

# Montcalm County Habitat for Humanity Sexual Offender Registry Check Policy

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## 1.0 PURPOSE

As a ministry, Montcalm County Habitat for Humanity 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

Montcalm County Habitat for Humanity requires that sex offender registry checks be conducted for all potential partner families, board members, employees and volunteers. Montcalm County Habitat for Humanity 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 Montcalm County Habitat for Humanity.

## 2.1 DISQUALIFICATION CRITERIA

A sex offender registry finding may disqualify an applicant from homeownership, employment, or perspective board members and volunteers from service with Montcalm County Habitat for Humanity. In determining eligibility, Montcalm County Habitat for Humanity, 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);
- 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 Montcalm County Habitat for Humanity may, within its sole discretion, determine an individual to be ineligible for homeownership, employment and/or service:

- child molestation conviction;
- statutory rape conviction;
- conviction for an offense related to child pornography; and/or
- sexual assault conviction of a partner family member.

This list is not exhaustive and is for illustrative purposes only. Montcalm County Habitat for Humanity 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 Montcalm County Habitat for Humanity.

## 2.3 EMPLOYMENT OFFER CONTINGENT ON SEX OFFENDER REGISTRY CHECK

In the employment context, Montcalm County Habitat for Humanity 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 Montcalm County Habitat for Humanity personnel and/or Board of Directors.

### **3.0 PROCEDURE**

Montcalm County Habitat for Humanity 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. Such reviews shall be conducted by the executive director, manager/supervisor and/or the board of directors.

### **4.0 DENIAL OF APPLICATION, TERMINATION OR REASSIGNMENT**

Based on any or all of the criteria outlined in this policy, Montcalm County Habitat for Humanity 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, Montcalm County Habitat for Humanity may, in its sole discretion, also choose to reassign a former sex offender to a job involving less exposure to risk. In doing so, Montcalm County Habitat for Humanity 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.

### **5.0 OPPORTUNITY TO REFUTE**

- Results of background checks will be reviewed by the executive director, manager/supervisor and the board of directors only. The number of people who view the criminal background check results will be limited to a “need-to-know” basis.
- The job applicant, volunteer, and/or partner family applicant will have 30-days from the date of notification to supply any information that refutes the charge, i.e., disposition from the court.
- Criminal background checks are only one part of the partner family and/or on-boarding process. Montcalm County Habitat for Humanity 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.

Approved by the Board of Directors – March 17, 2011