

## Model Federal Workplace Policy on Domestic Violence, Sexual Violence, and Stalking (DVSAS)

Futures Without Violence may adjust this Model Policy based on feedback received from agency adaptations. Please contact [workplacesrespond@futureswithoutviolence.org](mailto:workplacesrespond@futureswithoutviolence.org) to confirm the latest version.

The information provided herein is for general informational purposes only and should not be construed as legal advice from Futures Without Violence, nor is it intended to be a substitute for legal counsel on any subject matter.

### I. POLICY PURPOSE & AIMS

Domestic violence, sexual violence, and stalking ("DVSAS") are workplace issues even if incidents occur outside of the workplace. DVSAS crosses economic, educational, cultural, age, gender, racial, and religious lines and occur in a wide variety of contexts. Therefore, the agency will take every appropriate measure to prevent DVSAS, respond to employees who have experienced DVSAS and employees who may have used DVSAS, and create a safe, supportive, and equitable workplace culture for all employees.

This Workplace Policy on DVSAS ("policy") aims to:

- (1) Standardize survivor-centered and trauma-informed protocols responsive to employees experiencing DVSAS in the workplace or in their personal lives; and
- (2) Advise employees of preventive and supportive resources, including how to access confidential support and request reasonable accommodations.

### II. POINT OF CONTACT

The agency has designated [**INSERT: Office/Committee/Other Designated Party + Contact Information**] to implement and evaluate this policy, collect data, and conduct awareness-raising activities.

### III. TERMINOLOGY

In consideration of the complexities and nuances of DVSAS, this policy contains terms that may be defined in various manners consistent with the contexts in which such terms apply. For example, a criminal statute may define certain terms differently from an equal employment opportunity regulation. Persons covered by this policy are encouraged to seek advice from [**INSERT: Designated Entity, e.g., Office of the General Counsel**] about terms in the contexts in which they may apply.

A. Survivor: An individual who is currently subject to, or has in the past been subjected to, DVSA. In some circumstances, survivors use violence to defend themselves. Survivors are sometimes referred to as victims.

B. Person who uses DVSA: An individual who commits or threatens to commit an act of DVSA. Such persons are sometimes referred to as perpetrators, abusive partners, abusers, or batterers.

C. Domestic violence: Encompasses both intimate partner violence and family violence:

i. Intimate partner violence: A pattern of coercive and abusive behaviors used by one partner to maintain power and control over another partner in an intimate relationship. This includes people with any current or former romantic involvement, for example dating, previously dating, on again/off again, married, divorced, living together or apart. Intimate partner violence can occur between people of any gender identity or sexual orientation, and can include manipulation, threats, or the actual use of physical, sexual, emotional, verbal, psychological, or financial abuse.

ii. Family violence: Any abusive behavior that occurs between members of a family or household who are not involved in a romantic relationship. This includes chosen family as well as people related by blood, marriage, foster care, adoption, or any other familial relationships. Family violence can include threats or the actual use of physical, sexual, emotional, verbal, psychological, or financial abuse.

D. Sexual assault: Any action, sexual contact, or behavior that occurs without explicit consent that results in the loss or removal of sexual autonomy for a person. A survivor of sexual assault may know the perpetrator, such as a co-worker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the victim. Lack of consent should be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent.”

E. Stalking: A pattern of harassing behavior or course of conduct directed at a specific person that would place that person in reasonable fear. Stalking behaviors include, but are not limited to, monitoring someone’s activities, following someone, leaving unwanted gifts and notes, and making repeated phone calls to someone and/or their family, friends, or workplace. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS and social networking sites.

F. Order of protection: A court-issued order to limit the behavior of someone who harms or threatens to harm another person. An order of protection may direct a person who uses or has threatened to use violence (“respondent”) not to injure, threaten or harass a survivor or victim (“petitioner”), their family, or any other person(s) listed in the order. It

may include, but is not limited to, directing a respondent to stay away from a petitioner and a petitioner's children, vacate a shared home, follow custody orders, pay child support, or not possess a firearm or ammunition.

G. Workplace-related incidents: Workplace-related incidents of DVSAS include acts, attempted acts, or threatened acts by or against employees, and/or against employees' families or property, that occur in the workplace or that occur outside the workplace but have an impact on the workplace.

H. Workplace Safety Plan: A strategy developed collaboratively by an employer and an employee survivor, and any related victim service provider(s), to implement workplace safety measures that also consistently center survivor autonomy, including but not limited to: handling orders of protection; creating procedures for alerting security personnel of threats or incidents; making temporary or permanent adjustments to work schedules, locations, contact information; and requesting escorts to and from workplace facilities.

#### IV. PERSONS COVERED AND APPLICABILITY

A. Persons covered: This policy covers all full and part-time employees (including managers, supervisors, and executive staff), temporary workers, detailees, fellows, paid and unpaid interns, and volunteers engaged by the agency in any workplace location. **[NOTE: Agencies may opt to cover contractors in a manner consistent with applicable rules and regulations.]**

B. Applicability: The agency has an interest in preventing and responding to DVSAS affecting or involving persons covered regardless of where it might occur. Accordingly, this policy applies to conduct which:

- i. Occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, offsite business-related social function, agency vehicle, or facility where agency business is being conducted and discussed; or
- ii. Occurs at any location that is not an extension of the workplace, such as a home or another private location unrelated to the workplace where a person covered has survived or used DVSAS.

**[NOTE: The location at issue may impact the availability and nature of an agency response.]**

#### V. CONFIDENTIALITY

A. Qualified Confidentiality: The agency recognizes and respects the right to privacy and autonomy of all persons covered by this policy. Nevertheless, disclosure of confidential information may be required pursuant to court order, to facilitate investigatory processes, to prevent physical harm to any person, and for other lawful purposes.

B. Notice of Disclosure of Confidential Information: If confidential information must be disclosed, the agency shall provide advance notice to the affected person, to the extent possible. The agency shall also provide the affected person with the name and title of other persons to whom it intends to share information and shall explain the necessity and purpose regarding the disclosure, to the extent possible.

C. Data Collection and Reporting: Data pertaining to persons covered by this policy and applicable conduct shall be retained in aggregate form without any personally identifying information. This aggregate data may be shared or reported internally or externally for evaluative purposes.

## **VI. REPORTING PROTOCOLS**

A. Survivors: Any person covered who is surviving DVSAS is encouraged to inform their manager, supervisor, or [INSERT: Other Agency Designees].

B. Non-Survivors: Any person covered who reasonably believes their co-worker - or an employee who they supervise or manage - may be surviving DVSAS is encouraged to refer the employee who may be surviving DVSAS to the agency EAP and/or supportive resources such as national hotlines or local service providers.

## **VII. RESPONDING TO SURVIVORS**

A. Workplace Flexibilities: A survivor may require reasonable and voluntary flexibilities in order to safely perform their job duties including, but not limited to:

- i. Leave or flexible scheduling to attend to health, safety, judicial, housing, financial, and other needs;
- ii. Adjustments to job site infrastructure, including relocating to another work station, changing contact information, and enhancing security protocols; and/or
- iii. Developing a workplace safety plan

B. Other Supports: Survivors may experience temporary difficulties fulfilling job responsibilities. Managers and supervisors are encouraged to collaborate with survivors in a manner consistent with agency performance-related policies and practices in order to address difficulties arising from DVSAS. Such supports may include:

- i. Developing a work plan that takes into consideration surviving DVSAS;
- ii. Referral to employment-related support, counseling or advocacy resources; and/or
- iii. With the survivor's consent, maintaining confidential information pertaining to surviving DVSAS so that the survivor's employment is not impacted or compromised.

C. Orders of Protection: An order of protection may or may not identify the workplace as a location from which a person who uses DVSAS must stay away. If a survivor discloses an order of protection, managers, supervisors, and [INSERT: Other Agency Designees] shall assist the survivor to enforce the order to the greatest reasonable extent possible, retain the order (if provided a copy) in a confidential and separate file from survivor's personnel file, and assist the survivor with reasonable requests to gather workplace-related documentation.

## VIII. RESPONDING TO PERSONS WHO USE DVSAS

A. Voluntary Self-Disclosures: Any person covered who has used DVSAS may voluntarily inform their manager, supervisor, or [INSERT: Other Agency Designees]. Managers, supervisors, and [INSERT: Other Agency Designees] who receive a voluntary disclosure shall:

- i. Refer the disclosing person to the agency EAP and/or supportive resources such as national hotlines or local service providers; and
- ii. Refer the matter for investigation in a manner consistent with [INSERT: Agency Process].

B. Assistive Resources for Persons Who Voluntarily Self-Disclose: Persons who use DVSAS - including survivors who used domestic violence defensively - may wish to voluntarily disclose in order to request assistive resources, which may include:

- i. Support adhering to a workplace safety plan or other security measures;
- ii. Referral to and support for counseling or other rehabilitative measures; and/or
- iii. In the case of a survivor who used domestic violence defensively, maintaining confidential information pertaining to surviving DVSAS so that the survivor's employment is not impacted or compromised.

C. Requests for Assistive Resources: Any person covered who has used DVSAS may submit a request for assistive resources to their manager, supervisor, or [INSERT: Other Agency Designees]. The agency may require reasonable documentation, such as documents generated by law enforcement, health care practitioners, or service providers. The provision of assistive resources is at the agency's sole discretion.

D. Mandatory Self-Disclosures: Any person covered who is a respondent to an order of protection, or is a named defendant in a civil or criminal action arising from an alleged threat or act of DVSAS, must inform their manager, supervisor, or [INSERT: Other Agency Designees]. Managers, supervisors, and [INSERT: Other Agency Designees] who receive a mandatory disclosure shall:

- i. Refer the disclosing person to the agency EAP and/or supportive resources such as national hotlines or local service providers; and

- ii. Refer the matter for investigation in a manner consistent with **[INSERT: Agency Process]**.

E. Other Disclosures: Any person covered who reasonably believes their co-worker - or an employee who they supervise or manage - is a respondent to an order of protection, or is a named defendant in a civil or criminal action arising from an alleged threat or act of DV/SAS, is encouraged to inform their manager, supervisor, or **[INSERT: Other Agency Designees]**. Managers, supervisors, and **[INSERT: Other Agency Designees]** who receive such a disclosure shall:

- i. Refer the disclosing person to the agency EAP and/or supportive resources such as national hotlines or local service providers; and
- ii. Refer the matter for investigation in a manner consistent with **[INSERT: Agency Process]**.

## **IX. CONCERNS ABOUT THIS POLICY**

All persons covered who have concerns about the implementation or use of this policy are encouraged to contact the agency point of contact identified in Section II above.