

## **EUT POLICY ON VIOLENCE AND SAFETY**

### Maine Department of Education Domestic Violence & The Workplace Policy

#### **I. PURPOSE:**

The Maine Department of Education (hereinafter “the Department”) is committed to promoting the health and safety of its employees. This commitment includes the prevention and reduction of the incidence and effects of domestic violence, sexual assault, and stalking.

Over half of all homicides in Maine involve domestic violence, and approximately 13,000 Maine women, children, and men seek assistance from the projects of the Maine Coalition to End Domestic Violence each year.

The Department recognizes that domestic violence, sexual assault, and stalking are workplace issues. They do not stay at home when victims and abusers go to work. Victims may be especially vulnerable while they are at work. Domestic violence, sexual assault, and stalking can compromise the safety of employees and directly interfere with the mission of the Department by decreasing productivity, as well as by increasing absenteeism and health costs.

For these reasons, the Department has established this workplace domestic violence policy. The specific purposes of the policy are to:

- Create a supportive workplace environment in which employees feel safe and comfortable discussing domestic violence, sexual assault, or stalking issues and seeking assistance for domestic violence situations;
- Develop responsive policies and procedures to assist employees who are affected by domestic violence, sexual assault, or stalking;
- Provide immediate assistance to victims;
- Specify the Department’s responses to employees who commit domestic violence on duty or off duty with a connection to employment; and
- Offer training on recognizing and responding to domestic violence, sexual assault, and stalking.

The Department will not tolerate any act of domestic violence in the workplace and will take action to prevent and correct the misuse of the State’s resources in connection with any act of domestic violence. Misuse of the State’s resources in connection with any act of domestic violence as defined in this policy will result in discipline up to and including termination.

#### **II. DEFINITIONS:**

- A. Domestic Violence: A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence; sexual, emotional, and psychological intimidation; verbal abuse; stalking; harassment; and/or economic control. Domestic violence

occurs between people of all racial, economic, educational, and religious backgrounds; in heterosexual and same sex relationships living together or separately, married or unmarried; and in short or long-term relationships. Domestic violence is a major cause of injury to women, although men may also be victims of such violence.

- B.** Sexual assault: An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.
- C.** Batterer, Perpetrator, or Abuser: The individual who commits domestic violence, sexual assault, or stalking as defined herein.
- D.** Domestic Violence Response Team/Responder: A group of Department employees that have had specialized training to respond to domestic violence disclosures, referrals and workplace safety planning. A list of the Department Responders is online on the Department's Intranet website (<http://inet.state.me.us/education>.) All supervisors and managers are also considered to be Responders.
- E.** Batterers' Intervention Programs: State certified programs that batterers attend that are designed to hold them accountable for their criminal behavior, encourage behavior change through the community's demand for accountable and respectful actions in intimate and family relationships, and increase victim safety.
- F.** Survivor or Victim: An individual subjected to domestic violence, sexual assault, or stalking as described herein.
- G.** Work Place Safety Plan: A strategy developed in collaboration with a victim to implement work place safety options, including, but not limited to setting up procedures for alerting Capitol Security; temporary relocation of the victim 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; responding to telephone, fax, e-mail, or mail harassment; and keeping a photograph of the abuser or a copy of an existing court order in a confidential on-site location and providing copies to designated personnel. Personal safety planning that covers home and other areas outside of work is available from the local domestic violence project.
- H.** In The Work Place: When a Department of Education employee, whether the employee is the victim or the abuser; is in state-owned or leased work space; is using the facilities, services, or resources of the State; is at a work-related conference; is attending a state-sponsored or paid event; is using a state-owned telephone, fax, e-mail or any other state-owned electronic communication medium; or 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 "in the work place."
- I.** Stalking: Repeated unwanted contact between two people that directly or indirectly communicates a threat or places the victim in fear. Stalking may occur between intimate partners, acquaintances, or strangers. Stalking behaviors include but are not limited to: following a person; appearing at a person's home or place of business; making harassing phone calls; sending letters or e-mails; leaving written messages or objects; or vandalizing a person's property. In Maine, stalking is a crime and is defined more specifically in the criminal statutes in 17-A M.R.S.A. §210-A.

### **III STATEMENT OF CONFIDENTIALITY:**

The Maine Department of Education recognizes and respects an employee's need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the employee's disclosure

demands otherwise, the department will maintain the confidentiality of the employee's disclosure. Responders may share disclosures with the team leader if there are workplace safety issues. Whenever possible, the employee will be given notice of necessary further disclosures. Further disclosure may be necessary if, in the opinion of the person to whom the initial disclosure is made, an abuser presents a threat to the safety of any person.

Certain persons are "mandated reporters" (see Title 22 §4011-A) of abuse or neglect of children, and abuse, neglect, or exploitation of incapacitated or dependent adults. In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect, or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.

#### **IV. POLICY:**

##### **A. The Maine Department of Education is a Violence-Free Workplace**

Maintaining a safe work environment is the paramount concern of the Maine Department of Education. Domestic violence, sexual assault, harassment, or stalking will not be tolerated in the workplace. Employees who are witness to or experience immediate threats or acts of violence in the workplace are asked to report the incident to a supervisor immediately. Employees must report any imminent danger to local police and a supervisor.

##### **B. The Maine Department of Education will Support Victims of Domestic Violence, Sexual Assault, or Stalking**

It is the policy of the Maine Department of Education to provide support to and maintain a safe work environment for employees who disclose they are victims of domestic violence, sexual assault, or stalking. The department has designated a Domestic Violence Response Team, comprised of employees specifically trained in responding to individuals disclosing domestic violence concerns or requesting help. Although employees wishing to discuss these issues are encouraged to speak with whomever they are most comfortable, those seeking services provided under this policy are asked to notify a supervisor or Response Team member.

##### **C. Education and Outreach**

1. This policy will be posted at all facilities, included in New Employee Packets and sent to all employees, clients, partners, and contractors in any workplace location. Each employee shall sign a statement, confirming that his/her copy of this policy has been received and read. Said statement (Attachment B) shall be filed in the employee's personnel folder.
2. All current and new employees will receive training on the Maine Department of Education Domestic Violence in the Workplace policy. The department will also provide training in workplace response to domestic violence. Class topics will include an overview of the issue of domestic violence, how to support an abused employee, and creating security protocols.
3. It is the policy of the Department to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. The Department will provide available support and assistance to employees who are survivors of domestic violence or sexual assault. This support may include confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling, or legal assistance (as mandated through the Maine Victims' Leave Act), and workplace relocation. Written resource and referral information will be available in all languages spoken by employees. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, the Department will respect the confidentiality and autonomy of the adult survivor to direct her or his own life, to the fullest extent permitted by law.
4. An Education and Outreach Committee will be established to provide continuing opportunities for education and discussion. Such activities may include "Lunch and Learn" sessions, speakers, and a lending library. The Committee will attempt to maintain, publish, and post a list of resources for survivors of domestic violence, sexual assault, and stalking in locations of high visibility, such as bulletin boards, break rooms, and the Office intranet. Resources should include but not be limited to the hotline number of the local domestic violence project, local Employee Assistance Programs ("EAP"), the Maine Coalition to End Domestic Violence (statewide domestic violence coalition), and the phone number and description of other domestic violence and sexual assault resources in the community (court, police, victim advocates, legal assistance, and sexual assault services and hotlines). The Committee will also maintain a current list of state-certified batterers' intervention programs

#### **D. Guidelines for Response and Assistance for Survivors/Victims**

The following information is provided to help employees of the Department who are survivors of domestic violence and/or sexual assault obtain the services they desire and to enhance the safety of the Department workplaces.

1. The Department seeks to create a supportive workplace culture in which employees feel safe and comfortable disclosing domestic violence or sexual assault and seeking assistance for those concerns. If an employee discloses that she/he is a survivor of domestic violence or sexual assault, it is important to send the following messages and avoid victim blaming.

- *You are not alone.*
  - *You are not to blame.*
  - *There is help available*
  - *You do not deserve to be treated this way*
  - *I am concerned about your safety*
2. If an employee believes a co-worker is a victim of domestic violence, s/he is encouraged to contact a member of the Responder Team to discuss the concern and appropriate responses.
  3. 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 victim, and may include the following:
    - Referrals to appropriate agencies and services, including EAP, domestic violence project and sexual assault centers, legal services, law enforcement, medical and counseling services;
    - Assessment of the victim's need to be absent from work;
    - Information regarding employee benefits, including processes for changing insurance benefits, requesting paid and unpaid leave, and changing pay arrangements (such as direct deposit for paychecks); and
    - Information regarding the availability of unemployment benefits in certain circumstances.
  4. Victims are encouraged to disclose the existence of Temporary and Permanent Orders for Protection from Abuse or Harassment to a member of the Domestic Violence Response Team, especially where the order includes a provision that the perpetrator is not to have contact with the victim at the victim's place of employment. The Responder will follow the provisions of this policy with respect to response and assistance to the victim and address the issue of safety plans with the victim as appropriate. A list of the Department's Domestic Violence Response Team is available online on the Department's Intranet website.
  5. Because a survivor of domestic violence may face threats of violence or death when they attempt to leave a violent relationship, supervisors will make efforts to provide a non-judgmental and supportive environment for the employee which is not dependent on the employee's decisions regarding the relationship. Supervisors will also recognize that the victim of domestic violence may not have safety planning information (workplace and/or personal); therefore, the supervisor will not attempt to influence the employee to leave the relationship in the misguided belief that it will be safer for her/him to do so.
  6. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence, information to begin accessing resources in the community, or assisting the employee to formulate a plan to increase that employee's safety.

It is important that all employees know how best to respond to the effects of domestic violence in the workplace. The following clarifies roles for team leaders and Responders:

**Team Leaders, Supervisors, and Volunteer Responders (the tasks with asterisks are only for Team Leaders and Supervisors)**

- Participate in comprehensive domestic violence trainings delivered by trainers from your local domestic violence project.\*
- Be aware of physical or behavioral changes in employees and chronic absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, chronic health problems (e.g. chronic pain,) isolation from friends and family,

emotional distress, depression, distraction, and excessive number of personal phone calls or e-mail messages.\*

- Be respectful of employees' personal choices. If the supervisor observes the signs of violence, it is appropriate to convey concern regarding signs and to educate the employee regarding available resources. It is critical that the supervisor respect the employee's privacy and not pressure the employee to disclose any personal information.\*
- Be responsive when an employee who is either the survivor or the perpetrator asks for help. Immediately contact a Department Responder.\*
- Work with Human Resource managers to relocate employee to an alternate worksite, whenever feasible, if the employee requests to relocate for safety reasons. If relocation is offered, it should not produce any reduction in pay, status, or benefits.\*
- Work with OIT to hide the victim's name and contact information on the Global Address list on Outlook, if appropriate.\*
- After consultation with human resources and legal counsel, take any appropriate corrective or disciplinary action consistent with policy and procedure, up to and including termination, against employees who commit acts of domestic violence as outlined in the policy or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of the Department.\*
- Comply with all civil protection orders. If both the plaintiff and defendant in a civil protection order are employees of the Department, managers must work with human resources, and Capitol Security to ensure that the defendant is relocated to a workspace in which the defendant will have no contact with the plaintiff. If you observe violations of the protection orders, document these violations and call 911.\*
- Maintain the confidentiality of domestic violence, sexual assault, or stalking circumstances and any other referrals under this policy to the extent permitted by law. Inform other employees of the domestic violence circumstances on a need-to-know basis only. Whenever possible, give advance notice to the employee who is experiencing domestic violence if you need to inform others.\*
- Work with the victim, Human Resources, Capitol Security, law enforcement, and community domestic violence projects, as appropriate, to assist the victim in developing a **workplace safety plan** (See Attachment A). When assisting an employee in developing a workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. **Survivors of domestic violence know their abusers better than anyone else.** When it comes to their own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in the final plan. However, if it is determined that other employees or customers are at risk, it is essential to take measures that protect them as well.
- Review the safety of parking arrangements. Offer to arrange with Capitol Security to provide escorts to and from parked cars and priority parking near the building entrance for employees who fear an attack at work.

- Post information about domestic violence, sexual assault, and stalking in your work area. Have information available where employees can obtain it without having to request it or be seen removing it, such as bathrooms, lunchrooms, the library, or where other employee resource information is located.
- Offer to help employee distribute protection orders and associated information to appropriate department personnel and agencies.
- Respect the employee's boundaries and privacy, even if you disagree with the decisions she/he is making regarding the relationship. A survivor of domestic violence may make many attempts to leave before she/he is finally able to leave the abuser. It is often difficult to leave because of financial and childcare responsibilities, or threats of violence.
- Inform all employees about the Department's policy and procedures on encouraging work environments free from violence, threats, and harassment.

#### **E. Leave Options for Employees who are Experiencing Threats of Violence**

This policy recognizes that, in accordance with 26 M.R.S.A. § 850, *Employment Leave for Victims of Violence*, an employer must grant reasonable and necessary leave from work with or without pay to an employee who is a victim to prepare for and attend court proceedings; receive medical treatment; attend to the medical treatment of a child, parent, or spouse who is a victim; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking. The necessity of the leave must be based upon the employee or the employee's daughter, son, parent or spouse being a victim of violence, assault, sexual assault, stalking or any act that would support a protection order.

1. At times, an employee may need to be absent from work due to family violence, and the length of time will vary according to the individual's situation. This time period should be determined through collaboration with the employee, supervisor, and/or human resources representative. The employee should maintain communication with her/his manager during any absence. The employer should maintain confidentiality of the employee's whereabouts.
2. Employees, supervisors, and managers are encouraged to explore first whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal leave of absence. Depending on the circumstances, this may include:
  - Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare.
  - Employees should also consider the use of
    - sick time,
    - vacation time,
    - Family and Medical Leave Act,
    - unpaid leave, or
    - Catastrophic Leave Bank.

#### **F. Procedures for Employees with Performance Issues Related to Domestic Violence**

1. While the employer retains the right to discipline employees for cause, the Department recognizes that victims of domestic violence or sexual assault may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence or sexual assault, a referral for appropriate assistance should be offered to the employee, along with an opportunity to correct the problem.
2. The manager, in collaboration with the employee and a Human Resource representative, should allow a reasonable amount of time for the employee to obtain assistance regarding the domestic violence, sexual assault, or stalking. Managers should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

#### **G. Options for Employees who are Victims or Survivors of Domestic Abuse**

1. Talk with a trusted co-worker, supervisor, or Responder on the Domestic Violence Response Team about your situation. If your supervisor is unavailable, you can talk with your Team Leader. A list of the Responders is available online on the Department's Intranet site (<http://inet.state.me.us/education>.)
2. Contact your local domestic violence project or sexual assault center. In Kennebec and Somerset counties, contact Family Violence Project at 623-3569 or toll-free at 1-877-890-7788. For information on other domestic violence projects in Maine, contact the Maine Coalition to End Domestic Violence at [www.mcedv.org](http://www.mcedv.org) or 941-1194. To reach your local sexual assault center, call 1-800-871-7741 or TTY at 1-888-458-5599. You can also contact the Employee Assistance Program (EAP) at 1-800-451-1834.
3. Call the local police if you are in immediate danger.
4. Notify your supervisor of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary, make alternate arrangements for picking up your paycheck.
5. If you are concerned about your safety at work, you may submit a recent photograph of the abuser, a description of the abuser's vehicle(s), and a copy of your protection order to Capitol Security, the Director of Human Resources, the Personnel Officer, and the Senior Administrative Secretary who supervises the reception area. This assists your employer in identifying the abuser should he/she appear in the workplace. The employee may request that the Responder help with distributing this information.
6. Work with your supervisor, department Responder, or Human Resources representative to develop a workplace safety plan. (see Attachment A.)
7. Access the Employee Assistance Program.
8. Obtain assistance for and documentation of any physical and/or mental health consequences of the abuse (including old injuries) from your primary care provider.



9. For questions about the proper enforcement or enforceability of a protection order, the employee should contact the DOE Assistant Attorney General at 626-8866.

## **H. Options for Other Employees Who Have Concerns about Domestic Violence**

1. If an employee has a concern that a co-worker is a victim of domestic violence, sexual assault, or stalking, the employee is encouraged to contact a member of the Response Team to discuss the concern and appropriate responses. In addition, the responder should discuss the matter with the Department or State Affirmative Action Officer or Capitol Security if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an effect on the workplace, including but not limited to safety, job performance, and morale. The Responder will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.
2. If an employee experiences or witnesses violence or immediate threats of violence in the workplace, the employee should report the incident to a supervisor or a department Responder immediately.
3. Employees may wish to seek advice and information from a responder before speaking with a perceived victim, but this approach is not required. If an employee discusses concerns about safety with a victim, the employee should only offer help, not judgment (see [Guidelines](#) on page 4). The employee should also:
  - Refer the victim to appropriate agencies and services, including domestic violence projects and sexual assault centers, EAP, legal services, law enforcement, medical and counseling services; and
  - Encourage the victim to seek assistance from the local domestic violence project and the EAP when addressing personal safety issues.

## **I. REQUIREMENTS OF AND RESPONSE TO AN EMPLOYEE WHO IS AN ABUSER**

The Department encourages employees who are perpetrators to seek assistance voluntarily from any of the resources listed in this policy, including a certified Batterers' Intervention Program or the State's confidential Employee Assistance Program.

Employees who engage in behaviors on-duty that constitute domestic violence, stalking or sexual assault will be subject to discipline, up to and including termination. In some cases, where there is a connection between off-duty conduct of this nature and one's employment with the State, that off-duty conduct may lead to discipline, up to and including termination.

1. An employee of the Department who is a named defendant must immediately disclose to the employee's team leader any order for protection from abuse or harassment or any criminal charge or any condition of bail or probation applicable to the employee that includes:
  - Conditions prohibiting or limiting contact with other employees of the Department of Education or the State of Maine.

- Conditions that may interfere with the employee's ability to perform job duties.
- Conditions prohibiting or limiting contact with State employees of other Departments with whom there is a work relationship.

Failure to disclose the above information will result in administrative action, which may result in corrective and disciplinary action up to and including termination.

2. An employee who is found using any state resources such as work time, work place telephones, cell phones, facsimile machines, mail, electronic mail, a state vehicle, state credit card, or other means to commit domestic violence, sexual assault, harassment, or stalking will be subject to corrective and disciplinary action up to and including termination.

3. Any employee who:

- Is found by the Department to have engaged in domestic violence, sexual assault, harassment, or stalking
- Or who is arrested, convicted, or named as a defendant in a protective order as a result of domestic violence, sexual assault, harassment, or stalking.

When such action has a nexus or connection to his or her employment with the State, the employee may be subject to corrective or disciplinary action, up to and including termination.

#### **V. DOCUMENTATION:**

The Human Resources Office will develop necessary protocols related to maintaining records of domestic violence disclosures.

#### **VI. CONCLUSION:**

The Maine Department of Education will be sensitive to the needs of employees affected by domestic violence, sexual assault, and stalking. The department will respond to and provide immediate assistance to victims who seek it. The department will take action to prevent and correct violent behavior in the workplace. Through outreach and education, the department will heighten awareness among the staff of this issue, and provide staff training in prevention and available resources.

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