

OCCUPATIONAL HEALTH SERVICES

1. REASON FOR ISSUE: To issue Department of Veterans Affairs (VA) procedures regarding employees' experience of domestic violence/intimate partner violence, sexual assault, and stalking in the workplace.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook contains mandatory VA procedures for addressing the impact of domestic violence/intimate partner violence, sexual assault, and stalking in the Federal workplace. Part VII and related appendices are added. These changes will be incorporated into the electronic version of VA Handbook 5019 that is maintained on the [Office of Human Resources Management Web site](#). Significant information includes:

a. Defines key terms related to domestic violence/intimate partner violence, sexual assault, and stalking in the Federal workplace.

b. Provides guidance on workplace flexibilities for managers and employees.

c. Provides guidance on training, disciplinary actions, legal considerations, Employee Assistance Programs (EAP), and building safety and security.

3. RESPONSIBLE OFFICE: The Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.

4. RELATED DIRECTIVE: VA Directive 5019, Occupational Health Services.

5. RESCISSIONS: None

CERTIFIED BY:

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**BY DIRECTION OF THE SECRETARY
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OCCUPATIONAL HEALTH SERVICES

CONTENTS

PART I. GENERAL

PART II. EXAMINATIONS AND EVALUATIONS

PART III. PHYSICAL STANDARDS BOARD

PART IV. OTHER PROGRAMS, EXAMINATIONS, AND VACCINATIONS

PART V. RECORDS AND FORMS

PART VI. EMPLOYEE ASSISTANCE PROGRAM (EAP)

**[PART VII. DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING IN THE
WORKPLACE]**

[OCCUPATIONAL HEALTH SERVICES

PART VII. DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND
STALKING IN THE WORKPLACE

CONTENTS

PARAGRAPH	PAGE
1. <u>PURPOSE</u>	VII-1
2. <u>BACKGROUND</u>	VII-1
3. <u>POLICY</u>	VII-1
4. <u>RESPONSIBILITIES</u>	VII-2
5. <u>REFERENCES</u>	VII-6
6. <u>DEFINITIONS</u>	VII-6
7. <u>WORKPLACE FLEXIBILITIES</u>	VII-9
8. <u>STATEMENT OF CONFIDENTIALITY</u>	VII-9
9. <u>RESPONSES TO VICTIMS</u>	VII-10
10. <u>RESPONSES TO EMPLOYEES CONCERNED ABOUT VIOLENCE</u>	VII-11
11. <u>RESPONSES TO EMPLOYEES WHO COMMIT VIOLENCE</u>	VII-11
12. <u>REPORTING AND REFERRALS</u>	VII-11
13. <u>SAFETY PLANNING, BUILDING SAFETY, AND SECURITY SERVICES</u>	VII-12
14. <u>TRAINING</u>	VII-13
15. <u>ADDRESSING COMPUTER TECHNOLOGY CONCERNS</u>	VII-14
16. <u>CONTRACTORS</u>	VII-14
APPENDICES	
VII-A. <u>ANNUAL REVIEW REPORT</u>	VII-A-1
VII-B. <u>THREAT ASSESSMENT TOOL</u>	VII-B-1
VII-C. <u>RESOURCES LISTING</u>	VII-C-1
VII-D. <u>COMPONENTS OF A WORKPLACE SAFETY PLAN</u>	VII-D-1]

**[PART VII. DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND
STALKING IN THE WORKPLACE**

1. PURPOSE. This part provides mandatory procedures to address employees' experience of domestic violence/intimate partner violence (DV/IPV), sexual assault (SA), and stalking in the workplace.

2. BACKGROUND

a. DV/IPV, SA, and stalking are serious problems that can affect individuals, families, communities, and workplaces. These problems affect people of all backgrounds, regardless of race, income, religion, sexual orientation, gender identity, age, disability, etc. Domestic violence (DV) refers broadly to any violence that occurs in the home. The term "intimate partner violence" (IPV) describes physical, sexual, or psychological harm or stalking behavior by a current or former partner that occurs on a continuum of frequency and severity ranging from emotional abuse to chronic severe battering or even death. It can occur in heterosexual or same-sex relationships and does not require sexual intimacy or cohabitation. Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. Stalking occurs when a person frequently or continuously contacts, follows, talks to, or sends things to another person when the recipient wishes the behavior to stop.

b. This handbook approaches DV/IPV with a recognition that the use or experience of violence does not define the individual. As such, VA has adopted person-first language using terms such as "individuals who use violence" rather than "abuser" or "batterer" and "individuals who experience violence" rather than "victim" or "survivor."

c. DV/IPV, SA, and stalking may cause emotional trauma and physical injury. In addition, the social stigma associated with these problems and the reality that many individuals experiencing these problems often have an on-going relationship with the offender can make it more difficult for individuals who are experiencing these problems to report. Individuals often continue to be in danger after reaching out for help, reporting the crime, during the investigation process, and during prosecution of the cases. As a result, appropriate responses in these cases can save lives, prevent future violence, and promote recovery.

d. The effects of DV/IPV, SA, and stalking may affect the workplace in numerous ways, introducing significant costs and safety concerns in the workplace. VA will promote the health and safety of its employees by acting to prevent DV/IPV, SA, and stalking within the workplace and by providing support and assistance to employees whose working lives are affected by such violence.

3. POLICY. It is the policy of VA:

a. To enhance workplace awareness and capacity to create a supportive, safe work environment for individuals who are experiencing violence and their fellow employees.

b. To institutionalize responsive policies and procedures to assist employees who are impacted by violence, including the provision of training on this policy to employees and management.

c. To provide immediate assistance to individuals who are experiencing violence, especially information on referrals to community resources. The VA is committed to making supportive resources available to employees who disclose incidents of DV/IPV, SA, and stalking through supervisors, designated persons in human resources offices, or other persons designated by the Department, building safety/security and the Employee Assistance Program (EAP).

d. To provide assistance to and/or take disciplinary action against employees who have committed acts of DV/IPV, SA or stalking in the workplace.

4. RESPONSIBILITIES. Preventing and responding to actual or potential incidents of DV/IPV, SA, or stalking in the workplace is a responsibility of every VA employee. **NOTE:** *38 CFR 1.204 requires any serious crime (e.g. homicide, armed robbery, rape, and aggravated assault) committed against a person on VA premises to be reported to the Office of the Inspector General (OIG).*

a. **Under Secretaries, Assistant Secretaries, Other Key Officials, Deputy Assistant Secretaries, and field facility Directors.** Under Secretaries, Assistant Secretaries, Other Key Officials, Deputy Assistant Secretaries, and field facility Directors are responsible for the implementation of this policy within the organizations over which they have jurisdiction. These officials will:

(1) Assign responsibility to a primary point of contact (POC) within their Administration, Staff Office or facility for policy implementation, monitoring, evaluating, and reporting on progress. The assigned POC will submit the Annual Review Report (see Appendix A) to the Worklife and Benefits Service (058) upon request via email to VACO.058.WL&B.OHRM@va.gov. The subject line for this report should be "Annual Review Report." The Worklife and Benefits Service will consolidate the data and submit the VA report to the Office of Personnel Management (OPM).

(2) Establish a local DV/IPV, SA, and Stalking Incident Response Team to develop reporting procedures that provide an effective, confidential, and accessible way for employees to report incidents and concerns. Team members will be trained on addressing the needs of individuals experiencing DV/IPV, SA, and stalking. At a minimum, the team should include representatives from VA Police, human resources, occupational health, labor partners and EAP. Facilities shall develop plans that specify who should respond to incidents depending on the nature of the offense. To determine the threat level, team members may utilize the assessment tool in Appendix B.

b. **Managers and Supervisors.** Managers and supervisors will:

(1) Participate in training on DV/IPV, SA, and stalking. **NOTE:** *Training will be developed in collaboration with subject matter experts from the Veterans Health Administration;*

(2) Maintain confidentiality and be responsive when an employee who is experiencing DV/IPV, SA, or stalking asks for help. Immediately contact the human resources staff, security, and/or the EAP for assistance;

(3) Be aware of physical or behavioral changes in employees, and consult the human resources staff, security, and/or EAP for advice. Do not attempt to diagnose the employee;

- (4) Work with the employee, human resources staff, the EAP, and security, as appropriate to assess the need for and to assist with developing a workplace safety plan (see Appendix D);
- (5) In coordination with the DV/IPV, SA and stalking incident response team, determine if employees or the workplace are at risk and take appropriate measures to secure the workplace and provide resources as appropriate. However, managers and supervisors have no authority or control outside of the workplace and should refer the employee to outside resources for assistance with his or her personal safety plan;
- (6) In consultation with human resources staff, adjust employee's work schedule and/or grant leave if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to create a safe situation;
- (7) Per the employee's request, maintain communication with the employee during the employee's absence; and maintain confidentiality regarding the employee's whereabouts;
- (8) After consultation with human resources staff, take any appropriate corrective disciplinary action against employees who: misuse VA resources to perpetrate DV/IPV, SA, and/or stalking in the workplace or while conducting VA business; or are arrested, convicted or issued a permanent injunction as a result of DV/IPV, SA, and/or stalking where the employee's actions prevent, or impact the employee's ability to perform the duties of his/her position;
- (9) In consultation with VA Police and/or appropriate security and law enforcement, honor all civil protection or restraining orders on behalf of VA.

c. Office of Human Resources Management (OHRM) Worklife and Benefits Service. The Worklife and Benefits Service will:

- (1) Advise field POCs on the submission of annual statistical reports, and prepare consolidated reports on Department DV/IPV, SA, and stalking for submission to the Office of Personnel Management (OPM) as required; and
- (2) Provide advice and guidance to management officials regarding DV, SA, stalking, employee training and reporting procedures;
- (3) Prepare an annual summary report for leadership and stakeholders identifying areas of progress and needed improvement, short and long term goals, and identification of measures for evaluating program effectiveness.
- (4) Obtain concept approval for the training plan through the VA Enterprise Training Advisory Board's Mandatory Training Subcommittee prior to developing content, and submit training final review to the subcommittee as a VA-wide requirement.

d. Human Resources Officers. Local Human Resources Offices will:

- (1) Participate in DV/IPV, SA, and stalking training for VA supervisors and employees;
- (2) Participate on the local DV/IPV, SA, and Stalking Incident Response Team;
- (3) Provide technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in a specific DV/IPV, SA and/or stalking incident;
- (4) Be a resource to employees, managers and supervisors in addressing DV/IPV, SA and/or stalking situations. This includes working with employees, the local security office, the Office of General Counsel (OGC), EAP, local law enforcement, and community domestic violence programs, if necessary, to develop a workplace safety plan (see Appendix D) to minimize the risk to the individual experiencing violence, other employees, and VA customers;
- (5) Work with supervisors and managers to grant leave, adjust work schedules, or attempt to find continued employment for employees who are victims of domestic violence, if possible;
- (6) Maintain the confidentiality of incident circumstances and other referrals under this part to the extent permitted by law;
- (7) When appropriate, help supervisors determine appropriate workplace flexibilities; and
- (8) Determine whether sufficient evidence exists to support taking a disciplinary action once the investigation of any misconduct is complete for VA employees who are perpetrating DV/IPV, SA and/or stalking.

e. Building Safety and Security. Maintaining a secure and physically safe workplace is part of any good strategy for preventing workplace violence of any kind. VA uses a variety of security measures to help ensure safety. Qualified security office personnel can provide a valuable first line of defense for employees who are pursued or stalked. Locations with no security forces on site are encouraged to establish contact with their EAP representative, local law enforcement, and local domestic violence programs to develop an appropriate security response plan. In coordination with the individual experiencing violence, qualified security personnel will:

- (1) Develop a workplace safety plan that includes and respects the affected employee;
- (2) Maintain copies of restraining orders and photos of the perpetrator in all appropriate locations in accordance with the laws of the state or jurisdiction and in the court that issued the order;
- (3) Refer victims to appropriate state and local law enforcement and other appropriate resources.

f. Collective Bargaining. VA management will comply with national collective bargaining agreements.

g. **Employee Assistance Program.** EAPs can be strategic partners and valuable resources in addressing DV/IPV, SA, and stalking as a workplace issue. The EAP should support facility supervisors in their response to the needs of employees affected by DV/IPV, SA, and stalking. To the extent possible, the EAP should work in conjunction with supervisors and/or VA Police/building security, with the employee's permission, to plan for the safety of the workgroup when incidents of DV/IPV, SA, or stalking affect the workplace. Locations with no EAP representative on site are encouraged to work with the local DV/IPV, SA, and Stalking Incident Response Team to develop an appropriate response plan.

(1) An EAP referral can be a simple tool to encourage victims of DV/IPV, SA, or stalking to seek out help or assistance. A list of resources for victims of DV/IPV, SA, and stalking should be maintained to provide employees with information regarding crisis hotlines, and local and national service providers, including EAPs when available, that can assist these individuals (see Appendix C).

(2) EAP professionals play a key role in training staff on how to identify warning signs of potential violence and on how to intervene most effectively. EAPs play the following key roles:

(a) Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services and legal services (pro bono legal assistance and domestic violence/family court information) as well as resources for individuals using violence, including certified batterer's intervention programs. As these resources change frequently, it will be important to verify the referral information often.

(b) Provide education on DV/IPV, SA, and/or stalking through channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management training.

(c) Educate supervisors about the EAP's ability to intervene in DV/IPV, SA, or stalking situations.

(d) Inform managers of the need to call the EAP to consult about any DV/IPV, SA, and/or stalking situations that they become aware of, including concerns about individuals who are either experiencing or using violence.

(e) When appropriate, and with the written permission of the individual experiencing violence, provide advice and consultation to the supervisor with respect to issues of DV/IPV, SA, or stalking in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problem directly related to the violence, safety needs, disciplinary actions against an individual who abuses a co-worker or employee in the workplace, and access to any other needed services.

(f) Discuss with human resources staff any human resources policy which may negatively impact individuals who are experiencing violence.

(g) Establish a working relationship with domestic violence service agencies in the community, sharing information and resources.

5. REFERENCES

- a. 5 U.S.C. 105.
- b. 38 CFR 1.204.
- c. [Executive Order 11246](#).
- d. Presidential Memorandum on Establishing Policies for Addressing Domestic Violence in the Federal Workplace, April 18, 2012
- e. Title VII of the Civil Rights Act of 1964.
- f. Title VII of the Civil Service Reform Act of 1978, PL 95-454.
- g. United States Office of Personnel Management Guidance for Agency –Specific Domestic Violence, Sexual Assault, and Stalking Policies, February 2013.
- h. VA Handbook 5011.
- i. VA Handbook 5021.

6. DEFINITIONS

a. **Cultural Competence.** A set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enable effective work in cross-cultural situations. “Culture” refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups. “Competence” implies having the capacity to function effectively as an individual or an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.

b. **Domestic Violence.** A pattern of coercive behavior, including acts or threatened acts, that are used 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 individual who uses violence 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.

c. **Domestic Violence/Intimate Partner Violence, Sexual Assault, and Stalking Incident Response Team.** A facility-level interdisciplinary committee whose primary charge is to develop an effective, confidential, and accessible way for employees to report DV/IPV, SA, or stalking incidents or concerns.

- d. **Employee.** For the purposes of this part, an employee is defined as any person appointed by VA. This does not include employees of private contractors hired by VA. For the purposes of this policy, the term employee includes detailees and volunteers working at the VA. **NOTE:** *Health professions trainees (including students, interns, residents and fellows) appointed under 38 U.S.C. 7405 or 7406 are not considered employees for the purposes of this handbook.*
- e. **Employer.** For the purposes of this part, VA is the employer.
- f. **Federal Workplace.** An employee is considered to be in the Federal workplace while in, or using the resources of, Federal offices, facilities, employer-approved telework or other work sites, equipment, or vehicles, or anywhere that an employee is conducting business on behalf of VA, or while on work-related travel. The availability and character of a VA response to a workplace-related incident may be dependent upon the location at issue.
- g. **Individual Who Experiences Violence.** An individual who is the recipient of violent behavior, either in the present or past. Violent behavior can include intimate partner violence, sexual assault, and/or stalking behavior. Traditionally referred to as victim or survivor.
- h. **Individual Who Uses Violence.** An individual who uses or threatens to use violence, either in the present or past tense. Traditionally referred to as batterer, abuser, or perpetrator.
- i. **Interpersonal Violence.** The intentional use of violence, threatened or actual, that results in or has a high likelihood of resulting in death, injury, or psychological harm, maldevelopment, or deprivation.
- j. **Intimate Partner Violence (IPV).** Physical, sexual, or psychological harm or stalking behavior by a current or former partner that occurs on a continuum of frequency and severity ranging from emotional abuse to chronic, severe battering or even death. It can occur in heterosexual or same-sex relationships and does not require sexual intimacy or cohabitation.
- k. **Physical Violence.** The intentional use of physical force with the potential for causing death, disability, injury, or harm. Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting choking; shaking; slapping; punching; burning; use of weapon; and use of restraints or one's body, size, or strength against another person.
- l. **Protective or Restraining Order.** Individuals who have experienced violence may obtain a protective order, sometimes called a restraining order, a stay-away order, a no-abuse order, or a peace order, from a court to protect them from a perpetrator. Such an order also may establish custody and visitation guidelines and provide for forms of economic security, like rent or mortgage payments, which last for the duration of the order. Protective orders may also be issued in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, sexual assault or stalking related crime.
- m. **Psychological/Emotional Violence.** Involves trauma to one's partner caused by acts, threats of acts, or coercive tactics. Psychological/emotional aggression can include, but is not limited to, humiliating one's partner, controlling what one's partner can and cannot do, withholding information from one's

partner, deliberately doing something to make one's partner feel diminished or embarrassed, isolating one's partner from friends and family, denying one's partner access to money or basic resources.

n. **Sexual Assault.** Various behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape, sodomy, child molestation), an attempted nonconsensual sex act, abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. Sexual assault may occur between people who know each other, such as co-workers or supervisors; individuals who are dating or married to each other, or parties that are unknown to each other. Lack of consent should be inferred when an individual uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion to engage in sexual behavior, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent.

o. **Sexual Violence.** There are three categories of sexual violence: 1) use of physical force to compel a person to engage in sexual acts against his or her will, whether or not the act is completed; 2) attempted or completed sex act involving a person who is unable to understand the nature or condition of the act, to decline participation, or to communicate unwillingness to engage in the sexual act, e.g., because of illness, disability, or the influence of alcohol or other drugs, or because of intimidation or pressure; and 3) abusive sexual contact.

p. **Stalking.** Refers to repeated, unsolicited, and unwanted contact or monitoring either in person or via communication media such as phone, internet, email, social media, camera, or video. It may also include harassing or threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person's property.

q. **Threats.** The use of words, gestures, weapons, or other means to communicate the intent to cause harm.

r. **Trauma-Informed Care.** An approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives.

s. **Workplace.** An employee's official duty station or alternative work location that is associated with the employee's established tour of duty (working hours). The employee is considered to be in the workplace while in or utilizing the resources of the employer, including but not limited to, facilities, work sites, equipment, or vehicles, or while on work related travel.

t. **Workplace Related Incidents.** Acts, attempted acts, or threatened acts of domestic violence, sexual assault, and stalking 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.

u. **Workplace Safety Plan.** 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.

v. **Workplace Violence.** Workplace violence ranges from offensive or threatening language to homicide. The National Institute for Occupational Safety and Health (NIOSH) defines workplace violence as violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty. Examples of violence include the following: threats (expressions of intent to cause harm, including verbal threats, threatening body language, and written threats); physical assaults (attacks ranging from slapping and beating to rape, homicide, and the use of weapons such as firearms, bombs, or knives); and muggings (aggravated assaults, usually conducted by surprise and with intent to rob).

7. WORKPLACE FLEXIBILITIES

a. Various types of workplace flexibilities are available to an employee when the employee and/or the employee's family member(s) are experiencing DV/IPV, SA, sexual violence, and 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 and maintain his or her work performance. All possible leave options should be considered for an employee in this situation. When the need for time off is foreseeable, an employee must provide reasonable advance notice to the supervisor.

b. Although the supervisor is the only person who can approve leave, a leave request may be made through a third party, e.g., an EAP counselor. Employees are not required to provide personal details in their requests for leave. However, employees are required to provide enough information in their leave requests so that supervisors know which type of leave is appropriate (e.g., sick leave, annual leave, Family and Medical Leave Act, etc.). Available flexibilities regarding leave from the workplace can be found in VA Handbook 5011, Part III. Flexibilities may vary depending on whether the employee is covered by the title 5 or title 38 employment system. It is important to note that these options may be applied to situations in which DV/IPV, SA, and/or stalking is currently taking place or to situations in which the trauma is related to a past incident(s).

c. Individuals experiencing DV/IPV, SA, and 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 for him or herself. Every reasonable effort will be made to assist an employee to maintain employment when the employee is experiencing or has experienced violence in or outside the workplace. The supervisor will work in collaboration with the employee to provide reasonable and flexible leave options when an employee is experiencing DV/IPV, SA, and/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 his or her work performance, e.g., modifying work schedules, changing employee's location within the workplace or location of a parking spot, changing phone numbers, arranging telecommuting options, etc. Refer to parts II and III of VA Handbook 5011 for specific information regarding leave and hours of duty.

8. STATEMENT OF CONFIDENTIALITY

a. VA recognizes and respects an employee's right to privacy and the need for confidentiality and individual consideration. Confidentiality of an employee's disclosure regarding violence will be maintained to the extent permitted by law and unless the disclosure would result in physical harm to any person and/or jeopardize safety within the workplace. 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. Every effort will be made to provide advance notice to the employee who disclosed information 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 will be shared with an explanation of the necessity and purpose regarding said disclosure.

b. Supervisors should be aware that the confidentiality of employee information and records related to DV/IPV, SA, and stalking is critical. This information must be protected and kept separate from other records maintained on the employee. Any type of monitoring or evaluation depends, in part, on written or electronic records. It is crucial that any records relevant to DV/IPV, SA, and stalking incidents be kept in a confidential place and only shared, as necessary, with appropriate personnel, such as those involved in security or management roles. See page 18 of [The Office of Personnel Management Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies](#) for further discussion on confidentiality.

9. RESPONSES TO VICTIMS

a. **Nondiscrimination and Non-Retaliation.** VA shall not discriminate in hiring, staffing, or other terms and conditions of employment against any employee for disclosing his or her status as a victim of violence or for submitting a complaint or disclosing concerns about violence to VA. VA shall not retaliate or take adverse employment actions against any employee for submitting a complaint pursuant to this policy, for disclosing his or her status as a victim or for actions of violence perpetrated by another against an employee that occur in or have an impact on the workplace.

b. **Work Performance.** Employees who are experiencing 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 DV/IPV, SA, and/or stalking, the supervisor will offer support to the employee and work in collaboration with the employee to address the issues, in accordance with established policies within the workplace. The supervisor will consider the impact of DV/IPV, SA, and/or stalking as a mitigating factor in determining administrative actions against individuals experiencing violence for workplace performance, as described in OPM guidance. The supervisor will take appropriate measures to ensure an employee's status as someone experiencing DV/IPV, SA, and/or stalking does not negatively impact/compromise his or her rights and privileges of employment with VA.

c. **Protection and Restraining Orders.** An individual experiencing violence may seek an order of protection, or may receive a restraining order from the appropriate court or law enforcement body, as part of his or her efforts to become safe and as part of his or her workplace safety plan. VA recognizes that the workplace may or may not be included on 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 his/her supervisor, VA will, wherever possible, assist the employee to enforce said order, shall archive said order in a confidential and separate file from the employee's personnel file, and, if applicable, will assist the employee to gather 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.

10. RESPONSES TO EMPLOYEES CONCERNED ABOUT VIOLENCE. Co-workers, managers, and other employees should encourage individuals experiencing DV/IPV, SA, and/or stalking incidents to seek consultation from qualified professionals, such as DV/IPV or SA advocates. They should only report incidences of DV/IPV, SA and/or stalking themselves if they have the full consent of the individual experiencing violence. Reporting without consent of the individual would only be appropriate in incidences of imminent and severe harm to employees or VA property. VA shall not retaliate against, terminate, or discipline any employee for reporting concerns about workplace related incidents of violence pursuant to this part, including an allegation that the act was perpetrated by a fellow employee or person in a management capacity. Prohibited acts of retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation, such as those related to an employee's immigration status or sexual orientation. Any employee who believes he or she has been subjected to retaliation as a result of making a report pursuant to this policy should contact his or her local Human Resources Office.

11. RESPONSES TO EMPLOYEES WHO COMMIT VIOLENCE. If an employee discloses that he or she has committed a workplace-related incident of violence, as defined in paragraph 6v, or if a supervisor becomes aware that an employee may have committed such incident, the supervisor shall refer the employee to VA security or local law enforcement to conduct appropriate investigations, interventions, and referrals. 38 CFR 1.204 requires VA employees to report to the VA OIG all felony crimes impacting upon VA programs and operations. This would include all felony crimes which have actually occurred or appear likely to occur on VA property. VA will investigate immediately and may take disciplinary/adverse action, up to and including removal/termination, against any employee who threatens to commit or who commits workplace-related incidents of DV/IPV, SA, and/or stalking. The supervisor will be responsible for initiating the investigation with the appropriate parties. 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. An employee who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of DV/IPV, SA, and/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 his or her job, impact another employee at VA or specifically relate or name VA in the civil or criminal action. Failure to disclose the existence of such criminal or civil actions in these circumstances may result in disciplinary/adverse action, up to and including removal/termination from employment.

12. REPORTING AND REFERRALS. Employees who use or experience DV/IPV, SA, and/or stalking are encouraged to provide a report to their supervisor. The local facility POC, supervisor, or EAP representative will provide community referrals and resources to assist employees with their concerns or experiences regarding violence. An employee should also contact Human Resources/Employee Relations if he or she wishes to report a violation of this part. VA will not subject employees who report violence or report a threat of violence to work-related or personal retaliation. All locations must maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, health units, phone directories, and online information databases, a list of resources for individuals experiencing DV/IPV, SA, and/or stalking, including but not limited to the National Domestic Violence hotline number (800) 799-SAFE, security services appropriate to location, the EAP number, the phone number and description of local domestic violence resources information on how to obtain civil orders of protection and criminal justice options, and a list of certified batterers' intervention programs (see Appendix C for additional

resources). It is particularly important that written resource and referral information be available in all the languages spoken by employees. Other appropriate assistance may need to be evaluated on an individual basis.

13. 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 individual experiencing violence and his or her supervisor, or other support personnel identified by the individual experiencing violence, security offices should assist these individuals in developing the workplace and telework component of their 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 contact by the person using violence. Wherever possible, local security offices will also keep copies of restraining orders and photos of the perpetrator at all appropriate security locations in accordance with the laws of the state or jurisdiction and/or the court that issued the order. Local security personnel will also:

- a. Provide consultation and reasonable assistance to employees experiencing violence or who fear an attack may occur at work.
- b. Document violations of a restraining order.
- c. Respond and intervene, as needed, to calls concerning safety in the workplace.
- d. Accept transferred harassing telephone calls from the employee's abuser, and document the calls.
- e. Work closely with appropriate law enforcement agencies to ensure workplace safety.
- f. Keep a certified copy of any restraining orders provided by the employee in a confidential file. Access to orders and information contained in them should be limited on a need to know basis.
- g. Review the safety of parking arrangements. Worksites may differ on regulations and procedures regarding parking.
- h. In addition, security office personnel can provide a valuable first line of defense for employees who are pursued or stalked. It is critical to involve the security office when both individuals work in the same physical location. Individuals who engage in violence and/or stalking can be extremely resourceful in gaining access to buildings and sites, with even the best of security systems, often by simply talking their way in or getting someone on the inside to help. In reviewing site access and entry control systems and procedures, consider the following issues:

- (1) How well trained are officers, including contract security officers, with respect to DV/IPV, SA, and/or stalking as it impacts the workplace?
- (2) Are VA policies and procedures easily accessible and distributed as appropriate?
- (3) Could someone talk their way past a security officer by claiming, for example, that they are there to have lunch with their spouse or partner or that they were authorized to make a package delivery?

(4) Do employees inside the building open the door to strangers who have “forgotten their IDs”?

(5) Do employees receive annual security training that incorporates discussions of workplace violence concerns?

(6) Do employees have round-the-clock-security, or could someone gain access to the building after hours?

14. TRAINING. Training for all VA personnel is an important part of responding to DV/IPV, SA, and stalking in the workplace. Every employee will be required to complete mandatory training in the Talent Management System (TMS). This training will emphasize identification of warning signs of potential violence in both the victim and perpetrator and how to intervene most effectively. Additionally, facilities are encouraged to offer site-specific training sessions. Training sessions conducted by local EAP, security, and employee relations staff are particularly helpful, enabling employees to get to know experts within their facility or site who can help them when potentially violent situations arise. 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 dealing with reported incidents. The training will provide the following:

- a. An overview of the various aspects of DV/IPV, SA, and stalking;
- b. Impact, symptoms, and behaviors often associated with experiencing or using violence;
- c. Building security overview;
- d. Policies and procedures related to DV/IPV, SA, and stalking;
- e. Reporting requirements and processes;
- f. Departmental and local resources;
- g. Training to improve VA response and increase awareness of responding to DV/IPV, SA, and stalking;
- h. Skills in behaving compassionately and supportively towards employees who report incidents;
- i. Basic skills in handling crisis situations; and
- j. Basic emergency procedures.

NOTE: *Health professions trainees appointed under 38 U.S.C. 7405 or 7406 receive all training (on this topic and others) through the Mandatory Training for Trainees course.*

15. ADDRESSING COMPUTER TECHNOLOGY CONCERNS. Information technology personnel will consult with the individual experiencing violence to address computer safety concerns. These concerns include the use of computer technology to harass or stalk an employee, as well as information on the VA's website that could potentially be used to harm the victim. As appropriate, the safety plan will address these concerns, including the removal of identifying information, such as the individual's telephone number and office location, from VA's internal and external websites.

16. CONTRACTORS. The VA workplace also includes contractor employees of vendors. Such personnel are not VA employees. [Executive Order 11246](#), as amended, sets requirements for Federal contractors on non-discriminatory practices and prohibits contractors from discriminating against their employees on the basis of sex, including by engaging in or allowing their employees to engage in sexual harassment. Contractors are also required to comply with [Title VII of the Civil Rights Act of 1964](#), including its prohibition on sex discrimination. Prohibited behavior could occur in conjunction with DV/IPV, SA, or stalking. Concerns regarding the conduct of contractors should be promptly brought to the attention of the relevant contracting officer or contracting officer's technical representative and/or agency security personnel or law enforcement. If a contractor is experiencing or using violence in the workplace, the supervisor will consult security personnel as necessary to enhance the safety of the workplace.]

[APPENDIX A.
ANNUAL REVIEW REPORT

Each administration will appoint a representative to submit an annual report regarding domestic and sexual violence (including sexual harassment) upon request by OHRM. Reports will be submitted to the Worklife and Benefits Service via email to: [VACO 058 WL&B OHRM](#). The Worklife and Benefits Service will consolidate the data and submit the VA report to OPM.]

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

[APPENDIX B.
SAMPLE THREAT ASSESSMENT TOOL

All reports of threatening or violent conduct should be taken seriously and evaluated. While the method of evaluation, screening, and assessment will vary depending upon the size of the facility and security operation, as well as the nature and severity of the threat, the list below is a good guideline. **If an employee self-discloses DV/IPV/SA and/or stalking 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. Facility management must decide who should conduct the assessment, whether it be Security, an HR representative, or a manager. Be sure to let the employee know that only certain information will be shared with HR, Security and other key people within the organization to ensure his or her safety.

1. What is the situation? Please explain the details.
2. Has the alleged offender made any threats?
3. What type of violence have you been exposed to?
4. Have there been any harassing or threatening phone calls, voicemail messages or electronic communication? If so, do you still have access to or copies of them?
5. Are your co-workers aware of the situation?
6. Do you feel safe at work?
7. Has your significant other/spouse/partner (use the term the victim uses) made any threats, specifically to try to hurt you at work?
8. Does the alleged offender know where you work? Has he/she visited the facility in the past?
9. Does the alleged offender have a history of violence?
10. Do you think you or others are in danger? (The victim knows best what the abuser is capable of.)
11. Do you know if the alleged offender has access to or possesses any type of firearms or weapons?
 - a. If so, are they registered?
 - b. Please describe the type (handgun, shotgun, assault rifle, etc.)
12. What is the status of your relationship?
13. Have you contacted the EAP or a domestic violence program in the community?

PART VII

APPENDIX B

14. Can I help you gather or provide you with the numbers of local domestic violence resources?
15. Have you sought out any medical attention?
16. Has a report been filed with the police? If so, please provide a copy of the report
17. Has an order of protection been issued?
 - a. If so, please provide a copy
 - b. If not, will one be filed?
18. Can you provide a description and current picture of the alleged offender?
19. What is your need for safety NOW?
20. Do you need time off to attend court?
21. Do you need more extended leave to find safe housing or address other safety concerns?
22. Do you need to be escorted to and from your/public transportation?
23. Do you need time off or flexible hours to arrange for childcare?
24. Do you need to change your hours or work location?
25. Do you have the confidential security hotline number handy?
26. Do you have a safety plan? If not, it would be a good idea to work with a domestic violence counselor to create one.
27. Do you need any further assistance?

At this point, 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/Intimate Partner Violence, Sexual Assault, and Stalking Incident Response Team should be taken. Always consult your security department, the police or other experts to help you make an accurate threat assessment.]

[APPENDIX C.
RESOURCES LISTING

National Domestic Violence Hotline

Provides toll-free, live phone response and crisis intervention to callers 24 hours a day, 365 days a year, offering information and referrals across all U.S. states and territories.

P.O. Box 161810
Austin, TX 78716
Phone: 800-799-SAFE (7233) or 800-787-3224 (TTY)
Fax: 512-453-8541
Website: www.ndvh.org

National Center on Domestic and Sexual Violence

Provides training, consulting, and advocacy. Collaborates with law enforcement, legal system agencies, advocacy organizations, social service agencies, the military, and other community entities to integrate efforts to end domestic and sexual violence.

4612 Shoal Creek Boulevard
Austin, Texas 78756
Phone: 512-407-9020
Website: <http://www.ncdsy.org/>

National Coalition Against Domestic Violence

A national organization focused on coalition building, policy, and public education at the local, state, regional and national levels, whose website includes a list of all state domestic violence coalitions.

P.O. Box 18749
Denver, CO 80218
Phone: 303-839-1852
Fax: 303-831-9251
Website: www.ncadv.org

National Network to End Domestic Violence

A social change organization representing state domestic violence coalitions which is dedicated to creating a social, political and economic environment in which violence against women no longer exists.

660 Pennsylvania Avenue, SE, Suite 303
Washington, DC 20003
Phone: 202-543-5566
Fax: 202-543-5626
Website: www.nnedv.org

National Resource Center on Domestic Violence

Provides domestic violence prevention support to organizations and individuals through technical assistance, training and information.

6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Phone: 800-537-2238
Fax: 717-545-9546
Website: www.nrcdv.org

The National Center for Victims of Crime

The nation's leading resource and advocacy organization for crime victims and those who serve them. Their mission is to forge a national commitment to help victims of crime rebuild their lives.

2000 M Street NW, Suite 480
Washington, DC 20036
Phone: 202-467-8700
Fax: 202-467-8701
Email: gethelp@ncvc.org
Website: <http://www.ncvc.org/>

National Sexual Violence Resource Center

Serves as the nation's principal information and resource center regarding all aspects of sexual violence. It provides national leadership, consultation, and technical assistance by generating and facilitating the development and flow of information on sexual violence intervention and prevention strategies. The NSVRC works to address the causes and impact of sexual violence through collaboration, prevention efforts and the distribution of resources.

Phone: 717-909-0710
Website: <http://www.nsvrc.org>

National Center on Protection Orders and Full Faith and Credit, Battered Women's Justice Project

Provides ongoing technical assistance and training on full faith and credit, Federal firearms prohibitions related specifically to domestic violence, Federal domestic violence and stalking crimes, and inter-jurisdictional child custody cases involving domestic violence. Audiences include law enforcement officers, prosecutors, judges, court administrators and other court personnel, civil attorneys, victim advocates, and others who work with victims of domestic violence and stalking.

1901 North Fort Myer Drive, Suite 1011
Arlington, VA 22209
Phone: 800-903-0111, ext. 2
Fax: 703-312-7966
Website: www.fullfaithandcredit.org

Stalking Resource Center, National Center for Victims of Crime

The mission is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. Provide training, technical assistance, and resource materials for professionals working with and responding to stalking.

Phone number: 202-467-8700

Fax number: 202-467-8701

Website: www.victimsofcrime.org/src
www.stalkingawarenessmonth.org

Email: src@ncvc.org

Government Online Resources

Federal Bureau of Investigation

Violence in the Workplace: Preventing It, Managing It

U.S. Department of Justice, Office of Justice Programs

Violence Against Women Office: Resources for Victims and Communities, Law and Regulations

U.S. Department of Labor, Occupational Safety & Health Administration (OSHA)

Workplace violence prevention information at www.osha.gov/SLTC/workplaceviolence/

Guidance for Agency-Specific Domestic Violence, Sexual Assault and Stalking Policies

<https://www.opm.gov/policy-data-oversight/worklife/news/2013/2/opm-guide-for-agency-specific-domestic-violence-sexual-assault-and-stalking-policies-released/>

Title VII of the Civil Rights Act of 1964

<http://www.eeoc.gov/laws/statutes/titlevii.cfm>

Executive Order 11246 – Office of Federal Contract Compliance Programs (OFCCP)

<http://www.dol.gov/ofccp/regs/compliance/fs11246.htm>]

**[APPENDIX D.
COMPONENTS OF A WORKPLACE SAFETY PLAN**

1. Consider obtaining a civil order for protection and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, your supervisor, Human Resources, the Legal department, and Security regardless of whether you believe that the abusive partner may come to the work site. Ask co-workers and/or supervisors to call the police if the perpetrator threatens, harasses you at work or violates the civil order for protection in any way.
2. Consider providing a picture of the individual who used violence to reception areas and/or security.
3. Consider identifying an emergency contact person should your employer be unable to contact you.
4. Review the safety of your parking arrangements.
5. Consider having Security escort you to and from your car or public transportation and/or obtaining special parking access.
6. Consider requesting a change and/or unpredictable rotations of your work schedule, work site, or work assignment if such a change is possible and would enhance your safety at work.
7. Consider having your telephone calls screened at work.
8. Consider requesting additional security measures for your work site. It may be possible to relocate your workstation to a more secure area.
9. Review the safety of your childcare arrangements. If you have a protective order, make sure the provider has a copy.]