



Legal Workplace Inequities and Impact on Women's Health

Michelle L. Ceynar
Professor of Psychology
Pacific Lutheran University

Leila J. Levi
Senior Counsel, Reproductive Rights and Health
National Women's Law Center



Preliminary Questions

- ▶ Introductory Questions.....
- ▶ Please share examples of an outrageous request or from a student, colleague or employer.
- ▶ What is the most outrageous special request you have received from a student or colleague? How did you respond?



Preliminary Questions

- ▶ Do you identify as a First Generation college student?
- ▶ What Gender do you most identify with?
- ▶ How many years have you been teaching?
- ▶ What size is a typical entering class at your institution?

- ▶ Please share examples of an outrageous request or from a student, colleague or employer.
- ▶ What is the most outrageous special request you have received from a student or colleague? How did you respond?

Different Expectations for Women & Men

Sex Roles
<https://doi.org/10.1007/s11199-017-0872-6>

ORIGINAL ARTICLE



Dancing Backwards in High Heels: Female Professors Experience More Work Demands and Special Favor Requests, Particularly from Academically Entitled Students

Amani El-Alayli¹ • Ashley A. Hansen-Brown² • Michelle Ceynar³

© Springer Science+Business Media, LLC, part of Springer Nature 2017

Abstract

Although the number of U.S. female professors has risen steadily in recent years, female student expectations and treatment. Students continue to perceive and expect female professors are. We examined whether students may consequently request more special favors from professors ($n = 88$) across the United States. Study 1 found that female (versus male) professors' self-reported work demands, special favors, and friendship behaviors, with the latter two for standard work demands, special favors, and friendship behaviors. Study 2 utilized an experimental design using college student participants ($n = 121$) responding to a scenario in which a special favor was requested. The results indicated that academically entitled students (i.e., those who feel deserving





Effects of Gender Stereotypes

- ▶ Stereotype Content Model
- ▶ Role Congruity Theory



Stereotype Content Model

- ▶ Two main dimensions for describing people (Wojciszke et al., 1998; Fiske, Cuddy, Glick, & 2007):
 - ▶ **Agentic traits** (competence or agency)
 - ▶ **Communal traits** (warmth or nurturance)
- ▶ Underlie gender stereotypes (Fiske et al., 2002)
 - ▶ **Agentic traits** → **Men**
 - ▶ **Communal traits** → **Women**
- ▶ *Prescriptive stereotypes* are aligned with descriptive stereotypes.



Role Congruity Theory & Backlash Effects

- ▶ Dilemma for female leaders because they have incongruent roles (Eagly & Karau, 2002; Eagly & Sczesny, 2009):
 - ▶ **Women** → **communal**
 - ▶ **Leaders** → **agentic**
- ▶ Women are held to a higher standard when it comes to communal behavior.
- ▶ Negative reactions towards female leaders/professors who seem “too assertive” or “not communal enough” (e.g., Phelan & Rudman, 2010; Rudman et al., 2012).



The Extra Burdens of Female Professors

- ▶ Female professors must walk a line between **warmth** and **agency** (Basow, 1998; Cuddy, Fiske, & Glick, 2004).
- ▶ *Academic Momism* (Bernard, 1964; Rubin, 1981).
- ▶ Increased expectations for nurturance → increased workload for female professors.



Extra Burdens → Emotional Labor

- ▶ Students express more stress/insecurities
- ▶ Students make extra demands
- ▶ Students need more evidence of expertise/skill
- ▶ Students expect more communal behaviors
- ▶ Helping students cope with their stress
- ▶ Setting personal boundaries
- ▶ Work harder to demonstrate competence
- ▶ Provide gentler feedback and more personal attention



Study 1: Hypotheses

- ▶ Female professors will report receiving more **standard work demands, special favor requests** and **friendship behaviors** than male professors
- ▶ Special favor requests, in particular, would be associated with greater emotional labor



Study : Methods

- ▶ **Participants:** 47 female professors and 41 male professors responded to a solicitation email sent to a random sample of faculty across the United States.
- ▶ **Materials (online survey):**
 - ▶ Reported frequency of student behaviors
 - ▶ Evaluated experience of emotional labor



Study 1: Student Behaviors

► Solicitation of Standard Work Demands

- *Students come to my regular office hours to discuss issues specifically related to the course*
- *Students send email asking questions about class material*

► Solicitation of Special Favors

- *Students drop by my office without an appointment and expect to discuss an issue right away*
- *Students ask to redo an assignment to earn a better grade*

► Friendship Behaviors

- *Students discuss their personal problems with me*
- *Students invite me to student activities*



Study 1: Emotional Labor

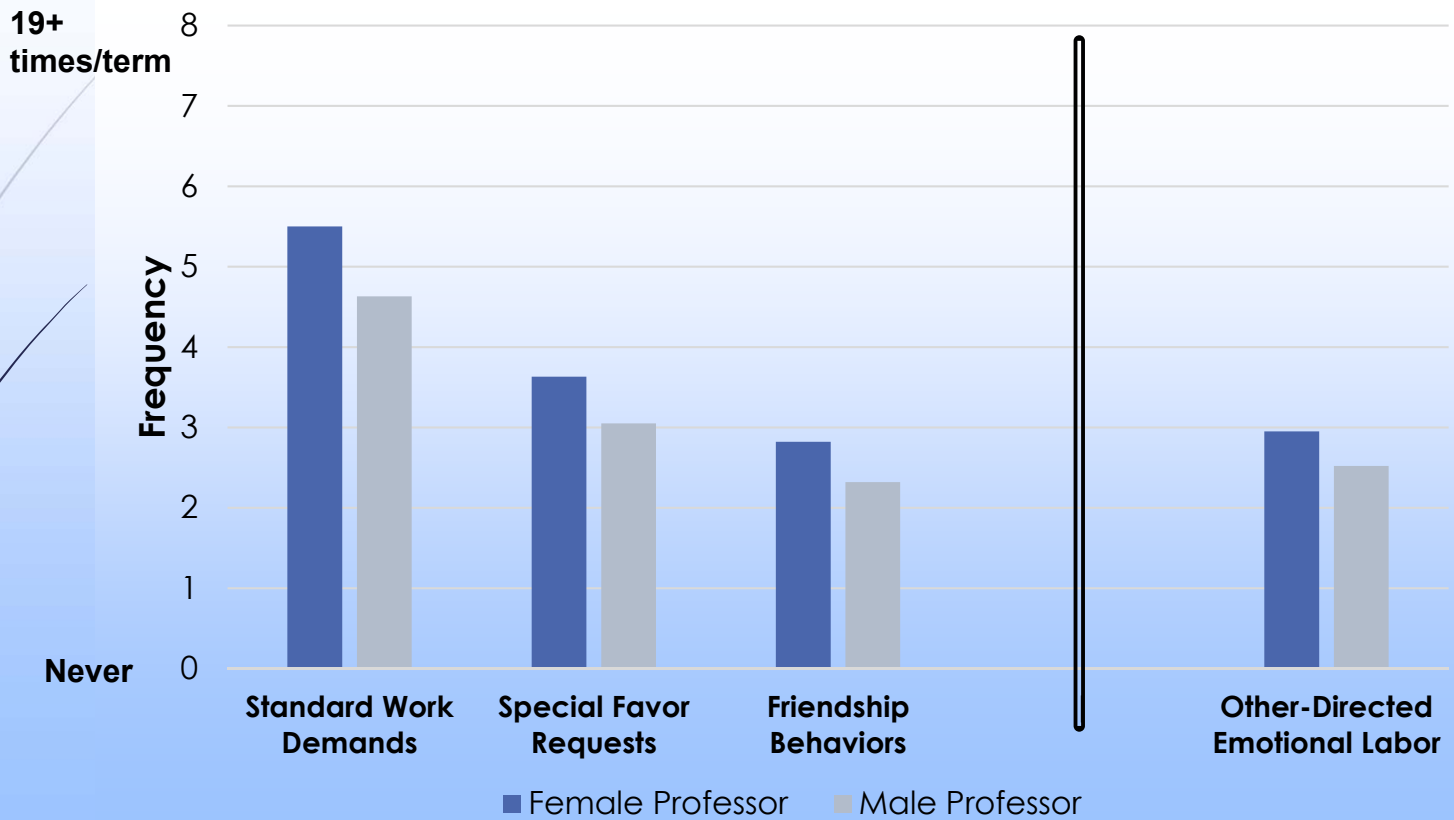
► **Self-Directed Emotional Labor**

- *I am unable to express my true feelings to my students*
- *I feel that I have to be nice to students no matter how they treat me*

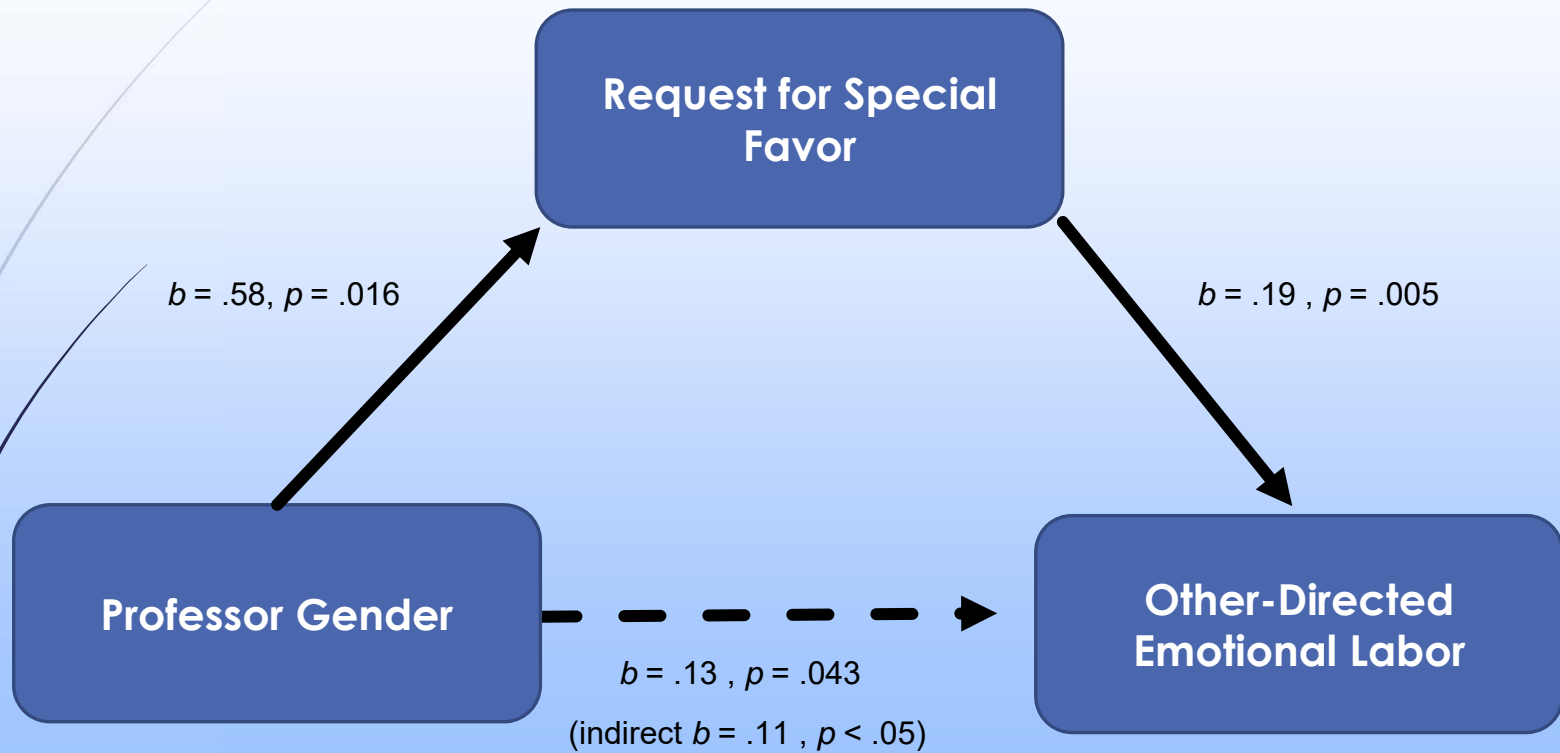
► **Other-Directed Emotional Labor**

- *I spend a lot of time helping students feel better about themselves*
- *I spend a lot of time helping students deal with stresses and difficulties*

Study 1: Results



Study 1: Results





Study 2 - Hypothesis

- ▶ A female professor will elicit **greater expectations of approval of special favor requests** primarily (or perhaps solely) from academically entitled students,
- ▶ These higher expectations will result in a **greater likelihood of making the requests** and of **exhibiting more negative reactions** (e.g., irritation, disappointment or further pleading) if the requests are denied.



Study 2: Methods

- ▶ **Participants:**

- ▶ 121 college students (58 female, 61 male, 2 other/unspecified)

- ▶ **Materials (online survey):**

- ▶ Profile of fictitious professor: “Dr. Eric/Erica Campbell”
- ▶ Generic characteristics (e.g., organized, seems busy)
- ▶ Introductory statement by professor
- ▶ Seven hypothetical scenarios involving making special favor requests of the professor...

If I missed an exam because I overslept, I would ask this professor to **let me make up the test** even if the professor had a policy that did not allow make-up tests.

If I missed class, and had a good reason for missing it, I would **ask this professor for the class notes/slides** even if the syllabus says that notes/slides would not be provided in the case of an absence.

I would **ask the professor for study guides** for the exams even after the professor announced that study guides would not be offered.

If my grade wasn't as high as I wanted, I would **ask the professor for extra credit opportunities** even if the professor told the class on the first day that there would be no extra credit.

If I had a particularly difficult week and failed an exam, I would **ask this professor to let me retake the test.**

If I missed class, and had a good reason for missing it, I would **ask this professor to meet with me to go over all of the material** that I missed.

If the professor gave a particularly difficult exam, **I would ask the professor if there could be a grade adjustment** to increase everyone's score.



Study 2: Methods

On a 1 (not at all likely) to 7 (extremely) scale, participants rated their likelihood of:

- Making each request
- Expecting the professor to say “yes”
- Feeling irritated & disappointed if the professor said “no”
- Pleading/persisting if the professor said “no”



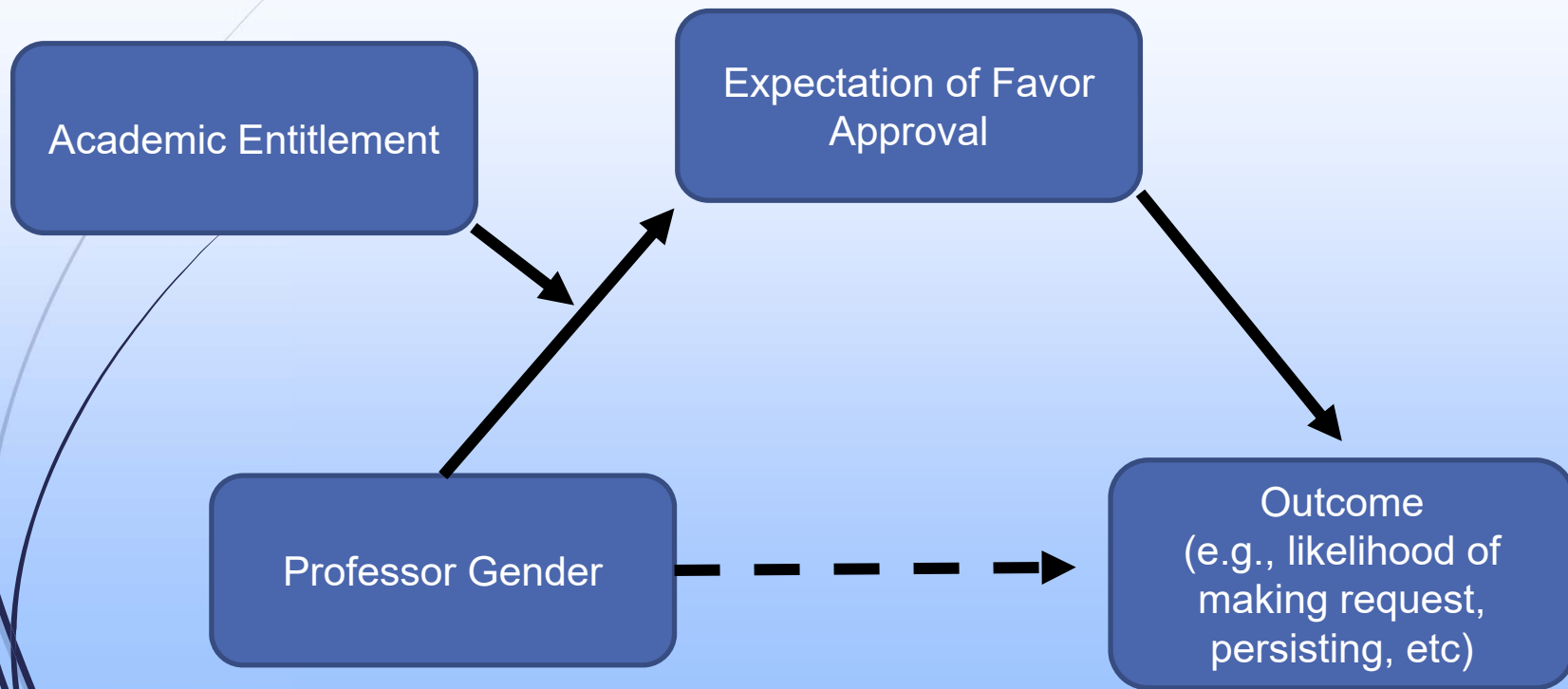
Study 2: Methods

- ▶ **Academic Entitlement Scale** (Kopp et al., 2011) Example items:
 - ▶ *If I am struggling in a class, the professor should approach me and offer to help.*
 - ▶ *If I cannot learn the material for a class from lecture alone, then it is the professor's fault when I fail the test.*
 - ▶ *Because I pay tuition, I deserve passing grades.*
- ▶ **Measures of attitudes towards women:**
 - ▶ Gender & Authority Measure (Rudmann & Kilianski, 2000)
 - ▶ Modern & Old-Fashioned Sexism Scales (Swim et al., 1995)

Study 2: Results



Study 2: Results





Conclusions

- ▶ Female professors reported receiving more standard work demands, friendship behaviors and being asked for more special favors from students compared to male professors (Study 1).
- ▶ Female professors are likely to spend more time dealing with those non-standard activities and the students' emotions that may accompany them.
- ▶ Differential expectations of female versus male professors influences how some students treat female professors leading to greater time demands and emotional labor (Study 1) to more negative emotional reactions and pleading from students (Study 2).



Conclusions

- ▶ Female faculty members may face similar differential treatment by colleagues and staff members (e.g., greater pressure to conduct tedious committee work), thus exacerbating their emotional and work burden even further.
- ▶ A greater workload may contribute to burnout, and that emotional labor may contribute to greater work stress, lower satisfaction, and greater distress (Pugliesi, 1999).
- ▶ Reducing the extra burdens for women may be best done by addressing entitlement.



What about outside of academia?

- ▶ Dr. Ceynar discussed the negative impact of academic workplace inequities, and how it may impact law school teaching and affect law students and their views of the structure of the legal workplace
- ▶ I will discuss how the inequities in academia are, of course found, in other professional settings and often lead to a disintegration of well-being for lawyers.
- ▶ At the Hispanic Bar Association of DC, and in coalition with other bars, we work to improve how lawyers of color, particularly female lawyers of color, navigate the legal profession, whether improving boundaries at work, handling microaggressions, or thoughtful self-care.

Demographics - Law Professors

- 2015 study finds that diversity hiring among women, minorities, and minority women are better represented in law teaching compared to working lawyers.
- In 1996, only 16% of full professors were women.
- In 2008, women constituted almost 30% of full professors
- When women are hired as law faculty, they “receive less pay, are denied tenure at higher rates, and are disproportionately concentrated in lower-ranked schools.”
- Law schools reinforce gender differences in teaching. “Female law professors are much more likely than male professors to teach substantive courses addressing familial issues, as well as skills courses that demand labor intensive student nurturing.
- In addition, female faculty take on additional responsibilities from “student advising, attending student and community functions, planning law school programs to hosting or participating in colloquium series, reviewing manuscripts for colleagues, and serving on law school, university, and public service committees,” which are not factored into the tenure evaluation process

- Sources: Measuring Diversity: Law Faculties in 1997 and 2013, by James Lindgren; Female Faculty in Male-Dominated Fields: Law, Medicine, and Engineering by LaWanda Ward



Demographics – Law Students

- ▶ While the percentages of law students who identify as Asian, Native American, or Native Hawaiian closely reflect the percentages found in the general population, Black Americans and Hispanics remain underrepresented in law schools across the country.
- ▶ In 2016, the number of women enrolled in JD programs moved past 50% for the first time. In 2017, 51.3%. In 2018, 52.39% of all students in ABA-approved law schools.

Source: Law School Enrollment by Race & Ethnicity (2018) <https://www.enjuris.com/students/law-school-race-2018.html> ; <https://www.enjuris.com/students/law-school-female-enrollment-2018.html>

Demographics – Lawyers

- ▶ The percentage of women lawyers has remained stagnant at 36% for the past 3 years. In 2009, it was at 31%. The ratio of men to women lawyers is nearly 2:1. 64% of lawyers are men and 36% are women in 2019.
- ▶ The statistics regarding minority lawyers are sobering.
- ▶ 85% of lawyers are white, compared to 77% of the U.S. population.
- ▶ 5% of lawyers are African American
- ▶ 5% of lawyers are Hispanic
- ▶ 3% are Asian.
- ▶ None of these statistics regarding specific minority percentages have changed over the past decade, even though the overall minority populations in the U.S. have increased over that same timeframe.

Source: ABA 2019 Report: Lawyer Demographics, Earnings, Tech Choices, and More



Intersectionality & Microaggressions

- ▶ **Intersectionality** operates as both the observance and analysis of power imbalances, and the tool by which those power imbalances could be eliminated altogether.
 - ▶ Kimberlé Crenshaw of Columbia Law School, coined the term 30 years ago, and then it was a relatively obscure legal concept.
 - ▶ Crenshaw's theory went mainstream, arriving in the Oxford English Dictionary in 2015 and gaining widespread attention during the 2017 Women's March, which was an event whose organizers noted how women's "intersecting identities" meant that they were "impacted by a multitude of social justice and human rights issues."
 - ▶ Crenshaw argues in her paper that by treating black women as purely women or purely black, the courts, as they did in 1976, have repeatedly ignored specific challenges that face black women as a group
- ▶ **Microaggression** is a term used for brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudicial slights and insults toward any group, particularly culturally marginalized groups.

Implicit Bias on Women and Minority Lawyers

- ▶ When is the last time a stereotype popped into your mind?
 - ▶ “You don’t look like a lawyer...”
- ▶ If you are like most people, it happens all the time.
- ▶ Often, it just means your brain is working properly, noticing patterns, and making generalizations. But the same thought processes that make people smart can also make them biased.
- ▶ Implicit Association Test

Tendency for stereotype-confirming thoughts to pass spontaneously through our minds is what psychologists call **implicit bias.**

Now turning to how these affect the health of [legal] professionals...



Mental Health/Substance Abuse in the Legal Profession

- ▶ In collaboration with the Hazelden Betty Ford Foundation, the ABA Commission on Lawyer Assistance Programs conducted national research on lawyer impairment. The study, co-funded by the American Bar Association and the Hazelden Betty Ford Foundation, was based on a sample of 12,825 U.S. attorneys who completed surveys assessing alcohol use, drug use and symptoms of depression, anxiety and stress.
- ▶ The results are compelling. The implications for the legal community are multifaceted and far reaching.



Findings of ABA 2016 study

- More than a fifth of licensed, employed attorneys in the U.S. consume alcohol at levels consistent with problem drinking; compares with 12 percent of a broad sample of highly educated workers across various professions
- 28 percent of attorneys struggle with some level of depression and 19 percent show symptoms of anxiety. In a prior study, published in 1990, 19 percent reported depression
- Attorneys in the first 10 years of their careers have the highest incidence of problem drinking, reversing the prevailing wisdom that it gets worse the longer people are lawyers.

Note about responses: 53.4% men, 46.5% women; 91.3% Caucasian/white, 2.6% Hispanic, 2.5% Black, 1.5% Multiracial, 1.2% Asian



Daily Stressors - Decision Fatigue - a definition

- ▶ **Decision fatigue** is the idea that your willpower is finite, like a muscle that gets tired when you use it too much. We feel drained thanks to the infinite decisions that require our attention during the day, and start picking the easiest default options like the shoes the salesman suggests, or slip and eat that doughnut we've been trying to avoid.
- ▶ Example: thinking about what to wear or to eat
- ▶ Consider how many small decisions you make each morning before you even leave the house: to make coffee, buy it at Starbucks or have tea instead. Combine that with all the small and large decisions you make at work. Even being polite to someone is a decision. It's dizzying. Is it no wonder by 3:00pm, you've made hundreds if not thousands of decision—leading to feeling fatigued.



Daily Stressors - Tips to Address Decision Fatigue

- 1. Plan all your meetings for morning or just after lunch when your mental acuity is high.** Eliminate meetings in the afternoon and evening. Studies show, people make more sound and fairer decisions earlier in the day.
- 2. Take the weekend off. Enough of this theory that there is no barrier between work and life.** You're not biologically wired to maintain balance in your decision making process without proper rest and stimulus from outside your workplace.
- 3. If you need to violate the above step, set aside 1-2 hours max to get yourself set for the week ahead.** Many people like the idea of organizing on Sunday night. That in itself is a means to reducing decision making fatigue on Monday.



Daily Stressors - Tips to Address Decision Fatigue (cont.)

- 4. Set yourself up for the next day when there's less urgency.**
Decide what you're going to wear the night before, or pack your food. Seriously.
- 5. Set an alarm and set a schedule on your calendar that tells you to go to the gym.** Be realistic, if you are only going to go twice a week rather than five times a week, plan it out and make an appointment with yourself and or a gym buddy to be there. The decision has been made ahead of time.
- 6. Keep your glucose levels up to keep your brain charged—utilize healthy snacks rather than a donut or triple espresso.**
- 7. Avoid impulse decisions and overthinking.**

Source: Maria Gamb, CEO of NMS Communications, is the author of "Healing the Corporate World" and "Values-Based Leadership for Dummies"

Daily Stressors - Information Fatigue - a definition

- ▶ Information overload has resulted in **Information Fatigue Syndrome***
- ▶ poor concentration, pervasive hostility, trance-like states brought on by habituation — in which the brain temporarily shuts down from over stimulation — and hurry sickness, the belief that one must keep up with the pace of time.
- ▶ In a sample of business managers,
 - ▶ 33% felt the need to be constantly informed resulted in ill health
 - ▶ 66% said that information overload increased hostility with their coworkers and made work less rewarding
 - ▶ 62% reported that it has adverse effects on their social and personal relationships.
- ▶ *Example - The Washington Post, The New York Times, The Wall Street Journal and BuzzFeed* — combine for a total of about 1,192 stories and videos published each day.
- ▶ To be civically engaged, how much do is too much?

* Coined in 2002 brief from Joseph Ruff of the Harvard Graduate School of Education



Addressing Information Fatigue...and sleep

Here, based on findings from a study by Harvard researchers, are 6 reasons why you need to stop using your phone (and any other screens) in the hour or two before bed:

1. **It will take you longer to fall asleep**

- ▀ Study participants who were using an E-reader before bed (a blue light-emitting screen similar to a tablet or smartphone) took on average of 10 minutes longer to fall asleep versus those who were reading a normal print book.

2. **It will mess with and delay your circadian clock rhythm**

3. **It will suppress your melatonin secretion when you need it most**

- ▀ The hormone melatonin plays a key role in maintaining a proper circadian rhythm and promoting deep, restorative sleep. Even low levels of light emitted from phone screens, shining directly in your eyes, suppresses the production of this crucial hormone in the evening.



Nighttime is not Screentime, cont.

- 4. It will decrease your REM sleep**
- 5. It will make you more alert when you want to wind down**
- 6. You will feel more tired and less alert when you wake up**
 - ▶ According to the Harvard study, reading a screen before sleeping will cause you to feel more sleepy and groggy when you wake up in the morning. Those who read from a screen before bed reported taking hours longer to fully “wake up” the next day, compared to those who read a printed book instead.



The bottom line on sleep and screentime

- Find other bed-time routines that don't involve screens, that you find enjoyable and relaxing.
- Options:
 - an alarm on my phone telling me to put the phone down and reminding me that I need to stop all screens at that point, for the rest of the evening.
 - No phone, no computer, no tablet, and no TV. Just real books, listening to music, hanging out with your spouse and/or pet, whatever doesn't involve a screen. There are actually lots of wonderful options
 - Use regular clock to know the time
- Try this new habit out, for at least three weeks

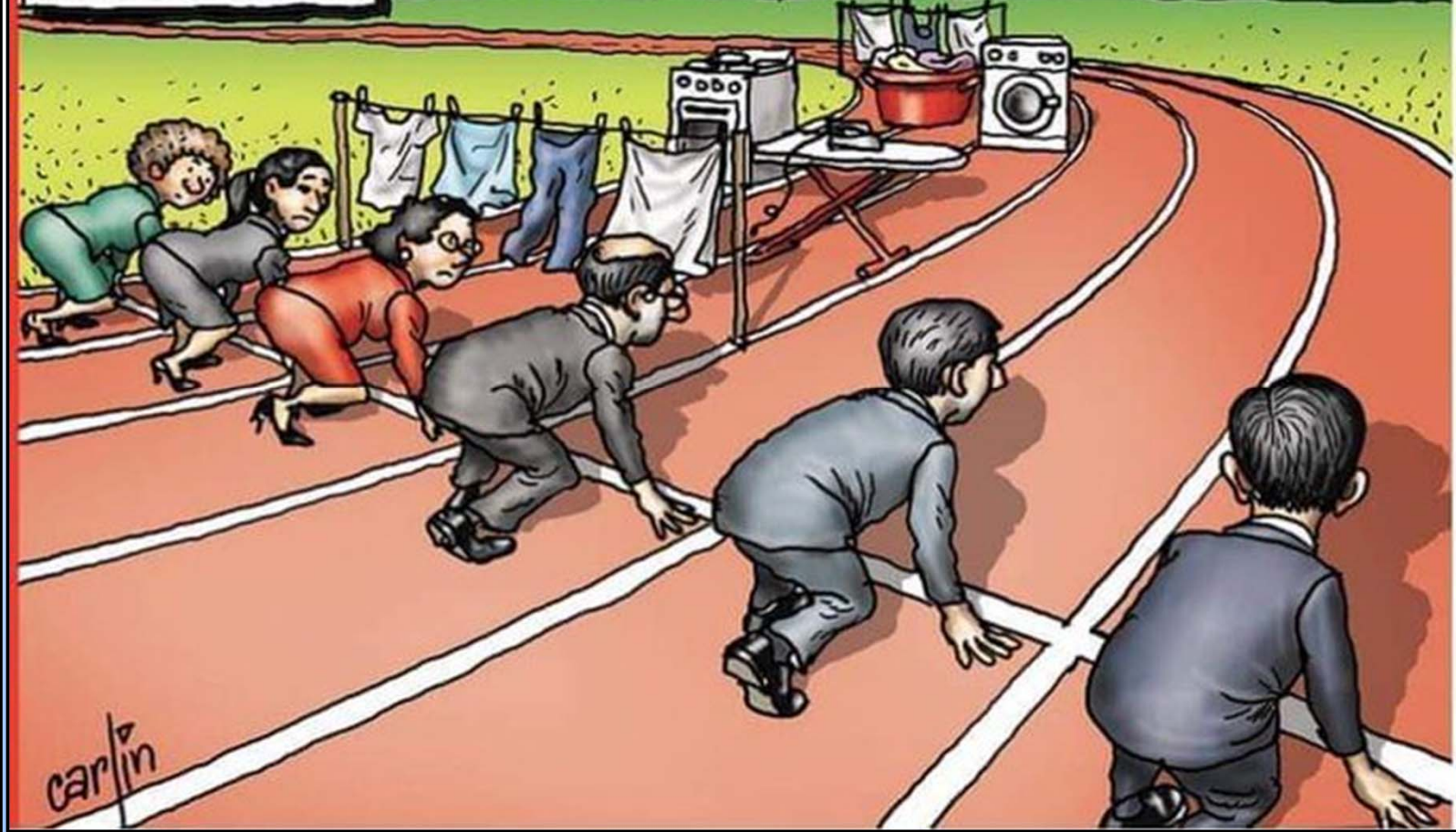
Source: *Psychology Today*, Dr. Susan Biali Haas



Putting it all together

- ▶ Findings from studies in the U.S. and other countries have found that perceived racial/ethnic bias—and the resulting toxic stress—makes an additional contribution to racial or ethnic disparities in health.
- ▶ A 2017 poll that the Robert Wood Johnson Foundation (RWJF) supported offers insight into how discrimination fuels persistent stress.
- ▶ This stress leads to physiological responses that raise the risk of heart disease, stroke, and diabetes.
- ▶ Trauma and violence and then lack of access to health resources

MERITOCRACIA



carlin

Care for Self

- Addressing decision fatigue, information fatigue, and stress from implicit bias is really about self care. What does it look like?

THE UNSPOKEN COMPLEXITY OF “SELF-CARE”

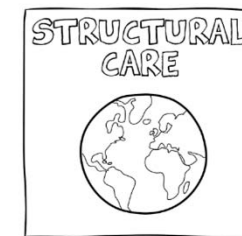
by Deanna Zandt

Self-care is thrown around a lot as a magic bullet to solve all of your problems. If you'd only take a second to treat yourself, you'd be fine!

But what does self-care really mean?

First, I think there's a difference between **self-care** and **self-soothing**. Self-soothing might look something like this, for example:

No single person can do all the kinds of care that are needed all the time; we each can play a role in supporting each other in different ways, though. Now, go forth and care for each other—and yourself.



@deannazandt

Graphics from: Deanna Zandt,
<https://blog.usejournal.com/the-unspeken-complexity-of-self-care-8c9f30233467>

SELF-SOOTHING

Activities that provide distraction and/or comfort in difficult times

TV BINGEING



BUBBLE BATH

FANCY BEVERAGES



SINGING LOUDLY

GETTING OUT INTO NATURE



FRESH FLOWERS



TIME OFF FROM HOME RESPONSIBILITIES & CHILDCARE

CUDDLING



EXERCISE

@deannazandt

SELF-CARE

Activities that help you find meaning, and that support your growth & groundedness

GOING TO THERAPY



MEDITATING

TAKING OWNERSHIP OF YOUR FINANCES



EXERCISE



saying YES and NO when you really mean it



NAPPING



EATING WELL FOR YOUR BODY



GETTING MEDICAL CARE



MASSAGE



YOGA



SETTING & KEEPING!- BOUNDARIES

@deannazandt

COMMUNITY CARE

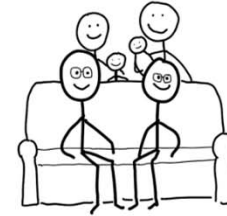
Workarounds for systems that don't inherently support care (ie, capitalism!)



@deannazandt

STRUCTURAL CARE

Systems that support community care, self-care AND self-soothing



GENDER & SEXUALITY LIBERATION



RACIAL EQUITY & JUSTICE



@deannazandt



In conclusion

- ▶ It takes practice
- ▶ Habits are hard to start and break
- ▶ It takes a conscious effort
- ▶ Modeling behavior can change the culture of a workplace
- ▶ Women and People of Color have bigger hurdles
- ▶ Balancing treating yourself well and treating others fairly