

# Criminal Background / Sex Offender Registry Check Policy



Updated: 6/15/2023 SB

*This policy is effective for all new Key Volunteers as of July 1, 2023*

## CRIMINAL BACKGROUND / SEX OFFENDER REGISTRY CHECK POLICY

### 1.0 PURPOSE

As an organization, Pikes Peak Habitat for Humanity values the safety of children, our employees, volunteers, and people we serve. We want to take prudent measures to protect our human and material resources.

### 2.0 POLICY

Pikes Peak Habitat for Humanity requires that criminal background / sex offender registry checks be conducted for potential key volunteers<sup>1</sup>, and in particular, those who may have unsupervised contact with a child, the elderly or persons with disabilities at the outset of prospective key volunteering (subject to any state laws which restrict the timing of when a background check may be conducted). Pikes Peak Habitat for Humanity may run subsequent background / sex offender registry checks during the term of continued volunteering where there is an independent, objective basis to do so. The cost of all background checks will be borne by Pikes Peak Habitat for Humanity.

Pikes Peak Habitat for Humanity reserves the right to recheck criminal background / sex offender status checks at any time during key volunteer service. This policy applies to criminal background / sex offender registry checks for current and prospective key volunteers. Pikes Peak Habitat for Humanity plans to recheck criminal background / sex offender status every three years.

Any person who does not consent to a criminal background / sex offender registry check will not be permitted to become a key volunteer with Pikes Peak Habitat for Humanity.

### 2.1 DISQUALIFICATION CRITERIA

A previous conviction may disqualify a key volunteer from service with Pikes Peak Habitat for Humanity. In determining eligibility, Pikes Peak Habitat for Humanity, in its sole discretion, will make an individualized inquiry to determine if the information on these reports is related to the position and consistent with Pikes Peak Habitat for Humanity's business necessity, and may consider several factors, including, without limitation, one or more of the following:

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<sup>1</sup> "Key volunteer" refers to: (1) any volunteer, who, through Habitat programming, has consistent and direct contact with vulnerable populations; or (2) repeat volunteers who consistently volunteer for more than 8 hours per month after 3 consistent months.

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- 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.

Pikes Peak 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 position with Pikes Peak Habitat for Humanity. Race, national origin, sex/gender, or other protected classes will not be considered as factors when assessing a candidate.

## **2.2 KEY VOLUNTEER OFFER CONTINGENT ON CRIMINAL BACKGROUND / SEX OFFENDER REGISTRY CHECK**

Pikes Peak Habitat for Humanity may extend an offer of key volunteer position to an applicant that is contingent on the completion of the criminal background / sex offender registry check. However, the applicant may not start key volunteering before the criminal background / sex offender registry check has been completed and the final service eligibility decision has been made by Pikes Peak Habitat for Humanity personnel and/or Board of Directors.

Volunteers who desire to take on a more active role in the organization and become "key volunteers" will be subject to a criminal background / sex offender registry check.

## **3.0 PROCEDURE**

Pikes Peak Habitat for Humanity will make good faith efforts to comply with the following procedures when conducting criminal background / sex offender registry checks:

- in the volunteerism context, refrain from conducting any background check or inquiring about a criminal / sex offender conviction prior to extending an applicant a conditional offer of volunteerism;
- check all states in which the person has resided for the last seven (7) years (or the length of time permitted under state law);
- ensure all recruitment information, applications, announcements, and descriptions state the position, requires a criminal background / sex offender registry check;
- seek prior written approval in accordance with applicable laws, and in particular, where third party reporting agencies are retained to conduct criminal background / sex offender registry checks;
- initiate criminal background / sex offender registry checks prior to the start, transfer, or reassignment of individuals, including reclassification;

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- notify the individual under consideration that an offer for any personnel action (transfer, reclassification, or change in duties) is conditioned on successful completion of the criminal background / sex offender registry check, and that falsification of information submitted may be cause for corrective action, up to and including dismissal; and/or
- review criminal background / sex offender registry checks that reveal convictions and determine within a reasonable time whether such convictions disqualify individuals from positions.

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

Based on any or all of the criteria outlined in this policy, Pikes Peak Habitat for Humanity may, in its sole discretion, decide that a volunteer will be dismissed, or an applicant will not be approved. In the volunteer context, Pikes Peak Habitat for Humanity may, in its sole discretion, also choose to reassign a former convict / sex offender to a job involving less exposure to risk. In doing so, Pikes Peak 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-volunteers and subordinates in the workplace;
- whether the job would involve travel;
- volunteer hours;
- degree of supervision; and/or amount of access to technology, i.e., the Internet.