

Criminal History Check Box

The United States has a problem with mass incarceration. This could be for many reasons, like policies that politicians have enacted in a broken criminal justice system. Data shows that Black youth are more likely to get detained or sent to jail than white youth. Black youth are five times more likely to be detained or sent to jail than white youth (Rovner,2021).

After getting out of jail, these criminal offenses could follow a person for the rest of their life. In a college application, it asks the question, “Have you ever been convicted of a crime?” This goes to say that if someone with a criminal offense wants to go to college, they must disclose that they have committed a crime. This could then discourage students from ever applying for college. This could also automatically disqualify a student from getting accepted to a college due to biases. Most of these students are Black and Hispanic men who will be getting rejected due to checking this box or will get discouraged to not apply to the institution. Higher education can be a powerful tool to help students improve and change. There will also be a benefit regarding diversity, equity, and inclusion when thinking about these students. Therefore, I am proposing that The University of Iowa eliminate its current policy regarding criminal background checks with undergraduate and graduate applications and ban the criminal background check in applications altogether.

Currently

The University of Iowa campus is a predominantly white institution. In fall 2022, the enrollment number of total students was 31,317 this includes undergraduate, graduate, and preprofessional students. Around 74% of these students were white, 3% African American or Black, and Hispanic and Latinx was around 7.9%, according to The University of Iowa admissions office. (<https://uiowa.edu/about-iowa>). This issue should be addressed when considering diversity, equity, and inclusion. There is a lack of diversity on campus.

A diverse campus is important as it reflects our changing nation in The United States. Tsuo (2015) mentioned that having a diverse campus improved a student’s “intellectual engagement, self-motivation, citizenship and cultural engagement, and academic skills” (Tsuo, 2015). There are still huge disparities when it comes to higher education and race. There is a considerable gap when it comes to the attainment of a bachelor’s degree between Black and Hispanic students. According to The Pell Institute (2020), 35% of the white population over 25 had a bachelor’s degree compared to 26% of the Black population and 19% of the Hispanic population. (NACUBO, 2020) It is important to close this gap, and it would be beneficial for everyone if one does.

Black and Hispanic men have a higher arrest rate. Data shows that 44% of Hispanic men and 49% of Black men have been arrested at least once before the age of 23 (Scott-Clayton, 2017). While not all offenses are permanent, around 20% of men (ages 28-33) with a high school diploma have a criminal conviction (Scott-Clayton, 2017). This data is essential since it is proven that some institutions deny individuals due to answering yes to the criminal history question in a college application that might disproportionately affect Hispanic and Black men. The University of Iowa getting rid of the Criminal background check on their undergraduate and graduate applications could help even the playing field with these students and help increase the number of Black and Hispanic or Latinx students.

Literature

According to some literature, there is reason to believe that getting rid of the criminal background check in applications would resolve some diversity issues at The University of Iowa. Many institutions do different things across the United States. In some institutions, the criminal background check question cannot be skipped and does not offer a follow-up question on what specifically happened. According to Scott-Clayton (2017), around 55% of public institutions require the criminal history question when a student applies (Scott-Clayton, 2017). This varies with community colleges and private institutions. Former President Obama urged “colleges to rethink their policies on using criminal justice information in admissions decisions” (Gravley, 2021). There also has been legislation that has not moved in congress, called Beyond the Box for Higher Education Act of 2021, which Hawaiian Senator Brian Schatz introduced. This specific bill will guide and recommend institutions to remove criminal history questions from their application (Gravley, 2021). Many institutions are worried about what it could mean for them if they get rid of the criminal history question.

The question “Have you ever been convicted of a crime?” has been used as a way for universities to say they care about campus safety and to reduce violence on campus. A study done by Pierce et al. (2014) surveyed around 300 institutions and asked the reason why they specifically have the criminal history question on their applications. The survey showed that 64.9% of these institutions said it was very important due to reducing violence. Other common answers were to protect against liability and to reduce drug use on campus (Pierce et al., 2014).

No evidence shows that adding the criminal history box question in applications makes colleges safer and less violent. Pierce and colleagues (2014) mentioned that students who reported a criminal history had the same chance of getting into criminal misconduct as a student who does not have a criminal history. There was also a lower percentage of 3.3% of graduating seniors who had reported that they had a criminal history and then committing a crime again (Pierce et al., 2014). One could think about college education as preventing recidivism and argue that accepting these students could help them not return to jail.

Pierce and colleagues (2014) also asked the different institutions if they ever denied an applicant due to them disclosing their criminal history. At least 35% of the respondents said they had denied at least one individual because they answered yes to the question (Pierce et al., 2014). However, 46% of schools indicated they had not rejected someone due to their answer, and 19% indicated they did not know if they did. Of the institutions that have denied students due to criminal history, at least 3% have denied 51 to 71 applicants (Pierce et al., 2014).

A study by Pager (2003) discussed the biases and barriers of criminal history for employment. Where disclosing that one had a prior criminal record, limited the employment opportunity for the applicant. The study by Pager (2003) also mentioned that “black nonoffenders fall behind whites with prior felony convictions” (Pager, 2003) when it comes to employment opportunities. This is important to point out because there could be some biases going on when denying students when they do check the criminal history box.

Policy Change

The University of Iowa has recently added the criminal background check in the Fall 2016 application cycle. This was done to improve "convenience for students wanting to apply to

more than one of Iowa's public universities" (Miller, 2015). Iowa State and the University of Northern Iowa have had these questions for years before The University of Iowa. The Board of Regents also recommended that the criminal background check be implemented.

When starting the conversation with this policy change, starting with the Office of Student Accountability at The University of Iowa would be necessary. Angela Ibrahim-Olin, the director of student accountability, would have great insight into how one can start the conversation, especially when it involves student records and the criminal history checkbox. It will be a straightforward proposal to take out the current policy regarding the criminal background check with undergraduate and graduate applications. Though, there will be many objections and pushback regarding this policy change.

Safety for the student would be a significant objection to not do this policy. This concern would most likely be coming from the parent of the student. Though as Pierce and colleagues (2014) mentioned, no evidence shows that a campus will be unsafe due to a student with a past criminal record attending. However, educating people with past criminal records shows lower recidivism rates and criminal activity. According to a study by Zoukis (2017), the recidivism rate after getting a bachelor's degree is 5.6 percent compared to someone who completed high school at 55 percent (Zoukis, 2017).

The University of Iowa could also use the University of California as an example when following an institution example. While the state of California passed legislation that bans the criminal history box from college admissions, some colleges, including the University of California, did it way before that (Vest et al., 2020). There is an opportunity here at The University of Iowa to take out the question without the state of Iowa passing legislation.

Conclusion

While this topic needs more research, some data came to the point that the criminal history box should be removed from the college application process. We see institutions constantly discussing different ways to recruit different populations of students. Eliminating the criminal history box would be great way to increase diversity on campus by increasing the Black and Hispanic/Latinx population. Incarceration seems to be worsening in the country. The University of Iowa could help lead the way of diversity, equity, and inclusion by removing the criminal history box from its applications. Everyone deserves a fair and equal shot when it comes to education and a box from a past mistake should not be the reason why you don't get one.

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