

## **Texas Fraternity Bias Incident: A Restorative Justice Case Study**

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At a Texas university, the president of a fraternity, “William” (a pseudonym), and several of his brothers were in a private group chat conversation about the World Cup soccer tournament, which then turned to border issues concerning illegal immigration. William suggested legalizing the shooting of immigrants who crossed the border. “I’m telling you build a wall, and the us govt. can sell permits for legal hunting on the border and we can make a sport of this, can be a new tax revenue stream for the govt.” His comments were made public and received local and national news attention. The campus and the broader community were harmed and outraged, demanding that the university take strong disciplinary action.

While university senior administrators explored the possibility of expulsion, they were advised by legal counsel that William’s comments were protected free speech. Because of the community outrage, William voluntarily resigned his position as fraternity president, but the campus community remained dissatisfied by their perceived administrative inaction.

### **Restorative Process**

The university administration wanted the needs of the harmed parties to be addressed. Since traditional student conduct sanctions were not an option, they pursued a restorative justice approach to hold the student accountable to the campus community and to seek reparation to all stakeholders. Without an active RJ program on campus, they hired two external restorative justice facilitators to facilitate the process. Although both facilitators were associated with Texas universities, neither lived close to this institution nor did they have prior relationships with the key stakeholders. The administration was anxious to implement the response quickly given community concerns. As a result, they organized a two-day on-site restorative process within two weeks of the invitation.

With little preparation time prior to meeting the harmed parties, the facilitators decided the first day would focus on individual meetings to explain the RJ process and learn the details of the incident, its impact, and community needs. The second day would include additional preparation meetings and an afternoon restorative justice circle that would include William, harmed parties, and support persons. The facilitators met with the William first, partly to assess his willingness to take responsibility and to ensure his participation was voluntary. William was joined by his mother, who served as his support person. The facilitators used a restorative script that enabled William to speak freely and describe what happened. He expressed genuine remorse for what he had said and that what he most wanted to do was to make it right. He stated he did not mean what he wrote and did not think about the impact it would have on others when he posted his comment. He didn’t blame others for his actions or minimize his role in the incident. He also described how difficult life had been since the incident—losing a prominent role on campus that kept him highly engaged, losing many friends, being rejected from a job opportunity, and feeling lonely, isolated, and ashamed.

Next, the facilitators met with different representatives from harmed student groups including the president of the student government and other multicultural fraternity and sorority presidents. Meetings were held with eight students from the affected groups who expressed that many students were angry, scared and hurt following the incident. Some were displeased with the administration’s lack of action and problems with communication. They did not believe the administration had conducted

effective outreach to ensure their full participation. Though they were angered about the comments made, they were not surprised given the larger political climate. Overnight, word spread about the RJ process and on the second day, a few minutes prior to the harmed group pre-circle, 30-40 students showed up outside the facilitation room wanting to participate. Without the capacity to accommodate all of them, the facilitators and students agreed to allow one representative from each student group to participate in the RJ circle.

The restorative justice circle lasted several hours. All parties contributed to the creation of ground rules and shared values and stuck to those throughout the long discussion. All spoke to one another with respect, while still expressing their anger and frustration. One Latinx student indicated that she did not want to thank William for participating in the circle and thought he should not receive praise for doing so. But the other students started their initial story-telling with a thank you or show of appreciation for William's participation. Many harmed students had difficulty looking directly at him at the beginning of the circle. By the end, most were making direct eye contact. Some shared things like, "I thought you were a monster and now I see you're just a human." A Latinx student shared that on the night the comments went viral, she had a nightmare that her entire family was murdered in front of her. Students of color shared they were scared to be around white people and this incident heightened their fears. They worry about what people think of them and they are on guard for incidents of bias and racism. Other harmed students shared that, sadly, they were not surprised by the incident and feel that the university has underlying issues with racism and inclusivity. Some mentioned visual representations on campus with a lack of diversity in art and decoration.

William expressed his apology and regret for his statements and said he was willing to do anything they suggested to make things right. The facilitators sensed genuine remorse and sadness about the impact his comments had on others. He mentioned that since the incident he felt that he had no sense of purpose or direction. He commented at the end of the circle that he finally felt "useful" again. He wanted to make amends.

### **Outcomes**

A reparation plan to address the harms was collaboratively constructed:

- William would be willing to meet with any groups interested in hosting him at a chapter meeting or event.
- William will assist other group leaders in gaining access to higher levels of the administration. They discussed how all of the circle participants might attend the university president's open office hours with William to voice their concerns as a unified group.
- With an introduction from one of the sorority leaders, William will reach out to a Latinx non-profit to volunteer.
- William will connect student leaders with the Inter-Fraternity Council and organize a meeting about diversity and inclusion.
- William will attend and support Multicultural Greek Council events and show support by reaching out to leaders and following their Instagram account.
- William will audit (for the remainder of the semester) a class geared towards social justice, diversity, and ethics.

Some of the broader community needs agreed upon during the reparation plan were:

- Bridge a perceived divide among the Greek Councils.
- Request a circle process with key administrators to address concerns with the administration.

- Consider how the administration can address issues of accountability and follow-up for any future bias incidents.
- Enlist others at all levels (e.g., faculty and staff) to create a more inclusive community.
- Create more opportunities for diverse student voices to be heard and considered when making community decisions.

### **Recommendations for Improved Process**

- Planning and preparation, planning and preparation, and planning and preparation. Ensure there is plenty of time for facilitators to meet with the community and plan subsequent phases. If there is not, make sure it is communicated clearly that the initial event is only the beginning of more discussions.
- Improve communication. Make sure communication is in the mode and means that students best receive it--email alone is not a sufficient mode of communication. Consider meeting with students on their time and in their space. Ask them for feedback on timing of an event intended for them (avoid midterms and other conflicts).
- Give students and harmed groups more time to pick representatives and write group impact statements when space in a joint circle is limited.
- Provide an initial introduction to restorative work as a presentation, webinar, or brief training prior to using RJ for the incident work.
- Consider training administrators, faculty, and student leaders in restorative work for the future.

#### *Robert Rico and Kimberly Sullivan: Facilitators' Comment:*

"The restorative justice joint circle ended up being an incredible experience with many groups represented and true understanding achieved between William and the harmed parties. It created a space for students to share not only about the incident, but also about larger systemic concerns with the administration and campus community. The circle process created a safe space for all participants to speak and listen from the heart. It planted a seed to continue discussions about the disconnectedness of the campus community and to foster healthy relationships."

#### *Student Harmed Party Comment:*

"The Restorative Justice Process brings an interesting spin to the healing process that I find to be very beneficial. Instead of focusing on punishment, I find that it focuses on healing, clarity, and understanding. When done correctly, with willing and open-minded participants, the experience leaves you feeling better than you may have to go into it. I loved participating in the circle, because I walked away with a new sense of peace that I did not have beforehand."

#### *Campus Administrator's Comment:*

"A race-related incident on a campus can question the very fabric of an institution of higher learning. Such an incident proves challenging for students, staff and faculty, administration, alumni, and others – many of which do not necessarily have an affiliation with the institution. Restorative Justice dialogue is a proven approach to help a community discuss the harm caused and jointly determine how to repair that harm. For concerns surrounding race and other forms of discrimination, RJ is perhaps the form of communal healing with the most promise. Even though there were plenty of challenges throughout this particular process, the attempt to offer RJ and the eventual dialogue was well worth both the criticism and the praise. Even though there is still hurt, our community is better following the dialogue. And, there is most definitely more dialogue to be had."