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## Using Expectation Violation Theory to Evaluate Dialectal Bias in Courtroom Contexts

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USING EXPECTATION VIOLATION THEORY TO EVALUATE DIALECTAL BIAS IN  
COURTROOM CONTEXTS

by

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B.A, Hofstra University, 2019

A thesis submitted in partial fulfillment of the requirements  
for the degree of Master of Arts  
in the Nicholson School of Communication and Media  
in the College of Sciences  
at the University of Central Florida  
Orlando, Florida

Fall Term  
2021

## **ABSTRACT**

There is much evidence to indicate the role of speaker accent expectations and its impacts on the subsequent rating of the speaker. Additionally, examples including the Central Park Five as well as Rachel Jeantel of the Trayvon Martin case indicate the impacts of this speaker rating particularly in the context of the courtroom. This necessitates the further evaluation of the impact of dialectal bias on speaker ratings especially in the context of a courtroom due to the severity of the impacts. Utilizing a 4x2 between subjects experimental design manipulating on the basis of both dialect and speaker expectation, this study demonstrated that the usage of AAVE compared to SAE decreased overall ratings of perceived credibility of the speaker. However, this was not replicated with perceived favourability. No clear link between expectation violation and speaker ratings was established as well.

Keywords: Dialects, EVT, Witness Testimony, AAVE

## ACKNOWLEDGMENTS

First and foremost, I need to thank Dr. Jennifer Sandoval for the countless hours of emotional and intellectual labour she put into working with me. Without your dedication as my mentor this project would have never happened. Your continued, at times underserved, compassion and generosity is what let me compete this work. Your work as a scholar and an activist as well as your ‘real talk’ inspire me as I continue forward in my career.

Next, I would like to thank Dr. Lindsay Neuberger and Dr. Bridget Rubenking. Your insight and comments were immeasurably helpful to the construction of this project. Without your expertise, this paper would not be as half as good as it could be. Thank you for your consistent support.

Next, I would like to thank my best friend and greatest love, Frida Catalina Chico Sanchez. You are the ever-shining sun to my moon. Without your support, love, and kindness to me over the years, especially during the times I really needed it, I do not think I could have made it this far. You mean everything to me.

Next, I would like to thank Lakelyn Taylor. Your support and advice and amazing personality has helped me through grad school more than you can ever know. You are an awe-inspiring scholar and overall human being, and I cannot wait for the day where I can refer to you as Dr. Taylor.

Next, I want to thank my voice actor, Richkisha Walcott. From our speech days, I knew you were amazing, and I am so happy I was able to make a project that would allow for the use of your many talents. Your insight and edits to the scripts as well as the performance of the voices and dialects of the recordings inherently bolstered the authenticity of this study.

Next, I want to thank my Appacha. Without your legacy to think about, I would have never entered the communication field or even had the courage to think about communication as a career path. നിങ്ങളുടെ അസാന്നിധ്യം എനിക്ക് വളരെയധികം തോന്നുന്നു

Finally, I need to thank God for giving me the strength to keep going through this program. Without them, it was difficult to see how I was going to make it. Thank you for always being a source of strength for me for moments of great hardship.

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## **CHAPTER ONE: INTRODUCTION**

In 2019, Ava DuVernay's docuseries "When They See Us", took the U.S. by storm. The series detailed the gross injustice faced by the infamously dubbed 'Central Park Five', five Black teenage boys who were imprisoned for a crime they had not committed. Beyond the overt injustice of pressuring the boys into confessions without their guardians present, the show also displayed an interesting example of vernacular bias. In the series, the boys explained to the detectives that they were simply 'wylin' out. Wylin is an African American Vernacular (AAVE) term for having fun. However, the media at the time interpreted this word as 'wildin' and began portraying the boys as 'wild' creatures, cementing public perceptions of their demeanor before they were even allowed a fair trial (Dwyer, 2019). Words uttered as an explanation of innocence were twisted into assassinations of character. This phenomenon does not exist merely in the realm of dramatized pieces of non-fiction but rather is a pervasive issue that exists and undermines those who employ AAVE inside and outside courtrooms to this day. Thus, this study seeks to examine this issue by evaluating the effects of the AAVE dialect on listeners' perceptions. In doing so, recommendations can be made to combat this bias.

Despite the classification of AAVE as a dialect by both academic literature and this very study's own framework of analysis, negative presumptions about AAVE persist in the evaluation of those who employ it to this day. In a surprisingly progressive form of action, in 1996, an Oakland school board declared that it would be using Ebonics within its school in order to help its majority Black student population learn Standard American English (SAE). Despite support from linguistic scholars citing success from similar programs, the action garnered national

attention and criticism (Russo, 2018). Critics of the program misidentified the program's goals as wanting to teach AAVE to students in lieu of SAE rather than using AAVE to bridge the gap into SAE like the program had intended. Although the program was far from perfect (including but not limited to the misclassification of AAVE as a language rather than a dialect of English), it was attempting to make efforts to specifically address the needs of its student population using an unconventional method. However, the program was immediately quelled due to negative public opinion and no such program has been advocated for since.

Across the United States, there has been a number of increasingly alarming miscarriages of justice in our court system. In Louisiana, a man was denied his right to an attorney simply because he used the phrase 'lawyer, dawg' when asking for legal counsel. A Louisiana Supreme court then deemed it could have been assumed he was requesting a canine attorney (Jackman, 2017). The (mis)understanding and (mis)classification of AAVE within the courts can also be exemplified through the case of *United States v Arnold* of the sixth circuit appellate court. In this case Joseph Arnold's utterance of the statement 'I guess he finna shoot me' was made in the present tense. The court then allowed it as admissible hearsay via the excited utterance exception while dissenters of this decision insisted that the tense of the statement could not be definitively proven. In evaluation of the court's decision, analysis papers often refer to Arnold's choice of words as slang even referring to UrbanDictionary for definitional analysis. In the 8<sup>th</sup> footnote of a particular analysis, usage of UrbanDictionary was justified due to the fact that 'slang is ever evolving' and thus a tool that reflects this evolution of language is necessary in order to appropriately understand the term. This would be a rational explanation if not for the fact that AAVE is not slang nor is the term 'finna'. Thus, an adherence to a flawed understanding of

AAVE as well as a complete erasure of the context in which the term ‘finna’ is used, allowed for the codification of this court decision to be potentially used a legal precedence in future cases.

Black defendants who employ AAVE are not the only individuals scrutinized but also Black witnesses. The complete discrediting of Jeantel’s testimony in the Trayvon Martin case is said to be linked to her language choices and style (Rickford, 2016), following structure and pronunciation that adhered to Haitian Kweyol and AAVE linguistic standards. To the all-White jury unfamiliar with this dialect, lack of coherence translated into a lack of credibility. Without this credibility, Jeantel’s testimony was not only not taken into consideration at all during jury proceedings but also left her the subject of national ridicule and malice.

The issue of linguistic discrimination is abundantly clear. Dialects that are deemed non-normative, especially in the context of criminal trials, are unfairly scrutinized beyond the scope of what is meant to be evaluated. Thus, in this study an understanding of the terms dialect and dialectal bias will be established by defining the term dialect on the basis of three separate linguistic phenomenon: pronunciation, vocabulary, and grammar. In doing so, an evaluation AAVE and its adherence to each will be conducted. Then, an examination of the instances of dialectal bias as discussed in the literature as well as in the public sphere will occur. Finally, Expectations Violations Theory and its involvement in dialectal bias research will be evaluated which will then be established as the theoretical backing for the proposed research study.



## **CHAPTER TWO: LITERATURE REVIEW**

### Dialect definition

Understanding the term dialectal bias requires an understanding of the term dialect. “A dialect is a distinct manner of speech that differs in pronunciation, vocabulary, and grammar from other regional dialects nearby” (Sandel, 2015, p.1). This definition of dialect is preferred as it is a more expansive definition containing three key characteristics: pronunciation, vocabulary, and grammar. Thus, an evaluation of AAVE in comparison to the most pertinent ‘regional dialect’, SAE, and the differences between AAVE and SAE will be conducted in order to establish AAVE as its own unique dialect.

Pronunciation is defined as “choice, arrangement and accenting of sounds by a functioning articulatory mechanism” (Blattner, 1948, p.1). Essentially, pronunciation can be understood as the way in which a particular word is made to sound when spoken. Looking at specific examples within AAVE, the phenomenon of consonant cluster simplification can be identified as an appropriate display of the value of pronunciation when it comes to defining the term dialect (Thomas, 2007). Consonant cluster simplification is the linguistic act whereby if the second consonant sound in a word is a ‘stop’, the sound is then deleted. For example, saying pas’ instead of past (Thomas, 2007). While consonant cluster simplification can also occur in SAE, the deletion often only occurs if there are consonant sounds preceding the consonant sound that can be deleted for example, “best boy” becomes “bes’ boy”. However, distinctly within AAVE, preceding consonant sounds are not required for consonant sound deletion. Thus, there are clear pronunciation distinctions between AAVE and SAE.

Vocabulary refers to “the freestanding items within a language that have meaning” (McCarthy, 1990). The aforementioned term ‘wylin’ in particular is a term that makes complete sense within the context of AAVE. Additionally, although some terms exist within both AAVE and SAE, they are not always interchangeable or even synonymous. The phonetical SAE equivalent of ‘wylin’ would be ‘wildin’’. However, although the terms may sound similar, they are not identical in meaning. An appropriate translation for ‘wylin’ in SAE would be ‘hanging out’ or ‘having fun’. Other terms such as ‘finna’ (gonna) exist within AAVE and are often misconstrued in terms of meaning and tense as indicated by the aforementioned *United States v Arnold* case. It is interesting to note the diffusion of AAVE terms into the spoken language of those who employ SAE. Rap music is often cited as the source for this diffusion. Despite this, SAE speakers who employ AAVE terms are often referred to as speaking in slang which only fuels the misclassification of AAVE as a form of SAE slang rather than the admittance that AAVE is in fact a distinct dialect from SAE.

Grammar is defined as “the internalized system that native speakers of the language share” (Hartwell, 1985). Copula deletion is one AAVE phenomenon regularly studied within academia. It is the act of deleting the auxiliary verb within a sentence that may have one. For example, “You great” as a phrase in AAVE has the meaning of ‘you are great’ in SAE. Additionally, the instances of copula deletion as it is relevant in AAVE occur in the same instances in which copula contraction can occur in SAE. So, the phrase ‘you are happy’ can become ‘you’re happy’ in SAE or ‘you happy’ in AAVE. This clearly showcases the existence of grammatical structure within AAVE.

Thus, dialect exists as a combination of these three separate linguistic phenomena. AAVE possesses distinct features and characteristics that can be classified underneath each category. Additionally, we can understand that AAVE is not slang. Slang is a set of consistently changing, often informal, words to signal identification with a group (Maxer, 2008; Reyes, 2005). Slang only intersects with the vocabulary portion of the dialectal criteria. The dialect system of AAVE goes beyond mere vocabulary and includes pronunciation and grammar. Additionally, even in instances in which AAVE is appropriate by non-AAVE speakers, we must not classify it as slang (Reyes, 2005). This misclassification fuels the false narrative that AAVE is improper or informal SAE. Thus, AAVE is its own dialect with a complicated history and is often relegated to false perceptions and mischaracterizations about the people who employ it.

#### Issue of dialectal bias

It is important to incorporate a discussion of existing racial bias in this evaluation of the existence of dialectal bias as one's dialect can be informed by one's racial identity. Thus, if a dialect is identified to be 'Black' or 'White', the perceptions and misconceptions of behavioral tropes of the groups' identities come into play. Often times, Black and criminal are used interchangeably in the media (Mancini, 2015; Mears, 2013). As media portrayals can often fuel public perceptions, it is important to note this phenomenon. Thus, if a dialect is perceived to be 'Black', biases regarding the racial group can potentially cloud the judgement of the jury. Race attribution to dialects have major implications regarding speaker favourability and credibility (Dragojevic, 2019; Evans, 2018; Paladino, 2020; Purnell, 1998; Smith, 2016). If a dialect can be attributed to a particular race, it will be and thus the speaker will now face the repercussions of that ascribed racial identity. The issue of housing discrimination can very readily be linked to dialectal biases against AAVE speakers (Purnell, 1998), a very tangible consequence over

something that is not necessarily the most tangible construct. Racial attributions to language can lead to a denial of opportunities that are afforded to those who adopt ‘standard’ American English (SAE).

It is also important to note that these racial determinations are made often when listening to speakers (Paladino, 2020; Purnell, 1998; Smith, 2016). Non-White individuals can be accused of ‘speaking White’ (Smith, 2016) based on the language and pronunciation of certain words. In addition, racial attributions of dialect are often key to making in-group and out-group determinations which directly impacts speaker favourability (Paladino, 2020). Understanding ascriptions of race based on an individual’s dialect is imperative to develop an understanding of the impact of dialect bias. Arguably, dialect bias stems from racial bias. A dialect is deemed less favourably if it can be attributed to a group that is viewed less favourably (De Clerk, 1995). In the study conducted by De Clerk, individuals of post-apartheid South Africa deemed those who employed Afrikaans as less a less favourable to those who employed both English and Xhosa. The study posited that due to the role of Afrikaans in apartheid, individuals now viewed the language with less approval as compared to both English, which was seen as a tool for socioeconomic upward mobility and Xhosa, which was seen as an unproblematic mother tongue.

Dialect can very rarely be divorced from race. Language and dialect are often culturally informed (Frumkin, 2007; Jones, 2019; Kurinec, 2019; Rickford, 2016, Smith, 2016). Thus, the language is created in accordance with cultural identity. Especially in a place that is as multi-cultural as the US, it is folly to assume that there is one universal language that all those who reside in this country can speak. Yet there are those who adopt an ethnocentric lens placing what is perceived to be Standard American English above all other dialects of English. However, this

ethnocentric lens hinders our ability to communicate effectively with each other even though we may be technically speaking the same language (Jones, 2019; Kurinec, 2019; Rickford, 2016).

### Race and dialect in the courtroom

Language and dialect are constructed by culture (Frumkin, 2007; Jones, 2019; Kurinec, 2019; Rickford, 2016). According to our cultural identity, the language we use is subject to change. There is a hegemonic assumption of English being the ‘universal’ language all Americans must speak to function. However, due to the multicultural nature of US society, that assumption simply is at best misguided, and at worst deeply problematic. Even if the same language is spoken, there are difficulties that arise when trying to communicate effectively (Jones, 2019; Kurinec, 2019; Rickford, 2016). One of the most examined examples of this is the star witness of the Trayvon Martin case: Rachel Jeantel. Jeantel spoke in English throughout her testimony during the trial of George Zimmerman, the man who shot and killed Trayvon Martin. She was even able to describe her final conversation with Trayvon Martin over the course of her testimony. However, her testimony was not even used in the final juror decisions because of the vernacular she used (Rickford, 2016). Although Rachel Jeantel spoke in clear patterns following AAVE and Haitian Kweyol, both the jury and media dismissed her testimony as ‘rambling’ (Rickford, 2016; Lippi-Green, 1997). Media outlets proceeded to demonize Jeantel as an ‘unreliable witness’ (Rickford, 2016) even though Jeantel herself was able to clarify any mistakes or misunderstandings in her testimony. In fact, Jeantel actively sought to rectify transcription errors as her words were being read back to her by the defense attorney, who then used this to his advantage with the mostly White jury at the trial. The attorney proceeded to call into question the accuracy of Jeantel’s translation of the words of her own testimony which caused its intended effect. Jeantel’s credibility as a witness was irreparably damaged as the defense questioned her

ability to recount her own words. Even as she sought to rectify the misunderstanding, this correction harmed her image even more as the defense attorney refused to adapt to Jeantel's corrections and her dialect. Jeantel's dialect not only led to miscommunication but was also used to completely discredit her.

If the jurors were unable to understand Jeantel during the trial itself, they would not even be able to use the transcripts of the trial. This is because court reporters consistently fail to properly transcribe testimonies of AAVE speakers, achieving 59.5% accuracy when the legal requirement mandates 95% accuracy (Jones, 2019). In the same study, court reporters also had negative perceptions of African Americans which could further fuel willful mistranslation of AAVE. Even if the transcription had been accurate, those who speak in AAVE are often seen as less professional and credible than those who speak in General American English (GAE) (Kurinec, 2019). AAVE speakers are given greater negative evaluations and higher rates of conviction than GAE speakers (Kurinec, 2019). An individual's accent could potentially harm their perceived trustworthiness, then non-native English speakers and AAVE speaker alike could face potentially disadvantageous scenarios in courtroom instances.

Additionally, court decisions that interpret AAVE incorrectly codify misinterpretation as legal precedent. In *United States v Arnold*, the use of the word 'finna' was interpreted in the present tense and thus a statement that should have been classified as hearsay was accepted as evidence under the excited utterance exception. However, dissenters discussed how the term finna does not reveal the actual tense of the statement and the statement should be classified as hearsay and be removed from evidence. Legal scholars who have analysed the case often cite UrbanDictionary as their source for understanding the term 'finna'. UrbanDictionary is a self-

proclaimed ‘crowd sourced online dictionary for slang words and phrases’. Thus, this description renders it an inappropriate tool for understanding the defendant who was a speaker of AAVE on two fronts. First, AAVE is its own dialect, not slang. Utilization of a dictionary that explains slang reinforces the false notion that AAVE is simply SAE slang. Second, because the resource is crowd sourced with no active fact checking, incorrect explanations of terms can be uploaded and popularized on the website making its credibility in legal interpretation questionable at best. This court decision combined with the Louisiana Supreme Court decision to intentionally misinterpret a defendant’s request for an attorney as a forfeiture showcases the issue with continuing to evaluate the words of AAVE speakers in legal contexts that only validate SAE.

#### Racial Bias and Salience

When discussing the impacts of unconscious biases, uncovering the impacts of salience in attempts to mitigate this bias can prove beneficial. In an exploration of the role of race salience in criminal trials, Cohn, Bucolo, Pride, & Sommers (2009) found that making the race of the defendants obvious to White jurors led to a decreased rate of conviction of Black defendants. This was done by either including or excluding racial identifiers in the defendant’s testimony. When made to think consciously about how their deliberations may be taken in the context of race, jurors were more careful to prevent themselves from appearing racist. This is extremely important when considering ways to circumvent bias in the courtroom. If making the issue of race more salient to the listener affords them the tools to actively work against their perceived biases, then perhaps it is a strategy worth looking into. It is also important to note that this may cause an adverse effect as support for Black individuals may be overstated in contexts in which race is made a salient factor (Stout, 2015; White, 1994).

Issues of social favourability come into play as well in the issue of racial salience. When Black individuals are the ‘source’ for a persuasive message, White listeners will often become highly motivated to listen to the source and process their message (White, 1994). A potential explanation posited was that White individuals wish to portray an image of egalitarianism and may attempt to overcompensate in situations in which a Black individual is speaking or race is made salient. Additionally, it is interesting how the issue of racial salience can intersect with Expectation Violation Theory as will be explained in the next section.

### Expectation Violation Theory

Expectation Violation Theory (EVT) theorizes that every instance of communication is met with certain expectations (Brown, 2008; Burgoon, 1993). These expectations are rooted in an individual’s experience and beliefs. These expectations can be violated negatively or positively depending on the interaction and how it goes. Depending on the nature of the violation, then individuals alter and adjust the perceived favourability of the violator. If the violation is deemed as a more favourable action than the original expectation, the individual’s evaluation should be more positive. In Burgoon’s initial development of the theoretical model of EVT, a focus on non-verbal communication was emphasized. However, over time the model evolved to encompass interpersonal communication in its framing as well.

Additionally, although violations may go unnoticed by the communicator that is being evaluated, they may serve as a tool to increase scrutiny of the speaker by the listener (Gregory, 2013). Understanding how to tactfully set expectations and appropriately violate said expectations allows for the manipulation of the evaluation of speakers which could potentially allow us to mitigate mediating factors such as bias. For example, individuals may reward



speakers who positively violate their expectations compared to those who do not violate expectations at all (Burgoon, 1993). This particular EVT effect in the context of attempting to mitigate dialectal biases could be crucial if the reward effect is able to outweigh the impact of bias on evaluation scores.

However, some of the literature indicates that even if a speaker does not speak in a thick accent when a listener was told to expect as such, thus enacting a positive violation, they are not then evaluated more positively in terms of both credibility and favourability. But if the speaker possesses a thicker accent than the listener was asked to watch out for, thus enacting a negative violation, they are still evaluated more harshly (Dragojevic, 2019). The positive violation received no 'reward' whereas the negative violation still received the punishment. This could potentially serve as a problem when trying to formulate effective expectancy manipulation tactics. However, due to the lack of substantial research surround EVT and AAVE usage, the results of the Dragojevic study may not be relatable as that study utilized foreign accents rather than separate dialects.

The first discovery directly clashes with Expectation Violation Theory (Brown, 2008; Burgoon, 1993). This theory was not upheld in the instance where non-native English speakers positively violated expectations however although non-native English speakers were still punished for their negative violations. Those who employ stigmatized speech patterns when there is no expectation of said speech pattern are judged more harshly compared to those who do not employ stigmatized speech patterns (Dragojevic, 2019; Gowen, 2006). Additionally, individuals are more likely to listen and evaluate favourably those who they deem as meeting or

exceeding their expectations (Yuan, 2019). Understanding an individual's expectation and the impact of violations on this expectation is crucial.

However, when there is the expectation of the employment of stigmatized speech patterns and then a subsequent confirmation of that expectation, the negative consequences of employing stigmatized speech patterns can be mitigated (Gowen, 2006). This phenomenon has the potential to be bolstered by the source affect discussed in the previous section (White, 1994). It also necessitates the evaluation of EVT in relation to perceptions of different dialects. Understanding how expectations and violations of said expectations can potentially harm or help the perception of a speaker's favourability and credibility can serve as the foundation for the formulation of future recommendation.

Thus, this study seeks to not only attempt to quantify dialectal bias as it impacts listeners of both AAVE and SAE but also seeks to utilize EVT as a theoretical model in which this bias could potentially be mitigated. If violation effects can mitigate or amplify dialectal bias, then EVT is an appropriate tool to not only conduct this research but also to serve as the theoretical ground upon which practical recommendations for witness preparation can be formulated. Additionally, the usage of this particular model fits perfectly for the evaluation of the particular interpersonal interaction: a jury member listening to a witness testimony. This study is not an assessment of what impacts guilt or culpability perceptions, but rather an evaluation of what can potentially impact (positively and negatively) that initial perception of credibility and favourability that came to harm Rachel Jeantel, The Central Park Five, Joseph Arnold and countless others whose stories will unfortunately remain unknown or unheard.

The Dragojevic study is the basis for which the 4x2 study has been constructed, altering the manipulation of accent strength for dialect type but maintaining the expectancy violation manipulation. The rationale for utilizing this study was to be able to see expectancy effects on evaluations of speaker credibility and favourability. Dragojevic provides an internally valid framework upon which this study was based off.

### Proposed Hypotheses and Research Question

Based on the literature, there is a demonstrated necessity to further evaluate the impact of dialectal bias on speaker ratings especially in the context of a courtroom as the stakes are so incredibly high. In order to do so, the following six hypotheses must be tested:

H1: Compared to listeners whose expectancies about the speaker's dialect are confirmed, listeners whose expectancies are negatively violated will evaluate the speaker's (a)credibility and (b)favourability more negatively.

H2: Compared to listeners whose expectancies about the speaker's dialect are confirmed, listeners whose expectancies are positively violated will evaluate the speaker's (a)credibility and (b)favourability more positively.

RQ: To what extent does dialect (SAE vs AAVE) affect perceived speaker (a) credibility and (b) favourability?

## **CHAPTER THREE: METHODOLOGY**

In the following section, descriptions of the materials used in the experiment as well as how those materials were created and implemented will be provided. Methods for recruitment as well as demographic information will be presented as well. Finally, a discussion of how the experiment was conducted as well as the ethical considerations for performing this experiment.

### Participant Recruitment

Participants were recruited via two main paths: social media (Facebook) and undergraduate communication courses at a large university in the Southeastern United States. While participants who accessed the study via social media would receive no incentive for completion of the study, students in undergraduate communication courses would receive extra credit on completion of the study as compensation. In order to qualify for the study, participants had to be eligible to serve on a jury (i.e 18 years old and a US citizen). This particular population was identified in order to best emulate the population of interest (individuals eligible to partake as jurors) without assembling pseudo jury panels. A total of 375 responses were received however, after removal of the responses who were not able to correctly answer the attention check question, only 285 responses remained. Ideally, a removal of responses who did not pass the manipulation check would have also occurred. However, only 36.84% percent of the 285 remaining responses had correctly identified the dialect they were listening to. Removal based on the manipulation check would have prevented appropriate data analysis and thus, responses that had failed the manipulation check but passed the attention check remained in the data set.

The study mainly consisted of White respondents (53.2%) with Black (12%) and Hispanic (19.9%) respondents making up the next largest racial/ethnic categories. The study population was majority female (60.1%). Additionally, the overall political orientation of the

population was slightly left leaning with an average age of 21.7 years. Finally, majority of the population of study deny having ever shoplifted before (85.6%).

### Materials

#### *Audio recordings*

A total of two audio recordings were obtained and utilized for this study. A singular script based on the witness testimonial presented in a real court case was developed with all identifiable information removed or altered. This testimony was selected to ensure authenticity. The script was first written in SAE in accordance with the understanding of the researcher and then an adaptation to AAVE was made by the voice actor. The script was then read in both SAE and AAVE by the same voice actor. The voice actor was an individual of African American descent with relevant experience in employing both SAE and AAVE in order to ensure authenticity of the recording.

#### *Qualtrics survey*

The study was conducted using the Qualtrics Survey Software. A questionnaire of approximately 49 questions consisting of questions to test eligibility, expose experimental stimuli, measure favourability and credibility (adapted from the Dragojevic study) and assess demographics was utilized. The survey was set up in a way that allowed for a randomization of the experimental conditions making it viable for the experimental between-subjects research project that this study was. The dependent variables of favourability and credibility were measured using survey items derived from the Dragojevic study and adapted for the purposes of this study. Survey items asked participants to rate the audio's speaker on how strongly they agree with the adjective describing the speaker. For credibility, these adjectives were: intelligent,

educated, smart, competent, and successful (Cronbach's alpha: 0.894). For favourability, these adjectives were: friendly, nice, sociable, pleasant and honest (Cronbach's alpha: 0.719). 7-point Likert scale items were used, 1 indicating strongly disagree and 7 indicating strongly agree.

### Procedure

Participants were introduced to the experimental condition recording within a Qualtrics survey. In the baseline expectancy criteria, no prior information about the speaker regarding their speech patterns was provided. In the yes expectancies criteria, information regarding the speaker's speech patterns was provided. The accuracy of this prior message was based on whether the manipulation calls for an expectation confirmation or an expectation violation. In addition, two types of violations were presented: a negative violation and a positive violation. In the negative violation criteria, participants were told that the speaker in the audio had undergone professional training prior to the audio recording and thus the recording should reflect as much. In the positive violation criteria, participants were told that the speaker had not gone through any training whatsoever prior to the recording of their testimony. Participants were then exposed to one of the eight conditions as described in the image above. After listening to the recording, participants rated the speaker on credibility and favourability traits as outlined by Dragojevic (2018). A manipulation check on the dialect manipulation was conducted by asking participants to identify the dialect they had heard in the audio. Three responses were possible: SAE, AAVE and 'I don't know'. Additionally, clear definitions of the different dialects were provided in case the participant had never heard of these terms before. An attention check question asking the participants to identify the location of the crime, was also asked of the respondents and used to exclude data. Statistical analyses were then conducted on SPSS, utilizing a two-way ANOVA

test. Statistical analyses identifying difference along demographic factors such as age, race, socio-economic status, education, racial attitudes, and political orientation were also conducted.

### Ethical Consideration

#### *Crime selection*

In order to avoid any emotional or psychological damage to participants, the witness testimonial was in reference to a non-violent crime. Crimes involved weapons, physical harms or a loss of life were to be avoided. Thus, a crime such as shoplifting was utilized. The reasoning for this is due to the perception of shoplifting being a low cost and low risk crime (Guffrey, 19979; Tonglet, 2002; Tonglet, 2000). Therefore, the nature of the crime should not influence the bias of those who evaluating the speaker based on favourability and credibility standards. In conjuncture to this, a question asking whether or not the participant has ever been the victim of such a crime should be asked in order to remove that participant from the study to avoid sympathy bias and a skewed rating. Additionally, a question asking whether or not the participant has ever shoplifted was asked as this may cause some bias in the ratings as well. This is similar to juror selection processes as well and thus keeps in line with the tone of the study.

#### *Racial/Dialectal authenticity*

Additionally, an avoidance of stereotypical descriptions of dialects was promoted and ensured. The voice actor used for the audio recordings was an African American individual who can employ both SAE and AAVE in order to avoid inauthentic and potentially problematic audio clips thus harming the validity of the study. The voice actor was made comfortable with the script material and the content was made in a way that brought no emotional harm to them. The voice actor was also asked to make the modifications to the original SAE script to reflect the

AAVE dialect rather than the researcher as the researcher is not of African American descent. The only editing of the AAVE script performed by the researcher was to ensure the addition of extra information not present in the SAE script was removed to maintain consistency.



## CHAPTER FOUR: FINDINGS

In this section, results from the study will be presented with the appropriate statistical information. Then, based on statistical analysis, answers to hypothesis 1(a) and (b) as well as hypothesis 2(a) and (b) are found. Finally, the research questions (a) and (b) are answered.

### Impact of expectation on speaker favourability and credibility

In order to test the hypotheses and to answer the research questions, a two-way ANOVA analysis was performed. Hypothesis 1(a) and (b) predicted that negative violations of speaker expectations were negatively associated with higher (a)credibility and (b)favourability. Hypothesis 1(a) and (b) predicted that positive violations of speaker expectations were positively associated with higher (a)credibility and (b)favourability. The two-way ANOVA analysis results indicated no statistically significant main effects produced by the variable of expectation on both (a)credibility ( $F(3,275) = 0.325, p = 0.798$ ) and (b)favourability ( $F(3,275) = 0.924, p = 0.430$ ). Thus, hypotheses 1(a) and (b) and hypotheses 2(a) and (b) were not supported. Additionally, no statistically significant interaction effects between speaker dialect and expectation were found as well on the basis of both (a) credibility ( $F(3,275) = 0.771, p=0.511$ ) and (b) favourability ( $F(3,275) = 0.961, p=0.412$ ). Thus, the data demonstrates that expectation violation did not have a statistically significant impact on (a)credibility and (b)favourability ratings.

### Impact of dialect on speaker favourability and credibility

RQ (a) and (b) asked if the perceived (a) credibility and (b) favourability of the speaker would depend on dialect (SAE vs AAVE). The ANOVA analysis indicated a significant main effect for the dialect condition for the (a)credibility ( $F(1,275) = 15.107, p < 0.001$ ). This main effect was not replicated for ratings of (b)favourability ( $F(1,275) = 2.048, p = 0.154$ ). Thus, the

data indicates that dialect did have a statistically significant impact on (a)credibility but not (b)favourability ratings.

## CHAPTER FIVE: DISCUSSION

The primary objective of the research was to examine the impact of violations of expectations and speaker dialect on credibility and favourability ratings. The study did showcase the impact of dialect on perceptions of credibility. Specifically, speakers of AAVE were deemed less credible than their SAE speaking counterparts. However, the results of the research did not provide support for the suggested hypotheses 1(a) and (b) regarding the linkage between negative violations and negative speaker (a)credibility and (b)favourability ratings. Additionally, the results did not reveal that positive violations led to higher speaker favourability and credibility scores and negative violations imposed the opposite effect on favourability and credibility scores.

First, the analytical results did not demonstrate that higher favourability and credibility ratings were significantly associated with speakers who positively violated expectations. This directly opposes the theoretical foundation of EVT. However, it does affirm the findings of the Dragojevic study by which this study was modelled after. Thus, we have an understanding that the theory itself has not been upheld in instances of non-normative accent bias research, which is supported through this study. However, unlike the Dragojevic study, this study was unable to showcase negative violations leading to lower ratings for speakers. This finding fails to adhere to both the theory and the Dragojevic study, however it is difficult to determine whether or not this finding can be used to undermine the theory upon which this study was conducted for reasons that will be addressed in the limitations section.

Additionally, majority of the participants in the research study failed to accurately identify the dialect type their audio was. Only approximately 37% of the participants were able to correctly identify the dialect type of the audio they were listening to. Limiting the study to

only those who had been able to accurately identify the dialect type within the audio would have removed the possibility of data analysis. Perhaps if the sample size was larger, removing individuals who were not able to identify the dialect type of the audio may have been feasible. However, considering the accuracy rate, that would require a response rate of well over 1000 individuals, which is simply not pragmatic.

Additionally, this occurrence speaks to the unconscious nature of dialect-based bias. Despite not being able to identify the accurate dialect type, the study found a statistically significant difference in perceived credibility between the AAVE audio and the SAE audio. When combining this finding alongside EVT, understanding the results of the study become further convoluted. If bias is unconscious, how can we reasonably manipulate expectations in relation to these biases? The difficulty that arose with manipulating expectations is discussed in the limitations section. Analysing the responses of even those who were unable to correctly identify the dialect of the piece allows us to garner insight into the unconscious nature of bias and sets up potential future studies exploring the role of direct dialect salience in bias mitigation.

The results did support RQ1(a) but not (b) and showed identifiable significant effects between dialect and credibility ratings. The findings revealed that AAVE established a more significant influence on the perceived credibility of the speaker than SAE but this effect was not replicated with perceived favourability.

This falls in line with the previous understandings of the influence of AAVE on speaker ratings. Additionally, if we look to the average age of the population surveyed, we can make the determination a good majority of them are currently in college, which is corroborated by statistics about education levels. This age group in particular has been exposed to AAVE through Black and African American pop culture and thus are able to view it as favourable due to their

familiarity with it. However, consumption of Black and African American media is not enough to view AAVE speakers as credible, which is reflected in the results of the study. Individuals might judge AAVE speakers more harshly than SAE speakers due to common misconceptions about the dialect. Thus, even though participants may find the speaker likeable, that does not necessarily mean they find them credible. This also signifies the importance of dialect usage of court witnesses as they might impose a serious threat to credibility of speakers depending on the dialect they utilize. If SAE is simply deemed more credible, then it may impact juror decisions more so than positive or negative violations.

While this study was unable to support the value of EVT as an effective strategy to circumvent dialectal bias, it was still able to quantify the bias that exists on the basis of dialect. Additionally, this study acts as a starting point for further exploration into this issue.

Some limitations of the study include the lack of emulation of a courtroom atmosphere. Due to the fact the study was conducted at the leisure of the participants in unknown spaces, it is difficult to determine whether or not the environment played a role in the ratings. Additionally, most jury decisions are based upon extensive group discussions. Thus, understanding how individual jury-eligible people may choose to rate a witness' credibility and favourability may not be reflective of how these ratings would operate amongst other jury members. However, the results of this study may act as good understanding of baseline perceptions prior to the influence of group discussion. Additionally, the sample size had two major issues. First, due to time constraints the sample size was less than the desired amount. The sample size was also not indicative of both the total population but also the typical population of jury members. Another major issue remains with the manipulations of both the expectations and the dialect.

With the variable of expectations, no manipulation check was performed. Thus, it is impossible to say with certainty that the manipulation for this particular variable was actually carried out. Additionally, the creation of this manipulation was based in a superficial understanding of what may or may not violate an individual's expectation. Even though there were no significant main effects on the basis of expectation, without a manipulation check for this variable, we cannot definitively say that expectation did not influence speaker ratings. Due to this, the results of this study cannot provide a reason to undermine EVT.

Additionally, even for the variable where a manipulation check was performed, majority of the analysed participants failed that manipulation check. This speaks to the difficulty associated with attempting to quantify bias; specifically, the issues of using quantitative methodology to assess such an unconscious socially constructed concept.

Finally, while the study evaluates the dialect of a 'witness', whether or not this actually impacts how defendants are perceived cannot be definitely interpreted from the results of this study. Majority of the case studies cited in the literature review discussed the impact of dialect on defendants who use it. Rachel Jeantel was the only case study in how dialect impacts witnesses. We know that the utilization of AAVE is likely to impact perceptions of credibility but the exact ramifications for defendants who use AAVE can only be hypothesized about and marked for future research.

While the results of the study failed to support any of the hypotheses, the insights derived from the paper are invaluable to understanding bias research further. While expectation manipulation may not be the way to go to understand bias circumvention, the results showcase how bias operates as an unconscious factor, influencing the decisions we make without us even realizing it. Dialect salience may provide another lens by which we could examine this concept

of bias even further. If people are made aware of the dialect they are about to listen to, would that influence them to be aware of potential underlying biases they may have? Additionally, a repetition of the study with a manipulation check performed on the expectation variable may provide some necessary insights into the validity of EVT. Another study that could potentially be conducted would be to repeat the study but utilizing defendant testimonies instead of witness testimony.

## **APPENDIX A: AUDIO RECORDING TRANSCRIPTS**



SAE: My name is Amanda Johnson, and I am a loss-prevention supervisor at Kohl's. I have worked for Kohl's for over 20 years. On the evening of February 14, 2015, I was observing the store on the surveillance camera system. I began to pay attention to the defendant because I knew the defendant from a professional, previous encounter. I observed the defendant make a return at the customer service desk and request and receive a bag of merchandise that she had placed on hold a few days earlier. The hold bag was tied closed and a paper hold slip was stapled to the bag. The defendant took the hold bag and a decorative piece of coral to the registers at the front of the store. The defendant placed the hold bag and the decorative coral piece on the counter but did not directly give the hold bag to the cashier. I left my office to observe the transaction between defendant and the cashier from about five to seven feet away. But I was not close enough to hear defendant and the cashier speaking. Then, I observed the cashier ring up and bag the piece of coral that defendant had placed on the counter. The defendant picked up the bag with the purchased coral and the hold bag, and just walked out of the store. I did not see the defendant try to hand the cashier the hold bag to be rung up. I confirmed with the cashier that only one piece of coral had been rung up and then I followed the defendant outside, detained the defendant, and asked the defendant to return to the store. When the defendant and I were inside my office, I observed and examined the contents of the hold bag, which contained two additional pieces of coral. So, items on hold with the store are placed in a bag with a hold slip, while items purchased online for an in-store pick up are placed in a sealed bag after the customer signs off a form verifying the items were purchased. That means placing merchandise in a bag could make an employee think the item had been purchased. All items that are placed on the checkout counter are supposed to be rung up by the cashier. The cashier not ringing up the items in the

hold bag was definitely not a failure on the part of the cashier because the defendant did not present the items to the cashier for purchase.

AAVE: I'm Amanda Johnson. I've been a supervisor down at the Kohl's for about 20 years now. On February 14<sup>th</sup>, 2015, somethin was off when I saw her walk in up on the screen. I knew her from before which is why I kept my eye on her through the cameras when she came in. She returned an item at the customer service desk and picked up a bag from layaway. The bag was closed and everything and there was a slip attached on the outside. She then rolled up to the register at the front with the layaway bag and a shell. She put the shell and the layaway bag on the counter but didn't give the bag to the cashier. In my head I knew somethin ain't right. So, I left the camera room to keep my eye on the transaction from a distance. Sis and the cashier were chattin' but I couldn't hear what they were saying. I move closer to hear better. The cashier rung her up and then she picked up the bag with the shell and the layaway bag and dipped. She didn't even try to give the layaway bag for it to get rung up. That when I knew something was definitely wrong. I checked in with the cashier to see that only one shell was rung up and I stopped her and brought her right back to the store. In my office, I checked the layaway bag and found two shells. Items on layaway are placed in a bag with a slip, while items bought online for an in-store pick up are put in a sealed bag after the customer signs off a form verifying the items were bought. So, putting items in a bag can make an employee think the item was bought. All items put on the counter need to be rung up by the cashier, no matter what. Cashier didn't do nothin' wrong cuz she never gave the items to be rung up.

## **APPENDIX B: IRB APPROVAL LETTER**



UNIVERSITY OF CENTRAL FLORIDA

**Institutional Review Board**  
FWA00000351  
IRB00001138,  
IRB00012110  
Office of Research  
12201 Research Parkway  
Orlando, FL 32826-3246

EXEMPTION DETERMINATION

March 30, 2021

Dear Christina Joseph:

On 3/30/2021, the IRB determined the following submission to be human subjects research that is exempt from regulation:

Type of Review:	Initial Study, Category 2(i)
Title:	Using Expectation Violation Theory to evaluate dialectal bias in courtroom contexts
Investigator:	Christina Joseph
IRB ID:	STUDY00002804
Funding:	None
Grant ID:	None

Documents Reviewed:	<ul style="list-style-type: none"> <li>• Faculty Review, Category: Faculty Research Approval;</li> <li>• African American Vernacular English witness testimony audio, Category: Test Instruments;</li> <li>• Debriefing statement, Category: Consent Form;</li> <li>• EVT on Dialectal Bias HRP-254, Category: Consent Form;</li> <li>• Experimental Stimulus Script, Category: Other;</li> <li>• Protocol, Category: IRB Protocol;</li> <li>• Recruitment Flyer, Category: Recruitment Materials;</li> <li>• Standard American English witness testimony audio, Category: Test Instruments;</li> <li>• Survey Questions, Category: Survey / Questionnaire</li> </ul>
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This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made, and there are questions about whether these changes affect the exempt status of the human research, please submit a modification request to the IRB. Guidance on submitting Modifications and Administrative Check-in are detailed in the Investigator Manual (HRP-103), which can be found by navigating to the IRB Library within the IRB system. When you have completed your research, please submit a Study Closure request so that IRB records will be accurate.

If you have any questions, please contact the UCF IRB at 407-823-2901 or [irb@ucf.edu](mailto:irb@ucf.edu). Please include your project title and IRB number in all correspondence with this office.

Sincerely,

Katie Kilgore  
Designated Reviewer

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