

## Updated Requests to the University of Michigan Regarding Felony Disclosure and Related Policies

April 25, 2019

*Note: This statement is an update to the Steering Committee's Open Letter from February 12, which may be viewed here: <https://goo.gl/dFSjDs>.*

To: President Mark Schlissel

From: Carceral State Project at the University of Michigan Steering Committee (Heather Ann Thompson, Matt Lassiter, Ashley Lucas, Ruby Tapia, Melissa Burch, Nora Krinitsky)

Subject: Additional Requests Regarding U-M Felony Disclosure, Criminal Background Check, and Criminal Record Disclosure Policies in Admissions and Employment

1. We reiterate our request that the University repeal all of the policies addressed in our Open Letter to the University of Michigan (Feb. 12, 2019), with 1,870 signatories:

“The Carceral State Project at the University of Michigan and its undersigned supporters call on the University administration to rescind SPG 601.38 immediately. We also call on the University to join the ever-growing number of public and private universities, as well as public and private employers, that have repealed policies that require disclosure of criminal records and pending charges during the admissions and employment application processes and have rejected criminal background checks of employees and students, except to the extent mandated by federal and state law.”

2. We request that the University affirmatively justify, to the university community and the broader public, its decision to continue these policies despite the preponderance of research revealing that they do not “promote safety and security” but do create greater disparities and social harm. A leading research institution should enact policies supported by rather than contradicted by the best available academic research. As faculty who produce such research, and are regularly called upon to help inform criminal justice policy formation at the local, state, and federal levels, we believe that our concerns merit a substantive and timely response from the University leadership.

3. We implore the University administration to revise the language utilized to explain these policies to the public. President Schlissel and Mr. Fitzgerald have responded to concerns by stating that “history of a felony conviction does not automatically prevent an applicant from working at the university, nor would it necessarily result in a current employee losing their job.” This language is exclusionary and works to deter applications from individuals who have encountered the criminal justice system, as research cited in the Open Letter makes clear. The University should publicly state that individuals with criminal records are presumed to be potentially valuable assets to our community and that their applications are welcomed and encouraged. Given the massive racial and economic inequalities in the criminal justice system, anything less subverts our stated DEI mission.

4. The University has belatedly acknowledged the racial and economic inequalities in the criminal justice system and pledged that its risk assessment process is carefully designed with this in mind. In response to criticism from the American Friends Service Committee, Mr. Fitzgerald wrote: “We share the worry expressed by your organization and many other advocates about disproportionate impacts on underrepresented minorities who are sometimes treated unfairly by the legal system.” The Open Letter, citing the overwhelming consensus among academic experts, emphasizes that “it is not possible for the University to implement a discretionary system of risk assessment without reproducing and enhancing the discriminatory aspects of the broader system of criminal justice in the United States.”

We request that the University, in good faith, make the working of the processes of its internal review and risk assessment fully transparent, while protecting individual privacy. We also request that the University voluntarily disclose the aggregate annual data (race, gender, total numbers per year, etc.) for 1) all cases in admissions and employment that are flagged for further investigation and 2) all cases that result in decisions to withhold admission or employment. The University should not wait for a FOIA request to take this step.

5. We request that the University leadership participate in an evidence-based discussion about these policies at an open forum to be sponsored by the Carceral State Project during the Fall 2019 semester that will include representatives from Human Resources and the Office of the General Counsel, among other participants.