

HIRING DISCRIMINATION AGAINST EXONEREES

DO THE WRONGFULLY CONVICTED FACE EMPLOYMENT DISCRIMINATION
SIMILAR TO ACTUAL OFFENDERS?

By

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THESIS APPROVAL PAGE

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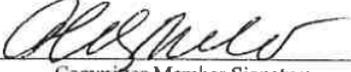
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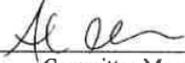
Do the Wrongfully Convicted Face Employment Discrimination Similar to Actual Offenders?

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Abstract

While the number of exonerations in the United States continues to increase, little research has examined the challenges underlying exonerees' reintegration into society. Given that exonerees are stigmatized similarly to ex-offenders (Clow & Leach, 2015) and that ex-offenders face discrimination when applying for jobs (Ahmed & Lang, 2017), the current study tested whether exonerees face similar job discrimination despite their innocence. Experienced hiring professionals ($N = 78$) assessed an applicant who was described as either an exoneree, an ex-offender, or as having no criminal history—but whose application with otherwise identical. Although the applications were rated as equally strong overall, the exoneree applicant was seen as less articulate and less competent than the control applicant, and the exoneree was offered a somewhat lower starting wage. Participants also wanted to contact more of the exoneree's references, and they listed more negative qualities of the exoneree's application. These findings highlight the heightened and unique difficulties often faced by exoneree job applicants. Implications for fair hiring practices and directions for future research are discussed.

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Introduction

According to the National Registry of Exonerations (2018), nearly 2,200 individuals have been exonerated of crimes (i.e., wrongly convicted and later absolved of guilt) in the United States since 1989. Moreover, wrongful convictions are being discovered at an accelerating rate, including 171 wrongful convictions in 2016 alone—the most ever in a single year. As the exoneree population steadily increases, researchers and legal scholars have worked to identify and remedy the systemic flaws that all-too-often place innocent men and women behind bars. Post hoc analyses of wrongful conviction cases have revealed that the most frequent causes of these miscarriages of justice include eyewitness misidentification, flawed forensic evidence, false confessions, perjured testimony, professional misconduct (e.g., prosecutorial misconduct, evidence tampering by law enforcement), and ineffective assistance of counsel (www.innocenceproject.org). Yet, while much research has examined why wrongful convictions occur and how they might be prevented in the future, very little research has examined the unique difficulties that face the ever-growing exoneree population following their release from prison.

Stigma toward Exonerees

Despite their innocence, exonerees tend to be viewed in a more negative light than the average person. Thompson, Molina, and Levett (2012) studied how the general public perceives exonerees by asking participants to read a newspaper article about an exoneree, an ex-offender, or an individual with no criminal history, and then rating the subject of the article in terms of their assumed personality characteristics. They found that participants rated the exoneree as less warm, good-natured, confident, and intelligent than the individual with no criminal history.

In fact, Clow and Leach (2015) found that exonerees were stereotyped similarly to actual offenders. In their study, participants reported their attitudes toward actual offenders, exonerees, and people in general (i.e., control group). They found that participants perceived exonerees and actual offenders as equally competent, and perceived actual offenders as less competent than the average person. Additionally, both actual offenders and exonerees were rated as significantly less warm than the average, and participants expressed a stronger desire to socially distance themselves from these groups than from people in general.

Post-Exoneration Challenges

Qualitative research on the exoneree population suggests that this stigma can create a myriad of social, health-related and financial challenges. For example, stigma can drive exonerees into isolation and lead them to abuse substances as a coping mechanism (Westervelt & Cook, 2010). In addition, recently-released exonerees and ex-offenders are at a heightened risk for a variety of chronic physical conditions (e.g., hypertension, arthritis, asthma, and hepatitis; Binswanger, Kreuger, & Steiner, 2009) as well as an increased risk of psychological disorders. Wildeman, Costelloe, and Schehr (2011) found that exonerees were much more likely than the general population to suffer from anxiety disorders, depression and/or PTSD. Grounds (2005) also suggested that exonerees are likely to experience maladaptive personality changes as a result of their wrongful convictions, which often manifest themselves in hostility and distrust of others and thereby impose strain on social relationships and familial bonds. Unfortunately, these physical and psychological ailments are frequently left untreated, as quality healthcare coverage is often unaffordable or unobtainable to the exoneree (Westervelt & Cook, 2010).

To help alleviate the difficulties that individuals face after being incarcerated, government assistance programs commonly give parolees (i.e., offenders who are granted early conditional release from prison) access to healthcare, subsidized housing, and vocational training. Unfortunately, exonerees often do not qualify for these same services because their convictions have been overturned (Chunias & Aufgang, 2008; Westervelt & Cook, 2010). In cases where exonerees do qualify for assistance, they are often unaware that such programs exist or of how to access them, since re-entry guidance services provided to ex-offenders are not extended to them (Chunias & Aufgang, 2008).

Exonerees also have difficulty supporting themselves financially. In a 2005 survey conducted by the Life After Exoneration program, approximately two-thirds of exonerees depend on family and friends for financial support. Although one might expect exonerees to receive financial restitution for their wrongful imprisonment, 18 states do not currently guarantee any such compensation (www.innocenceproject.org). In those that do, award amounts are sometimes minimal; for example, Wisconsin stipulates a maximum annual compensation awarded of only \$5,000, with a \$25,000 cumulative cap. Other states require that exonerees file a lawsuit to seek compensation, which can be an expensive and convoluted process that may or may not produce a favorable outcome for the exoneree.

A steady-paying job would presumably alleviate some of the challenges that exonerees face. However, for many exonerees, a lack of education and skills, unfamiliarity with recent technology, and the employment gap created by their incarceration present obvious roadblocks to securing employment. In fact, exonerees sometimes have longer employment gaps than traditional ex-offenders insofar as they are ineligible for prison work study programs if they do not admit guilt for their crimes (Chunias & Aufgang, 2008).

Additionally, standard job applications typically inquire about one's criminal history, which can be difficult for an exoneree to answer. For example, exoneree Alan Gell—who served five years on death row after being wrongly convicted of murder—recounted his difficulty in filling out a job application:

When you go to apply for jobs, I'm having the darndest time.... You go to fill out a job application and it's like, 'have you been convicted of a felony?' Yes or no, not please explain. And then it's, 'what was it?' And the line to write it on is that long [uses fingers to indicate small space]. Where do you write, how do you write capital murder but I was later exonerated? Or capital murder but I didn't really do it? (Westervelt & Cook, 2012)

This is likely why Westervelt and Cook (2010) reported that securing employment was the most frequently mentioned problem cited by their sample of 18 exonerees.

Employment Discrimination against Ex-Offenders

Research has consistently shown that ex-offenders face discrimination when seeking employment. For example, a situational experiment by Pager (2003) sent two actors—who were similar in age, educational background, and work experience—to apply for a series of entry-level jobs, while alternating which of the two actors adopted a false criminal history. Results indicated that whichever actor claimed to have a criminal background became less likely to receive a callback from a prospective employer, and this held true regardless of the actor's race.

More recently, Ahmed and Lang (2017) reviewed 11 field experiments on how criminal history impacted employers' assessments of applicants. Each study used only male applicants and employed either a correspondence test design (in which job

applications were sent to employers), a situation test design (in which actors applied in-person for positions), or both. In nine of the 11 studies, real-life employers evaluated applicants with criminal records as less desirable than those with no convictions, and these applicants did not progress as far in the interview process (e.g., ex-offenders were less likely to be contacted for further information, to receive interview invitations, and/or to receive job offers). In addition, Ahmed and Lang performed their own correspondence test, which revealed similar discrimination against ex-offenders in both male and female-dominated professions, and in both high and low-skilled positions.

A survey by Giguere and Dundes (2002) highlighted some of the reasons why employers might be reluctant to hire individuals with a prior criminal conviction. First, they found that 82% of managers and business owners worried that ex-offenders would lack the necessary “people skills” to interact with their customers. Furthermore, more than three-quarters of managers and business owners expressed concern about how customers and fellow employees would react after learning that an ex-offender was employed at their business. Notably, these findings are consistent with Clow and Leach’s (2015) finding that people tend to view ex-offenders (and exonerees) as less warm than the average person, and they tend to desire greater social distance from them.

The Current Study

Previous research has demonstrated that exonerees are stigmatized similarly to ex-offenders (Clow & Leach, 2015) and that ex-offenders experience employment discrimination (e.g., Ahmed & Lang, 2017; Pager, 2003). With this in mind, the current study was designed to test the hypothesis that exonerees face employment discrimination similar to ex-offenders. A sample of experienced hiring professionals read the application

materials of one of three hypothetical applicants, who differed only in terms of their criminal history (i.e., exoneree, ex-offender, or none). In so doing, they assessed the applicant on a variety of dimensions, including global judgments of the applicant as well as specific inferences about the applicant's work ethic and personality. In addition, they were asked how many of the applicant's references they would contact, and they suggested an appropriate starting wage for the applicant. Finally, they were given the opportunity to list up to five positive and five negative qualities of the applicant.

H1: Compared to the control applicant, participants will rate the exoneree and ex-offender applicants as weaker overall, and will be less likely to interview them.

H2: Compared to the control applicant, participants will hold less favorable expectations of the exoneree and ex-offender applicants in terms of their personality and work ethic.

H3: Compared to the control applicant, participants will recommend contacting more references for—and offering a lower starting wage to—the exoneree and ex-offender applicants.

H4: Participants will list more negative qualities of the exoneree and ex-offender applicants than the control applicant, and conversely, they will list more positive qualities of the control applicant than the exoneree and ex-offender applicants.

Method

Participants and Design

Professionals with experience in employee hiring ($N = 83$) were recruited via e-mail solicitation and online advertisements.¹ Each participant completed the study online and was randomly assigned to one of three conditions (i.e., Ex-Offender, Exoneree, or

Control) in a one-way, between-subjects design. Five participants (6.0%) were later excluded after failing a manipulation check, leaving a final sample of $N = 78$, with at least $n = 24$ in each condition.

The final sample was primarily Caucasian (85.3%) and male (50.0%), with a mean age of 38.8 years ($SD = 13.0$). Every member of our sample had graduated from high school, with the majority having earned a bachelor's degree or higher (80.8%), and nearly half having completed at least some graduate-level education (42.3%).

Job and hiring experience. On average, participants had 6.76 years of experience with their current employer ($SD = 7.37$), with job titles ranging from interns ($n = 6$) to C-level executives ($n = 2$) and owners ($n = 2$), and a modal job title of manager ($n = 16$). Participants self-reported a considerable amount of firsthand experience with employee recruitment, staffing, and/or selection ($M = 3.81$ out of 5, $SD = 1.44$). In addition, a majority of participants reported having participated in a variety of hiring-related activities, including job analysis (66.7%), job posting (59.0%), resume screening (75.6%), administering phone interviews (65.4%), administering in-person interviews (76.9%), and extending formal offers of employment (53.8%). Many participants also reported having personally administered selection tests (34.6%), conducted reference checks (48.7%), and performed background investigations (38.5%).

Procedure

After providing consent and demographic information (see Appendix A), participants read the job description for a managerial position at a hardware store, and they were told that they would be asked to evaluate an applicant for this position. Then, each participant viewed the application and résumé of one applicant. By random assignment,

the application described either a prior felony conviction (*Ex-Offender* condition), a felony conviction of which the applicant was later exonerated (*Exoneree* condition), or no prior convictions (*Control* condition). All other aspects of the three applications were identical, and the applicant's résumé was identical across conditions.

Next, participants evaluated the applicant on several dimensions. First, they rated the overall strength of the application, rated the strength of each individual section of the application, reported how likely they would be to interview the applicant, and indicated how many of the applicant's references they would contact. Next, participants rated the degree to which they expected the applicant to possess a variety of personality characteristics. Then, participants suggested an appropriate starting wage for the applicant, and they were given the opportunity to list up to five positive and five negative qualities of the applicant. Finally, participants completed a multiple-choice comprehension test to ensure they had read and understood the materials, including a critical item which asked them to recall the applicant's criminal history.

Materials

Job description. Participants read a one-page job description of a full-time assistant manager position at a hardware store (see Appendix B), which was adapted from an actual online job posting by Ace Hardware. The description explained that the position required a high school diploma (with some college preferred), a flexible work schedule, one to three years of retail management experience, and a variety of other desired skills and responsibilities (see Appendix B). The description also noted a salary range of \$10-15 for the position.

Employment application. Each version of the application was three pages long and included the following seven sections: Applicant Information, Availability, Skills and Experience, Education, Employment History, References, and Supplemental Information (i.e., two short answer questions; see Appendix C). All identifying information (e.g., the applicant's name) was redacted to keep race and gender ambiguous. In an effort to make the application appear neither too weak nor too strong, the applicant provided limited availability (e.g., no availability on Saturdays) and made a grammatical error in the Employment History section (i.e., used "there" to mean "their").

By random assignment, participants received one of three versions of the application, which were identical aside from two mentions of the applicant's criminal history. On the first page, a question asked whether the applicant had ever been convicted of a felony, and if so, to explain. In the *Ex-Offender* condition, the applicant checked "yes" and noted a "felony conviction in January 2015, [and] release from prison in April 2017." In the *Exoneree* condition, the applicant checked "yes" and noted a "felony conviction in January 2015, but this conviction was overturned and I was exonerated and released from prison in April 2017." (In both cases, the nature of the felony was not specified.) In the *Control* condition, the applicant simply checked "no."

On the second page, the applicant reported their work history, including an explanation as to why they left each position. For their most recent position, the *Ex-Offender* application explained that they left because they were "incarcerated from January 2015 to April 2017." Similarly, the *Exoneree* application explained that they left because they were "incarcerated from January 2015 to April 2017, conviction vacated in April 2017." In order to create an employment gap of the same length, the *Control* application

cited a non-work-related injury as the reason for leaving their most recent position (i.e., “I was hurt in a car accident and was able to return to work but am now fully recovered”).

Résumé. In all three conditions, participants viewed the same one-page résumé, which was formatted into two categories (i.e., Work Experience and Education; see Appendix D). The résumé indicated that the applicant had a high school diploma, over three years of experience as a cashier at a different hardware store, and 14 months of experience as an assistant manager in the food service industry. As in the application, the applicant’s name and other identifying information was blurred out on the applicant’s résumé, and the résumé included a minor formatting error (i.e., a single misaligned bullet point) to create ambiguity.

Dependent measures. After reviewing the applicant’s application and résumé, participants were asked to act as hiring manager for the hardware store and to assess the applicant’s fit for this position (see Appendix E). First, they rated the overall strength/appeal of the applicant on a scale from 1 (*very weak*) to 6 (*very strong*), and they separately rated the strength of each subsection on this same scale. They also indicated how likely they would be to interview the applicant, using a scale from 1 (*very unlikely*) to 6 (*very likely*).

Next, participants rated the extent to which they expected the applicant to possess 12 desirable personality characteristics (see Table 2), each on a scale from 1 (*not very likely*) to 6 (*very likely*). The characteristics chosen were based off elements from the Big Five Model of Personality, which has often been used in employee selection research to predict future job success, and traits measured in previous research assessing societal perceptions of exonerees (Barrick & Mount, 1991; Clow & Leach, 2015). Then, they

indicated how many of the applicant's three references they would be likely to contact, and they gave their opinion as to what would be an appropriate starting hourly wage for this applicant if they were to be hired. Finally, they were given the option to list up to five positive and five negative qualities of the applicant in an open-ended fashion. These were later coded for (a) the number of each of type of quality that each participant listed, and (b) whether they listed the applicant's criminal history as a negative quality.

Comprehension test. Lastly, participants completed a three-item multiple-choice comprehension test to ensure that they had understood and remembered the content of the application materials. These included one critical item, which asked participants to recall the criminal history of their applicant (i.e., whether the applicant indicated they had no history of felony convictions, a felony conviction with prison time served, or a felony conviction with prison time served which was later overturned). Five participants (6.0%) were excluded after giving an incorrect response to this critical item, leaving a final sample of $N = 78$.

Results

Analysis Plan

For each continuous dependent measure, I performed a one-way analysis of variance (ANOVA) to compare the Ex-Offender ($n = 24$), Exoneree ($n = 26$), and Control ($n = 28$) conditions. In addition to testing for conventional significance (i.e., $p < .05$), I calculated partial eta-squared (η^2_p) effect sizes for each analysis and interpreted these according to Cohen's (1988) guidelines for small ($\eta^2_p = .01$), medium ($\eta^2_p = .06$), and large ($\eta^2_p = .14$) effects.

In cases where the analysis revealed a significant main effect and/or a medium effect size (or larger), I performed planned contrasts to compare each of the experimental conditions (i.e., Exoneree and Ex-Offender) against the Control condition. I also calculated Cohen's d effect sizes [and 95% CIs] for each planned contrast and interpreted these according to Cohen's (1988) guidelines for small ($d = 0.20$), medium ($d = 0.50$), and large ($d = 0.80$) effects.

Application Strength and Likelihood of Interview

Contrary to Hypothesis 1, criminal history had no effect on the applicant's overall strength/appeal, $F(2,75) = 0.82, p = .444, \eta^2_p = .02$, or on the likelihood that they would be interviewed, $F(2,75) = 1.23, p = .298, \eta^2_p = .03$, and in each case, the effect size was small (see Table 1). Overall, participants rated the applicant as moderately strong ($M = 4.04$ out of 6, $SD = 0.96$) and they were moderately likely to interview them ($M = 4.41$ out of 6, $SD = 1.16$). Moreover, a one-way MANOVA found no significant effect of criminal background on the perceived strength of the six individual sections of the application, $F(12,140) = 0.66, p = .783, \eta^2_p = .05$.

Character Judgments

A one-way MANOVA found no significant multivariate effect of criminal history on the 12 character judgments, $F(24,128) = 1.40, p = .120$, but revealed a large effect size, $\eta^2_p = .21$. As shown in Table 2, significant and/or medium-sized effects were found on five of the 12 measures. Supporting Hypothesis 2, planned contrasts found that the exoneree applicant was rated as less trustworthy, $p = .018, d = -0.71$ [95% CI: -1.26, -0.16], less articulate, $p = .031, d = -0.63$ [95% CI: -1.18, -0.09], and less competent, $p = .036, d = -0.64$ [95% CI: -1.19, -0.09], than the control applicant (Table 2). Furthermore, the ex-

offender applicant was rated as less trustworthy, $p = .001$, $d = -1.01$ [95% CI: -1.58, -0.43], less responsible, $p = .018$, $d = -0.70$ [95% CI: -1.25, -0.13], and less conscientious, $p = .010$, $d = -0.77$ [95% CI: -1.34, -0.21], than the control applicant.

Reference Check and Starting Wage

Criminal history had a non-significant but medium-sized effect on the number of references that participants intended to contact, $F(2,75) = 2.34$, $p = .104$, $\eta^2_p = .06$ (Table 1). Consistent with Hypothesis 3, planned contrasts revealed that participants planned to contact more references for the exoneree than for the control applicant, $p = .052$, $d = 0.58$ [95% CI: 0.03, 1.12]. However, contrary to Hypothesis 3, participants planned to contact the same number of references for the ex-offender and control applicants, $p = .091$, $d = 0.45$ [95% CI: -0.11, 1.00]. Notably, the modal participant intended to contact all three references for both the exoneree (50.0%) and the ex-offender (62.5%), but only two references for the control applicant (42.9%).

The effect of criminal history on suggested hourly wage was not statistically significant and was just shy of medium in strength, $F(2,75) = 1.81$, $p = .170$, $\eta^2_p = .05$ (Table 1). Even so, planned contrasts were performed to allow for a more direct test of Hypothesis 3. Consistent with this hypothesis, the exoneree applicant ($M = 12.15$, $SD = 1.40$) was offered a marginally lower starting wage than the control applicant ($M = 12.80$, $SD = 1.16$), $p = .070$, and this difference was medium in size, $d = -0.51$ [95% CI: -1.05, 0.04]. However, contrary to Hypothesis 3, the ex-offender ($M = 12.65$, $SD = 1.30$) and control applicants were offered the same starting wage, $p = .673$, $d = -0.12$ [95% CI: -0.67, 0.42].

Positive and Negative Qualities

Contrary to Hypothesis 4, criminal history did not affect the number of positive qualities that participants listed, $F(2,75) = 1.44$, $p = .244$, $\eta^2_p = .04$. However, criminal history had a medium-sized (albeit non-significant) effect on the number of negative qualities listed, $F(2,75) = 2.56$, $p = .084$, $\eta^2_p = .06$ (Table 1). Consistent with Hypothesis 4, planned contrasts revealed that participants listed more negative qualities of the ex-offender than the control applicant, $p = .035$, $d = 0.58$ [95% CI: 0.02, 1.13]. Similarly, participants tended to list more negative qualities of the exoneree than the control applicant—but this difference did not reach significant and was just shy of medium in size, $p = .102$, $d = 0.44$ [95% CI: -0.10, 0.98].

Providing further support for Hypothesis 4, the modal participant listed zero negative qualities for the control applicant (28.6%) but listed two negative qualities for both the exoneree (30.8%) and ex-offender (29.2%) applicants. Notably, participants in the exoneree (57.1%) and ex-offender (70.4%) conditions were equally likely to list the applicant's criminal history as a negative quality, $\chi^2(1) = 1.04$, $p = .308$, $\phi = .14$.

Discussion

In light of prior research showing that exonerees face stigma similar to actual offenders (Clow & Leach, 2015) and that ex-offenders experience employment discrimination (e.g., Ahmed & Lang, 2017), the current study tested the hypothesis that exonerees would likewise experience discrimination when applying for jobs. A sample of experienced professionals evaluated job application materials that differed only in terms of the applicant's status as an ex-offender, exoneree, or neither. While no differences emerged in global judgements of these applicants, the applicant's criminal history led to differences

in perceived character, breadth of reference checks, suggested rate of pay, and the number of negative qualities listed about them. In turn, one might expect these differences to have negative impact on exonerees' job prospects.

Like Clow and Leach (2015), the current study found that both exonerees and ex-offenders were negatively stereotyped. However, in their study, both of these groups were negatively stereotyped in the same way: Undergraduates rated both exonerees and ex-offenders as less competent and less warm than the average person, and they desired greater social distance from the exoneree and ex-offender than from an individual with no criminal history.

In contrast, hiring professionals in the current study negatively stereotyped both the exoneree and ex-offender applicants—but they stereotyped them in noticeably different ways. While both groups were seen as less trustworthy than the control applicant, the exoneree was assumed to be less articulate and less competent, whereas the ex-offender was assumed to be less responsible and less conscientious. Thus, it seems as though hiring professionals stereotyped ex-offenders as *motivationally* deficient, but stereotyped exonerees as *intellectually* deficient. If true, the effect of criminal history on employment discrimination may somewhat depend on the type of job being sought; for example, exonerees may face heightened discrimination for jobs where mental ability is of paramount importance (e.g., engineering), whereas ex-offenders may be more negatively impacted when applying for jobs that demand high levels of rule compliance (e.g., factory work). Future research should examine how desired job skills moderate the observed discrimination against exonerees and ex-offenders.

The fact that the exoneree was stereotyped as intellectually inferior may suggest that professionals viewed the exoneree as somehow responsible for their own misfortune. Although the current study did not directly test this possibility, this finding is consistent with a basic tenet of attribution theory, namely that individuals tend to favor dispositional explanations over situational explanations (Gilbert & Malone, 1995; Ross, 1977). In other words, participants may have attributed the exoneree's wrongful conviction to the exoneree's own incompetence, rather than to a failure of the justice system beyond the exoneree's control. This finding may also be explained in terms of just world theory, which posits that people have a fundamental need to view the world as fair (Lerner & Miller, 1978). When faced with an injustice that threatens this belief (e.g., a wrongful conviction), people may blame the victim for their own suffering, which allows them to maintain their belief in a just world.

Other research suggests that people are less likely to help stigmatized individuals when they see those individuals as responsible for their own stigma. For example, Weiner, Perry and Magnusson (1988) found that individuals whose stigma was seen as having a controllable origin (e.g., a drug -abuser perceived as morally weak) were more likely to be blamed for their stigma and were seen as less deserving of pity, personal assistance, and charity. Similarly, Farwell and Weiner (2000) found that individuals gave less charitable support to individuals who they viewed as personally responsible for their own financial hardship. This may explain another finding of the current study, namely that hiring professionals were less likely to "support" the exoneree applicant insofar as they offered the exoneree a somewhat lower starting wage compared to the control applicant.

The inability to secure a living wage can be debilitating to an exoneree's reintegration, as adequate funds are necessary for obtaining basic needs and accessing quality healthcare to address their common physical and mental health issues (Grounds, 2005; Wildeman, Costelloe, & Schehr, 2011). In many cases, the inability to support oneself leads exonerees to become financially dependent on family and friends, which can weaken these relationships (Scott, 2010). Furthermore, Mandery, Shlosberg, West, and Callaghan (2013) found that exonerees who were less well-off financially were more likely to engage in criminal behavior after their release from prison. In a sample of 118 exoneration cases, exonerees who received at least \$500,000 in compensation for their wrongful conviction were less likely to commit post-release crimes than those who were compensated below this level (or not at all).

Finally, when given the option to list up to five positive and/or negative qualities of their applicant, hiring professionals listed more negative qualities of the exoneree and ex-offender than of the control applicant. This may be problematic for exonerees insofar as people tend to weigh negative information more heavily than positive information. In a review of the existing literature on this phenomenon, Baumeister, Bratslavsky, Finkenauer, and Vohs (2001) explained that negative information is processed more deeply than positive information—a phenomenon known as positive-negative asymmetry. As a result, negative stereotypes tend to form more easily than positive ones, and these negative stereotypes typically require significant conflicting evidence to be overcome. In the context of the current study, this suggests that professionals' increased focus on negative elements of the exoneree and ex-offender applications is likely to put these applicants at a disadvantage that is very difficult to overcome.

Given that knowledge of an applicant's criminal history can foster prejudice and discrimination, one might assume that blinding hiring managers to information about an applicant's criminal history would eliminate discrimination in the hiring process. Indeed, over 100 cities and counties across the U.S. have now adopted 'ban the box' initiatives, which remove questions about a candidate's criminal history from job applications (Von Bressler & Bressler, 2016). However, even proponents of banning the box admit that this practice benefits only a small portion of the formerly incarcerated (i.e., those who are otherwise-promising candidates with sufficient education and experience; Henry & Jacobs, 2007). That is to say, that 'ban the box' initiatives fail to address the problem of exoneree and ex-offender applicants having lengthy employment gaps and lacking job skills and/or training comparable to other applicants.

Moreover, critics warn that banning the box could actually replace one form of discrimination with another, and thereby worsen the employment outlook of minority applicants. Using population survey data, Doleac and Hansen (2016) found that employers who followed 'ban the box' policies were 2.9% less likely to hire young, low-skilled Hispanic men and 5.1% less likely to hire young, low-skilled African-American men compared to employers that did not 'ban the box.' To explain this finding, the authors speculated that employers who have concerns about applicants' criminal backgrounds but have no actual information about their backgrounds are more likely to make assumptions about a candidate's criminal history based on their minority status, which thus increases racial discrimination. Consistent with this idea, Holzer et al (2006) found that employers who used criminal background checks were more likely to hire African-American men

than those who do not. In other words, knowledge of an applicant's criminal history may actually diminish race-based discrimination.

Despite the growing exoneree population, research designed to understand their unique post-incarceration struggles—and how to alleviate these challenges—is in its infancy. Though the exact solution remains unknown, the current study sheds some light on why exonerees, despite their innocence, may encounter difficulty in securing gainful employment. Moreover, our results suggest that exonerees may experience stigma and discrimination that is similar in magnitude but different in kind when compared to that of ex-offenders. Future work should aim to better understand why people might view exonerees as inherently less capable (and how to overcome this stigma), and how to encourage hiring officials to make equitable hiring decisions. Ultimately, studies such as these can be used to identify, design, and promote effective real-world practices to better meet exonerees' needs and promote successful reintegration.

Table 1

Effect of Criminal History on Perceptions of Applicant and Other Outcomes

	Control M (SD)	Exoneree M (SD)	Ex-Offender M (SD)	F	p	η^2_p
Overall Strength/Appeal (1-6)	4.21 (0.83)	3.88 (1.21)	4.00 (0.78)	0.82	.444	.02
Likelihood to Interview (1-6)	4.68 (1.02)	4.31 (1.38)	4.21 (1.02)	1.23	.298	.03
Number of References to Contact (0-3)	1.86 (0.89)	2.35 (0.80)	2.29 (1.04)	2.34	.104	.06
Starting Hourly Wage (\$)	12.80 (1.16)	12.15 (1.40)	12.65 (1.30)	1.81	.170	.05
Positive Qualities Listed (0-5)	2.75 (1.67)	3.35 (1.52)	3.38 (1.35)	1.44	.244	.04
Negative Qualities Listed (0-5)	1.86 (1.56)	2.50 (1.33)	2.71 (1.37)	2.56	.084	.06

Note. Measurement scales shown in parenthesis next to each measure

Table 2

Effect of Criminal History on Character Judgments (1-6)

	Control M (SD)	Exoneree M (SD)	Ex-Offender M (SD)	<i>F</i>	<i>p</i>	η^2_p
Trustworthiness	4.54 (0.92)	3.73 (1.34)	3.38 (1.38)	6.27	.003	.14
Friendliness	4.50 (0.75)	4.12 (1.11)	4.08 (1.09)	1.56	.218	.04
Intelligence	4.04 (0.74)	3.62 (0.98)	3.79 (0.88)	1.58	.212	.04
Strong Work Ethic	4.29 (0.76)	4.15 (0.88)	4.25 (1.26)	0.13	.879	.00
Personability	4.29 (0.66)	4.04 (0.96)	4.13 (1.12)	0.51	.605	.01
Dependability	4.39 (0.96)	3.92 (1.13)	4.00 (1.32)	1.34	.269	.03
Articulateness	4.07 (0.94)	3.46 (0.99)	3.83 (1.13)	2.45	.093	.06
Responsibility	4.50 (0.92)	4.04 (1.15)	3.75 (1.26)	3.04	.054	.08
Conscientiousness	4.36 (0.68)	3.96 (1.04)	3.67 (1.09)	3.52	.035	.09
Emotional Stability	4.00 (0.82)	3.50 (1.21)	3.42 (1.38)	2.03	.139	.05
Competence	4.50 (0.79)	3.96 (0.92)	4.13 (1.08)	2.40	.098	.06
Approachability	4.36 (0.87)	4.08 (0.98)	3.88 (1.12)	1.58	.214	.04

Appendix A Demographics Questionnaire

Before we begin, please take a moment to answer a few questions about yourself. Please note that all questions in this section are optional.

What is your age (in years)? _____

What is your gender?

- Male
- Female

What is your race?

- White/Caucasian
- Hispanic/Latino
- Black/African American
- Asian/Pacific Islander
- Native American/American Indian
- Multiracial
- Other (Please specify):

What is the highest level of education that you have completed?

- Some High School
- High School Diploma
- Some College
- Technical/Associate's Degree
- Bachelor's Degree
- Some Graduate School
- Graduate Degree

Which of the following best describes your current career level?

- Intern
- Entry level
- Analyst/Associate
- Manager
- Senior Manager
- Director
- Vice President
- Senior Vice President
- C-Level Executive (e.g., CEO, CIO, CTO, COO, CMO)
- President
- Owner
- N/A- Not currently employed

How long have you worked for your current employer? If you are not currently employed, please answer "N/A" in both spaces below.

Number of Years _____

Number of Months _____

Please answer the following questions about your prior experience with employee selection.

Using the scale below, please indicate how often in your career you have participated in the practice of employee recruitment, selection, and/or staffing:

1- Never

2

3- Sometimes

4

5 - Often

Which of the following hiring activities have you performed or participated in as part of a current or past work role? (Check all that apply.)

- Job Analysis / Position Description
- Posting Open Positions (Internal or External)
- Initial Resume Screening
- Initial phone / Screening Interviews
- In-Person/ Skype Interviews
- Administering Selection Instruments / Tests
- Reference Checks
- Background Investigation
- Extending Employment Offers

Appendix B Job Description

Next, please review the job description below. You will later be asked to assess a candidate applying for this position.

Assistant Retail Store Manager

One Stop Hardware - Sugar Grove, IL

\$10 - \$15 an hour

Job Descriptions: **Assistant Store Manager**

Position Summary

Assistant Store Managers are responsible for ensuring that associates provide exceptional customer service, while achieving sales goals. This includes ensuring customer satisfaction, driving sales, building sales skills and product knowledge. Effective Assistant Store Managers maximize productivity and profitability by balancing sales and expenses, identifying sales opportunities and setting customer service standards. They must demonstrate knowledge of the store's purpose and goals and have the skills to help associates achieve those goals.

Major Responsibilities

The major responsibilities for this position include:

- Train, coach and observe associates.
- Provide input into merchandising decisions with the Store Manager
- Implement the merchandising and category strategies for the store
- Resolve customer and employee complaints in a timely and satisfactory manner
- Ensure that open/close procedures are followed
- Ensure that all daily inventory management tasks are completed.
- Be proficient in all store technology.

Minimum Requirements

The minimum requirements for this position include:

- Education/Training: High School degree, some college preferred. Possess a vast product knowledge of hardware related products along with a willingness to learn
- Experience: Minimum of 1-3 years' retail management experience
- Skills/Knowledge: Strong display and merchandising skills
- Strong leadership and analytical skills
- Excellent customer service skills
- Excellent verbal and written communication skills with the ability to communicate clearly and effectively in all situations
- Strong problem-solving and organizational skills

- Ability to lead and develop others
- Ability to handle multiple projects and task with a high attention to detail
- Knowledge of retail computer systems, MS Word and Excel a plus.
- Ability and willingness to work flexible hours including evenings, weekends and holidays to meet the needs of the business

Physical Requirements

The minimum physical requirements for this position include:

- Ability to stand for an extended period
- The employee must frequently lift and/or move up to 20 pounds and occasionally lift and/or move up to 50 pounds.

Job responsibilities may change based on the needs of the business.

Job Type: Full-time

Salary: \$10.00 to \$15.00/hour

Job Location:

- Sugar Grove, IL 60554

Required education:

- High school or equivalent

Required experience:

- retail management: 1 year

Appendix C Employment Application (Control Condition)

ONE STOP HARDWARE

Employment Application

Date of Application: June 19, 2017
 Position Applied for: Assistant Store Manager
 How Did You Learn About This Position? Web Site Advertisement _____
 Walk-in Friend/Relative Other _____

Applicant Information

Full Name: _____
LastFirstM.I.

Address: _____
Street AddressApartment/Unit #

Sugar Grove IL 60554
CityStateZIP Code

Phone: _____ Email: _____

If under 18, can you furnish a work permit? YES NO Are you legally authorized to work in the U.S.? YES NO

Have you ever worked for this company? YES NO If yes, when? _____

Have you ever been convicted of a felony? YES NO

If yes, explain: _____

Availability

Date you are available to work: Immediately
 Do you wish to work: Full-Time Part-Time Temporary
 If temporary, specify dates available: _____
 Please indicate hours you are available to work each day: (example: 7am – 9pm)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Any	Any	2:00 PM - close	8:00 AM – 6:00 PM	Any	Any	Unavailable

Wages desired: \$13.00 per hour Hours per week: 40
 Can you travel if the job requires it? Yes No

Skills & Experience

Check all that apply:

<input type="checkbox"/> Electrical	<input type="checkbox"/> Blade Sharpening	<input type="checkbox"/> Plumbing	<input checked="" type="checkbox"/> Paint Mixing Machine
<input type="checkbox"/> Building Construction	<input checked="" type="checkbox"/> Key Cutting Machine	<input checked="" type="checkbox"/> Cash Register	<input type="checkbox"/> Screen Repair
<input checked="" type="checkbox"/> Microsoft Word	<input checked="" type="checkbox"/> Microsoft Excel	<input type="checkbox"/> Intuit QuickBooks	<input type="checkbox"/> Lock Servicing

Fluency in Foreign Languages: _____
 List any other relevant qualifications you have that can be a benefit in this position:
Managerial experience

Education

	Name and Location	Years Completed	Degree?	Major
High School	Kaneland High School Maple Park, IL	4	Diploma	General – High School
College				
Graduate School				
Other				

Employment History

Give name and addresses of all previous employers. If you are now working, your present employer and reason you want to leave must be included. Additional sheets may be attached if required. Please give reason for any lapse of time between jobs.

May we contact your present employer? YES NO

Employer (Latest first)	Dates Employed	Salary History	Position and Duties	Reason for Leaving
Name: Pizza Palace Address (City/ State/ Zip): Telephone: Supervisor:	From: 11/2013 To: 1/2015	Start: \$11.00/hr Final: \$11.33/hr	Assistant Manager I trained new employees, created a weekly employee schedule, prepared sales reports for my manager, led cashiers in closing the store, helped with customer complaints and supervised the cashiers.	I was hurt in a car accident and was unable to return to work but am now fully recovered.
Name: Taylor's Hardware Address (City/ State/ Zip): Telephone: Supervisor:	From: 8/2010 To: 11/2013	Start: \$8.50/hr Final: \$9.75/hr	Cashier/ Head Cashier I checked out customers sales, balanced the cash drawer, cut keys for customers, mixed paint and helped customers with there questions. I was made a head cashier in 2013 and was then doing returns and supervising other employees.	I wanted more responsibility as a manager.
Name: Address (City/ State/ Zip): Telephone: Supervisor:	From: To:	Start: Final:		

Additional sheets attached? YES NO

References

Please list three professional references (not related to you) with contact information:

Name: [Redacted]	Phone Number: [Redacted]	Email: N/A
How do you know this person? Former supervisor at Pizza Palace		Years acquainted? 3
Name: [Redacted]	Phone Number: [Redacted]	Email: [Redacted]
How do you know this person? Former coworker at Taylor's Hardware		Years acquainted? 6
Name: [Redacted]	Phone Number: [Redacted]	Email: [Redacted]
How do you know this person? Former coworker at Pizza Palace		Years acquainted? 2

Supplemental Information

Why do you want to work for One Stop Hardware?

I want to work here because I really enjoyed my experience at Taylor's Hardware helping with home improvement projects. I also think I am a good candidate because I have experience managing people, being responsible for important tasks and helping to run a store.

What is your definition of customer service?

I think customer service is all about listening to your customer and using your knowledge to help them out. It also means keeping your cool when a customer is upset so you can solve their problem.

I certify that my answers are true and complete to the best of my knowledge.

If this application leads to employment, I understand that false or misleading information in my application or interview may result in my release.

Signature: [Electronic Signature Issued on 06.19.2017, 14:22] Date: June 19, 2017

Appendix D Applicant Résumé



Sugar Grove, IL 60554

AlanMiller21@gmail.com 815-450-0366

WORK EXPERIENCE

Assistant Manager

Pizza Palace - Aurora, IL – November 2013 to January 2015

Responsibilities

- Trained our new employees on “Pizza Palace Practices.”
- Deposited register sales to the bank on a daily basis.
 - Prepared a weekly employee schedule for all hourly employees.
- Supervised cashiers by balancing registers with them at the end of each shift, getting them change as needed, dealing with dress code issues and helping them solve customer complaints or issues.
- Generated weekly revenue reports and cashier status reports.
- Assisted manager in store closings by doing walkthroughs, locking the safe and turning on the alarm.
- Counted inventory on a weekly basis.

Head Cashier

Taylor’s Hardware - Aurora, IL – February 2013 to November 2013

Responsibilities

- Processed returns and exchanges.
- Assigned all breaks and lunches to cashiers.
- Led weekly sales meetings by going over cashier accuracy report cards.

Cashier

Taylor’s Hardware - Aurora, IL – August 2010 to February 2013

Responsibilities

- Operated cash register and performed sales transactions with necessary speed and accuracy.
- Balanced my cash drawer within a dollar at the end of every shift.
- Assisted other departments by learning to mix paint, cut keys and cut blinds.
- Answered customer questions and helped resolve complaints.
- Maintained a clean checkout station.
- Promoted to Head Cashier.

EDUCATION

High School Diploma

Kaneland High School- Maple Park, IL
2011

**Appendix E
Applicant Assessment Survey**

Using the scale below, please answer the following question about the application materials that you have just reviewed.

Overall strength/appeal of the job candidate:

I-----I-----I-----I-----I-----I
1 2 3 4 5 6
Very Weak Weak Somewhat Weak Somewhat Strong Strong Very Strong

How likely would you be to interview this applicant?

I-----I-----I-----I-----I-----I
1 2 3 4 5 6
Very Unlikely Unlikely Somewhat Unlikely Somewhat Likely Likely Very Likely

Using the scale below, please separately evaluate the strength of each individual section of this application.

I-----I-----I-----I-----I-----I
1 2 3 4 5 6
Very Weak Weak Somewhat Weak Somewhat Strong Strong Very Strong

Availability _____

Skills and Experience _____

Education _____

Employment History _____

References _____

Résumé _____

In your opinion, what would be an appropriate starting **hourly** wage for this applicant, assuming he/she were to be hired? (Please provide a number.)

In the spaces below, list up to five POSITIVE qualities of this application. (You may, but are not required to, list up to five qualities).

1. _____
2. _____
3. _____
4. _____
5. _____

In the spaces below, list up to five NEGATIVE qualities of this application. (You may, but are not required to, list up to five qualities).

1. _____
2. _____
3. _____
4. _____
5. _____

Appendix F
Comprehension Test

Post-Survey Questionnaire

The following 3 questions are meant to check for comprehension of the application materials. Please select only one answer per question.

The highest level of education the job applicant is:

- High School
- Community College
- Undergraduate (4-year) University

The candidate's criminal history can be described as:

- No history of felony conviction(s)
- Felony conviction with prison time served
- Felony conviction which was later overturned, with prison time served

The candidate has held all of the following jobs EXCEPT:

- Cashier at Taylor's Hardware
- Customer Service Representative for Sugar Grove Wireless
- Assistant Manager of Pizza Palace

Appendix G IRB Approval



Heather McDonald <hmcdon1@students.towson.edu>

IRB Approval 1705019986

IRB <irb@towson.edu>

Thu, Jun 1, 2017 at 1:34 PM

To: "McDonald, Heather" <hmcdon1@students.towson.edu>

Cc: IRB <irb@towson.edu>, "Kukucka, Jeffrey P." <jkukucka@towson.edu>

The IRB has approved your protocol "**The Effect of Criminal History on Evaluations of Job Applicants**" as **expedited, effective 6/1/2017 and expiring 5/31/2018.**

Your IRB protocol can now be viewed in MyOSPR. **Student investigators: protocols can be viewed by your faculty advisor.** For more information, please visit:
<http://www.towson.edu/academics/research/sponsored/myospr.html>

Please Note: Formal approval letters are now provided upon request. If you would like to have one drafted, please notify the IRB staff.

If you should encounter any new risks, reactions, or injuries to subjects while conducting your research, please notify IRB@towson.edu. If your research has been approved as expedited and will extend beyond one year in duration, you will need to submit an annual renewal notice. Should there be substantive changes in your research protocol, you will need to submit another application.

We do offer training and orientation sessions for faculty/staff:

<http://fusion.towson.edu/www/signupGeneric/index.cfm?type=OSPR>

Check back to that registration site frequently – we do not have training sessions available right now, but will post additional sessions soon. An announcement on the next available sessions will be posted via *T3 Daily Announcements*.

Regards,

Towson IRB

Appendix H Informed Consent Form

You are invited to participate in a research study of how individuals evaluate job applicants. This page contains important information about this study. Please read all of the information on this page before agreeing to participate.

We hope to recruit a total of 90 individuals to participate in this study. Participants must be at least 18 years of age. If you agree to participate, you will assume the role of a hiring manager for a small business. Then, you will be given one individual's application materials, and you will be asked to evaluate this applicant on several dimensions. Note that some identifiable content, such as the candidate's name and address, will be hidden.

This study should take approximately **30 minutes** to complete.

Your participation in this study is completely voluntary. Even if you agree to participate, you are free to end your participation at any time during the study without penalty. You are also free to decline to answer any of the questions that you are asked during the study. Your decision to withdraw from this study or to decline to answer any of its questions will not result in any adverse consequences.

Benefits. Your participation in this study will provide insight into the qualities that hiring managers deem most important in employee selection. Ultimately, we hope that the results of this study will be used to improve the quality of professional training that real-world hiring managers receive.

Risks. In this study, you will be asked to carefully examine several pages of information about a hypothetical job applicant. These materials are similar to what one might find in a typical classroom activity and should not pose a greater risk of discomfort than would be expected in a typical academic course. However, participants may experience mild fatigue or discomfort associated with reading on a computer screen. If you experience any discomfort while reading these materials, you are free to end your participation in the study any time without penalty.

Confidentiality. Any information obtained in this study will be kept strictly confidential. In any written reports or publications, only aggregate data will be presented, and no individual participant will be identified or identifiable. All records will be kept in a locked file cabinet and/or password-protected computer file, and only the researcher will have access to these records. All data will be destroyed five years after publication of the study, and no report of the data will ever be linked to you.

Anonymity. Participants will not be asked to provide their name, academic institution, or place of employment. Instead, each participant will be assigned a unique ID code. These codes will be stored separately from any information that you provide, such that your responses will not be linked to your identity in any way.

Contact Information. The researcher conducting this study is Heather Applegarth, a graduate student at Towson University, under the supervision of Dr. Jeff Kukucka and Dr. Abby Mello, Assistant Professors of Psychology. If you have any questions about this study, you may contact Dr. Kukucka at jkukucka@towson.edu or (410) 704-3062, or Dr. Abby Mello at amello@towson.edu or (410) 704-3364. This study has been reviewed and approved by the Towson University Institutional Review Board (Study #1705019986). If you have any concerns or questions about the rights of research participants or ethics of this study, please contact the Towson University Office of Sponsored Programs and Research at irb@towson.edu or (410) 704-2236, or the chairperson of the Towson IRB, Dr. Elizabeth Katz, at ekatz@towson.edu.

By clicking on the text below and hitting the next arrows, you are indicating that you have read and understood all of the information on this page, and that you voluntarily agree to participate in this study.

° I have read all of the information on this page, am at least 18 years of age and agree to participate in this study.

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Footnotes

¹ Recruitment e-mails were sent to approximately 20 chairpersons of graduate programs across the United States in Human Resource Development, Business Administration and Industrial/Organizational Psychology. In addition, advertisements were posted on participant recruitment websites (i.e., ResearchGate.com and CallforParticipants.com) and social media websites (i.e., LinkedIn and Facebook).

