

## **GSGA42-R19**

### **A Resolution Calling for the Review of Police-Led Responses to Welfare Checks**

**Summary:** This resolution calls upon the University to review the way in which welfare checks for students are conducted. We suggest that the university move away from using the University Police as the primary contact for individuals who wish to make a welfare check on a student.

**WHEREAS**, students and faculty can request welfare (wellness) check for someone if the individual believes they may be a threat to themselves or others or are generally concerned about their wellbeing<sup>1</sup>;

**WHEREAS**, students and faculty are instructed to contact University Police or dial 911 in an immediate emergency and the non-emergency line for University Police for those not in imminent danger<sup>2</sup>;

**WHEREAS**, students and faculty can also file a report to the Behavior Evaluation and Threat Assessment (BETA) team, which is comprised of members of the University police, Office of Student Conduct, and Mental Health Services among others<sup>3</sup>. However, it is implied that directly contacting the police is the first action an individual should take when requesting a welfare check<sup>4</sup>;

**WHEREAS**, having the primary response to mental health crises be from the police is not ideal for two reasons. First, police may not properly trained to intervene in mental health crises<sup>5</sup>. Second, these interactions with the police may lead to an unnecessary arrest<sup>6</sup>, physical harm, or even death for the individual going through a crisis<sup>7</sup>;

**WHEREAS**, these harmful interactions are more likely to be experienced by disenfranchised groups, particularly people of color<sup>8</sup>, those with disabilities<sup>9</sup>, and members of the LGBTQ+ community<sup>10</sup>, which is a contributing factor to disproportionate contact of these groups with the criminal legal system;

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<sup>1</sup> <https://studentaffairs.umd.edu/health-wellness/concerned-about-student/student-concerned-student>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> This implication is based on the order in which the information on the website is presented.

<sup>5</sup> Vitiello & Moseley, 2021

<sup>6</sup> UMD's policy states that officers on the BETA do have the power to arrest individuals for whom they make a welfare check.

<sup>7</sup> Deadly interactions with police officers during welfare checks have happened multiple times, leading to communities to ask individuals to stop calling the police for welfare checks:

<https://www.cnn.com/2019/10/19/us/wellness-check-police-shootings-trmd/index.html>

<sup>8</sup> Ibid.

<sup>9</sup> <https://www.americanprogress.org/article/understanding-policing-black-disabled-bodies/>. Ableism in policing is also intersectional, with Black disabled individuals having a highly disproportionate representation in the criminal legal system.

<sup>10</sup> <https://williamsinstitute.law.ucla.edu/publications/lgbt-discrim-law-enforcement/>

**WHEREAS**, having negative experiences with police officers can cause trauma and potentially worsen mental illness symptoms, especially for people of color<sup>11</sup>;

**WHEREAS**, for the reasons stated above, mental health professionals would be the preferable individuals to conduct welfare checks instead of or in addition to police officers. This model has been implemented in some cities with promising results<sup>12</sup>;

**THEREFORE, IT BE RESOLVED THAT** the University considers moving away from police-led responses to welfare checks towards checks led by mental health professionals, which would ensure that impacted students receive proper care, reduce potentially harmful and traumatic interactions with the police, and ultimately lessen the workload for University Police.

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**Sponsor(s):** Alyse Sherrick (CCJS)

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**Action(s) Taken:**

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Decision of GSG President

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Signature of GSG President

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Date

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<sup>11</sup> <https://magazine.jhsph.edu/2022/physical-and-mental-impact-contact-police>

<sup>12</sup>

<https://www.forbes.com/sites/forbeseq/2021/11/01/what-happens-when-we-send-mental-health-providers-instead-of-police/?sh=3cbe98b87a41>

<https://www.mprnews.org/story/2020/06/22/when-crisis-workers-not-traditional-police-respond-to-calls-about-mental-health>

## 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 University<sup>1</sup>;

**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 provides<sup>2</sup>;

**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 system<sup>34</sup>. In addition, Black individuals are more likely to be discriminated against for having a criminal record than White individuals<sup>5</sup>;

**WHEREAS**, gainful employment after incarceration can prevent recidivism and future arrest, particularly as one gets older<sup>6</sup>. This is particularly relevant here as the University System of Maryland is the second largest employer in the state<sup>7</sup>; thus, they provide many opportunities for justice-involved individuals to be employed in the state;

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

<sup>2</sup> Ibid. Section V. University Responsibilities.

<sup>3</sup> One example from Baltimore can be found here:

[https://content.govdelivery.com/attachments/MDBALTIMORES/O/2022/03/16/file\\_attachments/2104881/FINAL\\_REPORT\\_ON\\_RACIAL\\_DISPARITY\\_FEB\\_2022.pdf](https://content.govdelivery.com/attachments/MDBALTIMORES/O/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.

<sup>4</sup> 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).

<sup>5</sup> 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).

<sup>6</sup> Uggen, 2000

<sup>7</sup>

<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 crime<sup>8</sup>. 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 students<sup>9</sup>. Additionally, according to the age-crime curve, faculty and staff would be less likely to commit crime than college-aged students<sup>10</sup>;

**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 discrimination<sup>11</sup>;

**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 offenses<sup>12</sup>. 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 impacted<sup>13</sup> and 2) the University promotes equity and inclusion by carefully examining the assumptions that they make about a particular person or type of criminal history<sup>14</sup>.

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<sup>8</sup> Hughes, Elliot, & Myers, 2014

<sup>9</sup> [https://www.umpd.umd.edu/stats/clery\\_stats.cfm](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.

<sup>10</sup> 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).

<sup>11</sup> 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).

<sup>12</sup> E.g., Moore & Eikenberry, 2021

<sup>13</sup> 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).

<sup>14</sup> 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?"

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Decision of GSG President

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Signature of GSG President

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Date

## **GSGA42-R21**

### **A Resolution to Instate Periodic Refresher Sensitivity Training for Faculty and Staff**

**Summary:** This resolution calls upon the University of Maryland Human Resources, in conjunction with the Office for Diversity and Inclusion, and International Student and Scholar Services, to institute periodic refresher sensitivity training for faculties and staff members.

**WHEREAS**, sensitivity training is provided to faculties as part of the onboarding process when a new faculty or staff member is appointed to the university only, and no refresher training are conducted for the same after that; and,

**WHEREAS**, student needs are dynamic, with constant developments in the issues faced by students, many of which are unprecedented, the treatment of which faculty and staff members are often unaware of; and,

**WHEREAS**, cases have been reported where offensive exchanges have happened between advisors/faculties and students concerning matters that might be sensitive to the student such as race, gender, inclusion, sexual orientation, xenophobia, selective hatred towards certain communities, etc.; and,

**WHEREAS**, students have failed to report these issues to HR or higher authorities in fear of backlash from faculties, termination of funding sources, and/or discontinuation of the progress towards respective academic degrees,

**THEREFORE, BE IT RESOLVED THAT** the Graduate Student Government calls upon the University of Maryland, College Park to establish a Sensitivity Training module that includes but is not limited to sensitivity towards student experience of mental and physical health, disability, race, gender, sexual orientation, other forms of difference, etc, and that is updated every 3 years, and apart from undergoing the training at the start of appointment, the faculties and staff members on the payroll are mandated to attend the training every 3 years from the time of onboarding.

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Decision of GSG President

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Signature of GSG President

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Date