

SECTION: 9
DATE:
February 16, 2023

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

RECOMMENDATION
FACULTY AFFAIRS COMMITTEE

ACTION REQUESTED

It is requested that the Faculty Affairs Committee agenda for February 16, 2023 and the minutes of the October 20, 2022 meeting be received and placed on file.

STAFF SUMMARY


The topic for the February 16, 2023 Faculty Affairs Committee meeting is 'Ban the Box' Legislation and EMU's admission application questions regarding prior criminal conviction and /or disciplinary history.

FISCAL IMPLICATIONS

None.

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.



University Executive Officer
Rhonda Longworth, Ph.D.

1/31/23
Date

EASTERN MICHIGAN UNIVERSITY
Board of Regents
Faculty Affairs Committee

February 16, 2023
10:30 - 11:15 AM.
205 Welch Hall

AGENDA

(10:30 AM) Section 9: Agenda and Minutes - Deferred (*Regent Simpson*)

(10:35 AM) Presentation: "*Ban the Box*"

EASTERN MICHIGAN UNIVERSITY
BOARD OF REGENTS

FACULTY AFFAIRS COMMITTEE MINUTES

October 20, 2022
9:00 a.m.
205 Welch Hall

Attendees: Regent A. Simpson (Chair), Regent N. Ford (Vice Chair), Regent D. Beagen, Regent E. Jeffries, Regent J. Kimbrough Marshall, Provost R. Longworth, D. Barton, J. Carroll, M. Corsianos, A. Ducher, S. Gray, K. Karpiak

Guests: J. Ammons, W. Kraft, V. Reaume, R. Woody

Regent Simpson began the meeting at 9:00 a.m.

Report and Minutes (Section 13)

Regent Simpson requested that the Faculty Affairs Committee Agenda for October 20, 2022 and the Minutes of the April 21, 2022 meeting be received and placed on file.

Discussion Topic

The Faculty Affairs Committee discussion focused on the University budget. The faculty members leading the discussion were members of the Faculty Senate Budget and Resource Committee:

- Joseph Badics (Library)
- Howard Bunsis (AAUP)
- Robert Carpenter (College of Education)
- Megan Endres (College of Business)
- Melissa Jones (College of Arts and Sciences-Arts)
- Tierney McCleary (College of Engineering and Technology) and,
- Caren Putzu (College of Health and Human Services)
- Thomas Waltz (College of Arts and Sciences-Sciences)

The panel shared theoretically-informed highlights from the Faculty Senate Budget and Resource Committee's 2021-2022 Annual Report. The presentation focused on the financial, human, and social capital constraints to creating optimal sustainable competitive advantage.

Regent Simpson thanked those in attendance and adjourned the meeting at 9:45 a.m.

Recorded by: Karen Peacock, Executive Assistant to the Provost and Executive Vice President of Academic and Student Affairs



EASTERN MICHIGAN UNIVERSITY

“Ban the Box”:

Faculty Senate Proposal

Marilyn Corsianos, Faculty Senate President
Christine Neufeld, Faculty Senate Executive Board
Suzanne Gray, Faculty Senate Executive Board

**Proposal to remove the
questions on EMU's admissions
application regarding
prospective students' prior
convictions and/or disciplinary
record**

EMU Board of Regents Policy Section: 7.1.4

Admission of Students with Prior Convictions and Disciplinary Records

- Eastern Michigan University's admissions applications (Graduate, Undergraduate, Early College Alliance applications, re-enrollment applications, and application update forms) include questions regarding prior criminal conviction and /or disciplinary history, and the information provided by the student may be considered when making the decision as to whether to admit or re-enroll the student to the University.

This policy applies to all EMU students

[EMU Administrative Procedure: Admission of Students with Prior Criminal Convictions and Disciplinary Records](#)

University Practice ([BOR policy 7.1.4](#))

A student who answers "yes" to the prior criminal conviction question or the disciplinary question will submit a statement of explanation. A review board will review the application, and all explanatory materials, of any student answering either of the two questions affirmatively.

After considering all information, the review board will have the authority to make one of the following decisions:

- 1. Deny admission or re-enrollment to the applicant.**
- 2. Admit or re-enroll the applicant on probation but deny the option of university housing.**
- 3. Admit or re-enroll the applicant on probation and permit the option of university housing.**
- 4. Admit or re-enroll the applicant without any conditions.**

The two questions on EMU's admissions application are:

1. *Have you ever been convicted of a criminal offense other than a minor traffic violation, or found to be delinquent by a juvenile court, or are there any such charges pending against you at this time?*
2. *Have you ever been expelled, suspended, placed on probation, or been subject to any other disciplinary action at a secondary school or college you have attended?*

If you answer “Yes” to either of these questions, please submit a statement of explanation on a separate sheet of paper.

The Review Process:

- The Director of Admissions or their designee has the ability to approve all “non-threatening cases”.
- If an admissions counselor determines that further review of the application is necessary to make an admissions decision, then that application, including any additional documentation the prospective student has submitted, shall be submitted to and reviewed by the Admissions Disciplinary Review Committee

[EMU Administrative Procedure: Admission of Students with Prior Convictions or Disciplinary Records](#)

Disciplinary Admissions Committee:

The Director of Enrollment Services shall appoint the members of the Admissions Disciplinary Review Committee. The makeup of the Committee is within the Director of Enrollment Services sole discretion, and may include, but is not limited to:

- (1) the Director of Admissions
- (2) the Director of Housing
- (3), the Associate Director of Student Conduct, Office of Wellness & Community Responsibility
- (4) the Chief of Police
- (5) the Assistant Vice President of Student Well-Being
- (6) a faculty member appointed by Faculty Senate.

Current Committee:

- Dir. of Graduate Admissions
- Assistant Dir. of Residential Life
- Dean of Students, Case Manager
- Associate Dir. of Community Wellness & Responsibility
- Patrol Operations Lieut.
- Faculty Senate Rep.

The Disciplinary Admissions Review Committee assesses the “risk” to the University if the prospective student is admitted by evaluating the following types of risk:

- **Safety Risk** (e.g. crimes against person, sexual assault, assault with deadly weapon)
- **Integrity Risk:** (e.g. crimes which indicate fraudulent behavior, embezzlement, theft)
- **Alcohol and Illegal Drug-Related Risk:** (e.g. illegal drug trafficking, illegal drug sale, multiple DUI convictions)

[EMU Administrative Procedure: Admission of Students with Prior Convictions or Disciplinary Records](#)

The Committee may use any of the following inquiries to constitute an exhaustive list – to help make its determination: (not a complete list)

- Does the applicant pose a threat to the university community or self?
- What is the nature and severity of the applicant's criminal behavior or behavioral history?
- Is the applicant currently under a court's order or another institution's sanction?
- What is the timeframe surrounding the criminal behavior or incidents (s) of concern and the proximity to an applicant's desired enrollment date?
- Are there multiple criminal violations or a history of inappropriate behavior(s) or misconduct?
- Has the applicant fully disclosed all information and provided accurate and full disclosure to the best of their ability and understanding of the disclosure requirements? If not fully disclosed, does it seem more threatening or only untruthful?

Concerns with current process:

1. Those who don't disclose don't go through the process
2. This process is a Catch-22 for applicants who have little to no experience navigating institutional structures
3. The process is inconsistent and subjective
4. EMU's admissions policy perpetuates the well- documented inequalities and discriminatory practices of the criminal 'justice' system, including problematic "zero tolerance" policies in schools

Background Info: Concerns relating to the Criminal legal processes in the US:

- The United States leads the world in incarceration and criminal convictions. One in three adults (approx. 70 million total) have criminal convictions and are subject to discrimination on the basis of that conviction in the areas of employment, housing, and access to services.
- Too often, innocent accused persons plead guilty without fully understanding the consequences of this decision.
- Equally alarming are the number of people who are wrongfully convicted following a criminal trial.
- The systemic discriminatory practices in criminal legal responses are reflected in the groups of people who are disproportionately arrested and/or convicted (e.g. people of color, poor people, younger persons, people with disabilities and/or mental illnesses, immigrants, and those who do not conform to dominant gender norms).

“Ban the Box” Legislation

- In the US, “ban the box” legislation has gained momentum over the decade because of the growing number of people who have criminal records and who can’t find work as a result of background checks.
- “Ban the box” laws prohibit employers from requesting potential employees to disclose arrests and/or criminal convictions
- Currently, 37 states, including Michigan, and over 150 cities and counties have adopted such legislation
- Cities and counties in Michigan that have fair chance/ban the box policies include: Ann Arbor, Detroit, East Lansing, Kalamazoo, Genesee county, Muskegon county.

“Ban the Box” in Higher Education

- As the “ban the box” movement gains strength, colleges and universities are beginning to modify or remove questions on criminal and/or disciplinary histories on admissions applications.
- According to a report by the American Association of Collegiate Registrars and Admissions Officers (2019), approximately 70% of four-year colleges required applicants to report criminal history (81% of private colleges compared to 55% of public schools)

Southeastern Michigan Context:

Wayne State University, which serves a similar population from southeastern Michigan to EMU, **does not** include questions on criminal and/or disciplinary histories.

The University of Michigan is also in the process of banning the box.

EMU Context

- **As an institution of opportunity, EMU actively serves currently and formerly incarcerated individuals.** These programs suggest our understanding of how valuable higher education is for system-impacted individuals and a collective aim to remove barriers to its access:
- ◆ [College in Prison](#) (Coordinator, Prof. Beth Currans)
 - ◆ [Returning Citizen Fellows Program](#) (EMU Engage/Decky Alexander) collaborates with [A Brighter Way](#) and [Michigan Department of Corrections Offender Success Program](#).

EMU Context (con't)

- **The Disciplinary Admissions Review process contradicts the ground-breaking work being done by EMU faculty** in advocating for criminal justice reform as they address the complicity of the field in addressing racism, sexism, homophobia, etc.
- ◆ [Future of Criminal Justice Education](#)
- ◆ [Final Report of the EMU Faculty Senate Ad Hoc Committee on Police Oversight](#) (Co-chairs Drs. Corsianos and Karpiak)
- ◆ [Southeast Michigan Criminal Justice Policy Research Project \(SMART\)](#)

Proposal supported by the Faculty Senate:

In the spirit of EMU's commitment to being a university of opportunity and for advocating for diversity, equity, inclusion and social justice, the faculty support the removal of the two-above questions from our admissions application.

Motion Passed 26 for, 0 against, 3 abstain.

[Faculty Senate Minutes: 2022:12.07 Session 7](#)