

MS 649 Peace Corps Staff Domestic Violence, Sexual Assault, and Stalking Policy

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Responsible Office: Office of Human Resources

New Manual Section

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MS 649 Peace Corps Staff Domestic Violence, Sexual Assault, and Stalking Procedures

1.0 Authority

[Presidential Memorandum - Establishing Policies for Addressing Domestic Violence in the Federal Workforce](#), dated April 18, 2012.

2.0 Purpose

Peace Corps seeks to promote and maintain a safe work environment free from Domestic Violence, Sexual Assault, and Stalking for its employees. All reports of such incidents will be taken seriously and dealt with in a timely and appropriate manner.

3.0 Scope

This Manual Section applies to all Peace Corps U.S. Direct Hires and Personal Service Contractors (“PSCs”). Foreign Service Nationals are covered by the Chief of Mission authority and will be referred to the Embassy for further assistance and action.

4.0 Definitions

- (a) **Domestic Employee** means any employee who is assigned to a position within Peace Corps Headquarters or a Regional Recruiting Office.
- (b) **Domestic Violence** is a pattern of coercive behavior, including acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, current or former intimate partner, current or former dating partner, or person with whom the perpetrator shares a child in common. This behavior includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation or control, verbal abuse, stalking, economic control, harassment, threats, physical intimidation, or injury. Domestic Violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic Violence can occur in

heterosexual and same-sex relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship.

- (c) **Employee** is any person employed by a Federal Executive agency as defined in 5 U.S.C. § 105. This includes Personal Services Contractors (PSCs). This does not include Volunteers/Trainees, employees of private contractors hired by the agency, or Foreign Service Nationals (FSN), whose concerns are addressed through the embassy management office.
- (d) **Employee and Labor Relations Team** is a division in the Office of Human Resources (HR) that advises and facilitates on employee and labor relations matters.
- (e) **Family Member** is any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, including an employee's 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, and spouses or domestic partners of the aforementioned, as applicable.
- (f) **Overseas PSCs** means a Personal Service Contractor (PSC) who is assigned to a position or task outside of the United States.
- (g) **Perpetrator** is an individual who commits or threatens to commit an act of Domestic Violence, Sexual Assault, and/or Stalking.
- (h) **Protection or Restraining Order** is a civil or criminal court order sometimes called a restraining order, protection order, a stay-away order, or a peace order, mandating that the perpetrator refrain from coming into physical contact with or communicating to the victim.
- (i) **Sexual Assault** means Rape, Aggravated Sexual Assault or Non-Aggravated Sexual Assault as defined in the Peace Corps' Consolidated Incident Reporting Guide.
- (j) **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - (1) fear for his or her safety or the safety of others; or
 - (2) suffer substantial emotional distress.

Stalking 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; making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property; posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; and obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting victim's friends, family, work, or neighbors. 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.

- (k) **Victim** is an individual who is currently subject to, or has in the past been subjected to, Domestic Violence, Sexual Assault, and/or Stalking.
- (l) **Workplace** is an employee's official duty station or alternative work location that is associated with the employee's established tour of duty (working hours). The employee is considered to be in the workplace while in or utilizing the resources of Peace Corps. The availability and character of an agency response to a workplace-related incident may be dependent upon the location at issue.
- (m) **Workplace-related Incidents** are incidents of Domestic Violence, Sexual Assault, and Stalking 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 efficiency of workplace performance.
- (n) **Workplace Safety Plan** is a strategy developed in collaboration with a victim and appropriate agency staff, to implement workplace safety options, including but not limited to, handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, and changes in parking spots.

5.0 Policies

- (a) Peace Corps will promote the health and safety of its employees by acting to prevent and respond to Domestic Violence, Sexual Assault, and Stalking incidents within the workplace.
- (b) Peace Corps may grant, upon request and consistent with existing legal authority, leave or other workplace flexibilities to help the employee remain safe and maintain the employee's work performance. When the need for time off is foreseeable, an employee must provide reasonable advance notice to the agency.
- (c) If an employee who is a victim is not comfortable speaking directly with his or her supervisor, that employee may request leave or other paid time off through an Employee Assistance Program (EAP) Coordinator, if one is available. However, the employee's supervisor is the only person who can approve the leave. Whichever method is used, the employee remains responsible for compliance with leave request procedures.
- (d) If requesting leave, employees are not required to provide personal details in their requests for leave. However, employees are required to provide enough information to support the type of leave request so their supervisors know which type of leave is appropriate (e.g., sick leave, annual leave, Family and Medical Leave Act (FMLA), etc.) in accordance with MS 635 *Staff Absence and Leave*. A supervisor may accept the employee's credible statement as verification. If necessary, verification or proof may also

include, but not limited to, a service provider's statement, a protection order, doctor's statement, or police or court reports.

- (e) If an employee notifies his/her supervisor of that the employee is a victim, the employee's supervisor should consult with HR and the Office of Safety and Security (OSS) on enhancing the employee's safety at the workplace. For overseas PSCs, the supervisor should consult with the Country Director or his/her designee on enhancing the employee's safety at the workplace.
- (f) In accordance with relevant authorities, including internal agency policies and the collective bargaining agreement, an employee may use, with supervisor's approval, leave as described in the procedures as it relates to the employee who is a victim or the employee's family member(s)' who is a victim of Domestic Violence, Sexual Assault, or Stalking.
- (g) Consistent with anti-discriminatory laws and policies, the Peace Corps will not discriminate against victims of Domestic Violence, Sexual Assault, or Stalking in hiring, staffing, discipline, or other terms and conditions of employment.

6.0 Roles and Responsibilities

The following offices or positions have the following responsibilities:

(a) Office of Human Resources

- (1) Provide trainings for employees and interns about the effects of Domestic Violence, Sexual Assault, and Stalking on the workplace, including provisions for confidentiality and privacy requirements and employer and employee obligations under this policy.
- (2) Develop guidance for the Employee Labor Relations Team.
- (3) Respond in a timely and appropriate manner to requests by employee victims.
- (4) Respond in a timely and appropriate manner to concerns or allegations about employees who are perpetrators of Domestic Violence, Sexual Assault, or Stalking.
- (5) If requested or needed, develop a workplace victim safety plan in conjunction with OSS.
- (6) Provide the agency with periodic updates on the progress of the implementing Procedures and policy.
- (7) Assist the Regional Recruiting Offices in maintaining Resource Lists.
- (8) Maintain and disseminate Resource Lists for Domestic Employees.

- (9) Develop guidance for the EAP vendor to support eligible employees who are victims by providing timely and appropriate responses to requests.

(b) Office of Safety and Security

- (1) Provide support to HR and OSLD in developing trainings about this policy and accompanying procedures to Peace Corps employees.
- (2) Assist HR when appropriate in developing a workplace victim safety plan.
- (3) Provide written guidance to relevant security personnel on active civil or criminal protection orders and coordinate assistance with Office of Inspector General when an incident of Domestic Violence, Sexual Assault, or Stalking occurs on Peace Corps premises.
- (4) Conduct suitability review for employees holding clearances and for employees who are not clearance-holders, when OSS is notified that those employees are accused of Domestic Violence, Sexual Assault, or Stalking.

(c) Office of Acquisition and Contract Management

- (1) Peace Corps' Contracting Officers will make available Domestic Violence, Sexual Assault, and Stalking training to external Contract Representatives to provide training to contractors.

(d) Office of Global Operations

- (1) Provide guidance pursuant to this policy and implementing procedures to CDs when requested.

(e) Country Directors

- (1) Respond to requests of employees in an appropriate and timely manner, in consultation with HR or other appropriate Headquarters offices, as needed.
- (2) Upon request from an employee victim, provide employee with a list of relevant, available in-country resources.

(f) Domestic Supervisors

- (1) Provide timely and appropriate consideration of requests for leave from employees who are victims.
- (2) Communicate to HR needs regarding employee's safety, privacy, and job performance.
- (3) Provide, to the extent necessary, the list of resources for requesting employees, developed by HR.

- (4) Refer incidents to appropriate parties (e.g., HR, OSS, Office of Inspector General).

(g) Office of Staff Learning and Development

- (1) Support and track trainings for employees and interns about the effects of Domestic Violence, Sexual Assault, and Stalking on the workplace, including provisions for confidentiality and privacy requirements and employer and employee obligations under this policy.

(h) Office of Inspector General

- (1) Investigates allegations of Domestic Violence, Sexual Assault, and Stalking incidents perpetrated against or by employees in the workplace, including when such allegations involve the use of government resources.

7.0 Disciplinary Actions and Legal Implications

7.1 Employees as Perpetrators

Employees may be subject to discipline for acts of Domestic Violence, Sexual Assault, or Stalking. The agency may take disciplinary action, up to and including, removal from the Federal service or termination of contract. If a supervisor learns of allegations that an employee has engaged in Domestic Violence, Sexual Assault, or Stalking, that supervisor should contact the HR Employee and Labor Relations team for advice and guidance on this issue. For overseas PSCs, supervisors should contact the Country Director or his or her designee for advice and guidance on this issue.

Alleged Domestic Violence, Sexual Assault, or Stalking incidents involving government resources or on government property shall be reported to the OIG in accordance with MS 861 *Office of Inspector General*.

Requests for any relevant records from outside parties must be handled in accordance with the Privacy Act.

7.2 Employees as Victims

Employees who are victims of Domestic Violence, Sexual Assault, or Stalking may inadvertently react in a manner that results in disciplinary action against them. The impact of Domestic Violence, Sexual Assault, and Stalking may be taken into consideration as a mitigating factor, as appropriate, in determining the appropriate discipline in cases involving the employee.

8.0 Domestic Violence, Sexual Assault, Stalking Incidents Involving Employees in the Same Workplace

If both the victim and the alleged perpetrator are Peace Corps employees working in the same building or work unit, they may be separated while at work. The supervisor should take reasonable steps to separate the parties which can include switching tours of duty, changing work locations, granting telework, or issuing a written directive as described below.

Written directives from their respective supervisors may direct the victim and/or the alleged perpetrator to avoid contact. The directive may outline the agency's expectation that the parties will avoid contact while still performing the functions of their position. If such a directive is written, supervisors must consult with the HR Employee and Labor Relations Team, OSS and the Office of the General Counsel (OGC) for advice and guidance for the creation of this directive. For overseas PSCs, supervisors must consult with the Country Director and OGC for advice and guidance for the creation of this directive.

9.0 Domestic Violence, Sexual Assault, Stalking Incidents Involving Contractors

Concerns regarding the conduct of contractors should promptly be brought to the attention of the relevant contracting officer or contracting officer's technical representative (COR), or OSS or law enforcement.

10.0 Confidentiality

- (a) Peace Corps should recognize and respect a victim'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, Sexual Assault, or Stalking to the extent possible. All information related to an employee who is a victim should not be shared with other individuals apart from the required notifications per the procedures unless otherwise required by law or that individual has a specific need to know to perform Peace Corps duties.
- (b) Peace Corps will make a reasonable effort to provide advance notice to the employee who is a victim who disclosed information to include that the information will be disclosed, with whom it will be disclosed, and why. The Employee and Labor Relations Team will also make reasonable efforts to provide the employee who is a victim with the names and titles of the people with whom the agency intends to share the employee's statements and explain the necessity and purpose of that disclosure.
- (c) Any threats to employees in the workplace must be disclosed to those staff members responding to the incident as described in the Procedures, including but not limited to OSS.
- (d) It is critical that managers maintain confidentiality of employee information and records related to Domestic Violence, Sexual Assault, and Stalking. A supervisor 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.

11.0 Training, Awareness, and Employee Assistance Programs

The Peace Corps will create training opportunities for supervisors and employees about the effects of Domestic Violence, Sexual Assault, and Stalking in the workplace, including provisions for confidentiality and privacy requirements and employer-employee obligations under this policy.

11.1 Support and Assistance

Upon request, the agency will make a reasonable attempt to provide employees who are victims of Domestic Violence, Sexual Assault, or Stalking workplace support, including access to applicable and available supportive services through EAP, workplace flexibilities, and referrals to victim service providers for immediate and on-going trauma-informed care and support, in order to minimize the impact of the violence on the victim and others in the workplace and to protect victim and workplace safety. For post staff, please refer to MS 658 *Peace Corps Employee Assistance Program* for counseling assistance.

11.2 Employee Assistance Programs

Peace Corps' Employee Assistance Program (EAP) can provide a variety of services in responding to the needs of employees affected by Domestic Violence, Sexual Assault, and Stalking. Domestic staff and victims may contact HR for additional information on EAP. For post staff, please refer to MS 658 *Peace Corps Employee Assistance Program* for assistance.

11.3 Referrals of Victims and Resources List

Domestically, HR will maintain and disseminate a list of legal and social service resources for victims of Domestic Violence, Sexual Assault, and Stalking and will provide employees with information regarding crisis hotlines and local and national service providers, including EAPs, that can assist victims.

Upon request from an employee victim, Posts will provide the employee with a list of relevant in-country resources if such resources are available. Post may work with the local U.S. embassy staff and others, as appropriate, to develop this list of resources.

12.0 Addressing Computer Technology Concerns

In consultation with the victim, the agency's security personnel will coordinate with the agency's computer technology personnel to address victim safety concerns. These concerns include an employee or perpetrator use of computer technology to harass or stalk a victim. 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 the Federal service or termination of contract. Please refer to MS 647 *Staff Responsibilities and Conduct*.

13.0 Protection and Restraining Orders

The agency recognizes that an employee who is a victim may seek protection by court order or may receive a restraining order as part of his or her efforts to become safe and as part of his or her workplace safety plan. If an employee chooses to disclose the existence of such court order to the agency, Peace Corps will assist the employee to maintain safety within the Agency consistent with that order, wherever appropriate. For domestic employees, relevant HR or OSS managers will maintain such orders in a confidential and separate file from employee's personnel file. If applicable, HR will 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, or the employee's efforts to cooperate with law enforcement. The availability and character of an agency response to a workplace-related incident may be dependent upon the location at issue.

14.0 Record Keeping

HR will keep records relevant to Domestic Violence, Sexual Assault, and Stalking incidents concerning Domestic employees in a properly secured, confidential file and only share, as necessary, with appropriate personnel, such as those in security and management roles. This information should be protected and kept separate from other records maintained on the employee. Violations of confidentiality could jeopardize the employee victim's safety.

15.0 Procedures

Procedures implementing this Manual Section must be approved by the Office of Global Operations, the Office of Safety and Security, Office of Human Resources, and the Office of the General Counsel.

16.0 Effective Date

The effective date of this Manual Section is the date of issuance.