

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

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## **1.0 Scope and Applicability**

- (a) These procedures apply to all Peace Corps employees, including Domestic Employees, U.S. Direct Hires and overseas Personal Services Contractors (PSCs).
- (b) The authority and definitions are the same as MS 649 *Peace Corps Staff Domestic Violence, Sexual Assault, and Stalking Policy*, unless otherwise noted.
- (c) Telework is not within the scope of these procedures, except as a workplace flexibility. (See MS 632 *Direct Hire Telework Program*.)

## **2.0 Basic Concepts of Addressing Workplace-Related Incidents**

Workplace-Related Incidents are incidents of domestic violence, sexual assault, and stalking and 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. While each situation and circumstance is unique, there are some basic concepts that Peace Corps staff should keep in mind to address any type of Workplace-Related Incidents, such as:

- (a) Responding promptly to immediate dangers to personnel and the workplace;
- (b) Looking into threats and other reported incidents;
- (c) Considering threats and threatening behavior seriously;
- (d) Addressing allegations even if they may appear to be frivolous at first;
- (e) Undertaking the appropriate disciplinary and/or corrective actions when warranted;
- (f) Supporting victims and other affected employees following an incident; and
- (g) Attempting to bring the work environment back to normal after an incident in a timely fashion.

### **3.0 Procedures for Domestic Employees (Headquarters and RROs) and Overseas U.S. Direct Hire Employees**

#### **3.1 Physical Security and Preparedness**

The Office of Safety and Security (OSS) is responsible for carrying out the domestic and overseas procedures for physical security and preparedness below as follows:

- (a) MS 401 *Domestic Physical Security* sets forth the physical security policies and procedures that ensure the safety and security of all domestic physical facilities, property, and personnel.
- (b) MS 402 *Domestic Continuity of Operations and Occupant Emergency Plan Programs* sets out the policies and general procedures for the Peace Corps domestic Continuity of Operations and Occupant Emergency Plan programs.
- (c) MS 682 *Staff Safety and Health Program* prescribes the policies and procedures necessary to maintain an effective occupational safety and health program and protect the employee's rights under the Federal Employees' Compensation Act (FECA) (5 USC 8142). MS 682 is applicable to all Peace Corps employees in the United States and overseas, including personal service contractors.
- (d) [Part 12 of the Foreign Affairs Manual \(12-FAM\) for Diplomatic Security Service, Section 310](#) implements the policies and procedures for physical security of overseas facilities.

#### **3.2 Emergency Response Procedures for Employees**

Please refer to MS 649 Attachment G – Emergency Response Procedures.

### **3.3 Program Structure: Employee and Labor Relations Division Team, Workplace Safety Specialist, and Domestic Violence, Sexual Assault, and Stalking Response Team**

#### **3.3.1 Employee and Labor Relations Division Team**

Pursuant to MS 649 *Peace Corps Domestic Violence, Sexual Assault, and Stalking Policy*, the Employee and Labor Relations (ELR) Division within the Office of Human Resources (HR) is responsible for implementing MS 649's Procedures and coordinating the Peace Corps' response to Domestic Violence, Sexual Assault, and Stalking. The Supervisory Human Resource Specialist of ELR makes decisions about the direction of the response, and escalates issues to the Chief Human Capital Officer (CHCO) within HR, as appropriate. If necessary, the CHCO will further escalate issues to Chief of Staff, the Associate Director for the Office of Safety and Security, the appropriate Regional Director, and/or the Office of the General Counsel (OGC).

#### **3.3.2 Workplace Safety Specialist**

ELR will designate one or more ELR Human Resource Specialists to serve as the Workplace Safety Specialist. The Workplace Safety Specialist will assume these duties in addition to their normal duties. The Workplace Safety Specialist will coordinate communication between offices on response and support efforts. The Workplace Safety Specialist does the following:

- (a) Assists Domestic Employees and U.S. Direct Hires who have been affected by Workplace-Related Incidents, including, but not limited to, the following:
  - (1) Receiving complaints from Domestic Employees and U.S. Direct Hires who report being victims of Workplace-Related Incidents.
  - (2) Activating the Domestic Violence, Sexual Assault, and Stalking Response Team (Response Team) and sharing information.
  - (3) Making referrals to Office of Inspector General, as appropriate.
  - (4) Providing support and guidance to supervisors.
  - (5) Referring employees affected by Workplace-Related Incidents to the Employee Assistance Program (EAP) when applicable, and helping them better understand EAP services. (See MS 658 *Peace Corps Employee Assistance Program*)
  - (6) Helping employees understand workplace flexibilities.
  - (7) Working with OSS, Regions and OGC to address employee conduct, behavioral issues, and/or threats.
  - (8) Tracking incidents, communications, and coordination between offices and all stakeholders involved.
  - (9) Keeping documentation secure.

- (10) Maintaining confidentiality and discretion throughout the process.
- (b) Works with the Office of Staff Learning and Development (OSLD) on coordination and delivery of training.
- (c) Schedules and conducts meetings with Response Team members, as needed, to ensure continuity of operations, conduct refresher training for Response Team, or provide updates.
- (d) Compiles, at least every three (3) years, or upon request from the Peace Corps Director or their designee, a summary report, as described below in section 6.2 Monitoring and Evaluation.
- (e) Assists the Regional Recruitment Offices in coordinating responses.
- (f) Maintains and keeps the Domestic Employee resource lists current, while reviewing the resources lists, at least annually, to ensure the inclusion of the appropriate resources.

### **3.3.3 Domestic Violence, Sexual Assault, and Stalking Response Team**

The Workplace Safety Specialist assembles the Domestic Violence, Sexual Assault and Stalking Response Team for each reported Workplace-Related Incident. The Response Team assembles whether the reported incident involves an employee victim and/or an employee perpetrator (or both). For Workplace-Related Incidents involving an employee as victim, the Workplace Safety Specialist informs the employee that the Response Team is being assembled, while notifying the employee of the identities of the Response Team members. The Response Team should not be assembled without the victim's permission, unless there is a serious threat to the workplace that cannot be mitigated without a Response Team meeting.

#### **(a) Representatives on the Response Team**

The Response Team includes representatives from the following Peace Corps offices:

- (1) Office of Human Resources (Workplace Safety Specialist, Employee and Labor Relations Division – Chair);
- (2) Office of Safety and Security (Chief, Emergency Preparedness, Plans and Training Exercises);
- (3) Supervisor from the office(s) of victim and/or perpetrator;
- (4) Office of the General Counsel; and
- (5) Office of Inspector General (invited).

(b) **Purpose of the Response Team**

The purpose of the Response Team is to respond with a coordinated approach to each Workplace-Related Incident.

(c) **Responsibilities of the Response Team**

- (1) Since Workplace-Related Incidents may potentially be reported to any Response Team representative, the Response Team representative receiving the Workplace-Related Incident information must immediately notify the Workplace Safety Specialist.
- (2) Upon receiving the notification, the Workplace Safety Specialist assembles the Response Team by calling the initial meeting after a new incident has been made known, typically simultaneous to the Threat Assessment, outlined below in section 3.6 Threat Assessments. Response Team members assess the threat and assist the employee develop a workplace safety plan, outlined below in section 3.7 Workplace Safety Plans. Any Response Team member may initiate a meeting to provide status updates or changes to a particular case.
- (3) All specific information about a victim, perpetrator, and/or Workplace-Related Incident must be discussed discreetly, and the privacy of the individuals involved must be maintained.

### **3.4 Applicable Policies from the U.S. Department of State**

The U.S. Department of State has issued policies and guidance relating to sexual assault and domestic violence perpetrated by or against U.S. government personnel abroad. These policies apply to all persons under Chief of Mission (COM) authority abroad and accompanying eligible family members. Peace Corps staff who are the victims of sexual assault or domestic violence may be eligible for additional support and/or services pursuant to the U.S. Department of State's policies.

#### **3.4.1 Sexual Assault Policies**

3 FAM 1710 "Sexual Assaults Involving Chief of Mission Personnel and Facilities Outside the United States" is available to Peace Corps staff overseas and may include, but not limited to, services as follows:

- (a) Emergency medical care;
- (b) Coordination of ongoing medical care;
- (c) Sexual Assault Evidence Collection Kit (SAEC Kit);
- (d) A Diplomatic Security (DS) investigation; and/or
- (e) Access to a DS victim advocate.

### **3.4.2 Domestic Violence Policies**

3 FAM 1815 “Domestic Violence” is available to Peace Corps staff overseas and may include, but not limited to, services as follows:

- (a) medical examinations;
- (b) mental health examinations and/or consultations; and/or
- (c) A DS investigation.

### **3.5 Reporting Workplace-Related Incidents**

- (a) If a supervisor learns of a Workplace-Related Incident, the supervisor must notify the Workplace Safety Specialist.
- (b) Following notification from the supervisor, the Workplace Safety Specialist speaks with the employee(s) in question and assembles the Response Team to assess the threat or Workplace-Related Incident, while determining the best course of action.
- (c) Employees who are victims of Domestic Violence, Sexual Assault, or Stalking are not required to report such incidents to the Peace Corps or Office of Inspector General (OIG), unless the perpetrator is a Peace Corps employee, Volunteer/Trainee, or contractor as specified in MS 861. However, employees and their co-workers are encouraged to report such Workplace-Related Incidents to the Peace Corps so the Peace Corps may respond in an appropriate and supportive manner.

For more information, please see MS 649 Attachment A – Guidance for Employees Who May Be Affected by Domestic Violence, Sexual Assault, or Stalking.

### **3.6 Threat Assessments**

- (a) If the employee agrees, the Workplace Safety Specialist and the Response Team will complete the threat assessment with the employee’s input.

A good threat assessment thoroughly analyzes the following:

- (1) The exact nature and context of the threat and/or threatening behavior;
- (2) The identified target (general or specific);
- (3) The perpetrator’s apparent motivation;
- (4) The perpetrator’s ability to carry out the threat; and
- (5) The perpetrator’s background (if known), including work history, criminal record, mental health history, military history, and/or past behavior on the job.

- (b) Any Response Team members involved in the threat assessment must be discreet and confidential with any information pertaining to the Workplace-Related Incident or case. In order to ensure the best possible response, any information about a victim(s) of domestic violence, sexual assault or stalking will be shared among Response Team members, but Response Team members will not share information pertaining to a Workplace-Related Incident or case outside of the Response Team, unless the employee who is a victim agrees or if the safety of anyone at the Peace Corps is at risk.
- (c) The Workplace Safety Specialist will ask the employee victim their preferences regarding the threat assessment. The employee victim may choose whether to only speak with the Workplace Safety Specialist or to speak with other members of the Response Team. This ensures that all members of the Response Team will not be reaching out to the employee victim; however, all Response Team members will review the Threat Assessment.

While the Threat Assessment may be completed at one time, it may often take place in two stages.

(1) **Stage 1 – Initial questions** should be asked by the Response Team member performing the Threat Assessment.

- (i) Is there an immediate danger to anyone at the Peace Corps regarding health, safety, and/or security? (If yes, follow instructions for incident response in MS 649 Attachment G – Emergency Response Procedures. Call 911 if in the U.S.)
- (ii) When and where was the threat made and/or threatening behavior witnessed?
- (iii) How does the situation impact Peace Corps work environment or operations?

(2) **Stage 2 – More detailed questions** may be asked at a later stage as appropriate.

MS 649 Attachment B – Threat Assessment Tool is a resource document to assist in considering more detailed questions related to the threat, as well as possible mitigation that might be part of an individual workplace safety plan.

- (d) If the Response Team determines there is no threat to the workplace, a workplace safety plan may not be necessary, and the supervisor or Workplace Safety Specialist may refer the employee victim to resources that provide support and guidance. The supervisor or Workplace Safety Specialist may also discuss workplace flexibilities with the employee victim.
- (e) If the Response Team determines there is a threat to the workplace, a workplace safety plan may be necessary.



### **3.7 Workplace Safety Plan**

Workplace Safety Plans are customized and practical. These plans assist employees by managing their personal security in the workplace and keep the workplace safe for everyone. A workplace safety plan should be tailored to specific circumstances of a Workplace-Related Incident.

(a) Workplace Safety Plans do the following:

- (1) Assist the employee victim in identifying strategies for creating a safe workplace;
- (2) Outline possible actions; and
- (3) Provide for the well-being of all Peace Corps staff.

(b) Workplace Safety Plans cannot:

- (1) Guarantee safety;
- (2) Require signatures of the parties involved;
- (3) Hold accountability for the employee victim; and
- (4) Provide mental support beyond referral to resources.

If there is a specific threat to the safety of other Peace Corps employees or property, a Workplace Safety Plan may be created to maintain the safety of all agency employees or property, even when an employee victim does not participate in the Workplace Safety Plan. (See MS 649 Attachment C – Workplace Safety Planning for more information.)

### **3.8 Employee Resource Lists**

ELR maintains and disseminates an employee resource list (Resource List) of domestic legal and social services for victims of domestic violence, sexual assault, and stalking. ELR also provides Peace Corps employees with information regarding crisis hotlines and local and national service providers, including EAPs, to assist employee victims. The Resource List for Domestic Employees shall be updated at least once annually and are made available in MS 649 Attachment D – Additional Resources for Domestic Violence, Sexual Assault, and Stalking.

In addition to resources available to all Domestic Employees, Regional Recruiting Office (RRO) staff may have access to additional local resources (See MS 649 Attachment E – Regional Recruiting Offices Resources). If that is the case, the RRO Manager should work with the Workplace Safety Specialist in ELR to create a list of supplemental local resources. The RRO Manager should review this list and update it every year to ensure the resources are still available and up to date.

### **3.9 Workplace Flexibilities**

Supervisors will work with employees, to the extent possible, to provide leave or other workplace flexibilities to help employees, who are victims, remain safe and maintain their work

performance. However, a supervisor's approval is necessary for all of the workplace flexibilities described in these Procedures, and there may be times that such approval cannot be granted for reasons including, but not limited to: insufficient coverage, pre-existing leave requests, union objections, or lack of resources. Supervisors must adhere to Peace Corps policy and applicable laws when considering and making a determination on all requests for workplace flexibilities.

### **3.9.1 Available Flexibilities**

An employee may request the following flexibilities, when such flexibilities are related to the employee's Domestic Violence, Sexual Assault, or Stalking incident as follows:

- (a) All types of leave as described in MS 635 *Staff Absence and Leave*, including: Annual Leave, Advanced Annual Leave, Sick Leave, Advanced Sick Leave, Leave Without Pay (LWOP), Excused Absences (Administrative Leave), Family and Medical Leave Act (FMLA), and the Voluntary Leave Transfer Program;
- (b) Telework at an alternative site, as described in MS 632 *Direct Hire Telework Program*;
- (c) Flexible Work Schedules or Maxiflex scheduling, including: Credit Hours, Compensatory Time or Compressed Work Schedule, as described in MS 630 *Direct Hire Hours of Duty*; and/or
- (d) A change in work location (such as a change in office), or a change in office configuration or amenities.

If an employee is absent without permission, the employee may be charged Absence without Leave (AWOL), in accordance with MS 635 *Staff Absence and Leave*. An employee that is unexpectedly absent as a result of being a victim of Domestic Violence, Sexual Assault, or Stalking may, with supervisor approval, substitute a form of approved paid or unpaid leave upon returning to work.

The employee's supervisor is the only person that may approve any requested workplace flexibilities. However, if the employee does not feel comfortable speaking with a supervisor, the request may be made through a third party, such as the Workplace Safety Specialist. Employees are not required to provide personal details of the incident in their requests for flexibilities. However, employees are required to provide enough information in their leave requests so their supervisors know which type of flexibilities or leave are appropriate (e.g., sick leave, annual leave, FMLA).

A supervisor may accept the employee's credible statement as verification or proof. If necessary, verification or proof may also include, but is not limited to, a service provider's statement, a protection order, medical records or doctor's statement, or police or court reports.

**Advance Notice:** When the need for time off or another flexibility is foreseeable, an employee must provide reasonable advance notice to the agency.

## **3.10 Investigations**

### **3.10.1 Office of Inspector General Investigations**

OIG may investigate allegations of domestic violence, sexual assault, and stalking incidents perpetrated in the workplace, including those perpetrated using government resources, in accordance with MS 861 *Office of Inspector General*.

### **3.10.2 Other Federal or Local Law Enforcement Investigations**

Federal or local law enforcement authorities may investigate allegations of Domestic Violence, Sexual Assault, and Stalking that are being perpetrated by employees. Law enforcement individuals who come to Peace Corps to search for evidence may be permitted to do so only when accompanied by the following:

- (a) An official written request by the head of the law enforcement authority conducting the investigation;
- (b) When in possession of a lawful order, such as a warrant or court order; or
- (c) When health and safety are at imminent risk.

If federal, state, and/or local law enforcement request access to Peace Corps property for an investigation, OSS must be notified immediately. Subsequently, OSS must immediately contact OGC.

### **3.10.3 Private Investigators**

Private investigators will not be permitted access to Peace Corps property or information.

## **3.11 Employees Accused of Domestic Violence, Sexual Assault and Stalking**

### **3.11.1 Conduct**

If any staff becomes aware of an employee accused of Domestic Violence, Sexual Assault or Stalking, the staff member(s) should provide the information to their supervisor or OSS. The Response Team will be activated to determine the best course of action, while notifying the OIG.

- (a) Depending on the urgency of the situation and whether there is a threat to the safety of the workplace, supervisors and/or the Response Team members may do the following:  
Contact building security to walk the alleged perpetrator out of the building;
- (b) Request that the alleged perpetrator be placed on administrative, investigative, or other leave while the investigation is pending;
- (c) Move the alleged perpetrator to another work location, including telework, if the work environment may be affected; or
- (d) Allow the alleged perpetrator to continue working as the investigation is ongoing.

If the alleged perpetrator is a clearance-holder or is otherwise subject to a background check, the Response Team must refer the matter to OSS's Office of Information and Personnel Security for a suitability review.

### **3.11.2 Options for Employees Who are Perpetrators of Domestic Violence, Sexual Assault, or Stalking**

Employees accused of perpetrating Domestic Violence, Sexual Assault or Stalking are encouraged to contact the Workplace Safety Specialist for referrals and/or resources, if available.

### **3.11.3 If the Victim and Alleged Perpetrator Work in the Same Building or Work Unit**

Immediately after becoming aware that an employee victim and alleged perpetrator are working in the same building or work unit, the supervisor, or any employee, must notify the Workplace Safety Specialist. The Workplace Safety Specialist must then notify OSS and OIG.

The Response Team, and/or the supervisor, will separate the employee victim and alleged perpetrator as soon as possible.

OGC and/or OSS may need to be involved in implementing the separation. The separation should take place immediately after a credible allegation is made known.

If there is no immediate danger and/or no urgency, the supervisor or a manager, with assistance from OGC, OSS, and ELR, may separate the employees as follows:

- (a) Switching tours of duty;
- (b) Changing work locations, including moving one of the employees to a different physical location and office;
- (c) Granting telework (if eligible) to one or both employees on an immediate or extended basis. The supervisor and the Response Team should avoid having the victim and alleged perpetrator work alternate days at the same location; or
- (d) Issuing a written directive to one or both parties, which may include the following:
  - (1) An expectation that the parties will avoid contact with one another;
  - (2) Workplace flexibilities, new work location, or new office location (if applicable);
  - (3) Physical presence requirements for work; or
  - (4) Other expectations, as needed.

## **4.0 Procedures for Overseas Personal Services Contractors**

### **4.1 Physical Security and Preparedness**

[Part 12 of the Foreign Affairs Manual \(12-FAM\) for Diplomatic Security Service, Section 310](#) provides the policy and procedures for physical security of facilities at overseas posts. Peace Corps' Manual Section 682 Staff Safety and Health Program assigns the responsibilities of developing safety and health programs for Peace Corps overseas posts.

### **4.2 Emergency Response Procedures for Employees**

Please refer to MS 649 Attachment G – Emergency Response Procedures.

### **4.3 Program Structure**

For overseas PSCs, the Country Director will implement and coordinate the response to Domestic Violence, Sexual Assault, and Stalking in accordance with MS 649 policy and section 3.12 of the Procedures. In the event that the Country Director is the subject of the complaint, the Regional Director will assume the coordination duties of the Country Director for that particular case (See section 4.5 for further details). Unlike Workplace-Related Incidents involving Domestic Employees and U.S. Direct Hires (See above in section 3.0), Workplace-Related Incidents that are reported by overseas PSCs, will not prompt the assembly of a Response Team, unless the perpetrator of the incident is a U.S. Direct Hire employee.

Under these Procedures, the Country Director will respond to requests of employees in an appropriate and timely manner, in consultation with HR or other appropriate Peace Corps Headquarters offices, as needed.

The overseas posts response to Domestic Violence, Sexual Assault, and Stalking incidents includes, but is not limited to:

- (a) Receiving reports from employees, including overseas PSCs, of Workplace-related Incidents.
- (b) Being discreet and supportive towards employees who are victims.
- (c) Helping employees understand workplace flexibilities that are available to them.
- (d) Promptly considering the employee's requests for flexibilities including, but not limited to:
  - (1) Leave (if the employee is eligible);
  - (2) Telework at an alternative site (if the employee is eligible);
  - (3) A change in work schedule or location (if the employee is eligible).

- (e) Upon request of the employee victim, alerting the building security personnel or Regional Security Officer (RSO) at the local U.S. Embassy of potential threats to the employee or the workplace.
- (f) Upon the request of the employee victim, work with OSS, the Peace Corps Safety and Security Officer (PCSSO) and/or the RSO to develop a Workplace Safety Plan for the employee who is a victim.
- (g) Upon request from an employee victim, providing the employee with a list of relevant and available in-country resources.
- (h) Tracking incidents, communications, and coordination between offices and all stakeholders involved.
- (i) Maintaining that documentation is kept secure.

#### **4.4 Applicable Policies from the U.S. Department of State**

The U.S. Department of State has issued policies and guidance relating to sexual assault and domestic violence perpetrated by or against U.S. government personnel abroad. These policies apply to all persons under Chief of Mission (COM) authority abroad and accompanying eligible family members. Peace Corps staff who are the victims of sexual assault or domestic violence may be eligible for additional support and/or services pursuant to the U.S. Department of State's policies.

##### **4.4.1 Sexual Assault Policies**

3 FAM 1710 "Sexual Assaults Involving Chief of Mission Personnel and Facilities Outside the United States" is available to Peace Corps staff overseas and may include, but not limited to, services as follows:

- (a) Emergency medical care;
- (b) Coordination of ongoing medical care;
- (c) Sexual Assault Evidence Collection Kit (SAEC Kit);
- (d) A Diplomatic Security (DS) investigation; and/or
- (e) Access to a DS victim advocate.

##### **4.4.2 Domestic Violence Policies**

3 FAM 1815 "Domestic Violence" is available to Peace Corps staff overseas and may include, but not limited to, services as follows:

- (a) medical examinations;
- (b) mental health examinations and/or consultations; and/or

(c) A DS investigation.

#### **4.5 Reporting Workplace-related Incidents**

If a supervisor at Post learns of a Workplace-related Incident, that supervisor must promptly inform the Country Director. If the Country Director is the subject of the complaint, the supervisor must promptly inform the Regional Director.

Employees who are victims of Domestic Violence, Sexual Assault, or Stalking are not required to report such incidents to the Peace Corps or OIG, unless the perpetrator is a Peace Corps employee, Volunteer/Trainee, or contractor as specified in MS 861 *Office of Inspector General*. However, employees and their co-workers are encouraged to bring such incidents to the attention of the Peace Corps so that agency may respond in an appropriate and supportive manner.

For more information, please see MS 649 Attachment A – Guidance for Employees Who May Be Affected by Domestic Violence, Sexual Assault, and Stalking.

#### **4.6 Workplace Safety Plans**

When an employee reports that he or she is the victim of Domestic Violence, Sexual Assault or Stalking, the Country Director may, upon the request of the employee, work with the employee, OSS, RSO, and/or PCSSO to develop a Workplace Safety Plan for the employee.

- (a) Workplace Safety Plans are customized and practical. These plans assist employees by managing their personal security in the workplace and keep the workplace safe for everyone. A workplace safety plan should be tailored to the specific circumstances of a Workplace-related Incident. Workplace Safety Plans do the following:
  - (1) Assist the employee who may be a victim in identifying strategies for creating a safe workplace;
  - (2) Outline possible actions; and
  - (3) Provide for the well-being of all Peace Corps staff.
- (b) Workplace Safety Plans do not:
  - (1) Guarantee safety;
  - (2) Require signatures of the parties involved;
  - (3) Hold accountability; and
  - (4) Provide mental support beyond the referral to resources.

If there is a specific threat to the safety of other Peace Corps employees or property, a Workplace Safety Plan may be created to maintain the safety of all agency employees or property, even when an employee victim does not participate in the workplace safety plan. (See MS 649 Attachment C – Workplace Safety Planning for more information)

## **4.7 Employee Resource Lists**

Upon request from an employee, Country Directors (or their designees) shall provide that employee with a list of relevant, available in-country resources related to domestic violence, sexual assault or stalking. These resource lists can include local NGOs, counseling centers, legal resources, specific law enforcement or prosecutorial units, crisis hotlines, government offices, or batterer intervention programs. Posts may work with the local U.S. embassy staff and others, as appropriate, to develop this list of resources. For examples of appropriate Resource Lists, see MS 649 Attachment D – Additional Resources for Domestic Violence, Sexual Assault, and Stalking.

## **4.8 Workplace Flexibilities**

Supervisors will work with employees, to the extent possible, to provide leave or other workplace flexibilities to help employees who are victims remain safe and maintain their work performance. However, a supervisor's approval is necessary for all of the workplace flexibilities described in these Procedures, and there may be times that such approval cannot be granted for reasons including, but not limited to: insufficient coverage, pre-existing leave requests, or lack of resources. Supervisors must adhere to Peace Corps policy, governing contracts, and applicable laws when considering and making a determination on all requests for workplace flexibilities.

### **4.8.1 Available Flexibilities**

An employee may request the following flexibilities, when such flexibilities are related to the employee's report of Domestic Violence, Sexual Assault, or Stalking incident, if the employee in question is eligible for such flexibilities:

- (a) Various types of leave as described in the agency or post policies, and/or Personal Service Contracts;
- (b) Telework at an alternative site;
- (c) Flexible work schedules;
- (d) A change in work location (such as a change in office), or a change in office configuration or amenities.

If an employee is absent without permission, the employee may be charged with Absence Without Leave (AWOL), in accordance with MS 635 *Staff Absence and Leave*. An employee that is absent as a result of being a victim of Domestic Violence, Sexual Assault, or Stalking may, with supervisor approval, substitute a form of approved paid or unpaid leave upon returning to work.

The employee's supervisor is the only person that may approve any requested workplace flexibilities. However, if the employee does not feel comfortable speaking with a supervisor, the request may be made through a third party, such as the Director of Management and Operations (DMO). Employees are not required to provide personal details of the incident in their requests for flexibilities. However, employees are required to provide enough information in their leave



requests so their supervisors know which type of flexibilities or leave are appropriate (e.g., sick leave, annual leave).

A supervisor may accept the employee's credible statement as verification or proof. If necessary, verification or proof may also include, but is not limited to, a service provider's statement, a protection order, medical records or doctor's statement, or police or court reports.

Advance Notice: When the need for time off or another flexibility is foreseeable, an employee must provide reasonable advance notice to the agency.

## **4.9 Investigations**

### **4.9.1 Office of Inspector General Investigations**

OIG may investigate allegations of Domestic Violence, Sexual Assault, and Stalking incidents perpetrated in the workplace, including those perpetrated using government resources, in accordance with MS 861 *Office of Inspector General*.

### **4.9.2 Local Law Enforcement Investigations**

Local law enforcement authorities may investigate allegations of Domestic Violence, Sexual Assault, and Stalking. Law enforcement individuals who come to Peace Corps to search for evidence may be permitted to do so only when accompanied by the following:

- (a) Possession of a lawful order such as a warrant or a court order; or
- (b) When health or safety are at imminent risk.

If Local law enforcement request access to Peace Corps property for an investigation, the RSO and OSS must be notified immediately. And, OSS must immediately contact OGC.

If an employee is arrested, the Country Director must notify the RSO and the OSS immediately. And, OSS must immediately notify OGC.

### **4.9.3 Private Investigators**

Private investigators will not be permitted access to Peace Corps property or information.

## **4.10 Employees Accused of Domestic Violence, Sexual Assault and Stalking**

### **4.10.1 Conduct**

If any staff becomes aware of an employee accused of Domestic Violence, Sexual Assault or Stalking, the staff member(s) should provide the information to their supervisor. The Country Director will be required to determine the best course of action and will inform the RSO, the PCSSO, the Regional Director, OIG and the Office of General Counsel.

Depending on the urgency of the situation and whether there is a threat to the safety of the workplace, the Country Director may do the following:

- (a) Contact building security to walk the alleged perpetrator out of the building;
- (b) Place the alleged perpetrator on administrative, investigative, or other leave while the investigation is pending, after consultation with the appropriate offices, including, but not limited to OGC or the Regional Director;
- (c) Move the alleged perpetrator to another work location, including telework (if eligible), if the work environment may be affected;
- (d) Upon consultation with the DMO and OGC, terminate the alleged perpetrator's contract; and/or
- (e) Allow the alleged perpetrator to continue working as the investigation is ongoing.

If the alleged perpetrator is a clearance-holder or is otherwise subject to a background check, the Country Director must refer the matter to OSS's Office of Information and Personnel Security for a suitability review.

#### **4.10.2 If the Victim and Alleged Perpetrator Work in the Same Building or Work Unit**

Immediately after becoming aware that an employee victim and alleged perpetrator are working in the same building or work unit, the Country Director must notify the RSO, PCSO, OSS, OIG, Regional Director, and OGC.

As soon as possible, the Country Director will separate the employee victim and alleged perpetrator after a credible allegation is made known.

If there is no immediate danger and/or no urgency, the Country Director may separate the employees as follows:

- (a) Switching tours of duty;
- (b) Changing work locations, including moving one of the employees to a different physical location and office;
- (c) Granting telework (if eligible) to one or both employees on an immediate or extended basis; or
- (d) Issuing a written directive to one or both parties, which may include the following:
  - (1) An expectation that the parties will avoid contact with one another;
  - (2) Workplace flexibilities, new work location, or new office location (if applicable);
  - (3) Physical presence requirements for work; or
  - (4) Other expectations, as needed.

## **5.0 Training and Awareness**

Training is an important part of responding to Domestic Violence, Sexual Assault, and Stalking in the workplace. Also, approaches that create a healthy, productive workplace may assist in preventing potentially violent situations.

### **5.1 Training and Awareness for All Employees**

Training will be provided to all employees, including Domestic Employees, U.S. Direct Hires, and overseas PSCs, regarding MS 649 policy and procedures. The training may cover topics that include, but are not limited to:

- (a) The effects of Domestic Violence, Sexual Assault, and Stalking on the workplace;
- (b) The Peace Corps MS 649 policy and procedures, including resources and reporting options;
- (c) Workplace flexibilities available to employees;
- (d) Employer and employee obligations under the MS 649 policy;
- (e) Supervisors' responsibilities under the MS 649 policy; and
- (f) Confidentiality and privacy requirements under the MS 649 policy.

The training may be instructor-led, web-based, or delivered by e-learning methods, while being delivered at least once every three years to agency employees. OSLD will support the delivery of this training.

Such training may be supplemented with policy and resource content in employee handbooks, management guidebooks, or other written policy and procedural materials. Training may also be supplemented by agency-wide email, website articles, newsletter articles, posters, brochures, and/or safety cards.

Training may involve partnering with national and/or local Domestic Violence, Sexual Assault, and Stalking organizations to offer immediate access to people with the knowledge to assist employees in need of support. Also, Domestic Violence, Sexual Assault, and Stalking content may be incorporated into other trainings, such as New Employee Orientation, Supervisory Training, Overseas Staff Training, work/family seminars, health and safety trainings, and EAP orientations.

### **5.2 Contractors**

When a contractor works in a Peace Corps facility for more than 30 days, OACM Contracting staff will include language in the contract requiring the contractor to become familiar with MS 649 policy and procedures.

## **6.0 Accountability**

### **6.1 Point of Contact**

The Supervisory Human Resource Specialist in ELR, aided by the Workplace Safety Specialist, shall maintain all records of any Workplace-related Incidents reported by U.S. Direct Hires and Domestic Employees, and shall develop reports for agency stakeholders.

#### **6.1.1 Monitoring and Evaluation**

ELR will develop a summary report, at least every three years, presenting the usage and effectiveness of the Domestic violence, Sexual assault and Stalking program, as it relates to U.S. Direct Hires and Domestic Employees. The report should summarize the Peace Corps' response to the individual reports of Workplace-related Incidents, while making recommendations to streamline and improve the program based on an identified need for changes or feedback from employees.

The report should be cautious to ensure that identifying information is not exposed and confidentiality is not breached.

(a) *Surveys* – The use of surveys is not required for ELR's summary report. However, if ELR deems it necessary, surveys may be used as follows:

- (1) To gauge the awareness of resources to address Domestic Violence, Sexual Assault, and Stalking;
- (2) To assess the satisfaction with such resources;
- (3) To evaluate the frequency of the use of supported services.

Additional reporting considerations, measures, and trend indications may be found in MS 649 Attachment F – Program Review Checklist.