

# **Systemic Barriers to Higher Education: How Colleges Respond to Applicants with Criminal Records in Maryland<sup>1</sup>**

**Natalie J. Sokoloff,<sup>2</sup>  
John Jay College of Criminal Justice—City University of New York**

**Anika Fontaine,  
Duke University**

---

<sup>1</sup> For his support, guidance, and generosity of spirit, we want to thank Alan Rosenthal, Esq., Co-Director of Justice Strategies, Center for Community Alternatives, Syracuse, N.Y. We also greatly appreciate the funding from the Professional Staff Congress-City University of New York, Award #63570-00 41.

<sup>2</sup> Send correspondence to: [nsokoloff@jjay.cuny.edu](mailto:nsokoloff@jjay.cuny.edu).

## **Systemic Barriers to Higher Education: How Colleges Respond to Applicants with Criminal Records in Maryland**

**Natalie J. Sokoloff,  
John Jay College of Criminal Justice—City University of New York**

**Anika Fontaine,  
Duke University**

*Research consistently shows that higher education is a key resource in lowering recidivism rates and increasing life opportunities for previously incarcerated individuals. Yet, there has been a trend for colleges to inquire about criminal background during the admissions process. The goal of this report is to explore how Maryland colleges seek information about criminal backgrounds of applicants and how they use this information in their decision making process. The study used two methods of data collection: a review of the online applications of all Maryland colleges and a questionnaire distributed to all colleges. Further, the findings from this study are compared with those of the only national study available at this time. The findings in this report are limited but they provide important insight to how Maryland colleges react to applicants with criminal backgrounds and set the context for a number of policy and practice recommendations.*

### **I. Introduction**

The recent growth in prison-based college education programs has allowed people in prison to take college classes through local colleges and universities. At the same time, there has been a trend for schools of higher education to inquire about and/or screen for criminal background during the admissions process. This trend comes in the wake of recent school shootings, including the 2007 Virginia Tech shooting and the 2010 University of Texas shooting, and a growing concern around how funding is impacted by campus safety. The goal of this report is to explore the barriers faced by individuals with criminal backgrounds to obtaining *post-release* entrance to colleges in the state of Maryland. The overarching question we explore in this report is: *How do colleges in Maryland react to applicants with criminal records?*<sup>3</sup>

---

<sup>3</sup> As far as we know, there is only one other such study—at the national level which we discuss later in this report (see *The Use of Criminal History Records in College Admissions Reconsidered*, 2011). Thus, we see the Maryland study as a major contribution in addressing the collateral consequences literature. We hope other states begin to do their own research in this area and that Maryland will do more in-depth research on this in the future.

Two areas of research set the context for this report: (1) The importance of *higher education* for women and men coming out of prison and (2) *collateral* or negative unanticipated consequences<sup>4</sup> of incarceration for people re-entering communities that decrease their opportunities for continuing their education in college once released from prison. The study used two methods: (1) a review of admission applications and processes for all Maryland colleges and (2) a questionnaire about policies and practices that was distributed to all Maryland colleges. Following an accounting of the study's findings, the report includes a comparison of how Maryland admissions policies compare to policies and practices nationally—the only other study currently in this arena—and sets forth a series of recommendations in response to current admissions practices in Maryland.

The findings presented in this report are limited by the small percentage of responding institutions, but they provide insight into Maryland colleges' policies and practices around the admission of applicants with criminal or disciplinary backgrounds. Of the 50 Maryland colleges, only 22 of the on-line applications ask a question about criminal or disciplinary background. Private and 4-year colleges are more likely to include a question about criminal or disciplinary background. Of the small number of colleges responding to our *questionnaire*, all of them send applications with a disclosed criminal background to a special review committee and most offer an appeals process to applicants who were rejected due to a criminal background.

These findings provide an important framework and context for understanding the policies and programs being implemented by groups and individuals across the country, and how these fit into the broader movement toward improving the lives and opportunities of those who have been in contact with the criminal legal system. These two studies also elucidate the gaps in our knowledge and our policy and practice responses.

---

<sup>4</sup> Collateral or enmeshed consequences of a criminal conviction affect people long after they have paid their official "debt to society." This creates all kinds of barriers to housing, employment, civic participation, etc. Rather than use the term "collateral," some argue that these are "lifelong," "enmeshed," or "invisible, lasting" consequences-- not just "collateral" (see *Criminal History Screening*, 2013).

## **II. Literature Review**

In 2010, approximately 7.1 million people were under the jurisdiction of the criminal legal system<sup>5</sup> in the U.S.— 2.3 million were incarcerated in jails and prisons and another 4.8 million were on probation and parole (Glaze, 2011; *One in One Hundred: Behind Bars in America*, 2008). Each year, 700,000 individuals are released from prison and another 13 million pass in and out of jail, representing 9 million unique individuals (Freudenberg, 2006). In Maryland, 22,645 individuals were incarcerated in prisons in 2010, including 959 women (Glaze, 2011).<sup>6</sup> However, as seen below in Figure 1, a significant majority of Maryland individuals under criminal legal jurisdiction are involved through probation or parole and not incarceration. In 2010, 88,181 individuals were on probation and 13,195 individuals were on parole (Glaze & Bonczar, 2011). In sum, 135,870 men and women in Maryland are controlled by the criminal legal system (through prison, jail, probation and parole).<sup>7</sup> As illustrated by these staggering figures, the reach of the negative consequences of conviction and incarceration for a crime is wide. Since at least 95% of all people in prison will be released eventually, the impact of these negative consequences on our communities is extensive (Contardo & Tolbert, N.d.). This is all the more remarkable because the concentrations of those who return to communities all too often do so to *million dollar blocks*. These are neighborhoods or areas where more than a million dollars is spent annually to incarcerate the residents. The goal of identifying these areas is to urge local and state officials to better target neighborhoods for the infusion of funds and programs to keep citizens out of prisons (Gonnerman, 2004; Justice Mapping Center, 2010).

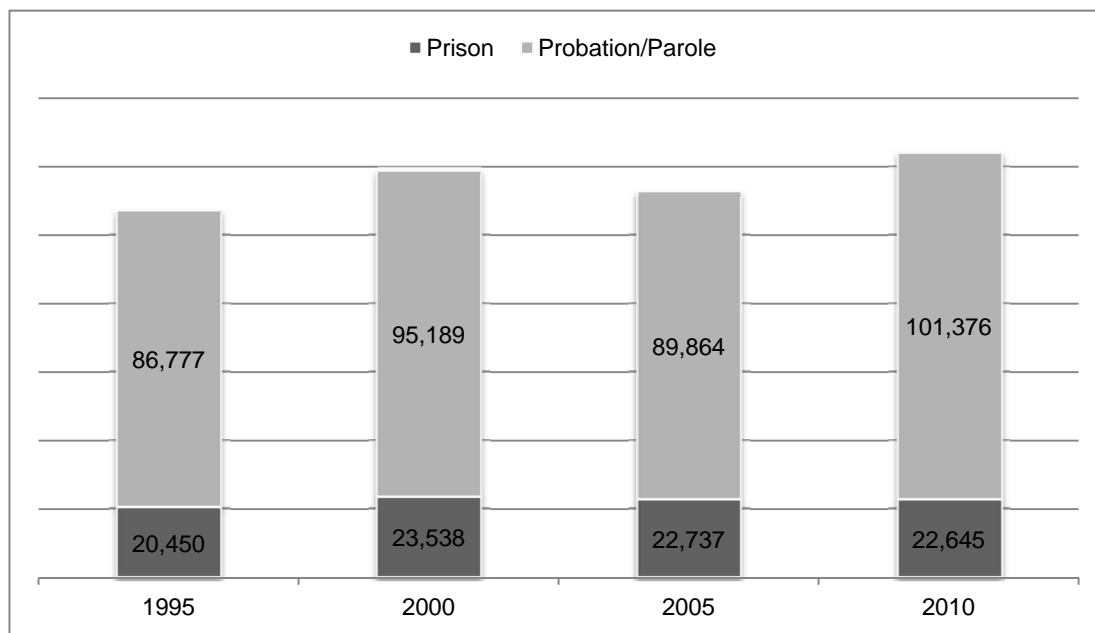
---

<sup>5</sup> Belknap (2001) uses the term “crime processing system” instead of “criminal justice system” in order to reflect the system’s emphasis on processing offenders rather than promoting justice. Likewise, in this article, we use the term “criminal legal system” out of similar concerns.

<sup>6</sup> For a detailed breakdown of Maryland Criminal Legal System populations, see Appendix A.

<sup>7</sup> The high number of incarcerated individuals is particularly concerning in light of the current economic situation and the costs of incarceration to tax payers. A Vera Institute of Justice factsheet released in January 2012 estimates that the total cost of prisons in Maryland is \$836.2 million, \$104.9 million above the DOC prison budget (Vera Institute of Justice, Center on Sentencing and Corrections, 2012). The average annual cost per inmate in Maryland is \$38,383.

**Figure 1: Number of Individuals Under Maryland Criminal Legal Jurisdiction, 1995 – 2010**



**Sources:** (Harrison & Beck, 2005) (Guerino, Harrison, & Sabol, 2011) (Stephan J. J., 2001) (Stephan & Walsh, 2011) (Adults on Probation, Federal And State-By-State, 1977-2010, 2011) (Glaze & Bonczar, 2011)

Individuals returning from prison are faced with significant challenges as they reintegrate into their communities. According to a 2001 Urban Institute report, soon-to-be released prison inmates have poor educational backgrounds, with 70% having dropped out of high school and 50% being functionally illiterate (Travis, Solomon, & Waul, 2001). Compared with the general population, they are more likely to struggle with mental health and substance abuse concerns. Approximately 56% report a mental illness and almost three-quarters report substance abuse problems (Glaze & James, 2006; Travis, Solomon, & Waul, 2001). This population also suffers disproportionately from physical health problems with a prevalence of infectious disease that is between 4 to 10 times higher than among the general population (Davis, 2006). Inadequate income, unemployment and homelessness are also critical concerns for prison inmates returning to communities. Depending on their level of education, between 62% and 71% of prison inmates were

employed prior to their arrest (Solomon, Johnson, Travis, & McBride, 2004).<sup>8</sup> Of those who were employed, between one-third (33%) and two-thirds (63%) reported a monthly income of less than \$1,000. Moreover, a Bureau of Justice Statistics study states that 12% of soon-to-be released prison inmates were homeless at the time of arrest (Langan & Levin, 2002).

An additional burden is added by the collateral consequences of conviction and incarceration, the invisible or lifelong consequences as people reintegrate back into their communities. These invisible consequences, which vary by state, include socially structured barriers to jobs, occupational licensing, health insurance coverage, added fines, revocation of voting rights, potential loss of and difficulty regaining parental rights, ineligibility for residence at shelters for battered women (Travis, 2002; Richie, 2001), etc.<sup>9</sup> These unintended consequences are further complicated because potential employers, schools, and service providers learn about criminal histories either through criminal records or self-reporting. Criminal records are inadequate tools for the understanding of a person's criminal background because they can be inaccurate and are difficult to interpret, particularly by untrained reviewers (*The Use of Criminal History Records in College Admissions Reconsidered*, 2011). Self-reporting of criminal history is a significant concern when the person was adjudicated as a Youthful Offender. While states vary in their specific legislation, Youthful Offender status for some states denotes that the criminal conviction should be sealed and not appear on the public record and that the individual does not need to disclose this information.<sup>10</sup>

---

<sup>8</sup> It is important to note that, when comparing the jail and prison samples of two studies in Maryland, there is a pronounced difference in the proportion of male and female prison inmates who were employed prior to their arrest compared with male jail detainees and male and female individuals being released from jail (65% of the male/female prison sample were employed, compared to 6% of the male jail detainee sample, and 45% of the male/female jail release sample). Also, more male jail detainees and men and women being released from jail were employed full-time prior to their arrest compared to male and female prison inmates (73% and 71% of the male jail detainee and the male/female jail release samples respectively, compared to 48% of the male/female prison sample). See: Visher, LaVigne, & Travis, 2004; Flower, 2009.

<sup>9</sup> The University of North Carolina's School of Government has developed a Collateral Consequences Assessment Tool (C-CAT) (see <http://ccat.sog.unc.edu/>) to aid professionals working with North Carolina residents with criminal backgrounds to understand the collateral consequences in that state. It is possible that similar tools are available for other states.

<sup>10</sup> In Maryland, a youthful offender record is not available to the public unless through a court order (Think Before You Plea - Maryland).

For women involved in the criminal legal system, the lack of childcare services, harsh requirements for regaining custody for children, lower levels of pre-incarceration employment, higher levels of pre-incarceration homelessness and financial hardship, higher levels of abuse as children and adults, higher levels of drug dependency, and socially structured intersecting gender, race/class inequalities provide exponentially added burdens upon reentry compared to those experienced by men (Jacobs, 2005; Michalsen, 2007; Flanders, 2011; Ney, Ramirez, & Van Dieten, 2012). Moreover, women are more likely than men to be the primary caregiver to their children and are often the only caregiver. These studies, combined with the knowledge that education is correlated with reduced recidivism, seem to suggest that the benefits for criminal legal system-involved women and their families of education in general and higher education in particular could be even greater than for men (Fine, et al., 2001; Davis, 2006).

It is no surprise that faced with already significant challenges that are compounded by the consequences of conviction and incarceration, people returning from prison struggle to build productive lives. In fact, 43% return to prison within three years of their release (State of Recidivism: The Revolving Door of America's Prisons, 2011).

### **Disproportionate Minority Contact**

Disproportionate minority contact is a pervasive problem for the criminal legal system. A survey of 2010 imprisonment rates in the U.S. shows that 459 per 100,000 white men, 1,258 per 100,000 Hispanic men, and 3,074 per 100,000 Black men were incarcerated (Guerino, Harrison, & Sabol, 2011). Similarly, the survey shows that 47 per 100,000 white women, 77 per 100,000 Hispanic women, and 133 per 100,000 Black women were incarcerated. In sum, *for both men and women*, Blacks are 3 to 6 times as likely, and Latinos/as are 1.5 to 2.5 times as likely as whites to be incarcerated.<sup>11,12</sup> These significant disparities in the incarceration rates between racial/ethnic

---

<sup>11</sup> A February 2013 report by the Sentencing Project documented a shift in racial disparity patterns between 2000 and 2009. Incarceration rates decreased 9.8% for African American men and 30.7% for African American women. Conversely, incarceration rates rose 8.5% for white men and 47.1% for white women. The

minority groups suggest that any negative consequences of conviction and incarceration will inevitably impact these minority groups more significantly. Moreover, structural racism, as well as health and achievement disparities for racial/ethnic minority groups mean that people of color may face even more significant challenges as they reintegrate into communities.

The discussion of race also demands a consideration of the link between school discipline and juvenile justice involvement, particularly because a number of college applications, including the Common Application used by many schools, contain a question about school disciplinary action. The term *school-to-prison-pipeline* is often used to describe the set of policies and practices centered on harsher school disciplinary actions, increased reliance on police, and a lack of supports that effectively push youth out of schools, onto streets, and into the juvenile legal system and, subsequently, the criminal legal system. A 2012 report published by the Center for Civil Rights Remedies at The Civil Rights Project at UCLA reports that minority youth are disproportionately impacted by harsh disciplinary actions: 17% of African-American youth, 8% of Native American youth, 7% of Latino youth, and 5% of Caucasian youth were suspended at least once in the 2009-2010 school year. Moreover, the *Breaking Schools' Rules* report found that, young African-American males were those most disproportionately impacted by harsh disciplinary policies (Fabelo, et al, 2011). These exclusionary disciplinary policies have the potential to significantly narrow the life opportunities for youth of color, particularly male youth of color.<sup>13</sup>

---

shift in racial disparity is particularly dramatic among women (Mauer, 2013). Nevertheless, Black and Latino/a men and women remain disproportionately incarcerated to whites in U.S. prisons.

<sup>12</sup> A recent report by the American Civil Liberties Union shows that African-Americans are arrested at a higher rate than white individuals for marijuana possession (3.73 times more), though African-Americans and whites use marijuana at similar rates (*The War on Marijuana*, 2013). Maryland has the third highest per capita arrest rate for marijuana possession and African-Americans in Maryland are 2.9 times more likely than whites to be arrested. In Baltimore, African-Americans are 5.6 times more likely to be arrested for possession than whites.

<sup>13</sup> For a dramatic example of this see the video on "The Central Park Five" which portrays the criminalization of 5 young African American male teenagers who were persecuted, incarcerated, and finally, after more than a decade, exonerated (Williams, 2013).



## Higher Education: Benefits, Barriers, and Programs

The significant personal benefits of higher education are widely known and include higher levels of income and lifetime earnings, improved health, reduced likelihood of incarceration, and increased life chances for children of individuals with college degrees (Baum & Payea, 2005). The successful reentry of an individual being released into the community can depend on a wide range of factors depending on the person's particular needs, including employment, housing, education, mental health and substance use/abuse treatment, and family support. However, research consistently shows that education, and even more so *college education in prison* is a key resource in lowering recidivism rates (Batiuk, et al., 2005).

Prison-based college programs suffered greatly in 1994 when the Violent Crime Control and Law Enforcement Act officially barred prisoners from being able to access Pell Grant funding for college courses, requiring that college classes for prisoners had to be fully funded by the educational institutions (Henry, 2011). This resulted in a significant decrease in the number of college degree programs available to prisoners from approximately 350 programs in 1994 to 12 programs in 2011. New programs are beginning to emerge (Holding et al, 2012; Gudrais, 2013; Spycher, Shkodriani and Lee, N.d.). As one study in post-secondary correctional education reports in a 50 state analysis, “prisoners are participating in higher education in record numbers nationwide”—even though most of these students are taking vocational, not college, education programs and mainly exist in only 15 states (Erisman and Contardo, 2005, p. v). Moreover, new alternatives to traditional prison-based higher education are emerging. For example, the VERA Institute of Justice *Pathways from Prison to Postsecondary Education Project* (2013) is exploring an approach to community college programs that begin in prison (2 years of community college education) and continue after release (for another two years).

Prison-based higher education is also a significant topic for emerging research. A meta-analysis of the impact of college education in prison on post-release outcomes argues that methodologically sound observational studies support the conclusion that correctional education

reduces recidivism and enhances employment for formerly incarcerated individuals (Gaes, 2008; see also Gorgol & Sponsler, 2011). In the National Institute of Justice Report to the U.S. Congress (N.d.), it is stated that *prison education more effectively reduces recidivism than vocational training, boot camps, and shock incarceration* (Karpowitz & Kenner, N.d.). A fact sheet published by the Center for Community Alternatives states that individuals who participated in prison-based higher education programming had recidivism rates 46% lower than other incarcerated individuals (*Benefits of Higher Education*). Prison-based college education programming has also been shown to increase probabilities for enhanced problem-solving skills, increase opportunities for steady employment and safety on the outside, and provide safer and more manageable conditions inside prison (Ross & Gangi, 2009; Crayton & Neusteter, N.d; Karpowitz, 2005; Karpowitz & Kenner, N.d; Contardo & Tolbert, N.d.; Fine, et al., 2001).

### **Collateral Consequences of College Admissions Policies**

A landmark report entitled *The Use of Criminal History Records in College Admissions Reconsidered* was released in 2011 by the Center for Community Alternatives (hereon referred to as the CCA National Study). This report explored the use of information on criminal records in the admissions process in colleges across the country. The authors surveyed 3,248 higher education institutions, receiving 273 responses to the electronic survey. While the response rate was very low (8.4%), the findings of the study are both relevant and instructive.

According to survey responses, there is little consistency across schools in how criminal records are solicited, used, and treated in the college admissions process.

- *Two-thirds (66%)* of the responding schools *collect criminal background information*, but only 40% of these schools train staff on the interpretation of criminal backgrounds and few of these schools have written policies in place.
- *Private and four-year colleges* are more likely to collect and use criminal background information than public and two-year colleges.

- *Self-disclosure* in response to a question on the admission application is the *most common* method to collect criminal background information. As of now, very few schools conduct actual criminal background checks
- A majority of the schools that do collect and use criminal background information, *use additional steps* in the decision making process for applicants who do present with a criminal background. Examples of such additional steps include submitting an explanatory letter about one's crime and/or incarceration, consulting with campus security, or the academic deans—making people go through embarrassing and stigmatizing procedures that might—and often did—prevent them from continuing the application process (*Criminal History Screening*, 2013).
- More than half of the schools that collect and use criminal background information mostly provide additional supervision (rather than added supports) —often experienced as harassment—of students who were admitted with a criminal background.

The report concludes that, because there is no known link between students with criminal backgrounds and endangered campus safety, because education is linked to lower recidivism rates and, therefore, increased public safety, and because of the civil rights implications of such policies for African-Americans, colleges should *not* collect or use criminal background information in the admission decision-making process.

### **III. In Maryland: The Use of Criminal Background Information in College Admissions**

The purpose of this study is to augment knowledge about the use of criminal background information in the college admissions process with specific information about the policies and processes of Maryland's higher education institutions. Information on the use of criminal history records by higher education institutions was collected using two methods: (1) a preliminary review of each institution's application materials available online and (2) a questionnaire we developed

which focused on the policies and practices of Maryland colleges and universities regarding the collection and use of criminal background information during the admissions process.

**Table 1: Number and Types of Maryland Institutions**

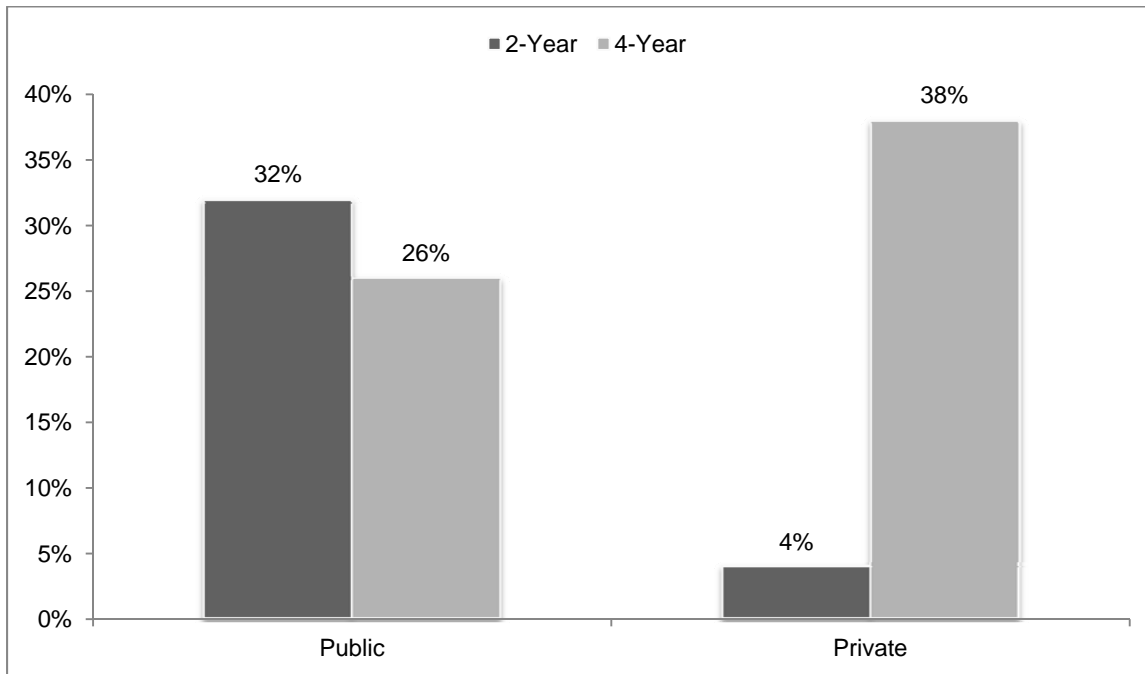
<b>Type of Institution</b>	<b>Number</b>	<b>%</b>
Public 4-Year Colleges	13	26
Public 2-Year Community Colleges	16	32
Private 4-Year Colleges	19	38
Private 2-Year Technical and Vocational Schools	2	4
<b>Total</b>	<b>50</b>	<b>100</b>

We compiled a list of all 50 two- and four-year public and private schools offering associate and bachelor degrees in Maryland (see Table 1; see Appendix C for complete list of institutions). We grouped schools with multiple campuses, with the exception of the University of Maryland system where each of these campuses acts as an independent institution with unique admissions policies.<sup>14</sup> As seen in Figure 2, almost three-fifths (58%) of higher education institutions in Maryland are public schools, of which 55% are 2-year schools and 45% are 4-year schools. The remaining two-fifths (42%) of colleges are private institutions, of which only 10% are 2-year schools and 90% are 4-year schools. Overall, the majority of Maryland's higher education institutions are 4-year colleges (64%) and 32% are 2-year colleges.

---

<sup>14</sup> Higher education centers were excluded from our target population. These are organizations that coordinate partnerships between multiple institutions to allow easier access to underserved areas. However, students need to enroll directly with each college and are subject to each institution's admissions process and requirements.

**Figure 2: Breakdown of All Colleges in Maryland Contacted, by Type (N=50)**



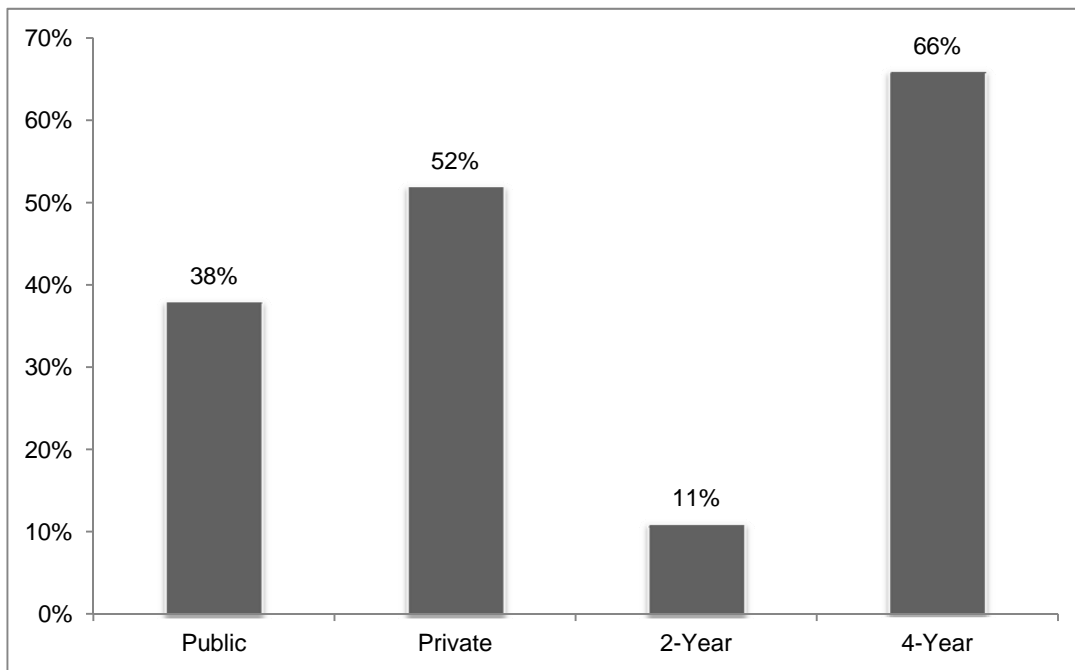
### **Preliminary Review of Maryland Colleges' Admissions Applications**

Prior to distributing the questionnaire, we accessed each college's website and completed a preliminary review of the admission application process for all 50 of Maryland's colleges. Through this method, we were able to review each school's application language and identify which schools' applications include questions about criminal background, youthful offenses, and disciplinary actions. Because of this procedure, this report has complete information about application questions for 100% of Maryland colleges.

In this analysis, we also noted which schools use the Common Application in addition to or in place of their own application materials. The Common Application is currently used by 488 four-year colleges nationally and includes questions about both (1) criminal background and (2) youthful offenses or disciplinary actions (*Criminal History Screening*, 2013). Our review found that, in Maryland, 7% of the public colleges (2/29) and 48% of private colleges (10 out of 21) use the Common Application.

Of the 50 Maryland institutions, only 22 (44%) institutions ask a question about criminal or disciplinary background. Figure 3 shows a breakdown of schools, by endowment (public versus private funding) and by duration (2-year versus 4-year), that include a question about criminal or disciplinary background on their application. Private and 4-year colleges are more likely to include a question about criminal or disciplinary background. Thus, 52% of private colleges compared to 38% of public colleges, and 66% of 4-year colleges compared to only 11% of 2-year colleges, include these questions.

**Figure 3: Criminal or Disciplinary Background Questions in Maryland College Application, by Endowment and Duration (N=22/50)**



All of the 22 institutions that include questions about criminal or disciplinary background in their applications seek information about a guilty conviction of a misdemeanor, felony, or other crime. However, a smaller number (16 of the 22 or 73%) include a question about a youthful offense or disciplinary action at an educational institution that resulted from academic or behavioral misconduct. Private colleges are more likely than public colleges to include a question about youthful offenses or disciplinary action (52% compared to 17%). This is likely, at least in part, to be

the case because these institutions are most likely to use the Common Application, which includes this question. Four-year colleges are also more likely to ask a question about youthful offenses or disciplinary action (50% of four-year colleges compared to no two-year colleges).

### **Questionnaire: Maryland Colleges' Policies and Practices**

Following the completion of our review of the admissions application process, we developed a questionnaire to identify the policies and practices of Maryland higher education institutions around screening applicants with criminal backgrounds (see Appendix B for the instrument).<sup>15</sup> The questionnaire, which was made available to institutions using an online survey tool (Survey Monkey), was distributed to the Admissions Director at each institution by email and an informed consent form was included in this correspondence. All emails were followed up with several phone calls to address any questions and encourage participation in the study. The data were collected in December, 2010.

Of the 50 institutions we contacted, only 12 institutions responded to our communications. How colleges and universities handle the admission of students with criminal or disciplinary backgrounds is a politically charged topic. Therefore, it is not surprising that colleges may have been concerned about completing a questionnaire on the subject, despite the guarantee of anonymity. Of the responding institutions, 83% are public (5 four-year colleges and 5 community colleges), while the remaining 2 responding institutions are private four-year colleges. Thus, private institutions were much more reluctant to complete the questionnaire than public institutions. Overall, public colleges (34%) were more likely to respond than private colleges (34% compared to 10%) and 2-year colleges were somewhat more likely to respond than 4-year colleges (28% compared to 22%).

---

<sup>15</sup> In developing our questionnaire we benefitted from the knowledge obtained by the Center of Community Alternatives' national study of colleges screening for criminal or juvenile disciplinary background.

Unfortunately, of the 12 institutions who responded to our communications, only seven actually completed the questionnaire (a 14% questionnaire response rate).<sup>16</sup> The questionnaire results presented below offer important information about whether and how Maryland colleges use criminal background information in the admissions process. However, it is important to note that the low response rate yielded a very small number (N=7). Moreover, the number for several questions is even smaller, ranging between 6 and 2. The reason for this is that each responding institution did not complete all questions in the questionnaire. Table 3, below, shows a breakdown of responding institutions by type and endowment. The majority of responding colleges are public institutions (4 public four-year colleges and 2 public community colleges). The only responding private institution was a four-year college.

**Table 3: Breakdown of Responding Institutions in Maryland (N=7)**

Type of Institution	N
Public 4-Year Colleges	4
Public 2-Year Community Colleges	2
Private 4-Year Colleges	1
Private 2-Year Technical and Vocational Schools	0
<b>Total</b>	<b>7</b>

Application Question and Background Checks

Six of the seven responding institutions provided an answer to the questions about whether an institution includes a question about criminal background on its admissions application and whether that institution conducts criminal background checks. As shown in Figure 4, all six colleges report that they ask about adult criminal records, but only 1 college (17%) reports including an

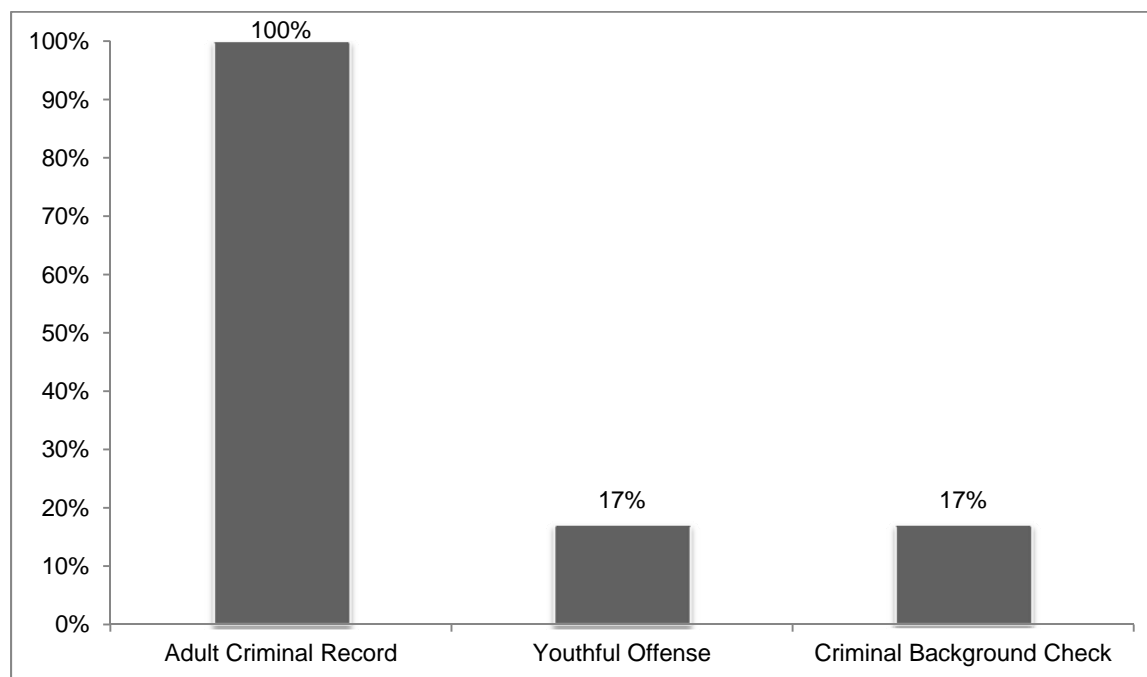
---

<sup>16</sup> While the remaining 5 institutions (3 community college, 1 private 4-year college, and 1 public 4-year college) did not complete the questionnaire, noting that, because they did not have a policy on criminal backgrounds, the questionnaire was not relevant to them, these 5 institutions provided us with some additional information or explanation in e-mail or phone interviews. Of the three community colleges, two have no policy on criminal backgrounds and do not consider it in the admissions process, while the third community college only considers criminal background for students applying to its teaching education or health technology programs due to state or federal regulations. The private four-year institution is a very small and selective school and considers each prospective student individually and holistically, including any potential criminal or disciplinary background, without any particular weight given to these factors. The public four-year college, explained that, while it does not currently have a policy, it would consider this in the future.



application question about youthful offenses or disciplinary backgrounds. Importantly, though, a comparison with our preliminary review of applications revealed that 3 (50%) of the responding institutions ask about youthful offenses and disciplinary backgrounds. This is critical because it illustrates that *colleges are not necessarily aware of whether their applications include such questions*. All six of the responding institutions that ask about youthful offenses are four-year colleges, indicating that applicants to four-year colleges face greater barriers than applicants to community colleges. Only one (17%) of the six responding colleges actually conducts a criminal background check on applicants in addition to asking a question about such background on its application. This institution, a community college, only does so after extending an offer of admission.

**Figure 4: Application Questions and Criminal Background Checks in Maryland (N=6)**

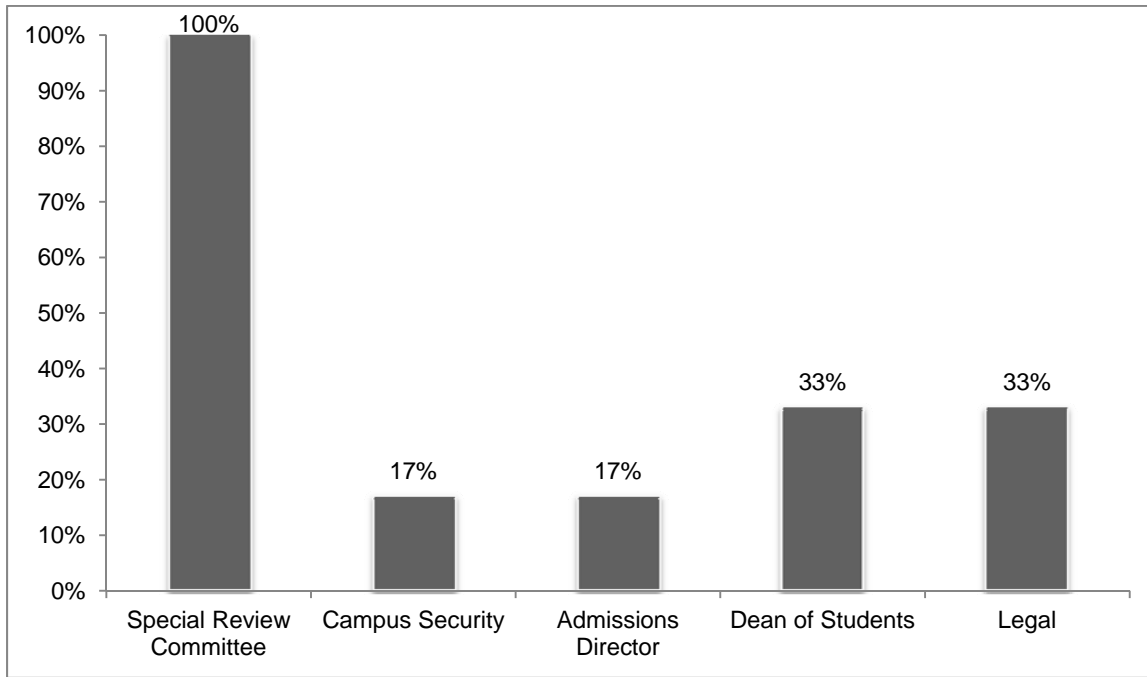


*Special Process for Applicants with Criminal Backgrounds*

Six of the seven responding colleges provided information on whether they have a special review process for applicants who disclose a criminal background. For an applicant who is otherwise qualified for admissions, all six colleges send the application to a special review committee and do

not automatically reject the applicant (see Figure 5).<sup>17</sup> This special review committee is structured differently at each school. At two institutions, the Undergraduate Dean or Dean of Students chairs the committee; at another two of the schools the committee is chaired by the Legal Department; and at the remaining two institutions, the Admissions Director or the Campus Security Department chairs the special review committees.

**Figure 5: Special Review Committee in Maryland (N=6)**



Types of Crime Considered in Admissions Process

Six of seven responding institutions provided information on whether they differentiate between the types of crime (i.e. felony, misdemeanor, youthful offense, or violent crime) when considering an applicant's criminal background. Five of these six institutions (83%) consider all types of crime. The outlying institution, a public four-year college, does not consider youthful

---

<sup>17</sup> If an institution sends the application to a special review committee, it is possible that the applicant has to be interviewed by one or several committees; for example, in developing the questionnaire, one school offered in a preparatory interview that applicants with criminal records had to go through two hurdles: being interviewed by a legal committee and by an academic committee. However, in the final survey this did not show up in that school's response.

offenses in the admissions process. Moreover, two of the six colleges noted that the duration of time passed since the crime plays a role in the admissions decision.

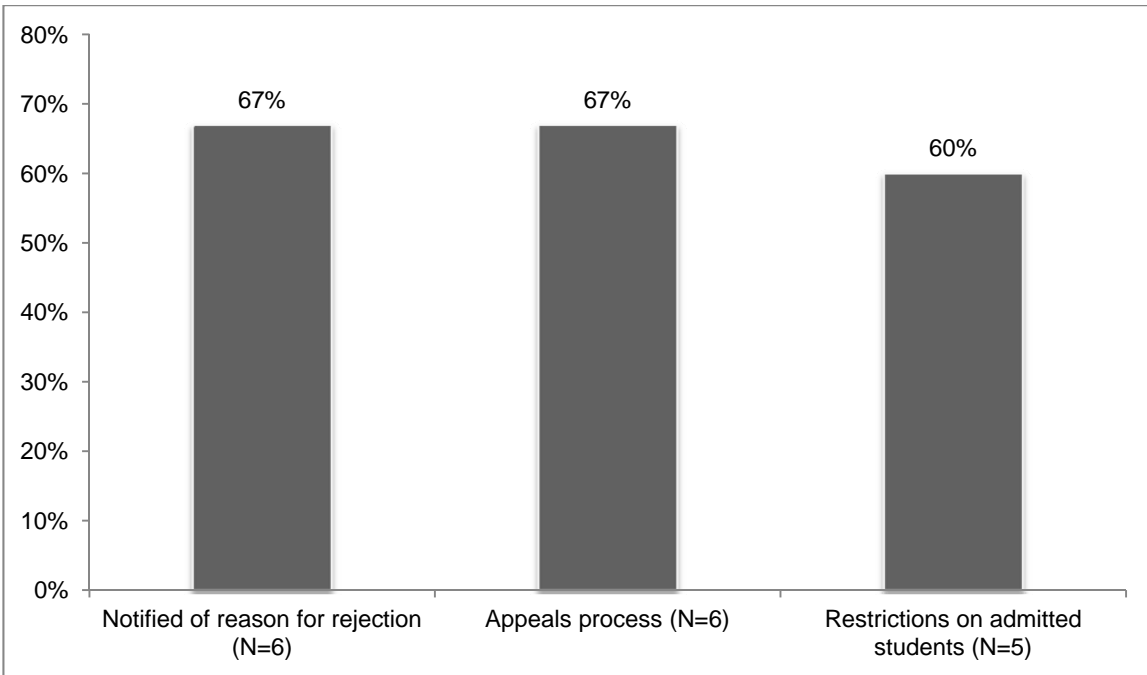
Institutions were also asked whether particular types of crimes result in an automatic bar to admission. Only two institutions responded to this question—a public four-year college and a private four-year college. Both institutions automatically bar any applicants from admission who have a history of offenses against children. The public four-year school also automatically bars applicants with a history of sex offenses and applicants with any felonies on their records, while the private four-year school, on the other hand, automatically bars applicants with specific felonies on their records and applicants with a history of other types of crimes on their records.

In addition to the content of these two responses, it is also interesting to note that five of the seven institutions declined to respond to this particular question. This was the most controversial item on the questionnaire, because it would require institutions to reveal a keystone of their policies toward the admission of students with criminal records, policies which are currently not readily available to the public.

#### *Handling of Rejected Applicants*

Six of the seven responding institutions gave insight into how they handle the rejection of applicants with criminal backgrounds (see Figure 6). Four of the schools (67%) stated that they notify applicants who have been rejected due to their criminal backgrounds of the reason for the rejection. For those rejected applicants, an appeals process exists at four (67%) of the responding schools. All four of these colleges are public institutions.

**Figure 6: Handling of Admitted or Rejected Applicants with Criminal or Disciplinary Backgrounds in MD (N varies: 6 or 5)**



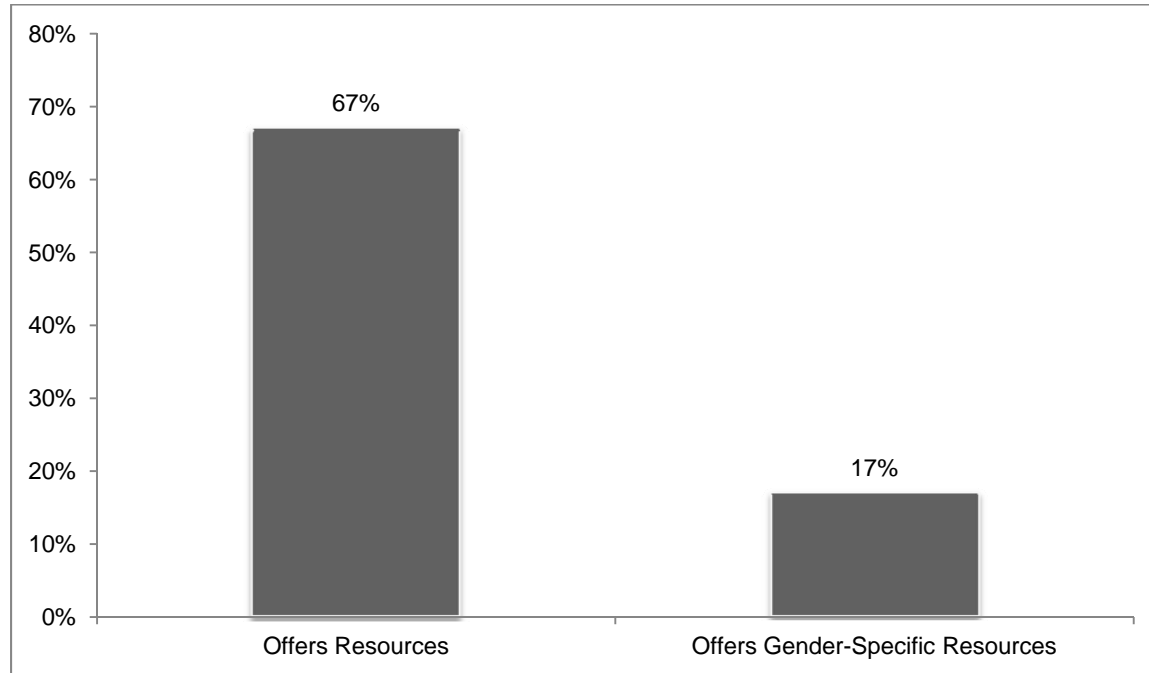
Handling of Admitted Applicants

Five of the seven responding institutions also provided information about whether they place any restrictions on admitted students with criminal backgrounds (see Figure 6 above). Three of the five colleges (60%) have some type of requirements, restrictions, or special supervision measures (i.e. academic or social probation, no campus housing, no financial support) placed on admitted students with criminal records.

Figure 7 illustrates the responses given by six of the seven responding institutions about whether services such as counseling, financial aid, legal aid, and tuition remission are provided to admitted students with criminal backgrounds, and whether any of the colleges offer resources to specifically help *women* with a criminal record (i.e. child care, housing, financial aid). What we found was that of the six responding institutions, four indicate that they offer special resources to students with a criminal or youthful offender background. Only the community college and one of the public four-year or colleges report not offering such resources. Further, only one institution, a

public four-year school, offers special resources to support women with criminal records. However, in each of these cases, we do not know the types of specific resources offered.

**Figure 7: Resources for Students with Criminal Background in MD (N=6)**



Data Collection Related to Admitted Students with Criminal Backgrounds

To determine whether any of these institutions have a data-driven policy on the admission of students with a youthful offense or criminal background, we included a question about whether the institutions collect any data about the crime rates of students with a criminal background. None of the schools collect this kind of information.

Interest in Partnering with Correctional Institutions

One of the final questions on the questionnaire was whether the responding institution would be interested in exploring how it might partner with the Maryland Correctional Institute for Women (MCIW) to help incarcerated women pursue or continue their college educations. Three of the six

(50%) responding schools answered that they would be interested. All of these schools are public institutions and two of them are four-year colleges.<sup>18</sup>

### ***Limitations and Challenges***

The questionnaire findings in this study are limited by several factors. A significant limitation of the study is the low response rate. While the overall response rate, including telephone interviews and e-mail communications was 24%, significantly higher than the response rate of the CCA National Study (8%), the response rate for the actual questionnaire is only 14%. Moreover, the number of responses is very low. Only 12 of the 50 colleges responded to our communication and only 7 colleges completed the questionnaire. We believe that the response rate is low for at least two reasons. First, admissions policies around applicants with criminal backgrounds is a politically charged issue and colleges were likely concerned about answering such a questionnaire. This is similar to what happened in the national study. Second, we contacted colleges in November and December of 2009, when college applications were being submitted. The Admissions Offices may have been too busy to complete the questionnaire at that time. In the future it would be good to send a follow-up at a more opportune time in the academic calendar.

### **V. Comparative Findings from the Maryland and CCA National Studies**

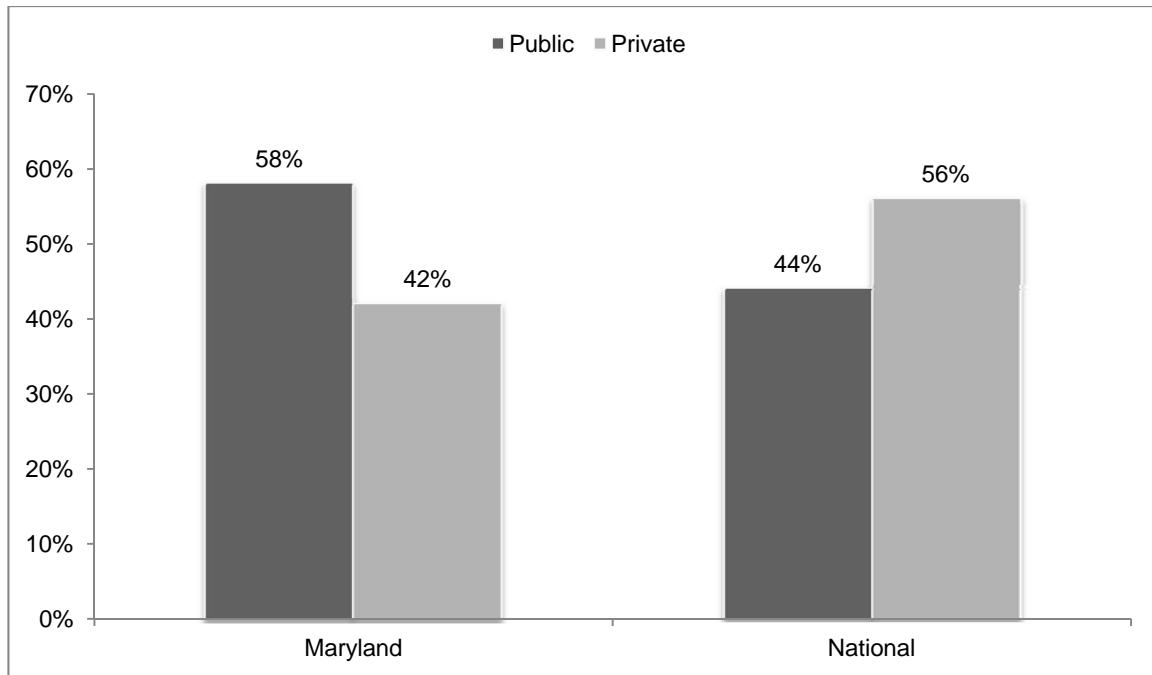
To determine whether Maryland's barriers to higher education differ from the national picture, we compared the findings of our study with the findings from the CCA National Study. However, before comparing the findings, we first compared the target populations, which we found to differ significantly. While the distribution of two-year and four-year colleges is unknown for the national sample, Maryland has more four-year colleges than two-year colleges (64% and 36%

---

<sup>18</sup> When this study was done, one community college provided individual courses to students at different prisons in Maryland including the women's prison (MCIW). Currently, with support from an OSI grant to the Bard Prison Initiative, the Goucher Prison Education Program (2013) teaches college classes at MCIW and at one of the men's prisons, the Maryland Correctional Institution-Jessup. Goucher is an elite private college outside Baltimore city and teaches the same classes in the prison as at the main college campus.

respectively). However, the distribution by type of endowment is known for both the national and Maryland samples (see Figure 8). The CCA National Study surveyed a pool of colleges that included a higher percentage of private colleges than our pool of Maryland colleges (*The Use of Criminal History Records in College Admissions Reconsidered*, 2011). The CCA National Study target population consisted of 44% public colleges and 56% private colleges, compared to our target population in Maryland of 58% public colleges and 42% private colleges (AACRAO Demographics 2011). It is unclear whether these sample differences impact the differences in findings discussed below.

**Figure 8: Total Distribution of Maryland (N=50/50) and National (N=273/3248) Colleges**



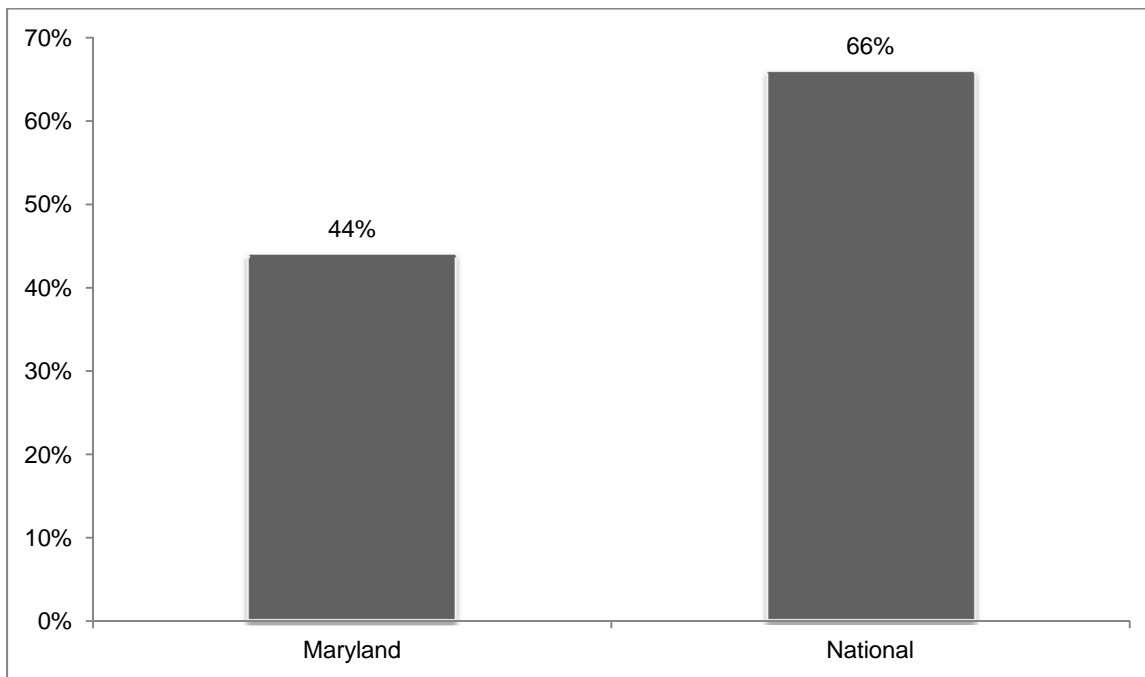
***Preliminary Application Review vs. CCA National Study***

In comparing the findings from our preliminary review of Maryland college applications with findings of the CCA National Study, it is important to note that the Maryland findings reflect 100% of Maryland colleges while the CCA National Study findings only reflect 8% of national institutions (as per their response rate). While the preliminary application review is challenging to compare with the CCA National Study survey results, we felt it was important to supplement the

information gathered from Maryland's limited survey responses. The more complete information allows us to draw more meaningful conclusions

Figure 9 shows that Maryland colleges are less likely overall to include a question about criminal or disciplinary background on their applications (44% of all Maryland colleges compared to 66% of responding colleges in the CCA National Study). However, it is unclear whether this difference is due to the greater proportion of private colleges in the national sample, since private colleges are generally more likely to include such questions.

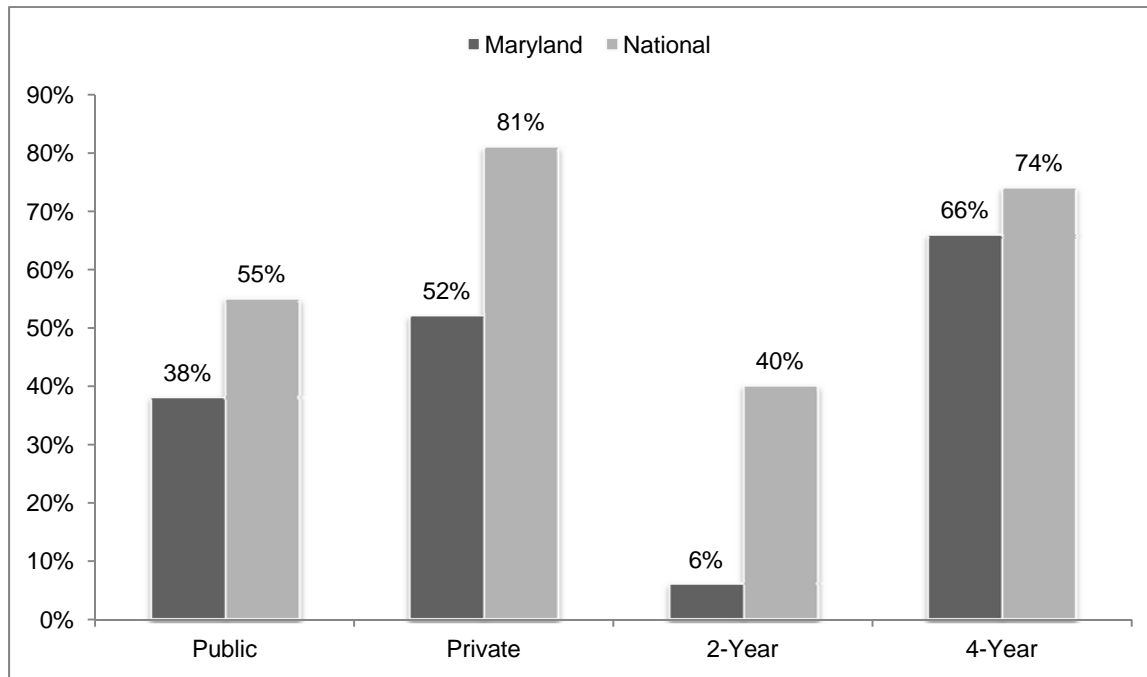
**Figure 9: Colleges with Criminal/Disciplinary Background Question on Application (Maryland N=50/50; National N=273/3248)**



Even when controlling for the type of college by endowment and time to degree, Maryland colleges are consistently less likely to include such a question on their applications (see Figure 10). However, in both the Maryland and the national studies, private and four-year institutions are more likely to include a question on their application than public and two-year institutions.



**Figure 10: Colleges with Criminal/Disciplinary Background Question on Application, by Type**  
(Maryland N=50/50; National N=273/3248)



### ***Maryland Questionnaire vs. CCA National Study***

The comparison below comes from the findings from the questionnaire sent to Maryland colleges (14% response rate: N=7/50) and the findings of the CCA National Study (8% response rate: N=273/3,248). Neither group of findings necessarily represents all Maryland or national colleges accurately.

Both studies found that, at this point in time, only a minority of colleges (14% in the Maryland study and 20% in the CCA National Study) actually use criminal background checks to collect or confirm this information. Another similarity between the studies is that, as in the CCA National Study, all of the responding schools in our Maryland study have additional steps to the admission decision process for applicants with criminal or disciplinary backgrounds (100% in our Maryland questionnaire compared to 94% in the CCA National Study).

On the other hand, if an applicant has a criminal or disciplinary background, colleges in the Maryland study are significantly more likely to bring in decision makers who are not usually involved in the admissions process via a special review board (100% in the Maryland Study compared to 43% in the CCA National Study). However, 75% of colleges in the CCA National Study bring in decision makers who are not usually involved in the admissions process through other means, such as consultation or inter-departmental meetings.

If an applicant with a criminal or disciplinary background is denied admission, 67% of colleges in both the Maryland study and the CCA National Study are notified of the reason for denial and 67% of colleges in both studies say they have an appeals process available for denied applicants. However, significantly more of the Maryland higher education institutions place special restrictions or requirements on admitted students with a criminal or disciplinary background than responding institutions in the CCA National Study (80% compared to 55%).

## **VI. Discussion and Conclusion**

The findings presented in this report provide insight into Maryland colleges' policies and practices around the admission of applicants with criminal or disciplinary backgrounds. In sum, the findings of the application review and the questionnaire responses include:

- Of the 50 Maryland colleges, only 22 of the on-line *applications* ask a question about criminal or disciplinary background. Private and 4-year colleges are more likely to include a question about criminal or disciplinary background. A smaller number (16 of the 22) include a question about a youthful offense or disciplinary action at an educational institution that resulted from academic or behavioral misconduct. Private colleges are more likely than public colleges to include a question about youthful offenses or disciplinary action
- Of the small number of colleges responding to our *questionnaire*, all of them send applications with a disclosed criminal background to a special review committee.

- Most responding colleges consider all types of crime in the admissions decision process, but one of the seven responding colleges does not consider youthful offenses and disciplinary backgrounds.
- Two responding colleges provided information about which types of crimes trigger an automatic bar to admission. Both colleges included offenses against children, while one of the colleges also included sex offenses and felonies, and the other college included only some felonies.
- Four of six responding colleges offer an appeals process to applicants who were rejected due to a criminal background.
- Three of five responding colleges have some type of requirements, restrictions, or special supervision measures (i.e. academic or social probation, no campus housing, no financial support) placed on admitted students with criminal records.
- Four of six responding colleges offer supportive resources to admitted students with criminal backgrounds, but only one says it offers resources specific for female students.
- None of the responding colleges collects data on admitted students with criminal backgrounds (or those without criminal backgrounds) and campus crime.

Generally, this study of Maryland colleges confirms the findings of the national study published by the Center for Community Alternatives in 2011. Both studies find that two-year and public colleges are most open to applicants with criminal backgrounds, while such applicants face greater barriers when applying to private and four-year colleges. A comparison of the studies shows that, overall, Maryland colleges are less likely to include questions about criminal or disciplinary background on their applications than colleges across the country. It is also important to note that both studies had low response rates, which shows a reluctance on the part of colleges to share information about admissions policies and protocols related to applicants with criminal backgrounds.

### ***A Need for Further Research***

While these studies create a helpful baseline of information, additional research is necessary to better understand the circumstances and processes of college admissions for applicants with criminal backgrounds. Topics and issues that warrant further research include: the roles of race and gender, unique experiences and needs of female applicants and students, the role of primary and secondary educational disciplinary practices and records, prison-community and prison-college partnerships, reintegration from prison post-secondary educational programs to community-based colleges, the impact of students with (and without) criminal records on campus safety, and the application of this kind of research to individuals incarcerated in jails, not only prisons.

### ***Social and Structural Barriers***

The policy and practice reforms recommended below are critical in providing better opportunities to individuals with criminal backgrounds and, thus, building safer and healthier communities. However, social structures of racism, class bias, and sexism remain embedded in our society and culture and constrain system-level improvements that are required for real change for marginalized groups, like people with criminal records. The impact of policy and practice reforms, such as those recommended here, will necessarily be limited without significant social structural and economic change toward building a strong foundation in equality of opportunity, treatment, and outcome. In order to support holistic and sustainable reforms, we must be committed to *preventing* the social problems that the recommended policies and practices below are intended to ameliorate. This can best happen as we continue to recognize the role of social structural and economic change committed to a social justice approach must play in prevention.

### ***A Need for Policy and Practice Reforms***

Although it is true that the findings from this report and from the CCA National Study are limited, they do provide a platform from which to consider policy and practice implications and

recommendations. It is important, first, to note that discrimination against individuals with criminal backgrounds in the admission to higher education can impair public safety. Research shows that higher education is directly correlated with reduced recidivism rates, and making higher education available to individuals with criminal backgrounds is, therefore, a keystone strategy to promoting public safety (Batiuk, et al., 2005). The research by Steurer, Smith, and Tracy (N.D.) in Maryland, Minnesota, and Ohio, demonstrates that simply attending school behind bars reduces the likelihood of reincarceration by 29%. Furthermore, while there is great concern that admitting students with criminal backgrounds will lead to higher rates of campus crime, a 2013 study found that criminal behavior prior to attending college can be a risk factor for campus misconduct, but it is not a reliable predictor of campus misconduct (Runyan, et al., 2013; Background Checks and College Admission Questions..., 2013).

For too long, the *barriers to obtaining a college education have been ignored as a collateral consequence of incarceration*. This can have life-long negative and continuing effects on a person's ability to function once returned to their communities after prison. Colleges must be more mindful of the possible unintended consequences of admissions policies and practices related to applicants with criminal or disciplinary backgrounds. Criminal backgrounds represent a wide variety of lived experiences and considering nuances in *context, character, and possible mitigating factors*, would lead to a more just approach to college admissions. Without taking into account, for example, *context*, colleges may be preventing far too many good people from accessing one of the most critical factors to building healthy and productive lives—a college education.

In the CCA National Study, the authors made the following policy and practice recommendations, among others (*The Use of Criminal History Records in College Admissions Reconsidered*, 2011):

1. Colleges should *not* collect and use criminal background information in admission decisions.
2. If colleges do collect and use criminal background information, they should:
  - Collect this information only *after* conditional admission

- Limit the disclosure question to specific types of convictions (felonies and adult only)
  - Make admissions criteria evidence-based and avoid policies to deny admission to an applicant solely because of a criminal or juvenile record, even for specific crimes.
  - Ensure that assessments of criminal backgrounds are informed and unbiased and are done by appropriately trained personnel
  - Establish transparent policies and procedures and allow due process
  - Offer support and advocacy for admitted students
3. Because of the huge racial disparities throughout the criminal legal system, policies excluding people with criminal records from college must make conscious efforts to not set back gains earned through the struggle of civil rights activists to open higher education to all people, regardless of race or ethnicity.<sup>19</sup>

We strongly support these recommendations as critical to the improvement of admissions policies in relation to applicants with criminal backgrounds in Maryland. Further, we would like to add several general recommendations based on our findings.

We consider it critical that any college that is funded at least in part by tax dollars, which includes all public colleges and most private colleges, should have *transparent policies* that are available in the public domain. Not only should these policies be transparent, the state legislature and governing agency should develop *mandated guidelines* for admission policies regarding applicants with criminal backgrounds. It is important that these mandated guidelines explicitly set forth the level of training required for personnel who review criminal records and how mitigating

---

<sup>19</sup> The need for colleges to be more mindful of the barriers for applicants with criminal records is even more important in light of the recent 2013 U.S. Supreme Court's negative decisions on voting rights, striking down essential elements of the Voting Rights Act (Nichols, 2013), and the continual attacks against affirmative action (Fletcher, 2013). Given the racial disparities in incarceration and their implications for voting rights and educational opportunity, colleges must be even more vigilant in not allowing criminal records to hinder an applicant's acceptance to their schools.

factors such as *length of time passed since sentencing, character, and context* factor into the admissions decision process. Such decisions should be made in an *informed and holistic* way and must consider that criminal convictions represent a wide variety of lived experiences.

It is clear that public community colleges play an important role in providing an accessible college education to individuals who have criminal backgrounds. We encourage four-year colleges, both public and private, to also recognize the need to support the communities in which they are established by making a college education more accessible to individuals with criminal backgrounds. Furthermore, departments of corrections and other actors in the criminal legal system should partner with schools to encourage and support the process of making a college education more accessible.

We also suggest that supervision or restrictions should not apply to admitted students with criminal backgrounds. Supportive services, such as those suggested by the authors of the CCA National Study, should be provided. See, for example, College and Community Fellowship for women and Medgar Evers College, which has special supports for men returning to college after time in prison. Both programs are part of the City University of New York (CUNY) where no conviction question currently is found on the CUNY application.<sup>20</sup> Since women are more likely to be poor and more likely to be responsible for child care and family functioning, added gender-specific supportive services (i.e. child care, special housing, etc.) should also be available for women returning to their communities (Morash, Bynum & Koons, 1998; Wright, Salisbury & Van Voorhis, 2007).

As background checks get easier and less expensive for the colleges, we can assume more such checks will occur. Thus, criminal histories will become a greater part of the collateral consequences for college applications – even more so than today. These checks should be done sparingly and without prejudice against poor and marginalized women and men of color. In addition,

---

<sup>20</sup> Personal communication with College and Community Fellowship (see Smith, 2013). However, according to the memo to CUNY College Presidents of December 5, 2012 from Frederick Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs at CUNY referring to applicants with prison records, “...the colleges have the right to deny admission to students who may pose a risk to the college.” *Risk* is undefined.

special reporting issues apply to those with youthful offender status. Thus, applications should provide warning language to applicants, explaining that they are *not* required to self-report youthful offenses or school disciplinary actions. This is important because the CCA National study found that most acknowledgments of youthful offender status were done by *self-report*, not by background checks, and this is too often harmful to one's chance of acceptance by colleges—to say nothing of the fact that these statuses are not supposed to be available by and large because of the *harm* they can do to a young person's future. Departments of Corrections should develop relationships with colleges and encourage admissions departments to treat applicants with a history of youthful offenses or school disciplinary actions with lenience. Moreover, advocates and policy makers should develop legislation preventing colleges from using youthful offenses and school disciplinary actions as a factor in admission decisions. Lastly, and most importantly, advocates and policy-makers should continue to fight the disproportional impacts of school disciplinary policies that push poor youth of color out of schools and into the streets and, all too often, the juvenile legal system which reinforce the disproportionate impact these policies have on people of color, especially young African American and Latino men (and since 1980 increasingly African American and Latina, and most recently poor white women).

Finally, a diversity of learning approaches and college programs should be available to men and women in prison and upon their return to the community in order to make a college education accessible to more individuals with a criminal background. Thus, for example, access to college-level courses and degree-seeking programs should be increased for individuals while they are incarcerated through partnerships between colleges and facilities and continued back in the community. The Inside-Out Prison Exchange Program is an example of a program that creates such opportunities. This initiative, begun 3 decades ago, provides *individual* college classes to over 10,000 students (5,000 traditional college students and 5,000 students who are incarcerated) (Inside-Out Center, <http://www.insideoutcenter.org/index.html>). Through this program, college students learn together with men and women who are incarcerated to study as co-equals—as peers—in a



college seminar taught behind prison walls, making college education available to incarcerated and formerly incarcerated people alike. Another example of such a program is the new Pathways from Prison to Postsecondary Education project sponsored by the VERA Institute of Justice and funded by the following foundations: Bill and Melinda Gates, Ford, Kellogg, Open Society and Sunshine Lady. It is a five-year initiative, currently being implemented in North Carolina, Michigan, and New Jersey, that relies on state-local and cross-agency partnerships to create a continuum of support services around higher education and reentry beginning in prison and extending into the community. This particular initiative's goal is to provide two full years of college (or intensive vocational) education while people are in prison, followed by an additional two full years of college education—and connection with committed employers—when they are back in the community (*Pathways from Prison*, 2013).

### ***Conclusion***

While there is much we do not yet know about collateral consequences of incarceration and criminal legal system involvement in general, and about the barriers to higher education in particular, the findings from this and other recent studies provide us with a baseline of steps we, as a society, can take to improve the lives and opportunities of individuals with criminal or prison records. It is critical that we allocate resources to increasing our knowledge base and creating improved policies and practices based on existing knowledge. However, we must not forget the importance of also addressing social structural barriers, such as racism, poverty, sexism and class inequality, as men and women with criminal records, academics, agencies—including supportive members of the criminal legal system, schools, and communities work together to improve the health and well-being of our society and its most disadvantaged members.

## References

- (AACRAO Demographics) American Association of Collegiate Registrars and Admissions Officers Demographics 2011. (2012). Retrieved May 17, 2012: <http://www.aacrao.org/About-AACRAO/demographics/2011demographics.aspx#.T5Ro1Jwu4o8>
- Background Checks and College Admission Questions Don't Predict Criminal Behavior (But Gun Clubs Do). (2013). *News* (April 16). Retrieved May 19, 2013: [http://www.sciencecodex.com/college\\_admission\\_questions\\_rarely\\_identify\\_criminal\\_behavior-110471](http://www.sciencecodex.com/college_admission_questions_rarely_identify_criminal_behavior-110471)
- Batiuk, M., Lahm, K., McKeever, M., Wilcox, N., & Wilcox, P. (2005). Disentangling the Effects of Correctional Education: Are Current Policies Misguided? An Event History Analysis. *Criminal Justice*, 5(1): 55-74.
- Baum, S, & Payea, K. (2005). *Education Pays, 2004: The Benefits of Higher Education for Individuals and Society*. College Board.
- Belknap, J. (2001). *The Invisible Woman: Gender, Crime, and Justice*, 2<sup>nd</sup> ed. Belmont: Wadsworth.
- Benefits of Higher Education – In Prison and After Prison (N.d.)*. Retrieved May 7, 2013 from The Center for Community Alternatives: <http://www.communityalternatives.org/pdf/passport/Benefits-of-Higher-Ed.pdf>
- College Admission Questions Rarely Identify Criminal Behavior. (2013). @ *The Forefront. Colorado School of Public Health Online* (April 16). Retrieved May 1, 2013: <http://attheforefront.ucdenver.edu/?p=3585>
- Contardo, J., & Tolbert, M. (N.d.). *Prison Postsecondary Education: Bridging Learning from Incarceration to the Community*. John Jay College of Criminal Justice.
- Crayton, A., & Neusteter, S. R. (N.d.). *The Current State of Correctional Education*. John Jay College of Criminal Justice, Prisoner Reentry Institute.
- Criminal History Screening in College Admissions: A Guide for Attorneys Representing College Applicants and Students during and after Criminal Proceedings*. (2013). Center for Community Alternatives.
- Collateral Consequences Assessment Tool (N.d.). University of North Carolina, School of Government. Retrieved May 6, 2013: <http://ccat.sog.unc.edu/>
- Davis, M. J. (2006). (N. Sokoloff, Interviewer).
- Erisman, W. & Contardo, J. (2005). *Learning to Reduce Recidivism: A 50-state Analysis of Postsecondary Correctional Education Policy*. Institute for Higher Education Policy. Retrieved May 9, 2013: <http://www.ihep.org/assets/files/publications/g-l/LearningReduceRecidivism.pdf>
- Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., Booth, E. A. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. The Council of State Governments Justice Center and the Public Policy Research Institute.

Fine, M., Torre, M. E., Boudin, K., Bowen, I., Clark, J., Hylton, D., et al. (2001). *Changing: The Impact of College in a Maximum Security Prison: Effects on Women in Prison, the Prison Environment, Reincarceration Rates, and Post-Release Outcomes*. Graduate Center of the City University of New York.

Flanders, L. (2011, December 26). Immigration: A Feminist Issue. *The Nation*, pp. 17-20.

Fletcher, Jr., B. (2013, June 24). Responding to Supreme Court's Affirmative Action Decision. *Portside*. Retrieved June 27, 2013: <http://portside.org/2013-06-25/responding-supreme-courts-affirmative-action-decision>

Flower, S. (2009). *Baltimore City REP/PI Window Replication Project: Preliminary Analysis of Survey Results*. Greenbelt, MD: Choice Research Associate.

Gaes, G. G. (2008). *The Impact of Prison Education Programs on Post-Release Outcomes*. Reentry Roundtable on Education, March 31 and April 1, 2008.

Glaze, L. (2011). *Correctional Population in the United States, 2010*. Washington, DC: Bureau of Justice Statistics.

Glaze, L., & Bonczar, T. P. (2011). *Probation and Parole in the United States, 2010*. Washington, DC: Bureau of Justice Statistics.

Glaze, L., & James, D. J. (2006). *Mental Health Problems of Prison and Jail Inmates*. Washington, DC: Bureau of Justice Statistics.

Gonnerman, J. (2004). Million-Dollar Blocks. *Village Voice* (Nov. 9). Retrieved May 19, 2013: <http://www.villagevoice.com/2004-11-09/news/million-dollar-blocks/>

Gorgol, L. & Sponsler, B. (2011). *Unlocking Potential: Results of a National Survey of Postsecondary Education in State Prisons*. Institute for Higher Education Policy.

Goucher Prison Education Program. Retrieved May 1, 2013: <http://www.goucher.edu/academics/other-academic-offerings/goucher-prison-education-partnership>

Gudrais, E. (2013). The Prison Problem. *Harvard Magazine*. Retrieved April 20, 2013: <http://www.hks.harvard.edu/news-events/news/articles/bruce-western-harvard-magazine-profile>

Guerino, P., Harrison, P.M., & Sabol, W.J. 2011. *Prisoners in 2010*. Retrieved April 1, 2012: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2230>

Harrison, P.M., Beck, A.J. (2007). *Prisoners in 2005*. Washington, DC: Bureau of Justice Statistics.

Henry, M. (2011, August 24). Pell Grants for Prisoners. *The Cornell Daily Sun*.

Holding, C., Dace, T., Schocken, S., Ginsburg, R. (2010). *Prison Higher Education Programs: An Incomplete Assessment*. University Beyond Bars.

The Inside Out Center – The Inside Out Prison Exchange Program. Retrieved June 28, 2013: <http://www.insideoutcenter.org/>

Jacobs, A. L. (2005). Improving the Odds: Women in Community Corrections. *Women, Girls & Criminal Justice* , 6 (5), 65-80.

*Juvenile Collateral Consequences in the State of Maryland*. (N.d). Retrieved July 17, 2012 from Think Before You Plea: <http://www.beforeyouplea.com/md> .

Justice Mapping Center. (2010). Justice Mapping Center Launches First National Atlas of Criminal Justice Data (October 5). Retrieved May 19, 2013: <http://www.justicemapping.org/archive/category/news/>

Karpowitz, D. (2005). Prison, College, and the Paradox of Punishment, *Crimes and Punishment. Perspectives from the Humanities Studies in Law, Politics and Society* , 37, 305-331.

Karpowitz, D., & Kenner, M. (N.d.). *Education as Crime Prevention: The Case for Reinstating Pell Grant Eligibility for the Incarcerated*. Bard College: Bard Prison Initiative.

Langan, P. A., & Levin, D. J. (2002). *Recidivism of Prisoners Released in 1994*. Washington, DC: Bureau of Justice Statistics.

Mauer, M. (2013). *The Changing Racial Dynamics of Women's Incarceration*. The Sentencing Project. Retrieved May 1, 2013: [http://www.sentencingproject.org/doc/publications/rd\\_Changing%20Racial%20Dynamics%202013.pdf](http://www.sentencingproject.org/doc/publications/rd_Changing%20Racial%20Dynamics%202013.pdf)

Michalsen, V. (2007). *Going Straight for Her Children? Mothers' Desistance after Incarceration*. City University of New York, Graduate Center.

Morash, M., Bynum, T. & Koons, B. (1998). Women Offenders: Programming Needs and Promising Approaches. *Research in Brief*. National Institute of Justice. Retrieved July 4, 2012: <https://www.ncjrs.gov/pdffiles/171668.pdf> .

Ney, B., Ramirez, R., & Van Dietsen, M. (2012). *Ten Truths That Matter When Working With Justice Involved Women*. National Resource Center on Justice Involved Women.

Nichols, J. (2013, June 25). SCOTUS Voting Rights Act Decision Means We Need "Right to Vote" Amendment. *Portside*. Retrieved June 27, 2013: <http://portside.org/2013-06-25/scotus-voting-rights-act-decision-means-we-need-right-vote-amendment>

*Pathways from Prison to Postsecondary Education Project*. (2013). VERA Institute for Justice. Retrieved May 1, 2013: <http://www.vera.org/project/pathways-prison-postsecondary-education-project> .

*Reentry MythBusters* (2011). Federal Interagency Reentry Council. Retrieved May 2, 2013: (<http://www.nationalreentryresourcecenter.org/reentry-council>

Richie, B. (2001). Challenges Incarcerated Women Face as They Return to Their Communities: Findings from Life History Interviews. *Crime & Delinquency* , 47 (3), 368-389.

Ross, J., & Gangi, R. (2009). *Education from the Inside, Out: The Multiple Benefits of College Programs in Prison*. Correctional Association of New York.

Runyan, C. W., Pierce, M. W., Shankar, V., & Bangdiwala, S. I. (2013). Can Student-Perpetrated College Crime Be Predicted Based on Precollege Misconduct? *Injury Prevention*, 10: 1136-. (Published online first 2012).

Smith, N. (2013). Email Correspondence. (N. Sokoloff, Interviewer).

Solomon, A.L., Johnson, K. D., Travis, J., & McBride, E. C. (2004). *From Prison to Work: The Employment Dimensions of Prisoner Reentry*. Washington, DC: The Urban Institute.

Spycher, D., Shkodriani, & G., Lee, J. (N.d). *The Other Pipeline: From Prison to Diploma: Community Colleges and Correctional Education Programs*. College Board and JBL Associates, Inc.

Stephan, J.J. (2001). *Census of Jails, 1999*. Washington, DC: Bureau of Justice Statistics.

Stephan, J.J., & Walsh, G. (2011). *Census of Jail Facilities, 2006*. Washington, DC: Bureau of Justice Statistics.

Steurer, S., & Smith, L. G. (2003). *Education Reduces Crime: Three-State Recidivism Study Executive Summary*. Lanham, MD: Correctional Education Association and Management & Training Corporation Institute.

*The Use of Criminal History Records in College Admissions Reconsidered* (2011). Center for Community Alternatives.

Travis, J. (2002). Invisible Punishment: An Instrument of Social Exclusion. In M. Mauer, & M. Chesney-Lind (Eds.), *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: New Press.

Travis, J., Solomon, A. L., & Waul, M. (2001). *From Prison to Home – The Dimensions and Consequences of Prisoner Reentry*. Washington, DC: The Urban Institute.

VERA Institute of Justice, Center on Sentencing and Corrections. (2012). *The Price of Prisons - Maryland*.

VERA Institute of Justice. (2013). *North Carolina Joins Pioneering Initiative to Expand Access to Higher Education for People in Prison and After Release*. Retrieved February 14, 2013: <http://www.vera.org/news/north-carolina-joins-pioneering-initiative-expand-access-higher-education-people-prison> .

Visher, C., LaVigne, N., & Travis, J. (2004). *Returning Home: Understanding Challenges of Prisoner Reentry - Maryland Pilot Study: Findings from Baltimore*. Washington, DC: The Urban Institute.

*The War on Marijuana in Black and White*. Rep. New York: American Civil Liberties

Williams, P. (2013). Lessons from the Central Park Five, *The Nation*, May 6. Retrieved May 16, 2013: <http://www.thenation.com/article/173910/lessons-central-park-five>

Wright, E. M., Salisbury, E. J., & Van Voorhis, P. (2007). Predicting the Prison Misconducts of Women Offenders: The Importance of Gender-Responsive Needs. *Journal of Contemporary Criminal Justice*, 23, 310-340.

**Appendix A – Maryland Correctional Data**

**Prison Population**

<b>Year</b>	<b>Total Population</b>	<b>Female Population</b>	<b>Source</b>
1995	20,450	1,079	(Harrison & Beck, 2005)
2000	23,538	1,219	(Guerino, Harrison, & Sabol, 2011)
2005	22,737	1,097	(Harrison & Beck, 2005)
2010	22,645	959	(Guerino, Harrison, & Sabol, 2011)

**Jail Population**

<b>Year</b>	<b>Total Population</b>	<b>Source</b>
1999	10,945	(Stephan J. J., 2001)
2006	13,097	(Stephan & Walsh, 2011)
2010	11,849	(Guerino, Harrison, & Sabol, 2011)

**Probation/Parole Population**

<b>Year</b>	<b>Probation Population</b>	<b>Parole Population</b>	<b>Total Population</b>	<b>Source</b>
1995	71,029	15,748	86,777	(Adults on Probation, Federal And State-By-State, 1977-2010, 2011) (Glaze & Bonczar, 2011)
2000	81,523	13,666	95,189	
2005	75,593	14,271	89,864	
2010	88,181	13,195	101,376	

**Appendix B – Questionnaire**

**College Survey Data Collection Form for “Policies for College Education for People with a Criminal Record in Maryland”**

Date and Time of Call: \_\_\_\_\_

Name of School Called (*Optional*): \_\_\_\_\_

1. Does your college/university *ask about or consider an applicant’s juvenile offender, suspension status OR criminal record* as part of your admissions process?

JUVENILE Offender: Yes: \_\_\_ No: \_\_\_      CRIMINAL Record: Yes: \_\_\_ No: \_\_\_

Comments:

1a. Do you *do a criminal background check?* (By this we mean a criminal history check or another kind of investigation other than the applicant’s self disclosure)    Yes: \_\_\_    No: \_\_\_

1b. If you answered yes to 1a, do you do the criminal background check before or After you extend an offer of admission?    Before: \_\_\_    After: \_\_\_

2. If the applicant has a criminal record, but is otherwise qualified, does is application considered by a special committee or individual for further review or is the applicant automatically rejected?

Special review/committee: \_\_\_    Automatically rejected: \_\_\_

If not automatically rejected, specify who leads the special review of the application:

- \_\_\_ Admissions Director
- \_\_\_ Undergraduate Dean
- \_\_\_ Security
- \_\_\_ Other

3. If you in any way consider an applicant’s criminal record, **what types of crimes are considered?** (Please check all that apply)

- \_\_\_ Felony (i.e.: murder, arson, burglary)
- \_\_\_ Misdemeanor (i.e.: petty theft, prostitution, disorderly conduct)
- \_\_\_ Youthful Offense (any crime committed by a person under the age of 18)
- \_\_\_ Violent Crime
- \_\_\_ Non-violent Crime
- \_\_\_ Drug-related Crime (i.e. possession, use, sale)

3(a). Are there any crimes or classes of crimes for which there is an **automatic bar to admission**? If yes, check all that apply:

- \_\_\_ For all felonies
- \_\_\_ For specific felonies



- Violent felonies only
- Drug offenses
- Sex offenses
- Offenses against children
- Other

3(b). Does the length of time passed since the crime was committed play a role in the admission decision? Yes  No   
If yes, specify how:

4. If an applicant is denied admission to your college because of their criminal record, would they be **given notification** that their criminal record was the reason for the denial? Yes   
No

Comments:

5. Is there an **appeals process** if an applicant is denied because of a criminal record?  
Yes  No

If yes, how does the appeals process work:

6. Once accepted, are there any **requirements, restrictions, or special supervision measures** placed on students who are admitted with a criminal record? (For example, are they allowed to live in a dormitory? Are they placed on academic or social probation? Are they able to receive financial support?)  
Yes  No

If yes, please explain the requirements, restrictions or supervision measures:

7. Are there any resources at your school to help a student with a youthful offender or criminal record? (For example counseling, legal aid, transportation etc.)  
Yes  No

Please describe any resources you may offer:

7(a). Are there any resources at your school to specifically help *a woman* with a criminal record? (For example child care, housing,

Yes \_\_\_ No \_\_\_

Please describe any resources you may offer:

7b. Would you be interested in exploring how your school might partner with the **Maryland Correctional Institute for Women (MCIW)** to help their women pursue—or continue to pursue—their college educations. Yes \_\_\_ No \_\_\_

Comments:

8. Have you collected any data that might indicate students who attend your college who have a youthful offender or criminal record *have committed a crime on campus at greater or lesser rate than students who do not have a criminal record?*

If yes, what have you learned from these data?

Is there a written report?

Who should we contact about this data?

9. Is there anybody else we should talk to?

### **General Comments**

**Appendix C – Institutions Surveyed**

<b>Institution</b>	<b>Type</b>
Bowie State University	Public, 4 Year
Coppin State University	Public, 4 Year
Frostburg State University	Public, 4 Year
Salisbury University	Public, 4 Year
Towson University	Public, 4 Year
University of Baltimore	Public, 4 Year
University of Maryland - Baltimore County	Public, 4 Year
University of Maryland - College Park	Public, 4 Year
University of Maryland - Eastern Shore	Public, 4 Year
University of Maryland - University College	Public, 4 Year
Morgan State University	Public, 4 Year
St. Mary's College of Maryland	Public, 4 Year
United States Naval Academy	Public, 4 Year
Alleghany College of Maryland	Community College
Anne Arundel Community College	Community College
Baltimore City Community College	Community College
Carroll Community College	Community College
The Community College of Baltimore County - Catonsville	Community College
Cecil College	Community College
College of Southern Maryland	Community College
Chesapeake College	Community College
Frederick Community College	Community College
Garrett College	Community College
Hagerstown Community College	Community College
Harford Community College	Community College
Howard Community College	Community College
Montgomery College - Rockville	Community College
Prince George's Community College	Community College
Wor-Wic Community College	Community College
Baltimore International College	Private, 4 Year
Capitol College	Private, 4 Year
College of Notre Dame of Maryland	Private, 4 Year
Goucher College	Private, 4 Year
Hood College	Private, 4 Year
ITT Technical Institute	Private, 4 Year
Johns Hopkins University	Private, 4 Year
Lincoln College of Technology	Private, 4 Year
Loyola University Maryland	Private, 4 Year
Maryland Institute College of Art	Private, 4 Year
McDaniel College	Private, 4 Year
Mount St. Mary's University	Private, 4 Year
St. John's College	Private, 4 Year
SANS Institute	Private, 4 Year
Sojourner-Douglass College	Private, 4 Year

Stevenson University	Private, 4 Year
Tai Sophia Institute	Private, 4 Year
Washington Adventist University	Private, 4 Year
Washington College	Private, 4 Year
TESST College of Technology	Private, 2 Year
Fortis College	Private, 2 Year