

GSGA42-R20

A Resolution Calling for the Review of Criminal Background Checks for New Employees

Summary: This resolution calls upon the University to review the policy that requires background checks for new employees, including faculty and staff and its impacts. We understand the desire to ensure campus safety but enforcing background checks that may disqualify candidates that do not pose a threat to campus safety nor prevent crime from occurring and may introduce racial bias into hiring practices.

WHEREAS, criminal background checks are required for individuals that have been extended conditional offers of employment by the University¹;

WHEREAS, criminal background checks disqualify individuals whose “criminal background is deemed incompatible with the position they are seeking,” which suggests that some individuals who have legal system involvement may pass the background check, but which circumstances would qualify are not made clear. Individuals who have been arrested without further penalty will not be denied employment, but this is the most specificity that the policy provides²;

WHEREAS, the University’s policy prevents the use of criminal background checks from discriminating based on a protected class, but this may not be avoidable given the disproportionate contact that Black and Latinx communities have with the criminal legal system³⁴. In addition, Black individuals are more likely to be discriminated against for having a criminal record than White individuals⁵;

WHEREAS, gainful employment after incarceration can prevent recidivism and future arrest, particularly as one gets older⁶. This is particularly relevant here as the University System of Maryland is the second largest employer in the state⁷; thus, they provide many opportunities for justice-involved individuals to be employed in the state;

¹ <https://policies.umd.edu/personnel/university-of-maryland-policy-on-criminal-background-checks>

² Ibid. Section V. University Responsibilities.

³ One example from Baltimore can be found here:

https://content.govdelivery.com/attachments/MDBALTIMORESAAO/2022/03/16/file_attachments/2104881/FINAL_REPORT_ON_RACIAL_DISPARITY_FEB_2022.pdf

Individuals of color, particularly Black citizens, are overrepresented at every stage of the criminal legal system. Thus, they are more likely to have criminal records than White individuals.

⁴ The exception in the policy for those who are arrested without a conviction may benefit White applicants more than Black applicants because Black individuals are more likely to be convicted due in part to a greater likelihood of serving pretrial detention (Leslie & Pope, 2017) and face more punitive outcomes (Kutateladze et al., 2014).

⁵ Job applicants with criminal records are less likely to be hired than similarly qualified people without criminal records. However, Black applicants without criminal records were more likely to be discriminated against than White applicants with criminal records (Pager, 2003). A similar pattern is shown for undergraduate admissions (Stewart, 2019).

⁶ Uggen, 2000

⁷

<https://www.heraldmillmedia.com/story/news/state/2023/01/04/the-10-biggest-employers-in-maryland-for-2022/69741502007/>

WHEREAS, promoting campus safety is important, but the background checks required for students may not lead to a statistically significant reduction in overall campus crime⁸. The potential impact of criminal background checks on crimes committed by faculty is hard to ascertain as the Clery Act does not require campus security to disclose the proportion of crimes committed by faculty versus students⁹. Additionally, according to the age-crime curve, faculty and staff would be less likely to commit crime than college-aged students¹⁰;

WHEREAS, Ban the Box policies, which remove the question on applications that ask for criminal background information for candidates, have gained more popularity as of late in multiple hiring sectors. The University System already implements one version of Ban the Box by not conducting background checks until late into the hiring process. Thus, there is precedent for removing criminal background check questions on applications, though careful consideration needs to be taken to not induce statistical discrimination¹¹;

WHEREAS, it is understandable that the University System takes steps to promote public safety, but it is unclear who they deem unsafe to work on campus. Those who have been incarcerated for violent offenses are less likely to recidivate than those convicted of lower-level offenses¹². Those who have been incarcerated for offenses such as drug possession do not pose a direct safety threat to students or faculty;

THEREFORE, IT BE RESOLVED THAT University Human Resources reviews their background check policy and its impacts to ensure that 1) policies are clear to potential applicants who may be impacted¹³ and 2) the University promotes equity and inclusion by carefully examining the assumptions that they make about a particular person or type of criminal history¹⁴.

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⁸ Hughes, Elliot, & Myers, 2014

⁹ https://www.umpd.umd.edu/stats/clery_stats.cfm

Additionally, it is unknown from these reports whether the perpetrators are affiliated with the university at all; only the location of the incident is reported.

¹⁰ The age-crime curve is a long-standing finding in criminological studies in which the most common time in which people commit crime is late adolescence and early adulthood. Crime rapidly declines throughout one's adult years (e.g., Braithwaite, 1989; Moffitt, 1993; Piquero et al., 2008; Sweeten et al., 2013).

¹¹ Statistical discrimination occurs if employers are less likely to offer jobs to Black men under BTB policies because they assume that Black men have a criminal record (Raphael, 2021).

¹² E.g., Moore & Eikenberry, 2021

¹³ One example would be to make it clear to applicants which offense histories would preclude someone from a particular position (e.g., someone convicted of embezzlement cannot have access to the university's bank accounts but can work elsewhere on campus).

¹⁴ Questions for the Office of Human Resources to reflect on: "How are current hiring practices discriminating against individuals based on the assumption of a criminal history?" "Which criminal histories are deemed acceptable – who do we assume are threats to campus safety?" "What is the context of this person's criminal history and what does that mean for our perceptions of their ability to work effectively and safely on campus?"

Date and Time of Submission: March 10, 2023, 12:00 PM

Date of Presentation: March 10, 2023 (Rules); March 17, 2023 (Assembly); Tabled to April 14, 2023 (Assembly)

Action(s) Taken:

Decision of GSG President

Signature of GSG President

Date

GSGA42-R22

A Resolution Thanking Delegate Linda Foley for Her Continued Support of Graduate Students

Summary: Delegate Foley has consistently championed graduate students rights over the years. This resolution recognizes and thanks her continued efforts.

Whereas, Maryland Delegate Linda Foley has been an advocate for graduate student collective bargaining rights for several years;¹ and,

Whereas, Delegate Foley introduced HB0275 (Collective Bargaining - Faculty, Part-Time Faculty, and Graduate Assistants) during the 2023 legislative session, bringing sponsors onto the bill and having it cross-filed in the Maryland Senate; and,

Whereas, Delegate Foley rallied with graduate students on lobby day and joined us in the campaign for collective bargaining rights,²

Therefore, BE IT RESOLVED, the Graduate Student Government formally thanks Delegate Foley for her championing graduate student rights over the years; even though the bill did not go through this year, her hard work is greatly appreciated by the University of Maryland Graduate community.

Author(s): Lizzie Irlbacher (VPLA)

Sponsor(s): Keegan Clements-Housser (JOST)

Date and Time of Submission: 9:31AM on April 7, 2023

Date of Presentation: April 7, 2023 (Rules); April 14, 2023 (Assembly)

Action(s) Taken:

¹ <https://www.billtrack50.com/billdetail/1543555>

² <https://dbknews.com/2023/02/10/fearless-student-employees-rally-for-collective-bargaining-rights-in-annapolis/>

Decision of GSG President

Signature of GSG President

Date

GSGA42-R23

A Resolution Calling for Attention on Graduate Student Experience with Gender and Sexual Violence

Summary: This resolution draws attention to the gender and sexual violence experienced by graduate students during their education. It provides a starting place for the university to take action by forming a committee focusing on graduate student experiences with gender and sexual violence.

Whereas, sexual and gender based violence is illegal and students have rights for both accommodation and protection; and,

Whereas, anywhere from 40–69% of women graduate students and up to 20% of male graduate students will be sexually harassed sometime during graduate school;¹ and,

Whereas, an estimated third of women graduate students experience sexual harassment from faculty or staff during their graduate education;² and,

Whereas, graduate students who experience sexual harassment report worsening depression, anxiety, and post-traumatic stress disorder, are less likely to finish their degree, and less likely to pursue a job in those chosen field;³ and,

Whereas, graduate students are often scared to report as the harasser most likely holds great control over their education, reporting could cause serious backlash or halt their education and put their job at risk;⁴ and,

Whereas, graduate students may have small support systems to consult and may not know or understand the reporting measures for sexual harassment;⁵ and,

¹Rosenthal, Smidt, & Freyd. (2016). “Still Second Class: Sexual Harassment of Graduate Students”. *Psychology of Women Quarterly*. 40(3) 364-377 <https://dynamic.uoregon.edu/jjf/articles/rosenthalsmidtfreyd2016.pdf>

² Ibid

³Carapezza, Kirk. (December 19, 2019) “Opportunity and Power Graduate Students Face Higher Rates of Sexual Harassment” *GPH, NPR*
<https://www.wgbh.org/news/education/2019/12/19/opportunity-and-power-graduate-students-face-higher-rates-of-sexual-harassment>

⁴ Kingkade, Tyler. (July 6, 2016). “Why It’s Harder for Graduate Students to Report Sexual Harassment”. *Huffington Post*. https://www.huffpost.com/entry/grad-students-sexual-harassment_n_57714bc6e4b0dbb1bbbb37c7

⁵Dylan, Jen. (May 12, 2017). “7 Steps You Can Take”. *Inside Higher Ed*.
<https://www.insidehighered.com/advice/2017/05/12/advice-graduate-students-dealing-sexual-assault-and-harassment-essay>

Whereas, being in a research setting can add additional vulnerability for harassment when students are isolated such as during field work, in a lab, or a small group;⁶ and,

Whereas, graduate students are in the unique position as they serve both as students, staff, and teachers, creating dynamics where harassment could come from students they teach, peer graduate students, or faculty and staff in authority; and,

Whereas, the university does not have any set of guidelines or policies as to protect a graduate student if they are being harassed by a student they teach; and,

Whereas, graduate students do not know they can report to Title IX, how to report, or what to report, and many departments fail to report Title IX issues that are brought to their attention leaving a huge absence of data in how prevalent violations are at the University of Maryland; and,

Whereas, the university has taken great strides to lessen sexual and gender based violence at the undergraduate level through consent education, working with Greek Life, having gender and sexual based violence working groups, to name a few;⁷ these have often focused on the undergraduate experience despite graduate students being a part of these groups.

Therefore, BE IT RESOLVED, the graduate student government charges the Office of Civil Rights and Sexual Misconduct, Student Affairs, the Graduate Student Government, and the Graduate School to develop a improved set of policies on educating and empowering graduate students around their rights when they are victims of sexual and gender based violence; and,

Therefore, BE IT FURTHER RESOLVED, that aforementioned departments above create a graduate student group with related administrative staff, starting in 2023–2024 school year, working on issues related to sexual and gender based violence including but not limited to; how graduate students experience harassment at the university, where the policy fails to protect them, what new policies can be implemented, ways to educate students on their rights, how to hold offenders accountable regardless if they are a student or tenured professor, and education done at all levels to prevent sexual and gendered harassment from ever taking place.

Author(s): Lizzie Irlbacher (VPLA)

⁶ Gibbons, Anna. (2014) “Sexual Harassment is Common in Scientific Field Work”. *Science Magazine*. <https://www.science.org/content/article/sexual-harassment-common-scientific-fieldwork>

⁷ <https://health.umd.edu/wellness-advocacy-care-stop-violence/get-educated-involved>

Sponsor(s): Keegan Clements-Housser (JOST), Jillian Rothschild (GVPT)

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Action(s) Taken:

Decision of GSG President

Signature of GSG President

Date

GSGA42-R24

A Resolution Calling to Install Locks on Classroom Doors

Summary: The Graduate Student Government at the University of Maryland strongly condemns the alarming prevalence of gun violence and mass shootings in educational institutions. We express our deepest concern, sorrow, and sympathy for the victims affected by these tragic events. As a proactive measure, we propose that the University install locks on all classroom doors across the campus that can be secured from the inside.

WHEREAS, On March 27, 2023, six people were killed in the Nashville school shooting, including three children; and,

WHEREAS, Since 2015, over 19,000 people have been shot, wounded, or killed in a mass shootings. In 2022 alone, over 600 people were killed, with over 2,700 injured¹; and,

WHEREAS, There have been over 131 such incidents in the US since the start of the year 2023²; and,

WHEREAS, At least 99 people have been killed in 12 mass shootings, and hundreds more have been injured or killed by guns on college campuses at U.S. colleges since the 1960s³; and,

WHEREAS, during the Virginia Tech shooting in 2007 the gunman was prevented from entering two classrooms by individuals physically barricading the door. One classroom door was held by a professor and undergraduate student who were both killed in the shooting. The other classroom was secured by several students blocking the door preventing the shooter from entering⁴; and,

WHEREAS, The Sandy Hook Advisory Commission, which was formed after the 2012 Sandy Hook Elementary School shooting in Connecticut, recommended in their 2015 report that classroom doors should be equipped with locks that can be secured from the inside to increase the safety and security of students and teachers during an active shooter situation. The report also suggested that these locks should be easily accessible and intuitive to use in high-stress situations⁵.

THEREFORE, BE IT RESOLVED, The Graduate Student Government openly denounces mass shootings and compels the University of Maryland should install easily accessible locks on all classroom doors across the campus that can be secured from the inside.

¹ <https://everytownresearch.org/mass-shootings-in-america/>

² BBC News. (2022, January 12). Why the Number of US Shootings Has Risen Sharply. BBC News. <https://www.bbc.com/news/world-us-canada-64377360>

³ <https://projects.voanews.com/mass-shootings/english/locations/college.html>

⁴ National Center on Safe Supportive Learning Environments. (2015). Sandy Hook Advisory Commission Final Report. Council of Chief State School Officers. Retrieved from <https://ccsso.org/resource-library/sandy-hook-advisory-commission-final-report>

⁵ <https://abcnews.go.com/US/story?id=3049678&page=1>

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Sponsor(s): Lizzie Irlbacher (VPLA)

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Signature of GSG President

Date