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**CRIMINAL AND DISCIPLINARY HISTORY QUESTIONS IN COLLEGE
ADMISSIONS: A MIXED-METHODS ANALYSIS OF HISPANIC SERVING
INSTITUTIONS**

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INTRODUCTION

There is an existing national trend of children being “funneled out” of public schools and into juvenile and criminal justice systems. Strict “zero-tolerance” policies criminalize minor infractions of rules and cops within education lead to students becoming criminalized from an early age. Students of color are more vulnerable to these push-out trends and experience disproportionately harsher punishments than white students in public schools (The Council of State Governments Justice Center, July 2011).

In order to better implement transfer practices that support individuals with previous criminal histories at Hispanic Serving Institutions (HSIs), there must be an identification of the existing harms of biases within the admissions process. An often critical practice within the admissions process among HSIs that impacts college accessibility is requiring the disclosure of applicants’ criminal background and academic disciplinary histories. While the process of asking about criminal and disciplinary history is common, it is unknown how frequent this practice is implemented and whether specific types of institutions are more likely to ask these questions. This is an important issue as these questions have a chilling effect (American Association of Collegiate Registrars and Admissions Officers, 2019) that may exclude prospective students with criminal backgrounds. This creates a detrimental consequence for equity and access for communities of color, who historically have suffered targeted incarceration by the carceral state.

METHODS

This research examines the existence and purpose of criminal and disciplinary history questions in undergraduate admissions among postsecondary HSIs. By emphasizing the need for equity and the purpose of institutional responsibility, this research proposes that all higher education institutions should not require the disclosure of criminal and/or disciplinary histories.

This research was conducted using a mixed-methods approach to document, describe, and ultimately identify if criminal and disciplinary history questions influence undergraduate admissions among HSIs. The initial sample of postsecondary institutions was 191. Upon further review, 15 institutions were excluded; the final sample for this study was a total of 176 institutions.

Through a collective use of internet documentation, descriptive statistics, qualitative interviews, and survey data this research addresses the following research questions:

1. Among select HSIs, how many require criminal and/or disciplinary questions in undergraduate admissions, including transfer?
2. Of applications that require disclosure, what is asked and how are the questions worded?
3. What determines whether criminal and/or disciplinary questions are included on an admissions application?
4. When a disclosure is made, what process follows the disclosure and what entities are involved in the decision-making process?
5. How do admissions administrators at HSIs perceive criminal and/or disciplinary questions in undergraduate admissions, including transfer?

RESULTS

Ask for Criminal History and/or Academic Discipline?

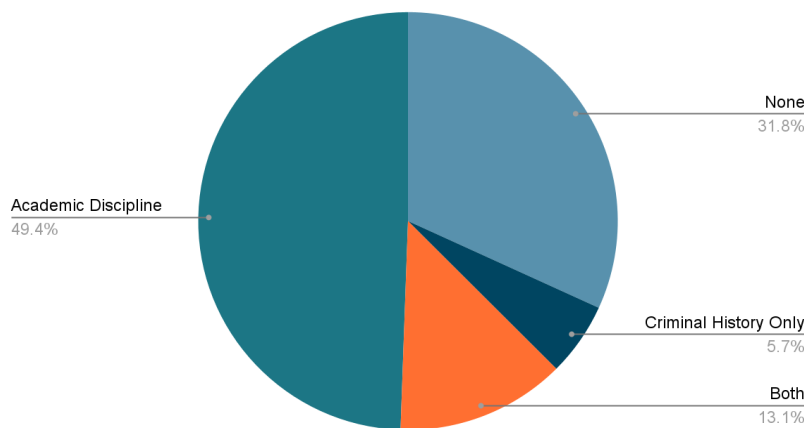


Figure 1 – How many HSIs include questions regarding criminal and/or disciplinary history in the initial undergraduate or transfer admissions application.

Our analysis found that out of the 176 HSIs included in the study, 10 institutions (31.8%) solely inquired about criminal history while 87 (49.4%) inquired only regarding disciplinary history; a total of 23 institutions (13.1%) included both types of questions. There were 56 institutions (31.8%) that did not ask for disclosure of any criminal or disciplinary history on their applications. This indicates that institutions differed greatly in the types of disclosures required for admissions.

| Institution Type | Inquired About Both | Only Criminal History | Only Disciplinary History |
|------------------|---------------------|-----------------------|---------------------------|
| Public, 2-year | 6 (3.41%) | 0 (0%) | 54 (30.68) |
| Public, 4-year | 6 (3.41%) | 5 (2.84%) | 32 (18.18%) |
| Private, 2-year | 1 (0.59%) | 0 (0%) | 0 (0%) |
| Private, 4-year | 14 (7.95%) | 5 (2.84%) | 1 (0.59%) |

Figure 2 – Differences in inquiries among public and private institutions.

CONCLUSION

We also explained the differences across public and private institutions. In the sample, there were 133 public and 43 private institutions. Upon review, public institutions were more likely to include disciplinary questions whereas private institutions were more likely to include criminal history questions.

There is nearly no existing empirical evidence that supports the claim that students with criminal histories present greater risks to campus safety nor that excluding them will create safer campuses (Center for Community Alternatives, 2015; Runyan, Pierce, Shankar, & Bangdiwala, 2013; Sokoloff, & Fontaine, 2013). The inclusion of criminal history and discipline questions consequently elicits a “chilling effect” that “closes the doors” of higher education for people with criminal histories more than actual rejections based on past convictions (American Association of Collegiate Registrars and Admissions Officers, 2019).

From the research presented here, we don't fully know about the effects of these questions, but we do know that the use of these questions is very inconsistent across institutions. More research is needed to focus on understanding the negative effects caused by including such questions.

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