

FROM THE BIG HOUSE TO THE SCHOOL HOUSE:
ADMITTANCE OF CONVICTED FELONS INTO COLLEGES AND UNIVERSITIES

by

James Michael Stewart

(Under the Direction of Diane Cooper)

ABSTRACT

This study focused on the processes and procedures through which colleges and universities review applications for admission from individuals with felony charges or convictions. Research into educational opportunities for individuals with felony convictions, both during incarceration and post-incarceration, supports programs and policies which can assist the individual obtain an education and/or skills. This opportunity for education and skill development can effectively reduce the opportunity for recidivism to the correctional system. Using a quantitative methodology, along with ten open-ended questions, this exploratory research indicated trends and similarities in the processes and procedures used by the survey participants. With funding an issue for any state-affiliated institution, public colleges and universities have an opportunity to partner, in various aspects and manners, with state correctional facilities, to the benefit of the student inmate, the institutions, and society as a whole.

INDEX WORDS: Admissions policy, campus safety, criminal background check, enrollment management, expulsion, felony convictions, incarceration, parole, probation, recidivism, re-entry, school-to-prison pipeline, suspension

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by

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DEDICATION

This dissertation is dedicated to all of the students, who over eighteen years in higher education, have taught me as much, if not more, than I hope I have taught them. I am fortunate to serve in a career field that affords me the opportunity to watch you struggle, challenge yourself, grow and become individuals I am proud to call my friends and colleagues.

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CHAPTER 1

INTRODUCTION

Background

In the summer of 2015, the Obama administration proposed lifting a twenty-year ban which prevented federal education funding of prisoners through the Pell Grant system (CNNMoney, 2015). With an increasing number of individuals returning to society after serving time in penitentiaries and correctional facilities across the United States, concern mounts related to the reduction and prevention of recidivism among these individuals. Understanding that education can play a critical role in preventing recidivism, the question of how these individuals continue their rehabilitation and re-entry back to society comes to the minds of many. This question certainly affects college and university administrators responsible for admissions or entry into their hallowed halls and for maintaining a safe and secure learning environment for students, faculty, and staff.

An example of the potential impact can be seen in the State of Georgia. In 2014, Georgia's correctional system released 18,968 individuals (Georgia Department of Corrections, 2015) to return to society and their respective communities. Typically, members of these communities expect these individuals, these ex-convicts, to be rehabilitated and to become productive members of society. However, these former inmates continue to face hurdles and hindrances as many strive to meet this expectation.

For many, education, or rather the lack thereof, remains a consistent barrier in their efforts to move beyond their past mistakes.

In a November 2014 press release (Office of the Governor of Georgia, 2014), Georgia Governor Nathan Deal stated, “With seven out of every ten Department of Corrections inmates lacking a high school diploma or GED, it is of the utmost importance that while individuals are in our criminal justice system, we do a better job of raising their education and skills to an adequate level.” He went on to say, “If an offender has been equipped to enter the workforce upon release, that person will stand a greater chance of avowing relapse.” (para. 2). While Deal spoke to the need for increased secondary education, the proposal made by the Obama administration, along with the Department of Education and Department of Justice, would point toward postsecondary education as the next logical step in improving the knowledge and skills of these former inmates and hopefully reduce recidivism rates.

Concerns arise if, and when, these former inmates investigate the start or return to their education. Institutions may require documents from these applicants that they would not require of any other applicant, such as letters from a prison psychologist, warden or superintendent, parole or probation officer, and/or the applicant’s full criminal record (Weichsebaum, 2015). The applicant faces challenges of meeting these requirements, based on what the institution feels is necessary. For example, an applicant may be asked by a college or university to provide a psychological report from the prison, presenting a challenge to those applicants coming from a prison or system which did not have a licensed person to do such a report (Weichsebaum).

Campus law enforcement officers concerned about the overall safety, real and perceived, of the entire institutional community must consider the impact, also real and perceived, of any former inmates allowed on campus. David Perry, president of the International Association of Campus Law Enforcement Administrators, stated “There is an increased expectation that universities, parents and politicians must ensure a safe campus.” (“Criminal queries on admission apps”, 2014). Perry goes on to note the importance of asking the types of questions that allow both the individual and the institution to be better poised to address any potential problems or concerns earlier, rather than later. Other administrators may worry about the impact the practice of allowing former inmates on campus may have on the institutional safety. Any college or university in the United States, which receive funding through federal student aid program, must report information on certain criminal offenses which occur on or in the vicinity of the campus community. This report, more commonly known as the Clery Act, provides the campus community and the general public with an understanding of the types of crimes committed on the campus. However, the report does not include who committed these crimes (i.e. students, community member, visitors to campus). Administrators, despite their best efforts, can never truly know where or who will commit the next campus crisis. Questionnaires rarely serve as a strong predictor as to whether students with criminal histories will be more likely to offend or not (Runyan, et. al, 2013).

With increased attention being drawn to the overall retention, progression, and graduation of all students, institutional leadership along with admissions staff may worry about the potential impact on the overall enrollment should students with prior felony

convictions not succeed in their academic pursuits, just as they would for the general student population.

The concern for maintaining a safe campus environment for all students, faculty, and staff must be balanced with the need and/or right for these individuals to gain an education and training post-incarceration. As offered in the article entitled “Weigh public safety, second chances when student seeks to return” in Dean and Provost (2006), campus law enforcement must consider “what factors go into weighing protection of the campus community vs. giving a student a second chance?” (p. 1). Admitting individuals with criminal backgrounds becomes a debate and a discussion as to what is best for the individuals who have served the sentence society deemed appropriate and what is perceived to be best for the communities to which these individuals are returning. It is logical to understand that these communities relate to both the larger societal context and the more local and centralized community of higher education.

Problem Statement

The education of prisoners and former prisoners remains controversial at the individual level and the societal level. Colleges and universities offer an avenue for an education to occur. While students from a variety of backgrounds face challenges, students who identify as having prior criminal felony convictions may face additional hurdles that hinder, restrict, and limit their educational opportunities. Those individuals who are making an honest attempt to rehabilitate or educate themselves find they may have additional and unforeseen strikes against them. Factors upon release, like family support, living arrangements and any history of alcohol or drug use, also aid or deter from the success of a former inmate (Ward, 2009). By helping to identify the potential

struggles they face, these former inmates may be better prepared to succeed in the “outside” or free world.

Life on the outside. Former inmates may often think they are ready to return to their life outside of the correctional facility. However, these individuals face certain psychological challenges (Krannich & Krannich, 2009). These individuals must transition from a very structured and highly predictable world where their daily needs were provided to them, to an unstructured and often unpredictable world when they must be willing and able to provide for themselves.

Another psychological challenge involves the transition or re-transition into their social and support networks of family and friends. For some family and friends, the re-entry may include resentment, frustration, mistrust, and anger. It may be difficult for both the ex-offender and his/her family to understand how the other has changed during the period of incarceration. From relationships with a spouse or ex-spouse, with children, and with parents and siblings, the re-formation of these relationships takes time, patience, and forgiveness (Ross & Richards, 2009). The former inmate may have difficulty balancing their memories of the family and friends that were with the reality of the family and friends that are now. This conflict presents the temptation to turn to cliques, gang affiliations, or their “pseudo” prison family (Ross & Richards).

A question asked by one study (Rose, Reschenberg, & Richards, 2010) poses “how long should a person be crime free in order to be considered a success?” (p. 296). Advocates for individuals with felony convictions ponder the same type of question that relates to how some offenders, and society as a whole, may have an expectation that the prison and correctional systems offer a degree of rehabilitation to individuals returning to

the larger society. Failure to provide the tools, opportunities, and experiences to individuals with a criminal justice history potentially extends the timeframe needed to adequately answer to the question.

In their book, *The Ex-Offender's Re-Entry Success Guide*, Krannich and Krannich (2009) remind the former inmate that the road to re-entry will not be easy and studies on recidivism show an individual's chances to succeed outside of the prison are not good. However, they counter this disheartening news with the reminders to seek out those who are willing to help them succeed in their transition back to the free world. The authors also offer the reality of finances and an individual's need to generate between \$50 and \$100 daily, demonstrating how the issues of finances can greatly impact the ex-offender's view, motivation, and ultimate success.

Financial hindrances to education. Many higher education and political leaders continue to debate the growing costs associated with higher education (i.e. tuition, books, fees, etc.). The impact of these costs for former inmates raises a number of issues. Individuals recently released from prison, on parole, or on probation may face increased hurdles in finding adequate employment, transportation, and housing. For those seeking to move beyond their past, the additional cost of higher education adds to their struggle to become productive members of society. Ross and Richards (2009) advised, "most people coming out of prison who have been admitted to college or university qualify for a full package of student financial aid" (p. 99). However, any applicant with a felony conviction, particularly those related to drug offenses, should be cautioned to properly investigate all policies and regulations and should be encouraged to check with the

institution's financial aid office and consult the FAFSA (Free Application for Federal Student Aid) website for qualifications and restrictions.

Federal Student Aid, an office of the United States Department of Education, offers clear information related to the funds and grants current and former inmates may be eligible to receive (Federal Student Aid, n.d.). This office also provides a link to a fact sheet entitled "FAFSA Facts for Students with Drug-related Convictions", which offers guidelines related to how drug-related convictions can affect an individual's eligibility to receive federal student loan. This fact sheet outlines how long an individual may be ineligible to receive federal student aid and how an individual may reinstate his or her eligibility (Office of National Drug Control Policy U.S. Department of Education, n.d.).

Those individuals who have been charged with the possession and/or sale of illegal drugs face the greatest struggle in reinstatement of their eligibility status. The type and number of offenses play a significant role in the person's ability to pursue federal financial aid, ranging between one to two years of ineligibility to an indefinite period of ineligibility. In order to be considered or reconsidered, an individual's conviction must be overturned or rendered invalid or he or she must meet one of two early reinstatement requirements, typically involving an approved drug rehabilitation program and successful drug testing.

While a former inmate may be eligible for funds beyond federal financial aid, such as Federal Work Study (FWS) and Federal Supplemental Education Opportunity Grant (FSEOG), these monies are limited in their source of funding and are tied to additional criteria like receipt of Federal Pell Grant. Current inmates may be eligible for

FWS and FSEOG funds, but would be unlikely to receive them due to the logistics of their incarceration and inability to be on the physical campus (Federal Student Aid, n.d.).

Funding the education of former inmates, not to mention those currently incarcerated, remains a tough moral and financial issue, one that dates back at least twenty years. With two legislative acts in 1994, the Federal Government effectively cut Pell Grant funding for educational opportunities in prisons, making the path toward a college degree more difficult while incarcerated. Section 20411 of H.R. 3355, or as it is more commonly referred, the Violent Crime Control and Law Enforcement Act of 1994, amended the Higher Education Act of 1965 to restrict the receipt of basic grants (such as the Pell Grant) to an individual incarcerated in a Federal or state prison or correctional facility (Violent Crime Control and Law Enforcement Act of 1994).

Individuals who do not qualify to receive federal financial aid must find funding on their own, be it through private lenders such as banks, or pay all associated costs on their own. For individuals coming out of the correctional system, this can create a seemingly insurmountable obstacle to turning their lives around. Finding a job that will support regular living expenses can be difficult enough, without adding the additional cost and expense of paying for a college education.

With a sense of being unable to move beyond their past, some ex-offenders resort to those practices and behaviors that they know best. These behaviors offer a degree of comfort and familiarity, but unfortunately, they are the same behaviors that led them to the correctional facilities in the first place and greatly increase opportunities for recidivism.

Nature of prior convictions. Inherent in the concerns of some college and university administrators, the nature or reason why individual was convicted plays a role in both the individual's success and the perception of the college administrator upon application and admission ("Criminal queries on admissions aps", 2014). In a model policy published by the National Center for Higher Education Risk Management (NCHERM), Sokolow, Schuster, and Lewis (2011) offered a best practices model recognizes the role certain offenses or criteria may play in the admission process, including, but not necessarily limited to: "violence; aggravation (use of weapon, causing or intending to cause grievous harm; hate crime; drug trafficking; or other pattern that indicates long-standing, egregious and/or recent misconduct such that the screener believes an ERC (Enrollment Review Committee) should review the application (e.g. statutory rape, human trafficking, identity theft, stalking, etc.)" (p. 3).

Checking the box. After students with felony convictions resolve their financial concerns, they face the possibility of additional scrutiny based on the nature of their offense(s) and the impact, real or imagined, these convictions may have on the safety of the campus community. These students struggle with the decision to be truthful and check a box on most college and university applications and/or common applications. The box that causes the potential struggle and angst typically references a question about the applicant's past felony convictions. Some applicants report concerns of what might happen, or not happen, if they are honest and truthful (Center for Community Alternatives, 2015). Other applicants choose to be less than honest by not checking the box, thus facing the possibility of denial revocation of the admission, if or when the truth about their past is discovered. Some institutions construe such actions as violations of

the institution's code of student conduct; applicants at those institutions face the possibility of suspension or expulsion, which has longer and deeper implications to an individual's ability to continue their education.

Another result of "the box" revolves around the hopefully unintended effect it may create with applicants. The Center for Community Alternatives found in their 2015 study of thirty (30) institutions with the SUNY (State University of New York), students who checked the box indicating they had a felony conviction were three times more likely not to complete the application process than those students who did not have to check the box. The authors of the study discuss the potential "chilling" effect that having to check the box appears to have on this group of students/applicants (Center for Community Alternatives, 2015).

Limitations of in-house prison education programs. The creation of several programs provide educational opportunities for individuals while they are in prison; these programs include the Bard Prison Initiative in New York (Lagemann, 2011), the Inviting Convicts to College Program in Wisconsin (Rose, Reschenberg & Richards, 2010), and the Technology Education program in New Hampshire (Hall & Bannatyne, 2000).

While most institutions address student preparedness, postsecondary correctional educational programs found this issue more critical. Inmates who were unable to read or write faced larger hurdles to their success in such programs. Eligibility restrictions prevented some inmates from participation in educational program after their mid-30s (Palmer, 2012). For example, the Georgia Department of Corrections Inmate Statistical Profile for CY 2014 indicated that of the 18,968 individuals released from the correctional system, 9062 (47.78%) had less than a twelfth grade education and 7442

(39.23%) had at least a twelfth grade education or GED (Georgia Department of Corrections, 2015). Brazzell, Crayton, Mukamal, Solomon, and Lindahl (2009) recognized individuals in the correctional system performed below their peers in the general population, both in achieving a formal education and in performance and abilities in an education setting (p. 8). Adding to that challenge are the number of inmates with learning disabilities and/or mental illness; the struggle to properly care and treat these inmates becomes increasingly difficult.

However, completion of a degree program in the prison system presents additional difficulties typical college students do not face. For example, inmates may not have regular access to research material (or more importantly, current research material) or the internet. Further, inmates lack the ability or authority to control their own schedules, which can prevent regular attendance in a college class.

Individuals teaching in a prison environment similarly face unique challenges such as hostility from guards or other prisoners and lockdowns (Parrotta & Thompson, 2012). In-house programs, or classes that occurred within the prison itself, required accredited instructors from accredited institutions to enter a potential hostile environment. Many of these educators lack the training required for this new environment, although almost all institutions typically required instructors to complete additional training by prison staff. However, prison administrators often prohibited one-on-one interactions between instructors and students (Parrotta & Thompson, 2012). These types of individualized interactions form the foundation, if not the heart, of a post-secondary educational experience.

Societal and institutional hurdles and roadblocks. Former inmates returning to society, and more importantly, those wishing to return to a college or university face additional hurdles. In *Admission Denied: A Case Study of an Ex-Offender*, Custer (2013) related the story of a middle-aged female who applied for admission to college ten years after her conviction and time served. The story resembles others which identified barriers to admission and completion of the degree, denial of financial assistance and/or campus housing, being ask to jump through additional or seemingly endless processes, employment restrictions on and off-campus, and being labeled through on-campus registries (i.e. an on-campus sex offender registry in addition to the local, state, or national registries that exist) (Conner & Tweaksbury, 2011). Any individual facing these types of hurdles must maintain a determined focus on his or her educational and professional goals.

Another roadblock may be the educational institution itself. Depending on state laws and regulations, college and university administrators, historically, have been afforded certain levels of discretion in determining their admissions standards. Typically, the courts will support any institutional decision to accept or deny admission to the institution as long as there is a reasonable (and one might add, consistent) explanation for the decision (Kaplan & Lee, 2014).

The institution and its administrators, board, and/or governing body determine the admission standards, policies, and procedures. As such, the institution assumes both the benefits and the risks when deciding to request or conduct criminal background checks on applicants (Milam, 2006). In attempting to provide a safe and secure educational environment, the institution may create a process that is burdensome, cumbersome, or so

restrictive that a person with a criminal history chooses not to complete the application process, or what has been termed “felony application attrition” (Center for Community Alternatives, 2015).

Some institutions may have restrictions or limitations with regards to admission of students into specific programs, such as nursing and health care fields, or education and teaching careers. These limitations are typically associated with the ability and likelihood that a student would be able to be licensed by an accrediting agency, even if he or she completed all of the degree requirements for the program (Milam, 2006; Langhauser, 2000). Some institutions may choose to only ask about criminal backgrounds upon application to programs related to nursing to education (Langhauser).

Finally, the criminal background procedure related to admissions may unfairly impact minorities (Milam). As part of a study by the Center for Community Alternatives (2015), data from six community colleges indicated that the number of African American applicants indicating a felony conviction was two to three times greater than the number of the overall applicant pool.

Purpose of the Study

This study explored the ways colleges and universities review and make decisions regarding admissions applications for students who self-report felony convictions. Further, it attempted to identify any organizational or institutional opportunities these students may be afforded as they begin or return to their college career. Finally, this study tried to determine if an institution’s demographics (i.e. public vs. private, rural vs. urban) had an impact on how the institution may or may not assist individuals with criminal histories.

Research Questions

1. How do colleges and universities in the United States screen applicants for criminal histories?
2. How do college administrators support the educational opportunities of individuals with criminal histories?
3. How do colleges and universities work with individuals with criminal histories based on demographics (i.e. public vs. private, urban vs. rural)?

Research Methodology

This study used a quantitative method, with a few open-ended questions used for clarification, to determine how administrators at colleges and universities screen applicants for criminal histories, how these administrators may support education opportunities to these applicants, and how these institutions' demographics may or may not impact how they work with students with criminal histories. More specifically, the research study utilized a questionnaire with both closed and open-ended questions designed to provide additional qualitative information. These questions stem from a study completed in 2009 by the Center for Community Alternatives (CCA) in conjunction with the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The 2009 study asked members of AACRAO from around the nation questions related to their use of criminal justice information in the admissions process, while this study focused on accredited, public and private colleges and universities in the United States, primarily in the Southeast.

Operational Definitions

While the educational system and the correctional system share some terms and definitions, professionals in each system define these terms differently. Each system presents terms that are more specific to their particular field. These definitions offer a common base for both systems to operate and a framework to understand terms used throughout this study.

CLERY Act also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, is a federal mandate of all colleges and universities which receive federal financial aid assistance. This act was championed by the parents of 19 year old Jeanne Clery in 1986 after she was raped and murdered in her dorm room. As a result of the CLERY Act, institutions are required to share annually, through a publicly accessible report, information related to institutional policy and procedure for timely reporting and notification of crimes occurring on or near the campus(es), statistics related to the occurrences of certain crimes, and the processes by which incidents of sexual assault, domestic violence, dating violence, and stalking can be reported. Institutions which fail to comply may be fined and/or risk loss of eligibility to receive federal funds (Clery Center for Security on Campus, Inc., 2012).

College admission denotes the administrative process through which individuals are assessed by administrators and staff at colleges and universities. These representatives of the institution determine whether or not an individual meets the eligibility requirements of the institution and offers the individual the opportunity to attend classes at said institution. Criteria for admission usually include, but are not

limited to standardized test scores, high school and college transcripts, immunization records, proof of residency and/or citizenship, and proof of identity.

Common application generally refers to a single application used by multiple and varied colleges and universities in their admissions process. According to the Common Application (n.d.), this type of application and the process associated with it support “equity, access, and integrity in college application process” (para. 1)

Criminal background refers to information related to an individual prior arrest for a violation(s) of the law and the resolution of said violation(s). This could include, but would not be limited to, any charges being dismissed or the individual accepting responsibility for the violation(s) or being found guilty or responsibility for the violation(s).

Criminal justice information, for the purposes of this study, shall refer to the criminal background check or history a college or university may run on an individual who has self-reported a prior felony conviction. This could include an institutional criminal background questionnaire, a criminal history on the individual applicant (either provided by the individual or run by the institution through a paid company or contractor or by the institution’s police force).

Felony conviction, as defined in *Beyond Bars: Rejoining Society after Prison* (Ross & Richards, 2009), involves “any crime that carries a sentence of more than one year” (p. 27). Ross and Richards go on to explain that through the court system, some misdemeanors may become felonies due simply to an increase in the amount of jail or prison time an offense may carry. This concept is known as the “felonization” of criminal offenses (p. 27).

Former inmates, for the purposes of this study, refers to those individuals who were convicted of a felony offense and served time in a jail or prison for over one year and who are interested in pursuing a degree or certificate program in a college or university.

Federal Student Aid can mean the office within the U.S. Department of Education or it can mean the actual funding students receive from the U.S. Government to assist with tuition, fees, and other expenses associated with a college education.

FAFSA is the commonly known acronym for the Free Application for Federal Student Aid, hosted by Federal Student Aid. Most, if not all, college offices of financial aid use this application to determine the type and amounts of financial assistance a student may be eligible to receive.

Probation is “a suspended sentence, whereby if the person violates the conditions of probation he will then spend the balance of the sentence in jail or prison” (Ross & Richards, 2009, p. 26). Probation typically requires reporting on a regular basis with a designated probation officer. Typically, the probationer must have a job, attend school, or provide proof that he or she is actively working on one or both.

Parole, also called community supervision, indicates the period of time an individual must maintain regular contact with a parole or probationer officer in lieu of completing the remainder of the required sentence behind bars. Individuals on parole are subject to daily or weekly reporting, home visits, restrictions to home during certain hours, and/or electronic monitoring and tracking.

Re-entry marks the time when an individual is being released from prison and returning to society and a community, either having completed their full sentence in prison or being required to continue to serve time on parole.

Recidivism refers to an individual's return to criminal behavior, typically receiving or completing court ordered sanctions for a prior offense or crime. According to the National Institute of Justice (n.d.), "Recidivism is measured by criminal acts that resulted in re-arrest, reconviction or return to prison with or without a new sentence during a three-year period following the prisoner's release" (para. 1).

Delimitations of the Study

This research study limited its scope to accredited institutions, understanding that any extrapolation of findings or results to other educational systems can be done, but should be done with cautions. College administrators should research their current institutional policies, procedures and institutional goals and missions before implementing any new programs or changes to existing programs and procedures. This research study sought to determine how institutions choose to identify individuals with criminal background histories or information and how those policies and practices support those individuals upon admittance to institutions of higher learning.

Further, this study looked to the best practices related to the review and admission of individuals with prior felony convictions. Again, any changes to an institution's current policy or procedure should be viewed in relation to the institution's goals and mission. Administrators wishing to positively change efforts in recruiting, retaining, and graduation ex-offenders should recognize the unique challenges each individual must face in addition to recognizing the view other members of the campus community and

society as a whole may have on this particular group of students. Failure to do so could be a huge disservice to the individuals targeted for help and assistance, and potentially a disservice to the institution and its community.

Significance of the Study

This study endeavored to aid in the understanding of how colleges and universities identify, review, and make decisions regarding the admissions of students with felony convictions. The policies and processes related to these admission practices have the potential to change greatly an individual's direction in life. Additional research will help determine policy changes and recommendations, which will further support the efforts of individuals truly desirous in making positive changes in their lives.

Conclusion

Individuals who are in, or exiting from, the correctional systems face several obstacles in day-to-day living. Included in these obstacles is the desire of many who wish to seek educational opportunities to expand their capabilities and minimize the chance they will return to the lifestyle and choices that got them involved in criminal matters. In many ways, the struggles these individuals face reflect little difference in the struggle the general population faces upon making a decision to receive an education. However, the ways in which the struggles differ can be so overwhelming, an individual with a criminal history may feel he or she has no other option than to return to the familiar life and/or ways in order to survive. Recognizing and minimizing, if not eliminating, some of the difficulties these individuals face may provide opportunities that benefit them on a personal level and the world in which they live on a societal, even global, level.

CHAPTER 2

REVIEW OF THE LITERATURE

A review of literature involving secondary education and students with felony convictions produces a wide spectrum of information and opportunity, from educational programs that occur within the prison system to helping the ex-offender transition back to society and reduce his or her chance of recidivism.

For the purposes of this study, five areas related to the ex-offender were reviewed: educational programs designed for individuals while incarcerated; programs and issues related to an individual's re-entry to society; issues related to the admission of ex-offenders to educational programs and institutions post-release; specific educational programs designed specifically for the ex-offender post-release; and issues related to recidivism.

Review of the Literature

Educational programs while incarcerated. The Federal Government's removal of Pell grant funding to inmates in the 1990s almost drove a stake into the very heart of correctional education. No longer having the financial support afforded more traditional college students; much less the support of the general populace, correctional education and its administrators began to look to other avenues to provide educational support and programming to inmates.

Programs vary from using undergraduate student-teachers as instructors within the prison (Rose, Reschenberg, & Richards 2010) to courses built on a curriculum that

offers problem solving, critical reasoning and critical thinking (Anders & Noblit, 2011). Other programs may utilize recognized professors who offer face-to-face classes with select inmates (Lagemann, 2011) or may focus solely on a technology education program, similar to that offered to their peers on the outside (Hall & Bannatyne, 2000). Programs may help inmates identify and address past behaviors, traumas, and abuse that led the individual to a life of criminality (Leyva & Bickel, 2010).

Gender perceptions, both male and female, appear to have strong impact on the individual, both in and out of the prison system (Alarid & Vega, 2010; Parrotta & Thompson, 2011). Utilizing activities like reflective writing and group discussion may challenge the individual's perception of self and help them recognize steps that need to be taken upon release. Interestingly, this process may be more difficult for females, who are seen first as a deviant for breaking the law, and then seen as being unfit, particularly if they had children prior to conviction. A female offender offered Alarid and Vega, "I know I've done illegal things but I don't feel like a criminal" (p. 716). The individual's support systems and overall community play a critical part in supporting or condemning the viewpoint of the ex-offender and in how successful the individual may be in any educational pursuits as well as overall re-entry to society.

Support by both professors/instructors and by administrators (college and university in addition to prison wardens/superintendents) remains a critical bastion to the support and growth of these educational opportunities. George Van Allen, president of Nashville State Community College said, in reference to his experience with this type of program, "We found prisoners who took our programs in North Carolina not only got out of the prison system faster, but when they got out, they were able to get jobs" ("Middle

Tenn. Inmates Taking Community College Classes, 2012) (p.3). When the Violent Crime Control and Law Enforcement Act of 1994 ended Pell Grant funding for prisoner education, a group of professors from the University of California revived a program for prisoners with no budget, a group of volunteer instructors, and donated textbooks (McCarty, 2006).

Providing further assistance and support to the incarcerated individual seeking to further his or her education, a former convict provided a systematic accounting of his journey into education while in prison (Micheals, 2011). By providing information and copies of letters he wrote while incarcerated, Micheals offers encouragement to his incarcerated brethren, hopefully helping them to see that there is life beyond their current circumstances.

Administrators considering similar programs should recognize that these programs are not without challenges beyond those typical stressors found in traditional settings, like budgets, resources, and curriculum. Issues of an inmate's transfer to another correctional facility, the potentially disruptive environment of a prison, and the financial burdens and limitations may prevent inmates from considering such a program, much less completing it successfully (Palmer, 2012). Interestingly, the percentage of federal prisons offering some type of correctional education program, be it adult secondary education, postsecondary education, vocational training, or life skills far surpassed the percentage of state prisons offering the same (Brazzell et. al., 2009).

However, educational programs, whether for college credit or to simply prepare them for life post-release, can provide the foundation and framework for continued

success of the ex-offender when he re-enters the society and the community in which he or she transgressed the rules of acceptable behavior and law.

Re-entry to society. Just as the choices and decisions they made led the individual to incarceration, similar choices and decisions must be made when the ex-offender re-enters society and his or her community. Typically, the individual may not understand or anticipate the ways in which the stigma of being a former inmate may affect day-to-day life. From personal interactions to technological advances, the ex-offender may feel defeated before being given a real opportunity to make amends.

Ross and Richards (2009) offer realistic insight into the hurdles and challenges the ex-offender will likely face. Probation and parole concerns top the list as some may get a great parole officer while others draw the officer “straight from hell” (p. 61), or any degree in-between the two. By understanding the officer’s demeanor, style, and attitude, the ex-offender stands a far greater chance in avoiding difficulties with the one person who can determine if or when the parolee returns to prison.

Concerns about the basic needs of food, clothing, shelter, and employment also top the list of concerns the ex-offender faces. For the individual returning to a strong support system, these concerns diminish. However, for the individual released with a small sum of money and a change of clothes, these basic needs supersede most other concerns. For some of these individuals, the seemingly uncharacteristic comfort and schedule of the prison system offers certain security that the world outside those four walls cannot (Cowan, 2015). However, research indicates that those individuals who do succeed post-incarceration, do so based on the strong support and encouragement of

family, secure housing and health care, and any step forward which allows them “to move beyond the caste-like status of “ex-convict”” (Hallett, 2012) (p. 214).

Those individuals who are able to successfully cope with the essentials of life still face difficulty in both finding employment and in starting or continuing their education. While Title VI of the 1964 Civil Rights Act “prohibits discrimination on the basis of race, color, and national origin in program and activities receiving federal financial assistance” (Department of Justice, 2016), issues of race affect the perception of the individual as the current trend of mass incarceration tends to affect more African American and Hispanic communities (Owens, 2009). Race, coupled with a prior felony offense, tends to lead to increased opportunities for discrimination and what Owens called “collateral punishment” (p.328). While Title VI would restrict policies or procedures that have a disproportionate impact on students of color (Burgess, 2016; Langhauser, 2000), individuals entering or returning to a collegiate setting face similar “collateral punishment” during the admission process.

Admission into higher education. With debate and concern about the use of criminal histories and records in job screening processes, a similar debate grows in relation to the admissions processed administered by colleges and universities. Often driven by perceived issues of “letting the right people on campus” (“Criminal queries on admissions apps”, 2014), the admissions process for colleges and universities can be re-traumatizing to the individual who has completed the sentence assigned by a court of law. Checking a box next to question that asks about prior felony convictions can create a chilling effect on applicants, making them less likely to complete or submit the admissions application (Center for Community Alternatives, 2015). This chilling effect

may also create a growing and continued fear that the individual will not be able to overcome his or her past. Additional impact potentially exists between questions about prior felony convictions and disparate numbers of minority applicants, particularly African American males (Center for Community Alternatives). Some have proposed that this disproportionate representation may be a reason some institutions do not request information related to an applicant's criminal convictions or history (Langhauser, 2000).

Admissions offices that choose to ask the question and further review the criminal histories of potential applicants should have a clearly defined policy, process, and procedure. The National Center for Higher Education Risk Management offered a model policy that included a series of recommendations that would provide a standard to operate and clear understanding by both parties (the admissions office and the ex-offender applicant). Moving to the Common Application, utilizing a full fifty state and/or Federal Criminal Background check, creating some type of committee to review these applications, and using specific criteria are among the recommendations offered (Sokolow, Schuster, & Lewis, 2011).

However, one of the primary concerns many colleges and universities have related to the admission of individuals with criminal histories is the health, safety, and well-being of the campus community. The State University of New York, or SUNY, offers specific policy related to applications questions which ask if the applicant has felony convictions or has been dismissed from another educational institution for conduct or disciplinary reasons (State University of New York, 1998). The SUNY policy further explains that while New York state law prohibits discrimination against individuals with prior criminal convictions, an institution may deny admission to a person with criminal

convictions when that admission could involve “an unreasonable risk to property or would pose a risk to the safety or welfare of specific individuals or the public.” (State University of New York, 1998).

In addition to the overall health and safety of the campus community, institutions with residence halls for students may be concerned about individuals with histories of sexual offenses, assault, or drug-related convictions (Milam, 2006). Tragedies, like the rape and murder of Jeanne Clery in 1986 (Clery Center for Security on Campus, Inc., 2012) or the violence on the campus of Virginia Tech in 2007 where a college senior shot 49 students and faculty, killing 32, before killing himself (Flynn & Heitzmann, 2008), tend to raise the level of concern related to safety on all college campuses, particularly for individuals where a pattern of behavior can be seen or determined (Dickerson, 2008).

If or when the ex-offender successfully navigates the admission process, additional challenges await once enrolled in a program of study, ranging from limitations of funding to restrictions from specific programs.

Educational programs post-release. While former inmates can generally apply for admission to most institutions, specific programs, such as education and nursing, may be off-limits dependent on their past conviction and reasons of licensure. However, some institutions may offer degree programs directed specifically toward the ex-offender. Beyond technical or trade schools offering degrees or certificates in specific fields or trades, some college and universities see the fields of criminology, criminal justice, and social work (Conner & Tweakbury, 2012; Madoc-Jones, Bates, Facer, & Roscoe, 2007). Similar to nursing and education programs, these programs understand the importance of assessing risk related to individuals with convictions as they “will have access to

placements where they may have considerable power and authority over vulnerable adults and children” (Madoc-Jones et. al) (pp 1388-1389).

Regardless of the type of program, the stigma of being a former inmate or ex-offender may be present for some. When asked about his experience while taking classes on a college campus, one former inmate responded, “It’s just basically a general fear of someone finding out and then a lot of people finding out and just being singled out” (Copenhaver, Edwards-Willey, & Byers, 2007) (p. 273).

However, before any state government or agency considers the status of correctional education, much less develop programs during and post incarceration, Borden, Richardson, and Meyer (2012) encouraged consideration of three high priority goals: “to increase access to and persistence in postsecondary academic courses for a targeted group of offenders; to deliver general education core courses through a variety of platforms including innovative high-quality technology; and to document success for national replication among state prisons” (p. 9).

It is equally important to note the need for continued research and assessment, particularly in areas of student learning outcomes, student perceptions (both the ex-offenders and their contemporaries in the classroom), views and experiences of the instructors, and the overall institutional effects (Wheeldon, 2011). This would not be a single agency initiative; it would take true collaboration and communication between all vested individuals and agencies.

Recognizing that ex-offenders cannot proceed into certain fields, institutions may wish to develop and host programs that will allow the ex-offender fewer obstacles. Studies similar to an Indiana industry study related to employing ex-offenders could

produce critically important information related to specific fields that hire or are willing to hire the ex-offender. Nally, Lockwood, Ho, and Knutson's study (2014) indicated the fields of administrative support, waste management, remediation services, accommodation and food services, manufacturing and construction more frequently employed the ex-offender.

Recidivism. Perhaps at the very root of concerns about the ex-offender lies a concern about the likelihood the ex-offender will re-offend. Several factors may influence rates of recidivism; the individual's socioeconomic status, effective supervision following release, time served in prison, nature and severity of the crime, and education all affect the likelihood of an ex-offender returning to the prison system (Esperian, 2010).

While these factors help to determine an individual's chance to recidivate, arguments as to the purpose of prisons also impact recidivism. Individuals who believe that the correctional system should be more punishment and retribution and less rehabilitation may fail to see the connections between the typical long-term cost to house (or "warehouse") (Esperian) an inmate and the cost to educate and train the same individual (Brazzell et al, 2009). Noting the additional factors above, providing the ex-offender with the tools and knowledge to successfully navigate the world upon release offers a stronger opportunity for that same individual not to return to the world behind bars. This same concept applies to changing the "school-to-prison pipeline", meaning sending high school age young people to prison, furthering the potential rates of recidivism (Langberg & Fedders, 2013).

Summary

The question of how to effectively measure the success of probation is not a new one. In 1937, Bennet Mead, a statistician for the U.S. Department of Justice offered “success must be considered relative and variable” and “our analysis thus far has led to the definition of success as positive achievement, varying in degree” (Mead, 2013).

Using Mead’s definition of success, any ex-offender who effectively takes positive steps beyond the situation and circumstances which lead to a period of imprisonment succeeds. The levels and extent to which the individual can transverse the hurdles post-release from prison are only bound by the individual’s self-esteem and desire to move forward, along with the networks of support, both personal and with and without the correctional and educational systems.

CHAPTER 3

METHODOLOGY

This study explored the ways colleges and universities review and make decisions regarding admissions applications for students who self-report felony convictions. Further, it identified any organizational or administrative hurdles for these students as they begin or return to their college career. Finally, this study attempted to determine how college and university officials balance actual or perceived risks to the safety of their campuses with the successful matriculation of this potentially marginalized population. This study sought to answer the following research questions.

1. How do colleges and universities in the United States screen applicants for criminal histories?
2. How do college administrators support the educational opportunities of individuals with criminal histories?
3. How do colleges and universities work with individuals with criminal histories based on demographics (i.e. public vs. private, urban vs. rural)?

Participants and Setting

Admissions representatives and registrars from colleges and universities from across the United States were invited to participate in this study. Invitations were sent via email to those individuals and/or offices responsible for admission of new or transfer students in the State of Georgia, while additional professional groups and organizations

were also asked to participate. It was the researcher's plan that a variety of institutions (public and private, university to technical colleges, rural and urban) would provide information related to their practice and policy for reviewing applications from individuals with prior felony convictions. Along with this information, institutions were asked to share their practice and procedure for determining whether an individual with prior felony convictions is or is not offered admission to the institution. Finally, the participants were asked to share any aspects they experience related to concerns for campus safety and any special programmatic assistance given for these students to be successful.

Data Collection Methods

This study consisted of a survey, managed through and housed in Qualtrics, and sent to admissions directors and registrars of accredited colleges and universities in the United States. The survey was distributed, via listserv, to members of American Association of Collegiate Registrars and Admissions Officers (AACRAO), Southeast Association of Collegiate Registrars and Admissions Officers (SACRAO), and the Georgia Association of Collegiate Registrars and Admissions Officers (GACRAO). All three organizations were used to cast as wide a net as possible for collection of information, and recognizing that some institutions may not be able to afford membership into the national association, but might be members of the regional or state groups. Individual admission officers and registrars were asked if they can be contacted later to provide additional information related to their policies, practices, and procedures. Invitations and reminders were sent during a general time when the majority of admissions officers may be able and willing to participate, as opposed to asking them to

participate before, during, or immediately after the first week of a semester. The survey was opened in November of 2015, with follow-up emails and reminders sent in mid-December and again in mid-January, with final responses received in February 2016.

Methodological Design

Initially, the researcher considered conducting this study from the perspective of the former inmates seeking admissions to college. However, the focus shifted to a more institutional perspective viewpoint. This study explored the range of information that colleges and universities use in establishing base admission standards for individuals with felony convictions.

Further, this study sought to determine potential demographic factors related to the institutions and what, if any, impact those factors may have on the review and/or admission of individuals with criminal charges or convictions. Does an institution's setting, enrollment, or degree offering increase or decrease the number of applications of individuals with felony criminal histories? By identifying any demographic factors, it might be possible to create a range of best practices related to review and admission of felony applicants. These best practices would offer college and universities the opportunity to compare their processes and procedures with comparable institutions, in terms other than public or private and two-year or four-year, and offer a range of options versus a single model, which may not be suitable to an institution or its administration.

This study used a quantitative method, with ten open-ended questions used for clarification, to determine how administrators at colleges and universities screen applicants for criminal histories, how these administrators may support education

opportunities to these applicants, and how these institutions' demographics may or may not impact how they work with students with criminal histories.

Instrument Used

The Center for Community Alternatives, in partnership with the American Association of Collegiate Registrars and Admissions Officers, administered a survey in 2009, which served as the basis upon which the primary data collection instrument was created. Questions, similar to those from the 2009 survey, along with questions used on a secondary questionnaire by Middle Georgia State University, and suggested questions from the NCHERM Model Policy (Sokolow, Schuster, and Lewis, 2011) made up the 42 question survey instrument. These questions were used to canvas accredited higher education institutions regarding admissions practices and the use of criminal history records of applicants. These questions addressed policies and practices related to the admissions process, with ten open-ended questions used to provide qualitative data. The instrument was piloted prior to general distribution to determine if any changes needed to be made to the question design. Following the pilot and any corrections or clarifications, individuals were invited to participate in the study by email invitation and all data collection was collected and housed in Qualtrics. See instrument in Appendix A.

Data Analysis

The data collected were stored in Qualtrics. Also, the quantitative data analysis of the responses was conducted using Qualtrics statistical analysis. While information was collected from all participants, information was broken down by various demographic categories to further look at similarities and differences between institutions. Qualitative responses were reviewed using a constant comparative method, which involved

comparing written responses for each open-ended question to determine any similarities or differences in those responses (Merriam, 2009). The intent was to provide a descriptive picture of the policies and programs available and a basis for discussing the improvement of learning opportunities for former inmates.

Protection of Subjects

The college and university administrators who participated in this study had their institutional identities protected. Administrators were asked to provide the name of their institution in an attempt to prevent redundancy of responses from multiple individuals at the same institution. While there were no duplicate responses from the same institution, if there had been, both responses would be reviewed to determine how similar or dissimilar the responses were. If there were discrepancies in the responses, the individuals would have been contacted for clarification of the institutional process.

While the study focused on the institutional processes, it was still important and imperative to protect any information related to individual students who have felony convictions. In attempts to further understand an institution's policy and process, original planning related to the study considered the possibility of requesting the institution provide more specific information (i.e. the type of offense or conviction, age at time of conviction, years incarcerated, etc.) which supports a particular policy. Should any identifiable individual information been shared during data collection, both the information itself and the individual's identity would have been protected. However, no individual names were collected and there was no personally identifiable information which could have been used to provide a context upon which institutional decisions and recommendations are made.

CHAPTER 4

RESULTS

The purpose of this study was to determine how colleges and universities in the United States screen applicants for criminal behavior. It additionally sought to determine ways in which administrators supported the educational opportunities of said individuals. The study also intended to determine if the demographics of a college or university provided any differences in how they worked with students with criminal charges.

Due to a low response rate, it was not practical to run inferential statistical analysis. Descriptive statistics were used to explore the responses from participants.

Response Rate

Participants were asked to answer a series of questions related to the process and procedure by which their institution reviews admissions applications on which a felony charge or conviction is indicated by the applicant. As the survey was being presented during the fall semester of 2015, when enrollment totals may not have been calculated, participants were asked to base their responses off figures from the fall semester of 2014. Due to a lower than expected response rate during the fall semester of 2015, reminders were sent to the electronic distribution lists for GACRAO, SACRAO, and AACRAO in early December and late January and the survey remained open through February 2016 to encourage and elicit more responses.

As a result of the invitations through those state, regional, and national professional distribution lists associated with admissions officers and registrars, 57

surveys were started with 32 participants, or 56.1%, completing all questions. The remaining 25 survey participants (43.9%) answered some, but not necessarily all of the questions. Their responses were included in the evaluation in an attempt to provide additional insight into the criminal record review process. Preparations were made should there be multiple responses from the same institution, although these preparations were not needed nor used. Unless otherwise indicated, response percentages were based off the total number of surveys ($n = 57$).

Thirty-one of the 57 survey participants (54.4%) answered questions about the highest type of degree offered by the institution and whether the institution was public or private (Table 1). Twenty-six participants (45.6%) offered no response to this question. Percentages in Table 1 are based on total responses (31) to the question.

Table 1		
<i>Participants by highest degree offered and institution type</i>		
<u>Degree Offered</u>	<u>Institution Type</u>	
	<u>Public</u>	<u>Private</u>
Associate	3 (9.6%)	0
Baccalaureate	6 (19.4%)	0
Master's	4 (12.9%)	4 (12.9%)
Master's and Education Specialist	2 (6.4%)	0
Three or fewer Doctoral Degrees	4 (12.9%)	1 (3.2%)
Four or more Doctoral Degrees	7 (22.6%)	0
Totals ($n = 31$)	26 (83.8%)	5 (16.1%)

Thirty-one participants (54.4%) also answered the question regarding institution type and the type of setting the institution was based (Table 2). Twenty-six participants (45.6%) again offered no response to this question. Similar to the percentages in Table 1, those presented in Table 2 are based on total responses (31) to the question.

Table 2

Participants by setting and institution type

<u>Institution Setting</u>	<u>Institution Type</u>	
	<u>Public</u>	<u>Private</u>
Urban	8 (25.8%)	1 (3.2%)
Suburban	7 (22.6%)	1 (3.2%)
Rural	8 (25.8%)	3 (9.6%)
Other*	3 (9.6%)	0
Totals (<i>n</i> = 31)	26 (83.8%)	5 (16.1%)

*Two participants provided additional information about the setting, one noting their setting had 25,000 residents, a small town with institution located downtown and the other respondent noted they had campuses in all three setting types.

Thirty-one of the 57 survey participants (54.4%) responded with the state in which their institution is located, with 16 (28.1%), noting Georgia as their home state. South Carolina (3.51%) and Florida (3.51%) were represented by two institutions each, and 11 states had one institution respond, representing 1.75% of the total responses (a collective percentage of 19.3% of the total survey participants): Alabama, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Mississippi, New York, North Carolina, Oklahoma, and Virginia. The remaining 26 survey responses (45.6%) did not indicate the location of their institution.

Research Question 1

One of the primary research questions of this study was to determine the ways through which colleges and universities screen individuals applying for admission who have criminal histories, whether that be charges and/or convictions. Questions 1 through 26 and 29 through 31 on the data collection instrument were designed to gather information about the institution's process through which applicants who report felony charges/convictions are screened and/or evaluated.

Of the 57 participants, 38, or approximately 66.7%, indicated that their institution had some type of question that allowed applicants to self-report prior criminal records. Thirty-five institutions (61.4%) require an answer to this question, meaning that it is mandatory for the applicant to indicate “yes” or “no” that a criminal history exists. Following this train of thought, 34 institutions (59.6%) ask about felony charges and/or convictions, with 24 institutions (42.1%) asking about both charges and convictions.

Several survey questions were designed to ask about specific types of behavior, specifically those involving violence and/or harm to others, gang-related activities, weapons, drugs, and alcohol. Responses to these questions saw a shift in responses in that most institutions do not appear to ask about specific behaviors.

Violence and/or harm to others. Eleven participants (19.3%) noted that they do ask applicants if violence and/or harm to others was involved in the charge or conviction, while 29 (50.8%) stated they did not ask this type of question on their application. Participants who answered “yes” to this question were also asked to provide how their institution defines “violence and/or harm to others.” Only one institution (1.8%) provided a definition – “anything that causes injury to another.” Five other responses to the question of definition (8.8%) indicated their institutions ask for or require additional information or explanation regardless of the type of offense the applicant indicates.

More specific behaviors. With other questions related to specific behaviors, such as gang-related activities, weapons, drugs, and alcohol, between 87% and 92% of participants indicated that they do not ask questions specifically related to these specific behaviors, versus the 73% who indicated they had no specific question about violence and/or harm to others (Table 3).

Table 3

Does application ask about specific behaviors?

<u>Behavior</u>	<u>Yes</u>	<u>No</u>	<u>Total</u>
Violence or harm to others	11 (27.5%)	29 (72.5%)	40
Gang-related activity	1 (2.6%)	37 (97.4%)	38
Weapons	3 (8.1%)	34 (91.9%)	37
Drugs	5 (13.2%)	33 (86.8%)	38
Alcohol	3 (7.9%)	35 (92.1%)	38

No institution indicated that they asked the applicant if he or she was involved in any type of support group during the application process.

Conduct actions at other institutions. Recognizing the perception an individual's previous behavior may play into expectations of current or future behavior, or an applicant's perception that his or her actions at one institution may not impact admission to another institution, the next two survey questions shifted focus. These questions moved away from inquiry about specific criminal behavior and shifted toward other institutional responses to behaviors, more specifically, asking about suspensions, dismissal, expulsions, and current or pending conduct charges at another college, university, or school (Table 4). Thirty-seven participants (64.9%) of the total participants responded they ask if the applicant has been previously suspended, dismissed, or expelled from another institution. Thirty-six participants (63.2%) noted they ask if the applicant has faced or is facing current or pending disciplinary or conduct charges at another institution. Twenty participants (35.1%) provided no response to this question.

Table 4

Does application ask if applicant has ever been suspended, dismissed, or expelled from another college or university or is facing current or pending disciplinary or conduct charges?

<u>Has applicant</u>	<u>Yes</u>	<u>No</u>	<u>Total Responses to Question</u>
Been suspended, dismissed, or expelled	27 (47.4%)	10 (17.5%)	37 (64.9%)
Faced current or pending disciplinary or conduct charges	19 (33.3%)	17 (29.8%)	36 (63.2%)

Probation and parole. Similarly, participants were asked questions in relation to an applicant's probation or parole status as well as asking if the applicant had any probation or parole violations. No respondent to the survey indicated that their institution inquired about probation or parole violations, but seven (12.2%) indicated that the admission application asks if the applicant is currently on probation or parole. Another survey question asked if the admission application asks for the name and contact information of the applicant's probation or parole officer, with only two (3.5%) answering they did for this information but also indicated that they only contact the officer in certain cases.

Criminal background checks. Survey participants were also asked a series of questions related to their institution's process related to running criminal background checks. When asked if the admissions application asked for the applicant's consent to perform a criminal background check, eight participants (14%) indicated they do ask for consent to perform a criminal background check. Half of those institutions (7%) asking for consent stated that they ask for consent to run only an initial criminal background

check, while the other four (7%) indicated that while they ask for consent, they only run the background check as necessary. No institution indicated that they ask the applicant's permission to run periodic criminal background checks.

Another question asked what type of background check the institution runs, with the participants checking as many types as may apply to their institution. While each choice of answer received at least one response, there were seven responses (12.3%) of the total participants that were uncertain as to what type of criminal background check their institution uses (Table 5). Twenty-two survey participants (38.6%) provided answers to this question.

Table 5

If your institution runs a criminal background check, what type of check is it? (Check as many as may apply).

<u>Answer</u>	<u>Number of Responses</u>	<u>Percentage of Question Responses</u>
Single state background check by a private company or service	2	9.1%
Check of official state repository (i.e. state student conduct database)	2	9.1%
Single-state background check requested by law enforcement agency	5	22.7%
Check of state-operated database(s) which are accessible to the general public	2	9.1%
Public information search	4	18.2%
Multi-state or federal background check requested by a private company or service	3	13.6%
Multi-state or federal background check requested by law enforcement agency	2	9.1%
Individual applicant is asked/required to provide a copy of his/her criminal background check	1	4.5%
Uncertain as to what type of criminal background check our institution uses	7	31.8%
Other (please write in response)	6*	22.2%
Number of responses ($n = 22$)		

* There were only five (5) write-in responses indicated the applicant is asked to provide a full criminal history record, if it is determined one is needed to complete the admissions review; criminal background checks are handled through campus police once permission is received from the applicant in question; single state open records check; we request student submit background checks for all states the student has lived in with a federal background requested if needed; N/A.

Additional questions about the cost of the criminal background checks and who pays for the background checks provided further insight. The four responses to cost (7%) indicated the use of a subscription service, varying costs, \$65 and \$100. Of the six responses (10.5%) as to who pays this cost, five participants (8.7%) indicated that the student or applicant pays the cost for any criminal background check, while one respondent (1.7%) said the institution paid. One respondent (1.7%) also added that there were multiple costs associated with his or her institution, depending on the type of program the student entered, with the nursing program having a different process than the education program or graduate school.

Reviewing applications. The survey also asked questions regarding the basics of who, how, and when applications for students with criminal convictions or charges were reviewed. Of the 30 responses (52.6%) to the question as to who reviews or screens applications with criminal convictions/charges, approximately two-thirds (66.7%) of the responses noted that a team or committee is involved in the review process. Two (6.6%) indicated that a representative from the admissions office initiates the review, while three (10%) noted that this was the responsibility of the director of the admissions office. Five other responses (16.6%) wrote in that dean of students/student conduct office, an undesignated vice president, or tiered process was involved. However, even the majority of the responses to this question indicated some type of committee or two-person review process.

Another question asked participants to indicate the offices and/or individuals who comprise their institutions review team or committee, offering a wide range of responses, as noted in Table 6, with 31 (54.4%) total responses to the questions. The individuals or offices with the most responses were: admissions/enrollment management (including vice presidents, directors, and staff) with 22 responses (70.9% of question responses); dean of students/student conduct (including community standards, student rights and responsibilities, and academic integrity) with 11 responses (35.4%), and campus police/public safety with ten responses (32.2%).

Table 6

If a team or committee reviews applications with criminal convictions/charges, please indicate the offices and/or individuals who comprise the team or committee.

<u>Office/Individual*</u>	<u>Number of responses</u>	<u>Percentage of overall responses</u>
Admissions	22	70.9%
Dean of Students/Student Conduct	11	35.4%
Police/Public Safety	10	32.2%
Student Affairs	6	19.4%
Other**	6	19.4%
Academic Affairs	5	16.1%
Counseling Center	3	9.7%
Residence Life/Housing	3	9.7%
Not Applicable	3	9.7%
Director of Student Success	2	6.5%
Registrar	2	6.5%
Total Response ($n = 31$)		

*Responses were grouped by general themes or offices

** Other individual responses included: Campus Dean, Distance Education, Enrollment Review Committee, Staff, Student Ombudsperson, and Risk Management.

Survey participants were also asked to indicate the percentage of time applications with criminal convictions/charges are reviewed. Twenty-nine (50.8%) answered this questions with an average response of 72.52% of the time these applications are reviewed, approximately three out of four applications being reviewed.

Thirty participants (52.6%) responded to the question about how often applications with criminal convictions/charges were reviewed, with 18, or 60%, indicating that applications are reviewed as needed, with other responses indicating daily, weekly, biweekly, bimonthly, and once a term, prior to admissions decisions being sent out.

Additional questions were asked about the types of decisions which may occur as a result of the screening/review process, with participants instructed to select as many answers as may apply to their institution and/or process (Table 7). Thirty participants responded to this question (52.6%).

Table 7

Please indicate which of the following decisions may occur as a result of the screening process. Check as many as may apply.

<u>Answer</u>	<u>Number of Responses</u>	<u>Percentage of Responses</u>
Admit the applicant; no further action required	28	93.3%
Admit the applicant with restrictions or conditions.	23	76.7%
Request a face-to-face interview or meeting with the applicant.	24	80%
Deny the applicant's request for admission.	25	83.3%
Defer application request for a specified period of time.	14	46.7%
Permanently deny the applicant's admission request.	15	50%
Place an administrative hold on the student's record, preventing any further action until specific conditions or requirements for admission are met	16	53.3%
Other (please specify) *	3	10%
Total number of responses ($n = 30$)		

* Responses included: Not applicable; require additional information; and a letter indicating that a review has occurred is included with their offer of admissions.

Another question sought to look further into the type of information or criteria the institution looked for during a felony review process. Again, participants were asked to indicate as many answers as may apply to their institution. Of the 29 responses (50.8%), the prevailing responses included: overall safety of the institution and its community

members with 24 responses (83% of question responses); how recently incidents occurred with 23 responses (79%); and the following responses receiving 21 responses each (72%) – academic or behavioral misconduct at another college or university, personal statements (made by the applicant), and behavior and/or demeanor in interactions with institutional staff/personnel (i.e. admissions staff, financial aid) (Table 8).

Table 8

Does your institution look at any of the following information or criteria during the felony review process? Check as many as may apply.

<u>Answer</u>	<u>Number of Responses</u>	<u>Percentage of Responses</u>
Overall safety of the institution and its community members	24	82.8%
How recently incidents occurred	23	79.3%
Academic or behavioral misconduct at another college or university	21	72.4%
Personal statements	21	72.4%
Behavior and/or demeanor in interactions with institutional staff/personnel (i.e. admissions staff, financial aid)	21	72.4%
Patterns of behavior or frequency of behavior	20	68.9%
Potential for success and/or completion of degree or program	20	68.9%
Ability to conform to institutional expectations (i.e. compliance with code of conduct)	18	62.1%
Potential for rehabilitation	17	58.6%
Contrition	15	51.7%
Letters of recommendation or character references	15	51.7%
Grade point average (GPA)	11	37.9%
Other (please specify) *	4	13.8%
Total number of responses ($n = 29$)		

*Other responses included: completion of legal obligations, unsure, not applicable, and not sure – this is reviewed by campus safety.

Frequently seen charges/convictions versus charges/convictions which represent biggest institution concerns. The final questions asked of participants with regards to the first research question provided a list of 20 charges/convictions.

Participants were asked to do two things with this list. The first question asked participants to identify the five types of charges/convictions their institution, screener, and/or review committee sees most frequently (Table 9). Twenty survey participants (35.1%) responded to this question. The most frequently seen charges/convictions, in order, were: DUI – first offense; felony possession of drugs; property crime; distribution or selling of drugs; and disorderly conduct. The total number of institutional participants responding to these questions is unclear; therefore, it is important to note that percentages are based on the number of question responses (20).

Table 9

Ranking of charges/convictions participants said their institution, screener, and/or review committee see most frequently.

<u>Charge/Conviction</u>	<u>Number of Responses</u>	<u>Percentage of Responses</u>
DUI – first offense	14	70%
Felony Possession of drugs	13	65%
Property crime (i.e. burglary, larceny, theft, arson)	13	65%
Distribution or selling of drugs	12	60%
Disorderly Conduct	12	60%
Underage possession of alcohol	10	50%
Physical violence/assault	7	35%
DUI – repeat offense	7	35%
Felony DUI (DUI involving injury or death/damage to property)	5	25%
Fraud (financial, check or credit card)	5	25%
Sexual assault/rape	3	15%
Vandalism	3	15%
Robbery	2	10%
Parole/Probation violation	2	10%
Molestation	1	5%
Offenses against family/children	1	5%
Violence involving the use of a weapon	0	0
Murder	0	0
Motor vehicle theft	0	0
Forgery/counterfeiting	0	0
Total number of responses ($n = 20$)		

Survey participants were asked to use the same list of charges/convictions to indicate the biggest institutions concerns when admitting individuals with prior or pending criminal charges or convictions (Table 10). Twenty participants (35.1%) offered responses to this question, indicating the most concerning charges/convictions were: distribution or selling of drugs; sexual assault/rape; physical violence/assault; murder; and violence involving the use of a weapon. These responses contain some of the same concerns institutions say they are seeing but also indicate concerns beyond those that are typically seen. Percentages were based on the number of question responses (20).

Table 10

Ranking of charges/convictions participants said their institution had the biggest concern when admitting individuals with prior or pending charges/convictions.

<u>Charge/Conviction</u>	<u>Number of Responses</u>	<u>Percentage of Responses</u>
Distribution or selling of drugs	17	85%
Sexual assault/rape	17	85%
Physical violence/assault	16	80%
Murder	13	65%
Violence involving the use of a weapon	11	55%
Felony Possession of drugs	6	30%
Felony DUI (DUI involving injury or death/damage to property)	6	30%
Disorderly Conduct	5	25%
Underage possession of alcohol	5	25%
DUI – first offense	3	15%
Molestation	3	15%
Offenses against family/children	3	15%
Property crime (i.e. burglary, larceny, theft, arson)	2	10%
DUI – repeat offense	2	10%
Vandalism	2	10%
Parole/Probation violation	2	10%
Fraud (financial, check or credit card)	1	5%
Robbery	0	0
Motor vehicle theft	0	0
Forgery/counterfeiting	0	0
Total number of responses ($n = 20$)		

Participation by campus police/security. Survey participants were asked to indicate the level of involvement by their institution's campus police and/or security force in the review of felony applications, recognizing the potential importance of overall campus safety in the review process. Of the 27 responses (47.4%) to this question, 13 survey participants (48% of responses), said a police/security representative was involved in every decision. Four participants (15%) indicated a representative was involved in the process but only in cases involving felony drug charges/convictions, charges/convictions involving violence, and/or charges involving gang activity. Two participants (7%) responded a representative from campus police/security participated when there no scheduling conflicts existed. Finally, eight participants (30%) noted that a campus police/security representative was rarely, if ever, involved in the decision.

Research Question 2

Questions 27, 28 and 42 were designed to determine what, if any, educational opportunities were provided to individuals with criminal histories by the reporting institutions.

With regards to the review process by which applications indicating felony charges/convictions are screened, survey participants were asked if the institution had an appeals process related to the decision to admit or deny. Of the 31 responses to the question (54.4%), almost two-thirds (65%) indicated their institution did have a process in place should the applicant choose to appeal the denial of admission and/or any conditions or restrictions placed on admissions.

When participants were asked if their institution offered any types of additional support to individuals with felony charges/convictions once admitted, 25 (43.8%)

indicated that services offered to the general student populace were also offered to these individuals. These services included counseling services (76% of answers to this question indicated this service was offered), tutoring services (76%), career services (72%), peer counseling (48%), group counseling/support (32%), regular check-in/reporting to designated individual or office (64%), and academic advising services (80%). One survey participant (1.7%) added “we have most of the above services, but only if a restriction is placed on admission [do] we specifically let the applicant know of the services”, while another noted “have not had to offer additional services beyond those generally offered to all students.”

A final open-ended question allowed survey participants to share any other information related to their institution’s review process. Some of the comments to this question provide additional insight into how institutional administrators support the educational opportunities of individuals with criminal histories. One survey participant noted “our process is much more bespoke and nuanced than this survey allows us to convey. It requires student to answer much more open ended questions and puts the responsibility of disclosure back on the applicant.” Another participant wrote “the only background checks the institution performs are for specific programs such as Nursing and CDL. The program chair handles the background checks exclusively. The Office of Admissions does not participate in the background checks.” Still, another participant responded “the committee only reviews those applicants who meet academic criteria first.” And, finally, related to supporting the educational opportunities of these individuals, a participant indicated “we ask to ensure that the major doesn’t have a

requirement regarding felony convictions (i.e. child molesting – can’t get into the Early Childcare Education program, drug convictions – may not be in the Health fields).

Research Question 3

Questions 32 – 41 were designed to collect information related to the institution’s demographics to determine differences in how institutions work with individuals with criminal histories.

Thirty participants (52.6%) indicated the name of their institution. Again, this question was asked to determine if there were multiple responses from the same institution. While one participant (1.7%) preferred not to respond to the question, there were no responses from the same institutions.

As noted earlier, 31 participants (54.4%) provided the state in which their institution was located. Sixteen of these responses (51.6%), or 28% of the total responses, indicated Georgia as their home state.

Also noted earlier in Table 1, 31 participants (54.4%) indicated the highest degree their institution offered with a range from associate degrees to four or more master’s degrees. The same number of participants responded to whether their institution was public or private, with 26 (45.6%) indicating public, five (8.77%) noting private, and 26 (45.6%) providing no response to this question.

Twelve of the total 57 responses (21.1%) indicated their institution offered at least three doctoral degree programs, with 10 institutions (17.5%) offering master’s degree programs, and nine institutions (15.8%) offering associate and/or bachelor’s degrees. Again, 26 participants (45.6%) provided no response or information to this question.

Thirty-one participants (54.4%) also responded to the question regarding the location or setting of their campus, with a fairly even split between eight indicating “urban” (14%), seven indicating “suburban” (12.3%), and eight indicating “rural” (14%). Again, 26 participants (45.6%) provided no response.

The final series of questions asked survey participants for full-time enrollment (FTE) figures based on fall 2014 data. Thirty-one participants responded with figures ranging from 1,300 to 35,000. Because the responses were so widespread, the 31 responses (54.4%) to this question were placed into one of three numerical categories: FTE under 3,000 (10) (32.2% of question responses), FTE between 3,001 and 9,999 (14) (45.2%), and FTE over 10,000 (7) (22.6%), as shown in Table 11.

Table 11

Full-time enrollment (FTE) for fall semester 2014.

<u>FTE</u>	<u>Number of Responses</u>
Under 3,000	10 (32.2%)
Between 3,001 and 9,999	14 (45.2%)
Over 10,000	7 (22.6%)

Participants were also asked to provide information related to the number of applications with felony charges/convictions their institution received, reviewed, admitted, and denied in calendar year 2014. While some of the responses to these questions were “unknown”, this information is presented in Table 12. Less than half of the total participants, 27 (47.4%), provided responses to this question. Percentages within this table are related to both the number of question responses and the number of total survey responses.

Table 12
Number of applications with felony charges/convictions processed in calendar year 2014.

<u>Number of Applications</u>	<u>Number of Responses</u>	<u>Percentage of Survey Responses</u>
Received	27	47.4%
Unknown	7 (25.9%)	12.3%
0-20	10 (37%)	17.5%
21-50	4 (14.8%)	7%
51-100	4 (14.8%)	7%
100 or more	2 (7.4%)	3.5%
Reviewed	26	45.6%
Unknown	7 (26.9%)	12.3%
0-20	12 (46.2%)	21.1%
21-50	2 (7.7%)	3.5%
51-100	3 (11.5%)	5.2%
100 or more	2 (7.7%)	3.5%
Admitted	26	45.6%
Unknown	7 (26.9%)	12.3%
0-20	12 (46.2%)	21.1%
21-50	3 (11.5%)	5.2%
51-100	2 (7.7%)	3.5%
100 or more	2 (7.7%)	3.5%
Denied	26	45.6%
Unknown	7 (26.9%)	12.3%
0-20	19 (73.1%)	33.3%
21-50	0	0
51-100	0	0
100 or more	0	0

As noted previously, one institution (1.7%) shared they had denied no applicant because of a felony charge, but had denied applicants due to academic standing, as their institution does not review felony status unless the applicant meets admissions standards for the institution.

Survey participants were also asked to share how they notify an applicant with felony charges/convictions of his or her admittance to or denial from their institution, again noting as many of the options as may apply. Of the 27 responses (47.4% of survey responses) to the question, 23 participants (85.2% of question responses) notified applicants by letter. One-third (33.3%) of the survey responses (9) did so using email, with another third (33.3%) also using a phone call to make the announcement. Five participants (18.5%) notified the applicant in person. One institution (3.7%) noted their notification system is a part of their student information system and another indicated the question was not applicable to them as they were an open enrollment college.

Summary

One of the challenges of shifting through the survey results included the varying number of responses to different questions. However, the information shared by the participating institutions and their representatives does provide a snapshot of how some colleges and universities address the issues related to applicants with criminal histories. While some questions were broken down by the percentage of responses to the question, all response totals were compared to the total number of surveys started, 57 as noted earlier. As with many institutional processes, the responses to this survey would similarly indicate a wide range of approaches to a review process, while still demonstrating some consistencies across varying demographic categories.

CHAPTER 5

SUMMARY, DISCUSSION, AND RECOMMENDATIONS

While the number of participants was lower than anticipated, the responses offered a glimpse into an area of higher education many do not consider or, perhaps, do not want to consider. Many institutions are asking questions about applicants' criminal history; however, the question of what exactly to do with that information remains unclear for many. The processes may be in place, but without recommended policies from the state or federal level, or even from the institution's administrative level, those processes may lack the traction needed, traction to provide individuals with access to the educational environment or traction to promote and protect the health and safety of the larger institutional community.

The majority of responses came from public institutions. While there is no way to know why more private institutions did not participate, one could wonder if applicants with criminal charges are more likely to apply to public institutions, perhaps because of greater ease of access, more affordable tuition fees, or the overall mission of some institutions as an access institution. Public institutions possibly see more applications to this topic as more salient than private institutions.

For the most part, survey participants appeared to be asking questions, at varying levels, with regards to an applicant's past and any criminal behavior. The challenge can be seen in the equally varying ways in which institutions are using that information. Several institutions noted they frequently review those applications with indicated

criminal histories, with some using and incorporating campus police/public safety partners in the process. However, some institutions also noted they ask for the information but do not always review it or incorporate campus police into the process, creating the potential for legal problems (Langhauser, 2000) which could be easily avoided or mitigated.

Additionally, a majority of the survey participants indicated their concern related to applicants' behavior and/or status with other colleges and universities, in relation to code of conduct violations, suspensions, and/or expulsions. While the University System of Georgia and its twenty-nine institutions use a shared database to manage and track suspensions or expulsions related to behavioral conduct violations, other states may use a similar shared database to share information with in-state institutions. It is also unclear as to how effective or useful a shared database is to participating institutions or how frequently institutions are using or updating information in the database. Further, it is unknown how institutions are cross-checking student applications with the information shared within the database, and which office or department is responsible for this function.

While seven survey participants (12.2% of total responses) indicated they ask if the applicant is currently on probation or parole, only two (3.5%) go on to ask for the contact information of the applicant's probation or parole officer. Both of those participants further indicated that they only contact the officer in certain cases. While no additional information was provided as to the factors that determine when officers are contact, these responses offer the possibility of additional research as to what constitutes or prompts further contact with the probation/parole officer. Like other questions that are

being asked by admissions or enrollment personnel, it is important for institutions to review the types of information they are requesting and the purpose or use of that information. If the institution is not going to use the information in the review process, then one would question why they are asking for said information, given the potential anxiety or trauma an individual may experience in having to re-tell his or her story to complete strangers. Such a practice might also open the institution up to questions of legality and/or discriminatory practices related to individuals with felony convictions.

A potentially important tool in the review of applicants with criminal histories, a criminal background check, appears to be used by eight survey participants (14%). As noted by Kaplan and Lee (2014), college and universities, traditionally, have been granted some discretion in developing their admissions standards, as long as three conditions are met. The first states the selection process must be consistent and predictable, not necessarily in the outcome, but in how the process works. The second condition offers the institution “may be bound, under a contract theory, to adhere to its published admissions standards and to honor its admissions decisions” (Kaplan & Lee). Finally, an institution’s admission policies cannot discriminate or deny admission based on characteristics such as race, sex, disability, age, residence, or citizenship in such a way that the institution cannot offer justifiable reasons for the denial of admission.

If the institution has demonstrated an interest in the individual’s background, but is not actively using or validating that information, does that have the potential to place the institution in jeopardy of having the information but not acting on it in a responsible manner? Again, if the institution is asking for information, but not effectively reviewing or using that information, then the purpose for asking seems unclear. As important a tool

as criminal background checks may be, the institution and its administrators must clearly consider the information in making their admissions decisions, and be able to effectively explain the decision and the reasoning behind the decision, not only for potential legal reasons, but also, and perhaps more importantly, out of fairness to the applicant.

Also related to the use of criminal background checks is the issue of how and when criminal background checks are performed by the institution. Of the eight survey participants (14%) who indicated they ask for consent to perform a criminal background check, half ask for consent but indicated they only run the background check as necessary. Potential issues related to the use (or non-use) of background checks could be related to staffing issues or financial costs of performing the checks. Another question to consider is determining how an institution determines when running a background check is necessary and when it is not necessary.

Another topic associated with background checks centers around the type of check used by the institution. The number of participants (7, or 12.3%) who were uncertain as to the type of check used by their institution is worth noting. This could be attributed to the individual answering the survey being unfamiliar with the overall process or could be attributed to their office not being responsible for that particular aspect of the process. Regardless, the consistency of the policy and its implementation indicates an area of potential development for the institution and further research.

The cost to perform a criminal background check presents additional concerns, both for the applicant and for the institution, depending on which is expected to be responsible for the cost of said check. While well-intentioned, a felony review process may create a chilling effect for applicants, causing them to doubt their ability to complete

the process, to be accepted, or to obtain a degree. Institutions should be upfront about the potential cost and responsibility of the requirement, as well as why the institution considers the process important and/or necessary. If institutions are committed to providing these individuals an opportunity for redemption, reviews of affordable and manageable processes could be beneficial for both the institution and the individual.

One survey participant indicated their institution had varying costs, dependent on the type of program the applicant was applying, specifically noting that the nursing, education, and graduate program had different processes. A potential concern arising from this practice would be how clear that expectation is to the student. A student who completes the typical core classes with the expectation of being accepted into a health sciences or education program, could face uncertainties as to how to progress in their education or being stuck with credit hours that don't transfer to other programs, if or when he or she discovers they will be unable to pursue or be licensed in a particular field.

When asked what information their institution looks for during a review process related to felony charges, the top five responses were overall safety of the institution and its community members (83%), how recently the incident(s) occurred in relation to the admission process (79%), the applicant's academic and behavioral history at other educational institutions (72%), personal statements made by the applicant (72%), and the behavior, demeanor, and/or interaction with other institutional staff or personnel (i.e. academic advisors, financial aid, housing/residence life).

An interesting result of the survey involves those behaviors survey participants said they see most frequently versus those behaviors they say they are most concerned when admitting individuals with criminal histories. The behaviors survey participants

indicated they see most frequently (Table 9) included: DUI – first offense; felony possession of drugs; property crimes (i.e. burglary, larceny, theft or arson); the distribution or selling of drugs; and disorderly conduct. However, the behaviors about which survey participants said their institutions were most concerned (Table 10) included: the distribution or selling of drugs; sexual assault/rape; physical violence/assault; murder; and violence involving the use of a weapon. While it would be expected colleges and universities are seeing some of the behaviors which are most concerning, the behaviors they report seeing most frequently offer a potential lens through which to frame the review process. While a process may be intended to address the more or most severe criminal offenses, an evaluation of the review process may present a more realistic picture of the types of offenses seen by the individual institution.

In considering what, if any, educational opportunities or resources were provided to individuals with criminal charges or convictions, two-thirds of the survey participants indicated a process by which the applicant could appeal a denial of admission. Such a process would potentially allow intended or unintended learning outcomes that could prove beneficial to the applicant in the future, if the process was structured from a developmental framework.

Responses to questions about additional support services for students with criminal histories who were admitted to the institution indicated that the same support services afforded the general student population were also afforded to these students. However, recognizing a potential lack of socialization or sensitivity to social norms, offering specially-designed services, or at the least, reminders of the types of support services available to all students (i.e. counseling services, tutoring, career services,

academic advising, disability accommodations, or peer counseling) could afford these individuals the boost needed to succeed in the academic community. Additionally, one study notes that many individuals within the prison system demonstrate characteristics related to learning disabilities, emotional and behavioral disorders, and/or mental illness, often going undiagnosed or misdiagnosed (Brazzell et. al, 2009).

A list of recommended or available services, along with contact information, could be provided to students with notification of admission, with a brief explanation of how those services may be beneficial to the individual student.

One survey participant offered his or her institution process asked the applicant to answer more open-ended questions (than the survey instrument addressed). These open-ended questions allowed for more information on the part of the reviewer(s) and institution, in addition to providing an opportunity for the full disclosure on the applicant.

Implication of Results

With thousands of individuals being released from correctional facilities, it is impractical for colleges and universities not to expect some of these individuals will seek admission with the hallowed halls of academia. Recognizing that not all of these individuals were convicted of crimes of a physical or violent nature, the institution must have a mechanism in place by which they can evaluate these applicants for admission. Colleges and universities must make efforts to assure the individual has the skills, support, and desire to become a successful student.

By partnering with educational institutions, correctional facilities can consider existing programs throughout the country and determine the model or models that may be better suited to their inmate population. Whether it is offer face-to-face classes between

professors and certain inmates (Lagemann, 2011) or programs providing problem solving, critical reasoning and critical thinking activities (Anders & Noblit, 2011), neither the college or university nor the correctional facility should feel they have to start from scratch in developing educational opportunities.

The evaluation process can be complicated by the crimes seen as potential threats to the health and safety of the overall campus community. While some would still consider alcohol offenses like Driving Under the Influence (DUI), or underage possession of alcohol as potential threats, more egregious crimes like assault, rape, distribution of illegal drugs, and murder exemplify the types of crimes that can present the greater challenges for the institution. The institution must decide if the applicant meets the standards for admission; must determine if the applicant is qualified for financial assistance; must consider the risk to other members of the campus community; and must consider the reputation of the institution if news of having a “murderer” on campus made it to media outlets or social media.

While there are no easy answers and no “one-size fits all” models, the institution, not just admissions or enrollment management offices, have to determine the level of risk it is willing to take and the level of accountability it will ask the applicant with a criminal history to continue to carry. As with any process or procedure, consistency provides the key to success. However, dealing with men and women with questionable past behaviors, does not provide administrators the same sense of pride or joy of a typical incoming freshman college. Therefore, the issue of consistency can be a more difficult path to navigate. Again, when an institution has established policies and consistently follows those policies, much of the uncertainty can be removed from the admissions

equation. While no process or procedure can be accurate all of time, even with regular admissions processes, a process that allows for additional explanation and involvement from different constituencies across the campus community can produce stronger results.

Along similar lines, both the applicant and the institution would benefit from clearly outlined processes with clearly defined purposes and possible outcomes. While institutions of higher learning are often perceived as shrouded in mystery, being open and honest with the process and what a person could expect during and after the application and any review could have important implications. Clear communication about the process and what the applicant can expect could eliminate not only the mystery but, more importantly, any stress or anxiety associated with having to share or discuss the past these applicants are trying to correct and overcome.

However, such openness in the process and expected outcomes could also have a chilling effect on a person's intent to apply or follow-up with the pursuit for a degree. As noted in the CCA report (Center for Community Alternatives, 2015), the act of "checking the box" may lead to the belief that the institution will be a hurdle instead of a helper in the educational process. Applicants who are making an honest effort to overcome their past may feel traumatized in having to re-tell their story and re-live the experiences and emotions associated with their crimes. Also, students are paying to apply to institutions so policies should be clear as to who will be excluded from further review.

Another implication of the research offers a best practices model for the review of applications with criminal histories. From these survey responses, best practices would include a team approach to the review process, made up of at least two administrators or staff. One of those administrators should be a knowledgeable representative of the

admissions and/or enrollment management team. The other administrator should be someone involved with or responsible for either the student conduct process (i.e. dean of students, vice president of student affairs) or campus/public safety (i.e. chief of police, police or safety officer). As one survey participant indicated, some type of tiered process might be a productive approach to take. For example, a smaller team of two or three administrators could regularly review applications with felony charges or convictions to determine if those applications can be cleared for the admissions process or should be referred to a larger committee or team, made up of a wider representation of the institutional community (i.e. housing/residence life, counseling services, academic affairs, or the registrar). Other factors that could support a best practices model would include the frequency of the review process, specific guidelines as to the types of behaviors for which the review team looks, and whether or not some type of interview (i.e. face-to-face, phone) is conducted as a part of the review process. Related to the interview, the types of questions asked during an interview should be consistent and worded in such a fashion as to minimize a chilling or re-traumatization of the applicant (Center for Community Alternatives, 2015). Best practice models exist (Sokolow, Schuster, & Lewis, 2011) and offer recommendations such as using a 50 State and Federal Criminal Background Check on every applicant who answers yes to questions about charges or convictions; utilizing members of the institution's behavioral assessment or invention teams as members on some type of enrollment review committee or taskforce; and granting authority and responsibility to the individual(s) who review these applications to either approve them for admission or forward them to the committee. While access to such models and recommendations may be restricted by cost or

membership into a particular organization or group, a state-wide network of support and communication between those individuals responsible for these types of reviews would be highly beneficial.

The educational institution may also need to consider the types of support services these students will need. Depending on the length of their incarceration, an ex-offender's re-entry to society can have a very steep learning curve. Advances in technology may present challenges which could derail a person's resolve to become a college student. From online applications to applying for financial aid, clear connections to support services, both in and outside of the college community, would benefit ex-offenders in their pursuit. While these services may be offered to all students, special efforts could and perhaps should be made to provide awareness for ex-offenders (Hallett, 2012).

As the admission of individuals with felony charges/convictions may have an impact, perceived or real, on the safety and security of the campus community, the involvement of representatives of campus police/public safety in the review process offers a possible safeguard to upholding an institution's reputation of being a safe and secure learning community. Similarly, it may be incumbent on the institution to involve their public or community relations office in order to proactively address concerns raised by the process. However, disclosure of previous criminal history has not been shown to promote or increase safety of the college environment (Burgess, 2016).

By reviewing institutional demographic information, a series of best practices could be developed for comparable institutions, in similar ways as looking at public or private and two-year or four-year. These best practices could offer a range of options

versus a single model, which may be suitable and advantageous to an institution or its administration. Additionally, by identifying characteristics related to the institutional framework, further studies can be conducted on the success of admissions programs related to students with criminal convictions based on specific organizational elements such as leadership, communication, scope of influence, power, sources of meaning, and the source of structure (Manning, 2013). Said research could be beneficial not only for individuals with criminal histories, but for the general student population and campus community as well.

Recommendation for Future Research

Continued research in the education of individuals with criminal histories, both during and post incarceration, will present opportunities for those individuals, for colleges and universities and for society as a whole.

One suggestion for additional research in this area would be to determine if and how institutions share their policies, procedures, and processes related to the review of students with criminal history. While it might be expected such policies would be common knowledge, an unexpected or unintended outcome of posting such information could be misinterpreted by the general public or applicants in general. A misperception of the institution as unsafe based on its potential admission of students with criminal histories could negatively impact the institution's reputation, if not properly managed. This would be in addition to potential impact on application and admission rates.

While the majority of survey participants indicated they were based in the southern United States, it is uncertain if colleges and universities in other sections of the country, such as the West, North, or Midwest, share similar processes or similar patterns

of responses. Additional research, focusing on regional similarities and differences, trends or practices may have additional implication on the admissions and/or criminal review process.

Additional information needs to be collected regarding what happens to those applications that are not reviewed and/or are denied by the institution. Is the denial for a defined period of time or a permanent and final denial for admission? Are those individual redirected to other opportunities or simply left to fend for themselves in unfamiliar territories, uncertain as to the reason for their denial or uncertain what to do next?

Additional research could center on the actual successful retention, progression and graduation of individuals who were admitted and had criminal histories. What are the factors that lead or lend themselves to a student's successful progression towards graduation and how could those factors be shared and/or replicated with other students to foster their successful transition to graduation? Definitive and measureable learning outcomes should be established to determine the effects of such programs for all participants at all levels (Wheeldon, 2011).

Research regarding institutional policies, procedures, and practices might be more easily attained through participation during state, regional, and/or national meetings of the various agencies and affiliations associated with admissions, enrollment management, and registrar's offices.

Additional research could be focused on the types of institutions where students with criminal histories are more successful. Is an institution's full-time enrollment an indicator of a student's potential success in successfully overcoming a criminal past?

One might argue that larger institutions would afford individuals with criminal histories more ease in getting “lost” in the system, provide more opportunities and resources to be successful, and more educational options and degree programs. Conversely, it could be said that smaller institutions might offer less anonymity and more scrutiny, fewer resources, and fewer educational opportunities. However, further research would need to be conducted to accurately conclude either of these assumptions.

Another critical component of research in the area of students with criminal histories involves interviewing the individuals themselves to get first-hand accounts of the trials, hurdles, successes, and support the individual faced or received during his or her experience within the higher education system. While administrators may think they know or understand how processes are supposed to work, hearing from the individuals who have had to traverse those processes may provide opportunities for policy or procedural review which better supports these students, and potentially all students. Some studies and work have been done in this area (Lagemann, 2011; Rose, Reschenberg, & Richards, 2010; Anders & Noblit, 2011; Conner & Tweaksbury, 2012; Borden, Richardson, & Meyer, 2012) but an institution could benefit from a self-study of its processes, perceptions, and practices and how those processes positively and negatively impact an individual experiencing them.

Based on the setting in which survey participants’ institutions were situated, responses were fairly evenly distributed between urban, suburban, and rural settings. It would be helpful to determine if the types of charges or convictions institutions in these settings differ in severity. From a societal viewpoint, urban areas typically have higher rates of criminal activities. Therefore, would potential students and their parents have a

similar perception, real or imagined, of institutions in urban areas? Conversely, would institutions in more suburban or rural areas see less criminal activity? While many institutions may not want to discuss or share information related to criminal activity in their vicinity, the CLERY Act requires institutions receiving federal funding to publish these figures annually (Clery Center for Security on Campus, Inc., 2012). While the CLERY Act is specific in the type of crimes that are to be reported, it does not necessarily require institutions to report as to whether or not the victim and/or the aggressor were members of the institutional community. Information shared through the institution's CLERY report can be useful and important for students and their parents when considering an institution. However, the institution should not use its own CLERY report in determining an applicant's potential threat to campus safety, as the applicant's criminal activity may have occurred in a different county, city, or state from the institution's location, .

Conclusion

Individuals who are exiting the correctional facilities and returning to their communities are often searching for ways to prevent history from repeating itself and the errors of their past. While it may be an unpopular consideration, many of these individuals are deserving of an opportunity to redeem themselves and repay society in more productive ways than simply serving their time.

With issues of profiling and civil protests of arrests and altercations with law enforcement, other agencies and organizations are taking up the charge to minimize, if not remove barriers during the college admission process. The Lawyers' Committee for Civil Rights Under Law issued a press release (Burgess, 2016) noting the disparity of the

impact of criminal histories or records has on individuals from underrepresented groups, particularly, African-American males.

With other agencies and voices advocating for individuals with criminal histories, it is incumbent on higher education institutions to develop processes, procedures, and practices which support the opportunity for these individuals to feel they have a chance in overcoming their past. Equally important, higher education must reach across the aisle and collaborate with correctional facilities and institutions to create programs that can be successful, without compromising the mission or integrity of either institution (Borden, Richardson, Meyer, 2012).

If colleges and universities, particularly public institutions, want to be sincere about providing an educational experience to all members of society, then assisting those individuals whom society may view as the lowest, and perhaps undeserving, lays the very foundation for future growth and development for the individual, the institution, and perhaps, even society. By challenging misperceptions of threats to safety, or proactively addressing real threats, institutions of higher education strengthen their stated mission and reputation as a safe learning environment. Introducing these often marginalized individuals into a typical classroom can offer vast discussion and learning opportunities for students and faculty alike.

Regardless of political issues surrounding educational funding while an individual is incarcerated, the opportunities exist for college and university administrators to be proactive in reaching out to individuals who strike at the very heart of what their institutions are empowered to do...educate.

Additional research has indicated the financial benefits to society. The New York Department of Correctional Services determined, after a four-year study, not only a significant difference in recidivism of those individuals who earned a degree and those who did not, but possibly more impactful, the significant difference in the cost to educate over the cost to incarcerate (Williford, 1994). The study noted that if this type of educational programming continued over the course of four years, the ex-offenders' likelihood of recidivating might decrease to low double- or single-digit numbers, and potentially decreased cost to maintain and run a prison system, thus allowing for reallocation of resources. One study theorizes that approximately \$1,000 spent in academic education within the prison system could potentially save over \$5,000 in future prison costs (Brazzell et. al., 2009). The societal and economic implications offer a brighter picture at multiple levels. An overlooked benefit to the financial viewpoints indicates "educated ex-prisoners almost always make sure their children become educated" (Zoukis, 2014), potentially breaking one cycle and creating a new one for the family.

By reviewing their own policies, processes, and procedures, those same institutions offer an introspective opportunity for better practices at institutional and system levels. By offering all applicants a fair review of their accomplishments and abilities, higher education takes a very important step toward leveling the playing field, certainly for individuals who have faced any number of hurdles and roadblocks in their past and in their pursuit of an education.

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APPENDIX

INSTRUMENT¹

The following questions are related to your institution's process for reviewing and/or admitting individuals with felony charges/convictions.

1. Does your institution have a question on your admissions application (or Common Application) to allow applicants to self-report prior criminal records?
 - a. Yes, on both the institutional application and on the Common Application.
 - b. Yes, only on the institutional application
 - c. Yes, only on the Common Application
 - d. No, we do not have a question on the institutional application
 - e. No, we do not have a question on the Common Application?
2. If your admission application does have a question in reference to prior criminal records, is an answer to this question mandatory or optional?
 - a. An answer is mandatory (required) for the applicant to respond.
 - b. An answer is optional for the applicant to respond.
3. Does your admission application ask for information about the type of conviction, type of charge, or both?
 - a. Our institution asks about felony charges and convictions.
 - b. Our institution asks about felony convictions only.
 - c. Our institution asks about felony charges only.
 - d. Our institution does not ask for any information about criminal charges or convictions.
4. Does your admission application ask if violence or harm to others was involved in the charge or conviction?
 - a. Yes, and our institution asks the applicant to provide further explanation of the charge or conviction.
 - b. Yes, but our institution asks for no additional information.
 - c. No
5. If yes to Question 4, how does your institution define violence and/or harm to others?

¹ Questions are based on the findings of the CCA and AACRAO survey, the criminal background questionnaire used by Middle Georgia State University, and the NCHERM Model Policy.

6. Does your admission application ask if the charge or conviction was gang-related?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
7. Does your admission application ask if the charge or conviction involved any weapons (i.e. guns, knives)?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
8. Does your admission application ask if drugs were involved in the charge or conviction?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
9. Does your admission application ask if alcohol were involved in the charge or conviction?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
10. Does your admission application ask if the applicant has had treatment for drugs and/or alcohol as a result of the charge or conviction?
 - a. Yes, and our institution asks the applicant to provide further explanation as to when, where, and the length of treatment.
 - b. Yes, but our institution asks for no additional information
 - c. No.
11. Does your admission application ask if the applicant is currently involved in any type of support group?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
12. Does your admission application ask if the applicant has ever been suspended, dismissed, or expelled from another college, university or school?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No

13. Does your admission application ask if the applicant is facing current or pending disciplinary or conduct charges at another college, university or school?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
14. Does your admission application ask if the applicant is currently on probation or parole?
 - a. Yes, our institution asks if the applicant is on either probation or parole.
 - b. Yes, but our institution only asks if the applicant is on probation.
 - c. Yes, but our institution only asks if the applicant is on parole.
 - d. No.
15. Does your admission application ask if the applicant has had probation or parole violations?
 - a. Yes, and our institution asks the applicant to provide further explanation.
 - b. Yes, but our institution asks for no additional information.
 - c. No
16. Does your admission application ask for the name and contact information of the applicant's probation or parole officer?
 - a. Yes, our institution asks for this information and we contact the officer for additional information in all cases.
 - b. Yes, our institution asks for this information but only contact the officer in certain cases.
 - c. Yes, our institution asks for this information but we do not contact the officer.
 - d. No
17. Does your admissions application ask for the applicant's consent to perform a criminal background check?
 - a. Yes, our institution asks for consent to run periodic criminal background checks.
 - b. Yes, our institution asks for consent to run an initial criminal background check.
 - c. Yes, our institution asks for consent, but only run criminal background check as necessary.
 - d. No.

18. If your institution runs a criminal background check, what type is it? (Check as many as apply)
- a. Single-state background check by a private company
 - b. Check of official state repository (i.e. state student conduct database)
 - c. Single-state check requested from law enforcement agency
 - d. Check of state-operated database(s) that is accessible to public
 - e. Public Information Search
 - f. Multi-state or Federal check requested from law enforcement agency
 - g. Multi-state or Federal check requested by a private company or service
 - h. Individual is asked to provide a copy of his/her background check
 - i. Uncertain as to what type of criminal background check our institution uses
 - j. Other: Please write in response
19. Is there a cost to run the criminal background check?
- a. Yes
 - 1. If yes, what is the cost?
 - 2. If yes, who pays for the background check?
 - b. No
20. Who reviews or screens the applications which have criminal convictions/charges?
- a. A representative from the admissions office
 - b. The director of the admissions office
 - c. A representative from the campus police force
 - d. A team or committee
 - e. Other: Please write in response
21. If a team or committee reviews applications for criminal convictions/charges, please indicate the offices and/or individuals (by title) who comprise the team or committee. For example, the Dean of Students, Director of Admissions, and the Chief of Police make up the team.
- If your institution does not have a team or committee to review applications, please indicate with the words "Not Applicable".
22. Please indicate what percent of the time applications with convictions/charges are reviewed. (0-100%)
23. How often are applications with convictions/charges reviewed by a screener or committee?
- a. Daily
 - b. Weekly
 - c. Bi-monthly
 - d. Monthly
 - e. Quarterly
 - f. As needed
 - g. Other (please indicate):

24. Please indicate which of the following decisions may occur as a result of the screening. Check as many as apply.
- a. Admit the applicant; no further action required.
 - b. Admit the applicant with restrictions or conditions
 - c. Request a face-to-face interview or meeting with the applicant
 - d. Deny the applicant's request for admission
 - e. Defer application request for a period of time
 - f. Permanently deny the applicant's admission request
 - g. Place an administrative hold on student's record, preventing any further action until specific conditions are met.
 - h. Other (please specify):
25. Does your institution look at any of the following additional information or criteria during the felony review process? Check as many as apply.
- a. Patterns of behavior or frequency of behavior
 - b. How recently incidents occurred?
 - c. Potential for rehabilitation
 - d. Contrition
 - e. Potential for success and/or completion of degree or program
 - f. Ability to conform to institutional expectations (i.e. compliance with code of conduct)
 - g. Letters of recommendation or character references
 - h. Grade point average (GPA)
 - i. Academic or behavioral misconduct at another college or university
 - j. Personal statements
 - k. Overall safety of the institution and its community member
 - l. Behavior and/or demeanor in interactions with institutional staff/personnel (i.e. admissions staff, financial aid)
 - m. Other (please specify):
26. Does your institution have an appeals process related to the decision?
- a. Yes, the applicant can appeal any conditions or restrictions placed and can appeal the denial of admission.
 - b. Yes, the applicant can appeal, but only if denied admission.
 - c. No.
27. If an individual with a felony conviction is admitted, does your institution offer any of the following types of additional support to the individual?
- a. Counseling services
 - b. Tutoring services
 - c. Career services
 - d. Peer counseling
 - e. Group counseling/support
 - f. Regular check-in/reporting to designated individual or office
 - g. Academic Advising services
 - h. Other (please specify)

28. Recognizing the importance of campus safety, how involved is your campus's police or security in the review of felony applications?
- A representative from our police/security force is involved in every decision.
 - A representative from our police/security force is involved, but only in cases involving felony drug charges/convictions, charges/convictions involving violence (i.e. threat or harm to others), and/or charges/convictions involving gang activity.
 - A representative from our police/security force participates when there are no scheduling conflicts.
 - A representative from our police/security force is rarely, if ever, involved in the decision.
29. Using the following types of charges/convictions, drag and drop the items which represent the top five (5) types of charges/convictions your institution, screener, and/or review committee see most frequently, with one (1) being the most frequent, two (2) being the next most frequent, three (3) being the next most frequent, etc.

CHARGE/CONVICTION	Top Five (5) in frequency
Felony possession of drugs	
Felony DUI (DUI involving injury or death/damage to property)	
Distribution or selling of drugs	
Physical violence/assault	
Violence involving the use of a weapon	
Sexual assault/rape	
Molestation	
Murder	
Property crime (i.e. burglary, larceny, theft, arson)	
Disorderly conduct	
Robbery	
Vandalism	
Fraud (Financial, check, or credit card)	
Parole/Probation violation	
Offenses against family/children	
Motor vehicle theft	
Forgery/Counterfeiting	
Underage possession of alcohol	
DUI – first offense	
DUE – repeat offense	

30. Using the same types of charges/convictions, drag and drop the items which represent the five (5) biggest concerns for your institution when admitting individuals with prior or pending charges/convictions, with one (1) being the most frequent, two (2) being the next most frequent, three (3) being the next most frequent, etc.

CHARGE/CONVICTION	Top Five (5) in frequency
Felony possession of drugs	
Felony DUI (DUI involving injury or death/damage to property)	
Distribution or selling of drugs	
Physical violence/assault	
Violence involving the use of a weapon	
Sexual assault/rape	
Molestation	
Murder	
Property crime (i.e. burglary, larceny, theft, arson)	
Disorderly conduct	
Robbery	
Vandalism	
Fraud (Financial, check, or credit card)	
Parole/Probation violation	
Offenses against family/children	
Motor vehicle theft	
Forgery/Counterfeiting	
Underage possession of alcohol	
DUI – first offense	
DUE – repeat offense	

Questions 31-40 are related to the structure and framework of your institution.

31. The name of my institution is: (please note this information will be used only to detect and/or prevent duplication of responses from the same institution.)
32. My institution is located in the state of:
33. Our institution is:
- Public
 - Private, non-profit
 - Private, for profit

34. The highest degree our institution offers is:
- Associate Degree
 - Baccalaureate Degree
 - Master's Degree
 - Master's Degree and Education Specialist Degree
 - Three (3) or fewer Doctoral Degrees
 - Four (4) or more Doctoral Degrees
35. In what setting is your institution located:
- Urban
 - Suburban
 - Rural
 - Other (please specify): _____
36. What was your enrollment for Fall 2014, based on overall FTE for that semester:
- _____
37. What was the number of applications with felony charges/convictions your institution received in calendar year 2014?
38. What was the number of applications with felony charges/convictions your institution reviewed in calendar year 2014?
39. What was the number of applications with felony charges/convictions your institution admitted in calendar year 2014?
40. What was the number of applications with felony charges/convictions your institution denied in calendar year 2014?
41. How does your institution notify an applicant with felony charges/convictions of admittance to or denial from your institution? (Check as many as apply).
- Email
 - Phone call
 - Letter
 - In-person
 - Other (please indicate)
42. Is there any other institution about your institution's felony admission process or procedures that has not been covered but you feel would be beneficial to the study and/or other institutions?