

Judicial Information

The University of Maryland strives to provide a safe campus and learning environment. The University thus asks questions about an applicant's criminal history. An affirmative response to any of these questions will not result in an automatic denial of admission or enrollment. All relevant circumstances will be considered. The University reserves the right to request further information from the applicant to verify the information disclosed. In addition, applicants who are admitted may be required, as a condition of participation in certain programs, to complete a criminal history consent form, and agree to a criminal background check.

Please note: You are required to update the Office of Undergraduate Admissions at ApplyMaryland@umd.edu (please use the subject line "Disciplinary Update") should a situation take place that would cause your answer to one of the below questions to change. This includes, but is not limited to, any criminal convictions or disciplinary actions taken against you after the time of application submission through the start of classes of your first semester at the University.

*Has disciplinary action been initiated against you at any of the institutions attended, including the University of Maryland?

Yes

No

*Have you ever been charged with, pleaded guilty to, or been found guilty of any criminal offense, other than a minor traffic violation, for which charges have not been expunged?

Yes

No

*Do you currently have criminal charges pending against you, excluding minor traffic violations?

Yes

No

*Have you ever received formal disciplinary action or a dishonorable discharge from any branch of the military?

Yes

No

*If you have answered yes to any of the questions above, please include a detailed statement describing the situation and its resolution.

Financial Implications of Options Considered by the APAS Committee

Option 1: Continue using the same questions on the application and process for reviewing responses.

- No direct financial implications.
- However, the perception that having a criminal background may prevent a student from being admitted to the University would persist.

Option 2: Remove all Judicial Information questions from the application entirely.

- No direct financial implications. However:
 - The University would assume more liability/risk for not asking questions, in that it is not doing all it could do to be aware of potential safety threats as new members join the campus community.
 - If the Senate voted to stop asking questions about criminal background in the admissions application, the University would likely feel compelled to find other mechanisms to assess any potential risks to the campus community, to mitigate the increase in liability. Significant financial resources would be needed, in order to: create a process for gathering information and create an office and/or hire staff to conduct a review outside of the admissions office. Additional resources may be expended if such systems were created in multiple places (for example, one process for housing, another process for a specific academic program).

Option 3: Continue asking questions on criminal and disciplinary history, but revise the process to ask the questions at a later point during the admissions process.

- Significant financial resources needed, in order to:
 - create a process for gathering the information, since there is no post-application process where all applicants/admitted students provide information for review
 - create an office and/or hire staff to conduct this review, since it will likely need to be completed on a quicker timeline in order to have as little impact as possible on the admissions/enrollment/orientation timelines
 - develop a data integrity process
- This could negatively impact the admissions timeline – all admissions decisions are released by April 1st and admitted students have to confirm enrollment by May 1st. If this stage has to come after the decision is released but before the enrollment confirmation date, that leaves very little time for review. If it does not come before May 1st, students would lose the option to go to another institution after the secondary review at UMD.
- The University would need to determine if it would revoke admission from any students who would pose a threat given their criminal history, or what would be done with the information after an admissions decision was made.
- This would also likely have the same deterrent effect on students as having the questions on the application – students would have no more reassurance that the review would be fair and would not unreasonably bar them from coming to

the University. They would also be aware that if this review happens or concludes after the traditional May 1st enrollment deadline, the student would no longer have the opportunity to go elsewhere if they did not want to participate in the process. This may have additional negative consequences, in terms of discouragement and general negative feeling towards UMD.

Option 4: Continue asking questions on criminal and disciplinary history, but revise the questions to more narrowly target specific conduct and take additional steps to communicate with applicants about the process.

- No direct financial implications. Some resources in terms of time and effort may be needed, in order to: revise the questions and the text on the application, and to enable additional communication with prospective applicants to reassure them about the process.

FAQs on the APAS Committee's Recommendations

Question: How many applicants does this affect?

Answer: Typically, less than 1% of applicants answer yes to one or more of these questions. Last year, there were 142 cases forwarded to the Office of Student Conduct for review from the undergraduate admissions application questions and only 14 cases were given a negative recommendation from the OSC. It is very rare for these applicants to be denied admission if they are academically eligible. The vast majority of cases reviewed by the OSC involve minor violations that are resolved without extensive review.

Question: Do Peer Institutions ask similar questions on applications?

Answer: Yes, many peer institutions do ask similar questions. APAS reviewed the processes and questions at Big 10 and other peer institutions, with the assistance of existing Big Ten Academic Alliance networks. Information was provided to the committee for nine institutions. Of those who responded to the request for information, six institutions have a process that aligns with the process at the University of Maryland, where they ask criminal and/or disciplinary history questions in the application. Two institutions do not ask such questions, and one asks questions after an admissions decision has been communicated, as a requirement prior to enrollment.

Question: Is there research that indicates this is a problem?

Answer: Scholarly research in this area is limited, but generally shows that a majority of institutions collect some information regarding criminal backgrounds through applications. There is one study of the impact of the questions on applicants in the State University of New York system. It estimates that a large percentage of applicants are in effect denied admission because they do not complete the application process and therefore cannot be considered. The study indicated that two out of every three applicants who responded affirmatively to a question on criminal background did not submit the application. However, the study did not consider or address other reasons why those applicants did not submit the application; it presumes they declined to submit because of the criminal background questions, when there could be any number of other reasons they declined to submit the application. The APAS Committee did not feel this study represented a strong correlation, and was concerned that there is a lack of evidence in this area.

Question: What relevant state legislation is there?

Answer: The Maryland General Assembly introduced and approved legislation related to criminal history in the undergraduate admissions process last year, in order to promote the admission of students with criminal records to provide them with the opportunity to obtain the knowledge and skills needed to contribute to the State's economy. The legislation was approved in April 2017, vetoed by the Governor in May 2017, and the veto was overridden by the General Assembly in January 2018.

The legislation's purpose was to limit the use of criminal history information in the admissions process so that a student's criminal history does not automatically or

unreasonably restrict a student's admission. The legislation does not prohibit universities that use third-party applications from asking questions on criminal background. UMD's process fulfills the requirements of the legislation and the intent behind it; we do not use criminal background as a primary factor in determining eligibility, and our process ensures that each applicant is reviewed for academic eligibility first and is given an opportunity to provide information to explain the incident to be considered in the review process. We also take steps to make it clear to applicants that affirmative responses to these questions do not automatically disqualify them from admission.

Question: Why did you change the questions the way you did?

Answer: The APAS Committee felt it was presented with competing compelling concerns regarding access to education and campus safety, and it sought to find a balance that is appropriate for our campus community. APAS felt the questions on the application were too broad, in that they ask applicants to disclose information that does not need to be factored into decisions on conduct clearances in order to protect campus safety. They would require an applicant to disclose nearly anything that had ever happened to them, by requiring them to disclose charges and arrests as opposed to only convictions and pending actions. APAS agreed that this could disadvantage applicants who had been wrongfully charged or whose charges had been dismissed. APAS narrowed some of the questions to focus on decisions that had been confirmed, by focusing on convictions.

Question: Why is there a question about restraining orders?

Answer: When the committee was comparing its questions to those suggested by the Coalition for Student Success, this was one of the few questions that the Coalition suggested asking that UMD was not currently asking. It is asked by some peer institutions. With our current questions, the OSC would only find out about a restraining order if the applicant self-disclosed a criminal record that involved a restraining order, even though peace orders and restraining orders are viewable public records in Maryland. APAS felt that restraining orders are very pertinent to the types of issues the University should be aware of, because they can show whether the individual has a history of violent behavior or if there's a current pending concern about potential violence. Restraining orders may also be used in cases where a criminal conviction could be hard to reach, such as in sexual misconduct cases.

Question: Why didn't you narrow the questions further to specify felony convictions?

Answer: Typically, a felony indicates a higher level of severity than a misdemeanor. However, there are some criminal charges that are not felonies that this institution may still want to be informed about. For example, types of sexual misconduct (including sexual harassment, stalking, and domestic violence) can be misdemeanors rather than felonies depending on the jurisdiction and the facts of the case.

Question: What types of incidents are applicants rejected for?

Answer: The review process is meant to identify serious or significant conduct that has

the potential to harm members of the community or the safety of the community at large. When applicants disclose minor offenses, such as traffic violations or isolated drug or alcohol citations, those applicants are typically cleared for admission without extensive review.

When applicants disclose serious offenses, such as violent behavior, drug distribution, or a history of sexual violence, the OSC assesses whether there is a pattern of behavior that could negatively impact the health and safety of others in the campus community, if the conduct were to be repeated here. Repeated incidents of the same or similar violent conduct, or patterns of sexual misconduct, may be cause for concern. In 2017-2018, the types of conduct involved in the cases that were not cleared included theft of over \$10,000, drug distribution, severe hazing, assault, sexual assault, and domestic violence or intimate partner violence.

In all cases, the applicant is given opportunities to provide more information and explain the circumstances surrounding the incident as well as how they have learned or grown as a result of the incident.

Question: Why can't we just move the questions to later in the process?

Answer: Moving the questions to after an admissions decision is made would be logistically difficult and likely would not address the underlying problem of deterring applicants with criminal backgrounds. APAS felt such a process would likely have the same deterrent effect on students as including the questions on the application, as it does not address the perception by the applicant that they may be unreasonably barred from the University as a result of their disciplinary history; changing when in the process the questions are asked does nothing to reduce the perception that the responses will be judged unfairly. This secondary process may have additional negative consequences, in terms of an increase in discouragement and negative feeling towards UMD, especially if students face the threat that admissions decisions may be revoked. An additional step that makes enrollment contingent on another layer of review would likely result in applicants with or without criminal backgrounds choosing to attend another institution or opting out of answering the questions.

This would also be logistically and financially difficult to organize and administer. There is no point in our current process after the application where we require students to provide information before they are allowed to enroll or register, so we would need to set up a process to collect and review criminal background information. It could also affect the timeline for offering admission and accepting admissions offers, since there would need to be time between the initial decision and enrollment for another layer of review to finalize the admissions offer. Right now, all admissions decisions are released by April 1st and admitted students have to confirm enrollment by May 1st.

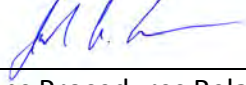
Question: Why did you recommend something related to resources for incoming students?

Answer: The review process for these types of prior history can be an opportunity to connect applicants with resources once they become students. Applicants who go

through the conduct clearance process can be given information on campus resources they could access if they were to enroll, such as resources in the Heath Center or Counseling Center. The committee felt enhancing information available to applicants could be a useful tool in ensuring their success once they join the University community.



**University Senate
CHARGE**

Date:	March 10, 2017
To:	Philip Evers Chair, Academic Procedures & Standards
From:	Jordan A. Goodman Chair, University Senate 
Subject:	Undergraduate Admissions Procedures Related to Criminal Background
Senate Document #:	16-17-29
Deadline:	February 9, 2018

The Senate Executive Committee (SEC) requests that the Academic Procedures & Standards (APAS) Committee consider issues related to asking potential undergraduate applicants to report criminal history in the admissions process.

Specifically, we ask that you:

1. Review any questions related to criminal background on the University of Maryland undergraduate admissions application.
2. Review undergraduate admissions applications questions and related procedures at peer institutions and other Big 10 institutions to understand their processes for reporting of criminal background information during the admissions process.
3. Consult with a representative from the Undergraduate Admissions Office to understand the current admissions process.
4. Consult with a representative from the Office of Student Conduct to understand its role in evaluating applicants who report past criminal history.
5. Consider whether including a question related to criminal background could discourage prospective students from applying to the university.
6. Consider the potential impact of this type of question on applicants from underrepresented minority groups.
7. Consult with the University's Office of General Counsel on any proposed changes.

8. If appropriate, recommend whether the current admissions processes should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than February 9, 2018. If you have any questions or need assistance, please contact Reka Montfort in the Senate Office at [301-405-5804](tel:301-405-5804) or reka@umd.edu.

JAG/rm