




DOMESTIC VIOLENCE, SEXUAL VIOLENCE AND STALKING POLICY	
Policy #: To be assigned.	Authority: HB 4 of the 148 th General Assembly 06/30/2015
Effective Date: September 23, 2021	Supersedes: State of Delaware Domestic Violence Policy 02/16/2010, Amended 02/2016
Application: Executive Branch Agencies	Signature: 

1. POLICY PURPOSE STATEMENT

The State of Delaware (State) promotes the health and safety of State employees; creates a supportive workplace for employees who are survivors/victims of domestic violence, sexual offense, and/or stalking in which employees can discuss and seek assistance regarding domestic violence. The purpose of this policy is to support employees who are survivors/victims of domestic violence and those impacted by domestic violence, and to provide a standard for human resource representatives to follow when responding to employees.

2. SCOPE

This policy applies to all employees of Executive Branch agencies, and for this policy, employees include all appointed, executive, merit, full-time, part-time, casual/seasonal, apprentices, temporary staff, volunteer paid and unpaid interns, joint employees, officers, and officials. The State will work with its contractors' employer to address issues.

The terms of this policy supersede any statewide or related Executive Branch Agency policy and procedure.

3. DEFINITIONS AND ACRONYMS

- **Employee Survivor/Victim:** An individual who is currently subject to, or has in the past been subjected to, domestic violence, sexual violence, or stalking. This policy may include workplace and non-workplace related incidents.
- **Perpetrator:** An individual who commits or threatens to commit an act of domestic violence, sexual violence, or stalking.
- **Domestic Violence:** Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, a person in a current or former substantive dating relationship. or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to physical violence, injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; cyber stalking; or economic abuse and control.

- **Sexual Violence:** Sexual violence is a range of behaviors, including but not limited to sexual harassment; a completed nonconsensual sex act (i.e., rape); an attempted nonconsensual sex act; abusive sexual contact (i.e., unwanted touching); and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Some or all acts may also be addressed in State's Respectful Workplace and Anti-Discrimination Policy. Sexual violence is any sexual act or behavior that is perpetrated against someone's will when someone does not or cannot consent. Survivors of sexual violence may know the perpetrator(s), such as a coworker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the survivor. Consent is not given when a perpetrator uses force, harassment, threat of force, threat of adverse personnel action, coercion, or when the survivor is asleep, incapacitated, or unconscious.
- **Stalking:** Stalking refers to harassing, intimidating, or threatening conduct that causes the survivor to fear for their safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for their safety. Stalking conduct includes but is not limited to following or spying on a person; appearing at a person's home or work; engaging in unwanted, harassing, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make unwanted contact with the survivor or to monitor the survivor; leaving unwanted items, presents, or flowers for the survivor; and posting information or spreading rumors about the survivor on the internet, in a public place, or by word of mouth. Stalking may occur through use of technology including, but not limited to email; voicemail; text messaging; and use of GPS and social networking sites.
- **Protection From Abuse (PFA) Order:** A PFA Order is an order of Family Court that protects a person from certain kinds of abuse. A court can order the abuser to stop the abuse and to stay away from the person who was abused and can also provide other short-term protections. Legal protections (relief) can take many forms such as no contact, support, or custody of a child. Parents and legal guardians can also ask for a PFA for a child or children. For information about Delaware's PFA process: <https://courts.delaware.gov/family/pfa/index.aspx>
- **Workplace-Related Incidents:** Workplace-related incidents of domestic violence include acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety or well-being of any person associated with an employee of the State, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in, or utilizing the resources of the State, including but not limited to facilities, work sites, equipment, or vehicles, or while on work-related travel.
- **Non-workplace-Related Incidents:** Non-workplace incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against employees that occur outside a state agency's workplace, and/or while an employee is not engaged with or traveling for the State.
- **Individualized Workplace Safety Plan:** A strategy developed in collaboration with the employee survivor/victim and victim service provider to implement workplace safety options,

including but not limited to handling of court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, change in parking spots, and requests for escorts to and from workplace facilities.

- **DVCC** - Domestic Violence Coordinating Council
- **PHRST** - Payroll Human Resource Statewide Technology
- **Domestic Violence (DV) Coordinator** – An Agency HR employee designated to work with employee survivors/ victims to provide support, resource information and assistance with safety planning and reasonable accommodation requests, as applicable, as well as to provide guidance and support to Agency supervisors/members of management regarding their roles and responsibilities, under this policy, and applicable rules, regulations, laws, and contracts.

4. POLICY

- a. Employee survivors/victims seeking to utilize the protections and benefits offered by the Domestic Violence, Sexual Offense and/or Stalking Policy may make confidential disclosures to agency supervisors, members of management, and/or human resources staff. If a disclosure is made to a supervisor/manager, the supervisor/manager shall report to the designated agency DV Coordinator or HR representative¹.
- b. Employees who are survivors/victims of domestic violence are encouraged to seek immediate assistance from their DV Coordinator HR representative.
- c. When a disclosure is made, the designated DV Coordinator HR representative(s) will work with employee survivors/ victims and shall provide community referrals and resources to assist with their concerns or experiences regarding violence. Employees should be provided a list of referrals found in section #9 of this policy.
- d. The designated DV Coordinator HR representative(s) shall provide information related to leave and other reasonable accommodation requests under this policy. To qualify for leave benefits and protections under this policy, the employee survivor victim shall be informed that verification will be required and kept in a confidential accommodations file for the employee². Verification includes an official document, such as a court order. Similarly, documentation from a reliable third-party professional, including a law-enforcement agency or officer, a domestic violence or domestic abuse service provider, or health care provider is acceptable. Verification is only required if the employee is requesting relief outlined in section 5.h in the Procedures section.
- e. The designated DV Coordinator HR representative, agency designee, or supervisor/manager may discuss the matter with other appropriate authorities if there is an immediate safety risk to

¹ To the extent there has been violation of the law, there may be an obligation to report to authorities depending on severity and location, i.e., workplace.

² 19 Del. C §710 (6), (22) and (24)

anyone in the workplace. The designated DV Coordinator HR representative, agency designee, or supervisor/manager will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

- f. If an employee survivor/victim experiences or witnesses domestic violence in the workplace, the employee must report the incident confidentially to a supervisor/manager, and/or HR representative immediately³. If a disclosure is made to a DV Coordinator, supervisor/manager, the supervisor, manager shall report to the designated DV Coordinator or an HR representative⁴.
- g. The State recognizes and respects an employee's right to privacy. Unless the substance of the employee survivor/victim demands otherwise, strict confidentiality will be maintained by informing others only to the extent necessary to protect the safety of the individual or others in the workplace. Except in times of extreme emergency where the timeframe does not permit disclosure, the employee survivor/victim will be given notice of necessary disclosures.
- h. State agencies are prohibited from discriminating against employees who are survivors/victims of domestic violence based on knowledge of the employee survivor's/victim's current or past incidents. It shall be an unlawful employment practice for an Agency to:
 - 1) Fail or refuse to hire or to discharge or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because the individual was the survivor/victim of domestic violence; or
 - 2) Fail or refuse to make reasonable accommodations to the limitations known to the Agency and related to domestic violence unless the Agency can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such Agency. For purposes of this subsection, "reasonable accommodations" means making reasonable changes in the workplace including, but not limited to, reasonable changes in schedules or duties of the job that would accommodate the employee survivor victim of domestic violence, enabling such person to satisfactorily perform the essential duties of the job in question. Reasonable accommodations may also include flexible scheduling or granting the use of accrued leave per the Merit Rules to address the domestic violence.
- i. An employee who is found using any State resources, including work time and/or equipment, to commit an act of domestic violence may be subject to discipline, up to and including dismissal, based on the standards set forth in the Merit Rules, collective bargaining agreements, or other applicable laws or policies.
- j. In cases where the perpetrator and the employee survivor/victim are employed at the same work site, the agency shall investigate and contact the authorities, if appropriate. The agency is to give due consideration to an employee survivor' victim's request for a modification of duties, reassignment to another position or work shift, or relocation to a separate work site.

³ Depending on investigation or if in plain view may have to report if criminal.

⁴ To the extent there has been violation of the law, there may be an obligation to report to authorities depending on severity and location, i.e. workplace.

- 1) If the employee survivors' victims' position is covered by a union unit/collective bargaining agreement, the agency human resources staff will contact the Department of Human Resources (DHR) Labor Relations and Employment Practices division for guidance.
 - 2) The agency is under no obligation to create a new position.
- k. Nothing in this policy is intended to reduce or modify existing directives and policies regarding prevention of violence in the workplace.
- l. DHR will maintain current referral resources supplied by the DVCC. This information shall be provided to other Executive Branch agencies and is accessible at [Certified Domestic Violence Treatment and Intervention Programs](#).
- m. Each agency shall designate an individual in Human Resources who will assist with domestic violence issues within that agency. The designated HR representative or DV Coordinator must receive training, within six (6) months of being assigned, on responding to and assisting employees who disclose they are survivors/victims of domestic violence, in accordance with this policy.

5. PROCEDURES

- a. Employees who are survivors/victims of domestic violence may choose to notify a supervisor/manager, who would then confidentially consult with the designated HR representative or DV Coordinator. Consideration may be given to contacting law enforcement when there is an imminent and emergency need.
- b. The employee survivor victim should be offered an opportunity to make the necessary calls for services, emergency intervention (shelter) and supportive services confidentially, when appropriate.
- c. In order to provide leave and certain accommodations, the employee survivor victim must provide the designated HR representative with copies of any official documents including PFA Orders or other court documents that pertain to restraints, no contact, or "stay-away" provisions. Production of an order is generally required for the State to prohibit a person from the premises legally.
- d. When a disclosure is made, the designated HR representative will meet with the employee survivor/victim to discuss their rights, provide resources, and partner with the employee survivor/victim to determine the appropriate actions to provide assistance and support. An agency should consider contacting a union representative, if applicable and if the employee requests such. The employee survivor/victim will be asked to identify an emergency contact person in the event the Agency is unable to contact the employee survivor victim, and the contact person will be documented in PHRST.
- e. The limitations of confidentiality will be discussed with the employee who is a survivor/victim of domestic violence. Those situations that are deemed to potentially put the employee survivor/victim and other employees at risk may require limited disclosure to those employees

deemed to be at risk. Disclosure may be required in instances in which domestic violence has occurred at an employee survivor's/victim's worksite.

- f. Other assistance may be provided based on individual needs and availability consistent with existing regulations, statutory requirements, contractual obligations, and collective bargaining agreements. When appropriate, the State's Employee Assistance Program may be consulted. Assistance may also be provided with work-related needs such as requests for work schedule adjustments or leave consistent with the Merit Rules and/or collective bargaining agreements, as needed, to obtain assistance.
- g. Individualized workplace safety plans may include, but are not limited to, advising co-workers of the situation (subject to the employee survivor's agreement); setting up procedures for alerting security and/or the police; temporary relocation to a new worksite; assignment of a parking space; escort for entry to and exit from the building; screening of telephone calls; and providing a photograph of the perpetrator and/or a copy of any existing court orders to security, the agency designee, and/or human resources personnel.
- h. Every reasonable effort will be made to assist employees who are survivors/victims of domestic violence with use of available leave consistent with the Merit Rules, where appropriate. Appropriate instances may include, but are not limited to, court appearances including appearances for filings and appointments with domestic violence advocates/social workers. The designated DV Coordinator HR representative(s) will provide guidance related to leave and other reasonable accommodation requests.
 - 1) Leave may include as applicable, available compensatory time, sick or annual leave, or other appropriate paid leave and/or unpaid leave.
 - 2) If time off from work is necessary, leave shall be taken in compliance with Delaware Code, Merit Rules, statewide policy, and collective bargaining agreements. Agencies may ask an employee survivor/victim to present acceptable documentation before leave is granted.
 - 3) When on approved leave, the employee survivor/employee victim is to follow applicable leave procedures.
- i. If an employee becomes aware in good faith that a co-worker is a victim of domestic violence, the employee is advised to communicate that information to the human resources office. The designated HR representative(s) will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy. If an employee experiences or witnesses domestic violence or threats of such behavior in the workplace, the employee must report the incident to a human resources staff member immediately. If disclosure is made to a supervisor/manager, the supervisor/manager shall report it to the designated agency HR representative immediately who shall refer the DV Coordinator to follow up with employee.
- j. When an incident involves employees from more than one State agency, each designated DV Coordinator HR representative will ensure that appropriate responses to the situation are coordinated.

6. EXCLUSIONS OR EXCEPTIONS

- a. The Legislative and Judicial Branches, and Offices of Elected Officials are excluded, but are encouraged to adopt this policy.

7. DISSEMINATION AND TRAINING

- a. The posting of information about domestic violence in work areas is recommended. Also, information may be made available where employees can obtain it without having to request it or be seen removing it. Some suggestions are restrooms, lunchrooms, agency's intranet site or where other employee resource information is located.
- b. This policy will also be:
 - Distributed to existing employees, as defined in Scope of this policy, within 30 days of the effective date of this policy revision.
 - Distributed to new employees at the commencement of employment.
 - Distributed to new supervisors and/or managers, when promoted or newly hired; and Posted on the DHR website.
- c. Each DV Coordinator shall attend DCADV [Domestic Violence 101 training](#) within six (6) months of being appointed a DV Coordinator or six (6) months from the issuance of this policy. Trainings and webinars available through the Delaware Coalition Against Domestic Violence can be found [here](#).
- d. Each DHR employee shall attend training assigned by statewide training within 90 days of the training being assigned.

8. DATA REPORTING

Executive Branch agencies shall inform DHR/Talent Management when a DV Coordinator is assigned. The DV Coordinators list will be updated semi-annually.

9. ASSOCIATED POLICY/REGULATIONS/INFORMATION

- [11 Del. C. §§ 761,763 Criminal Conduct](#)
- [19 Del. C. §§ 710, 711](#)
- [Certified Domestic Violence Treatment and Intervention Programs](#)
- [Domestic Violence Agency Coordinator Contact List](#)
- [Employee Assistance Program](#) (EAP): ComPsych: 877-527-4742
- [Executive Order #30](#)
- [Statewide Benefits Office](#)
- [State of Delaware Respectful Workplace and Anti-Discrimination Policy](#)
- [Victims Services Resources](#)
- National Domestic Violence Hotline: 800-799-SAFE (7233)
- New Castle County, CHILD Inc: 302-762-6110 (bilingual services available)

- Kent & Sussex Counties, People's Place II: 302-422-8058
- En español (Kent/Sussex), Abriendo Puertas Program of People's Place: 302-745-9874

Information & Referrals

If you feel that you are in danger, call 9-1-1

- [Domestic Violence Coordinating Council \(DVCC\)](#): 302-255-1700
- [Delaware Coalition Against Domestic Violence \(DCADV\)](#) 302-658-2958
- [Delaware Alliance Against Sexual Violence \(DAASV\)](#): 302-290-7404
- [National Domestic Violence Hotline](#): 800-799-SAFE (7233)
- [National Sexual Assault Hotline](#): 800-656-HOPE (4673)

Delaware Hotline Numbers:**New Castle County**

Domestic Violence 302-762-6110
Rape Crisis 800-773-8570
Bi-lingual Hotline 302-762-6110
TTY 800-232-5460

Northern Kent County

Domestic Violence 302-678-3886
Bi-lingual Hotline 302-745-9874

Kent & Sussex Counties

Domestic Violence 302-422-8058
Rape Crisis 800-262-9800
Bi-lingual Hotline 302-745-9874

All hotline numbers are confidential and available 24/7. Hotlines are staffed by trained professionals who will assist in safety planning and will refer to available resources. Services are available to victims who do not speak English or who are hearing impaired (for Delaware Relay Services, dial 711).

Delaware Child Abuse Hotline

800-292-9582

Domestic Violence Court Advocacy Program: CHILD Inc offers this program in all three counties. Victim advocates may provide assistance with filing for Protection From Abuse (PFA) petitions.

New Castle County
302-255-420

Kent County
302-672-1075

Sussex County
302-856-5843

Family Court for the State of Delaware:

[Understanding the Protection From Abuse Process](#)

[Family Court for the State of Delaware Protection from Abuse \(PFA\) Case Instruction Packet](#)

In addition to the above resources, the link below provides a list of domestic violence-related frequently asked questions (FAQs).

[Link](#)

Victims' Compensation Assistance Program of the State of Delaware

When an individual becomes separated from work due to circumstances related to domestic violence, sexual offense, and/or stalking the individual should be informed that unemployment benefits may be available pursuant to [Delaware law found at, Title 19, Chapter 33, Section 3314.](#)

The posting of information about domestic violence resources in work areas is encouraged. Information made available where employees can obtain it without having to request it or be seen removing it supports the privacy rights provided. Some suggestions are: restrooms, lunchrooms, or where other employee resource information is located

10. FORMS ASSOCIATED WITH THIS POLICY

N/A

This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law.