

Role Play: Ban the Box?

In order to promote equal rights and economic opportunity, should the City of Berkeley pass a “ban the box” law to prohibit employers from requiring jobseekers to disclose criminal backgrounds on initial applications for employment?

The city has already “banned the box” for local government jobs. The new ordinance will expand this and apply to all private employers that conduct business in the city of Berkeley. Under the proposed law, private employers will not be able to ask about an applicant's conviction history on an initial job application. Background checks will be conducted later in the process, after the applicant's job qualifications have been screened and an employer has determined that the applicant meets minimum job qualifications. Existing law from the Equal Employment Opportunities Commission states that employers may consider past convictions only if the conviction is substantially job-related. Employers may consider other factors about the conviction as well: how recent the conviction is, age at the time of conviction, and evidence of rehabilitation.

Five groups, in addition to the city council members, will participate in a role play of a Berkeley City Council hearing about this proposed law:

- ❖ People who were formerly in prison or jail
- ❖ Criminal justice activists
- ❖ Neighborhood association members
- ❖ Employers and business leaders
- ❖ Law enforcement officials

Groups will prepare a 3-minute opening statement and questions for at least two of the other groups to ask during the hearing.

The 6th group of students will play members of the Berkeley City Council. The city council group will prepare detailed questions for all five of the other groups.

At the end of the hearing, the city council will make a decision, based on the arguments and facts presented, about whether to pass the law, reject it, or pass an amended (changed) version.

Here is how the hearing will go:

1. Speakers will present the first group's statement.
2. The city council members will question the group. The questioners in the first group are expected to help respond to questions and offer counter arguments.
3. Repeat steps 1 and 2 until all the groups have presented.
4. This is followed by an open question-and-answer period, when any of the groups, as well as the city council, can ask questions of any of the other groups.
5. Each group will make a brief closing statement to the city council.
6. The city council will make a decision about the ordinance, offering feedback to the groups and clear reasons for their decision.

Follow these steps to prepare for the hearing:

Step 1. Assign roles in your group. (Note: If you are on the city council, all members of your group will be questioners.)

Speakers (at least two people): Prepare a persuasive statement/speech (about 3 minutes) to present at the hearing.

Questioners: Investigate the positions and arguments that other groups will present, and develop pointed and challenging questions to ask them.

Step 2. Carefully read the background about your group (or, if you are on the city council, assign people to look at each of the other groups).

Step 3. As a group, carefully answer the questions below in detail (or, if you are on the city council, answer questions #1 and #3 from the point of view of one or more of the other groups).

1. Are you for or against the proposed “ban the box” law? Why?
2. Who would benefit from this law? Who would be harmed by it? How does this law relate to equal rights and economic opportunity?
3. What will you do if the city council passes this law? What will you do if the city council does not?

Step 4. Each group member should complete an **interior monologue** (journal about inner thoughts). Invent a detailed persona that includes who you are, what you fear, what you hope for, etc. Address your group’s concerns and position in a very personal way.

Step 5. Gather the **key facts and evidence** you will use during the hearing. Review your notes and readings on the war on drugs, mass incarceration, California prison statistics, etc.—as well as the attached fact sheet. Look for the information most helpful and relevant to your group.

Step 6. Prepare the arguments and/or questions that you will present at the hearing. *See guidelines for writing your opening statement and questions.*

Step 7. Make final preparations for the hearing by **rehearsing and revising** your statements and questions.

- Each speakers should share their speech and get feedback to make sure that it is accurate, clear, and persuasive.
- The questioners should ask the speaker challenging questions to make sure they are prepared.
- The questioners should share the questions they have written to make sure those questions are clear and will help represent and support the goals of your group.

Guidelines for Speakers' Opening Statements

Create a detailed outline to use while giving your opening statement. Remember:

- Your statement should be about 3 minutes long.
- Make sure you know who your opponents and allies are.

Your outline must include the following:

- A. Key points about who you are (from background information and interior monologue), how you will introduce yourself, and your group's position.
- B. Factual evidence and persuasive arguments that clearly explain and support your group's position on the proposed "ban the box" law.
- C. Factual evidence and persuasive arguments that explain why groups with other positions are wrong.

Guidelines for Questioners

Develop at least six challenging, detailed questions to ask other groups in the debate. These questions should help to:

- Support your group's argument and point of view
- Challenge the arguments and points of view of the other groups.

Step A. Carefully review think about the other groups in the hearing. Identify which will be your strongest opponents (especially likely to disagree with your position) and which might be your allies (agree with you on at least some points).

Step B. Choose those groups that you would most like to question—either because they most disagree with your group or because you think you could get them to say things in support of your group. You must have questions for at least two other groups!

Step C. Craft your questions. Below are sample formats for writing detailed and challenging questions.

- Some would say that _____. because _____. How do you respond to that?
- You say that _____. But isn't it true that _____? And doesn't this show that _____?
- You claim that _____. However, _____ (other evidence) shows that _____. Therefore, how do you explain _____?

Opening Statement Outline

Group: _____

Introduction (about 30 seconds) – Introduce your group and position, grab the audience’s attention

First section – Explain why your group supports/does not support this law:

Main arguments: “We argue/believe . . .”	Supporting facts/evidence: “. . . as shown/proven by . . .”

Second section – Rebut arguments other groups might make:

Main arguments: “We disagree that . . .”	Supporting facts/evidence: “. . . as shown/proven by . . .”

Conclusion (30 seconds or less) – Restate most important points and/or evidence; anticipate questions you might be asked.

City Council Members' Notes: Hearing to "Ban the Box"

Group	Main Arguments and Evidence Presented by This Group	Responses to or Questions for This Group
Formerly Incarcerated People		
Criminal Justice Activists		
Neighborhood Associations		
Employers/ Business Leaders		
Law Enforcement Officials		