

EXECUTIVE SUMMARY

HAVE YOU BEEN CONVICTED OF A FELONY?

Yes

No

**BOXED
OUT**

**Criminal History Screening
and College Application Attrition**

CENTER FOR COMMUNITY ALTERNATIVES

In cooperation with the EDUCATION FROM THE INSIDE OUT COALITION

BOXED OUT



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CENTER FOR COMMUNITY ALTERNATIVES
INNOVATIVE SOLUTIONS FOR JUSTICE

ABOUT THE CENTER FOR COMMUNITY ALTERNATIVES (CCA)

The Center for Community Alternatives (CCA) is a community-based nonprofit organization that promotes reintegrative justice and a reduced reliance on incarceration. Founded in 1981, CCA engages in research, policy advocacy, and direct services in pursuit of our goals to end mass criminalization and incarceration, eliminate racial disparities, and eradicate barriers to employment, housing, higher education, and civic participation experienced by people with criminal records. CCA defines our work within a civil and human rights framework, based on our understanding that the criminal justice system in the United States has become a mechanism to erode fundamental rights in this broad array of social domains. Our research and policy advocacy is grounded in our direct work with people directly impacted by the criminal and juvenile justice systems that now include the school-to-prison pipeline.

This report was written by CCA staff: Alan Rosenthal, Esq., Advisor on Special Projects and Counsel; Emily NaPier, M.A., Senior Research Associate; Patricia Warth, Esq., Director of Justice Strategies; and Marsha Weissman, Ph.D., Executive Director.



**EDUCATION FROM
THE INSIDE OUT COALITION**

ABOUT THE EDUCATION FROM THE INSIDE OUT COALITION (EIO)

The Education from the Inside Out Coalition (EIO) led by the College and Community Fellowship, JustLeadershipUSA, and the Center for Community Alternatives is a national, nonpartisan collaborative of advocates working to remove barriers to higher education faced by students with criminal convictions while in prison and in the community. EIO is made up of members and supporters across the country. EIO works with federal, state and local government officials, along with educational institutions, providing technical assistance and other support.

ACKNOWLEDGMENTS

We would like to first acknowledge the generosity of the people who were willing to share the stories of their struggles to achieve their dreams of a college education. These experiences inspired our work.

This research was enriched by our participation in the Education from the Inside Out Coalition that is focused on removing barriers to higher education for people with criminal records, including incarcerated people. Glenn Martin, Vivian Nixon, Mel Gregarin, Dionna King, and Erica Murphy provided invaluable guidance, leadership and feedback. Thanks to Melissa DiRado and Sara Wolkendorfer, Syracuse University College of Law summer externs, for their work on the FOIL requests and especially to Melissa for her perseverance to volunteer her time beyond her externship to see this project through to its conclusion. Roz NaPier and Jim Vermeulen helped in the proofreading of the report.

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I had often experienced the box on employment applications. I had painfully learned what the box meant when I was rejected from one job after another. When I saw the box on a college application I had a sinking feeling. Once I received the supplemental request for documents and information about my conviction I became convinced that this was the same old box with the same old purpose.

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RANDY*

EXECUTIVE SUMMARY

Randy’s experience applying to the State University of New York is one of stigma and discouragement. It was repeated by many of the individuals we interviewed for this study who hoped to attend a SUNY college but faced daunting, if not impossible, application requirements imposed on people with past felony convictions. Encountering the felony conviction question on the initial SUNY application is dispiriting, but even for those who get past the initial stigmatizing question, the supplemental documents and information required by SUNY campuses are so discouraging and onerous that many people are driven out of the application process. While the supplemental process is not uniform across the SUNY system, every campus asks the felony conviction question and then further scrutinizes the backgrounds of applicants who disclose a felony.

This study was prompted by the narratives of individuals directly impacted by SUNY’s inquiries about criminal history records – stories from individuals with past criminal justice system involvement who found it difficult to navigate the SUNY application process. As an organization that provides services to help justice system-involved individuals successfully reintegrate into the community, staff at the Center for Community Alternatives (CCA) are often asked to help individuals overcome the myriad lifetime consequences that hamper access to jobs and housing. The experience of a client referred to CCA for assistance with applying to college raised our concern and focused our attention on the use of criminal history records in the college admissions process. As a result, we joined the leadership of the Education from the Inside Out (EIO) Coalition. The College and Community Fellowship (CCF), JustLeadershipUSA (JLUSA), and CCA are the lead agencies in the national Coalition, which works to increase access to higher education for currently and formerly incarcerated people.

This report examines screening policies, procedures, and practices used by SUNY for applicants who disclose that they have felony convictions. As criminal history screening by colleges and universities has become increasingly common in the college admissions process,

understanding the impact on would-be college students is critically important. Using data collected from SUNY campuses, we analyzed how these policies and procedures affect applicant behavior. We focused primarily on whether asking questions about criminal convictions inhibits application completion, thereby creating a mechanism, intentionally or unintentionally, that serves to exclude applicants with criminal justice system involvement.

All SUNY applications include a question about felony convictions despite the fact that there is no evidence that criminal history screening makes college campuses safer. Applicants who check “yes” indicating that they do have a felony conviction receive a follow-up letter asking for supplemental information related to their conviction and notifying them of additional procedures. Applicants are also informed by SUNY colleges that their application will not be considered complete and thus, no action will be taken on their application, unless all the additional information is provided.

We found a significant drop-off from the number of applicants who start an application and check the box disclosing a felony conviction and the number who submit an application that is considered complete by the admissions offices across SUNY campuses. We call this “felony application attrition” and found that this phenomenon, more than explicit rejection on the basis of a felony conviction, closes doors to higher education for people with criminal history records.



**Several of the individuals interviewed for this report requested anonymity. We indicate the use of pseudonyms with an asterisk.*

KEY FINDINGS

1

Asking applicants about past felony convictions has a chilling effect, discouraging people from completing the application process. The supplemental application processes at SUNY campuses for people disclosing felony convictions can be characterized as an experience of running a gauntlet, with applicants who check the felony box “yes” subject to far-reaching, multiple requests for information, some of which are impossible to provide.

A | We estimate that each year 2,924 applicants to SUNY check the box disclosing a felony conviction. Of those, 1,828 do not complete the application.

B | This means almost two out of every three applicants who check “yes” to the felony conviction question do not complete the application process and are never considered for admission.

2

The application attrition rates for individuals who check “yes” to the felony conviction question on the SUNY application are significantly higher than the application attrition rates for the general applicant population.

A | The median felony application attrition rate of 62.5 percent is three times higher than the median general application attrition rate of 21 percent.

B | Two-thirds of the SUNY schools included in the study report felony application attrition rates over 50 percent. In contrast, the general application attrition rate is under 50 percent at all campuses included.

3

Felony application attrition is a more formidable barrier to admission at SUNY campuses than rejection based upon a felony conviction.

A | Felony application attrition rates are higher than felony rejection rates: 90 percent of SUNY schools included in this study reported felony application attrition rates that are higher than their felony rejection rates.

B | For two-thirds of these schools, the felony application attrition rate is more than 10 times higher than the felony rejection rate.

C | For every one applicant denied admission because of a felony conviction, 15 such applicants are denied admission because of application attrition.

4

The data suggest that criminal history screening policies and procedures have a disparate impact on African American applicants, particularly at the community college level.

Screening for criminal records undermines SUNY's fundamental goal to ensure the broadest possible access to all segments of the population regardless of their ability to pay, race, gender or ethnicity.

RECOMMENDATIONS

Based on our findings, the Center for Community Alternatives, in concert with the Education from the Inside Out Coalition, strongly recommends that the State University of New York and all colleges and universities refrain from including the criminal history question on the application and prohibit the use of criminal history information in admissions decision making.

Additionally, we support the enactment of state laws such as the proposed New York Fair Access to Education Act, S.00969 and A.03363 (2015-2016 session) that effectively bans the box from the admissions applications and prohibits institutions of higher education, both public and private, from using criminal history information for admissions decisions or to rescind an offer of admission.

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If we are sincere about criminal justice reform, economic independence, creating pathways out of poverty, and reducing our reliance on incarceration, then the college doors should be open to all. We can create more thoughtful and inclusive admissions policies, but we need to start by thinking outside the box.

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RONALD DAY