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## **POLICY TEMPLATE: A WORKPLACE RESPONSE TO PERPETRATORS OF DOMESTIC, DATING, SEXUAL VIOLENCE AND STALKING**

### **INTRODUCTION**

Addressing perpetrators of domestic violence, sexual assault, dating violence and stalking at work is a difficult and complex issue. The following Policy Guide is designed to accompany and amplify a broader, pre-existing Domestic Violence/Sexual Assault Workplace Policy so that an employer can respond, hold accountable, and provide constructive direction to those who perpetrate these crimes and/or behaviors in ways that affect the workplace. This guide was created with input of a variety of experts in the industry.

As always, we strongly recommend ongoing training to support best practices on this issue. The Corporate Alliance to End Partner Violence is here to assist you in shaping a policy that is best for your organization. For a model policy and other best practices on this issue, please visit our website at [www.caepv.org](http://www.caepv.org).

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### **PREFACE**

Workplace ethics and integrity start with personal ethics and integrity. Employees' personal ethics and integrity inform the way they conduct themselves as representatives of EMPLOYER. For that reason, EMPLOYER expects Employees to adhere to the highest standards of behavior at all times, when at work and when away from work.

EMPLOYER stands for mutual respect, honesty, fairness, and civility. As such, EMPLOYER values human beings across the spectrum of diversity, ensuring inclusion for all people regardless of gender, race, age, sexual orientation, gender identity, disability status, national background, experiential history, and other distinguishing characteristics. EMPLOYER's commitment to these values includes supporting those subjected to treatment counter to corporate values or collective bargaining agreement (if applicable), including unethical business practices, harassment, discrimination, bullying, domestic violence, sexual violence, dating violence or stalking. EMPLOYER strongly condemns such behavior by Employees regardless of whether the act occurred in or outside the organization's physical workplace and will seek to address them immediately and constructively.

The following Policy Guide was designed to accompany and amplify a broader, pre-existing Domestic Violence/Sexual Assault Workplace Policy so that EMPLOYER can respond, hold accountable, and/or provide constructive direction to those who perpetrate these crimes and/or behaviors in ways that affect the workplace. This may include not only an employee's direct actions, but also paying less attention to one's job/reducing job effectiveness, being in the same place of employ as the victim and using colleagues or other people to check up on victim while he/she is at work. The "Definitions" are included here for the sake of clarity, but would ordinarily appear at the beginning of the general policy and should support existing victim-focused and other efforts. If there is a union/bargaining unit at the workplace, the union/bargaining representatives should be part of all deliberations from the beginning of the policy development and reference the collective bargaining agreement to ensure the policy is consistent with negotiated language and union values.

### **Employee Awareness**

EMPLOYER shall increase awareness of domestic violence and sexual assault by informing all employees that perpetrating this behavior violates company policies and ethics, and that there are resources available for those who are victimized as well as those who perpetrate Violence such as the company/union EAP and national organizations with expertise around domestic violence and sexual assault.

### **Employer's Responsibility**

EMPLOYER should set a tone communicating that Domestic Violence, Sexual Violence, Dating Violence and Stalking will not be tolerated and that the workplace will actively provide information and support to employees who are victims of such abuse and hold perpetrators of violence accountable, including discipline up to and including termination.

## **PERPETRATOR POLICY TEMPLATE DRAFT\***

EMPLOYER will not tolerate Domestic Violence, Sexual Violence, Dating Violence or Stalking in its Workplace. Nor will it tolerate the use of EMPLOYER'S resources by Employees to perpetrate such acts. All Employees are expected to demonstrate safe, professional and respectful behaviors in the workplace, taking into account that actions and behaviors outside of the workplace are also relevant – especially actions that are in direct conflict with the values and ethics fundamental to EMPLOYER'S mission.

EMPLOYER institutes this Policy to provide the protocol and guidance the EMPLOYER will utilize when responding to perpetrators of such Violence. Therefore, the EMPLOYER will take appropriate measures to prevent and/or address such Violence in the context of all relationships that potentially could affect the EMPLOYER'S workplace. This Policy is to be used in response to behaviors EMPLOYER learns of and is not necessarily dependent on adjudication from the justice system.

Recognizing the potential for Violence outside of the workplace to directly or indirectly impact the workplace through violence or distraction for co-workers, an Employee who has a concern that a co-worker is perpetrating or abetting Violence; or an Employee who is concerned that a co-worker is a victim of Violence, is encouraged to contact Human Resources of union representatives (if applicable) to explore how best to address the situation.

### **I. Statement of Purpose**

The purpose of this policy is to:

- Provide guidance to the Employer when responding to Employees who perpetrate Violence in or affecting the workplace;
- Support a comprehensive workplace education and training program to respond to and prevent Violence and promote healthy relationships for Employees and their families; and
- Provide constructive direction to Employees who perpetrate Violence and take appropriate disciplinary action to hold them accountable.
- Recognize the additional options and resources available to members of the bargaining unit as per the collective bargaining agreement, if applicable.

### **II. Definitions [Note: it is important to ensure these definitions are consistent with the laws in the state(s) in which EMPLOYER operates.]**

#### **1. Survivor or victim**

An individual who is currently subject to, or has in the past been subjected to, domestic or sexual violence, dating violence, stalking or other forms of violence.

#### **2. Perpetrator**

An individual who commits or threatens to commit an act of domestic violence, sexual violence, dating violence, or stalking against an intimate partner (married, cohabitating or dating, heterosexual or same sex) or their family member, coworker, business associate, friend, client and/or companion animals. This includes behavior that does not involve explicit verbal threats of violence toward a person, such as

non-verbal intimidation, coercion (sexual or other), destruction of personal property and other actions meant to terrorize.

### **3. Domestic Violence**

Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to, physical violence, injury, or intimidation, sexual violence or abuse, emotional and/or psychological intimidation, verbal abuse, threats, or harassment, stalking, threats to reveal sexual orientation or immigration status, or economic control.

### **4. Sexual Violence**

Sexual violence is a range of behaviors, including but not limited to, sexual harassment, a completed non-consensual sex act (e.g., rape), an attempted, non-consensual sex act, abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal gender-based harassment). Some or all of these acts may also be addressed in EMPLOYER'S Sexual Harassment Policy. Sexual violence is any sexual act or behavior that is perpetrated against someone's will when someone does not or cannot consent. Victims of sexual violence may know the perpetrator(s), such as a co-worker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the victim. Consent is not given when a perpetrator uses force, harassment, threat of force, threat of adverse personnel action, coercion, or when the victim is asleep, incapacitated, or unconscious.

### **5. Dating Violence**

Dating violence is an act of violence threatened or committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of a "romantic or intimate" relationship is determined based upon the victim's perspective and in consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### **6. Stalking**

Stalking refers to harassing, unwanted or threatening attention that causes the victim to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking conduct includes, but is not limited to: following or spying on a person, appearing at a person's home or work, waiting at places in order to make unwanted contact with the victim or to monitor the victim, leaving unwanted items, presents, or flowers for the victim, and posting information or spreading rumors about the victim on the Internet, in a public place, or by word of mouth. Stalking may occur through use of technology including but not limited to e-mail, voicemail, text messaging, and use of GPS and social networking sites.

### **7. Protection or Restraining Order**

Protection orders, sometimes called restraining orders or stay away orders, are court orders that provide protection from a perpetrator, requiring him or her to keep a specified distance from the person to whom the order is granted and refrain from contact directly, by proxy, and via all media or face arrest and can also establish custody and visitation guidelines and provide for other forms of economic security, like rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release particularly in a domestic violence, sexual violence, dating violence, or stalking related crime.

## **8. Workplace-Related Incidents**

Workplace-related incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against Employees, the families of Employees, and/or their property, that imperil the safety or well-being or any person associates with an employee or EMPLOYER, regardless of whether the act occurred in or outside the organization's physical workplace. An 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, client visits, and at EMPLOYER-sponsored events.

## **9. Off-Duty Conduct of Violence**

Non-workplace or Off-Duty incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against any person or animal that impact the brand, reputational or credibility capital of the company or organization and that occur anywhere outside EMPLOYER's physical workplace or work-related activities or events.

## **10. Batterer Intervention Program**

"Batterer Intervention Program" means a program that addresses the perpetration of domestic violence by a partner, spouse, ex-spouse, or a person who shares a child in common or who is a cohabitant in an intimate relationship, for the purpose of exercising power and control by one over the other. Batterer Intervention Programs are generally at least 24 weeks in length and include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming. BIPs differ from "anger management programs" in that BIPs recognize that the batterer's problem is not anger but rather the attitude of entitlement/ownership that accounts for the batterer's expectation that the victim should submit to being controlled. BIPs teach the batterer that he or she has no right to control another human being, and therefore has no right to act in a controlling or coercive manner when the intended victim asserts a life of her or his own choosing. It should be noted that Couple/Marital therapy while abuse continues to occur can increase the risk of violence and is therefore not indicated until at least such time as the batterer has completed a program of batterer intervention, ceased all tactics of abuse, and claims sole responsibility for his/her history of abusive behavior. At that time, couple/marital therapy should only happen if both parties desire it.

## **11. Employee Assistance Program (EAP)**

"Employee Assistance Program" is a counseling service offered by EMPLOYER to Employees. The EAP provides assessment, brief counseling, and referral for employees experiencing personal difficulties. The EAP can also provide organizational consultation as needed with EMPLOYER's multi-disciplinary Violence Response Team ("DVSART")\*\*.

## **12. Member Assistance Programs (MAP)**

A "Member Assistance Program" is a union facilitated delivery of services or access to resources to help union members and their families with personal and work-related concerns. Sometimes professional staff is located at the union headquarters; other times the union contracts with an agency with expertise in working with members and their families around personal and work-related concerns.

## **13. Domestic Violence/Sexual Assault Response Team (DVSART)**

A multi-disciplinary Violence Response Team (DVSART) comprised of senior and/or specially trained Human Resources, Behavioral Health /EAP, Security and Legal executives as well as representatives

from other appropriate functions – internal or external, including trained advocates – as needed, who specialize in developing and implementing this policy and responding to situations covered under this policy.

#### **14. Violence**

Violence means any act of Domestic Violence, Sexual Violence, Dating Violence, or Stalking as defined in this Policy.

#### **15. EMPLOYER Resources**

EMPLOYER “resources” includes, but is not limited to work time, EMPLOYER’S vehicles, telephones, printers, copiers, FAX machines, mail, email, computers and other electronic equipment, or other EMPLOYER resources, including asking coworkers to monitor and/or report back about the victim.

#### **16. Collective Bargaining Agreement.**

The legally binding document worked out in collective bargaining between union and employer, covering wages, benefits, hours and working conditions as well as procedures to resolve grievances or other disputes that may arise. By signing the contract, labor and management agree to abide by its terms.

### **III. Persons Covered by this Policy**

Persons covered by this policy include full and part time employees, interns, contractors, volunteers, and temporary workers engaged by EMPLOYER or in any workplace location.

**\*\*This template policy assumes the existence of a multi-disciplinary Domestic Violence/Sexual Assault Response Team (DVSART) comprised of senior and/or specially trained Human Resources, Security and Legal executives as well as representatives from other appropriate functions – internal or external – as needed.**

### **IV. Responding to Incidents of Violence**

If EMPLOYER receives information that alleges or suggests that an Employee has committed workplace-related or non-workplace violence, as defined in this Policy, or if any manager receives information that any Employee has engaged in workplace-related or non-workplace violence, then the matter shall be referred to the DVSART and other entity/persons designated by the employer for the purpose of investigating the information or allegation. In the event of an emergency, the employee or manager should call 911.

### **V. Responsibility of Employees Who Are Perpetrators, Who Assist Perpetrators, or Who Have Been Arrested, or Who Are Respondents to Protection Orders.**

#### **Arrests and Protection Orders Relating to Violence**

##### *EMPLOYER Notification - Arrest*

- Except where otherwise prohibited by law and consistent with HR Policies, Employees arrested or notified they are the focus of a criminal investigation by a local, state or federal law enforcement agency, shall appropriately notify EMPLOYER. This requirement includes, but is not limited to, an arrest or investigation related to an act of Violence. Employees are strongly encouraged responsibility to notify his/her supervisor and HR of the arrest/investigation as soon as possible, but no later than at the commencement of the Employee’s next scheduled

workday. Failure on the part of an Employee to notify his/her supervisor and HR of an arrest/investigation may result in Disciplinary Action up to and including termination of employment.

- Upon being notified by the Employee of the occurrence of the actions described above, the HR representative will notify the HR Director or the DVSART.

#### *EMPLOYER Notification – Protection Order*

- An Employee who is a Respondent to a Protection Order (“Employee/Respondent”) shall notify his/her supervisor and HR contact of such Protection Order as soon as possible, but no later than at the commencement of the Employee’s next scheduled work day, if any of the following applies:
  - If the Petitioner for such Protection Order is an Employee with whom the Employee/Respondent may come in contact with during such Employee/Respondent’s EMPLOYER work-related duties; or
  - If the Petitioner for such Protection Order is another person with whom the Employee/Respondent may come in contact with during such Employee/Respondent’s work-related duties; or
  - If the Employee/Respondent is alleged to have used any EMPLOYER resources in any of the conduct that gave rise to the Protection Order, as contained in the court records for such a Protection Order.
- As used in this section, “contact” includes, but is not limited to, phone, email, text, in person, third-party conduit, Internet or social network, and any other contact proscribed by the court in a Protection Order.

#### *EMPLOYER Notification – Incarceration*

- An Employee who is incarcerated for acts of Violence shall notify his/her supervisor and HR contact as soon as possible, but no later than at the commencement of the Employee’s next scheduled work day, if any of the following applies.
- If incarcerated at any time during the adjudication process, the Employee will be required to exhaust all paid time off before using any available unpaid time or leave of absence

#### *EMPLOYER Notification – Conviction and other criminal case outcomes*

- When an Employee is convicted of Violence, the DVSART will review and evaluate next steps up to and including separation from employment.
- The nature of the crime underlying the conviction in relationship to the job responsibilities of the Employee will be considered.
- EMPLOYER may conduct its own investigation and impose discipline if it finds that an Employee has engaged in Violence, regardless of whether it results criminal conviction.
- EMPLOYER will conduct thorough investigations before taking disciplinary action to avoid inadvertently punishing the victim and furthering the abuse.

EMPLOYER reserves the right to review any incident of an Employee’s on duty Violence or Violence-related conduct and Off-Duty Conduct of Violence, and to take appropriate Disciplinary Action, up to and including termination from employment, legal action, and providing constructive direction to discourage future Violence and to protect the safety of Employees and the public.

## **VI. Responding to Off-Duty Incidents**

EMPLOYER may take Disciplinary Action and/or provide constructive direction proportionate to an Employee's off-duty Conduct of Violence, which may include termination from employment if the Employee's off-duty conduct of Violence interferes with any aspect of the Employer's business operations as described below.

- An Employee's Off-duty Violence interferes with the Employer's business operations if such conduct may reasonably be expected to interfere with the following:
  - The ability of the Employee to function in his or her position of employment with EMPLOYER;
  - EMPLOYER'S ability to carry out its mission and purposes, discharging its responsibilities in an orderly, efficient, and safe manner; or
  - The ability of other employees, including but not limited to the victim to function in his or her position of employment with EMPLOYER.
  
- Factors EMPLOYER may consider, in determining whether the Employee's Off-duty Conduct of Violence interferes with workplace operations, include but are not limited to the following:
  1. Whether the Employee's conduct threatens harm to supervisors, co-workers, other employees, customers or others with an actual or potential business relationship with EMPLOYER;
  2. Whether the Employee's conduct could materially harm EMPLOYER'S public image, reputation or product;
  3. Whether the Employee's conduct renders an employee unable to perform his or her duties or to appear at work;
  4. Whether the Employee's conduct makes it difficult or impossible for co-workers, customers, or others with an actual or potential business relationship with EMPLOYER to deal with the Employee, including but not limited to the reasonable refusal, reluctance, or inability of other Employees to work with him or her;
  5. Whether the Employee's conduct undermines the ability of EMPLOYER to direct EMPLOYER'S workforce;
  6. Whether the Employee's conduct had, or is reasonably expected to have, a detrimental effect on the Employee's or his or her coworkers' job performance;
  7. Whether the Employee's conduct had a detrimental effect on management's trust and confidence in the Employee's job performance; or
  8. To what extent the EMPLOYER'S brand, reputation and/or credibility are negatively impacted.

## **VII. Responding to Workplace Related Incidents**

If EMPLOYER receives information that alleges or suggests that an Employee has committed workplace-related or non-workplace violence, as defined in this Policy, or if any manager receives information that any Employee has engaged in workplace-related or non-workplace violence, then the matter shall be referred to the DVSART and other entity/persons designated by EMPLOYER for the purpose of investigating the information or allegation.

In case of emergency involving an imminent threat of Violence, the employee or manager should call 911.

- EMPLOYER will investigate all conduct that constitutes Violence in its workplace. Further,



EMPLOYER will hold accountable Employees who engage in any of the following behaviors:

- Using EMPLOYER resources to commit or threaten to commit an act of Violence;
  - Committing an act of Violence from or at the Workplace or any other time or location while acting in the course and scope of EMPLOYER's business; or
  - Using their job-related authority and/or EMPLOYER resources in order to negatively affect a Victim or Survivor and/or assist a Perpetrator in locating a Victim or Survivor and/or to assist a Perpetrator in perpetrating an act of Violence.
- In cases in which EMPLOYER has found that an Employee has committed or has threatened to commit an act of Violence from or at the workplace, or any location while on official EMPLOYER business, or any location using EMPLOYER resources such as work time, EMPLOYER vehicles, telephones, printers, copiers, FAX machines, mail, email or other means, said Employee will be subject to corrective or disciplinary action, which may include termination from employment.

Employer reserves the right to contact law enforcement, which may result in arrest, criminal charges, and/or prosecution. In all cases "law enforcement" may refer to local, state, federal or international agency, as appropriate.

- In cases in which EMPLOYER has determined that an Employee is responsible for Violence, and this Employee has job functions that include the authority to take actions that directly impact Victims or Survivors of Violence, EMPLOYER will determine if corrective action is warranted to protect a particular victim or others in the workplace, including eliminating supervisory responsibilities.
- In cases in which any Employee intentionally uses his or her job-related authority and/or intentionally uses EMPLOYER's resources in order to negatively impact a Victim or Survivor of Violence, assist a Perpetrator in locating a Victim or Survivor, assist a Perpetrator in perpetrating an act of Violence, or to protect a Perpetrator from consequences for his or her behavior, said Employee will be subject to corrective or disciplinary action, which may include termination from employment.

### **VIII. Process**

In cases where an Employee has, or is reasonably suspected of having perpetrated Violence as defined in this Policy, said Employee may be immediately removed from the Workplace and suspended or put on Administrative Leave with or without pay, as quickly as safety permits, and in accordance with *HR Policies*. During this suspension or leave, the Employee shall remain off EMPLOYER's property pending the outcome of an investigation to determine whether and to what extents further action is warranted. Such further action may include, but is not limited to, a fitness for duty referral through the Employee Assistance Program, mandatory batterers' intervention programming, reassignment of job duties, progressive discipline, suspension, or termination from employment. Additionally, EMPLOYER may contact law enforcement, which may result in arrest, criminal charges, and/or prosecution.

EMPLOYER may place on Administrative Leave, with or without pay, any Employee under criminal or civil investigation related to whether the Employee has committed an act of Violence. The absence of or cessation of said investigation does not prevent EMPLOYER from conducting its own investigation of

such matters.

An Employee accused of an act of Violence shall have a duty to cooperate with the Employer's investigation, and failure to do so may result in disciplinary action being taken. Specifically, the Employee has the duty to be truthful and disclose all information regarding the facts related to the investigation, protection orders and mandated intervention programs known to the Employee when requested to do so by an appropriate EMPLOYER representative responsible for investigating an allegation of Violence.

Investigations of alleged Violence shall be conducted by the DVSART or other designated personnel, which may gather information including but not limited to:

- Police reports or statements
- Past internal investigations
- Past work behavior
- Criminal and civil record check
- Type of crime in relation to job performed
- Witness statements
- Use of Employer resources

## **IX. Reporting**

All Employees are encouraged to notify their supervisors, department management and HR of any actual, potential, or suspected violent behaviors they have witnessed, been the Victim of, or have knowledge of.

- Factual information on behaviors observed, the nature and type of behaviors of Violence, any observed or potential weapons, any threats, implicit or explicit, person(s) involved, time, locations, witness information, and any other relevant information should be reported to the employee's immediate supervisor or another member of management and HR.
- Upon being notified of actual or potential acts of behaviors of Violence, supervisors and managers will immediately notify Human Resources and/or the DVSART to ensure that the matter is properly investigated, appropriate disciplinary action is initiated, and any potential Victim(s) receive appropriate assistance regarding their safety, security, referral to counseling and if necessary, other referrals.
- All Employees are encouraged to contact Human Resources and/or the DVSART if they suspect a fellow Employee may be a Perpetrator of Violence.
- All occurrences of Violence will be taken seriously, and situations involving imminent danger or harm should be reported directly to 911.

## **X. Confidentiality**

EMPLOYER recognizes and respects an Employee's right to confidentiality to the extent permitted by law, other sections of the policy, and on a need to know basis.

When confidential information must be shared with additional individuals in order to protect the safety of individuals within the Workplace, to comply with the law, or for other reasons deemed appropriate, as determined by EMPLOYER, EMPLOYER will limit the breadth and content of such disclosure to information necessary for such purposes.

EMPLOYER will make every reasonable effort 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 or elsewhere or for other reasons deemed appropriate,
- Provide the Employee with the name and title of the person(s) whom EMPLOYER intends to add to those holding the confidential information
- Explain the necessity and purpose regarding including these people within the circle of confidentiality.

## **XI. Getting Help**

EMPLOYER reserves the right to require an Employee to participate in a Batterer Intervention Program and/or other appropriate program or training, as a condition of a disciplinary action plan. Because its goal is to *prevent* Violence, EMPLOYER is also committed to assisting *any* Employee who wishes to get help for him or herself, regardless of whether that Employee under active investigation or discipline for acts of Violence. Any such Employee is encouraged to contact the Employee Assistance Program, Human Resources, or the DVSART for a referral or make a self-referral to Batterer Intervention Program and/or other appropriate program or training. Information regarding these programs is available through your local domestic violence and sexual assault programs or by reaching out to the National Domestic Violence Hotline ([ndvh.org](http://ndvh.org)) or Rape, Abuse and Incest National Network ([rainn.org](http://rainn.org)).

## DRAFT GUIDE TO THE POLICY

Following is information that helps to provide context when implementing the Perpetrator Policy. Note, this policy is written to prevent unintended consequence to Victims.

- *Victims of Violence*: It is important to note that victims of sexual violence will sometimes comply as an assault occurs. This must not be understood as consent but rather as evidence of a “best chance” survival strategy or the “freeze” response typical of human beings in moments of extreme acute stress.
- *Stalking*: It is important to note that stalking is a *pattern* of persistent unwelcome attention. Any one event within the pattern viewed by an outside observer may appear benign. The pattern, however, creates the experience within the targeted person of being hunted by the perpetrator.
- *Batterer Intervention Programs (BIPs)*: BIPs differ from “anger management programs” in that BIPs recognize that the batterer’s problem is not anger but rather the attitude of entitlement/ownership that accounts for the batterer’s expectation that the victim should submit to being controlled. It can be helpful to note that battering is not caused by difficulty managing one’s anger. On the contrary, battering is a strategic use of anger/violence to terrorize the batterer’s victim. If battering were an anger management problem, the batterer would have difficulty managing his anger toward everyone, including his work supervisor, community members, parents, etc. Instead, the batterer carefully manages his anger, directing it only at his victim and, usually, only when she is in his company alone. BIPs teach the batterer that he or she has no right to control another human being, and therefore has no cause for anger when the intended victim asserts a life of her or his own choosing. Perpetrating violence is not to be confused with anger management.
- *Protection Orders*: At the request of the victim, a Protection Order can name a workplace and other locations the victim necessarily frequents (their child’s school, the homes of extended family members, for example), as well as other individuals whom the perpetrator has targeted. Doing so extends protection to those locations and individuals as well. Depending on state law, the workplace can specifically petition the court for protection without the victim’s consent, but should be undertaken with notice to the victim, where possible.
- *Victim Arrests*: Due to the dynamic often at play in violent/abusive relationships, there are cases when the victim (as defined in the Policy) is arrested separately or along with the perpetrator when authorities are called – even if the victim is not the primary aggressor. These incidents underscore the importance of conducting thorough investigations before taking disciplinary action to avoid inadvertently punishing the victim and furthering the abuse.
- *Victims’ Names in Protection Orders*: Due to the dynamic often at play in violent/abusive relationships, there are cases when the victim (as defined in the Policy) is named as the Respondent to an Injunction for Protection by the perpetrator, even if the victim is not the predominant aggressor and does not pose a credible threat. These incidents underscore the importance of conducting thorough investigations before taking disciplinary action to avoid inadvertently punishing the victim and furthering the abuse.

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- *Suggested Use of DVSART:* Prior to taking Disciplinary Action for any conduct of Violence, it is suggested that supervisors or division/department management be required to contact the DVSART for advice and guidance, and that the DVSART is required to notify Counsel in advance of making a determination as to the proposed Disciplinary Action. In cases of Disciplinary Action for Off-duty Conduct of Violence action should only be taken with the prior concurrence of the DVSART, and only after the DVSART has conferred with Counsel. This is especially true when law enforcement will be contacted which may result in arrest, criminal charges, and/or prosecution.
- *Couple/Marital Therapy:* Marital therapy while abuse continues to occur can increase the risk of violence and is therefore not indicated until at least such time as the batterer has completed a program of batterer intervention, ceased all tactics of abuse, and claims sole responsibility for his/her history of abusive behavior. And couple/marital therapy should never proceed if the survivor does not freely choose to engage in it.
- *Consistency of Standards:* As laws vary greatly among states and municipalities regarding domestic violence and sexual assault and the workplace, we recommend that employers operating in more than one geographic area standardize their policies to the most rigorous laws and/or statutes so that they are compliant in every location without having to administer multiple policies.