Criminal Justice System-Impacted Faculty

Motivations, Barriers, and Successes on the Academic Job Market

Bradley D. Custer, PhD, Michigan State University

Michelle L. Malkin, JD, MA, Michigan State University

Gina Castillo, BS, Unloop

ABSTRACT: US higher education institutions strive to build diverse faculties, yet institutions put up significant barriers to hiring scholars who have been impacted by the criminal justice system (*system-impacted*). Because of the demographics of the system-impacted population, these faculty candidates are more likely to be people of color. In addition, system-impacted faculty offer unique benefits to institutions and deserve equal consideration among peers on the academic job market. We argue that making the hiring process fairer for system-impacted candidates is an important strategy for diversifying the college faculty. To understand the challenges they face, we conducted semi-structured interviews of seven faculty with prior felony convictions to explore their motivations for pursuing faculty careers and how they navigated the academic job market. By sharing their stories, this article raises awareness of a marginalized population of faculty and offers new insights into their motivations, barriers, and successes in getting hired. Importantly, we found that deciding when and how to disclose their criminal histories was the most complicated part of the process for our participants, in part because of ambiguous criminal background check policies. To ensure equal opportunity and to form a more diverse faculty, we propose that higher education institutions eliminate the use of criminal history information in college admissions and faculty hiring processes or implement fairer, more transparent background check policies based in best practices.

KEYWORDS: faculty, diversity, academic job market, criminal convictions, higher education, background checks, human resources

Introduction

Recruiting and retaining a diverse faculty has long been an important goal in higher education (Light, 1994; Phillips, 2002; Ponjuan, 2011; Smith, Turner, Osei-Kofi, & Richards, 2004; Turner, González, & Wood, 2008; Van Ummersen, 2005). Evidence suggests women are making the most gains, but they and other historically minoritized groups remain underrepresented in the academy, especially in full-time and

© University of Toronto Press | doi: 10.3138/jehr-2019-0016

This advance online version may differ slightly from the final published version.

tenured positions (Finkelstein, Conley, & Schuster, 2016; Li & Koedel, 2017). One rarely recognized category of underrepresented faculty is *system-impacted* faculty, or faculty who were previously convicted of crimes (term derived from *impacted by the criminal justice system*; Underground Scholars Initiative, 2019).[1] Surprising as it may be to some readers, there are professors with criminal backgrounds working in academe, though how many is unknown. Although there are numerous media profiles about such individuals—often called "prison to PhD" stories—few scholarly investigations of their experiences have been conducted (Ross et al., 2011; Tietjen, 2013). Especially intriguing is how these individuals get hired, given the well-documented challenges of finding employment after conviction (see Pager, 2003).

The purpose of this study was to learn how college and university faculty with prior criminal histories have navigated the academic job market. Through interviews with seven current faculty with prior felony convictions, we explored their experiences of seeking and applying for positions and their successes and challenges along the way. For context, we also explored their motivations to complete college and graduate school and to pursue faculty careers after their conviction and incarceration.

This study is significant in that it acknowledges the existence of faculty with criminal backgrounds at US higher education institutions. By sharing parts of our participants' stories, this study provides a rare glimpse into the harsh realities of finding employment while having a criminal record, even for those with advanced academic degrees. Findings also offer new insights into how faculty applicants experience the process of disclosing their criminal histories to university officials. As such, this study has implications for how universities can implement a fairer pre-employment criminal background check process that has fewer negative effects on faculty applicants with criminal records.

Literature Review

We first outline best practices in pre-employment criminal background checks and how they are used in the higher education sector. Importantly, we also highlight existing critiques of background checks on faculty. Then, we review the scholarly literature on the experiences of system-impacted students and faculty in US higher education.

Criminal Background Checks: Policies and Practices

Organizations conduct pre-employment background checks to verify credentials and to protect against being held liable for *negligent hiring*, which happens when employers "fail to do a background check on a prospective employee who then commits a crime or inflicts harm on a customer or third party in the course of performing his or her job duties" (Levashina & Campion, 2009, p. 232). A complex

framework of US federal and state laws regulates an employer's use of criminal history information for hiring (see Cavico, Mujtaba, & Muffler, 2014; US EEOC, 2012). We cannot provide a complete review of such laws, but legal scholars and federal agencies have identified best practices (Cavico et al., 2014; US EEOC, 2012).

For example, employers must ensure that their criminal background checking practices do not result in illegal disparate treatment or disparate impact (read: racial discrimination; US EEOC, 2012), and policies should be carefully tailored to screen applicants for criminal convictions that are "recent, serious, and related to the job in question" (Cavico et al., 2014, p. 96). Applicants must be given an individualized assessment, and employers must consider evidence of rehabilitation, education or training, character references, and other supporting information (US EEOC, 2012). When the results of a background check lead to adverse hiring actions, the Fair Credit Reporting Act (1970) requires employers to provide applicants a copy of the results and to allow them to challenge the results; organizations should not make hiring decisions based on the results of a background check until *after* the applicant has been able to respond. Finally, an applicant's records should be kept confidential, and human resources managers and others involved should be trained on the proper handling and disclosure of an applicant's criminal records (Cavico et al., 2014).

Higher education institutions are known to conduct criminal background checks on faculty applicants (see Owen, 2014). Rationales for implementing these practices include the convenience of modern electronic background checking systems, protection from negligent hiring liability, response to the 9/11 attacks and campus shootings, the belief that background checks reduce campus crime, and state legal mandates (Hughes, Elliott, & Myers, 2014; Owen, 2014). The most recent survey of criminal background checking practices in higher education suggests that most institutions are *not* conducting checks on new faculty. In a survey of human resources professionals at 132 Division I and II universities, only 40% reported conducting criminal background checks on prospective faculty (Hughes, Hertz, & White, 2013). However, institutions may be collecting criminal history information in other ways. Applicants may be required to disclose criminal history on applications, and faculty search committee members can find criminal history information on the Internet.

One college system's new hiring policy is a model for others in the higher education sector. After California legislators passed the Fair Chance Act in 2017, which prohibits all organizations from considering an applicant's criminal history information before a conditional offer is made, the California Community Colleges Office of General Counsel published a legal advisory on the use of criminal history in hiring (California Community Colleges, 2018). Based on this advisory, the Chancellor's Office issued a policy guidance letter on best practices for hiring people with criminal records. It conveyed a commitment to hiring qualified

system-impacted people and reflected many of the best practices outlined above (California Community Colleges, 2019).

Critiques of Criminal Background Checks in Higher Education

Among human resources professionals, conducting pre-employment criminal background checks is an expected practice (Levashina & Campion, 2009), but in the higher education sector, there are critiques of the practice. In 2006, the American Association of University Professors—which defines professional values and develops standards and procedures for higher education—published a policy statement that advised institutions *not* to conduct criminal background checks on faculty applicants (AAUP, 2006; Finkin, Post, &Thomson, 2004). The policy states that the potential risks of conducting criminal background checks on faculty applicants outweighs the benefits, arguing that criminal records are often imprecise and lack context, that checks on everyone are not warranted because so few faculty applicants have serious criminal records, that criminal record checks are too personally invasive, and that there is too great a potential for sensitive criminal history information to be misused (Finkin et al., 2004). This policy is maintained in the current edition of the association's policies (AAUP, 2015). Perhaps this explains why so few universities reported conducting background checks on new faculty (Hughes et al., 2013).

In addition, one study suggests that conducting background checks on university employees may not be effective. Hughes et al. (2014) tested the policy logic that screening out system-impacted applicants through background checks will reduce campus crime. In Arizona, Kentucky, Utah, and Wisconsin, state lawmakers instituted mandatory criminal background checks on all new hires at their public universities, presenting an opportunity for a natural experiment. The researchers compared three years of campus crime data collected under the Clery Act from the time before background checks were implemented to at least three years of crime data from after. Controlling for the quality and robustness of the background checks and other factors, there were no significant pre- or post-impacts on campus crime rates, which calls into question their utility (Hughes et al., 2014).

Experiences of System-Impacted Students and Faculty

Despite the use of criminal background checks in higher education, there are system-impacted people working as faculty at US institutions. For context on the findings we report later about our participants, we briefly review the growing research literature on system-impacted students in college. Then, we review two studies on the experiences of system-impacted faculty on the academic job market, which are closely related to our study.

The research literature on system-impacted college students is improving in quality and quantity. Scholars are increasingly exploring the history, mechanisms, and effects of policies that are barriers to students, including admissions

(Custer, 2018a; Evans, Szkola, & John, 2019; Stewart & Uggen, 2020), campus housing (Custer, 2018b), and financial aid (Custer, 2019; Lovenheim & Owens, 2014). Others have interviewed students to learn about their experiences during college, commonly finding that students experience negative social stigma when their criminal past becomes known to faculty, administrators, or fellow students (see Copenhaver, Edwards-Willey, & Byers, 2007; Dreger, 2017; Halkovic & Greene, 2015; Tewksbury, 2013). Indeed, faculty and campus administrators hold negative attitudes toward system-impacted students, especially those previously convicted of sexual offenses and violent offenses (McTier, Briscoe, & Davis, 2019; Ott & McTier, 2019). Drawing lessons from these studies, most of the cited scholars proposed to eliminate policy barriers (including "banning the box") so that system-impacted persons can access and complete college with fewer restraints and harms stemming from stigma. Further, Johnson and Abreu (2020) give advice to faculty and administrators on *engaging* system-impacted students during college by using humanizing language, ensuring access to financial aid, providing opportunities for choice and critical self-reflection in the classroom, and offering mentorship, academic, social, and career development support programs.

In contrast, the experiences of system-impacted faculty are much less frequently studied, but two studies have described their experiences on the academic job market (Ross et al., 2011; Tietjen, 2013). In an open-ended survey of seven *convict criminologists*—a term describing system-impacted scholars who study criminology—Ross and colleagues (2011) asked participants to describe their experiences in the hiring process. Unique to convict criminologists (see Tietjen, 2019), experience in the criminal justice system often plays centrally in their research, making their criminal backgrounds difficult to conceal. Indeed, most of the participants assumed that search committee members and administrators were already aware of their backgrounds, and many disclosed such facts in their application materials, interviews, and teaching demonstrations. Still, the seven individuals in that study reported a variety of experiences, including receiving strong negative reactions from hiring committee members regarding their criminal histories that led to rejections. The authors recommended to faculty search committees that they treat all candidates fairly by using the same procedures and evaluation criteria applied to all candidates and to get a complete picture of candidates without judging them based solely on their criminal records (Ross et al., 2011).

In his dissertation research study, Tietjen (2013) interviewed 30 system-impacted people about their pursuit of higher education and their subsequent pursuit of jobs. Within his sample were 10 faculty or college lecturers, 9 of whom had completed their PhDs. Tietjen (2013) explored the academic journeys of the participants, including their social and human capital, how they experienced stigma along the way, and how they managed the disclosure of their criminal backgrounds, finding a variety of experiences. Type of conviction seemed to be

an influential factor in the extent of stigma experienced, with drug offenders experiencing fewer negative consequences compared with sexual offenders, who experienced much more. Tietjen (2013) then reported life histories for three participants, including two professors; these participants described higher education, particularly doctoral education, as a "door left open." In other words, when many opportunities in society were closed doors for people with criminal backgrounds, higher education remained an open door. Obtaining a PhD, then, was a key to opening the door of working in a professional field, suggesting faculty careers are attainable for system-impacted individuals (Tietjen, 2013).

From this small literature, there is room to explore further the experiences of system-impacted faculty on the academic job market. Regarding administrative hiring processes, it is not clear exactly how institutions handle the collection and evaluation of criminal records. Perhaps every institution handles this differently, but a better understanding is needed about how this works and how faculty candidates experience it. Next, it is not clear how post-prison higher education and graduate training influence system-impacted individuals' decisions to pursue faculty careers. Finally, the studies referenced above used somewhat broad strokes to explore and describe faculty experiences on the job market, but there remains a need to identify more precisely how faculty handled the disclosure of their criminal histories and the conditions that made them successful in getting hired. This study addresses some of these knowledge gaps.

A Matter of Faculty Diversity

As a framework for our study, we argue that the recruitment and hiring of system-impacted faculty should be viewed as a matter of faculty diversity. System-impacted faculty have much to offer higher education institutions, and there are several reasons to recruit and hire them. First, system-impacted people are intensely marginalized in American society, facing seemingly endless collateral consequences of permanent criminal records (Love, Roberts, & Klingele, 2013). Because higher education institutions increasingly espouse explicit values of diversity and social justice in their mission statements (Estanek, James, & Norton, 2006; Holosko, Winkel, Crandall, & Briggs, 2015; Morphew & Hartley, 2006), one might expect that such institutions would welcome system-impacted employees. Instead, higher education institutions commonly reject qualified candidates because of their past criminal records (Ross et al., 2011). From a critical viewpoint, pre-employment background checks contribute to the marginalization of this population instead of lifting them up.

Second, when institutions make hiring decisions based on criminal history, they run the risk of creating a disparate impact dilemma, whereby discriminating on the grounds of criminal history results in de facto racial discrimination (US EEOC, 2012). Because the general system-impacted population disproportionately

comprises people of color, rejecting faculty candidates based on criminal history is likely to negatively impact faculty candidates of color at higher rates than their white peers (see US EEOC, 2012). This negates efforts to recruit and hire more faculty of color and exacerbates the lack of diversity on the college faculty.

Finally, campuses lose the "gifts" that system-impacted people bring from their unique life experiences when they are screened out of being hired. For example, through focus groups of system-impacted college students, researchers have learned about the valuable contributions—or gifts—that such students bring, including "deconstructing stigma/teaching the university [about the carceral system and themselves], the desire to do more and give back, intimate knowledge of how systems work on the ground, and bridging relationships between the academy and underserved communities" (Halkovic & Greene, 2015, p. 759). System-impacted faculty likely bring a unique set of gifts, too. Who better to teach courses on the criminal justice system, public policy, sociology, social work, education, history, and beyond than scholars who have studied *and* experienced the carceral system (see Uggen, Horowitz, & Stewart, 2017)? Similarly, system-impacted faculty can use their gifts to mentor system-impacted students, which is a proven student success strategy especially among students of color (Ponjuan, 2011; Turner et al., 2008; Van Ummersen, 2005). If the ban-the-box movement succeeds in getting colleges to stop using criminal records to screen student applicants, there may be more system-impacted students on college campuses in need of mentoring (see Wong, 2018).

In summary, our framework assumes that hiring system-impacted faculty is socially just, necessary to combat racial discrimination, and beneficial for the gifts they bring. Importantly, it also assumes that system-impacted people are not inherently dangerous (see Halkovic & Greene, 2015). Guided by these precepts, we engaged in this study to explore the challenges and successes of system-impacted faculty on the academic job market.

The Study

The couple of existing studies of system-impacted faculty suggest that the use of criminal history information in the academic hiring process is a barrier to getting hired (Ross et al., 2011; Tietjen, 2013). As a matter of faculty diversity, such practices are counterproductive. For a deeper understanding of this phenomenon, the purpose of this study was to learn how college and university faculty members with prior criminal histories navigated the academic job market and have them share their stories. We also explored their earlier motivations to pursue higher education and faculty careers as context for their job market experiences. We focused on two main research questions with three sub-questions:

1. What motivates system-impacted people to pursue higher education and faculty careers?

2. How do system-impacted people navigate the academic job market?
   a. What are their experiences in the faculty hiring process?
   b. What conditions enhance their ability to get hired as faculty?
   c. What conditions challenge their ability to get hired as faculty?

Method

We approached this study with general qualitative research methods, following best practices (Creswell & Poth, 2017; Smith, Bekker, & Cheater, 2011; Tracy, 2010). This entailed the use of purposive sampling, semi-structured interviews, inductive coding and data analysis, and thick description for reporting results (see Shelton & Yao, 2019). Specifically, we interviewed seven current faculty to learn about their experiences and to report them as stories. Our research questions were broad and exploratory in nature, so we developed an interview protocol that "allowed for detailed explanations of participant experiences through the use of follow-up questions and focusing on participant stories within the framework of the main research question[s]" (Shelton & Yao, 2019, p. 160). To keep the interviews about one hour, the protocol first probed the participants' educational history and then focused on their experiences searching and applying for faculty positions (see Appendix).

Because the ultimate application of this research project is to inform policy and practice, the philosophy of pragmatism formed the basis of our research paradigm. *Pragmatism* is concerned with the consequences of actions and ideas, and in the context of research methodologies, it endorses an action-oriented scientific approach to find what works (Johnson & Onwuegbuzie, 2004). It is often used in mixed-methods research to justify the mixing of qualitative and quantitative methods (Johnson & Onwuegbuzie, 2004). Pragmatism can be applied to any type of study, however, when selecting the best method to address the research problem is more important than anchoring the study in a specific theory or methodology (Mackenzie & Knipe, 2006).

In our study, pragmatism is apparent in our choice of generic qualitative methods, in the research questions, in the interview protocol, and in how we present our findings and analysis. Our research questions do not search for *meaning*, and we do not claim to interpret the meaning of our participants' experiences. Rather, we sought to explore and understand their experiences by asking straightforward interview questions in chronological order, from their first involvement in the criminal justice system to being hired as faculty. We then present those experiences as stories in the same chronological order as they were collected, organized by milestones. Rather than engaging in thematic analysis of the stories, we discuss the participants' challenges and successes at each milestone, from which we draw insights for improving policies and practices in higher education.

Participants and Data Collection

For inclusion in the study, several criteria were applied. Participants had to be current faculty working full- or part-time at a US higher education institution. A completed terminal degree was not required, and we did not discriminate based on type of faculty position (i.e., instructional, research, administrator). Regarding criminal history, participants needed to have been convicted of a felony *prior* to pursuing a career in academia. This was to ensure that participants had navigated the academic job market while having a criminal record, which is the focus of this study.

Participants were identified and recruited using a variety of means. First, we collected news stories that profiled faculty with backgrounds in a positive light. We also identified individuals through our personal and professional connections within the convict criminology community. Last, we posted invitations to participate in the study on several LISTSERVs and social media websites.

Initially, we identified approximately 29 individuals who at one time might have qualified for the study; some were discovered to be deceased, retired, or no longer working in higher education, and we were not able to find current contact or employment information for some others. We sent interview requests to 13 faculty who met the criteria; naturally, some did not respond, and others declined to be interviewed for a variety of reasons. In total, we interviewed seven faculty who agreed to participate. Two of the interviews were conducted in person, and the rest were conducted via video or phone, all between November 2017 and February 2018. The profiles of our participants are displayed in Table 1 with information accurate as of early 2018. Of all the individuals identified, only a few were women, and we were unable to secure an interview with a female faculty member. One concern from the women who we contacted was that their identities would be impossible to disguise because there are so few system-impacted female faculty, a concern we understand and respect. As a result, we acknowledge the homogeneity of our all-male sample and the limitations that it may impose on our findings (see Table 1).

Ethics

Ethics is a criterion of high-quality qualitative research (Tracy, 2010), and ensuring the confidentiality of our participants was critical to the success of our study. Some participants' criminal histories were not widely known by others at their institutions, and they wanted to keep it that way. To disguise their identities, the participants chose pseudonyms, and we report the minimum amount of demographic information on our participants necessary for quality analysis. As approved by our institutional review boards, we were careful not to collect any personally identifiable data on our participants (e.g., no signed consent forms), and all data are stored within password-protected, university-approved programs. One participant asked to review our manuscript before publication to ensure that he could not be identified from what we wrote, with which we complied.

Pseudonym	Institution	Years teaching	Demographics	Highest degree	Convictions	Sanctions
Greg	Small, private, Catholic, liberal arts	3–4	White, male, 42	Doctorate	Felony, federal drug distribution	2 years prison, 4 years supervised release, 200 hours community service
Adam	Large, public university	5	White, male, 38	Doctorate in progress	Felony, drugs and violent offenses	19 years prison, parole
David	Public, regional teaching university	2	White, male, 32	Doctorate	Felony, burglary	2 years' probation, over $10,000 restitution, 1 month jail (time served), community service
Jackson	Large, private university	Less than 1	African American, male, 30s	Doctorate	3 felonies related to drugs	(withheld for privacy)
Tre	Small, private, liberal arts university	9	African American, male, 39	Doctorate	Felony, firearm possession; felony, drugs possession (2)	5 years' probation, 60 days jail, workhouse assignment; 40 months prison; 1 year jail, community service, 20 years' probation (10 years served), $2,500 fine
Warren	Private, religious HBCU	12	African American, male, 55	Doctorate	5 counts felony, theft by check kiting	3 years prison
Dr. Sanders	Large, public university	4	White, early 40s	Doctorate	Felony, drug possession	18 months county jail (served)

Table 1: Study Participants[2]

Data Analysis

We understood our participants to be honest, forthcoming, and generous in telling their deeply personal stories, which are characteristics of richness and rigor in qualitative data (Creswell & Poth, 2017; Tracy, 2010). As a result, we obtained abundant data for analysis, enough to draw reasonable conclusions about the research topics. The seven interviews were audio-recorded and transcribed by the authors, and the transcripts were uploaded to Dedoose (https://www.dedoose.com/)—a web-based qualitative research application that offers a variety of interactive data visualizations to assist with coding and theme development—for coding. Each of the three authors inductively coded the seven transcripts to specifically answer the research questions. For example, on the question of what motivated our participants to pursue faculty careers, we analyzed the

participants' responses to the questions that we asked about that topic and coded their answers accordingly, which were then compared for conceptual cohesiveness, called *investigator triangulation* (Archibald, 2016). Rather than tallying or summarizing key findings, we use "thick description" to present our results, thereby providing a more complete and credible illustration of our participants' stories (Tracy, 2010).

Self-Reflexivity

We pursued this research project to fill a gap in the literature and out of genuine interest for learning about this understudied population of faculty. We also think this topic is timely because of recent efforts to "ban the box" from employment applications and from college admissions applications (Wong, 2018).

In the spirit of being self-reflexive, honest, and authentic with our readers (Tracy, 2010), we also launched this project out of personal interest. All three authors were graduate students during the project, and we benefited from hearing about the academic job market experiences of successful faculty. Two of us are also system-impacted, having been convicted of felonies and incarcerated before beginning our current doctoral programs. We are therefore living testaments of the need for this research. As we will soon enter the job market ourselves, we hope faculty search committees will be accepting of system-impacted people, and we offer this study to the field of higher education as a contribution to that effort. Our experiences with the criminal justice system shaped the design of this study and are inseparable from our data analysis. They also make us uniquely positioned to judge the credibility of our participants, to portray their experiences accurately, and to make policy recommendations that will have a positive impact on opening access to system-impacted faculty candidates (see Jones, Ross, Richards, & Murphy, 2009; Ross, Zaldivar, & Tewksbury, 2015).

Findings

In this section, we tell the stories of our seven participants in their own words. The stories are recounted in chronological order and are organized by milestones, from our participants' time in college and graduate school, to when they decided to pursue faculty careers, to their journey on the academic job market.

Pursuing Higher Education

The seven participants had a mix of educational experiences: Some had started or completed college degrees before their convictions, some took postsecondary education courses in prison, but most completed undergraduate and graduate work following their convictions and release from prison. Understanding why these individuals started college is important in mapping their pathways from system involvement to faculty careers.

Unsurprisingly, the participants' strongest motivator for attending college was their involvement with the criminal justice system itself. This, however, looked different among participants. For example, Warren's motivation for pursuing education was largely based on seeing the overrepresentation of Black men in prison:

> Well, really, I was interested in finding out more about the criminal justice system. When I went to prison it really was a culture shock for me 'cause I've never been to prison before. . . . One of the things that really got my attention was seeing so many Black young men locked up in prison. Every institution that I've been to, which was about three of them, 75 to 80% of the inmates were Black men, young Black men, most of them. And that really got my attention. . . . I vowed to God and to myself that once I got out, I would do what I can to try to prevent other young men from traveling the same path that I've traveled. That's what really motivated me.

For Adam, seeking higher education was based on his conversations with other incarcerated people:

> A big part of my motivation was probably from a lot of the long-timers and lifers who had been down 20, 30-plus years, who instilled in me aspects of how education is transformative and how it's important. If I'm gonna have any opportunity on the streets with no job skills and no degree, then I need to focus on higher education, or I'm just gonna be, excuse my French, fucked. There's not anything I'm gonna be able to do other than cycle back in and out of the prison system.

Another motivator to go to college was the practicality of knowing that finding work with a criminal record would be difficult. Tre enrolled in college soon after release from prison:

> I got out of prison when I was 24 years old. When I went to college, I [knew] I had to really make it count because I knew with felony convictions, I wouldn't be able to get much in the job market. I didn't want to be poor and I didn't want to be locked out.

Adam could not find work even after getting his master's degree, which pushed him to pursue his doctorate: "Now, I have a master's degree, . . . no employment, . . . I'm almost off parole, but I don't have a damn job."

David's fear was less about not being able to find any work and more about not being able to work in a rewarding field:

> After my conviction, I felt like I wasn't going to be able to do anything. That I would be stuck doing some job that I would never enjoy. To be perfectly honest, this is a fear that I continue have, that one thing could go wrong and I'll be back working at McDonald's or some menial job that

> I don't want to work. It's a fear that still persists. So, I felt like [college] was the only thing I could do. The only thing I was good at was school. I felt like I needed to be there.

Family provided a third source of motivation. Several participants shared how family members encouraged them to attend college. Dr. Sanders shared that his uncle encouraged him to go to college and helped to pay his tuition. Dr. Sanders's uncle also helped him get financial aid access restored despite having a drug charge, which was a bar to federal financial aid at the time. Similarly, David's grandmother paid for his first year of community college to help keep him out of trouble.

Mentorship was a powerful motivational factor that helped participants enroll in college. Most shared that they had mentors early in their educational experiences who helped them figure out how to be successful students. Adam connected many of his educational accomplishments to several mentors during his college experience. One mentor was a former judge who knew of Adam's history, hired him as a graduate assistant, and mentored him throughout his studies. David met his mentor at his college's new student orientation, and she became an essential part of his motivation for completing his undergraduate degree: "I mean honestly the big thing was meeting that one lady who really took me under her wing and said, 'you can do this.' I don't know what she saw in me at the time." Later, she encouraged David to attend graduate school:

> As I got near graduating, she started hearing that I didn't know what I was going to do, and she mentioned grad school. I remember saying something like, . . . "That's where the super smart people go." And she's like, "No you can do it, you can do it."

Greg's mentor also advocated for him to get into the graduate program:

> He was a huge advocate for me, you know, he pushed hard, so I'm wondering if a little bit of it had to do with him twisting the arm a little bit and advocating for me to get in the program. I think he had a big part in that.

Finally, being in college gave participants the opportunity to redefine themselves, as David explained:

> I enjoyed it. I was good at it. It made me feel good. And at that point in time, you don't have a lot making you feel good about yourself. . . . It gave me a sense of a different identity. Not only would other people not look at me as a bad kid, or the screwup, or a felon, but they would look at me as a student. So that would be the main motivating factor, not only wanting other people's perceptions of me to change, but wanting my own perception of myself to change.

Similarly, Greg stated,

> To me, education symbolized overcoming that stigma. And that lodged in my mind firmly. It's like I need to have some sort of credential or some sort of accomplishment that repositions or restores me back to being in some semblance of a normal human being. I felt like I was damaged by my felony conviction. I really internalized that idea. And maybe now I could restore some respect to my family that I felt like I had embarrassed and humiliated them and the community somewhat. So maybe if I could show them that I can accomplish something, you know, they'll view me as a respectable son again.

With their education well underfoot, our participants' next challenge was to find work.

Pursuing Faculty Careers

None of our participants sought or knew much about faculty careers when they began their post-conviction higher education journeys. Yet, one way or another, as they neared completion of their doctorates, they found themselves considering faculty careers. Only three of the seven pursued what might be considered a traditional academic job search. During graduate school, Dr. Sanders, Greg, and David fell in love with academia, their disciplines, and research, so they knew they wanted to become faculty. David described it this way:

> As I was studying to get the masters, I knew my endgame was to become a faculty member. Whether it's adjunct, community college, I didn't care where. And the only reason I say that is because . . . I loved [my discipline], I loved going to school, and because of convict criminology, I knew there [were] professors out there that had backgrounds. So I knew there must be a way.

Thus, they searched and applied to positions like most budding academics do. David applied to an estimated 50 positions; he got eight or nine phone interviews and two campus visits before accepting his first faculty position. Greg applied to five faculty positions, got two on-campus interviews, and accepted the first one offered. Dr. Sanders applied to just one position and got it.

In contrast, the remaining four participants were recruited for their positions. For Adam, Tre, Warren, and Jackson, faculty careers were presented as opportunities that they were not necessarily seeking. Adam was offered an adjunct position at the university where he was a graduate student to fill in for a professor on sabbatical: "They just hired me on the spot," with no application needed. Three years later, he was recruited by another university to teach, though this job required an application. Similarly, Tre was encouraged to pursue an adjunct position at his undergraduate alma mater, which he secured after "[reaching]

out to the department chair." Years later, after he completed his doctorate, he was headhunted by another university's department chair who "was watching [him] from afar." Warren was offered his full-time faculty job after presenting at a conference, and Jackson was recruited for several faculty positions before accepting one. Unbeknownst to Jackson, a by-chance conversation with an old mentor at a convention turned into an interview. The mentor had just closed the application for a faculty search he was leading but reopened it for Jackson.

Except for Adam's first adjunct role, however, all the participants still had to navigate the ensuing applications, interviews, and background checks to varying degrees. Even for those recruited, disclosing criminal history proved to be challenging.

Navigating Disclosure and Background Checks

Encouraged by supportive mentors and recruiters, our participants next had to navigate the academic hiring process, including passing criminal background checks. Our participants reported a variety of tactics and rationales for how and when they disclosed their criminal histories, and they expressed varying degrees of confidence in how they thought their criminal backgrounds would affect their employability.

For two participants, the disclosure process was intimate, between the applicant and the recruiter. Jackson's mentor did not know about his criminal background, but after Jackson applied for the position, he told his mentor about his background in a Skype interview. Though he gave his mentor permission to share that information with the rest of the hiring committee, the mentor chose to keep it private, being "extremely concerned" about how the other committee members would react. The recruiter knew about his record, and that was all that mattered. Though the department chair was eventually informed, the other faculty were not informed and reportedly still do not know.

Similarly, Adam felt compelled to tell the person who offered him his second faculty job about his background; apparently unfazed, the recruiter told him to apply anyway. He still had to undergo a background check after applying, but he was never informed of the results or how they were handled. He started teaching without any additional questions. Because some of his convictions were serious, he wondered if the background check only uncovered the less serious convictions in his current state and missed the much more serious and older convictions from out of state.

Of those who had to search and apply for their jobs, Greg and David were most concerned about how their backgrounds would impact their chances. Greg said of his job prospects:

> I thought I'd never get a job! It's a gamble the whole damn time. I mean going to graduate school, you're rolling the dice that, what if they don't accept me in academia and I go to all this work?

After checking "the box" on several applications, he did not get responses, though he was never sure if his criminal background was the reason. According to Greg, the best time to disclose was somewhere around the middle of the application process, not in the initial application materials (unless there was a required checkbox), but during the phone interview, before the on-campus interview. Thus, he did not disclose his background explicitly in his cover letters but did so in phone interviews. This eliminated the "feeling that you're being underhanded, sneaky, trying to hide it" when leaving disclosure to the end of the process, and it avoided "[dropping] this atomic bomb"—as Greg described it—on the search committee during or after the on-campus interview, which could result in a late-stage rejection. Greg remained anxious throughout the process, but once he was offered a position, he believed any remaining background checks were just formalities, since the necessary academic administrators had already signed off.

David also "expected horrible results." He was particularly fearful that university human resources departments would improperly handle his criminal record or would not follow their own policies. Though David never lied, he decided not to volunteer information about his background unless explicitly asked. In his interviews, he left "hints" about his background when discussing his line of research, but it was not clear to him whether any search committee members picked up on them. Upon getting a job offer, he remembered "freaking out." He knew he had not yet disclosed his background and that it would inevitably come out in the ensuing background check. Indeed, he got a call from a human resources administrator who asked, "Well, we're not going to have any problems are we?" David felt human resources, though condescending, handled things professionally, because, he believes, no one outside human resources ever learned of his background. The human resources department must have been satisfied with David's response to the question because his hiring was not delayed further by the revelation of his convictions.

Warren and Dr. Sanders were less concerned about disclosing their criminal histories. Warren had to check a box on his faculty application, and when he "had to go before the interview committee, before the cabinet, . . . they were all very much aware of [his] backgrounds." Warren's confidence came from previous triumphs over the box. As a graduate student, he worked as a full-time public school teacher and even convinced a state real estate licensing commission to grant him a license, despite a statute preventing those with criminal records from licensure. By the time he completed his doctorate and was applying for this faculty position, he knew how to handle his criminal record with prospective employers.

Dr. Sanders was also confident in his first job search. He felt that his convictions were not so severe that they would "be a big deal on the market" and felt knowledgeable about the academic hiring process. He knew background checks typically happened on the back end and decided not to disclose his background

until required by human resources, though the chair knew and "she was okay with it." He was less concerned about not getting the job and more concerned about how his colleagues would perceive his background. When applying for his second faculty position, he loosened his stance some. Though he still did not disclose his background in his initial application materials, he did so in the first phone interview, after the interviewers showed interest in his work. What happened next may be an indication of how unimportant his background was at his current university: "To be honest, I don't even remember the [human resources] process here. I'm sure they ran me through [human resources]. Surely, right? I would have to ask to even know."

Tre first applied to teach at his alma mater, where he did not have to explain his background because they already knew him and his work. Still, Tre did not disclose his background upfront:

> First, I need to get my foot in the door. I don't need to be blocked because you see that I've been to prison. I wanted to sell myself based off my accolades . . . based off the national work that I had done. I didn't really put my record or any of that stuff in there.

But unlike some of the other participants, Tre, by the time he was applying for his second faculty job, was quite public about his background: "Most of my stuff was already out there as far as my background. So, the president of the university knew who I was before me even going for the position or before this department even started fighting for me."

Despite the barriers of disclosing their criminal histories, these seven individuals were hired as full-time faculty.

Finding Success

Successfully navigating the disclosure of criminal history was a critical step in the hiring process, but this alone does not explain how our participants got their faculty jobs. Two other strategies contributed to our participants' success.

Most participants attributed their success to meeting or exceeding the standard expectations of any early-career scholar: working hard, networking, attending conferences, doing research, publishing papers, acting and dressing professionally, investing significantly in the preparation of application materials (e.g., cover letters, teaching statements), attending interviews and teaching demonstrations, and so forth. The participants touted their publications, positive teaching evaluations, public scholarship, and influential work in the community. But these otherwise typical accomplishments are remarkable achievements for individuals who previously endured the criminal justice system. Being exceptionally strong in these core areas seems to have outweighed the negative effects of their criminal records in the eyes of the hiring committees.

Most faculty candidates study up on the institutions where they apply, but several of our participants went a step further by examining the institutions' environments. According to Adam,

> You need to really play the field. You need to know where you're going to be accepted, not just by faculty, but the administration as a whole. What are their policies and . . . are they open to letting people in with that history?

Dr. Sanders searched for institutions that valued diversity and social justice and "valued people that transformed their lives." One discovery convinced him that the institution where he applied would be a good fit:

> I found a story on a student that was formerly incarcerated, and I saw that [the institution] had celebrated that student for his accomplishments, and so that said to me this is a place that is not only willing to look past your experiences but values those experiences and sees them as a strength.

Several participants also mentioned the importance of checking state laws for barriers. David reported,

> I do a pay attention to the laws. So, if I can't vote in the state, I won't apply there. I look at weird collateral consequences. . . . I check to see if they have any laws that apply to tenure. I check if they have any laws that apply to me in general. I pay attention to housing restrictions. I tried to see, will this impact me in any way?

For these reasons, and at the advice of his adviser, David chose not to apply to institutions in Georgia, for example. After vetting institutions and state laws, making selective decisions about where to apply may save applicants time and reduce the likelihood of rejection.

Discussion

Despite the barriers they faced, these seven individuals were hired as full-time faculty at higher education institutions. Their stories offer new insights into the experiences of system-impacted people who are college students and later faculty.

The College Student Experience

Prior research on the experiences of system-impacted people during college tends to focus on identifying stigma and administrative barriers (see Copenhaver et al., 2007; Dreger, 2017; Tewksbury, 2013). We instead asked our participants why they pursued college in the first place, which only a couple of other studies have done. System-impacted students have reported pursuing college degrees at the urging of their counselors, social workers, partners, and others within their personal

support networks so that they could change their lives (Brower, 2015; McTier, Santa-Ramirez, & McGuire, 2017). In addition, our participants reported that elders in prison and family members encouraged their pursuit of college, and they reported several accompanying motivations, including wanting to learn, wanting to find a satisfying job, and wanting to redeem themselves from their past. Absent from these anecdotes is any mention of a school or college counselor. System-impacted people obviously have a desire and need for higher education, but in these cases, they are not receiving contact from educational institutions. This is a missed opportunity to help system-impacted people find their way to college.

Higher education has long been touted for its ability to be transformational, especially for incarcerated people (see Kim & Clark, 2013; Pike & Hopkins, 2019). For all our participants, this proved true; higher education opened doors first to graduate school and then to a new, rewarding career as professors (Tietjen, 2013). The ability of system-impacted people to access college and graduate school is a vital precursor to having these transformational educational experiences and to creating pathways to meaningful employment, including faculty careers. But higher education institutions continue to deny admission to undergraduate and graduate students solely because of their criminal records (Brower, 2015; Custer, 2016; Evans et al., 2019; Stewart & Uggen, 2020). Fortunately, some institutions and the Common Application have stopped asking college applicants about criminal history (Wong, 2018). Until all institutions stop these practices, many system-impacted people may never be able to reach their potential.

The Job Market Experience

Previous research has documented that higher education institutions reject system-impacted candidates solely because of their criminal records (Ross et al., 2011). Two of our participants, David and Greg, had "nagging suspicions" that they did not get faculty job interviews or offers because of their criminal history, though they were never told the actual reason. Jackson's mentor did not inform the other search committee members about his background out of concern for their potential negative reactions. These findings are important to highlight because they are additional evidence that background check policies can be direct barriers to employment for system-impacted faculty candidates. Through the lens of our framework, which assumes scholars of all backgrounds should have a fair chance at being hired, these policies are discriminatory and work against efforts to diversify the college faculty.

We were surprised to learn that four of our participants were recruited for their positions. Being recruited for a position means that the candidate is specifically sought after, thereby increasing their chances of being hired. In some cases, the recruiters knew about the candidate's criminal history, and other times they did not. Additional research is needed to learn how many faculty are recruited for their positions in the ways Adam, Tre, Warren, and Jackson were. We also wonder

if their gender was a contributing factor and whether women scholars are afforded the same fortunate opportunities. Nonetheless, being recruited may be an important pathway for system-impacted people to secure faculty positions, though that is easier said than done. This reinforces the need for graduate students to attend conferences, network within the field, and have a strong web presence so that they can increase their chances of being recruited. However, this approach is not failproof. As reported in a previous study, a recruited faculty candidate was swiftly rejected at the last stage of the hiring process after they disclosed their criminal background to the faculty chair (Ross et al., 2011).

No single aspect of the hiring process was more complicated and stressful for our participants than handling the disclosure their criminal histories, consistent with those interviewed in another study (Ross et al., 2011). They were deeply conflicted on whether, when, and how to disclose their criminal histories. Disclosing too soon may lead to rejection before the candidates could present their academic qualifications, and delaying disclosure may mislead search committees. This suggests that hiring institutions did not make clear to the candidates upfront a process for such disclosures. Similarly, none of the participants seemed fully aware of how their applications and background checks were processed. Some were aware that the human resources department would conduct a criminal background check, but the results of the check and the extent to which those results mattered were also never made clear. In other cases, participants were not sure who saw their applications or who was informed about their backgrounds. In addition to having implications for their pending application, this also made some participants concerned about how their potential future colleagues would treat them if they knew about their past. This raises serious questions about who should be able to see such personal details. Recommendations on improving this process are presented next.

Implications

Of all the implications that can be drawn from this study, we focus on the need for policy change within higher education institutions. First, the use of criminal history in college admissions needs to be reconsidered. When system-impacted people cannot access higher education, they are denied the benefits that most people enjoy as a result of completing a college degree, especially higher wages (see Abel & Deitz, 2014). In addition, had our participants not been able to go to college, they certainly could not have become productive, valuable scholars at universities. To go beyond simply banning the box on college admissions applications, colleges might consider *recruiting* system-impacted students by bringing admissions counselors into prisons, halfway houses, and social services agencies. We found that people in our participants' support networks encouraged them to enroll in college, but none of the participants reported the influence of a college admissions recruiter. As states set goals for increasing educational attainment,

they should consider how bolstering college completion among system-impacted people could help them reach their goals (Lumina Foundation, 2018).

Second, the use of criminal history checks in faculty hiring processes needs to be reconsidered. Where state laws do not require background checks, institutions should consider following the American Association of University Professors' (2006, 2015) guidance of not conducting them at all. In such cases, it should be clearly stated in policy so that candidates do not have to guess. According to our study results, system-impacted faculty candidates need this information to determine if they will apply to a given institution and know what to expect if they do.

If institutions must continue to conduct background checks, they should implement best practices on operating a fairer, more transparent, and more limited pre-employment criminal background check process (see California Community Colleges, 2019; Cavico et al., 2014; US EEOC, 2012). Institutions should train faculty search committee chairs on the handling of criminal history information and should publicly publish their hiring procedures, including an explanation of when criminal history should be disclosed. When candidates are known or discovered to have a criminal record, they should be informed in writing by human resources professionals of exactly what steps will be taken, who will gain access to their criminal history information, and their rights throughout the process. These steps would help alleviate the anxiety and uncertainty that most of our participants experienced as they waded through the opaque criminal background check process.

Finally, institutions should carefully monitor the outcomes of faculty searches when system-impacted candidates apply. If those candidates are disproportionately people of color, and if those candidates are rejected because of their criminal histories, they should take corrective policy actions to prevent illegal disparate impact discrimination.

Limitations and Future Research

Our study sample included only individuals who successfully obtained faculty positions. There may be an untold number of otherwise-qualified system-impacted individuals who were *unsuccessful* in their pursuit of faculty positions. Our analysis lacks a comparison of successful and unsuccessful faculty candidates, which, if available, could yield additional insights into the barriers this population of scholars faces. In addition, women and people of other gender identities may have different experiences and success rates of landing faculty positions. Since we could only interview male-identified participants, we cannot compare or generalize their experiences to others' experiences. Similarly, because of our sample size, we did not attempt to compare and contrast the experiences of the four African American participants to those of the white participants, the experiences of those with drug convictions with those with other convictions, or the experiences of those

with shorter or longer sentences in local, state, or federal facilities. Future research might capture the nuances of subpopulations within the system-impacted faculty population, including racial/ethnic groups, sex/gender, academic discipline, conviction type, incarceration length, incarceration type, and so on.

Additional research is also needed to fill gaps in the literature. First, an updated, comprehensive survey of the use of criminal history information in faculty hiring would provide a better assessment of current practices. Second, case studies that describe institutional policies with accounts of people who applied would offer a better understanding of how the process works from start to finish. Third, better evaluations are greatly needed to understand the effectiveness of faculty criminal background checks on campus crime. Should any institution decide to eliminate its current background check policy, assessing impact and unintended consequences would be insightful. Fourth, estimates of system-impacted faculty and prospective faculty populations are needed to understand how common they are, their demographics, their academic disciplines, and their needs. Finally, more research is needed about the *benefits* of hiring system-impacted faculty to parallel the literature on the gifts that system-impacted students bring to campuses (Halkovic & Greene, 2015).

Conclusion

Current criminal background checking practices are barriers for system-impacted faculty applicants, which is counterproductive to efforts to diversify higher education faculties. Instead, higher education institutions should consider how to hire more system-impacted faculty. The seven system-impacted faculty who we interviewed shared their motivations to pursue faculty careers and their experiences on the academic job market. Certain conditions seemed to improve the likelihood that our participants were hired, including good preparation, strong academic credentials, being recruited, and having as an ally the chair who knew about the candidate's history. Other conditions made the academic job market difficult to navigate, especially in knowing how and when to disclose criminal history. Candidates were confused about the background check process and feared rejection from search committee members. Higher education institutions can improve the academic job market experience for system-impacted faculty applicants by eliminating the use of criminal history or by implementing a fairer criminal background check process.

Notes

1. In its language guide, the Underground Scholars Initiative (2019) offers more humanizing labels and definitions for people involved in the carceral system, including ***system-impacted person***, ***incarcerated/formerly incarcerated person***, ***person on parole/probation***, ***person convicted of offenses***, and others.

2. For the most part, the data presented in Table 1 represent the words of the participants. Most chose their pseudonyms and provided descriptions of themselves and their backgrounds as they wanted to be portrayed. To protect their privacy, we do not disclose the disciplines of our participants; most teach in the social sciences.

References

Abel, J.R., & Deitz, R. (2014). Do the benefits of college still outweigh the costs? *Current Issues in Economics and Finance*, *20*(3), 1–9.

American Association of University Professors (AAUP). (2006). *Policy documents & reports* (10th ed.).

American Association of University Professors (AAUP). (2015). *Policy documents & reports* (11th ed.).

Archibald, M.M. (2016). Investigator triangulation: A collaborative strategy with potential for mixed methods research. *Journal of Mixed Methods Research*, *10*(3), 228–250. https://doi.org/10.1177/1558689815570092

Brower, R.L. (2015). Against all odds: From prison to graduate school. *Journal of African American Males in Education*, *6*(1), 1–24.

California Community Colleges. (2018). *Using criminal history records in hiring*. https://www.cccco.edu/-/media/CCCCO-Website/About-Us/Divisions/Office-of-the-General-Counsel/Legal-Advisories/2018-12-31-Legal-Advisory-re-Use-of-Criminal-History-in-Hiring-Final.pdf?la=en&hash=1B2EF69364651875B06049B5212FA1106D123F81

California Community Colleges. (2019). *(Revised) California Community Colleges fair chance hiring best practices*. https://www.cccco.edu/-/media/CCCCO-Website/About-Us/Divisions/Office-of-the-General-Counsel/Legal-Advisories/Revised-Policy-Guidance_California-Community-Colleges-Fair-Chance-Hiring-Best-Practices-2.pdf?la=en&hash=68A7ECFC274870CEF91CDFF1B8DC2F212EA030D9

Cavico, F.J., Mujtaba, B.G., & Muffler, S.C. (2014). Criminal background checks in employment: An unfolding legal quandary for employers. *Journal of Law and Criminal Justice*, *2*(1), 41–103.

Copenhaver, A., Edwards-Willey, T.L., & Byers, B.D. (2007). Journeys in social stigma: The lives of formerly incarcerated felons in higher education. *Journal of Correctional Education*, *58*(3), 268–283. https://www.jstor.org/stable/23282578

Creswell, J.W., & Poth, C.N. (2017). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage.

Custer, B.D. (2016). College admission policies for ex-offender students: A literature review. *Journal of Correctional Education*, *67*(2), 35–43.

Custer, B.D. (2018a). Applying to university with criminal convictions: A comparative study of admissions policies in the United States and United Kingdom. *Journal of Higher Education Policy & Management*, *40*(3), 239–255. https://doi.org/10.1080/1360080X.2018.1462436

Custer, B.D. (2018b). Criminal background checks in university housing: An analysis of housing discrimination and state laws. *Journal of College & University Student Housing*, *44*(3), 14–29.

Custer, B.D. (2019). *The disenfranchisement of justice-involved college students from state financial aid* (Publication No. 13862743) [Doctoral dissertation, Michigan State University]. ProQuest Dissertations Publishing.

Dreger, M.L. (2017). *Barriers to postsecondary education participation experienced by formerly incarcerated community college students* (Publication No. 10280942) [Doctoral dissertation, University of Hartford]. ProQuest Dissertations Publishing.

Estanek, S.M., James, M.J., & Norton, D.A. (2006). Assessing Catholic identity: A study of mission statements of Catholic colleges and universities. *Journal of Catholic Education*, *10*(2), 199–217. https://doi.org/10.15365/joce.1002062013

Evans, D.N., Szkola, J., & John, V.S. (2019). Going back to college? Criminal stigma in higher education admissions in Northeastern US. *Critical Criminology*, *27*(2), 291–304. https://doi.org/10.1007/s10612-019-09443-x

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq* (1970). https://www.consumer.ftc.gov/articles/pdf-0111-fair-credit-reporting-act.pdf

Finkelstein, M.J., Conley, V.M., Schuster, J.H. (2016, April). *Taking the measure of faculty diversity*. TIAA Institute. https://www.tiaainstitute.org/publication/taking-measure-faculty-diversity

Finkin, M.W., Post, R.C., & Thomson, J.J. (2004). Verification and trust: Background investigations preceding faculty appointment. *Academe*, *90*(2), 113–115. https://doi.org/10.2307/40252613

Halkovic, A., & Greene, A.C. (2015). Bearing stigma, carrying gifts: What colleges can learn from students with incarceration experience. *The Urban Review*, *47*(4), 759–782. https://doi.org/10.1007/s11256-015-0333-x

Holosko, M.J., Winkel, M., Crandall, C., & Briggs, H. (2015). A content analysis of mission statements of our top 50 schools of social work. *Journal of Social Work Education*, *51*(2), 222–236. https://doi.org/10.1080/10437797.2015.1012922

Hughes, S.F., Elliott, T.L., & Myers, M. (2014). Measuring the impact of background checks on reducing crime in higher education. *Public Administration Research*, *3*(2), 154–170. https://doi.org/10.5539/par.v3n2p154

Hughes, S., Hertz, G.T., & White, R.J. (2013). Criminal background checks in US higher education: A review of policy developments, process implementations, and post-results evaluation procedures. *Public Personnel Management*, *42*(3), 421–437. https://doi.org/10.1177/0091026013495763

Johnson, R.B., & Onwuegbuzie, A.J. (2004). Mixed methods research: A research paradigm whose time has come. *Educational Researcher*, *33*(7), 14–26. https://doi.org/10.3102/0013189X033007014

Johnson, R.M., & Abreu, J. (2020). Engaging justice-involved students. In S.J. Quaye, S.R. Harper, & S.L Pendakur (Eds.), *Student engagement in higher education: Theoretical perspectives and practical approaches for diverse populations* (3rd ed., pp. 273–286). Routledge.

Jones, R.S., Ross, J.I., Richards, S.C., & Murphy, D.S. (2009). The first dime: A decade of convict criminology. *The Prison Journal*, *89*(2), 151–171. https://doi.org/10.1177/0032885509334744

Kim, R.H., & Clark, D. (2013). The effect of prison-based college education programs on recidivism: Propensity score matching approach. *Journal of Criminal Justice*, *41*(3), 196–204. https://doi.org/10.1016/j.jcrimjus.2013.03.001

Levashina, J., & Campion, M.A. (2009). Expected practices in background checking: Review of the human resource management literature. *Employee Responsibilities and Rights Journal*, *21*(3), 231–249. https://doi.org/10.1007/s10672-009-9111-9

Li, D., & Koedel, C. (2017). Representation and salary gaps by race-ethnicity and gender at selective public universities. *Educational Researcher*, *46*(7), 343–354. https://doi.org/10.3102/0013189X17726535

Light, P. (1994). "Not like us": Removing the barriers to recruiting minority faculty. *Journal of Policy Analysis and Management*, *13*(1), 164–180. https://doi.org/10.2307/3325097

Love, M.C., Roberts, J., & Klingele, C. (2013). *Collateral consequences of criminal convictions: Law, policy and practice*. Washington, DC: NACDL Press.

Lovenheim, M.F., & Owens, E.G. (2014). Does federal financial aid affect college enrollment? Evidence from drug offenders and the Higher Education Act of 1998. *Journal of Urban Economics*, *81*, 1–13. https://doi.org/10.1016/j.jue.2014.01.005

Lumina Foundation. (2018, March). *Statewide educational attainment goals: A case study*. https://files.eric.ed.gov/fulltext/ED587417.pdf

Mackenzie, N., & Knipe, S. (2006). Research dilemmas: Paradigms, methods and methodology. *Issues in Educational Research*, *16*(2), 193–205.

McTier, T.S., Jr., Briscoe, K.L., & Davis, T.J. (2019). College administrators' beliefs and perceptions of students with criminal records. *Journal of Student Affairs Research and Practice*. Advance online publication. https://doi.org/10.1080/19496591.2019.1648273

McTier, T.S., Jr., Santa-Ramirez, S., & McGuire, K.M. (2017). A prison to school pipeline: College students with criminal records and their transitions into higher education. *Journal of Underrepresented and Minority Progress*, *1*(1), 8–22. https://doi.org/10.32674/jump.v1i1.33

Morphew, C.C., & Hartley, M. (2006). Mission statements: A thematic analysis of rhetoric across institutional type. *The Journal of Higher Education*, *77*(3), 456–471. https://doi.org/10.1353/jhe.2006.0025

Ott, M., & McTier, T.S., Jr. (2019). Faculty attitudes toward college students with criminal records. *Journal of Diversity in Higher Education*. Advance online publication. https://doi.org/10.1037/dhe0000138

Owen, G.T. (2014). Evolution of a background check policy in higher education. *The Qualitative Report*, *19*(39), 1–17.

Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, *108*(5), 937–975. https://doi.org/10.1086/374403

Phillips, R. (2002). Recruiting and retaining a diverse faculty. *Planning for Higher Education*, *30*(4), 32–39.

Pike, A., & Hopkins, S. (2019). Transformative learning: Positive identity through prison-based higher education in England and Wales. *International Journal of Bias, Identity and Diversities in Education*, *4*(1), 48–65. https://doi.org/10.4018/IJBIDE.2019010104

Ponjuan, L. (2011). Recruiting and retaining Latino faculty members: The missing piece to Latino student success. *Thought & Action*, *27*, 99–110.

Ross, J.I., Richards, S.C., Newbold, G., Jones, R.S., Lenza, M., Murphy, D.S., Hogan, R., & Curry, G.D. (2011). Knocking on the ivory tower's door: The experience of ex–convicts applying for tenure–track university positions. *Journal of Criminal Justice Education*, *22*(2), 267–285. https://doi.org/10.1080/10511251003778982

Ross, J.I., Zaldivar, M., & Tewksbury, R. (2015). Breaking out of prison and into print? Rationales and strategies to assist educated convicts conduct scholarly research and writing behind bars. *Critical Criminology*, *23*(1), 73–83. https://doi.org/10.1007/s10612-014-9248-1

Shelton, L.J., & Yao, C.W. (2019). Early career professionals' perceptions of higher education and student affairs graduate programs: Preparation to work with international students. *Journal of College Student Development*, *60*(2), 156–172. https://doi.org/10.1353/csd.2019.0016

Smith, D.G., Turner, C.S., Osei-Kofi, N., & Richards, S. (2004). Interrupting the usual: Successful strategies for hiring diverse faculty. *The Journal of Higher Education*, *75*(2), 133–160. https://doi.org/10.1353/jhe.2004.0006

Smith, J., Bekker, H., & Cheater, F. (2011). Theoretical versus pragmatic design in qualitative research. *Nurse Researcher*, *18*(2), 39–51. https://doi.org/10.7748/nr2011.01.18.2.39.c8283

Stewart, R., & Uggen, C. (2020). Criminal records and college admissions: A modified experimental audit. *Criminology*, *58*(1), 156–188. https://doi.org/10.1111/1745-9125.12229

Tewksbury, R. (2013). Sex offenders and campus-based sex offender registration: Stigma, vulnerability, isolation, and the classroom as refuge. *Journal of Qualitative Criminal Justice and Criminology*, *1*(2), 221–242.

Tietjen, G.E. (2013). *Exploring educational pathways: Reintegration of the formerly incarcerated through the academy* [Doctoral dissertation]. University of Nebraska—Lincoln. https://digitalcommons.unl.edu/sociologydiss/24/

Tietjen, G. (2019). Convict criminology: Learning from the past, confronting the present, expanding for the future. *Critical Criminology*, *27*(1), 101–114. https://doi.org/10.1007/s10612-019-09436-w

Tracy, S.J. (2010). Qualitative quality: Eight "big-tent" criteria for excellent qualitative research. *Qualitative Inquiry*, *16*(10), 837–851. https://doi.org/10.1177/1077800410383121

Turner, C.S.V., González, J.C., & Wood, J.L. (2008). Faculty of color in academe: What 20 years of literature tells us. *Journal of Diversity in Higher Education*, *1*(3), 139–168. https://doi.org/10.1037/a0012837

Uggen, C., Horowitz, V., & Stewart, R. (2017). Public criminology and criminologists with records. *The Criminologist*, *42*(1), 3–7.

Underground Scholars Initiative. (2019, March 6). Language guide for communicating about those involved in the carceral system. https://undergroundscholars.berkeley.edu/news/2019/3/6/language-guide-for-communicating-about-those-involved-in-the-carceral-system

US Equal Employment Opportunity Commission (EEOC). (2012, April 25). *Enforcement guidance on the consideration of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964* (No. 915.002). https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

Van Ummersen, C.A. (2005). Behind no talent left: Attracting and retaining a diverse faculty. *Change: The Magazine of Higher Learning*, *37*(6), 27–31. https://doi.org/10.3200/CHNG.37.6.27-31

Wong, A. (2018, August 10). The Common App will stop asking about students' criminal histories. *The Atlantic*. https://www.theatlantic.com/education/archive/2018/08/common-app-criminal-history-question/567242/

BRADLEY D. CUSTER recently completed his PhD in higher, adult, and lifelong education from Michigan State University. He studies higher education policies that are barriers for people with criminal convictions.

MICHELLE L. MALKIN is a doctoral student in the School of Criminal Justice at Michigan State University. Michelle's research interests focus on corrections and gambling-motivated crime.

GINA CASTILLO is a doctoral student in sociology at Washington State University and is the executive director at Unloop.

APPENDIX

Interview Protocol

Work and Education History

1. To begin, it would be helpful to get some background and context on your life before you started working as a faculty member. Can you share a timeline of your major life events related to your educational and work history? You can start at whatever point in time that you think is relevant.
    a. How long have you been a faculty member?

2. When did your experience(s) in the criminal justice system start?
   a. What education did you complete before your experience in the criminal justice system? During incarceration? After?
   b. What work experience did you have before your experience in the criminal justice system? During incarceration? After?

Motivations for Pursuing Higher Education and Faculty Career

3. What prompted or motivated you to pursue higher education (after the criminal justice experience)?
   a. What prompted or motivated you to pursue your terminal degree (PhD, EdD, MD, JD, etc.)?
4. How did your experience in the criminal justice system affect your education choice(s)?
   a. Did these experiences affect your choice of discipline/major?
5. What prompted or motivated you to become a faculty member?

Hiring Process

6. As you began the faculty job search, what were you expecting it to be like, as it relates to your criminal history?
   a. Did you seek information, advice, or mentoring on how to be successful in the academic job market with a criminal history?
   b. Where did you find it?
   c. How did that help you?
7. Were there people who specifically told you that you would not be able to get hired as a faculty member given your criminal history?
8. To what extent did your criminal history affect your decisions on where you applied (jurisdiction, type of institution, type of position)?
9. Once you started applying for faculty positions, to what extent was your criminal history reflected explicitly or implicitly on your application materials (resume, cover letter, professional experiences, research interests, etc.)?
   a. How and when did your criminal history come up?
   b. How did you handle that?
10. At the institution where you work, what was the process for reviewing your criminal history (background checks, forms, security interviews, etc.)?
    a. At other institutions where you applied, were there any notable differences from that?
11. To what extent do you think your criminal history played a role in decisions to hire or not to hire you at the institutions where you applied?
    a. Specifically, to what extent did university or human resources policies affect the hiring decision?

b. What attitudes toward people with criminal history were expressed by the institution, either through written policies or from individuals with whom you had contact about your application?

Concluding Thoughts

12. What was most challenging about the academic job market, as it relates to your criminal history?
13. Ultimately, to what do you attribute your success in getting hired as a faculty member?
14. What advice would you give to a person with a criminal history who is considering an academic career?
15. Is there anything else about these experiences that you want share that I didn't ask you about?