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Summary

Effective Date: July 1, 2017 (recruitment cycle for the 2018 school year)

State University of New York (University or SUNY) policy prohibits University-wide and individual SUNY campus admission applications from inquiring into an applicant’s prior criminal history. After an applicant has been accepted as a student, campuses shall inquire if the student previously has been convicted of a felony if such individual seeks campus housing or participation in clinical or field experiences, internships or study abroad programs. The information required to be disclosed pursuant to this policy regarding such felony convictions shall be reviewed by a campus committee consistent with the legal standards articulated in New York State Corrections Law.

Policy

Higher education plays a critical role in promoting good citizenship, expanding economic opportunity and improving the quality of community life. The State University of New York was founded to provide the people of the State of New York with broad based access to high quality educational services. It is in the interest of the State to facilitate the admission of individuals with previous criminal convictions because improved access to higher education can enhance public safety by reducing recidivism and facilitating successful reintegration into society. Such efforts must be balanced with reasonable actions to protect the safety of the campus community. In view of the foregoing, it is the policy of the University that:

Pre-Admission Inquiry

Neither the University-wide nor individual SUNY campus applications shall inquire about prior criminal history.
Some campuses use third-party admission applications whose content is not controlled by SUNY. Campuses are not prohibited from using such applications, however, they are prohibited from using any information regarding prior felony convictions provided on these applications on a pre-admission basis.

Post-Admission Inquiry

After a student has been accepted for admission, if such student seeks campus housing, or seeks to participate in clinical or field experiences, internships or study abroad programs, campuses shall inquire if the student has a prior felony conviction.

Campus Committee Review

Each campus shall establish a standing campus committee to decide whether an applicant who has made a post-admission disclosure of a prior felony conviction shall be permitted access to campus housing, clinical or field experiences, internships or study abroad programs, and any conditions on such access. New York State Corrections Law [sections 750, 752 and 753] forbids discrimination against individuals previously convicted of criminal offenses. As a result, the committee must carefully evaluate the relevance of an individual’s previous felony convictions to the activities/services requested consistent with the legal standards articulated in the NYS Corrections Law. To facilitate this evaluation, the committee shall request the following:

1. The specifics of all prior felony convictions and dates of occurrence;
2. For students in parole or probation status, references must be provided from the Department of Correctional Services Division of Parole or the Office of Probation and Correctional Alternatives, including the name and addresses of parole or probation officers. Parole and probation officials should be questioned as to whether the individual’s admission as a student or participation in the activities/services requested are consistent with the student’s parole or probation conditions or would pose a threat to the safety of the campus community;
3. A personal interview to either clarify or verify information may be conducted if desired by the committee.

After reviewing all available information, the committee must decide whether to grant or deny the individual’s admission or participation in the activities/services requested or to grant such admission/participation subject to articulated conditions. Admission and/or participation in requested activities/services may only be denied if such admission/participation would pose an unreasonable risk to property or the safety or welfare of specific individuals or the general public.

The president of each campus should designate a campus official to act as a liaison with the Department of Correctional Services Division of Parole or the Department of Probation and Correctional Alternatives and the local parole or probation office.

Campuses have an affirmative obligation to advise students that a prior felony conviction may impede their ability to complete the requirements of certain academic programs and to meet the licensure requirements for certain professions. Once so advised, students may not be prohibited from pursuing a particular course of study.

Definitions

There are no definitions relevant to this policy.

Other Related Information

NYS Corrections Law:
§ 750 (Definitions)

§ 752 (Unfair discrimination)

§ 753 (Factors to be considered).

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of the Laws of New York State.

Procedures

There are no procedures relevant to this policy.

Forms

SUNY Common Application

Authority

State University of New York Board of Trustee Resolution, No. 2016-52, Admission of Persons with Prior Felony Convictions.

Memorandum Presidents from the Assistant Vice Chancellor for University Life and University Police, dated April 27, 2000.

NYS Education Law §351, NY EDN Title 1, Article 8, §353 (State university trustees).

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of the Laws of New York State.

History

Amended on September 14, 2016, Board of Trustee Resolution No. 2016-52, Admission of Persons with Prior Felony Convictions 2016-52.

Amended May 11, 2001, Application Processing of Persons with Felony Convictions and/or Disciplinary Dismissals Addendum to Proposal.

Established April 27, 2000, Admissions of Persons with Felony Conviction of Disciplinary Dismissals.

Appendices

There are no appendices relevant to this policy.