

Admissions of Persons with Prior Felony Convictions

Policy EM012

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Responsible Administrator: Vice President for Enrollment Management and
Student Success and Vice President for Academic Affairs

Responsible Office(s): Enrollment Management and Student Success and Academic Affairs

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Policy Statement

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 (“SUNY”) 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 accordance with SUNY-wide policy, FIT prohibits admission applications from inquiring into an applicant’s prior criminal history. After an applicant has been accepted as a student, FIT shall inquire if the student previously has been convicted of a felony to determine whether a student may participate in campus housing or 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.

Reason for the Policy

SUNY policy prohibits all SUNY campuses, including the Fashion Institute of Technology, from inquiring into an applicant’s prior criminal history in admission applications.

Who is Responsible for this Policy

- Career and Internship Services
- Enrollment Management
- Members of the Standing Committee
- Office of International Programs
- Residential Life

Who is Affected by this Policy

- All prospective FIT students
- Admissions Office

Definitions

- **Covered Activity:** A covered activity for purposes of this policy includes:
 - Participation in campus housing / residential life;
 - Participation in study abroad, defined as education that occurs outside of the country that results in progress toward an academic degree;
 - Participation in an internship, defined as an applied learning experience for which the student may earn academic credit in an agreed-upon, short-term, supervised workplace activity, which may be related to the student's major field or area of interest. The work can be full or part time, on- or off-campus, paid or unpaid. This does not include internships arranged directly by students that are not sponsored or provided by FIT (e.g., summer internships not part of an academic program or for academic credit); and
 - Participation in a clinical or field experience, defined as a hands-on experience occurring in an off-campus setting that is either required as part of an academic program or otherwise sponsored by the college. FIT may in its discretion require inquiry where the experience includes overnight housing, access to vulnerable populations, or otherwise mimics other covered activities.
- **Felony Conviction:** A felony conviction means a conviction or acceptance of a plea to any felony-level crime, defined as a crime for which one could be sentenced to more than one year in jail or prison in New York state or in another jurisdiction where the student is charged with commission of the crime, even if the crime would not be a felony within the state of New York.

Principles

- **Overview and Notice to Students**

Consistent with SUNY policy, FIT will not inquire into criminal history in admissions applications. Instead, FIT asks about criminal history only after acceptance in order to determine eligibility to participate in one or more covered activities. FIT may further require students to certify in applications to participate in covered activities that they have previously provided truthful information about their criminal history and that they have not since been convicted of a felony.

A student who discloses a prior felony conviction is not automatically barred from participation in a covered activity. The student will be required to disclose information regarding the felony convictions for review by a standing committee at FIT, consistent with the legal standards in the New York State Corrections Law. The committee may approve participation in covered activities with or without conditions or may deny participation in covered activities.

Students who have previously been convicted of a felony are advised that their prior criminal history may impede their ability to complete the requirements of certain academic programs. At FIT, some academic programs require the completion of an internship, but in some cases this requirement may be fulfilled by substitute academic work. Additionally, some graduate programs at FIT require international travel. Students who have questions or concerns about academic requirements are advised to contact the academic dean of their intended academic program.

FIT will provide notice of this policy in written and web-based programmatic and recruitment materials, course catalogs, and similar publications. This information shall also be incorporated as a regular part of the college's academic advisement program.

- **For Students Who Disclose a Felony Conviction**

A student who discloses a prior felony conviction is not automatically barred from participation in a covered activity. Students will instead be required to submit information regarding the prior felony conviction to a standing committee at FIT, described in more detail below. The committee will evaluate the relevance of the conviction to the covered activity sought by the student using standards set forth in New York State Corrections Law Section 753 of Article 23-A. They are:

- The public policy of this state, as expressed in [the New York State Corrections Law], to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on the individual's fitness or ability to perform one or more such duties or responsibilities.
- The time which has elapsed since the occurrence of the criminal offense or offenses.
- The age of the person at the time of occurrence of the criminal offense or offenses.
- The seriousness of the offense or offenses.
- Any information produced by the person, or produced on his behalf, in regard to rehabilitation and good conduct.
- The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

A student who discloses a prior felony conviction may not be provided access to, or otherwise participate in, a covered activity (including campus housing) until the campus committee has reviewed the conviction and authorized the student's participation in the covered activity.

Failure to disclose a felony conviction in accordance with this policy may subject the student to discipline under the Code of Student Conduct and/or removal from participation in the covered activity. Please note that the Code of Student Conduct also contains provisions requiring students to notify FIT of arrests.

- **Membership of the Standing Committee**

FIT's President will appoint one representative from Enrollment Management, Student Success, the Counseling Center, and the Department of Public Safety to serve on the standing committee to review student felony convictions. The President will also appoint each of FIT's academic deans to serve on the committee on an ad hoc basis. The academic dean who shall serve on any specific meeting of the committee shall be the dean of the school of the student whose criminal history is being reviewed (e.g., the Dean of the School of Graduate Studies shall serve on any meeting of the committee involving review of a graduate student's record).

The President has further designated the director of Public Safety (or designee) to serve as FIT's liaison with the NYS Department of Correctional Services Division of Parole and the Office of Probation and Correctional Alternatives (or equivalent agencies for another jurisdiction) and any local parole or probation offices.

- **Information Considered by the Committee**

The committee shall request and review the following types of information:

- A copy of the student's unsuppressed, official criminal history record from the New York State Department of Criminal Justice Services (or the equivalent agency for another jurisdiction); and
- For students on parole or probation status, report(s) and reference(s) from the applicant's Department of Correctional Services Division of Parole or the Office of Probation and Correctional Alternatives (or equivalent agencies for another jurisdiction). The reports/references shall include 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.

The committee may also request and review the following types of information:

- A personal interview may be conducted to either clarify or verify information, if desired by the committee; and
- Additional personal references from counselors, current or past employers, religious advisors, etc., submitted at the student's discretion.

The student is responsible for ensuring timely submission of information, and failure to do so may result in a delay or preclude participation in a covered activity. The committee may defer decision on the student until all necessary information is received. All information submitted shall be maintained in a secure, confidential manner with access restricted to the campus committee members and other staffs with legitimate business needs for such information. Records will be retained for six years after graduation or the last date of attendance.

Responsibilities

N/A

Procedures

- **Committee Review Process**

Where a student discloses a felony conviction, the committee shall promptly, and no later than 10 business days from the disclosure, request information from the student. The committee will set a deadline for its receipt of the information, taking into account the timing and needs of the covered activity, but generally no later than 10 business days from the date of the request.

Once the committee has received all requested information, the committee will attempt to complete its review as soon as practicable and no later than 10 business days after all information has been received.

After reviewing all available information, the committee will decide by majority vote whether to grant or deny the student's admission or participation in the covered activity requested or to grant such admission/participation subject to specific conditions. The committee may, in its discretion, review the admission or participation in more than one covered activity simultaneously. Admission and/or participation in covered activities 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 decision of the committee is final and is not subject to appeal or further review.

Once a student has undergone the review process, they generally will not need to repeat it for subsequent covered activities. Participation in each type of covered activity may, however, present different considerations and concerns, and it is therefore within the committee's discretion to determine whether a student who has disclosed a prior felony conviction must undergo committee review upon each application to participate in a covered activity. The committee may, in its discretion and taking into account the nature and timing of the application, determine whether to require additional submission of information before reaching its decision.

Violations

Failure to adhere to the restrictions set forth by the Standing Committee may result in disciplinary action via the Principles set forth in the Code of Student Conduct (see Related Policies).

Related Policies

- [Code of Student Conduct](#)

Related Documents

- [SUNY Policy, Admissions of Persons with Prior Felony Convictions](#)
- [New York State Corrections Law Section 753 of Article 23-A](#)

Contacts

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