

1 **RESOLUTION 2021-004**

2 A RESOLUTION AGAINST THE USE OF THE OHIO STATE UNIVERSITY’S COMMUNITY  
3 ENROLLMENT QUESTION IN ALL PARTS OF THE STUDENT APPLICATION PROCESS

4 Authors: Story Edison.22, Delegate, Sociology; Benjamin McKinley.255

5 Sponsor: Executive Committee  
6

7 WHEREAS the Council of Graduate Students (CGS) is the representative body of all graduate students enrolled at The  
8 Ohio State University as established by Article II.I of the CGS Constitution; and  
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10 WHEREAS the Council is vested with the authority to voice graduate student concerns and needs to the university; and  
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12 WHEREAS the Ohio State University currently requires all accepted students to respond to the Community Enrollment  
13 Question post-admission<sup>1</sup>;and  
14

15 WHEREAS the Community Enrollment Question requires students to disclose prior felony charges, in addition to prior or  
16 pending academic and behavioral misconduct charges; and  
17

18 WHEREAS answering “yes” to the Community Enrollment Question puts any potential student’s admission on hold until  
19 they provide a detailed explanation of the situation pertaining to their felony conviction and this statement is reviewed by  
20 the Community Enrollment Review Committee<sup>2</sup>; and  
21

22 WHEREAS the University Community Enrollment Review Committee has the discretion to prevent the student from  
23 attending The Ohio State University if they disclose a felony conviction when responding to the community enrollment  
24 question<sup>2</sup>; and  
25

26 WHEREAS as part of the subsequent investigation into applicants who answered “yes” to the Community Enrollment  
27 Question at The Ohio State University, potential students are subjected to a background check that shows the committee  
28 not only their felony status but also other information such as misdemeanor charges and arrest history, all of which may  
29 be weighed in the consideration of barring the applicant from admittance<sup>2</sup>; and  
30

31 WHEREAS the wording of associated background information regarding the Community Enrollment Question is  
32 ambiguous and does not make clear to applicants that misdemeanors, previous arrests, and other factors from background  
33 checks will be considered in the decision-making process; and  
34

35 WHEREAS the ambiguity about whether applicants need to disclose misdemeanor charges and whether these charges will  
36 be considered in the review process has led applicants to not disclose misdemeanors and other supplementary information  
37 pertaining to their criminal history to the review board<sup>3</sup>; and  
38

39 WHEREAS a report on the use of criminal histories in college admission decisions found a “broad array of convictions  
40 are viewed as negative factors in the context of admissions decision-making, including drug and alcohol convictions,  
41 misdemeanor convictions, and youthful offender adjudications. If it is discovered that an applicant has failed to disclose a  
42 criminal record, there is an increased likelihood that the application will be rejected”<sup>4</sup>; and  
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<sup>1</sup>The Ohio State University. (n.d) University Community Enrollment Review Committee Review Process  
<http://enrollment.services.osu.edu/community-enrollment-review/>

<sup>2</sup> The Ohio State University. (2017). Self-Disclosure of Criminal Convictions, 4.17.  
<https://hr.osu.edu/wp-content/uploads/policy417.pdf>

<sup>3</sup> Bryant, Angela (personal communication, August 18, 2020) worked closely with multiple students who were denied admittance to OSU due to their failure to fully disclose their entire criminal history as a result of this ambiguity.

<sup>4</sup> Weissman, M., Rosenthal, A., Warth, P., Wolf, E., & Messina-Yauchzy, M. (2010). The Use of Criminal History Records in College Admissions Reconsidered. Center for Community Alternatives <http://www.communityalternatives.org/wp-content/uploads/2020/02/use-of-criminal-history-records-reconsidered.pdf>

44 WHEREAS beyond the initial issue of potential bias introduced by the ambiguity of the Community Enrollment Question,  
45 studies have revealed the amount of additional time and effort required to complete criminal history questions on college  
46 applications results in a higher attrition rate of students completing their application to a university<sup>5,6</sup>; and  
47  
48 WHEREAS The Ohio State University admission data demonstrates burnout for applicants who respond “yes” to the  
49 Community Enrollment Question is present in the application process. In 2018, 24% of students who reported a felony on  
50 the community enrollment question withdrew from the application process<sup>7</sup>; and  
51  
52 WHEREAS a recent audit study found students who reported a felony offense during their college applications are  
53 approximately three times as likely to be rejected for final admission<sup>5</sup>; and  
54  
55 WHEREAS in 2018, 41% of students who went before the University Community Enrollment Committee did not  
56 complete their enrollment at The Ohio State University<sup>7</sup>; and  
57  
58 WHEREAS taken together, these studies reveal the notable barrier the Community Enrollment Question serves for  
59 students applying to The Ohio State University and demonstrates that the question perpetuates discrimination against  
60 those with a criminal history in academic institutions; and  
61  
62 WHEREAS an array of articles find black students are disproportionately rejected relative to their white counterparts due  
63 to the fact that they report felony convictions more frequently<sup>5</sup>; and  
64  
65 WHEREAS black men are 6 times more likely to be incarcerated in 2017 for a felony conviction than white men. Though  
66 less severe, black women are also notably charged, tried, convicted, and incarcerated at a higher rate (2x) than white  
67 women. This disparity is particularly salient for potential black students, as black men between the ages 18-19 were 12  
68 times more likely to be incarcerated than white men their same age and black women between the ages of 18-19 were 4.4  
69 times as likely to be incarcerated than white women<sup>8</sup>; and  
70  
71 WHEREAS this literature demonstrates that including sections in college applications such as the Community Enrollment  
72 Question instills a heightened level of discrimination against black applicants; and  
73  
74 WHEREAS these studies suggest that the application process for The Ohio State University would be more equitable to  
75 applicants with criminal histories, particularly black and other minority applicants, if the Community Enrollment Question  
76 were no longer included in any part of The OSU application process; and  
77  
78 WHEREAS the argument that removing the Community Enrollment Question is unsafe due to a potential subsequent rise  
79 in crime is unfounded, as universities that do not ask students to disclose their criminal history do not report a higher  
80 incidence of crime than universities that do<sup>4,6</sup>; and  
81  
82 WHEREAS many academic institutions do not require the disclosure of criminal history as a condition for admittance<sup>4,6</sup>;  
83 and  
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<sup>5</sup> Stewart, Robert and Christopher Ugen. 2019. "Criminal records and college admissions: A modified experimental audit." *Criminology* (58): 1-33. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1745-9125.12229>

<sup>6</sup> US Department of Education: Beyond the Box. (2016). <https://www2.ed.gov/documents/beyond-the-box/fact-sheet.pdf>

<sup>7</sup> Bryant, Angela (personal communication, May 15,2018) Communication between Lisa Gilmore in OSU administration and Dr. Angela Bryant

<sup>8</sup> Bronson, J. and Carson, A. E. (2019). Prisoners in 2017. Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/p17.pdf>

85 WHEREAS multiple Big Ten universities no longer require students to disclose their criminal histories as a condition for  
86 admittance, including the University of Minnesota, the University of Wisconsin, and Rutgers University<sup>9,10</sup>; and

87  
88 WHEREAS some previous studies suggest removing felony conviction screeners in the employment setting results in  
89 statistical discrimination, as employers have been found to favor applicants from demographics that are statistically less  
90 likely to have criminal histories when it comes to interviews and employment<sup>11</sup>; and

91  
92 WHEREAS subsequent studies have demonstrated removing the criminal history screener from employment applications  
93 does not result in statistical bias<sup>12,13,14</sup>; and

94  
95 WHEREAS faculty at The Ohio State University also find the Community Enrollment Question and background checks of  
96 the OSU community to be discriminatory and request the question be removed from all aspects of student enrollment, in  
97 addition to faculty and staff hiring practices<sup>15</sup>.

98  
99 THEREFORE, BE IT RESOLVED the Council of Graduate Students desires the Community Enrollment Question to, at  
100 minimum, no longer require students to disclose felony convictions, behavioral misconduct, or any other form of criminal  
101 history as a stipulation of attendance.

102  
103 BE IT FURTHER RESOLVED the Community Enrollment Question may only require students to disclose prior academic  
104 misconduct.

105  
106 BE IT FURTHER RESOLVED the Community Enrollment Question should not be changed from required to optional, as  
107 this may lead students to feel obligated or pressured to disclose their criminal histories.

108  
109 BE IT FURTHER RESOLVED that The Ohio State University application process should not create an additional question,  
110 required or not, pertaining to the criminal convictions of students.

111  
112 BE IT FURTHER RESOLVED that The Ohio State University should not engage in statistical discrimination by admitting  
113 fewer students who are statistically more likely to have criminal histories if the Community Enrollment Question is altered  
114 to only refer to academic misconduct.

115  
116 BE IT FURTHER RESOLVED the Council of Graduate Students requires university admissions to increase transparency  
117 on the use of the Community Enrollment Question and make available admissions data from the years 2017-2020 on who  
118 applies, who is admitted, who completes their final applications, who answers “yes” to the Community Enrollment Question,  
119 and the number of applicants who attend OSU after completing the community enrollment review process. The Council  
120 further requires supplementary racial, gender, and age demographic data corresponding to these admission statistics.

121

## Council of Graduate Students

### at The Ohio State University

<sup>9</sup> Bryant, Angela (personal communication August 25, 2020) reports the University of Minnesota, University of Wisconsin, and Rutgers do not have the box

<sup>10</sup> Clarey, D. (2016, December 05). University nixes felony question on student applications. *Minnesota daily*. <https://www.mndaily.com/article/2016/12/felony-question-taken-off-admission-application>

<sup>11</sup> Agan, Amanda and Sonja Starr. 2018. “Ban the Box, Criminal Records, and Racial Discrimination: A Field Experiment.” *The Quarterly Journal of Economics* 133(1):191–235. <https://doi.org/10.1093/qje/qjx028>

<sup>12</sup> Vuolo, Mike, Sarah Lageson, and Christopher Uggen. 2017. “Criminal Record Questions in the Era of ‘Ban the Box’: Criminal Record Questions.” *Criminology & Public Policy* 16(1):139–65. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1745-9133.12250>

<sup>13</sup> Flake, D. F. (2018). Do Ban-the-Box Laws Really Work? *Iowa L. Rev.* (104):1079-1127.

[https://heinonline.org/HOL/Page?handle=hein.journals/ilr104&div=33&g\\_sent=1&casa\\_token=&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/ilr104&div=33&g_sent=1&casa_token=&collection=journals)

<sup>14</sup> Emsellem, M., & Avery, B. (2016). Racial Profiling in Hiring: A Critique of New “Ban the Box” Studies. National Employment Law Project. <https://s27147.pcdn.co/wp-content/uploads/Policy-Brief-Racial-Profiling-in-Hiring-Critique-New-Ban-the-Box-Studies.pdf>

<sup>15</sup> Bryant, A. (2020). A CALL TO BAN THE BOX AT THE OHIO STATE UNIVERSITY.

[https://docs.google.com/document/d/10vrJATBs4NZN87IQsD\\_z1DXTxj-bUyqQd5cn\\_wQNcAQ/edit?usp=sharing](https://docs.google.com/document/d/10vrJATBs4NZN87IQsD_z1DXTxj-bUyqQd5cn_wQNcAQ/edit?usp=sharing)

122 BE IT FURTHER RESOLVED that until The Ohio State University removes the felony charge and behavior misconduct  
123 portions of the Community Enrollment Question from all stages of the student application process, OSU must clearly specify  
124 to students what supplementary information will be reviewed from background checks in order to increase applicant  
125 understanding of what additional information they should provide in their response to the Community Enrollment Question.  
126

127 BE IT FINALLY RESOLVED that the Council of Graduate Students directs its President, Vice President, and Chief of  
128 Staff to distribute this resolution to all proper leadership and authorities of The Ohio State University and its partners.  
129

130 Approved: Yes/No

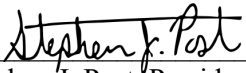
131

132 Date: \_\_10/2/20\_\_

133

134

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136   
Stephen J. Post, President

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Council of Graduate Students  
at The Ohio State University