



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

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Memorandum for Heads of Executive Departments and Agencies

From: Robert H. Shriver, III, Acting Director

Subject: Guidance for Agency-Specific Policies Addressing Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment

The U.S. Office of Personnel Management (OPM) released the [Maximizing Access to Leave to Seek Safety and Recover from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Related Forms of Abuse or Harassment \(Safe Leave\) Memorandum](#) and [Fact Sheet](#) to provide support for Federal employees who need time off from work to keep themselves and their family members safe and to recover from related forms of abuse.

OPM remains committed to uplifting and protecting the wellbeing and safety of Federal employees and continues to make the development and communication of resources to support the well-being of Federal employees a top priority. It is vital that Federal employees who are currently experiencing or have previously experienced domestic violence, dating violence, sexual assault, stalking, and related forms of abuse or harassment have access to the support they need to heal in safe and protected environments.

Today, OPM is releasing its “Guidance for Agency-Specific Policies Addressing Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment,” which provides helpful definitions, information on policy development such as roles and responsibilities of agencies and includes a detailed breakdown of components of agency policy and programs. The guide also includes appendices with sample checklists and program evaluation models which are designed to be tailored to the individual needs of Federal agencies.

Agencies should be aware of the impacts of various forms of abuse and be proactive and consistent in providing trauma-informed tools, training, and resources to not only care for survivors but to spread education and awareness so that no employee feels isolated. Agencies should also regularly make employees aware of the supports available to assist them in caring for their wellbeing, such as their agency Employee Wellness Program (EWP).

EWPs are at the forefront of promoting and sustaining employee well-being as they are designed to foster the mental, emotional, and physical prosperity of federal employees by providing tools and resources which can optimize both employee and organizational success. These programs include all services and supports provided under a traditional Employee Assistance Program (EAP), in addition to any augmenting resources or programs which can assist employees in addressing health-related issues and support employees in managing their professional and personal lives.

EAPs can be a vital aid in assisting employees with a wide span of problems which may adversely affect morale, performance, and well-being. EAPs are both free and confidential. They can offer a variety of support services such as mental health counseling, legal aid, and assistance locating dependent care options. EAPs can also assist survivors of abuse and their family members in their road to recovery and healing. Employees experiencing abuse should also be encouraged to utilize the [National Domestic Violence Hotline](#), accessible by dialing **1-800-799-SAFE** (7233) or texting "START" to 88788.

OPM's Work-Life staff is available to assist with questions or inquiries at worklife@opm.gov.

cc: Chief Human Capital Officers (CHCOs)
Deputy CHCOs
Human Resources Directors

Guidance for Agency-Specific Policies Addressing Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment



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Introduction

Gender-based violence (GBV) is a form of discrimination which undermines safety, health, well-being, economic security, and human rights. According to the Centers for Disease Control and Prevention, approximately 41% of women and 26% of men reported having experienced in their lifetime sexual violence, physical violence, and/or stalking by an intimate partner that resulted in an intimate partner violence-related impact (*e.g.*, injury, fear for safety, need for legal services).¹ Approximately 54% of women and 31% of men reported some form of sexual violence victimization involving physical contact by any perpetrator,² and roughly 31% of women and 16% of men reported being a victim of stalking within their lifetime, though many instances go unreported.³ It is important to note that individuals may experience one or more of these forms of violence and that individuals can experience sexual assault and stalking outside of an intimate partner relationship. While GBV can impact all populations, some are disproportionately impacted.⁴ Experiencing GBV is often associated with both immediate-term and long-term consequences including, but not limited to, negative mental and physical health outcomes.

¹ Commonly experienced IPV-related impacts reported by both women and men included concern for safety, being fearful, injury, PTSD symptoms, needing medical care, and needing help from law enforcement. Leemis, R. W. et al. The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence. Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 2022.

² Basile, K. et al. National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Sexual Violence. Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, June 2022.

³ Smith, S. G. et al. The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Stalking — Updated Release. Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 2022.

⁴ For example, almost two-thirds of non-Hispanic multiracial women (63.8%), more than half of non-Hispanic American Indian or Alaska Native women (57.7%), more than half of non-Hispanic Black women (53.6%), about half of non-Hispanic White women (48.4%), two-fifths of Hispanic women (42.1%), and more than one-quarter of non-Hispanic Asian or Pacific Islander women reported intimate partner violence in their lifetimes. Jieru Chen, et al. The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Victimization by Sexual Identity, 2023; The White House. U.S. National Plan to End Gender-Based Violence: Strategies for Action. May 2023.

GBV and harassment in the world of work deeply impact survivors' safety, well-being, and economic security.⁵ Those who cause harm sometimes use employer resources to threaten or harm the survivor, disrupt the workplace and reduce productivity, cause accidents or other safety threats, and potentially create an unsafe environment for other employees.⁶ Abusive individuals often intentionally sabotage survivors' ability to work.⁷ Some survivors may need leave or workplace flexibilities due to the impacts of abuse, including for health reasons caused or exacerbated by domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.

Domestic violence, sexual assault, and stalking have the potential to affect every Federal workplace across the United States. It is the policy of the Federal government to promote the health and safety of its employees, and as the Nation's largest employer, the Federal government plays a critical role in preventing and responding to gender-based violence and harassment, regardless of whether it happens in a traditional workplace setting (i.e., agency location), an alternative agency-approved worksite (i.e.,

⁵ Between 25% to 85% of women have experienced sexual harassment in the workplace (see Feldblum, C. & Lipnic, V. Select Task Force on the Study of Harassment in the Workplace Report of Co-Chairs Chai A. Feldblum & Victoria A. Lipnic. U.S. Equal Employment Opportunity Commission, June 2016; Basile et al. National Prevalence of Sexual Violence by a Workplace-Related Perpetrator. *American Journal of Preventative Medicine*, vol. 58 no. 2, 2020, pp. 216-223.). Additionally, approximately 500,000 women miss work annually as a result of intimate partner violence (see Hess, C. & Del Rosario, A. *Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security*. Institute for Women's Policy Research, 2018, p. 22; D'Inverno, A. et al. *The Impact of Intimate Partner Violence: A 2015 NISVS Research-in-Brief*. Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 2019, p. 12).

⁶MacGregor, J. C. D., Naeemzadah, N., Oliver, C. L., Javan, T., MacQuarrie, B. J., & Wathen, C. N. (2022). Women's Experiences of the Intersections of Work and Intimate Partner Violence: A Review of Qualitative Research. *Trauma, Violence, & Abuse*, 23(1), 224-240.
<https://doi.org/10.1177/1524838020933861>

⁷ Futures Without Violence. 2023. Gender-Based Violence & Harassment and Employment Sabotage: What Employers Should Know and How to Respond. <https://www.workplacesrespond.org/wp-content/uploads/2017/01/Factsheet-GBVH-and-Employment-Sabotage217503.pdf>

a telework or remote work location), or any other place where Federal employees perform their work.⁸

In 2012, the Office of Personnel Management (OPM) was directed by the [Presidential Memorandum on Establishing Policies for Addressing Domestic Violence in the Federal Workforce](#) to improve support for Federal employees and enhance workforce safety. OPM was required to develop guidance on agency policies to prevent and respond to workplace domestic violence, address its effects on the Federal workforce, and provide assistance to employees who experience it. The Presidential Memorandum further required OPM to consider whether to include sexual assault and stalking in such guidance. The following year, OPM released its “Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies,” which provided agencies with direction for implementing the requirements laid out in the Presidential Memorandum. Most recently, in 2023, agencies were encouraged to enhance Federal employees’ access to leave when they need to care for themselves or a loved one in a new [Presidential Memorandum](#). This includes supporting Federal employees’ access, consistent with applicable law, to paid leave, such as sick leave, or leave without pay “for purposes related to seeking safety and recovering from domestic violence, dating violence, sexual assault, or stalking.”

This revised Guidance for Agency-Specific Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment Policies (formerly titled, Guide for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies) provides agencies with direction and resources to support efforts to fulfill these goals. Though many agencies have already taken steps to address gender-based violence in their workforce, every Federal agency should continue to build on and improve their response. In doing so, the Federal government can strengthen supports for Federal workers affected by domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, promote the health and safety of its employees, and improve the quality of its service to the public.

⁸ See also The White House. U.S. National Plan to End Gender-Based Violence: Strategies for Action. May 2023. The U. S. National Plan to End Gender-Based Violence specifically includes as an objective and strategy for action establishing the Federal government as a model employer for preventing and responding to gender-based violence in the workplace.

This Guidance includes the following main components:

- The first component provides definitions of key terms.
- The second component provides an overview of critical considerations for policy development.
- The third component provides specific guidance on the main components of agency policies, including:
 - Leave and Workplace Flexibilities,
 - Disciplinary Actions and Legal Considerations,
 - Support, Employee Assistance Programs (EAPs), Awareness, and Training
 - Building Safety and Security, and
 - Agency Accountability
- Finally, this Guidance provides appendices with helpful documents related to policies addressing domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment which can be tailored to fit the needs of the agency.

Definitions

Cultural Competence

Cultural competence is 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.⁹

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

The use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior, including acts or threatened acts, committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, emotional, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- shares a child in common with the victim; or
- commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

⁹ U.S. Department of Health and Human Services, Office of Minority Health (adapted from Cross et al. 1989). 2005.

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.¹⁰ Since domestic violence can also be referred to as intimate partner violence, these terms can be used interchangeably.

Economic Abuse

Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to (1) restrict a person's access to money, assets, credit, or financial information, (2) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage, or (3) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.¹¹

Employee

For the purposes of this Guidance, an employee is any person employed by a Federal Executive agency as defined in [5 U.S.C. § 105](#).

Employer

For the purposes of this Guidance, an employer is any Federal Executive agency, as defined in [5 U.S.C. § 105](#).

¹⁰ Adapted from *Workplaces Respond to Domestic Violence and Sexual Assault, Employer Policy to Prevent & Respond to Gender-Based Violence and Harassment in the World of Work*. 2024.

<http://www.workplacesrespond.org/>

¹¹ These definitions are based on the Violence Against Women Act of 1994 codified at [34 U.S.C. 12291\(a\)](#) with slight modifications to simplify application of these guidelines

Perpetrator

A perpetrator is an individual who is accused of committing or threatening to commit an act of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.¹² Such persons are sometimes referred to as offenders, abusive partners, abusers, or batterers.

Protection or Restraining Order

Survivors may obtain a civil protection order, sometimes called a protective order, a restraining order, a stay-away order, or a peace order, from a court to protect them from a perpetrator. Such an order also may establish custody of dependents and visitation guidelines and provide for forms of economic security, like child support, rent or mortgage payments, which may last for the duration of the order. Protection orders may also include provisions prohibiting possession of firearms (under [18 U.S.C. 922\(g\)\(8\)](#), a person subject to a qualifying protection order is prohibited from possession of firearms, even if the order does not include such a provision). Protection orders may be issued by civil courts after an individual seeking protection requests it. They may also be issued in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment related crime.¹³

Sexual Assault

Sexual assault includes any nonconsensual sexual act, completed or attempted, or abusive sexual contact, including when the victim lacks capacity to consent.

Sexual Harassment

[Title VII of the Civil Rights Act of 1964](#) prohibits unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably

¹² Adapted from Workplaces Respond to Domestic Violence and Sexual Assault. Employer Policy to Prevent & Respond to Gender-Based Violence and Harassment in the World of Work. 2024.

<http://www.workplacesrespond.org/>

¹³ Adapted from Workplaces Respond to Domestic Violence and Sexual Assault. Employer Policy to Prevent & Respond to Gender-Based Violence and Harassment in the World of Work. 2024.

<http://www.workplacesrespond.org/>

interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. For sexual harassment that involves sexual assault, agencies should follow their sexual harassment policies and [guidance](#) from the Equal Employment Opportunity Commission.

Sexual Misconduct

Sexual misconduct refers to a broad spectrum of actions and behaviors which are sexual in nature and nonconsensual. Sexual misconduct may be threatening, intimidating, or coercive in nature.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for one's safety or the safety of others or (2) suffer substantial emotional distress. Stalking conduct may include, but is not limited to, following, spying on, or waiting for the victim in places such as home, school, work, or recreation place; leaving unwanted items, presents, or flowers for the victim; and making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS and social networking sites.

Victim/Survivor

The term victim generally refers to an individual who is currently subject to, or has in the past been subjected to, domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. The term survivor can refer to an individual who is going through or has gone through the recovery process after experiencing domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.¹⁴ Individuals who have or are currently subjected to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment may refer to themselves as a survivor, victim, or not identify with either term, so it is important to respect the individual's preference when using descriptors.

¹⁴ Adapted from SAKI, The Sexual Assault Kit Initiative. 2015. <https://sakitta.org/toolkit/docs/Victim-or-Survivor-Terminology-from-Investigation-Through-Prosecution.pdf>

Technological Abuse

An act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Trauma-informed Care

Trauma-informed care is an approach to engaging people that recognizes and supportively responds to the presence of trauma symptoms, acknowledges the role that trauma has played and continues to play in their lives, and seeks to reduce retraumatization by prioritizing the needs and well-being of the victim/survivor.¹⁵

Workplace

A workplace is the location where an employee is authorized to perform the duties of their position or utilize the resources of their employer. A workplace may be the location of an employee's official duty station or an approved alternative worksite. A workplace may be the location of an agency worksite or approved telework or remote work site, or an official travel, training, or mobile work location. The availability and character of an agency response to a workplace-related incident may be dependent upon the location at issue.

Workplace-related Incidents

Workplace-related incidents of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment include acts, attempted acts, or threatened acts by or against employees, and/or against employees' families or property, that occur in the workplace or that occur outside the workplace but have a nexus to the workplace. Workplace-related incidents can also include occurrences of cyberstalking, such as sending unwanted, intimidating, and/or obscene electronic communications in a virtual or hybrid setting, and other technological abuse.

¹⁵ Substance Abuse and Mental Health Services Administration. 2012.
https://www.samhsa.gov/sites/default/files/programs_campaigns/childrens_mental_health/atc-whitepaper-040616.pdf

Workplace Safety Plan

A workplace safety plan is a strategy developed in collaboration with a survivor of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, to implement workplace safety options, including but not limited to handling of protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and approval of an alternate work location, changes in parking spots, phone numbers, or email address, and requests for escorts to and from workplace facilities.¹⁶

¹⁶ Adapted from Workplaces Respond to Domestic Violence and Sexual Assault. Employer Policy to Prevent & Respond to Gender-Based Violence and Harassment in the World of Work. 2024.

<http://www.workplacesrespond.org/>

Overview of Policy Development

Roles and Responsibilities

Agencies are responsible for the development of agency-specific policies to address the effects of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. In response to the 2012¹⁷ and 2023¹⁸ Presidential Memoranda, OPM has advised agencies to do the following:

- Agency-specific policies should address each of the main components outlined in this Guidance and should be consistent with applicable law.
- Agencies that already have policies should review those policies and make any necessary changes to ensure alignment with the principles and components described in this Guidance.
- Agencies that do not have policies should develop policies that are in alignment with the principles and components described in this Guidance.
- Agencies are encouraged to support Federal employees' access to paid leave, such as sick leave, or leave without pay, for purposes related to seeking safety and recovering from domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment—including, for example, obtaining medical treatment (inclusive of mental health treatment), pursuing assistance from organizations that provide services to survivors, seeking relocation, or taking related legal action, as well as assisting a family member in engaging in any of these activities. For leave purposes, agencies should use the broad “family member” definition in OPM’s sick leave regulations and [additional safe leave resources](#).

¹⁷ See [Presidential Memorandum on Establishing Policies for Addressing Domestic Violence in the Federal Workforce](#)

¹⁸ See [Presidential Memorandum on Supporting Access to Leave for Federal Employees](#)

Key Steps for Developing and Updating Programs and Policies

Domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment can affect every Federal workplace. There are many different approaches that agencies can take in developing, updating, and implementing agency-specific policies consistent with this Guidance. This section provides some general steps that may be helpful for structuring this process.¹⁹

1. Form a Planning Group

A critical first step in developing or updating an agency policy is the formation of a planning group to evaluate the agency's current ability to prevent and respond to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment incidents, and provide recommendations to strengthen its prevention and response capability. Members of the planning group should bring diverse perspectives and may include, but need not be limited to, representatives from management; employees from varying job roles, leadership responsibilities, and tenure; union members and leaders; survivors who are willing to share their lived experience; employee affinity or resources groups; employee relations; human resources; employee assistance programs (EAPs); the occupational safety and health office; and agency law enforcement or security professionals.

Agencies that are too small to have a law enforcement/security component may have a representative of the Federal Protective Service (FPS) (if FPS provides facility security for the agency) or local law enforcement in the planning group. Depending on the size, structure, and needs of the agency, membership may also include representatives from other appropriate offices.

2. Work with Your Unions

An agency should involve its unions throughout the process of policy development, updating, and implementation, in accordance with any existing collective bargaining agreement, Executive Order 14119, and the federal labor statute. It is good practice to involve unions before decisions are made so that they can express employees'

¹⁹ The content for this section is adapted from: U.S. Office of Personnel Management. 1998. Dealing with Work Place Violence: A Guide for Agency Planners. <https://www.opm.gov/policy-data-oversight/worklife/reference-materials/workplaceviolence.pdf>

concerns and offer their expertise. In some circumstances, unions may also be legally entitled to negotiate over some matters related to the development and implementation of agency-specific policies. Management should consult with labor relations specialists and counsel to ensure compliance with law and existing collective bargaining agreements. When implementing this Guidance, agency management should comply with applicable statutes, Executive Orders, regulations, and collective bargaining agreements and inform their unions of any proposed recommendations that may impact bargaining unit employees prior to implementation.

3. Steps in the Planning Process

The following steps can help structure the planning process for developing and updating agency-specific policies to address domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment:

a. Educate the Planning Group on Gender-Based Violence and its Impacts

To ensure that the planning group has the necessary knowledge to effectively develop and implement survivor-centered, trauma-informed workplace responses to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, and to prevent such conduct, an external subject matter expert, such as a domestic violence service agency or rape crisis center, should be engaged to provide continuous learning opportunities, resources, and trainings and/or workshops on the issue.

b. Assess Current Capacity

It is necessary to conduct an analysis of the agency's current ability to handle incidents related to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment in its workforce. An effective way to begin is by assessing relevant policies, roles responsible for addressing incidents, and the availability and accessibility of information for employees, and by reviewing previous incidents that occurred and evaluating the responses to them. In assessing current capacity, agencies should pay particular attention to available staff expertise, existing level of security, and jurisdictional issues. It may be necessary to engage experts on domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment to assess agency capacity. Agencies should also consider conducting regular, confidential climate surveys of their workforce to learn more about employee knowledge of existing policies and practices, experiences with agency prevention and response activities, and

identify unmet or under-addressed needs, or incorporate questions about these issues in already existing workforce surveys.

c. Gather Data

To inform policy making, agencies should gather data from various sources, including their MD-715 reports, insider threat hubs, disciplinary and adverse action processes, surveys, and Inspectors General.

d. Assess Skill Requirements and Gaps

Even large agencies with numerous resources experience skills deficiencies. In some cases, training may be appropriate to address any skills gaps as described in greater detail in other sections of this Guidance. For example, individuals conducting investigations or supervisors responding to requests for assistance should be trained on gender-based violence and trauma-informed, survivor-centered practices. When it is impractical to maintain in-house expertise for all aspects of agency policies, agencies may solicit outside assistance from entities such as other government agencies, local police, community resources, or reimbursable consultants. Agencies should consider utilizing personnel such as EAP coordinators, Work Life coordinators, and HR practitioners to provide relevant skill assessments.

e. Develop a Procedure for Seeking Assistance or Reporting Incidents

Agencies should develop procedures that provide an effective, confidential, and accessible way for employees to seek workplace accommodations or report incidents and concerns. Because the credibility of any procedures for seeking assistance or reporting incidents will depend on the extent to which requests and reports are handled quickly, safely, and effectively, agency staff responsible for responding to assistance requests or reported incidents should be trained and prepared to handle them, understand confidentiality guidelines, and assess risk.

f. Develop a Survivor Support Plan and Promote Awareness of Policy

Agencies should educate all employees, particularly supervisors who should receive annual GBV related training, about the available workplace accommodations, safety planning, and other [resources](#) available to them including, but not limited to, agency EAPs, available leave and workplace flexibilities options, and local non-Federal support organizations. Agencies should also clearly communicate how to request and access these resources, including which agency staff or office should be contacted,

what information would need to be provided, and what steps will be taken. Agencies should utilize a variety of outreach methods, in accessible formats, including, but not limited to, agency intranets, homepages, email communications, and virtual newsletters to notify employees of the options available to assist them with GBV related matters.

g. Plan to Develop Incident Response Plans

Agencies should develop plans that specify which offices will generally respond to different types of incidents and who will be responsible for different aspects of incident responses.

h. Address the Needs of Employees with Disabilities

As a reminder, each agency should ensure persons with disabilities (e.g., hearing, vision, or speech impairments) continue to be covered by providing appropriate auxiliary aids, including accessible electronic information and communications technology, during training, outreach, and awareness activities, reporting procedures, administration of safety precautions, and an employee's usage of assistance services. In addition, reasonable accommodations must be provided to persons with disabilities where such accommodations are necessary to provide persons with disabilities with equal benefits and flexibilities under agency policies as provided to persons without disabilities.

Components of Agency Policies and Programs

Leave and Workplace Flexibilities

Various types of leave and workplace flexibilities are available to an employee when the employee and/or the employee's family member(s) experience domestic violence, dating violence, sexual assault, stalking, or related types of abuse or harassment. OPM has taken a holistic approach to supporting Federal employees who need time off from work to address issues related to their own or a family member's safety and to seek safety and recover from domestic violence, dating violence, sexual assault, stalking, and related types of abuse or harassment. Helping these employees maintain their work performance safeguards their financial independence to safely rebuild and heal. The programs outlined below should be included in agencies' policies.

Consistent with section 3 of the [Presidential Memorandum, Supporting Access to Leave for Federal Employees](#), OPM issued a new resource: [Time off for Safe Leave Purposes](#) providing a comprehensive list of leave (paid and unpaid, as appropriate), paid time off, and workplace flexibility options available for employees seeking safety and recovering from violence, abuse, or harassment, or when assisting a family member in doing so, as described in this guide. Please refer to this resource for more information about specific types of leave and workplace flexibilities available.

Qualifying Safe Leave Purposes

Agencies should support an employee requesting time off from work for qualifying safe leave purposes related to seeking safety and recovering from domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment (including economic abuse or other forms of technological abuse) to the maximum extent practicable, even in situations, as described in more detail below, where the employee requests leave or other time off through a third party, such as an employee in the HR office who administers the agency's employee assistance program. Also, a past incident may result in current needs as the employee recovers from the incident. Access to Safe Leave should also be extended to an employee assisting a family member for qualifying safe leave purposes.

Federal employees may need time off (paid or unpaid, as appropriate) to engage in various activities for themselves or to assist a family member, such as the following:

- a. Seeking medical treatment;
- b. Seeking mental health services such as counseling or therapy;
- c. Securing housing or relocating;
- d. Obtaining services from organizations or groups that provide services for survivors of domestic violence, dating violence, sexual assault, technological abuse, human trafficking, and/or stalking;
- e. Participating in safety planning or taking other actions to increase safety;
- f. Attending court to obtain a protective order, participate in child custody proceedings, or obtain legal or other victim services; or
- g. Otherwise dealing with the consequences of the abusive behavior (e.g., arranging for childcare, enrolling a family member in a new school due to relocation, etc.).

Time off for “qualifying safe leave purposes” applies when an employee engages in the above-listed or similar activities for themselves or to assist a family member, as appropriate. For purposes of safe leave, agencies should use the broad “family member” definition and list of family members in OPM’s sick leave regulations (See [section 630.201 of title 5, Code of Federal Regulations](#)) and [other OPM resources](#). The definition covers a wide range of relationships, including spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step-parents; step-children; foster parents; foster children; guardianship relationships; same sex and opposite sex domestic partners; spouses or domestic partners of the aforementioned, as applicable; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Agencies should work in collaboration with the employee to consider all options for taking time off and should provide time off and/or other workplace flexibilities to the maximum extent practicable, in accordance with the laws and regulations governing these programs and collective bargaining agreements, and consistent with mission needs, to help the employee remain safe and maintain work performance. Flexibilities work best as part of a workplace safety plan developed with and at the desire of the employee.

Please refer to OPM's [Time off for Safe Leave Purposes](#) for more information about specific types of leave and workplace flexibilities available for purposes related to seeking safety and recovering from domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.

An agency may choose to develop a policy that would allow an employee who is a victim and/or assisting the employee's family member(s), as discussed in this section, the opportunity to request leave or other paid time off through a third party, such as an EAP Coordinator if the employee does not feel comfortable speaking with a supervisor. Although the supervisor is the only person who can approve the leave, the leave request may be made through the third party who would transmit the request to the employee's supervisor. 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 their supervisors know which type of leave is appropriate (e.g., sick leave, annual leave, Family and Medical Leave Act (FMLA), etc.).

An employee's credible statement that they are dealing with domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment should generally be a sufficient basis for an agency to grant applicable types of leave for qualifying safe leave purposes. If the agency deems it necessary to request additional information for purposes of verification, the agency should accept any credible evidence the victim may provide. Supporting information may include, but need not be limited to, a service provider's statement, medical records, or a doctor's statement, as well as a protection order or police or court reports. **Under no circumstances should the agency require the employee to contact law enforcement or otherwise report the violence as a condition for accessing leave. To do so could place survivors in greater danger.**

Disciplinary Actions and Legal Implications

In developing programs, policies, and procedures to prevent and support survivors of domestic violence, dating violence, sexual assault, stalking, and/or related forms of abuse or harassment, agencies should take into account disciplinary and/or legal considerations related to both employees who are perpetrators and employees who are survivors. These considerations include, but may not be limited to, responses to perpetrators and survivors, situations involving employees in the same workplace, handling of contractors, and confidentiality concerns.

Employees as Perpetrators

If agency officials determine that an employee has engaged in acts of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, the agency should take disciplinary action proportionate to the offense. Removal from Federal service under certain circumstances has been supported by Federal case law.²⁰ Managers are strongly encouraged to contact their servicing employee and labor relations specialist in the human resources office or agency counsel for advice and guidance on this issue.

Disciplinary Actions for Misconduct Committed Outside of Work

To take adverse action against employees who commit off-duty misconduct, there must be a proven connection between the specific misconduct of the employee and the employee's ability to perform their duties. That is, when taking adverse action against an employee, an agency must be able to show that there is a clear and direct relationship between the grounds for the adverse action and the employee's ability to perform their duties or some other legitimate governmental interest promoting the "efficiency of the service" ([5 U.S.C. § 7513\(a\)](#)).

[5 U.S.C. Chapter 75](#) requires agencies to establish a nexus between the work of the agency and the employee's performance when taking any disciplinary action for Federal employees (who have completed their probationary period) hired under Title 5 of the United States Code.²¹ Agencies have to establish a nexus by a preponderance of the evidence. When misconduct happens in the workplace or during duty hours, a nexus may be presumed. In certain situations, a nexus may be presumed based on the egregious nature of the employee's conduct.²²

For adverse actions to be sustained by third party adjudicators, the facts that are relied upon to establish a connection between the misconduct and the efficiency of the

²⁰ See: *Carlton v. Department of Justice*, 104 LRP 14987, 95 MSPR 633 (2004) (Employee Federal law enforcement officer removed for acts of domestic violence against his wife and self); *Banks, Jr. v. Department of Veterans Affairs*, 102 LRP 30985 (2001) (Food service worker removed for conviction of domestic violence).

²¹ Nexus may apply to employees hired under other appointment authorities outside of Title 5, beyond the provisions of this chapter, and as determined by the guidance provided by the servicing employee and labor relations specialist and human resources.

²² *Allred v. Dep't of Health and Human Svcs.*, 786 F.2d 1128, 1130 (Fed. Cir. 1986).

service must be proven by a preponderance of the evidence.²³ Penalty determinations are made in accordance with [Douglas Factors](#), a list of aggravating and mitigating factors to consider in establishing the proper disciplinary action, if relevant.

It is well established that an agency can show a nexus linking an employee's off-duty misconduct with the efficiency of the service, among other things, through: (1) a rebuttable presumption of nexus that arises in certain egregious circumstances based on the nature and gravity of the misconduct; (2) a showing that the misconduct affects the employee's or their co-workers' job performance, or that the nature and seriousness of the offense impacts management's trust and confidence in the employee's future job performance; or (3) a showing that the misconduct interfered with or adversely affected the agency's mission.²⁴

Disciplinary Actions for On-duty Misconduct

As mentioned above, agencies have the authority to impose discipline or take other appropriate action for conduct that involves the threat or commission of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment by an agency employee during off-duty hours in certain circumstances. Of course, agencies should also consider the threat of or commission of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, by an agency employee on agency premises or during working hours or at an agency-sponsored event (see nexus requirement above). To the extent that an agency has a suggested discipline guide (e.g., table of penalties), the agency should consider expanding it to include guidance on penalty determinations involving such misconduct. However, agencies without a table of penalties still have authority to impose discipline or take appropriate action for such misconduct.

Disciplinary Actions Pertaining to Alleged Misconduct

The civil service laws permit an agency to place an employee on indefinite suspension when the agency has reasonable cause to believe the employee has committed a crime for which the employee could be imprisoned. The law (at [5 U.S.C. § 7513\(b\)\(1\)](#)) permits

²³ Preponderance of the evidence as defined by: The degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. 5 C.F.R. § 1201.4(q).

²⁴ *Scheffler v. Department of the Army*, 117 M.S.P.R. 499, ¶ 10 (2012), *aff'd*, 522 F. App'x 913 (Fed. Cir. 2013).

agencies to dispense with usual notice periods where the "reasonable cause" standard, as interpreted by the Merit Systems Protection Board and courts, has been met. In proceeding with an indefinite suspension, an agency must also define a condition subsequent to the indefinite suspension (i.e., an ascertainable end) that would terminate the suspension and either promptly return the employee to duty or expeditiously act in taking further administrative action upon completion of the incident it identified when imposing the suspension. A sample of an indefinite suspension proposal notice can be found in *Appendix A*.

Employees as Survivors

Disciplinary Actions against Survivors

There may be instances in which employees who are survivors of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment engage in behavior that would otherwise be inconsistent with workplace standards. For example, an employee may be charged with AWOL for absences arising from domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. In such cases, once the supervisor becomes aware of the domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment issues, the employee should be referred to the resources within and outside the agency for support and assistance. In addition, the impact of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment should be taken into consideration as a mitigating factor in determining whether or what discipline in cases involving the survivor is appropriate. **Agencies should work to make sure that workplace policies do not blame the survivor for the abuse or re-victimize employees who are survivors to the extent possible, while maintaining appropriate workplace standards.**

Non-discrimination

Agencies should not discriminate against survivors of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment in hiring, staffing, discipline, or other terms and conditions of employment. Such treatment re-victimizes survivors. For information about how the equal employment opportunity laws may apply to such situations, see the Equal Employment Opportunity Commission's publication "[Questions and Answers: The Application of Title VII and the](#)

[ADA to Applicants or Employees who Experience Domestic or Dating Violence, Sexual Assault, or Stalking.](#)”

Situations Involving Employees in the Same Workplace

In some situations, both the survivor and the person who committed the domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment are Federal employees working in the same office, building, campus, or work unit and steps may need to be taken to ensure the safety of the survivor. This may include providing alternative workplace arrangements so that the individuals do not have any contact with one another while in the Federal workplace. For example, two employees working in the same building are divorcing and the survivor of domestic violence successfully petitions the court for a civil protection or restraining order against the co-worker who perpetrated the harm, and it requires that the survivor and perpetrator not come within a certain distance of one another. The agency should look at options to maintain safety in terms of switching tours of duty, changing work locations, granting telework, and/or issuing a cease-and-desist order, remembering not to penalize the survivor for the perpetrator’s behavior by, for example, providing them a less convenient accommodation while allowing the perpetrator to keep their original schedule and location.

A directive to avoid contact in the form of a Memorandum of Instruction may be given to both the survivor and the perpetrator by their respective supervisors. This document will outline the agency and employee’s obligations to avoid contact while still performing the functions of their position. The agency’s employee relations team and the response team should be consulted for advice and guidance for the creation of this document. Privacy, confidentiality, and impartiality must be maintained. Both employees should be reminded of their opportunity to use the services of the agency’s EAP.

Situations Involving Contractors

The Federal workplace includes all employees, encompassing those who may not be direct employees of a Federal agency including contracted employees providing services to the Federal Government from an external organization (known commonly as “contractors”). 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, as appropriate, agency security personnel or law

enforcement. If a contractor is a victim/survivor of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, agencies should make security personnel available as necessary to consult on enhancing the safety of the workplace for the contractor and Federal employees. Agencies should consider the provision of additional supports for contractors, such as change of email or phone contact information, or relocation of workspace, and may assist the contractor personnel in contacting their employers to request additional supports.

[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 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 domestic violence, dating violence, sexual assault, or stalking, or related forms of abuse or harassment. While Federal contractors are not legally required to attend training that would otherwise be mandated for Federal employees, agency contractor representatives are strongly encouraged to partner with their contracting officer to provide training related to domestic violence, dating violence, sexual assault, stalking, and/or related forms of abuse or harassment. In addition, an agency may choose to require a contractor to adopt a workplace policy responding to domestic violence, dating violence, sexual assault, stalking, and/or related forms of abuse or harassment, as a condition of contract.

Confidentiality

In developing their policies, agencies should first refer to any preexisting GBV related mandatory reporting policies or guidelines. Agencies should also address what steps supervisors are expected to take when an employee discloses that they committed a workplace-related incident of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, or if the employee discloses they are a victim/survivor of such violence. In addition, it is important to consider the protocol a supervisor should follow if they suspect that an employee may have committed such an incident.

Agencies should recognize and respect a survivor's right to privacy and the need for confidentiality and autonomy. To the extent permitted by law, except when maintaining confidentiality could compromise the security of the workplace or

compromise an ongoing criminal investigation, it is important to maintain the confidentiality of an employee who discloses information regarding an experience of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.

When information provided by a survivor must be disclosed within and/or external to an agency (such as due to security reasons), an agency should limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. The agency should make every effort to provide advance notice to the employee who disclosed information about the fact that the information will be disclosed, with whom it will be disclosed, and why Agencies should carefully consider and understand a survivor's objections to disclosure.

Managers should be aware that the confidentiality of employee information and records related to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment is critical. A manager must determine if there is a need to retain written information. If so, this information should be protected and kept separate from other records maintained on the employee, as well as the employee's electronic Official Personnel Folder (eOPF). Violations of confidentiality could jeopardize the survivor's safety.

Support, Employee Assistance Programs (EAPs), Awareness, and Training

It is critical that agency-specific policies highlight training, awareness, EAPs, and other forms of support regarding domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. Both supervisors and employees should receive regular information and training on what domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment are, the importance of providing empathy, validation, and support to survivors, and the sources of support that exist in their agencies that can positively impact an incident involving domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. Agencies should also include in trainings and awareness raising materials that these behaviors will not be tolerated in the workplace. When possible, these trainings should be in person to ensure participation and express the urgency of this topic. Agencies are strongly urged to provide an appropriate and timely trauma-

informed response to all reported or suspected workplace-related incidents involving domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment because of the known lethality and dangerousness of these behaviors to prevent such incidents from further escalation.

All agency components should consider implementing programs to educate and train supervisors, human resources personnel, internal or external EAP personnel, and employees about the effects of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment on the workplace, as well as workplace policies and responses to survivors and perpetrators, including provisions for confidentiality and privacy requirements and employer and employee obligations under this policy.²⁵ Personnel who are responsible for adjudicating clearances and processing background checks—such as Security Managers, Special Security Officers, and Personnel Security staff—should be offered additional training to ensure they are sensitized to GBV and common examples of abuse that could, without context, present an issue for the ability of the survivor to maintain a clearance or be adjudicated favorably in the process of applying for a clearance.

Support and Assistance

Workplace support, including access to support services (such as an Employee Assistance Program), appropriate responses from supervisors, and referrals to culturally competent victim service providers for immediate and on-going trauma-informed care and support, should be identified, regularly updated, and offered to employees who are victims of domestic violence, dating violence, sexual violence, stalking, or related forms of abuse or harassment to minimize the impact of the violence on the survivor and others in the workplace and to protect survivor and workplace safety.²⁶

Any worker who has a concern about the workplace impact of domestic violence, dating violence, sexual violence, stalking, or related forms of abuse or harassment should be encouraged to contact appropriate personnel. It is important to state that no

²⁵ Best practices on developing gender-based violence education and training programs can be found at: <https://www.workplacesrespond.org/wp-content/uploads/2017/01/Culture-Change-Best-Practices195457.pdf>

²⁶ To find local victim service programs, visit: <https://www.justice.gov/ovw/local-resources>

one will be retaliated against for contacting someone to report domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.

Employee Assistance Programs (EAPs)

EAPs can be a strategic partner and valuable resource in addressing domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment as a workplace issue, and referring survivors to specialized services. The EAP should provide consistent education and awareness opportunities to maintain an understanding of the dynamics of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, and have appropriate resources to provide information about a variety of internal and external services to employees affected by these issues. The EAP should also be able to support Federal agencies in their response to the needs of employees affected by domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. To the extent possible, the EAP should work in conjunction with agency and/or building security, with the employee's permission, to plan for the safety of the workforce when incidents of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment affect the workplace.

Referrals of Victims and Resources List

EAP Referral

An EAP referral can be a simple tool to encourage survivors of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment to seek out help from agency professionals at the EAP. The referral does not need to be written.

Resources

Agencies are encouraged to maintain a list of community-based resources for victims of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, and should provide employees with information regarding crisis hotlines and local and national service providers, including EAPs when available, that can assist survivors. The agency EAP may already have such resources available. In this case, the agency should make that information available to managers as well so that employees who are in immediate need can access this information easily.

Workplace Awareness and Outreach

Agency-specific policies should address increasing awareness of issues related to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment among both employees and managers. Information should include the phone number for the National Domestic Violence Hotline, the National Sexual Assault Hotline, and information, in accessible formats, about what domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment are. Below is a list of possible methods to increase awareness:

- Agency-wide emails
- Agency intranet and homepages
- Website or newsletter alerts and articles
- Posters, brochures, or safety cards:
 - Distributed to all employees
 - Distributed in lunchrooms, meeting areas, and restrooms
 - Available through human resources, employee services, and/or managers
 - Distributed at agency employee events
- On-boarding materials

Agencies should consider what methods of awareness and outreach are appropriate for them.

Training

It is also critical that agency-specific policies include a plan for specific education and training options for supervisors, human resources professionals, EAP providers, and employees. At a minimum, agencies should provide regular training opportunities.

Training elements for employees may include but are not limited to:

- What domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment are, and strategies to prevent their occurrence
- The dynamics, prevalence, and impacts of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment

- Explanation of why domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment are workplace issues
- Acknowledgement of the potential difficulty in discussing domestic violence, dating violence, sexual assault, and stalking, or related forms of abuse or harassment
- Best practices on preventing the incidence of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment in the workplace
- Workplace responses, including reporting GBV, education, referral services, support (such as EAP and through the human resources office), discrimination complaint procedures, and safety and security
- Workplace flexibilities available to employees
- How to talk to a co-worker about domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment
- How retaliation for reporting incidents is not permitted
- How to exercise cultural competence when addressing domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment within a diverse Federal workforce
- How to exercise and strengthen compassion and empathy

In addition to the above, training elements for managers may include but are not limited to:

- Worksite-specific actions that managers are required to implement when responding to threats of violence at work
- Policy-based responses to workplace needs of victims, including requests for time off, workplace flexibilities, and performance concerns
- Knowledge of internal resources (such as EAP and the human resources office) and external victim service organizations
- Ways to educate employees about the policy, including distributing information and resources at worksites
- Dynamics of the mental health aspects (e.g., depression and post-traumatic stress disorder)
- Risk factors in vulnerable populations (e.g., older persons and persons with disabilities)

- How to develop a workplace environment that can prevent the incidence of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment in the workplace
- Trauma-informed supervision strategies and methods for handling sensitive disclosures in an empathetic and trauma-informed manner
- Common behavior, reactions, and emotions of victims
- Understanding the unique domestic violence and sexual assault issues and higher statistics for individuals with disabilities, especially those with intellectual and developmental disabilities
- How to exercise cultural competence when discussing domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment with an employee or co-worker

Agencies may use one or several of the following ways to provide training regarding domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment in the workplace:

- New employee orientation or new manager training
- In-person training or workshops
- Web-based training
- Video-conferencing
- Supplementing training with policy and resource content in employee handbooks, management guidebooks, or other written policy and procedural materials

Training may involve partnering with national and/or local domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment experts to offer immediate access to people with the knowledge to assist employees in need of support. Also, domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment content may be incorporated into other training and training agendas, such as workplace violence prevention training, work/family seminars, health and safety trainings, basic manager training, and EAP orientations.

Training should include resources for employees who may disclose domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment incidents during the training (such as on-site counselors with expertise in domestic

violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment).

Building Safety and Security

It is imperative that agencies engage security personnel, leadership, and appropriate staff in the development of a policy. Although not mandatory, the following suggestions may assist with policy development. In order to ensure victim and workforce safety, agency policies should address multiple aspects of building and employee security.

The most effective response in dealing with the workplace threat of a perpetrator's criminal behavior is to treat that threat like any external threat to the workplace. Do not expect that the survivor has the ability to control or limit the risk.

Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment Response Team(s)

Each agency should create one or more multi-disciplinary Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment Response Teams to assess incidents of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment impacting the workplace²⁷. These teams should be trained on addressing the needs of victims of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. They should include representatives from the agency's security, human resources, employee assistance, and other appropriate offices. Taking into consideration this Guidance's confidentiality section, agency personnel, including human resources or security staff, who identify a situation may consider contacting the members of the team so that a plan can be developed and implemented in collaboration with the survivor employee. Domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment situations do not always need to be escalated to the response team level. In many instances, a survivor can effectively handle the situation with their supervisor.

²⁷ A workplace may be the location of an agency worksite or approved telework or remote work site, or an official travel, training, or mobile work location. The availability and character of an agency response to a workplace-related incident may be dependent upon the location at issue.

The team should be tasked with developing recommendations for the specific threat reported to the team and work with the survivor and management to implement the safety plan. The survivor's own assessment of the level of threat must always be respected and factored into this process as they know how to best navigate their situation. Subject to any applicable legal restrictions (including but not limited to the Privacy Act), the survivor should have access to the records of any response team discussions.

Safety Planning

A safety plan is a survivor-led tool that outlines a set of actions that can help lower the risk of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. Safety plans, best developed with a trained victim advocate, cover safety in the home, including options for alternative housing arrangements and items to have readily available in case of a need to quickly vacate the home; how to safely commute to school and/or work; who can serve as an emergency contact; protecting access to email, phone, and online accounts and vital documents; keeping children safe; and strategies to promote emotional health. Workplace safety plans include provisions such as change of office space or work schedule.²⁸

Developing a workplace safety plan that includes and respects the views and preferences of the affected employee is an essential element of threat management. When an incidence of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment violence, stalking, or other offense affects the workplace, it is important that employees and managers know what to do. Led by the survivor and the victim's supervisor, or other support personnel as appropriate, agency management officials should develop the workplace and telework components of their safety plans to assist victims. 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 attack, if the employee agrees to such measures. A safety plan could include a change of the employee's phone number and email address, providing a new location for parking, providing secured parking, or changing the local of a work location, including

²⁸ Adopted from Employer Guide to Safety Planning- Workplaces Respond to Domestic and Sexual violence available at <https://www.workplacesrespond.org/resource-library/employer-guide-to-safety-planning/>.

increasing access to telework. The agency domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment response team should also be involved in safety planning.

To the greatest extent possible, agency security office personnel should refer victims to appropriate agency EAPs, law enforcement with jurisdiction over the matter, and community resources. These resources can assist survivors with navigating the criminal justice system, obtaining a civil restraining order and legal representation, and other victim concerns. Together with qualified agency management, these resources can also advise survivors on the following:

- Dealing with telephone, internet, or mail harassment in the workplace
- Addressing safety when entering or leaving a worksite, including walking between parking lots and worksite buildings
- Using technology to enhance safety (e.g., cellular phones)
- What to do if confronted in the workplace by the perpetrator
- What to do if the victim sees the perpetrator trying to enter the workplace

In addition, qualified agency security office personnel can provide a valuable first line of defense for employees who are pursued or stalked by a perpetrator. It is critical to involve the security office when the survivor and perpetrator work in the same physical location. Perpetrators and stalkers are known to 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:

- How well trained are officers, including contract security officers, with respect to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment as it impacts the workplace?
- Are agency policies and procedures easily accessible and distributed as appropriate?
- Do employees inside the building open the door to strangers who have "forgotten their IDs"?
- Do employees receive annual security training that incorporates discussion of workplace violence concerns?

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

Agencies should be prepared to take timely action every time they become aware of a problem or potential problem. These recommendations can be used as part of an overall workplace safety plan if there is an immediate threat to the employee:

- Distribute the perpetrator's photo to security guards
- Approve the employee's request to change the employee's work schedule and/or alternative worksite when possible. This may be necessary to ensure that there is no disruption in the workplace.
- Change the employee's telephone extension
- Have calls screened, transferring harassing calls to security if applicable
- With the survivor's consent, inform the survivor's co-workers and others about limiting information about the survivor (e.g., survivor's whereabouts or time of return) that the perpetrator might attempt to obtain by telephone and internet communication
- To the greatest extent possible, ensure that hallways, elevators, parking lots, and offices are well-lit
- Provide security mirrors or emergency contact alarms for the employee's workplace (i.e., panic alarm)
- Offer the survivor a parking space close to the building, if available
- Inform the employee of additional points of contact beyond the supervisor who can assist the employee with additional needs (i.e., EAP coordinator, Victim Advocate)

Agency response teams should remain available to the employees to address workforce safety needs until relevant situations are resolved. This contact will increase the likelihood that the agency will receive critical updates on the perpetrator's whereabouts and the status of legal proceedings.

Addressing Physical Layout of Worksite

Security personnel, supervisors, and other appropriate agency staff should regularly receive training on the dynamics of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. They should work with survivors to assess the physical layout of the worksite and identify possible threats to survivor

safety as well as changes that can be made to enhance safety. For example, victims who work in venues that are accessible to the general public, or where their view of people coming and going is obstructed, may have an increased sense of safety with a change in the physical placement or layout of their offices. Public service environments may present challenges that require an agency's Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment Response Team to come up with alternative plans with the assistance of law enforcement, if necessary, and in consultation with survivor.

The following guidelines should be considered for each case of possible on-site intrusion:

- Ensure that the layout does not allow someone to sneak up on the survivor (e.g., victim has back to the door, lobby, or street-level window)
- Consider the use of barriers (desks, dividers, walls, furniture) between the survivor and entrances that a perpetrator might use to enter the workplace
- If the agency's components have workplaces in multiple locations, it is helpful, and potentially lifesaving, to offer to relocate a threatened employee to alternate worksites unknown to the perpetrator. This relocation should be handled with the strictest confidentiality and respect for victim autonomy related to worksite relocation
- For employees who work in non-office settings, agencies are urged to implement appropriate safety precautions.

Addressing Information Technology and Cybersecurity Concerns

In consultation with the survivor, the agency's security personnel should coordinate with the agency's information technology (IT) personnel to address survivor safety and cybersecurity concerns. These concerns include the employee/perpetrator use of information technology to harass or stalk a victim (e.g., through an agency-issued device, such as a phone or computer). As appropriate, the above-described safety plan should address these concerns, including removing identifying information, such as the victim's telephone number and office location, from the agency's and its component's public websites. An employee who uses the agency equipment to engage in harassing or stalking behavior may be subject to disciplinary action up to and including removal from Federal service.

Firearms and Workplace Safety

Relevant to domestic violence, employees are reminded of Federal law prohibiting possession of firearms. Specifically, under certain provisions of the Federal Gun Control Act, persons subject to a qualifying protection order ([18 U.S.C. § 922 \(g\)\(8\)](#)) or convicted of a qualifying misdemeanor crime of domestic violence ([18 U.S.C. § 922\(g\)\(9\)](#)) are prohibited from possessing firearms or ammunition. For more information about protection orders and federal firearm provisions, see the following [guide](#).

The provision relating to misdemeanor crimes of domestic violence, also known as the “[Lautenberg Amendment](#),” makes it a felony for anyone convicted of a misdemeanor crime of domestic violence such as an assault or attempted assault on a family member, to ship, transport, possess, or receive firearms or ammunition. This means that if a person is convicted of a qualifying misdemeanor crime of domestic violence, the individual may not possess firearms even for official use, such as during duty as a law enforcement officer. Agencies should conduct annual reviews to ensure compliance with these laws.

In addition, Federal law prohibits the knowing possession of, or the causing to be present of, firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by [18 U.S.C. § 930\(d\)](#). For federal facilities where the General Services Administration (GSA) is the landlord, firearms and other dangerous weapons are also prohibited under [41 C.F.R. § 102-74.440](#). Agencies should publish annual reminders to ensure compliancy with these laws.

Working with Local Law Enforcement

Appropriate agency security personnel may determine that local law enforcement agencies should be contacted when there is a risk of violence that could affect one or more employees. Local police may have information that could be helpful in assessing the level of threat against an employee while they are at work. For example, they may have dealt with the perpetrator in the past and are familiar with their patterns of violence. It is critical that survivors be informed that the police will be notified as it could result in unintended harm to themselves and their family. Agencies should ensure their records and management policies define how to handle this material, and that individuals are appropriately trained on the retention and disposition of this information.

The agency response team should identify which Federal or local law enforcement agency or agencies have responsibility for its worksite. For example, the FPS is the primary law enforcement service for responding to incidents in Federal facilities under the charge and control of the GSA as an owned or leased facility. FPS typically locates its offices in areas where there is a high concentration of Federal employees and is capable of providing timely responses to GSA-owned or leased facilities in these areas. For immediate responses to GSA-owned or leased facilities in rural areas and/or areas with a small Federal presence, law enforcement officials from local jurisdictions should be contacted. Agencies should locate the FPS regional office for their jurisdictions to [report suspicious activity](#).

Whether federal or state/local law enforcement has jurisdiction at a federal facility depends in part on the agency, the location of the office, legislative jurisdiction of the facility, and the type of incident or situation. Gaps may exist in law enforcement coverage when issues of workplace violence arise. These gaps should be addressed in the agency's emergency response and safety plan.

Some agencies have in-house security and/or law enforcement organizations. Others have contracts with private security firms. It is not always clear who has jurisdiction and who should be contacted, so agencies need to be ready with the information when the need arises. Each agency will need to address its jurisdiction issues.

Protection and Orders of Protection

Agencies should recognize that a survivor may seek a protection order as part of their efforts to become safe and as part of their workplace safety plan. It is important to recognize that the workplace may or may not be included in a civil protection order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection order, an agency, wherever possible (as determined in consultation with legal counsel and agency security staff), should provide related assistance to the employee. Agencies should maintain any copies of such orders in a confidential and separate file from employee's personnel file. If applicable, agencies should assist the employee in gathering documentation from the workplace, such as email or voicemail messages, that could assist the employee's efforts to obtain or maintain safety from a perpetrator. Agencies should consider the confidentiality and Privacy Act implications of their record-keeping decisions.

Suggested Safety Steps for Survivors

Agencies should consider the following safety steps in their guidance:

- Encourage the employee to save any threatening email or voicemail messages. These messages may be used for future legal action or can serve as evidence that an existing restraining order was violated.
- If the employee obtains a protection order, it should encompass the employee's official workplace or approved alternative worksites. The order should identify the federal facility/workplace with specificity rather than simply providing a set distance that the subject must keep from the victim. The employee should keep a copy of this order with them at all times. The employee should be encouraged to provide a copy to the agency's security office, local law enforcement, their supervisor, human resources staff, and other appropriate offices. The employee should also be encouraged to provide a picture of the perpetrator to their agency's security offices and those staffing reception areas.
- The employee should identify at least two emergency contact persons in case the employer is unable to contact the employee. It must be clearly understood by the employee that these persons will be contacted when an unexplained absence occurs. If an absence is deemed appropriate, the employee should be clear about the plan to return to work. While absent, the employee should maintain contact with their manager or the designated agency contact.

Agency Accountability

Establishing accountability is a necessary component of any successful agency-specific policy. This includes assigning responsibility within an agency for monitoring, evaluating, and reporting on progress.

Appointing a Point of Contact

Essential to accountability is having one central contact (individual or an office) and a regular report back to the agency stakeholders on progress. To that end, agencies should identify a single point of primary contact (POC) for this issue. The POC should be responsible for monitoring and evaluation efforts.

Monitoring and Evaluating Agency Responses and Results

Monitoring is an important management function for prevention and response, and simple checks on whether new procedures are being consistently implemented are

needed. It is important to review incident reports for both the quality of responses and the number of actions taken.

Any type of monitoring or evaluation depends in part on written or electronic records. It is crucial that any relevant record be kept in a properly secured, confidential file and only shared, as necessary, with appropriate personnel, such as those in security and management roles. In developing policies, agencies should consider whether they will want to create new sets of records relevant to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment response or whether each responder will keep records within the existing scope of their responsibilities. For example, will multi-disciplinary response teams create their own records, or will each member keep their own records within the scope of their role on the team? Agencies should consider the confidentiality and Privacy Act implications of their record-keeping decisions.

In order to ensure transparency and identification of areas of progress and needed improvement, agencies should prepare an annual summary report (based on fiscal year) on related activities to be shared with agency stakeholders.

The report for a given agency should be an agency-wide review and should contain at least the following components:

- Goals for specified period of time (short- and long-term goals)
- Progress toward meeting specified goals
- Identification of measures for evaluating program effectiveness

Agencies should take special care to ensure that identifying information is not exposed in annual reports.

Evaluation Considerations

Agencies should consider a number of outcomes in conducting ongoing monitoring and evaluation of programs to prevent domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment and support employees who are victims of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, such as those described in the Annual Review Checklist in *Appendix B*. To monitor responses on an ongoing basis, it is recommended that agencies review their current employee surveys for the possibility of adding survey

items related to this Guidance's topics. Some issues that agencies might want to address in an employee survey are: (1) awareness of resources to prevent and address domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment; (2) satisfaction with such resources; and (3) frequency of the use of support services.

Additionally, it is important to monitor the usage rate of employees accessing services for survivors of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment over time. Higher usage would tend to indicate that the services provided are meeting employee needs. To begin a process for regular monitoring of workplace responses to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, agencies should consider the use of a questionnaire, such as the sample in *Appendix C*.

Summary

Domestic violence, dating violence, sexual assault, stalking, and related forms of abuse or harassment are serious forms of violence with multiple layers of consideration. Each of these has a direct impact on policy development. OPM strongly recommends that agencies consider the following areas when developing their policies: (1) workplace flexibilities, (2) disciplinary actions and legal considerations, (3) training, awareness, and EAPs (4) building safety and security, and (5) accountability.

Questions should be addressed to worklife@opm.gov.

Appendices

- [Appendix A: Indefinite Suspension Proposal Notice](#)
- [Appendix B: Annual Monitoring of Programs to Prevent and Address Domestic Violence, Sexual Assault, and Stalking and their Impacts on Employees and the Workplace](#)
- [Appendix C: Sample Domestic Violence, Sexual Assault, and Stalking Checklist: Threat Assessment](#)

Appendix A: Indefinite Suspension Proposal Notice

DATE:

TO:

FROM:

SUBJECT: Proposal of Indefinite Suspension

This is notice that I propose that you be suspended without pay for an indefinite period of time from your position as _____. The information in the record indicates that there is reasonable cause to believe you may have committed a crime for which a sentence of imprisonment may be imposed. Accordingly, as provided by 5 U.S.C. § 7513(b)(1), you are being provided seven (7) days' advance notice of this proposed action. The proposed suspension, if instituted, will be effective no earlier than seven (7) calendar days following the date of your receipt of this notice. Should this proposal result in an indefinite suspension, it will remain in effect until the conclusion of your criminal proceedings, or until there is sufficient evidence to either return you to duty or to support an administrative action against you. The basis for this proposed indefinite suspension is Criminal Docket Case#: [cite if available]

The alleged criminal conduct of _____ is serious in nature, has a direct relationship to your Federal employment and the duties you perform, and calls into question your trustworthiness. Your position as _____ requires you to [state specific purpose]. The offenses described in the charge above are antithetical to the duties required of you in your [Agency] employment in that [explain how the public trust reposed in the employee has been breached by such conduct, how such conduct relates to the employee's duties, and/or how such conduct impacts the Agency's ability to trust the employee to carry out their duties in the future.]

I have considered the fact that [Agency] has a formal table of penalties, which provides for an indefinite suspension where an employee has engaged in "conduct which causes the employee to be indicted or charged with a criminal offense which is related directly to the duties of the employee's position or the mission of the Agency and for which a sentence of imprisonment may be imposed."

[Note: Alternative language if the agency does not have a table of penalties. Also, use this language for the *Douglas* factors analysis if the agency has a table of penalties.] In

deciding to propose your indefinite suspension I have taken into consideration the factors set forth in *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981) (the *Douglas* factors) and determined that an indefinite suspension is the appropriate penalty to propose:

- a) **The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;**
- b) **the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;**
- c) **the employee's past disciplinary record;**
- d) **the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;**
- e) **the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's work ability to perform assigned duties;**
- f) **consistency of the penalty with those imposed upon other employees for the same or similar offenses;**
- g) **consistency of the penalty with any applicable agency table of penalties;**
- h) **the notoriety of the offense or its impact upon the reputation of the agency;**
- i) **the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;**

- j) **the potential for the employee’s rehabilitation;**
- k) **mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and**
- l) **the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.**

Based upon the forgoing, I have considered that your retention in a duty status or any pay status is not in the best interest of the [Agency]. This action is being taken to promote the efficiency of the Federal Service.

You will receive a final written decision on this proposal. If you are indefinitely suspended, the decision notice will inform you of the date on which your suspension without pay (non-pay, non-duty status) will begin.

You have the following rights in connection with this proposed action:

To Reply: You may answer this notice orally, in writing, or both. You should send any written reply to: [Deciding Official, Mailing Address].

You will be allowed seven (7) calendar days from the date you receive this notice to submit your written response. If you need an extension of the time limit for a reply, you may submit a written request to _____. Should you wish to make an oral reply, please telephone [ER Specialist, Phone] within seven (7) calendar days upon receipt of this notice to schedule a time to present your oral reply. You may also submit affidavits and other documentary evidence in support of your answer.

To Be Represented: You are entitled to be represented by an attorney or other representative in this matter. Both you and your representative must complete and sign the enclosed “Memorandum for Designation of Representative” form and fax it to: [ER Specialist, Fax].

Should you choose to seek representation, we have enclosed an additional copy of this proposal letter.

To Review Materials: You and/or your representative may review all of the materials relied upon to support the reasons contained in this notice. You may arrange to do so by telephoning [ER Specialist, Phone].

To Appeal: [Agencies should add their tailored appeals right language used in adverse actions in compliance with section 1097(b)(2)(A) of Pub. L. 115-91.]

Status During Notice Period: You will continue to be carried in non-duty, pay status (administrative leave) during the notice period, and until further notice. Therefore, I am instructing you that during this period you are not to return to the [Agency] grounds for any purpose.

[The deciding official] will issue a decision as soon as possible after [he/she] receives your reply to this notice, or after the expiration of the 7-calendar day period should you not respond.

Any change in your address or telephone number needs to be reported to me so that the Agency may continue communicating with you about the status of your employment. Should you have any questions about the contents of this notice or your rights in connection with it, please contact [ER Specialist, Phone].

Sincerely,

[Proposing Manager]

Appendix B: Annual Monitoring of Programs to Prevent and Address Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment and their Impacts on Employees and the Workplace

This document provides recommendations for establishing an annual process to monitor the effectiveness of an agency's prevention of and response to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment and their impacts. This includes providing support for employees who may be impacted by such incidences.

To operationalize these recommendations, a dedicated Advisory Team with representatives throughout the agency should be established to provide support and guidance regarding ongoing monitoring and evaluation (see pages 11 - 12 of guidance). The Advisory Team should consider developing an annual, internal report to document changes in the data and any recommendations for ways to improve responses.

It is important to keep in mind that collecting such data may appear to indicate an increase in incidence of violence. Many factors impact the likelihood that a survivor/employee might report or disclose violence. In actuality, any evidence of higher incidence may reflect greater awareness of and trust of the reporting process than in the past or improved perception of available resources.

Data Collection

Set up a system for the annual collection of relevant information. Review the results from the data collection and make appropriate changes to your current programs and policies to prevent and address domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment, where appropriate.

Maintaining employee confidentiality and safety must be a central concern while collecting information and issuing internal or external reports on collected data. In general, data should be general, aggregate, and anonymized and separated from specific demographic data. If a division is very small or has a very low number of a specific employee demographic- such as women- agencies should carefully combine data to ensure that the reporting employee is not obvious to internal observers, beyond those appropriately familiar with the situation, such as a supervisor. Reporting

employees should also be aware of how data about their disclosure is collected and reported both internally and externally and consent to this data collection.

*Note: Under Section 301 of the No FEAR Act, federal agencies are required to collect and post certain summary statistical data on their public websites relating to equal employment opportunity (EEO) complaints, including sexual harassment, filed against them. The data collection summarized below should be conducted alongside required EEO data collection. Sexual harassment exists on a continuum of harm and preventing sexual assault in the workplace must also include efforts to prevent sexual harassment. EEO information on sex or race-based discrimination may provide useful insight into the context within which employees may be disclosing experiences of domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment. For sexual harassment that does not rise to the level of sexual assault, agencies should follow their sexual harassment policies and [guidance](#) from the EEOC.

Below is a list of information that can assist agencies in monitoring and strengthening programs and policies:

1) Number of managers and supervisors receiving training* and/or educational information on domestic violence, dating violence, sexual assault, and stalking, or related forms of abuse or harassment workplace policies; on how domestic violence, dating violence, sexual assault, and stalking, or related forms of abuse or harassment impact employees; and how to support those they supervise(see [Guide: How to Create an Education Program](#)).

2) Number of employees receiving training* or educational information on workplace policies: on how domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment impact employees; and on and how to support coworkers dealing with these issues (see [Guide: How to Create an Education Program](#)).

*Note: Agencies should consider evaluating their training efforts to assess their effectiveness in improving prevention of and responses to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment in the world of work.

- 3) Aggregated number of employees requesting information about leave from work, or additional workplace flexibilities relating to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment.
- 4) Number of copies of civil or criminal protection orders (in aggregate form) provided to management by employees or obtained by the employer in consultation with the employee (see [Protection Order Guide - Workplaces Respond to Domestic and Sexual Violence](#)).
- 5) Aggregate number and/or percentage of employees requesting help regarding domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment through employee assistance program services (see [Model Documentation and Reporting Form](#)).
- 6) Summary records of threat assessments and violence prevention actions taken related to specific safety plans made to respond to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment threats and/or prevent incidents of such violence in the workplace (see [Preparing your Workplace for Worker-Centered Response to Potential Threats](#) and [Employer Guide to Safety Planning](#)).
- 7) Changes to policies or procedures relevant to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment that were implemented during the last year.

A review of the above information should provide a snapshot of activities over the year and a comparison for any prior year's activities. Use the information to plan necessary changes to increase awareness of helpful responses to domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment and their impact. For additional resources specific to the Federal setting, see [Federal Workers & Workplaces - Workplaces Respond to Domestic and Sexual Violence](#).

Source: Adapted from Workplaces Respond to Domestic Violence and Sexual Assault, 2024.

Appendix C: Sample Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment Checklist: Threat Assessment

All reports of threatening or violent conduct related to gender-based violence (including domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment) should be taken seriously and evaluated. While the method of evaluation, screening, and assessment will vary depending upon the size of the agency 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 domestic violence, and it appears that they may be in immediate danger, call 911. A threat assessment should take place if the danger is present, but not urgent. An agency must decide who should conduct the assessment, whether it should be security, a human resources representative, or a manager. Be sure to let the employee know that only certain information will be shared with human resources, security and other key people within the organization to ensure their safety.

Call 911 if you are ever in immediate danger.

1. What is the situation? Please explain the details²⁹
2. Who has made the threats or caused harm?
3. What type of abuse have you been exposed to?
4. Have there been any harassing phone calls?
5. Have there been any harassing electronic communications (texts, emails, voicemails, social media post/comments, etc.)?
6. If so, have they been deleted? (Explain how the organization can help screen and/or record them).
7. Are your co-workers aware of the situation?
 - a) If so, who are they and what information has been given to them?
8. Does the individual threatening or harming you know where you work?
9. Do you know whether the person threatening you has a history of violence and/or harassment?

²⁹ Please note that if children are involved in a situation of domestic violence, there may be mandatory reporting implications. Agencies should consult with their General Counsels regarding whether there are mandatory reporting obligations applicable to their staff.

10. If so, please explain each situation.
11. Do you think you or others are in danger? (The survivor knows best what the person threatening them is capable of.)
12. Do you know whether the individual threatening or harming you possesses any type of firearms or weapons?
 - a) If so, are they registered?
 - b) Please describe the type (handgun, shotgun, assault rifle, etc.)
13. What is the status of your relationship?
14. Have you contacted the EAP, a national hotline, or a victim service program in the community?
15. Can I help you gather or provide you with the numbers of local victim service resources?
16. Has a report been filed with the police?
 - a) If so, please provide a copy of the report.
17. Has an order of protection been issued?
 - a) If so, please provide us with a copy.
 - b) If not, will one be filed?
18. Can you provide us with a description and current picture of the person threatening or harming you?
19. What is your need for safety at the present time?
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 time off or flexible hours to arrange for childcare?
23. Do you need to change your hours or location, or work contact information?
24. Do you have the confidential security hotline handy?
25. Do you have a safety plan?
 - a) If not, it would be a good idea to work with a victim advocate to create one (see [Employer Guide to Safety Planning](#)).
26. Do you feel safe at work?
27. Has the person causing you harm (use the term the survivor uses) made any threats, specifically to try to hurt you at work?
28. What other assistance do you need?

At this point, if there is no threat to the safety of the survivor at work, make the employee aware of relevant workplace policies and accommodations, and offer referrals to local victim service agencies 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, Dating Violence, Sexual Assault, Stalking, or Related Forms of Abuse or Harassment Response Team should be taken. Always consult your security department, the police, or other experts to help you make an accurate threat assessment.



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