

POLICY BRIEF: **Ban the Box in Higher Education**

The Education from the Inside Out Coalition opposes the use of criminal history screenings of applicants during the admission's process at colleges and Universities. At best, these screenings serve no legitimate public safety purpose and at their worst, threaten to roll back the gains of *Brown vs. Board of Education* and violate the spirit of educational opportunity for all.

BACKGROUND

Over the past decade, colleges and universities have increasingly included criminal history screenings in their admissions processes and have started to create exclusionary policies. These policies are being implemented despite the fact that there is virtually no evidence to suggest that past criminal histories of students are relevant risk factors that affect the rate of crime on campuses.

While college campuses are not immune from crime, the data show that they are remarkably safe places compared to the community-at-large.¹ There is no empirical evidence to support the proposition that students with criminal records pose a greater safety risk on campus than their counterparts who do not have criminal records.² These screenings only serve to deny access to higher education, thereby undermining public safety and exacerbating existing racial disparities that exist in the criminal justice system and in education.

In 2010, the Center for Community Alternatives (CCA), a co-leader of the Education from the Inside Out Coalition, published a report, *The Use of Criminal History Records in College Admissions, Reconsidered*. It focuses on a national survey that CCA conducted in concert with the Association of Collegiate Registrars and Admissions Officers (AACRAO). The survey explores the use of criminal history screenings at colleges and universities across the United States. Of the 273 colleges and universities that participated in the survey, 66% engage in criminal history screenings of applicants, and private institutions are more likely to collect and use the data in admissions decisions than do public and two-year counterparts.

While higher education still represents one of the least explored strategies for people with criminal convictions, a growing body of research shows that post-secondary education is the most successful and cost-effective method of preventing crime, reducing recidivism, and reducing poverty. Institutions of higher education have an important role

¹ Center for Community Alternatives. *The Use of Criminal History Records in College Admissions Reconsidered*. ii (2010).

² *Id.*

to play in providing equal access to higher education, promoting citizenship and preventing marginalization. It is a matter of sound public policy for college admissions practices to be consistent with other policy initiatives that promote productive and successful reentry and reintegration back into society.

STATE UNIVERSITY OF NEW YORK

The State University of New York (SUNY) requires applicants to check a box disclosing whether they have been convicted of a felony. That is just the beginning of an inquiry that, whatever its intent, discourages otherwise qualified people from applying. Some individual SUNY campuses require applicants to obtain their NY State Division of Criminal Justice Services DCJS criminal history records at their own expense, an abuse of current SUNY policy and the DCJS records process. These records contain information that has been sealed, charges that have been dismissed, and information that has otherwise been deemed legally confidential, such as Youthful Offender adjudications.

STUDIES REVEAL IMPLICATIONS OF CRIMINAL HISTORY SCREENINGS ON DIVERSITY, PUBLIC SAFETY & RECIDIVISM

Racial Disproportionality: Criminal justice data makes it inescapably clear that screening for criminal justice involvement will disproportionately disadvantage college applicants of color.

- It is now well documented that racial disparities are pervasive in the entire criminal justice system from arrest through sentencing. For example, in 2011, African Americans accounted for less than 14 percent of the U.S. population, but 28% of all arrests. African Americans are even more disproportionately over-represented in the incarcerated population, comprising almost 40 percent of those behind bars as of June 30, 2009. Hispanics make up 20 percent of the incarcerated population but only 16 percent of the general population. At year-end 2010, black non-Hispanics males had an imprisonment rate that was nearly 7 times higher than white non-Hispanic males and Hispanic males had an imprisonment rate more than 2 ½ times higher than white males.³

Public Safety: One rationale advanced by those who support the use of criminal history screening in college admissions is that it will increase campus safety. While college campuses are not immune from crime, the data show that they are remarkably safe places compared to the community-at-large.⁴

- Although very little research has been undertaken on this issue, what is clear is that there is no empirical evidence to support the proposition that students with criminal records pose a greater safety risk on campus than their counterparts who do not have criminal records. In fact, one of the few studies to address this issue found that there is no statistically significant difference in the rate of campus crime between institutions of higher education that explore undergraduate applicants' disciplinary background and those that do not.⁵
- On the other hand, there are significant public safety implications of criminal history screening in college admissions that puts higher education out of the reach of some individuals. Higher education opens doors of

³ Id.

⁴ Center for Community Alternatives. THE USE OF CRIMINAL HISTORY RECORDS IN COLLEGE ADMISSIONS RECONSIDERED. 5 (2010).

⁵ Olszewska, M.J.V. UNDERGRADUATE ADMISSION APPLICATION AS A CAMPUS CRIME MITIGATION MEASURE: DISCLOSURE OF APPLICANTS' DISCIPLINARY BACKGROUND INFORMATION AND ITS RELATIONSHIP TO CAMPUS CRIME. Unpublished Dissertation for the degree of Doctor of Education East Carolina University (2007).

opportunity, enhances critical thinking, and leads to better and more stable employment.⁶ Studies of recidivism rates of people who attend college while in prison, as well as those with criminal records who attend college following their release, show that a college education dramatically reduces recidivism.⁷ When people are denied admission to college based solely on the presence of a criminal history, not only does this fail to make college campuses any safer, it is axiomatic that it undoubtedly makes the community-at-large less safe. In short, criminal justice screening in college admissions is counterproductive from a public safety perspective.

Recidivism: Numerous studies demonstrate the effectiveness of correctional postsecondary education programs on reducing recidivism. As the recent studies listed below demonstrate, the impact of higher education on reducing recidivism is clear.

- The Indiana Department of Corrections and Ball State University reviewed recidivism rates as related to education and employment after release. The study shows that education level and employment status upon release are inversely related to recidivism - the higher the level of education, the more likely a person was to obtain employment upon release and the less likely the person was to return to a corrections facility within 2 years of release. Recidivism rates among unemployed, non-high school incarcerated individuals were 44.7%, compared to just 17.3% for employed, college program participants.
- A joint study by the North Carolina Department of Corrections and North Carolina Community College System analyzed the impact on recidivism rates of a variety of correctional training programs, including postsecondary education. In this study, recidivism rates dropped from 44.6% to 31.2% for postsecondary education program completers.
- Virginia Tech conducted a study of Virginia's Incarcerated Youthful Offender Program (IYOP), a program with some academic but mostly vocational training. Of the 104 inmates who participated in the IYOP academic program and were released in 2001 and 2002, only 14 recidivated - a rate of 13.5%. The study also suggests that, much like the Indiana study, inmates who participated in college classes while incarcerated and who have post-release employment are significantly less likely than general prison population to be re-incarcerated within three years of their release.
- College and Community Fellowship, one of the few programs that works directly with formerly incarcerated individuals who are in college in New York City, has enrolled more than 200 formerly incarcerated women in higher education programs in its first seven years and reports a recidivism rate of less than one percent.⁸

⁶ Center for Community Alternatives. THE USE OF CRIMINAL HISTORY RECORDS IN COLLEGE ADMISSIONS RECONSIDERED.32 (2010).

⁷ Id.

⁸ College and Community (2007)

The Education from the Inside Out Coalition is a nonpartisan collaborative of criminal justice and education advocates, led by the College and Community Fellowship, JustLeadershipUSA and the Center for Community Alternatives. Our mission is to remove barriers to higher education funding facing students in prisons, both in New York State and nationwide.



THE COLLEGE & COMMUNITY FELLOWSHIP

College and Community Fellowship (CCF) is unique among organizations aimed at helping people reclaim their lives after criminal conviction. Many programs try to address the basic needs of people returning to the community after conviction and prison, but only CCF guides them through the stages of higher education while promoting their leadership, self-advocacy, artistic expression, civic participation and long-term economic security. We see beyond reentry. We see limitless possibilities for our participants, their families and their communities.

Visit www.collegeandcommunity.org to learn more.



JUSTLEADERSHIPUSA

JustLeadershipUSA (JLUSA) is dedicated to cutting the US prison population in half by the year 2030 while reducing crime. JLUSA empowers people most affected by incarceration to drive policy reform.

Visit www.justleadershipusa.org to learn more.



THE CENTER FOR COMMUNITY ALTERNATIVES

The Center for Community Alternatives (CCA) is a leader in the field of community-based alternatives to incarceration and reentry. CCA's mission is to promote reintegrative justice and a reduced reliance on incarceration through advocacy, services and public policy development in pursuit of civil and human rights.

CCA's work takes it into the neglected places of America – its ghettos and prisons – the places that many prefer to keep secret. CCA is committed to its responsibility to speak out, not only for progressive alternatives to the criminal justice system but also against those policies and practices that create barriers for people with criminal history records to personal development, transformation, and reintegration back into the community in a healthy, productive and fulfilling way.

Visit www.communityalternatives.org to learn more.