**Company name

Description automatically generated with low confidenceCHILD AND FAMILY SERVICE OF SAGINAW COUNTY**

**SEXUAL ASSAULT CENTER**

**Workplace-Related Sexual Misconduct and Domestic/Dating Violence**

**Purpose:** This policy provides guidelines to assure a safer and more supportive organizational climate for employees, contractors, consultants, interns and volunteers [hereinafter “staff”] while also working towards preventing and reducing incidences and effects of domestic violence, sexual violence, and stalking [hereinafter “violence”] in the workplace.

Domestic violence, sexual violence, and stalking are workplace issues even if incidents occur elsewhere. These types of violence cross economic, educational, cultural, age, gender, racial, and religious lines and occur in a wide variety of contexts. Therefore, the organization will take every appropriate measure to prevent and/or address such violence in the context of:

• Subordinate/superior relationships;

• Heterosexual and same-sex intimate partner relationships, including marital, cohabiting, or dating;

• Heterosexual or same sex non-intimate partner relationships, such as between coworkers;

• Parent/child relationships; and

• Violent acts of others that could potentially occur within the workplace.

1. **Defining Violence and Other Key Terms:**
2. **Adjudication:** This includes a conviction, issuance of a final protection order, court-ordered diversion, or another judicial finding that an employee, volunteer, intern, consultant or contractor has engaged in domestic violence, dating violence, sexual assault or stalking.
3. **Domestic Violence/Dating Violence:** 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, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to: physical violence, injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control.
4. **Sexual Misconduct:** A range of sexual behaviors or acts that are conducted against someone’s will when they do not or cannot consent. These behaviors include, but are not limited to: sexual assault, stalking, and sexual harassment.
5. **Workplace-Related Incidents:** This includes sexual misconduct and/or domestic or dating violence acts, attempted acts, or threatened acts by or against employees, consultants, volunteers, interns, or contractors. These incidences may occur in the workplace, occur outside of the workplace but have an impact on the workplace, or create factors that impede the staff/volunteer/contractor/or consultant to carry out their role.
6. **Workplace:** Being in the “workplace” refers to any time an employee, volunteer, intern, contractor, or consultant is located in the building, using Child & Family Services resources, engaging in approved telework, engaged in work-related travel, or conducting business at an off-site location.
7. **Persons Covered by this Policy:** Persons covered by this policy include full and part-time employees, interns, contractors, volunteers, or temporary workers engaged by Child & Family Services or in any workplace location.
8. **Confidentiality:** Child & Family Servicesrecognizes and respects an employee’s right to privacy and the need for confidentiality and autonomy. Child & Family Services shall maintain the confidentiality of an employee’s disclosure regarding violence to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, Child & Family Services shall 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. Child & Family Services shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. Child & Family Services shall also provide the employee with the name and title of the person to whom Child & Family Services intends to share the employee’s statements and shall explain the necessity and purpose regarding said disclosure.
9. **Responses to Allegations of Workplace-Related Sexual Misconduct or Domestic Violence:**
10. Staff with information about or who witness an act of violence perpetrated by or against an employee must report it to the President/CEO or their designee and shall submit an incident report (see policy for Incident Management).
11. Child & Family Services will not retaliate against, terminate, or discipline an employee for reporting information about alleged incidents of violence as defined by this policy.
12. Any employee who feels that they have been subjected to an adverse action in response to making a report regarding an allegation of violence as described in this policy may file a grievance (see Employee Grievance Procedure).
13. Following the submission of an Incident Report alleging workplace or non-workplace violence an immediate investigation will take place by the CEO/President and any other persons determined to be necessary to carry out the investigation.
14. The investigation shall be completed within 45 days of the receipt of the information
15. Every staff member has a duty to cooperate with the investigation in a truthful manner that discloses all known information when requested to do so. Failure to be truthful or the act of withholding information can result in disciplinary action up to and including termination.
16. At the close of the investigation, the CEO/President and/or investigator shall report his or her findings to the necessary individuals.
17. If the conclusion of the investigation is a preponderance of evidence identifying that the alleged staff has engaged in a workplace-related or non-workplace related incident of violence, then the staff member shall be subject to disciplinary action up to and including termination.
18. **Workplace Supports for Staff who are Victims of Workplace Violence:**
19. **Non-discrimination and non-retaliation**
20. Staff will not be discharged, discriminated or retaliated against because of their status as a survivor of violence if the survivor provides notification to Child & family Services of the status.
21. Child & Family Services will not retaliate against a survivor of violence for requesting leave or a reasonable accommodation, regardless of whether the request was granted.
22. **Leave and Other Reasonable Accommodations and Assistance**
23. Child & Family Services recognizes that survivors of violence may need time off to obtain a protection or restraining order to help ensure their safety. Child & Family Services will work in collaboration with the staff to provide reasonable and flexible leave options when an employee or their child is a survivor of violence. When possible, it is requested that reasonable advanced notice be provided by the staff member requesting leave.
24. Child & Family Services will maintain the confidentiality of a person who requests leave under this policy, to the extent allowed by law.
25. Child & Family Services will provide reasonable accommodations for a survivor of violence who requests an accommodation for the safety of the survivor or to maintain his or her work performance while at work.
26. **Access to Unemployment Insurance Benefits**
27. It is recognized that certain situations may make it no longer feasible to continue working for Child & Family Services. In these situations, the Center Director or Finance Director shall provide the employee information regarding access to unemployment insurance benefits.
28. **Work Performance**
29. In the event that survivors of violence experience temporary difficulty fulfilling job responsibilities and it is brought to the attention of the employer support can be offered to the staff member and Child & Family Services will work collaboratively to address the issues. Options may include but are not limited to development of a workplan with the employee, discussion/referral for EAP benefits or other supportive agencies and exploring reasonable accommodations within their role.
30. **Protection and Restraining Orders**
31. Child & Family Services recognizes that a survivor of violence may seek an order of protection in his or her effort to remain safe. The workplace may or may not be included on any provided orders as a location which the perpetrator must remain away from. If a staff chooses to disclose the existence of a protection or restraining order to Child & Family Services, where possible we will assist the employee in enforcing the order.
32. **Responses to Workers Who Commit Violence**
33. A staff member who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of domestic violence, assault, sexual violence, or stalking must notify their Center Director or the President/CEO of Child & Family Services immediately regarding the existence of such criminal or civil action. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination from employment.
34. **Adjudications Resulting in Staff Holding Specific Positions in the Workplace:**
35. Staff who have received an adjudication including a conviction of domestic violence, assault, criminal sexual conduct or stalking are prohibited from maintaining paid, volunteer, intern, contractual or consultant positions within the Sexual Assault Center.
36. Staff who have received an adjudication including a conviction of domestic violence, dating violence, criminal sexual conduct or stalking can maintain roles outside of the Sexual Assault Center within Child & Family Services only at the discretion of the President/CEO.