoping for B. *Academy of Management Journal, 18,* 769-783.	Referred Journal	Literature Review	30	To align desired and rewarded behaviors, organizations should select individuals whose goals match management's, train employees, or alter the reward system accordingly.	N/A	Presents examples from society (e.g., politics, medicine) and organizations that the behavior(s) that are rewarded often differ from those that are desired.	Not clear. Monitor to be sure desired behavior is acknowledged/rewarded .
Kiesler, S. B. (1975). Actuarial prejudice toward women and its implications. *Journal of Applied Social Psychology,* 5(3), 201-216.	Referred Journal	Literature Review	7	Actuarial prejudice is "a cognitive bias, based on available information about a group from the past and the present, that causes individuals to expect inferior performance from persons who belong to the group" (p. 201). Unless there is information that changes the probabilities for an individual, judgments of performance will favor a man. In numerous studies cited, both men and women have lower expectations for women.	Author proposes theory of actuarial prejudice toward women and makes series of propositions but doesn't test these. Argues that relatively low probability estimates for female success are likely a reasonable, human response to reality, rather than a blind emotional reaction we have come to associate with bigots and the uneducated (p. 212).	Most of literature reviewed concerns middle-class, white populations. All research more than 30 years old.	Studies cited suggest that evaluations of women were improved by increases in information about them, that was relevant to the person's performance on the task in question. Also, Bielby cites article in reference to sex-labeled jobs and preference for employees belonging to group high in traits prevalent among that group (e.g., physical strength a male trait), but this article cites no findings that support this; rather, regardless of the job or desired trait, men are expected to be more successful.

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Konrad, A. M., & Linnehan, F. (1995). Formalized HRM structures: Coordinating equal employment opportunity or concealing organizational practices? *Academy of Management Journal*, *38*, 787-820.	Referred Journal	Field Survey; 138 VPs of HRM	27	Organizations more likely to adopt identity-blind rather than identity-conscious HRM practices. However, EEO-AA intervention (e.g., lawsuits or compliance reviews) associated with greater identity-conscious HRM, which in turn was positively associated with employment status of women.	N/A. Authors weary of drawing causal inferences regarding formalized HRM structures given cross-sectional nature of data.	Survey items addressed presence of formalized HRM structures (e.g., EEO-AA programs; hiring, recruiting, promoting of protected groups, etc.) and employment status of women and minorities.	Not relevant. Article does not speak to Bielby's point about effects of gender stereotyping (p. 27, footnote 58).
Monahan, J. & Walker, L. (1998). Social science used to provide context. In Social science in law: Cases and materials (4th ed.). Foundation Press. **(Only found 3rd ed., 1994, pp. 313-504.)**	Book Chapter	Literature Review	5	Social framework analysis (i.e., social science research) provides a general guide for evaluating evidence and it is more akin to law than to fact. Therefore, research should be presented directly to the court (via a brief) and the onus is upon the judge to determine the validity and generalizability of the research and to convey said information to the jurors.	N/A. Authors discuss use of social science research in criminal cases and related issues.	Review of "social framework analysis, the use of general conclusions from social science research in determining factual issues in a specific case" (p. 314, 503). The application of social science research is cited in the determination of bail, parole, capital punishment, etc.	Bielby refers to his method of applying social science research to Wal-Mart's policies and practices as similar to "social framework analysis" used in litigation. Generally, social science research provides an empirical context for determining facts (i.e., the likelihood of an event).

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Nelson, T. E., Acker, M., & Manis, M. (1996). Irrepressible stereotypes. *Journal of Experimental Social Psychology, 32,* 13-38.	Referred Journal	Lab Study; participants were under-graduate students	27	Although accountability significantly reduced stereotyping, it did not eliminate it.	Gender stereotypes are strong and reflect more than a lack of effort/motivation to make accurate judgments.	Judgments/decision making. Study manipulated individuating information and accountability and explored effects on students' judgments of targets' majors.	Weak link. Study task involved prediction judgments (i.e., not relevant to personnel selection).

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Norton, M. I., Vandello, J. A., & Darley, J. M. (2004). Casuistry and social category bias. *Journal of Personality and Social Psychology, 87*, 817-831.	Referred Journal	Lab Study	11	Authors state their research demonstrates how the social world can be (re)constructed to justify questionable decisions to others and support a view of the self as unbiased. Bielby quotes much of Uhlmann & Cohen (2005) and concludes that "discretion in the definition and weighing of evaluative criteria, even with regard to ostensibly objective criteria, contributes to bias" (p.11). Norton found that even when facing a public explanation of the decision, bias was not reduced (it increased). Also showed committing to the criteria before selection didn't matter; participants continued to make selections based on social category even when inconsistent with what criteria they ranked as important beforehand. Authors suggest despite pre-selected, objective criteria and accountability, bias is inherent in raters.	"Forced to make a decision between members of different social groups, participants quickly search for other cognitions consonant with their eventual choice and...reify them to the status of dominant criteria to rationalize their decisions--a process that can occur before or after the decision is made. ...decisions that require people to choose across social categories...make two motivations salient: ...people generally try hard to be objective, impartial, and unbiased; on the other hand, people can be motivated to arrive at a desired outcome, such as when self-interest leads people to see in-group members as more attractive choices or when egalitarian motives lead people to favor members of stigmatized or underrepresented groups" (p.818).	In first 2 studies, used male undergraduates (at Princeton) to make hypothetical hiring decision of a new bank vice president. Manipulated education and experience qualifications of a male and female candidate. Next 4 studies had mostly White undergraduates make a college admission decision about a black or white candidate (manipulating GPA and number of AP classes). Probably not at all generalizable to the job of order filler, or the education level of incumbents or those making hiring decisions for this job. Also, no race x gender studies so can't generalize to hiring decisions made by men of women belonging to a different race (for example).	Weak link. Bielby refers to this article to further support the Uhlmann & Cohen (2005) article. Norton et. al. suggest that individuals rationalize their choices before or after the decision is made and that bias is inherent in raters.

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Oppenheimer, V. K. (1968). The sex-labeling of jobs. *Industrial Relations, 7(3)*, 219-234.	Referred Journal	Literature Review	7	Jobs labeled "female" became so because women were skilled, cheap, available labor and these professions could or would not pay as much as men could make in other endeavors. Characteristics of female professions tend to encourage the employment of women (e.g., pre-employment training, lack of need for mobility, career continuity not essential). Traditionally male occupations require great investments of time and devotion, career continuity, and the freedom to move.	"These [sex-linked] characteristics may not be proven traits of one sex or the other--it is sufficient that employers *believe* they are or believe one sex has the edge over the other in some important respect" (p. 226).	No study done. Mostly anecdotal and review of self-report survey evidence and census statistics. Statistics cited based on very low percentage of women in the workforce from about 1900-1960; not relevant to today's workforce. "Male" jobs discussed were almost exclusively management and some professional (doctor, professor) jobs, not laborer positions.	Historical discussion of sex-labeling of jobs. Cited study by Noland & Bakke (1949) stating that about 90% of employers in New Haven and Charlotte preferred men for common laboring jobs--those in which physical strength is more likely to be needed--and about 75% required men. Same study found employers felt women are "less likely to be dissatisfied with jobs which are repetitive or monotonous and for which pay is relatively low," and women are frequently credited with greater patience with routine tasks, as well as greater manual dexterity.

Dr. Bielby's Citations Regarding EEOC v. Wal-Mart, Inc.							
Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability** (e.g., fit to what organizational setting?)	**Relevance to 6097**
Perry, E. L., Davis-Blake, A., & Kulik, C. T. (1994). Explaining gender-based selection decisions: A synthesis of contextual and cognitive approaches. *Academy of Management Review, 19*(4), 786-820.	Referred Journal	Literature Review	8	Selection decisions are most likely to be gender based when: 1) the decision maker has a gender-associated jobholder schema, 2) the organizational context activates the gender-associated jobholder schema, and 3) the organization permits or facilitates the use of the schema.	If all the conditions occur to support the use of gender-based schemas, then selection decisions could be gender based. However, authors state that both cognitive and contextual processes must be studied together to gain information about selection bias.	Authors state that contextual and cognitive factors influencing selection decisions still need to be researched. This article was intended to prompt research. Meanwhile authors advocate organizations simply use training, explicit procedures, and selection policies to inhibit gender-based schemas from being applied.	Authors make propositions based on theory and do not test their application to industrialized settings. The author's also propose "that gender is more likely to be associated with decision makers' jobholder schemas when the applicant pool is occupied primarily by persons of one gender".
Pettigrew, T. F., & Martin, J. (1987). Shaping the organizational context for Black American inclusion. *Journal of Social Issues, 43*, 41-78.	Referred Journal	Literature Review	22, 27	Organizations should employ macro- as well as micro-remedies to further hiring and promotion of blacks.	Emphasizes biases introduced by "triple jeopardy" blacks endure at recruitment, entry, and promotion: 1) negative racial stereotypes, 2) solo role--when worker is the only black in the work group, and 3) token role--when blacks are viewed by whites as incompetent because they received their jobs through affirmative action.	Research on inclusion of blacks into all-white work settings and relevant studies done with women ("the other affirmative action group") and the burden affirmative action programs have put on those whom they are meant to benefit. Research 20 years old and census stats no longer reflective of today's workforce.	None, as the article almost exclusively discusses racial integration in the workforce. It is unclear why Bielby referenced this article here, but the article does not discuss making decision-makers accountable for the criteria used, accuracy of information, or consequences of actions (p. 27).

Dr. Bielby's Citations Regarding EEOC v. Wal-Mart, Inc.							
Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability** (e.g., fit to what organizational setting?)	**Relevance to 6097**
Pfeffer, J. & Davis-Blake, A. (1987). The effect of the proportion of women on salaries: The case of college administrators. *Administrative Science Quarterly, 32(1),* 1-24.	Referred Journal	Field Survey; over 1,000 colleges & universities reported on administrative jobs	8	Jobs that are held by higher proportions of women pay less.	As greater numbers of women hold a specific job, incumbents (both men and women) earn less in job than they previously did.	Compensation. With large sample of university administrative positions, found that jobs held by a greater proportion of women, compared to those held by a smaller proportion, paid less.	Not relevant. Study discusses only the relationship between gender composition and pay–no mention of selection or gender-based schemas.
Ridgeway, C. L., & Smith-Lovin, L. (1999). The gender system and interaction. *Annual Review of Sociology, 25,* 191-216.	Referred Journal	Literature Review	22	Gender differences are task-specific, and men only have real advantage as task becomes more masculine-typed. Gender status effects can be overwhelmed by other, counteracting status characteristics (e.g., strong woman). Also, simply being in a lower status position (like interviewee) casts a person, regardless of sex, in a supportive, agreeing role.	Gender is different from other forms of social inequality in that men and women interact extensively within families and households and in other role relations. High rate of contact raises questions about how interaction creates experiences that confirm or undermine the beliefs about gender difference and inequality that underlie the gender system. Status and power differences create real interaction effects, which are often confounded with gender.	Review article of gender differences in society as a whole; not specifically applicable to the work setting or employment interview.	Assuming an interview is a gender-neutral task, article has no real relevance. Most research cited is on verbal differences (rather than nonverbal, as Bielby is discussing) and is on group interactions rather than dyad interactions (e.g., men talk more, men emerge as leaders in a group, women use more tentative speech). Author does state, "in general, we expect women to behave in a more positive, less powerful, more expressive way". One employee at 6097 said he would consider someone for the job who had a 'good attitude' and was 'enthusiastic'; this should help a woman rather than hurt as Bielby is asserting.

Dr. Bielby's Citations Regarding EEOC v. Wal-Mart, Inc.							
Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability** (e.g., fit to what organizational setting?)	**Relevance to 6097**
Salancik, G. R., & Pfeffer, J. (1978). Uncertainty, secrecy, and the choice of similar others. *Social Psychology, 41,* 246-255.	Referred Journal	Lab Study; participants were 80 undergraduate students	27	When applicant's qualifications were clearly stated and decision maker was told that information used to make the selection decision would be publicly released, the decision maker was less likely to endorse the similar-other applicant.	Decision makers may be more likely to have biased preferences (i.e., prefer others most similar to self) when decisions made privately and/or all candidates are relatively equal.	Personnel selection/promotion. When selecting a candidate for a position, if candidates' qualifications are relatively equal overall, individual is likely to endorse the candidate most similar to him/herself. Study manipulated candidate's application so that he/she was highly similar (e.g., hometown, major, hobbies) to decision maker.	Not relevant. Article does not include/address effects of gender stereotypes or sex-labeling of jobs. Does suggest that likelihood of biased decisions decreases when decision criteria is made public.
Schreiber, C. T., Price, K. F., & Morrison, A. (1993). Workforce diversity and the glass ceiling: Practices, barriers, possibilities. *Human Resource Planning, 16,* 51-69.	Referred Journal	Field Survey; 304 organizations participated	27	Policies against racism/sexism endorsed as most important practice to achieve diversity. Additionally, top management's commitment to diversity initiatives is key to their success.	N/A	Personnel selection. Survey of if/how and why organizations include diversity initiatives in selection practices.	To Bielby's point, lack of accountability (re. pro-diversity efforts/behaviors) was cited as a major barrier to increasing diversity.

Dr. Bielby's Citations Regarding EEOC v. Wal-Mart, Inc.							
Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability (e.g., fit to what organizational setting?)**	**Relevance to 6097**
Tetlock, P. E. (1985). Accountability: The neglected social context of judgment and choice. *Research in Organizational Behavior, 7,* 297-332.	Referred Journal	Literature Review	27	"All other things being equal, people prefer 'least effort' solutions: They simply adopt positions likely to gain the favor of those to whom they feel accountable" (p. 310). Accountability will only 'motivate' people to become more vigilant, complex, and self-critical information processors in ambiguous situations in which it's not obvious what the most acceptable response is (p. 314).	N/A	Review is 20 years old, but says vast majority of research on judgment and choice has been done in lab studies, ignoring real-life constraints and organizational context, and importance of accountability.	Argument for accountability (if decision-makers know before they make decisions) increasing critical information processing and, thus, accuracy of decisions.
Tetlock, P. E., & Kim, J. I. (1987). Accountability and judgment processes in a personality prediction task. *Journal of Personality and Social Psychology, 52,* 700-709.	Referred Journal	Lab Study; participants were 60 undergraduate students	27	Knowing that they would be held accountable for their judgments, individuals reported more integratively complex (i.e., considering alternative interpretations, involving complex connections) impressions of target individuals.	N/A	Decision-making. Study manipulated level of accountability and found that individuals made more accurate predictions when told that their impressions and information used to form impressions would be made public.	Not relevant. Article does not include/address effects of gender stereotypes or sex-labeling of jobs.

Dr. Bielby's Citations Regarding EEOC v. Wal-Mart, Inc.							
Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability** (e.g., fit to what organizational setting?)	**Relevance to 6097**
Uhlmann, E. L., & Cohen, G. L. (2005). Constructed criteria: Redefining merit to justify discrimination. *Psychological Science, 16*(6), 474-480.	Referred Journal	Lab Study; participants were undergraduates	10	In second study, females more likely to hire female for women's studies professor (males rated both applicants similarly). Authors conclude that people assign men and women to gender-stereotypical jobs rather than exclude women from all occupations. However, a reluctance to discriminate against members of one's own gender group tempers this bias. In third study, men and women gave male and female applicants similar hiring evaluations (for job of police chief) when criteria was determined before knowing gender of applicant. When gender was known before determining hiring criteria, men hired men more often than women (women evaluated both the same).	Bias in the construction of job criteria allows evaluators both to discriminate and to maintain a personal illusion of objectivity. Participants in experiment 1 who exhibited the most pro-male bias in their hiring criteria also proved the most confident in the objectivity of their decision. They may have felt they hired the right man for the job, when really they had chosen the right job criteria for the man.	First study done with Yale undergraduates making hiring decision between male vs. female applicants for the job of police chief, seen as stereotypically male job. Second study done with regard to job of women's studies professor to determine if men were excluded from traditionally female jobs. Third study was with job of police chief, but half the participants were not told gender of applicant they would assess before determining criteria needed for the job.	Criteria rated higher by males to justify greater hiring of male candidate for police chief dealt with this being a leadership position (e.g., education more important), so probably not applicable to order filler position. (Females gave male and female applicants equivalent hiring evaluations.) Also, study had participants determine qualities needed for leadership or academic position, and then hire based on those criteria. In 6097, criteria needed to do the job successfully may not be as subjective and could not as easily be compensated for (i.e., physical abilities a must).

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Bielby's Citation	**Type of Document**	**Type of Study**	**Report pg #**	**Author's Conclusions**	**Author's Inferences about Discrimination?**	**Generalizability** (e.g., fit to what organizational setting?)	**Relevance to 6097**
Word, C. O., Zanna, M. P., & Cooper, J. (1974). The nonverbal mediation of self-fulfilling prophecies in interracial interaction. *Journal of Experimental Social Psychology, 10*, 109-120.	Referred Journal	Lab Study; participants were undergraduates	22	Study 1 showed black applicants received greater distance between interviewer and interviewee, higher rates of speech errors by interviewer, and shorter amounts of interview time. In experiment 2, interviewees treated like black applicants in experiment 1 were judged to perform less adequately and be more nervous and to reciprocate with less proximate positions to the interviewer (as rated by independent judges). They also rated interviewers as being less adequate and friendly. No hiring decisions were actually made in either experiment.	Differential treatment of black and white applicants can in turn influence the performance and attitudes of job candidates, creating a self-fulfilling prophecy.	2 studies done with white, male undergraduates at Princeton acting as naïve interviewers (with confederate applicants) or applicants (with confederate interviewers). Looked at differences in nonverbal behaviors when interviewing a black vs. white applicant (study 1) or in demonstration of reciprocal behavior when white applicants were given nonverbal cues identical to those given either white or black applicants in study 1 (study 2). Most research cited is 40 years old.	None. All subjects and confederates were male; question was one of nonverbal differences in interview treatment in interracial interaction. Also, nonverbal cues considered were not those discussed by 6097 employees in depositions.

APPENDIX D

CITATION REVIEW REFERENCES RELIED UPON BY DR. BIELBY

Dr. Bielby's Stereotype References Regarding EEOC v. Wal-Mart, Inc.

Article Referenced	Times Cited In PsycNET[1]
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[1] PsycNET consists of 5 databases: PsycINFO, PsycARTICLES, PsycBOOKS, PsycEXTRA, and PsycCRITIQUES

[2] This book could not be found in the PsycNET, LexisNexis, ABI Inform, or Web of Knowledge databases. It was not included in the citation analysis.

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APPENDIX E

CITATION REVIEW REFERENCES RELIED UPON BY DR. JEANNERET

Dr. Jeanneret's Stereotype References Regarding EEOC v. Wal-Mart, Inc.

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[5] PsycNET consists of 5 databases: PsycINFO, PsycARTICLES, PsycBOOKS, PsycEXTRA, and PsycCRITIQUES

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