



SEX OFFENDER REGISTRY CHECK POLICY

1.0 PURPOSE

As a ministry, Habitat for Humanity of the Kokomo Community values the safety of children, our employees, volunteers and the families we serve. We want to take prudent measures to protect our human and material resources.

2.0 POLICY

Habitat for Humanity of the Kokomo Community requires that sex offender registry checks be conducted for all potential partner families, board members, employees and key volunteers¹, and in particular, those who may have unsupervised contact with a child, the elderly or persons with disabilities. Habitat for Humanity of the Kokomo Community reserves the right to recheck sex offender status at anytime during the homebuilding process, course of employment and/or service.

Any person who does not consent to a sex offender registry check will not be permitted to become a partner family, work and/or volunteer with Habitat for Humanity of the Kokomo Community.

2.1 DISQUALIFICATION CRITERIA

A sex offender registry finding may disqualify an applicant from homeownership, employment, or board members and volunteers from service with Habitat for Humanity of the Kokomo Community. In determining eligibility, Habitat for Humanity of the Kokomo Community, in its sole discretion, may consider several factors, including without limitation, one or more of the following:

- nature, duties and responsibilities of the position;
- nature of the conviction and whether children were involved;
- time elapsed since the offense;
- extent to which the offense may affect the person's fitness or ability to perform the duties or responsibilities of the position;
- age of the candidate when the illegal activity occurred;
- number of convictions (if more than one);

¹ Key volunteer generally refers to any individual who works eight (8) or more hours each month and/or has contact with vulnerable populations such as children, the elderly or persons with disabilities.

- any information produced by the person, or produced on the person's behalf demonstrating rehabilitation and good conduct. Arizona, California, Illinois, Nevada, New Jersey and New York issue certificates of rehabilitation for former convicts;
- whether hiring, transferring, promoting or partnering with the applicant and/or candidate would pose risk to the organization;
- whether the state's public policy encourages employment of persons who have been convicted of crimes;
- whether the state's public policy encourages homeownership of persons who have been convicted of crimes;
- the nature of the build, i.e., proximity of houses, mixed use communities, etc.; and/or
- any other factor that the affiliate deems relevant to the decision.

2.2 EXAMPLES OF DISQUALIFICATION WARRANTED

If a person withholds information or falsifies information pertaining to a sex offense, the person may be disqualified from further consideration.

The following list provides some examples in which Habitat for Humanity of the Kokomo Community may, within its sole discretion, determine an individual ineligible for homeownership, employment and/or service:

- child molestation conviction of a Faith Community Relations Manager applicant;
- statutory rape conviction of a Volunteer Coordinator applicant;
- conviction for an offense related to child pornography of a Family Services Coordinator applicant; and/or
- sexual assault conviction of a partner family member in a condominium or apartment style community.

This list is not exhaustive and is for illustrative purposes only. Habitat for Humanity of the Kokomo Community reserves the right to weigh disqualification criteria on a case-by-case basis and to make selection decisions in its sole discretion. Disqualification may extend to any partner family member and to any position with Habitat for Humanity of the Kokomo Community and associated entities, including, but not limited to Habitat for Humanity International, Inc., Area Offices, Branches, National Organizations, Affiliates, Disaster Response Centers, Regional Support Centers and State Support Centers.

2.3 EMPLOYMENT OFFER CONTINGENT ON SEX OFFENDER REGISTRY CHECK

In the employment context, Habitat for Humanity of the Kokomo Community may extend an offer of employment to an applicant that is contingent on the completion of the sex offender registry check. However, the applicant may not start work before the sex offender registry check has been completed and the final employment and/or service eligibility decision has been made by Habitat for Humanity of the Kokomo Community personnel and/or Board of Directors.

3.0 PROCEDURE

Habitat for Humanity of the Kokomo Community will make good faith efforts to comply with the following procedures when conducting sex offender checks:

- utilize the National Sex Offender Public Registry <http://www.nsopr.gov> as a resource and check all states in which the person has resided for the last ten (10) years;
- ensure all recruitment information, applications, announcements, and descriptions state the position or partner family relationship requires a sex offender registry check;
- seek prior written approval (even if not required by law);
- initiate sex offender registry checks prior to the hire, transfer, promotion, or reassignment of individuals, including reclassification;
- notify the individual under consideration that an offer for any personnel action (employment, transfer, promotion, reclassification, or change in duties) or homeowner status is conditioned on successful completion of the sex offender registry check, and that falsification of information submitted may be cause for corrective action, up to and including dismissal and/or elimination from the homeownership program; and/or
- review sex offender registry checks that reveal convictions and determine within a reasonable time whether such convictions disqualify individuals from positions and/or family partnership.

4.0 DENIAL OF APPLICATION, TERMINATION OR REASSIGNMENT

Based on any or all of the criteria outlined in this policy, Habitat for Humanity of the Kokomo Community may, in its sole discretion, decide that a partner family will be denied homeownership, an employee will be terminated, a volunteer will be dismissed or an applicant will not be hired. In the employment or volunteer context, Habitat for Humanity of the Kokomo Community may, in its sole discretion, also choose to reassign a former sex offender to a job involving less exposure to risk. In doing so, Habitat for Humanity of the Kokomo Community may, in its sole discretion, consider:

- the type and location of the job – whether it would give the offender access to potential victims;
- the types of co-workers and subordinates in the workplace;
- whether the job would involve travel;
- work hours;
- degree of supervision; and/or
- amount of access to technology, i.e., the Internet.

PRACTICAL TIPS

- Some states prohibit and/or restrict discriminating against an individual based solely on a sex offender registry check, i.e., California, Massachusetts, Nevada, New Jersey, Oklahoma and Oregon. Thus, avoid blanket policies that bar individuals with a sex offender registry status from the workplace and/or homeownership and consult with local counsel on any state or local laws that might apply to the policy.

- Limit the people who view the sex offender registry check results to a “need-to-know” basis.
- Provide an opportunity for the applicant to supply information that refutes the charge, i.e., disposition from the court.
- Limit the number of business days in which an individual may provide evidence of the inaccuracy of a sex offender registry check report.
- Sex offender registry checks are only one part of the partner family and/or onboarding process. Affiliates may also perform reference checks, verify prior employment, obtain copies of licenses or certificates required for the specific position, and conduct credit checks when appropriate.

BOARD APPROVED: December 20, 2010