The University of Michigan in the Era of Black Lives Matters & Mass Incarceration
July 2020

Throughout the United States and across the globe, hundreds of thousands of people have taken to the streets in frustration, anger and resolve. Cumulatively they have mourned the loss of George Floyd, Breonna Taylor, Rayshard Brooks, and too many others; they have defended the proposition that Black Lives Matter; and they have demanded that anti-Black racism and state violence against people of color must end, that those in positions of authority must be held accountable, and that real and significant change must occur. We are heartened that so many students and young people have been involved in these intergenerational and multiethnic, multiracial protests, sometimes as leaders. As they ask probing questions that are not only about police departments and police procedures but also about public financing and inequality, about how to re-envision and restructure public safety, about structural racism, about the abolition of the police and prisons, it is not surprising that some of these questions involve universities.

We offer this “primer” to the members of the University of Michigan community who have worked for years on issues related to mass incarceration, criminalization, police brutality, and other areas of racial and social justice, and to those coming to these issues for the first time. This statement synthesizes and reiterates concerns about pressing national and local issues that have been raised by the Carceral State Project and its Documenting Criminalization and Confinement initiative (CSP-DCC), the Prison Creative Arts Project (PCAP), the College of LSA’s DEI initiative, and many other campus and community entities. We want to honor and highlight the social justice work that has already been done and provide a framework for discussion, organizing and forward momentum.

In sum, we feel that the University of Michigan must work to:

1. Revisit its relationship with its campus police force
2. Make its DEI initiatives more ambitious and meaningful
3. Rescind its draconian criminal record disclosure policies
4. Invest greater resources into its efforts to offer education to the state’s most marginalized residents, including those who have encountered the criminal-legal system
5. More closely examine the role that it plays in the City of Detroit

1. Policing U-M

Already the University of Minnesota has committed to limiting its institutional relationships with the Minneapolis Police Department¹ and Johns Hopkins² has placed its plans for a private police force on hold after sit-ins and protests last year, and in light of the events following the murder of George Floyd. These institutions and others have asked probing questions about the purposes of campus police forces and whether they operate in discriminatory ways. These recent discussions have dovetailed with previous attempts to grapple with the realities of criminalization, particularly in debates about the use of prior criminal records in admissions and hiring on campus, and to fully commit to both prison education³ and the integration of the formerly incarcerated on campuses.⁴ It is time to bring these conversations home to Michigan -- in ways that move us beyond the institutional hesitancy of yet another blue-ribbon panel, and in a manner that embodies the spirit of protest in this age: acknowledgement, action, and accountability.
2. Beyond DEI at UM
Almost five years ago the University of Michigan invited all of its schools and colleges and units to submit plans for access, diversity, and equity that represented their best strategic effort to significantly move the needle toward a more inclusive and just institution. As part of its DEI plan the College of Literature, Science and the Arts included excerpts from a call to “Ask Hard Questions” published in the Michigan Daily. Among them was whether it is time to “Ban the Box” in admissions. The authors noted evidence that including a question about past criminal charges and convictions on college applications has a chilling effect on applicants with criminal justice involvement, and pointed to research findings that nearly two-thirds of those who checked "yes" in the felony box never completed the application. The University of Minnesota passed a Ban the Box resolution and dropped the question about misdemeanors. Other institutions have followed suit, especially after the Common App gave schools and colleges the ability to remove the question in 2018.

That section of the LSA DEI plan also referenced the status of campus/community/police relations, and urged the U-M community to ask the following hard questions: Should police on campus disarm? Are we pursuing policies and practices that criminalize our students, especially African American and Latino men? Do students of color suffer increased levels of police scrutiny and even harassment on campus and off? Do policing practices have a differential impact on students, faculty, and staff from communities in which a police presence is viewed and experienced as threatening? The U-M President and LSA Dean have issued statements in support of Black Lives Matter that also call on those of us in the University community to reassess our own institutional practices. Now is the time to revisit these questions. In addition, our current admissions and background check policies deter and discourage members of communities that are the most negatively impacted by policing, incarceration, and the criminal-legal system writ large. These are the same racially and economically marginalized communities that are most negatively impacted by our broader political system and its many inequalities and discriminatory features. As the U-M moves to advance the next phase of the Diversity, Equity & Inclusion Plan (DEI 2.0) these issues must be addressed. It is time to move #BeyondDEI.

3. Rescinding Carceral Policies at UM
In 2019, after the Carceral State Project’s Open Letter to the University of Michigan, the LSA Dean’s Office formally and officially endorsed a proposal, backed by a wealth of data and research, to ban the box in our admissions process and discontinue asking potential students about their criminal records. No equally formal and official response was forthcoming from Admissions. The Rackham Graduate School also began a reassessment of its admissions policies and made some minor changes, including dropping a question that explicitly asked for disclosure of juvenile records, which are sealed in most jurisdictions. But broader University policy and leadership has placed roadblocks in the path of any farther-reaching reforms by Rackham, LSA, and other units on campus.

In their Open Letter, the Carceral State Project stated opposition to all policies that create barriers and cause harm to people with criminal records, including the discriminatory policies currently in operation at the University of Michigan, on both ethical and empirical grounds. This was in response to the announcement, on January 29, 2019, of the U-M’s SPG 601.38: “Required Disclosure of Felony Charges and/or Felony Convictions.” This policy, which applies to current employees, is built on the existing criminal background screening that U-M conducts on all prospective faculty, staff, and graduate student employees (SPG 201.95). U-M also inquires about criminal records, including misdemeanors and pending charges, in the
admissions process for undergraduate and graduate students. The Carceral State Project and its allies called for the immediate repeal of these policies. They urged the University of Michigan 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 that have rejected criminal background checks of employees and students, except to the extent mandated by federal and state law.

In April 2019, the Carceral State Project released an updated set of requests. They requested 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,” they insisted, “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. The Carceral State Project also:

- Implored the University administration to revise the language utilized to explain these policies to the public. 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.

- Insisted 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.

- Requested 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.

- Requested 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.

- And requested that the University leadership participate in an evidence-based discussion about these policies at an open forum.

4. Expanding Education at UM
Michigan has also lost vital ground in the last several decades in its education of the poorest and most oppressed people of our state, i.e. those who are currently and formerly incarcerated. In the early 1990s, people serving time in our state prisons had the ability to apply for admission through the mail, and if they were accepted, they could earn a bachelor’s degree without leaving the facility. This program was administered by American Culture lecturer Richard Meisler, who developed a system in which students on the Ann Arbor campus would volunteer to become proxies for incarcerated students. The Ann Arbor student would visit the prison where their proxy lived once a week, carrying syllabi, course materials, and cassette tapes with recorded
lectures. The student pairs would choose their classes together at the beginning of each semester, and they would eventually be awarded the same degree upon graduation. Students on both sides of the proxy system reported a deep and meaningful educational experience in sharing their courses, studying, and college lives through this unique program. The student proxy system and the ability for incarcerated students to earn Michigan degrees disappeared in 1994 when the federal government took away Pell Grants from those in prison. The Obama administration reintroduced these grants in 2016, and with this funding Jackson College, Delta College, and Mott Community College successfully implemented degree-bearing higher education programs in Michigan prisons.

The University of Michigan failed to apply to become a Second Chance Pell Grant provider, and continues to significantly lag behind not only many peer institutions (including New York University, Boston University, Bard College, Columbia University, and Princeton University) but also community colleges and small colleges (like Calvin College and Oakland University) in offering degrees to incarcerated people. There are already many faculty and graduate students on at least two of the three University of Michigan campuses offering courses in Michigan prisons. These include Inside Out classes and courses that professors voluntarily teach in prisons for no credit. But these existing courses could be supplemented with access to online classes that could be downloaded without regular internet access to the JPay tablets used by many in Michigan prisons. The Office of Enrollment Management reports that the only current barrier to admitting incarcerated students is that all applications to our university must be completed online—a task which people in prison deprived of regular internet access cannot do. Implementing a paper application that could be mailed to the office would be necessary.

These are all relatively low cost and non-labor-intensive measures that would drastically improve access to higher education for people of color and the economically disadvantaged in the state of Michigan, and that would signal substantial and lasting structural commitments to diversity, equality, and inclusion. We should also take the opportunity to give special and affirmative consideration to incarcerated and formerly incarcerated students alongside other ongoing efforts to diversify the student body.

In light of the criminalization of our admissions process, and the loss of our commitment to educate the most underrepresented portion of our citizenry, an expansion of the work begun by the Carceral State Project, supported by the Humanities Collaboratory, the Mellon-funded Egalitarian Metropolis grant, and the Art for Justice Fund, could not be more timely. More institutional support for these initiatives is called for. It is also necessary to bring this research and these commitments further into our classrooms, our engaged and community-based learning initiatives, our commitment to public scholarship and our decision-making bodies.

5. **UM and Detroit**

As the City of Detroit and the surrounding metro region continued to struggle with the combined challenges wrought by the COVID-19 pandemic and its disproportionate impact on communities of color, by ongoing protest against police brutality, and by years of economic disinvestment, we should use this as an opportunity to evaluate Michigan’s investment in the Detroit Innovation Center. We want to amplify the questions raised by the Semester in Detroit program and in a recent MetroTimes editorial about this Center, located on the fail jail site on Gratiot Avenue, and ask whether we should institute a prohibition on technological innovations, such as facial recognition software, that can promote racial biases. This is not what a real commitment to the city ought to look like.
In Conclusion:

We believe that U-M’s approach to communities that face disproportionate criminalization, policing, and incarceration should be radically restructured, and that we ought to open and/or revisit discussions around our relationship to the DPSS and the AAPD.

We call for the immediate repeal of SPG 601.3 and SPG 201.95, and urge the U-M 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 that have rejected criminal background checks of employees and students, except to the extent mandated by federal and state law.

As the U-M moves to advance the next phase of the Diversity, Equity & Inclusion Plan (DEI 2.0), we insist that these issues be addressed in the form of a public response -- and in the context of public dialogues -- in which concrete answers are provided and restorative actions are proposed.

We believe that the U-M must attempt to make up for lost time and regain its lost footing in terms of providing educational opportunities to incarcerated and formerly incarcerated citizens who have the ability to be among our best and brightest students, both undergraduate and graduate.

We call for more institutional support, including dedicated faculty lines and funding, for the Carceral State Project, PCAP and affiliated initiatives to move these concerns further to the center of the university and its teaching, learning, research and public engagement mission.

We call for more community discussion, both on the Ann Arbor campus and in the city of Detroit, about the Detroit Innovation Center and how it might better serve the needs of the city’s residents -- and their desire not to be over-policed, under-protected and inappropriately surveilled.

1 https://president.umn.edu/sites/president.umn.edu/files/2020-06/May%2027%20Update%20from%20the%20President.pdf
4 (https://justiceandopportunity.org/educational-pathways/prison-to-college-pipeline/)
6 A pdf of the original LSA DEI plan can be downloaded here: https://lsa.umich.edu/lsa/about/diversity-equity-and-inclusion/strategic-plan.html
7 The Office of Undergraduate Admissions oversees admissions for the U-M, but the Office of Enrollment Management and the Vice Provost for Enrollment Management set policy, in conjunction with the president, provost and board of regents.