

**U.S. OFFICE OF GOVERNMENT ETHICS  
DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING POLICY**

**1. PURPOSE**

It is the goal of the U.S. Office of Government Ethics (OGE) to promote a healthy and safe work environment for all employees. OGE is committed to treating domestic violence, sexual assault, and stalking seriously. OGE is committed to providing services and resources to victims to ensure the workplace remains safe. This policy constitutes OGE's statement of procedures for handling incidents of domestic violence, sexual assault, and stalking with regard to OGE employees.

**2. AUTHORITY**

The basic authority for the Domestic Violence, Sexual Assault, and Stalking Policy is contained within the 18 April 2012 Presidential Memorandum on "Establishing Policies for Addressing Domestic Violence in the Federal Workforce." The Presidential Memorandum requires each agency to establish and maintain a program to "promote the health and safety of its employees by acting to prevent domestic violence within the workplace and by providing support and assistance to Federal employees whose working lives are affected by such violence." The Office of Personnel Management (OPM) provides broad oversight authority for the program, with agencies having the mandate to develop and institute their own policies.

**3. APPLICABILITY**

This policy applies to all OGE employees.

**4. DEFINITIONS**

*Domestic Violence*

Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, current or former intimate partner, current or former dating partner, or person with whom the perpetrator shares a child in common. This behavior includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats, physical intimidation, or injury. Domestic violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic violence can occur in heterosexual and same-sex intimate relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship.

*Employee*

For the purposes of this policy, an employee is any person employed by OGE as defined in 5 U.S.C. § 10. This definition does not include employees of private contractors hired by OGE.

Perpetrator

A perpetrator is an individual who commits or threatens to commit an act of domestic violence, sexual assault, and/or stalking.

Victim

A victim is an individual who is currently subject to, or has in the past been subject to, domestic violence, sexual assault, and/or stalking.

Protection or Restraining Order

A victim may obtain a protection order, sometimes called a restraining order, a stay-away order, or a peace order, from a court for protection from a perpetrator. Such an order also may establish custody and visitation guidelines, and provide for forms of economic security, like child support, rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release of a perpetrator, particularly in a domestic violence, sexual assault, or stalking-related crime.

Sexual Assault

Sexual assault refers to a range of behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape, sodomy, or child molestation), an attempted nonconsensual sex act, and/or abusive sexual contact. Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. A victim 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.

Sexual Harassment

Title VII of the Civil Rights Act of 1964 prohibits sexual harassment in the workplace. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual assault may be a form of sexual harassment prohibited by Title VII, but most incidents of sexual harassment do not rise to the level of sexual assault.

Stalking

Stalking refers to harassing, unwanted, or threatening conduct that causes the victim to fear for their safety or the safety of a family member. Stalking conduct may include, but is not limited to, following, spying on, or waiting for the victim in places such as home, school, work, or recreation place; leaving unwanted items, presents, or flowers for the victim; making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property; posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; or obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting the victim's friends, family, work, or neighbors. Stalking may

occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, social networking sites, and use of GPS. This definition specifically does not include and does not refer to, supervisory or management inquiry, scrutiny, or examination of an employee's work, work status, or leave status, federal records and files, or inspection of agency technology or email/IT systems covered by agency security and IT policies.

### *Workplace Safety Plan*

A workplace safety plan is a strategy developed in collaboration with a victim to implement workplace safety options, including but not limited to, handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, changes in parking spots, and requests for escorts to and from workplace facilities.

## **5. POLICY**

OGE will not tolerate any act of domestic violence, sexual assault, or stalking in the workplace, and will take action to prevent and correct the misuse of OGE's resources in connection with any act of domestic violence, sexual assault, or stalking, including harassment or violent or threatening behavior that may result in physical or emotional injury to any OGE employee while in OGE offices, conducting OGE business, or traveling on behalf of OGE. Accordingly, this policy is meant to:

- Enhance workplace awareness and capacity to create a supportive and safe work environment for employees who are victims of violence and fellow OGE employees;
- Establish responsive policies and procedures to assist OGE employees who are impacted by violence, including the provision of training on this policy to OGE employees and OGE management;
- Provide immediate assistance to employees who are victims, especially information on referrals to community resources; and
- Provide assistance to and/or take disciplinary action against OGE employees who are perpetrators of violence.

### **A. RESPONSIBILITIES**

1. *Deputy Director for Compliance.* The Deputy Director for Compliance or their designee ("Deputy Director") is responsible for implementing the domestic violence, sexual assault, and stalking policy within OGE. The Deputy Director shall:
  - (a) Be the primary point of contact for implementing, monitoring, and evaluating the policy and reporting on its progress.
  - (b) Ensure information about the Employee Assistance Program (EAP) and information on local resources are available to all OGE employees.

- (c) In conjunction with representatives from EAP, a supervisor, and possibly building security, lead the Domestic Violence, Sexual Assault, and Stalking (DVSAS) response team to develop a workplace safety plan for reports of domestic violence, sexual assault, and stalking.
  - (d) Direct and oversee the preparation of reports on domestic violence, sexual assault, and stalking for submission to the Office of Personnel Management, as required.
  - (e) Provide guidance to OGE's executive team regarding domestic violence, sexual assault, and stalking, regular employee training, reporting procedures and maintaining confidentiality.
  - (f) Prepare an annual summary report as described in Appendix A.
2. *Security and Law Enforcement.* In the absence of available building security, local law enforcement and/or the Federal Protective Service can provide a line of defense for OGE employees who are pursued or stalked by a perpetrator. If any OGE employee is in imminent danger in the workplace, that victim or any other person aware of the imminent danger should immediately call 911 and thereafter, if feasible, notify building security at (202) 898-0919 and the Federal Protective Service at 1-877-437-7411.
3. *Employee Assistance Program.* Confidential counseling for employees is available through OGE's Employee Assistance Program (EAP). OGE's EAP provider can be a strategic partner and valuable resource in addressing domestic violence, sexual assault and stalking as a workplace issue. Basic EAP services include free, voluntary, short-term counseling and referrals for various issues affecting an employee's mental and emotional well-being. Counselors are available 24 hours a day, seven days a week to provide confidential assistance at no cost to an OGE employee by calling 1-800-222-0364 (TTY: 1-888-262-7848). EAP website: [www.FOH4you.com](http://www.FOH4you.com).

## B. CONFIDENTIALITY

OGE recognizes and respects an employee's right to privacy and the need for confidentiality and individual consideration. Confidentiality of an employee's disclosure regarding domestic violence, sexual assault, or stalking will be maintained to the extent permitted by law unless maintaining confidentiality would result in physical harm to any person, jeopardize safety within the workplace, and/or compromise an ongoing criminal investigation. When information must be disclosed to protect the safety of individuals within the workplace, the breadth and content of such disclosure shall be limited to information reasonably necessary to protect the safety of the disclosing employee and others to comply with the law. Whenever possible, OGE will provide advance notice to the employee who disclosed information about an incident of domestic violence, sexual assault, or stalking if the disclosure must be shared with other parties in order to maintain safety in the workplace. The employee shall be provided with the name and title of the

person to whom the employee's statements or information will be shared with an explanation of the necessity and purpose regarding said disclosure.

The confidentiality of employee information and records related to domestic violence, sexual assault, and stalking is critical. This information will be protected and kept separate from other records maintained on the employee.

### C. WORKPLACE FLEXIBILITY

1. Various types of workplace flexibilities are available to an employee when the employee is a victim of domestic violence, sexual assault, or stalking. To the greatest extent possible, supervisors should work in collaboration with the employee to provide leave and/or other workplace flexibilities to help the employee remain safe while maintaining their work performance. All possible leave options should be considered for an employee in this situation. Possible leave options may include, but are not limited to, annual leave, sick leave, advanced annual leave, advanced sick leave, leave without pay (LWOP), excused absence (administrative leave), and Family and Medical Leave Act (FMLA). When the need for time off is foreseeable, an employee must provide reasonable advance notice to the appropriate supervisor.
2. Although an employee's supervisor is the only person who can approve leave, a leave request may be made through a third party, e.g., an EAP counselor. While an employee is not required to provide personal details in a request for leave, an employee is required to provide enough information so a supervisor knows which type of leave is being requested and whether it is appropriate (e.g., sick leave, annual leave, FMLA, etc.).
3. Victims of domestic violence, sexual assault, or stalking may need time off to secure medical assistance, legal assistance, counseling, or to attend to other matters related to the violence, such as court proceedings, relocation, or safety planning. Every reasonable effort will be made to assist an employee in maintaining employment when the employee is experiencing or has experienced violence in or outside the workplace. The employee's supervisor will work in collaboration with the employee to provide reasonable and flexible leave options when the employee is a victim of domestic violence, sexual assault, or stalking. The supervisor will also work with an employee to determine if other non-leave related assistance will facilitate the employee's ability to remain safe and maintain their work performance, for example, modifying work schedules, changing the employee's location within the workplace, changing phone numbers, or arranging teleworking options.

### D. RESPONSE TO EMPLOYEES WHO ARE VICTIMS

1. *Nondiscrimination and Non-retaliation.* OGE shall not discriminate in hiring, staffing, or other terms and conditions of employment against any employee for disclosing their status as a victim of violence or for submitting a complaint or disclosing concerns about violence. OGE shall not retaliate or take adverse

employment actions against any employee for submitting a complaint pursuant to this policy or for disclosing their status as a victim. An OGE employee who believes they have been subjected to adverse action as a result of submitting a complaint or disclosing their status as a victim pursuant to this policy should contact the Deputy Director or their designee.

2. *Work Performance.* OGE employees who are victims of violence may experience temporary difficulty fulfilling job responsibilities. If a supervisor becomes aware that an employee's work performance or conduct has been impacted by domestic violence, sexual assault, or stalking, the supervisor will work in collaboration with the employee to address the issues, in accordance with this policy. The supervisor will take appropriate measures to ensure an employee's status as a victim of domestic violence, sexual assault, or stalking does not negatively impact or compromise their rights and privileges of employment.
3. *Protection and Restraining Orders.* A victim of violence may seek an order of protection, or may receive a restraining order, as part of his or her efforts to become safe and as part of a workplace safety plan. OGE recognizes that the workplace may or may not be included in an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order to their supervisor, the agency may, to the extent possible, assist the employee in enforcing the order, will archive a certified copy of the order in a confidential and separate file from the employee's personnel file, and, if applicable, may assist the employee in gathering documentation from the workplace, such as email or voice messages, that could support the employee's efforts in the justice system or otherwise obtain or maintain safety from a perpetrator.
4. *Suggested Safety Tips for Victims.* OGE encourages employees to save any threatening email or voicemail messages. These messages may be used for future legal action or can serve as evidence that an existing restraining order was violated. If an employee obtains a protection or restraining order, the employee should keep a copy of this order with them at all times. The employee may provide a copy to local law enforcement, their supervisor, human resources staff, and other appropriate offices. The employee should also provide a picture of the perpetrator to building security offices and those staffing building reception areas. The employee should identify at least two emergency contact persons in case the employee is absent and OGE is unable to contact the employee. If an absence is deemed appropriate, the employee should be clear about the plan to return to work. While absent, the employee should maintain contact with their manager or the designated agency contact.
5. *DVSAS Response Team.* OGE shall create a multi-disciplinary Domestic Violence, Sexual Assault, and Stalking response team prepared to assess incidents of domestic violence, sexual assault, and stalking impacting the workplace. The team will be trained on addressing the needs of victims of domestic violence,

sexual assault, and stalking. It will be led by the Deputy Director and should include representatives from the OGE's security, human resources, employee assistance, and other appropriate offices. Taking into consideration this policy's confidentiality section, OGE personnel, including human resources or security staff, who identify a situation may consider contacting the members of the DVSAS response team so that a plan can be developed and implemented in collaboration with the victim employee.

The DVSAS response team will be tasked with developing recommendations for the specific threat reported to the team and work with the victim and management to implement the safety plan. The victim's own assessment of the level of threat must always be respected and factored into this process. Subject to any applicable legal restrictions (including but not limited to the Privacy Act), the victim should have access to the records of any response team discussions regarding them.

Domestic violence, sexual assault, and stalking situations do not always need to be escalated to the DVSAS response team level. In many instances, a victim can effectively handle the situation with their supervisor. In such situations it is appropriate for a matter to be handled informally without invoking the DVSAS response team. However, the supervisor must document all actions taken in the event that a more formal response from the response team becomes necessary. In developing policies, OGE will consider whether it will want to create new sets of records relevant to domestic violence, sexual assault, and stalking response, or whether each responder will keep records within the existing scope of their responsibilities.

#### E. RESPONSES TO EMPLOYEES CONCERNED ABOUT VIOLENCE

OGE employees who suspect or witness acts of violence in the workplace, or who suspect or witness violence against an employee or perpetrated by an employee, are encouraged to report their concerns to their supervisor or to the Deputy Director. OGE shall not retaliate against, terminate, or discipline any employee for reporting concerns about workplace-related incidents of violence, sexual assault, or stalking pursuant to this policy, including an allegation that the act was perpetrated by a fellow OGE employee or person in a management capacity. Any employee who believes they have been subjected to adverse action as a result of making a report pursuant to this policy should contact the Deputy Director or their designee.

#### F. RESPONSES TO EMPLOYEES WHO ARE PERPETRATORS

1. If an OGE employee discloses that they have committed a workplace-related incident of violence or if a supervisor becomes aware that an OGE employee may have committed such an incident, the supervisor will refer the employee to the Deputy Director or their designee to initiate an appropriate investigation, intervention, and/or referral. OGE will investigate immediately and may take disciplinary or adverse action, up to and including removal, against any OGE employee who threatens to

commit or who commits workplace-related incidents of domestic violence, sexual assault, or stalking. OGE employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines, or other means to threaten, harass, intimidate, embarrass, or otherwise harm any other person.

2. An OGE employee who is subject to a protection or restraining order, or who is a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, or stalking must disclose the existence of such criminal or civil action if the conditions of such actions interfere with the employee's ability to perform their job, impact another OGE employee, prohibit or limit contact with employees of other federal agencies with whom there is a work relationship, or specifically relate to or name OGE in the civil or criminal action. Failure to disclose the existence of such criminal or civil actions in these circumstances may result in disciplinary or adverse action, up to and including removal from employment.
3. OGE employees who are perpetrators are highly encouraged to voluntarily seek assistance from the Employee Assistance Program.
4. To take adverse action against employees who commit off-duty misconduct, there must be a proven "nexus" between the specific misconduct of the employee and the employee's ability to perform their duties. That is, when taking adverse action against an employee, OGE must be able to show that there is a clear and direct relationship between the grounds for the adverse action and the employee's ability to perform their duties or some other legitimate governmental interest promoting the efficiency of the service.
5. OGE may place an employee on indefinite suspension when there is reasonable cause to believe an employee has committed a crime for which the employee could be imprisoned. OGE will terminate the suspension promptly upon completion of the event it identified when imposing the suspension.

#### G. FORMS OF ASSISTANCE

OGE's priority is the safety of its employees, both within and outside of the workplace. There are many forms of assistance generally available to OGE employees, such as paid or unpaid leave if an employee needs to attend counseling or a court hearing, flexible work schedules, and teleworking. Other resources available are described below.

1. *Emergency Assistance.* If an OGE employee is in immediate danger in the workplace, they should call 911. For workplace threats that are not immediate, an OGE employee should contact the Deputy Director, who will determine whether building security and/or the Federal Protective Service should be alerted.
2. *Domestic Violence.* An OGE employee involved in a situation of domestic violence may call 1-800-799-7233 (SAFE) for help and for referral to a local domestic violence program.



3. *Sexual Assault*. An OGE employee involved in a situation of sexual assault may call 1-800-656-4673 (HOPE) for help.
4. The following local resources are also available:
  - (a) District of Columbia Coalition Against Domestic Violence: 202-299-1181  
DC Rape Crisis Center Hotline: 202-333-7273
  - (b) Maryland Network Against Domestic Violence Hotline: 1-800-634-3577  
Maryland Coalition Against Sexual Assault: 1-800-983-7273
  - (c) Virginia Sexual and Domestic Violence Action Alliance Hotline: 1-800-838-8238

#### H. SAFETY PLANNING, BUILDING SAFETY, AND SECURITY SERVICES

When a violent incident affects the workplace, it is important that employees and supervisors know what to do. In consultation with the employee and their supervisor, building security or local law enforcement should assist in developing a workplace and telework component of their workplace safety plans. This planning may involve temporary changes, such as moving the employee to a more secure location or instituting an adjustment to the employee's work schedule to make the employee less vulnerable to incidents. Building security should also keep copies of restraining orders and photos of the perpetrator.

#### I. WORKPLACE TRAINING AND OUTREACH

Training for all personnel is an important part of responding to domestic violence, sexual assault, or stalking in the workplace. Employees and supervisors seek assistance at a much earlier stage when they personally know who can provide assistance. Providing appropriate training assures employees that management will take threats seriously, encourages employees to report incidents, and demonstrates management's commitment to deal with reported incidents. OGE may also make efforts to increase awareness of domestic violence issues using various methods of outreach.

1. OGE will distribute this policy to all current employees. New employees will receive this policy upon commencement of employment. Each person covered by this policy shall sign a statement acknowledging that they have received and read the policy, which will be retained in the employee's official personnel file.
2. This policy will be posted to OGE's intranet.
3. All OGE employees are expected to become familiar with this policy and are required to participate in any training associated with this policy. Training may involve partnering with national and/or local domestic violence, sexual assault, and stalking

experts to offer immediate access to people with the knowledge to assist employees in need of support. Also, domestic violence, sexual assault, and stalking content may be incorporated into other training and training agendas, such as workplace violence prevention training, work/family seminars, health and safety trainings, basic manager training, and EAP orientations. Specific training shall be offered regularly based on the employee's role (manager/director/non-supervisor) at OGE.

4. Other methods of outreach and awareness may include agency wide emails, website or newsletter alerts, posters, brochures, or safety cards.

#### J. COMPUTER TECHNOLOGY CONCERNS

With the acknowledgement of the victim, information technology personnel may be involved with technology-related safety concerns. These concerns include the perpetrator's use of computer technology to harass or stalk a victim, as well as information on OGE's website that could potentially be used to harm the victim. As appropriate, an employee's safety plan may address these concerns, including whether it is appropriate to remove identifying information, such as the victim's telephone number and office location, from OGE's internal and external websites.

#### 6. **REFERENCES**

OPM manual titled, "Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies," dated February 2013.

Title VII of the Civil Rights Act of 1964.

## **APPENDICES**

## **APPENDIX A**

The Deputy Director of Compliance or their designee will work with the Human Resources Attorney in preparing and submitting the Annual Review Report to OPM after review and coordination with the Chief of the Legal, External Affairs and Performance Branch. This report will include the following information:

1. Number of employees and supervisors receiving training or educational information on domestic violence, sexual assault, and stalking.
2. Number of employees requesting information, referrals or time off for needs relating to domestic violence, sexual assault, and stalking.
3. Number of Orders of Protection or restraining orders given to management by employees or taken out by the employer in consultation with the employee.
4. Number of employees requesting help for domestic violence, sexual assault, or stalking through EAP services as provided by EAP.
5. Records of threat assessment and violence prevention actions related to domestic and sexual violence, specifically plans made to respond to domestic violence threats and/or prevent incidents of sexual harassment and violence in the workplace.
6. Incident reports of any violent events that involved employees or others at work.
7. Changes to policies or procedures that were implemented during the last year that impact this policy.

## APPENDIX B

### Threat Assessment Tool

All reports of threatening or violent conduct in the workplace should be taken seriously and evaluated. While the method of evaluation, screening, and assessment will vary depending upon the size of the workplace facility and security operations, as well as the nature and severity of the threat, the list below is a good guideline. If an employee self-discloses domestic violence, and it appears that they may be in immediate danger, call 911. A threat assessment should take place if the danger is present, but not urgent. The Deputy Director of Compliance or their designee will decide who should conduct the assessment based on the situation. The reporting employee should be advised that only certain information will be shared with security and other key people within the organization to ensure their safety.

#### **Call 911 if you are ever in immediate danger.**

1. What is the situation? Please explain the details.
2. Has your significant other made any threats?
3. What type of abuse have you been exposed to?
4. Have there been any harassing phone calls?
5. Have there been any harassing voice mail messages?
  - If so, have they been deleted?
6. Are your co-workers aware of the situation?
7. Does your significant other know where you work? Have they visited the facility in the past?
8. Does your significant other have a history of violence?
9. Do you think you or others are in danger here (the victim knows best what the abuser is capable of)?
10. Does your significant other possess any type of firearms or weapons?
  - If so, are they registered?
  - Please describe the type (handgun, shotgun, assault rifle, etc.)
11. What is the status of your relationship?
12. Have you contacted the EAP or a domestic violence program in the community?
13. Can I help you gather or provide you with the numbers of local domestic violence resources?
14. Has a report been filed with the police?
  - If so, please provide a copy of the report.
15. Has an order of protection been issued?
  - If so, please provide a copy.
  - If not, will one be filed?
16. Can you provide us with a description and current picture of the abuser?
17. What is your need for safety NOW?
18. Do you need time off to attend court?
19. Do you need extended leave to find safe housing or address other safety concerns?
20. Do you need time off or flexible hours to arrange for childcare?
21. Do you need to be escorted to and from your car/public transportation?

22. Do you need to change your hours or work location?
23. Do you have a safety plan?
  - If not, it would be a good idea to work with a domestic violence counselor to create one.
24. Do you feel safe at work?
  - Has your significant other/spouse/partner (use the term the victim uses) made any threats, specifically to try to hurt you at work?
25. Do you need any further assistance?

If there is no threat to the safety of the victim at work, offer referrals to local domestic violence counselors and/or the EAP. Each case is different and responses must be tailored to the circumstances. When the threat assessment process determines that a high level of planning or response is needed, the more intensive step of gathering the domestic violence response team should be taken. Always consult building security, the Federal Protective Service, the police, or other experts to help you make an accurate threat assessment.

**APPENDIX C**

Responsibility Matrix

<b>Individual/Entity</b>	<b>Responsibility</b>
Deputy Director for Compliance	<ul style="list-style-type: none"> <li>● Primary point of contact for policy implementation, monitoring, evaluating, and reporting on progress.</li> <li>● Serves as a member of the Evaluation and Response Team.</li> <li>● Ensures EAP and information on local resources are available.</li> <li>● Prepares an annual summary report identifying areas of progress and needed improvement for submission to the Office of Personnel Management as required.</li> <li>● Provides guidance to the agency’s executive team regarding domestic violence, sexual assault and stalking, employee training, reporting procedures and maintaining confidentiality.</li> <li>● When informed of an employee presumed to be a perpetrator, initiates appropriate investigation(s), intervention(s), and referral(s).</li> <li>● Responds to any employee who believes they have been subjected to adverse action as a result of submitting a complaint or disclosing their status as a victim pursuant to this policy.</li> <li>● Where the other party in an incident of domestic violence, sexual assault, or stalking is an employee of another federal agency, informs that other agency to assure that appropriate responses to the situation are coordinated, when there is reason to believe a workplace issue exists.</li> </ul>
DVSAS Response Team	<ul style="list-style-type: none"> <li>● This team is comprised of the Deputy Director for Compliance, a representative from EAP, and possibly building security.</li> <li>● Develops a workplace safety plan for reports of domestic violence, sexual assault and stalking. The confidential plan, developed in collaboration with a victim, will implement workplace safety options, including but not limited to, handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, and requests for escorts to and from workplace facilities. The plan will specify who should respond to incidents depending on the nature of the offense. To determine the threat level, team members will use the assessment tool in Appendix B.</li> </ul>
Building Security and Law Enforcement	<ul style="list-style-type: none"> <li>● Assist in developing a workplace safety plan that includes and respects the affected employee.</li> <li>● Enforce restraining order of perpetrators. Access to orders and information contained in them should be limited on a need to know basis.</li> <li>● Refer victims to appropriate local law enforcement and other appropriate resources.</li> <li>● Document violations of a restraining order.</li> <li>● Respond and intervene, as needed, to calls concerning safety in the workplace.</li> </ul>

<p>Employee Assistance Program (EAP)</p>	<ul style="list-style-type: none"> <li>● Supports supervisors in their response to the needs of employees.</li> <li>● To the extent possible, the EAP should work in conjunction with supervisors, with the employee’s permission, to plan for the safety of the workgroup when incidents of domestic violence, sexual assault, and stalking affect the workplace.</li> <li>● When appropriate, and with the victim’s written permission, provides advice and consultation to the supervisor with respect to issues of domestic violence, sexual assault, and stalking in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problems directly related to the violence, safety needs, disciplinary actions towards a perpetrator who works with a victim and abuses that person in the workplace, and access to any other needed services.</li> <li>● At the victim’s request, an EAP counselor may request leave on behalf of the employee victim.</li> </ul>
<p>Supervisor</p>	<ul style="list-style-type: none"> <li>● Be aware that the confidentiality of employee information and records related to domestic violence, sexual assault and stalking is critical. This information must be protected and kept separate from other records maintained on the employee.</li> <li>● To the greatest extent possible, supervisors should work in collaboration with the employee to provide leave and/or other workplace flexibilities to help the employee remain safe and maintain their work performance.</li> <li>● Supervisors will also work with an employee to determine if other non-leave related assistance will facilitate the employee’s ability to remain safe and maintain their work performance. For example, modifying work schedules, changing employee’s location within the workplace, changing phone numbers, and/or arranging teleworking options.</li> <li>● Supervisors will take appropriate measures to ensure an employee’s status as a victim of domestic violence, sexual assault, or stalking does not negatively impact or compromise their rights and privileges of employment.</li> <li>● When supervisors become aware that an employee may have committed an incident of domestic violence, sexual assault, or stalking, supervisors shall refer the incident to the Deputy Director for Compliance, for further action under this policy.</li> <li>● Supervisors can contact EAP for support in their response to the needs of employees and an EAP referral can be a simple tool to encourage victims to seek out help or assistance.</li> </ul>
<p>Employee (victim)</p>	<ul style="list-style-type: none"> <li>● When the need for time off is foreseeable, an employee must provide reasonable advance notice to their supervisor. Employees are not required to provide personal details in their requests for leave. However, employees are required to provide enough information so a supervisor knows which type of leave is being requested and</li> </ul>



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	<p>whether it is appropriate (e.g. sick leave, annual leave, Family and Medical Leave Act (FMLA), etc.).</p> <ul style="list-style-type: none"> <li>• Employees can contact EAP and their resources for help or assistance.</li> <li>• Employees who believe they have been subjected to adverse action as a result of submitting a complaint or disclosing their status as a victim pursuant to this policy should contact the Deputy Director for Compliance.</li> </ul>
Employees (Concerned)	<ul style="list-style-type: none"> <li>• Employees who suspect or witness acts of violence in the workplace, or who suspect or witness violence against an employee or perpetrated by an employee, are encouraged to report their concerns to their supervisor or the Deputy Director for Compliance.</li> <li>• Any employee who believes they have been subjected to adverse action as a result of making a report pursuant to this policy should contact the Deputy Director for Compliance.</li> </ul>
Employees (Perpetrators)	<ul style="list-style-type: none"> <li>• Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm another person.</li> <li>• An employee who is subject to a protection or restraining order, or who is a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, or stalking must disclose the existence of such criminal or civil action if the conditions of such actions interfere with the employee's ability to perform their job, impact another employee, prohibit or limit contact with employees of other federal agencies with whom there is a work relationship, or specifically relate or name the agency in the civil or criminal action.</li> <li>• Employees who are perpetrators are highly encouraged to voluntarily seek assistance from the EAP.</li> </ul>
Agency	<ul style="list-style-type: none"> <li>• The agency must recognize and respect an employee's right to privacy and the need for confidentiality and individual consideration.</li> <li>• The agency shall not discriminate in hiring, staffing, or other terms and conditions of employment against any employee for disclosing their status as a victim of violence or for submitting a complaint or disclosing concerns about workplace violence.</li> <li>• The agency shall not retaliate or take adverse employment actions against any employee for submitting a complaint pursuant to this policy or for disclosing their status as a victim.</li> <li>• If an employee chooses to disclose the existence of a protection or restraining order to their supervisor, the agency may, to the extent possible, assist the employee in enforcing the order, will archive a certified copy of the order in a confidential and separate file from the employee's personnel file, and, if applicable, assist the employee in gathering documentation from the workplace, such as email or voice</li> </ul>

	<p>messages, that could support the employee's efforts in the justice system or otherwise obtain or maintain safety from a perpetrator.</p> <ul style="list-style-type: none"><li>● The agency shall not retaliate against, terminate, or discipline any employee for reporting concerns about workplace-related incidents of violence, sexual assault, or stalking pursuant to this policy, including an allegation that the act was perpetrated by a fellow employee or person in a management capacity.</li><li>● The agency will investigate immediately and may take disciplinary or adverse action, up to and including removal, against any employee who threatens to commit or who commits workplace-related incidents of domestic violence, sexual assault, or stalking.</li></ul>
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