

[Employer]’s Domestic Violence, Sexual Assault, and Stalking Workplace Policy

Last Updated: _____

Safety Note: If you are experiencing domestic violence, sexual assault, or stalking, you are not alone and help is available. If you are in immediate danger, please contact 911.

National Resources:

<u>National Domestic Violence Hotline</u> Website: www.thehotline.org Phone: 1800-799-SAFE (7233)	<u>National Sexual Assault Hotline</u> Website: https://rainn.org/ Phone: 1-800-656-HOPE (4673)
<u>StrongHearts Native Helpline</u> Website: https://strongheartshelpline.org/ Phone: 1-844-7NATIVE (762-8483)	<u>The Deaf Hotline</u> Website: https://www.thedeafhotline.org/ Phone: 1-855-812-1001

Our local victim service provider is:

Name:

Website:

Phone:

[Employer] Resources:

Employer’s DVSAS Designee:

Contact Information:

Employer DVSAS Designee Alternate:

Contact Information:

Employee Assistance Program:

Website:

Login:

Password:

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Purpose

This policy is as part of [Employer]'s commitment to supporting a safe and respectful workplace by promoting the prevention and reduction of incidences and impacts of domestic violence, sexual assault, and stalking (hereinafter DVSAS) in the world of work.

[Employer] recognizes that such violence presents unique issues for its workforce, even when incidents occur elsewhere. [Employer] recognizes these impacts and is committed to taking every appropriate measure to address and provide assistance because of such violence in the context of:

- Subordinate/supervisor working relationships;
- Coworkers;
- Intimate partner relationships, including marital, cohabiting, or dating;
- Parent/child relationships;
- Violent acts of non-employees committed against employees or their family members; and,
- Violent acts of non-employees that potentially could occur within the organization's workplace.

The purposes and goals of this policy are to:

- Make reasonable accommodations or provide time off for employees who are the victim or a family member is a victim of DVSAS;
- Create a healthy, supportive organizational work environment that promotes well-being;
- Provide assistance to employees who are perpetrators of violence and take appropriate disciplinary action to ensure accountability for violent behavior;
- Institutionalize responsive policies and procedures to assist employees who experience or are impacted by violence, including the provision of training on this policy to employees and management; and,
- Provide immediate assistance and support to employees who experience or have experienced violence, including the availability of workplace safety accommodations, safe days (included in the sick and safe leave category), and information about community resources, to ensure that those who experience DVSAS in the world of work, or whose experiences of DVSAS impacts the world of work, have support.

Definitions

If a question arises about one of these definitions or if anyone covered by this policy would like another term defined, please contact [Employer DVSAS Designee].

For the purposes of [Employer]'s DVSAS policy, the following definitions apply:

Advocate – A domestic violence or sexual assault victim advocate is a certified or trained professional, working for a victim services agency, who provides vital support to survivors of DVSAS.

Our community's victim service provider has advocates and can be contacted here:

_____.

Domestic Violence – Domestic violence is a pattern of abusive behaviors in any relationship that are used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship.

This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

[Employer] explicitly recognizes the following as forms of domestic violence that entitles someone covered by this policy to the support and protections provided by this policy:

Employment Sabotage – Employment sabotage encompasses behaviors intended to prevent an individual experiencing DVSAS from maintaining employment.

Financial Abuse – Financial abuse is a form of domestic violence where a partner who chooses to abuse will control their partner's finances or their ability to provide for themselves financially.

Tech-Facilitated Abuse - The use of technology to monitor, control, harass, stalk, impersonate, or harm another person. In workplace contexts, this includes unauthorized access to work accounts, tracking location through company vehicles or phones, or sending harassing messages through work email or collaboration tools

Dating Violence – Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Employer DVSAS Designee – The Employer DVSAS Designee is the person identified by [Employer] to receive and respond to requests for support, including leave or workplace accommodations, as identified by this policy. The Employer DVSAS Designee is

responsible for maintaining, updating, and enforcing [Employer]'s DVSAS Policy.
[Employer]'s DVSAS Designee is _____. [Employer]'s Alternate DVSAS Designee is: _____.

Individual Safety Plan – A safety plan is a survivor-led tool that outlines a set of actions that can help lower their risk of experiencing violence. Safety plans are specific to an individual and consider their safety needs at home, in the community, and in the workplace. Safety plans, best developed with a trained victim advocate.

Protection Order [Update to use the terminology in your jurisdiction] – A [local terminology] Order is a legally binding order issued by a judge in either a civil or criminal proceeding that may require the perpetrator to, among other things, stay away from the survivor at home, at work, and in the community and prohibit them from threatening, physically abusing, or otherwise harming the petitioner.

Self-Certification – Self-Certification is a form of documentary evidence that allows individuals to submit a written declaration under penalty of perjury. An individual covered by this policy can self-certify that they are survivors of DVSAS without providing additional documentary evidence from a third-party.

Sexual Assault – Sexual Assault means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

Stalking – Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety - or the safety of others - or suffer substantial emotional distress. Stalking can take the form of surveillance, life invasion, intimidation, or interference.

Victim Service Provider – A victim service provider is an organization that provides advocacy and other services, such as shelter, to victims.

Our community's victim service provider is _____

Workplace Accommodation or Workplace Adjustment – A workplace accommodation is a reasonable job-related modification or safety procedure requested by a survivor and implemented by an employer. It is designed to promote the safety of an employee who has experienced dating violence, domestic violence, sexual assault, or stalking.

World of Work – The World of Work consists of any location in which employees, paid and unpaid interns, contractors, volunteers, board members, consultants, and temporary workers perform their job duties.

This includes public and private spaces that are a place of work; in places where the worker is paid; in places where the worker takes a meal or rest break or uses sanitary, washing, and changing facilities; during work-related trips, travel, training, events, or social activities; through work-related communications, including those enabled by information and communication technologies in employer-provided accommodation; and when commuting to and from work.

Perpetrator – Perpetrator is a term used to describe individuals who commit acts or threats of DVSAS. Perpetrators of DVSAS are also sometimes referred to as abusive partners or batterers.

Applicability of DVSAS Policy

Persons covered by this policy include all full- and part-time employees (including managers, supervisors, executives, and senior level staff members), paid and unpaid interns, contractors, volunteers, board members, consultants, contractors and temporary workers engaged by [Employer] in any workplace location, customers, clients, and anyone with access to the workplace for work-related reasons.

[Employer] is committed to preventing and responding to DVSAS that occur within the world of work or DVSAS occurring outside of the world of work that affects persons covered by this policy while performing work-related duties.

Accordingly, this policy applies when:

1. An incident of DVSAS occurs within the world of work (see definition), or
2. DVSAS, regardless of where it occurs, impacts a person's ability to work and this person is covered by this policy while performing their job duties within the world of work.

Impacts may include but are not limited to:

- Being harassed via phone or email;
- Being prevented from arriving to work on time because of the actions of the perpetrator;
- Unexpected visits from the perpetrator;
- Being followed while commuting; or
- Employer-issued resources (such as a laptop, uniform, or credit card) are damaged or abused.

[Employer's] Commitment to A Workplace Free of Discrimination and Retaliation

[Employer] will not discharge or in any manner discriminate, harass, or retaliate against an individual covered by this policy because of that individual's status as a survivor of DVSAS in any terms and conditions of employment.

Examples of prohibited acts of discrimination include, but are not limited to:

- Adverse employment actions affecting one's salary or compensation;
- Demotion, suspension, or termination of employment;
- Taking away opportunities for advancement;
- Excluding the individual from important meetings;
- Threatening an individual who has made a report;
- Directing an individual who has made a report not to report to outside regulators;
- Deliberately rude or hostile behaviors or speech; and
- Creating or allowing the creation of a work atmosphere that is hostile toward an individual who has reported a concern.

[Employer] will not discharge, discriminate, harass, or retaliate against persons covered by this policy in any terms and conditions of employment for use of the protections and supports described in this policy, including leave from work or a workplace safety accommodation.

[Employer] will not discharge, or in any manner discriminate, harass, or retaliate against any person covered by this policy for reporting information to [Employer DVSAS Designee] about alleged incidents of DVSAS, as defined by this policy, that may have been committed by anyone within the world of work.

Any individual who believes they have been subject to an adverse employment action because they made a report pursuant to this policy, should contact [Employee DVSAS Designee]. See the section entitled, "Violations of this Policy" for how violations of this policy will be addressed.

Workplace Safety Planning and Accommodation

[Employer] recognizes that a survivor of DVSAS, including those who use violence to defend themselves, may require specific safety planning and accommodations or supports to continue performing their job safely for themselves and their co-workers.

To support employee safety and their ability to continue to perform their duties, [Employer] will collaborate with the survivor to determine appropriate workplace safety accommodations, taking reasonable steps to permit all those covered by this policy to continue to perform their job, unless the requested accommodation imposes an undue hardship on the company.

Examples of Available DVSAS Accommodations

Examples of accommodations and supports for survivors, based on needs identified by the survivor and employer capacity to meet these needs, may include but are not limited to:

- Flexible scheduling so that the employee survivor can access health care, counseling, legal support, relocating their home, identifying childcare, and attend to other needs related to the victimization;
- Adjustments to job site infrastructure, including relocating to another workstation, and enhancing security protocols;
- Changing and hiding online contact information, and enhancing security protocols;
- Co-developing a workplace safety plan in collaboration with local resource providers;
- Support in reporting to law enforcement;
- Assistance in enforcing a protection order;
- Taking steps to reduce the risk that the person causing violence enters the workplace, or providing other support if the perpetrator of DVSAS is also covered by this policy; and
- Any other precautions that the employee can reasonably demonstrate will support their safety and continued employment.

Recognition of [State/Local] Employment Law for Survivors

[Employer] recognizes that [state or location] mandates that employers in [state or location] provide reasonable accommodations for survivors of [domestic violence, sexual assault, or stalking]. This policy complies with the requirements outlined in [state or local] law.

This law is available for view at: [link to state law].

Process for Requesting Workplace Safety Accommodations

Those covered under this policy who wish to request a workplace accommodation under this policy should contact [Employer DVSAS Designee] and make this request in writing.

[Employer], by and through [Employer's Designee], shall communicate with the employee and engage in good faith in a cooperative dialogue concerning the employee's accommodation request.

At the conclusion of this dialogue, [Employer] will provide the individual covered by this policy and who participated in the dialogue with the final written determination identifying any accommodation granted or denied. If the individual covered by this policy disagrees with the determination of [Employer DVSAS Designee], they must submit a written complaint to [Employer DVSAS Designee], who will notify [Employer].

Recognizing that requests made under this policy will likely be time sensitive, [Employer] will process these requests and engage in this cooperative dialogue as soon as practicable.

Recognizing that the individual requesting this accommodation may be working with a victim service provider, advocate, or other professional, [Employer] will communicate with the relevant third party as part of this process upon receiving a written and signed release by the individual requesting this accommodation.

The individual requesting this workplace safety accommodation must notify [Employer] if their needs change or if the accommodation is no longer needed.

The individual requesting the accommodation will be able to self-certify to their need for an accommodation under this policy, so long as they articulate how this accommodation will support their safety.

[Employer] may request recertification periodically as permitted by applicable law.

Safe Leave From Work

[Employer] recognizes that people experiencing DVSA or have family members experiencing DVSA may need to take time off from work.

[Employer] provides [two] weeks of [paid/unpaid] leave annually, starting at the time of employment, to support those covered by this policy who are experiencing DVSA.

The following section details the ways in which employees who are survivors may use our leave policies to meet their needs and the process for accessing it.

Acceptable Safe Leave Uses

[Employer] provides up to [Employer amount of provided leave] [paid/unpaid] job-protected leave for those experiencing DVSA.

This leave can be used for the following reasons:

- Heal from injuries;
- Seek medical attention;
- Seek legal assistance;
- Attend or prepare for court proceedings;
- Relocate;
- Find childcare; or
- Any other reason that is reasonably related to supporting a covered individual's ability to access safety due to DVSA.

Process for Requesting Safe Leave

When the need for time off is foreseeable, an individual covered by this policy must provide reasonable advance notice (as defined by our leave request policy) prior to the need for leave to [Employer DVSA Designee].

When the need for time off is not foreseeable, an individual covered by this policy must promptly inform [Employer's Designee] that they are a victim of DVSA and request leave as soon as possible, generally no more than [____] days after the absence begins.

[Employer] will accept self-certification from the individual seeking leave.

Guidance for Those Who Choose Not to Disclose Their Survivor-Status

Recognizing that not everyone experiencing DVSA will be comfortable disclosing that these forms of violence are impacting their ability to work, [Employer] encourages those who do not want to disclose their experiencing of DVSA to use other forms of leave that

are available, such as vacation and personal leave. Please review those policies [\[link to policies\]](#) and the processes outlined in those sections.

Recognition of [\[State/Local\]](#) Employment Law for Survivors

[\[Employer\]](#) recognizes that [\[state or location\]](#) mandates that employers in [\[state or location\]](#) provides [\[paid/unpaid\]](#) time off of work for survivors of [\[domestic violence, sexual assault, stalking, or victims of crime\]](#). This policy complies with the requirements outlined in [\[state or local\]](#) law.

This law is available for view at: [\[link to state law\]](#).

Availability of Unemployment Insurance Benefits for Survivors

[Employer] recognizes that in certain situations it is no longer feasible for an employee survivor to continue working for [Employer]. In such circumstances, [Employer] shall provide information regarding access to unemployment insurance benefits.

[Employer] has designated [Employer DVSAS Designee] to proactively provide accurate information regarding unemployment benefits for survivors of DVSAS who must leave work.

In [Employer's State], the state agency that administers unemployment insurance benefits is [Name of State Unemployment Insurance Agency].

Employer's Policy on Reporting and Disclosure of DVSAS

To access the protections and supports outlined in Section ____ [Workplace Accommodation/Safe Leave/Safety Planning], persons covered by this policy will need to report any DVSAS that is impacting the workplace to [Employer DVSAS Designee] by [method of reporting].

Methods of Reporting for Survivors of DVSAS

If the offered method of reporting is impracticable or dangerous for the person seeking to access the protections and supports in this section, alternative forms of reporting include _____.

If the reported DVSAS occurred, or is occurring, within the world of work, persons covered by this policy must report to [Employer DVSAS Designee]. If an incident of DVSAS involves [Employer DVSAS Designee] or if the person reporting feels unsafe reporting to [Employer DVSAS Designee], the person reporting should contact [Employer DVSAS Designee Alternate].

[Employer DVSAS Designee] will describe the investigatory process and connect the person who is reporting to the relevant internal policies and external resources.

Please review [Section _____] for [Employer]'s investigation process.

Any person covered by this policy who is experiencing or has experienced incidents of DVSAS outside of the world of work but that is impacting their work and would like to access the protections and supports outlined in [Section ____] must inform [Employer DVSAS Designee].

[Employer DVSAS Designee] shall share relevant policies and possible accommodations, and offer community and service provider referrals and resources if desired by the impacted person.

No one who discloses that they are a victim or survivor of DVSAS will be fired, discriminated against, or otherwise retaliated against as defined in this policy.

Guidance for Concerned Individuals

An individual who reasonably believes that someone covered by this policy is experiencing DVSAS or has experienced DVSAS within or outside of the world of work is encouraged to consult with [local victim service provider/EAP/Domestic Violence or Sexual Assault National Helplines] to confidentially seek guidance and learn more about resources and community supports that may be available to the person experiencing DVSAS.

[Employer] emphasizes that those experiencing DVSAS who are covered by this policy are entitled to privacy and respect. Outside of immediate safety concerns for the individual or organization communicated to [Employer DVSAS Designee], no one covered by this policy should discuss or opine about another individual's experience of DVSAS.

Guidance for Those Who Witness Incidents of DVSAS in the World of Work

Individuals covered by this policy who witness or are informed of any incident of DVSAS are strongly encouraged to report to [Employer DVSAS Designee]. To balance survivor autonomy, safety, and privacy, witnesses to DVSAS incidents within the world of work are strongly encouraged to consult with the individual who experienced the DVSAS about their preferred course of action. Reports of this nature will be kept confidential to the best of [Employer]'s ability.

In the event of an immediate, demonstrable threat to the physical safety of individuals covered by this policy, witnesses to events of DVSAS are directed to call law enforcement if practicable. Reports of this nature will be kept confidential to the best of [Employer]'s ability.

If individuals covered by this policy observe inappropriate surveillance or the misuse of workplace equipment or resources to perpetrate DVSAS, they shall report what was witnessed to [Employer DVSAS Designee] as soon as practicable. Reports of this nature will be kept confidential to the best of [Employer]'s ability.

[Employer]’s Confidentiality Policy Related to DVSAS Disclosure

[Employer] recognizes and respects the importance of privacy and autonomy of all persons covered by this policy. To the extent allowed by law, [Employer] shall maintain the confidentiality of information pertaining to DVSAS disclosed by persons covered by this policy, unless to do so would result in life threatening harm to any person, jeopardize safety within the workplace, or unreasonably inhibit investigatory processes.

To the extent allowed by law, [Employer] shall maintain the confidentiality of information pertaining to harm caused by persons covered by this policy, unless to do so would result in life threatening harm to any person, jeopardize safety within the workplace, or inhibit investigatory processes.

When confidential information must be disclosed

When confidential information must be disclosed to protect workplace or individual safety, facilitate investigatory processes, or comply with the law, [Employer] shall limit the breadth and content of such disclosure to only the information reasonably necessary to protect the safety of persons covered by this policy, facilitate investigatory processes, and to comply with the law.

If a disclosure is required to protect workplace or individual safety, facilitate investigatory processes, or comply with the law, [Employer] shall provide advance notice to the affected person(s), to the extent possible and as soon as practicable.

[Employer] shall also provide the affected person(s) with the name and title of all other individuals, such as security guards or benefits administrators, with whom it intends to share information. [Employer] shall explain the necessity and purpose regarding the disclosure, to the extent possible.

Individuals who receive confidential information will be given notice that this information is confidential and shall not to be discussed with others. This notice will explicitly state that breaching confidentiality could jeopardize the safety of persons involved and a breach in confidentiality may result in disciplinary action.

Questions regarding the applicability of this policy should be directed to [Employer’s Designee]

Violations of Confidentiality

If this confidentiality provision is violated, [Employer] will seek to limit the spread of information. Violations of this confidentiality policy will result in discipline for those responsible for this violation as appropriate, up to and not excluding termination

Use of Workplace Equipment or Resources to Document Instances of DVSAS

[Employer] recognizes individuals surviving DVSAS may be subject to surveillance and intrusive monitoring of their personal devices. [Employer] further recognizes that an individual covered by this policy may need to use workplace equipment and resources to document instances of violence that they are experiencing either within or outside of the world of work.

Reasonable use of workplace equipment or resources in this way will not be considered misuse of workplace equipment or resources.

[Employer] will not retaliate against an individual covered by this policy or deprive that individual of employer-issued equipment because the individual used employer-issued equipment to document an instance of DVSAS committed against the covered individual or a family member of that individual.

[Employer] shall grant an employee access to any photographs, voice or video recordings, sound recordings, or any other digital documents or communications stored on an employer-issued device relating to DVSAS.

This policy does not prohibit [Employer] from complying with an investigation, court order, or subpoena for a device, information, data, or documents. Furthermore, this policy does not relieve an employee's obligation to comply with an employer's reasonable employment policies or to perform the essential functions of employment.

Employer's Policy for Workers Who Perpetrate DVSAS

[Employer] does not tolerate, and will not tolerate, any perpetration of DVSAS done by an individual covered by this policy. [Employer] expressly prohibits the use of any workplace equipment, resources, or benefits to perpetuate or further DVSAS.

If [Employer] receives information that alleges or suggests an individual covered by this policy has engaged in an incident of DVSAS, including the use of workplace equipment, resources, or benefits, the matter shall be referred to [Employer DVSAS Designee] for the purpose of investigating the information or allegation received.

Investigations into Allegations of Workplace-Related DVSAS

If an individual has reason to believe that a person covered by this policy has perpetrated DVSAS or misused workplace equipment, resources, or benefits to perpetrate DVSAS, they should report their concerns to [Employee Designee] and provide any documentation of the perpetuation of that violence or misuse of workplace equipment, resources, or benefits related to an incident of DVSAS at that time.

If [Employer] receives information that alleges or suggests that a person covered by this policy has committed an incident of DVSAS within the world of work, as defined in this policy or local, state, or federal law, or if any manager or supervisor receives information that any person covered by this policy has engaged in any incident of workplace-related or non-workplace DVSAS or sexual harassment, then the matter shall be referred to the [Employer DVSAS Designee] for investigation.

[Employer] is committed to reviewing all reports of DVSAS and conducting a prompt, transparent, fair, and thorough investigation tailored to the circumstances of the incident.

All matters related to the investigation will remain confidential unless immediate safety is in jeopardy. There will be no discrimination or retaliation against anyone for cooperating with an investigation.

This investigation may include initial inquiries and fact-gathering to determine whether an internal investigation is appropriate or if a third-party should be engaged. An investigation does not indicate that the report has been deemed credible.

[Employer] will comply with the law in conducting investigations and expect that persons covered under this policy will cooperate with an investigation, except when only voluntary or optional compliance is being requested.

[Employer] will notify the individual(s) who make the report and any individual at the center of the report about:

- Who will be made aware of the report;
- Who will be conducting the investigation; and
- When the investigation will be completed.

To promote workplace safety during an investigation, [Employer] will collaborate with the individuals experiencing DVSAS to determine appropriate workplace safety accommodations including [paid/unpaid] leave.

If necessary to promote the safety of others covered by this policy, [Employer] may also place the individual under investigation on administrative leave for the duration of the process.

If the investigation concludes that a person covered by this policy has committed an incident of DVSAS within the world of work or misused workplace equipment, resources, or benefits in furtherance of DVSAS, as defined in either this policy or federal, state, or local law, then that individual shall be subject to disciplinary action up to and including termination.

The individual might also be required to participate in counseling or other restorative or remedial measures.

Violations of this Policy

Any persons who believe this policy has been violated should contact [Employer DVSAS Designee]. Any person covered by this policy who is found through an investigation to have unlawfully violated this policy, including discriminating or retaliating against another covered person who has sought to use this policy, will be subject to corrective action up to and including termination.

[Employer] will not discharge or in any manner discriminate or retaliate against any person covered by this policy because they reported an alleged violation of this policy.

Feedback on this Policy:

[Employer] recognizes that the needs of the workforce change. Any individual covered by this policy is invited to share suggestions for improvement with [Employer] by submitting this feedback in writing to [Employer DVSAS Designee].