

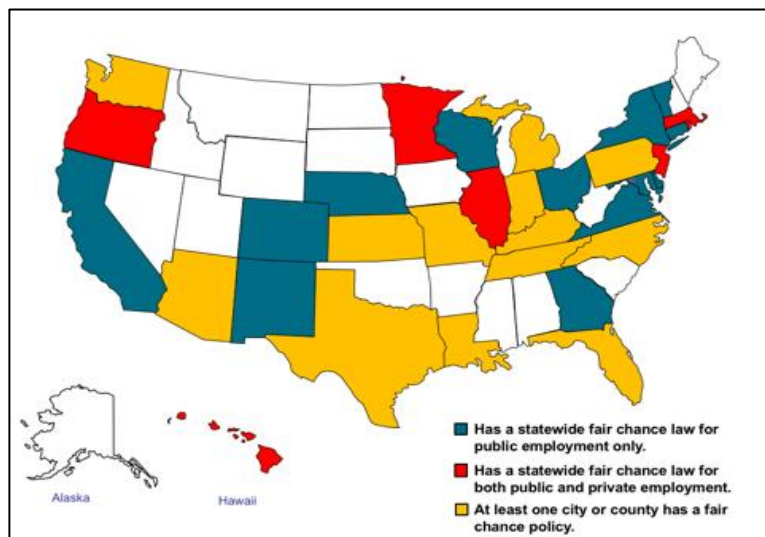
## “BAN THE BOX” PHILANTHROPY CHALLENGE

An initiative of The Executives’ Alliance for Boys and Men of Color

*Every day, many Americans are denied the opportunity to compete for quality jobs that can provide stability and security for their families—all because of a prior history of convictions or arrests. This form of employment discrimination has a disproportionate impact on men of color, who are more likely to be incarcerated than any other group of people in the nation due to rampant over-criminalization.*

*The Executives’ Alliance for Boys & Men of Color has issued a challenge to U.S. philanthropic institutions to take action by adopting fair chance hiring policies, ensuring that questions about criminal convictions do not appear on applications for employment with their foundations, and opening opportunities for employment in the philanthropic sector. This challenge is designed to create hiring practices that give everyone an equal chance to compete and align philanthropic business practices with emerging legal norms and a growing national consensus.*

### Growing Momentum for Change



The “Ban the Box” movement was launched in 2004 by the advocacy group *All of Us or None* to challenge the discrimination people with prior arrests or convictions often face when seeking housing, employment, benefits, loans, and civic services. Since then, the movement has gained significant momentum. **Today, 21 states and over 100 cities and counties have enacted fair chance hiring laws** for public sector jobs, and many have also made their laws applicable to jobs in the private sector.

Source: National Employment Law Project

Some in the private sector have also shown leadership on their own, with employers such as Starbucks, Facebook, and Target leading the way. In November of 2015, President Obama also took action to move toward banning the box in the federal government’s hiring process—a step recommended in the *My Brother's Keeper* Task Force’s [initial report](#), which strongly endorsed fair chance hiring reforms that “give applicants a fair chance and allow employers the opportunity to judge individual job candidates on their merits as they reenter the workforce.”

## Impacts on the Formerly Incarcerated

Despite recent decreases in some states, the number of Americans incarcerated in federal and state prisons has grown exponentially over the past three decades, with particularly severe impacts on young men of color. For example, at year's end in 2014, Black men ages 18-19 were over 10 times more likely to be in state or federal prison than white men of the same age.

Today, over 70 million, or nearly one in three, American adults have arrest or conviction records that can show up in background checks. The barriers to opportunity they face upon release from prison or jail are steep—destabilizing families and making it nearly impossible for them to get back on their feet. Over 60% of formerly incarcerated people are unemployed more than one year after being released, and even those who do find employment bring home 40% less pay annually. The ways employers screen applicants and conduct background checks fuel these trends. A multi-state survey of over 700 formerly incarcerated people and over 300 of their family members, conducted by the *Ella Baker Center for Human Rights* and *Forward Together*, found that having to disclose conviction history was one of the biggest barriers to finding employment post-release.



Source: The Ella Baker Center for Human Rights and Forward Together

## The Benefits of Fair Chance Hiring

Research shows that fair chance hiring practices not only increase opportunity for employment, but also reduce recidivism and strengthen families. A 2011 study of formerly incarcerated men found that employment was the most important factor in decreasing recidivism, with twice as many individuals who found employment avoiding a return to incarceration than those who did not. An Illinois study found that formerly incarcerated people employed for a year post-release had a 16% three-year recidivism rate compared to a statewide average of 52.3%. Even 30 days of employment lowered the recidivism rate to 20%.

**“ It is time to end the pervasive discrimination against people with past criminal records. All employers can be leaders in ensuring that a prior conviction does not mean a lifetime of unemployment. Everyone deserves a second chance and the opportunity to compete for a job based only on merit. ”**

—Tim Silard, President, Rosenberg Foundation

#BanTheBox

Providing employment opportunities to people with arrest or conviction histories helps to counteract the issues that perpetuate cycles of poverty and the collateral consequences people face upon release, which extend to their children and loved ones. By prioritizing reintegration and providing education and meaningful resources to people trying to enter the workforce and stabilize their lives, much can be done to have a fairer and more effective justice system, while building stronger families and communities.

## From Philanthropic Support to Leadership

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By adopting fair hiring policies, foundations are playing their part as employers to remove the stigma associated with a record, and setting an example for other foundations and their grantees to follow.

#BanTheBox

A number of foundations have funded “Ban the Box” efforts nationwide, but never before has there been an organized effort to encourage foundations to step up as employers and take action beyond their grant making dollars. As part of the Ban the Box Philanthropy Challenge, Executives’ Alliance members and their allies have worked to ensure that their own hiring policies and practices comply with the civil rights

and consumer laws regulating criminal background checks for employment.

**Over 40 foundations have already joined the call to action.** By adopting fair hiring policies, foundations are playing their part as employers to ensure that they are removing the stigma associated with a record, and setting an example for other foundations and their grantees to follow. Visit [BantheBoxPhilanthropy.org](http://BantheBoxPhilanthropy.org) to accept the Challenge or to express your support.

## Raising the Bar, Going Beyond the Box

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The Executives’ Alliance is partnering with the [National Employment Law Project](#) to develop a Model Fair Chance Hiring/Ban the Box Policy and Toolkit designed specifically for employers in the philanthropic sector. This tool will guide foundations on taking further steps to modify their hiring procedures to ensure that they have created genuine opportunities for employment and will

incorporate elements found in the strongest fair chance hiring policies in the nation, adopted by New York City, Philadelphia, San Francisco, Seattle, and other cities (see above).

Some foundations have taken additional steps to expand opportunity for formerly incarcerated people. For example, Open Society Foundations has awarded 10 percent of its [Soros Justice Fellowships](#) to formerly incarcerated people, developing a national network of those most impacted by mass incarceration advocating for justice. The Nathan Cummings Foundation expanded its Annette Ensley Ladder of Opportunity Internship Program—which provides meaningful employment and advancement opportunities to college-age, low-income individuals and students of color—to provide year-long slots for formerly incarcerated individuals. The California Endowment has hired a number of formerly incarcerated individuals and announced that it [will no longer make direct investments of its endowment funds](#) in companies that derive significant revenue from operating private prisons, jails, and correctional facilities.

- Removing the criminal history question from job applications
- Postponing background checks until the end of the hiring process and eliminating unnecessary background checks
- Integrating the U.S. Equal Employment Opportunity Commission’s criminal records guidelines (requiring employers to consider the age of the offense, whether the offense is related to the job position, and evidence of rehabilitation)
- Adopting strong standards of accuracy and transparency to maintain the integrity of background checks and protect workers against arbitrary treatment

# Resources

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## BACKGROUND INFORMATION

Legal Services for Prisoners with Children, All of Us or None, *Ban the Box Campaign*  
<http://www.prisonerswithchildren.org/our-projects/all-of-us-or-none/ban-the-box-campaign/>

National Employment Law Project, *Ensuring People With Convictions Have A Fair Chance To Work*  
<http://www.nelp.org/campaign/ensuring-fair-chance-to-work/>

The White House, *FACT SHEET: President Obama Announces New Actions to Promote Rehabilitation and Reintegration for the Formerly- Incarcerated*  
<https://www.whitehouse.gov/the-press-office/2015/11/02/fact-sheet-president-obama-announces-new-actions-promote-rehabilitation>

National Employment Law Project, *U.S. Cities, Counties, and States Adopt Fair Hiring Policies to Reduce Barriers to Employment of People with Conviction Records*  
<http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-State-and-Local-Guide.pdf>

## DATA

Bureau of Justice Statistics, *Recidivism of Prisoners Released In 30 States In 2005: Patterns From 2005 To 2010* <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>

Bureau of Justice Statistics, *Prisoners in 2014* <http://www.bjs.gov/content/pub/pdf/p14.pdf>

## RESEARCH & ANALYSIS

National Employment Law Project, *Research Supports Fair Chance Policies.*  
[www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf](http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf)

Johnathan J. Smith, *Banning the Box but Keeping the Discrimination?: Disparate Impact and Employers' Overreliance on Criminal Background Checks*, HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW <http://harvardcrcl.org/wp-content/uploads/2009/06/HLC105.pdf>

Safer Foundation, *Three Year Recidivism Study 2008*  
<http://www.saferfoundation.org/files/documents/Safer%20Recidivism%20Study%202008%20Summary.pdf>

Ella Baker Center, Forward Together, Research Action Design, *Who Pays? The True Cost of Incarceration on Families* <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>

Mark T. Berg and Beth M. Huebner, *Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism*, Justice Quarterly  
<http://www.pacific-gateway.org/reentry,%20employment%20and%20recidivism.pdf>

## NEWS & COMMENTARY

NY Times Editorial, *A Criminal Record and a Fair Shot at a Job*  
<http://www.nytimes.com/2015/11/11/opinion/a-criminal-record-and-a-fair-shot-at-a-job.html? r=0>

Dorsey Nunn, *Taking "Ban the Box" to the Next Level*  
<https://www.opensocietyfoundations.org/voices/taking-ban-box-next-level>

## Participating Foundations *as of 2/29/16*

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Andrus Family Fund	Liberty Hill Foundation
Annie E. Casey Foundation	Living Cities
Arcus Foundation	Lumina Foundation
The Atlantic Philanthropies	Marguerite Casey Foundation
Black Belt Community Foundation	Missouri Foundation for Health
Butler Family Fund	Nathan Cummings Foundation
California Community Foundation	NBPA Foundation
The California Endowment	Nellie Mae Education Foundation
The California Wellness Foundation	Open Society Foundations
Casey Family Programs	Public Welfare Foundation
Community Foundation for Greater Buffalo	Robert Wood Johnson Foundation
Consumer Health Foundation	Rosenberg Foundation
Deaconess Foundation	The San Francisco Foundation
East Bay Community Foundation	The Schott Foundation for Public Education
Edward W. Hazen Foundation	Sierra Health Foundation
Ford Foundation	Silicon Valley Community Foundation
Foundation for Louisiana	The Skillman Foundation
Foundation for the Mid South	Southern Education Foundation
The Jacob & Valeria Langeloth Foundation	Tides
Kapor Center for Social Impact	Winthrop Rockefeller Foundation
The Kresge Foundation	W.K. Kellogg Foundation

## Supporting Organizations *as of 2/29/16*

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All of Us or None	Lawyers' Committee for Civil Rights Under Law
Association of Black Foundation Executives	Leadership Conference on Civil & Human Rights
BMe Community	Legal Services for Prisoners with Children
Campaign for Black Male Achievement (CBMA)	National Committee on Responsive Philanthropy
Center for Community Alternatives	National Employment Law Project (NELP)
Center for Youth Engagement	National Youth Alliance for Boys and Men of Color
Council on Foundations	PICO National Network
Funders' Collaborative on Youth Organizing	PolicyLink
Just Leadership USA	Voice of the Ex-Offender (VOTE)