Policy #: DHHS-12-05

I. SUBJECT

Domestic Violence, Sexual Assault, and Stalking in the Workplace

II. POLICY STATEMENT

The Department of Health and Human Services (DHHS) is committed to promoting the health and safety of its employees. DHHS recognizes that domestic violence, sexual assault, and stalking are personal issues that impact the work environment. Employee victims may be vulnerable while at work, which could also compromise the safety of other employees. The effects of domestic violence, sexual assault, or stalking can lead to decreased morale and productivity, as well as increased absenteeism and health costs.

The Department will not tolerate any act(s) of domestic violence, sexual assault, or stalking in the workplace. Any employee who misuses the State’s resources in connection with any act(s) of domestic violence, sexual assault, or stalking, as defined in this policy and other policies; including the Department’s Harassment Policy (DHHS-05-04), Policy Concerning the Use of State Automation Equipment (DHHS-06-04), and/or the Equal Employment Opportunity/Affirmative Action Policy (DHHS-04-04), may face disciplinary action, up to and including discharge.

The purpose of this policy is to raise awareness of domestic violence, sexual assault, and stalking and how it affects the workplace, and to provide guidance and resources to employees, supervisors, and managers.

III. DEFINITIONS

1. Abuse: As defined in 19-A M.R.S.A. §4002(3-A). Refer to:

2. Dating Partner: As defined in 19-A M.R.S.A. §4002(3-A). Refer to:

3. Dating Violence: Domestic violence between dating partners.

4. Domestic Violence: A pattern of coercive behavior that is used by a person against family or household members to gain power and control. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological
intimidation, bullying, verbal abuse, verbal and/or written threats, stalking, isolation from friends and family, harm to children, economic control, destruction of personal property, and animal cruelty. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.


8. **Domestic Violence Stalking:** As defined in 17-A M.R.S.A. §210-C. Refer to: [http://www.mainelegislature.org/legis/statutes/17-a/title17-Asec210-C.html](http://www.mainelegislature.org/legis/statutes/17-a/title17-Asec210-C.html).

9. **Domestic Violence Terrorizing:** As defined in 17-A M.R.S.A. §210-B. Refer to: [http://www.mainelegislature.org/legis/statutes/17-a/title17-Asec210-B.html](http://www.mainelegislature.org/legis/statutes/17-a/title17-Asec210-B.html).

10. **"In the Workplace":** When an employee, whether the employee is the victim or the perpetrator, is on duty; is in State-owned or leased work space; is using the facilities or services of the State; is using a vehicle owned or leased by the State or its agencies; or is traveling on behalf of the State; the employee is considered to be, "in the workplace."

11. **Mandated Reporters:** As defined in 22 M.R.S.A. §4011-A and 3477. Refer to: [http://www.mainelegislature.org/legis/statutes/22/title22sec4011-a.html](http://www.mainelegislature.org/legis/statutes/22/title22sec4011-a.html); [http://www.mainelegislature.org/legis/statutes/22/title22sec3477.html](http://www.mainelegislature.org/legis/statutes/22/title22sec3477.html).

12. **Perpetrator:** An individual found to have committed domestic violence, sexual assault, or stalking.

13. **Sexual Assault:** An act of violence whereby a person forces, coerces, or manipulates another person to participate in unwanted sexual activity. Sexual assault is an umbrella term for a variety of different victimizations, including but not limited to: sexual harassment, gender-based bullying, sexual coercion, commercial sexual exploitation, sex trafficking, child sexual abuse, elder sexual abuse, unwanted sexual contact, sexual abuse by a caregiver, drug-and-alcohol-facilitated sexual assault, a power differential which makes sexual contact inappropriate or illegal (e.g., student-teacher or doctor-patient), and sexual violence within the context of an intimate relationship. Any sexual activity with a person who is unable to give consent is also considered sexual assault. This includes, but is not limited to, a person who is asleep, impaired, under the influence of drugs or alcohol, an incapacitated or dependent adult, and a child younger than 14 years of age.


16. **Workplace Safety Plan:** A strategy developed in consultation with the employee victim, to include, but not be limited to: setting up procedures for alerting security or police; temporary relocation to a secure area; voluntary temporary transfer or permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; coordinated responses to telephone, fax, e-mail, or mail harassment. The employee can maintain a photo of the perpetrator and a copy of any pertinent court order to share with others as they feel appropriate. Please contact the DHHS Human Resources (HR) Department for further information.

**IV. STATEMENT OF CONFIDENTIALITY**

DHHS recognizes and respects an employee’s need for confidentiality and autonomy. To the extent permitted by law, the Department will maintain the confidentiality of an employee’s disclosure. Disclosures should be addressed to any HR Manager. Further disclosure may be necessary if the perpetrator presents a threat to the safety of any person in the workplace. Whenever possible, employee will be given notice of necessary disclosures.

**V. RATIONALE**

State of Maine leadership and the legislature have recognized that domestic violence, sexual assault, and stalking are a widespread problem affecting thousands of Maine families, with profound consequences extending into the workplace. Employer policies play a critical role in supporting and assisting employee victims and in holding perpetrators accountable. DHHS seeks to create a supportive workplace environment in which employees feel comfortable discussing and seeking assistance for concerns related to domestic violence, sexual assault, and stalking, with an HR Manager.

DHHS provides a proactive response to domestic violence, sexual assault, and stalking and is committed to providing assistance to employees who are victims. Physical, emotional, and economic security are essential elements of effective support. An effective workplace response must include strategies to address all of these, including granting appropriate leave from work for reasons related to domestic violence, sexual assault, or stalking. Please contact HR for further information on granting leave.

DHHS also recognizes that perpetrators will often continue their abuse at the victim’s workplace, endangering the safety and affecting the productivity of the victim and his/her coworkers. DHHS will not tolerate any act of domestic violence, sexual assault, and/or stalking in the workplace, and will take action to prevent and correct the use of State resources in connection with any of these acts. Use of State resources in connection with any of these acts will result in discipline up to and including discharge.
VI. PROCEDURE STATEMENT - RESPONSE and ASSISTANCE

Information on this policy and the online Domestic Violence Training Program will be part of the DHHS New Employee Orientation and in the New Employee Orientation Package. Each employee will sign a statement acknowledging that they have received and read the policy. Employees’ statements will be retained in personnel files. All employees are expected to become familiar with this policy. Annually, this policy will be reviewed by all employees as part of their performance review.

A. Response to Employees Affected by Domestic Violence, Sexual Assault, or Stalking

1. The Department’s Human Resource Managers will offer support and referrals for assistance to those employees who disclose concerns or request assistance. The DHHS HR Managers are available to employees and others affected by domestic violence, sexual assault, or stalking.

2. Each employee is encouraged to discuss any concerns about being safe at work with any HR Manager. Employees are encouraged to report the existence of temporary or permanent Orders for Protection from Abuse or Harassment to any HR Manager, particularly if the order prevents the perpetrator from having contact with the employee at work. Under no circumstances will these orders be placed in an employee’s personnel file. The HR Manager will work with the employee on necessary follow up actions to be taken while in the workplace.

3. The Department recognizes all persons’ rights to privacy, autonomy and the corresponding need to feel safe in the workplace. To the extent that disclosures do not implicate issues of workplace safety and performance, and to the extent permitted by law and this policy, the Department’s response will be guided by the expressed wishes of the employee affected by abuse. If an employee discloses to a co-worker that they are a victim, that co-worker is encouraged to refer the employee to the following:

   a. A list of available resources attached to this policy;
   b. Other individuals within the Department who may be able to provide assistance to the employee, such as Human Resources Managers; and
   c. Sections of this policy that support safety planning and assistance to victims.

4. Supervisors, managers, and Human Resources Managers are responsible for following the requirements and procedures set forth in this policy. Working in collaboration, the Human Resources Managers will discuss with the employee, any and all aspects of enhancing safety for that employee. These may include appropriate leaves, safety plans, and other needs identified by the employee. See the Appendix for the Workplace Safety Plan Guidance. This may include leave to be used for the purposes of accessing domestic violence services, counseling, obtaining medical treatment, attending legal proceedings, or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault, or stalking. Pursuant to 26 M.R.S. §850 (Employment Leave for Victims of Violence), leave must be granted to an employee to support
the employee's daughter, son, parent, or spouse if those family members are themselves a victim. Managers, supervisors, and/or employees are to contact their HR Manager to fulfill this requirement. The HR Manager will inform all parties on all aspects of this requirement. A supervisor may not retaliate against employees for exercising rights granted by this law.

5. Performance Issues:

This policy recognizes that those affected by domestic violence, sexual assault, or stalking, may have performance problems such as; inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by domestic violence, sexual assault, or stalking, referrals and assistance should be offered in accordance with this policy. The Department will offer the employee support and an opportunity to correct the performance issues. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel an employee, impose discipline, reassign duties, place an employee on leave or take other action as it deems appropriate. Any questions regarding this part of the policy can be directed to the appropriate HR Manager.

B. Response to, and Requirements of, an Employee who is an Abuser

1. The Department encourages employees who are perpetrators to voluntarily seek assistance from any of the resources listed at the end of this policy.

2. If an employee is concerned that a co-worker is a perpetrator of domestic violence, sexual assault, or stalking, the employee should contact a Human Resource Manager, who will determine the appropriate course of action. The employee shall not confront the co-worker directly.

3. Any employee who is found to be using any State resources to commit an act of domestic violence, sexual assault, or stalking will be subject to corrective and disciplinary action, up to and including termination. Examples of such resources include, but are not limited to: other State employees, State-issued telephones, computers, facsimile machines, mail, vehicles, access badges, and credit cards.

4. If an employee is arrested, convicted, or named as a defendant in a protective order, and that conduct is deemed to have a nexus to employment with the State, the employee may be subjected to corrective action, up to and including termination.

VII. PERSONS COVERED BY THIS POLICY

Persons covered by this policy include, but are not limited to, Department employees, interns, contract personnel, vendors, and temporary workers in any workplace location.
VIII. CONCLUSION

This Department is committed to providing a supportive and caring workplace free from domestic violence, sexual assault, and stalking. The Department will provide assistance to, and treat with compassion, employees affected by those actions.

IX. DISTRIBUTION

All employees via e-mail and posting on the DHHS Intranet.

X. OTHER POLICIES

The State of Maine and DHHS also have policies covering Equal Employment Opportunity/Affirmative Action; Harassment; E-mail Usage and Management; Procedures for Dealing with Threats against DHHS Employees or Buildings; Weapons in DHHS Buildings, Offices and Work Areas; and a Workplace Violence Prevention Policy.

XI. RESOURCES

Link to DHHS policies: http://www.maine.gov/dhhs/policies/

Link to Maine Batterer Intervention Programs: http://www.maine.gov/corrections/VictimServices/BatIntervent.htm

XII. DOMESTIC VIOLENCE SUPPORT SERVICE COALITION:

MAINE COALITION TO END DOMESTIC VIOLENCE (MCEDV)
(207) 430-8334 / 24-hour support line (866) 834-4357
http://www.mcedv.org/domestic-violence-resources-maine

8 CENTERS:
CARING UNLIMITED (York County)
(207) 490-3227 / 24-hour support line (800) 239-7298
http://www.caring-unlimited.org/

THROUGH THESE DOORS (Cumberland County)
(207) 767-4952 / 24-hour support line (800) 537-6066
www.familycrisis.org

FAMILY VIOLENCE PROJECT (Kennebec & Somerset Counties)
(207) 623-8637 / 24 hour support line (877) 890-7788
www.familyviolenceproject.org

HOPE AND JUSTICE PROJECT (Aroostook County)
(207) 764-2977 / 24 hour support line (800) 439-2323
www.hopeandjusticeproject.org
NEW HOPE FOR WOMEN (Knox, Lincoln, Sagadahoc & Waldo Counties)
(207) 594-2128 – Rockland / (207) 338-6569 – Belfast / (207) 882-6222 – Wiscasset /
(207) 443-8898 – Bath
24-hour support line (800) 522-3304
www.newhopeforwomen.org

SAFE VOICES (Androscoggin, Franklin & Oxford Counties)
(207) 795-6744 / 24-hour support line (800) 559-2927
www.safevoices.org

NEXT STEP (Hancock & Washington Counties)
(207) 667-0176 / 24-hour support line (800) 315-5579
www.nextstepdvproject.org

PARTNERS FOR PEACE (Penobscot & Piscataquis County)
(207) 945-5102 / 24-hour support line (800) 863-9909
www.partnersforpeaceme.org

XIII. SEXUAL ASSAULT SUPPORT SERVICES

COALITION: 24 HOUR SUPPORT LINE (ALL CENTERS) (800) 871-7741
MAINE COALITION AGAINST SEXUAL ASSAULT (MECASA)
(207) 626-0034
http://www.mecasa.org/

6 CENTERS:
AROOSTOOK MENTAL HEALTH CENTER (Aroostook, Hancock & Washington Counties)
(207) 498-6431
http://www.amhc.org/

RAPE RESPONSE SERVICES (Penobscot & Piscataquis Counties)
(800) 310-0000
http://www.rrsonline.org/

SEXUAL ASSAULT PREVENTION & RESPONSE SERVICES (Androscoggin, Oxford & Franklin
Counties & Towns of Bridgton & Harrison) (207) 784-5272 - Androscoggin / (207) 778-9522 – Franklin / (207) 743-9777 – Oxford
http://sapars.org/

SEXUAL ASSAULT CRISIS & SUPPORT CENTER (Kennebec & Somerset Counties)
(207) 377-1010
http://www.silentnomore.org/

SEXUAL ASSAULT RESPONSE SERVICES OF SOUTHERN MAINE (Cumberland & York
Counties)
(207) 828-1035 – Cumberland / (207) 571-3451 – York
http://www.sarsonline.org/
XIV. COMBINED DOMESTIC AND SEXUAL VIOLENCE SUPPORT SERVICES

IMMIGRANT RESOURCE CENTER OF MAINE (Refugee and Immigrant Communities)
(207) 753 -0061
http://www.ircofmaine.org/

COALITION:
WABANAKI WOMEN'S COALITION (Tribal Communities)
(207) 538-0858
http://www.wabanakiwomen.org/about-us/

5 CENTERS:
INDIAN TOWNSHIP PASSAMAQUODDY DOMESTIC VIOLENCE PROGRAM (Members of the Indian Township Passamaquoddy Tribe and all community members residing on the Indian Township Reservation)
(207) 796-6106 / 24-hour support line (207) 214-1917
http://www.wabanakiwomen.org/connections/indian-township-passamaquoddy-domestic-violence-program/

MALISEET DOMESTIC AND SEXUAL VIOLENCE ADVOCACY CENTER (Members of the Maliseet Tribe and all community members residing on the Maliseet Reservation)
(207) 532-3000 / 24-hour support line (207) 532-6401

MICMAC DOMESTIC AND SEXUAL VIOLENCE ADVOCACY CENTER (Members of the Micmac Tribe and all community members residing on the Micmac Reservation)
(207) 760-0570 / 24-hour support line (207) 551-3639

PASSAMAQUODDY PEACEFUL RELATIONS (Members of the Pleasant Point Passamaquoddy Tribe and all community members residing on the Pleasant Point Passamaquoddy Reservation)
(207) 853-0092 / 24-hour support line (877) 853-2613
http://www.wabanakiwomen.org/connections/passamaquoddy-peaceful-relations/

PENOBSCOT NATION DOMESTIC AND SEXUAL VIOLENCE ADVOCACY CENTER
(207) 817-3164 ext. 4 / 24-hour support line (207) 631-4886
XV. HUMAN TRAFFICKING SERVICES

NATIONAL HUMAN TRAFFICKING HOTLINE
(888) 373-7888
https://humantraffickinghotline.org/

HOPE RISING (Maine’s first safe house and residential treatment program for survivors of human trafficking)
(207) 282-3351 option 4
http://www.hoperisingme.org/

PREBLE STREET ANTI-TRAFFICKING COALITION (York and Cumberland Counties)
(207) 775-0026
http://www.preblestreet.org/

MAINE SEX TRAFFICKING AND EXPLOITATION NETWORK (Contact for information or resources; not a direct service provider)
(207) 626-0034
http://www.mainesten.org/

XVI. APPENDIX

Workplace Safety Plan Guidance

_________________________________________
Date

[Signature]

Bethany Hamm
Acting Commissioner

November 1, 2018
Department of Health and Human Services

Workplace Safety Plan Guidance

Supervisors and/or managers shall work with employees to develop a safety plan.

**Considerations in Developing Safety Plans**

*Note:* Any or all of the following may be implemented, as necessary and as practicable:

- The employee possibly obtaining a protection order from the district court;
- Temporary relocation of the employee’s work site;
- Offer a parking spot close to the building;
- Escort the employee to and from their vehicle;
- Employee commuting to work with others;
- Change of employee’s phone number and e-mail address;
- Remove voice mail from the employee’s phone and have the employee’s calls screened;
- Change of employee’s work assignment, as possible, and/or work schedule;
- Providing a picture of the Perpetrator (if available) to reception areas, police, security, etc.;
- Employee providing information of an emergency contact person should the employer be unable to contact the employee; and
- Other considerations the employee or supervisor and/or manager may suggest.