Intersections
A transdisciplinary exploration of social issues

Institute on Social Exclusion 2012 Conference
The Social Determinants of Urban Mental Health: Paving the Way Forward

The Institute on Social Exclusion (ISE) at the Adler School of Professional Psychology is gearing up for “The Social Determinants of Urban Mental Health: Paving the Way Forward,” its two-day global conference and continuing education program on September 19-20, 2012, at the Marriott Downtown Chicago Magnificent Mile Hotel.

Today, more than half of all global humanity lives in urban areas. That figure is projected to grow to more than 60 percent by 2050. Although cities possess conditions that promote good mental health, they also contain conditions—poverty, conflict, and social isolation—that are harmful to mental health. In fact, research demonstrates that city living is linked to increased risk for mental health problems.

This conference will highlight the application of the Social Determinants of Mental Health (SDOMH) framework to funding priorities, government decision-making and legal public policy, and emphasize that geography matters to the overall mental health and well-being of residents in urban areas.

The ISE is honored to have three highly accomplished speakers for this conference. The keynote speaker is Professor Sir Michael Marmot, MBBS, MPH, Ph.D., Director of the International Institute for Society and Health and Medical Research Council (MRC) Research Professor in Epidemiology in the Department of Epidemiology and Public Health in the Division of Population Health at University College London. For more than 30 years, Professor Marmot’s work has focused on the relationships between social inequality and health inequalities, establishing the chain of disease causation from the social environment, through psychosocial influences, and biological pathways, to risk of cardiovascular and other diseases.

The first plenary speaker is Kwame McKenzie, M.D., a Senior Scientist in the Social Equity and Health Research section of the Centre for Addiction and Mental Health in Toronto, Canada. He is the Deputy Director of Continuing and Community Care in the Schizophrenia Program, a Professor in the Department of Psychiatry at the University of Toronto, and a Professor at the Institute of Philosophy Diversity and Mental Health at the University of Lancashire. Dr. McKenzie’s work focuses on social determinants of health, society and mental health, social capital and mental health, redesigning mental health services for visible minority groups, community engagement, and racism.

The second plenary presenter, Professor Sarah Curtis, B.A. (Hons), D.Phil., is an internationally recognized specialist in the geography of health who focuses her work on the geographical dimensions of inequalities of health and health care. Dr. Curtis is the Professor of Health and Risk at the University of Durham. Based in the Department of Geography, she works closely with colleagues in other disciplines through the Institute of Hazard, Risk and Resilience and the Wolfson Institute. She is author of Space, Place and Mental Health (2010).

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ADLER SCHOOL of Professional Psychology
At the conference, Lynn Todman, Ph.D., ISE Executive Director, will facilitate Adler School faculty, students, and staff in presenting a workshop session based on the results of the ISE’s groundbreaking 18-month Mental Health Impact Assessment (MHIA), which was conducted in partnership with residents and community-based organizations in Chicago’s underserved Englewood neighborhood. To be completed this summer, the MHIA is the first such assessment of its kind in the United States and has focused on proposed changes to the U.S. Equal Opportunity Commission’s Policy Guidance and Consideration of Arrest Records in Employment Decisions. The MHIA examines the impact of community mental health and well-being when employers use arrest records in making employment decisions about members of that community.

For more information and to register for the conference, please visit www.adler.edu/conference or email ISE@adler.edu.

Mental Health Impact Assessment Update: EEOC Amends its Enforcement Guidance on Arrests

Background

In 2011, the Institute on Social Exclusion (ISE) began work on a Mental Health Impact Assessment (MHIA) dealing with a proposal of the U.S. Equal Opportunity Commission (EEOC) to amend its Policy Guidance on the Consideration of Arrest Records in Employment Decisions [No. 915.061, dated 9/7/1990].

The specific objective of the MHIA was to construct a lens for viewing this public policy from the perspective of mental health. To the extent that employers use arrest records as a basis of employment decisions, it was postulated that they disqualify innocent people from employment opportunities, and thereby contribute to poor mental health outcomes. Thus, this MHIA becomes part of the rich international thinking devoted to incorporating health into all policies.

In the MHIA, the ISE asked: What is the impact upon the mental health of a community when employers use arrest records in making employment decisions about members of that community? During the first 14 months of the 18-month MHIA process, in addition to conducting extensive screening, scoping, and assessment phases previously described, the ISE filed written Public Comment with the EEOC (8/4/2011) and joined other concerned groups as a signatory to a letter sent to the EEOC by The Leadership Conference on Civil and Human Rights (4/24/2012).

The New EEOC Enforcement Guidance (EG)

On April 25, 2012, the EEOC issued its new Enforcement Guidance (EG) [No. 915.002, dated 4/25/2012]. With regard to the subject of the ISE’s MHIA — i.e., arrests — the EEOC stated:

“The fact of an arrest does not establish that criminal conduct has occurred. Arrests are not proof of criminal conduct. Many arrests do not result in criminal charges, or the charges are dismissed.... An arrest, however, may in some circumstances trigger an inquiry into whether the conduct underlying the arrest justifies employment action. Title VII calls for a fact-based analysis to determine if an exclusionary policy or practice is job related and consistent with business necessity. Therefore, an exclusion based on an arrest, in itself, is not job related and consistent with business necessity.

Another reason for employers not to rely on arrest records is that they may not report the final disposition of the arrest [e.g., not prosecuted, convicted, or acquitted].... Arrest records also may include inaccuracies or may continue to be reported even if expunged or sealed.... Although an arrest record standing alone may not be used to deny an employment opportunity, an employer may make an employment decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question. The conduct, not the arrest, is relevant for employment purposes.” [Footnotes omitted]

For these reasons, an arrest that is not followed by a conviction is usually not an acceptable reason for denying employment to a job-seeker.
Much of the input provided by the ISE in its communications with the EEOC proved to be relevant to the amendments actually promulgated by the Commission. Key points raised by the ISE—before the announcement of the EEOC’s new Enforcement Guidance—are set forth in bold font below and included:

1. “…the current EEOC policy on arrests—as it is commonly interpreted and misinterpreted by others who may be involved in hiring processes—has deleterious impacts upon African Americans, Latinos, and members of other communities that are vulnerable to high rates of arrests.” [ISE, Public Comment, 8/4/2011]

In its new EEOC Enforcement Guidance, the EEOC agreed with the ISE’s position by observing that “African Americans and Hispanics are arrested at a rate that is 2 to 3 times their proportion of the general population.” The Commission also noted that “Nationally, African Americans and Hispanics are arrested in numbers disproportionate to their representation in the general population. In 2010, 28% of all arrests were of African Americans, even though African Americans only comprised 14% of the general population. In 2008, Hispanics were arrested for federal drug charges at a rate of approximately three times their proportion of the general population.”

2. “…our MHIA most acutely concerns people who have been arrested, but not convicted of a crime. Arrest records, standing alone, do not tell the entire story. On many occasions, such individuals...were never guilty of a criminal offense. Thus, clear amendments to the current EEOC policy, which create a legal presumption that using arrests, not entailing convictions, in making hiring decisions is not favored by the EEOC or the law, would constitute a major step forward by the Commission…” [ISE, Public Comment, 8/4/2011]

Although EEOC did not go so far as to create the aforementioned legal presumption, it recognized that “The fact of an arrest does not establish that criminal conduct has occurred, and an exclusion based on an arrest, in itself, is not job related and consistent with business necessity”; moreover, the EEOC acknowledged that “Recent studies have found that a significant number of state and federal criminal record databases include incomplete criminal records…” [and] “may be inaccurate.”

3. “…at this time, the Institute on Social Exclusion at The Adler School respectfully requests that the EEOC adopt updated and clear policy guidance to educate employers about the law regarding the use of criminal records in employment decisions…” [ISE, Public Comment, 8/4/2011]

This, of course, is precisely what the EEOC did by issuing its 4/25/2012 ruling. In a press release accompanying this new guidance, EEOC Chair Jacqueline A. Berrien said, “The new guidance clarifies and updates the EEOC’s longstanding policy concerning the use of arrest and conviction records in employment, which will assist, job seekers, employees, employers, and many other agency stakeholders.” The EEOC accomplished this task by stating its positions, citing underlying statutory and case authority, and perhaps most importantly by providing specific factual examples of how its guidance should be implemented.

4. The ISE also asked EEOC to “…increase its oversight of those laws and Title VII.” [ISE, Public Comment, 8/4/2011]

EEOC’S provision of the aforementioned factual examples of what would and would not likely be found later to be violations of the law was certainly well-aligned with that ISE request. Additionally, the EEOC stated that employer best practices would require that employers: “Train managers, hiring officials, and decision makers about Title VII and its prohibition on employment discrimination.” That requirement is consistent with ISE position stated in its public comment of 8/4/2011 and in the letter of The Leadership Conference on Civil and Human Rights of 4/24/2012, which urged the EEOC “to move forward and update its guidance that applies to the use of arrest... information,” which the ISE signed along with other concerned organizations.

Conclusion

Although the EEOC’s new Enforcement Guidance is being favorably received by the general public and by most key stakeholders, the U.S. House of Representatives has passed an appropriations bill that prohibits funding “to implement, administer, or enforce” this new guidance. [H.R. 5326; Sec. 544] On the other hand, the U. S. Senate version of the same appropriations bill does not include similar prohibitions.

The ISE will continue to monitor developments related to the appropriations bill as they unfold. In the meantime, the national press appears to recognize that the new guidance could have a positive effect upon the economy by offering a more hospitable employment environment for job applicants.

In the future, the ISE will report on further applications for the data and knowledge gleaned from the MHIA—especially as it relates to mitigation of the adverse mental health impacts visited upon job applicants by employers who are unaware of the new EEOC Enforcement Guidance or those employers who choose to disregard that guidance.

Furthermore, the ISE will conduct outreach programming designed to inform Chicago’s Englewood residents and other stakeholders about the contents of the new guidance toward the end of increasing neighborhood employment and reducing any reluctance that residents may have to actually seeking employment when they have an arrest record.

For more information on the MHIA project, visit: www.adler.edu/mhia.
In a May 6 letter published in the *The New York Times*, *Lynn Todman, Ph.D.*, Executive Director of the Adler School’s Institute on Social Exclusion, commented on the previously mentioned Enforcement Guidance of the U.S. Equal Employment Opportunity Commission (EEOC). Dr. Todman believes that the policy changes will help prevent discrimination against people with arrest records who are not able to secure job placements.

Dr. Todman explains that Englewood, one of the most disadvantaged neighborhoods in Chicago, is vulnerable to adverse mental and other health outcomes as a result of exclusionary employment decisions. Many arrested individuals are never convicted. This, in turn, limits their opportunity to gain employment, thereby harming their emotional and psychological well-being. Dr. Todman concludes by stating: “We applaud the commission’s landmark ruling: an arrest alone is not evidence of illegal conduct or grounds for exclusion.”
Forced Out: A Teach-in on Immigration and Incarceration

On April 5, the Institute on Public Safety and Social Justice (IPSSJ) and the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) collaborated on a mass teach-in “Forced Out: A Forum at the Crossroads of Deportation and Incarceration,” convened at the University of Illinois in Chicago (UIC) in partnership with the UIC Institute for Research on Race and Public Policy and more than 50 other organizations. 

The event drew more than 500 advocates, community leaders, and individuals and families affected by current incarceration and immigration policy.

Undocumented immigrants and former prison inmates testified to the firsthand effects on individuals and families. Participating organizations presented workshops on 1) criminalization of youth, 2) how mass detention affects mental health, and 3) access to employment and employee rights upon re-entry.

At the forum, Cook County (Illinois) Board President Toni Preckwinkle and Cook County Commissioner Jesus “Chuy” Garcia emphasized the need to explore alternative approaches to immigration and incarceration enforcement.

Dr. Todman welcomes the improvement to the EEOC guidelines, and stated that the change is “an important ray of hope and can be leveraged to help the community.” Additionally, “We want to help residents understand they can have a voice,” Dr. McDowell says.

To read these and other news stories highlighting the ISE and IPSSJ’s work, visit adler.edu/news.
Greater Englewood Unity Day

On April 21, 100 volunteers in bright green T-shirts split up into groups and cleaned main thoroughfares and yards in the Chicago’s disadvantaged Englewood neighborhood, clearing away litter that has cluttered the streets. The volunteers worked together for the first-ever “Greater Englewood Unity Day,” part of Chicago’s citywide Clean and Green Day. Community partners that participated included Teamwork Englewood, the Resident Association of Greater Englewood (R.A.G.E), Imagine Englewood If, and the Adler School of Professional Psychology.

Chicago Aldermen Toni Foulkes (15th Ward), Roderick Sawyer (6th Ward) and Latasha Thomas (17th Ward) came out to support the effort and provided cleaning supplies. Food 4 Less and Subway donated sandwiches and snacks for the volunteers. Throughout the day, volunteers enhanced the beautification of their neighborhood, while onlookers from the community stepped out of their homes to join in the effort.

The event was a direct result of a summit hosted by the Adler School and Illinois Senator Mattie Hunter in January, during which Englewood community stakeholders developed an action plan to strengthen the struggling community’s economic development, improve education opportunities, and lower crime rates.

ISE Hosts “The Holocaust and the Marginalization of Collective Memories”

On May 9, the Institute on Social Exclusion hosted a discussion titled “The Holocaust and the Marginalization of Collective Memories,” led by Danny M. Cohen, Ph.D., professor at Northwestern University’s School of Education and Social Policy. Historically, the Nazi regime banned abortion, attempted to cure homosexuality, and sterilized Germans of African descent. Mainstream narratives of the Holocaust usually exclude those histories, yet some of the same groups targeted under Nazism—including people with mental disabilities, women, people of African or Roma descent, and gay and lesbian people—continue to suffer discrimination and violence in many parts of the world today.

Dr. Cohen discussed factors that affect how we remember victims of Nazism, and how those factors contribute to marginalization. By viewing excerpts of the documentary “Paragraph 175,” the audience witnessed testimony of a victim of the Nazi Regime, persecuted for being a homosexual man. The touching account illustrated many factors that contributed to marginalization of the homosexual community, such as “silence as therapy,” limited advocacy, and apathy. Dr. Cohen concluded the presentation by discussing methods of “un-silencing,” an effective technique that provides voice to forgotten victims of the Holocaust.
From Our Student Researchers: Working with the MHIA Project

During the Assessment phase of its Mental Health Impact Assessment (MHIA) project, the MHIA team led by the Adler School’s Institute on Social Exclusion conducted focus groups, community surveys, and interviews with key community members. The project seeks to answer the overarching research question: **What is the impact upon the collective mental health and well-being of a community when employers use arrest records in making employment decisions about members of that community?**

Two Adler School students shared their insights about their experiences working with the ISE team.

**Brittany Coleman**
Student, M.A. Counseling, Specialization in Forensic Psychology Program

“Through my work at the Institute on Social Exclusion, I have come to realize the impact that systemic barriers have on the mental health outcomes of not only individuals, but also of the communities in which they live. My work as a student researcher entails research, field work, and data analysis. The most influential moment for me thus far would be my time spent in the community. Going out with the MHIA team and speaking with members of the community first-hand about the problems they are facing have forever impacted the way in which I view mental health.

The most meaningful conversation I had was with an older gentleman in Englewood about a survey we were conducting. After he understood our initiatives, he became so invested in the survey that he stopped after every page to ask me questions and to confirm that he was giving the right information. Initially, I thought that he had trouble reading and understanding the content of the questions; however this was not the case. I learned that this gentleman had not been able to secure employment in years because of a previous conviction on his record. Consequently, he suffered from depression, anxiety, and substance abuse. I realized that if the systemic barriers preventing him from gaining employment were no longer in place, both his mental and physical health could improve.

Mental health is not just a problem that exists on the individual level; it is bigger than that. Working with the ISE has taught me that as a future mental health provider, I must be willing to see the broader influences that may impact an individual’s health in order to provide the best services possible.”

**Nicholas Fredrick**
Student, Doctor of Psychology in Clinical Psychology Program

“I have been working to conduct interviews with employers in the Englewood community about the impact upon the collective mental health and well-being of a community when an employer uses arrest records in making employment decisions. My goal is to establish relationships with different businesses to gain a better understanding of their individual hiring practices. I am gathering information about employment screening procedures, background checks, and general attitudes about hiring applicants from the Englewood community. I hope to engage employers in conversations about the general perceptions of hiring applicants with arrest records, and how differences in charges impact their hiring decision.

I have been contacting employers through cold-calls of area businesses and through partner agencies in the Englewood community. I have noticed that many employers are reluctant to speak about this issue and are unwilling to meet for a formal interview. Many employers become hesitant when receiving a phone call regarding arrest records and hiring practices. Overall, employers who have spoken to me have provided a great deal of insight about the hiring practices in Englewood.”
CALENDAR OF EVENTS

June 2012

• **June 6:** ISE hosts Social Exclusion Simulation
• **June 7:** Lynn Todman, Ph.D., (ISE) is the 2012 Ansbacher Lecturer at the North American Society of Adlerian Psychology Conference, presenting “Social Determinants of Mental Health: A New Paradigm for Addressing Old Problems,” in Atlanta, Georgia

August 2012

• **August 2-5:** The MHIA team presents a symposium at the American Psychological Association Annual Conference, in Orlando, Florida

September 2012

• **September 19-20:** ISE hosts “The Social Determinants of Urban Mental Health: Paving the Way Forward,” its 2012 global conference and continuing education program

For information about our events and to RSVP, contact us at:
Adler School Institute on Social Exclusion (ISE): ISE@adler.edu
Adler School Institute on Public Safety and Social Justice (IPSSJ): IPSSJ@adler.edu

ABOUT THE INSTITUTES

About the Institute on Social Exclusion

The mission of the Adler School’s Institute on Social Exclusion (ISE) is to advance social justice. We do this by working to integrate the concept of “social exclusion” into U.S. popular and public policy discourse; by helping to contextualize social disadvantage; and by advancing the idea that the point of intervention for addressing social disadvantage is its social, political, and economic context.

The work of the ISE has been made possible through generous support of:
• The American Psychological Association
• The Field Foundation of Illinois
• JCCC Foundation
• The W.K. Kellogg Foundation
• The Kresge Foundation
• The Pierce Family Foundation
• The Robert Wood Johnson Foundation
• The Spencer Foundation
• U.S. Department of Health & Human Services, SAMHSA
• U.S. Department of Justice

For more information about the ISE, email us at ISE@adler.edu.
About the Institute on Public Safety and Social Justice

The mission of the Adler School’s Institute on Public Safety and Social Justice (IPSSJ) is to meet public safety challenges with socially just solutions through research, education and community outreach. The vision of the IPSSJ is to create communities where all people can reach their full potential. The IPSSJ aims to build safer, healthier communities by recognizing that safety is a fundamental component of health, both individual health and community health, and striving to assist communities in cultivating resources that alleviate public safety concerns and lead to overall community health.

The work of the IPSSJ has been made possible through generous support of:
• Cook County Sheriff's Department
• UCAN Chicago
• U.S. Department of Justice
• YMCA

For more information about the IPSSJ, email us at IPSSJ@adler.edu.