Felon Rejected for Social Work Degree Program.

The University of Alaska at Anchorage (UAA) received an application for admission to its social work program from a man, Michael Purcell, who had been convicted of murder twenty years earlier. Admission to the UAA School of Social Work requires that an applicant complete lower division courses and receive the support of the faculty, which turns on whether, in their professional judgment, the applicant is fit for social work practice. At the time of his application, Purcell was participating in a special "furlough" program while serving out the end of his prison term and had been taking lower division university courses.

Purcell's application was rejected by a majority of the School's faculty, after an interview committee had decided to recommend denial based on a published "felony policy" derived from the state licensing board standards. The policy provides that applicants may be refused admission if their criminal record renders them "unfit for social work practice," and it calls for officials to consider the number and recency of convictions and their relation to social work practice. A year later, a subsequent application was favorably reviewed by the interview committee, but the faculty still voted against admission. That decision was upheld by an academic decision review committee made up of university faculty from other departments and by the dean of the College of Health and Social Welfare.

The applicant, represented by the American Civil Liberty Union (ACLU), filed suit against the University, alleging that it had acted arbitrarily. A state court judge ruled against him, noting the fact that the University groups addressing his application did not apply a blanket "no admission" rule but engaged in detailed and difficult deliberation argued against an arbitrariness finding. The ACLU also asserted that a provision of the Alaska Constitution guarantees prisoners a "right to rehabilitation," but the court responded that a social work degree program "is not the type of program contemplated by the constitutional provision."

This case addresses the troublesome question of when and under what circumstances colleges and universities may consider the criminal history of an applicant for admission to the institution or to a particular program. It is clear that an institution must, at a minimum, have an established, written policy permitting such consideration and that such policy must be tied to some legitimate institutional purpose (*e.g.* the safety of other students, fitness to enter the field for which the particular degree to be sought is a prerequisite, etc.). Requiring an "individualized" analysis of pertinent factors, such as, for example, the individual's age at the time of the offense, the amount of time that has passed since the conviction, the extent and evidence of the individual's rehabilitation, other mitigating or aggravating circumstances, etc., will help a college or university defend against a claim that its action is unfair or arbitrary.