

[Company]

## Workplace Domestic Violence, Dating Violence, Sexual Violence, and Stalking Policy

July 2023

### I. Purpose

[Company] institutes this policy as part of our commitment to a healthy and safe work climate and to the prevention and reduction of incidence and effects of domestic violence, dating violence, sexual violence, and stalking. [Company] will not tolerate, and will seek to prevent and remedy domestic violence, dating violence, sexual violence, and stalking, which affect our workplace.

[Company] recognizes that domestic violence, dating violence, sexual violence, and stalking can affect the workplace even if the incidents occur elsewhere. This policy covers heterosexual and same sex conduct, regardless of when and how long a relationship may exist or have existed between the parties.

The purposes and goals of this policy are to:

1. Prevent domestic violence, dating violence, sexual violence, and stalking affecting the workplace.
2. Remedy domestic violence, dating violence, sexual violence, and stalking which occurs in the workplace.
3. Enhance workplace awareness and capacity to create a supportive and safe work environment for employees who are survivors of domestic violence, dating violence, sexual violence, and/or stalking and their fellow employees.
4. Institutionalize responsive policies and procedures to assist employees who are impacted by domestic violence, dating violence, sexual violence, and/or stalking, including the provision of training on this policy to employees and management.
5. Provide employees who are survivors immediate assistance, information, and referrals to community resources.
6. Engage in appropriate disciplinary action against employees who perpetrate domestic violence, dating violence, sexual violence, and/or stalking.

### II. Definitions

1. **Survivor or Victim:** an individual who is currently subjected to, or has in the past been subjected to, domestic violence, dating violence, sexual violence, and/or stalking.
2. **Perpetrator:** an individual who commits or threatens to commit an act of domestic violence, dating violence, sexual violence, and/or stalking.
3. **Domestic Violence:** 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, intimate partner, family member, a person with whom the perpetrator lived in a romantic situation (i.e., not roommates), or a person with whom the perpetrator shares a child in common. It occurs in heterosexual and LGBTQ relationships and impacts individuals from all economic, educational, cultural, age, sex, gender, gender presentation, racial, and religious demographics. Domestic

violence includes, but is not limited to, physical violence, sexual violence, strangulation, emotional abuse, psychological intimidation, abuse of a domestic animal as a method of coercion, verbal abuse, technological abuse, economic control, harassment, physical intimidation, and/or injury.

4. **Dating Violence:** 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 dating partner regardless of the length of the relationship or the frequency of interaction between the persons involved in the relationship.
5. **Sexual Violence:** a range of behaviors, including but not limited to, sexual harassment, a completed nonconsensual sex act, an attempted nonconsensual sex act, abusive sexual contact (e.g. unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). These behaviors and others are considered sexual violence that is perpetrated against someone's will when someone does not or cannot consent. Consent is not given when, for example, a perpetrator uses force, harassment, threat of force, threat of adverse personnel action, coercion, or when the survivor is asleep, incapacitated, or unconscious. Survivors of sexual violence may know the perpetrator(s) and/or may be involved in a dating or intimate relationship with the perpetrator, or the perpetrator may be unknown to the survivor. A person of any age, sex, or gender may be the victim of sexual violence.
6. **Stalking:** acts of harassing, intimidating, unwanted, or threatening conduct that cause the survivor to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking conduct includes, but is not limited to: following or spying on a person; appearing at a person's home or work; appearing at a place where the perpetrator has no reason to be; waiting at places in order to make unwanted contact with the survivor or to monitor the survivor; engaging in unwanted, harassing, or threatening phone calls, emails, texts, or other modes of communication; leaving unwanted items, presents, or flowers for the survivor; 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, e-mail, voicemail, text messaging, and use of GPS and social networking sites.
7. **Protection Order:** Protection orders allow a survivor to petition the court for protection from a perpetrator, as well as establish custody and visitation guidelines and provide for other forms of support, like child support and bill payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, sexual violence, dating violence, or stalking related crime. The survivor may or may not decide a protection order is safe to pursue in his or her situation.
8. **Workplace-Related Incidents:** workplace-related incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against employees, the families and friends of employees, and/or their property, that occur in the workplace or that occur outside the workplace but have an impact on the workplace. An

employee is considered to be in the workplace while in, or utilizing the resources of the employer or performing work on behalf of the employer. A workplace includes but is not limited to employer facilities, work sites, equipment, or vehicles, or while an employee is on work-related travel.

9. **Workplace Safety Plan:** a strategy developed in collaboration with a survivor 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, contact information, parking spots, and requests for escorts to and from workplace facilities.

**Note:** These definitions refer to [Company]'s working definitions and are not taken from KY Statute, which provides more narrow definitions of violence.

### III. **Persons Covered by this Policy**

The protections of this policy cover full and part time employees, interns, contractors, volunteers, or temporary workers engaged by [Company] in any workplace location. The obligations of this policy are imposed upon full and part time employees, interns, contractors, volunteers, temporary workers, vendors, clients and customers engaged by [Company] in any workplace location.

### IV. **Statement of Confidentiality**

[Company] recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. [Company] shall maintain a reasonable level of confidentiality of an employee's disclosure regarding domestic violence, dating violence, sexual violence, and stalking 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, [Company] 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. [Company] 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. [Company] shall also provide the employee with the name and title of the person to whom [Company] intends to share the employee's statements and shall explain the necessity and purpose regarding said disclosure.

### V. **Reporting and Referrals**

Employees who are victims of domestic violence, dating violence, sexual violence, and/or stalking and employees who have witnessed acts or threatened acts of domestic violence, dating violence, sexual violence, and/or stalking in the workplace are encouraged to provide a report to [Company]. [Company] has designated (person) in the (location) office at (contact) as the person to whom such reports should be made. [Company]'s designated employee shall provide community referrals and resources to employees in order to assist employees with their concerns or experiences regarding violence. An employee should also contact (person) at (contact) if he or she wishes to report a violation of this policy.

## **VI. Training**

Supervisors will receive regular training on preventing, recognizing, and responding to domestic violence, dating violence, sexual violence, and stalking, which will include training on making appropriate referrals to experts on these issues.

## **VII. Employer Responses to Violence**

### **A. Responses to Survivors**

#### **1. Non-Discrimination and Non-Retaliation**

[Company] will not discharge or in any manner discriminate, retaliate, or take adverse employment actions against an employee because of the employee's status as a survivor of domestic violence, dating violence, sexual violence, and/or stalking, if the survivor provides notice to [Company] of the status, or [Company] has actual knowledge of the status. [Company] will not retaliate against a survivor of domestic violence, dating violence, sexual violence, or stalking for requesting leave or a reasonable accommodation, regardless of whether the request was granted.

#### **2. Leave and Other Reasonable Accommodations and Assistance**

[Company] recognizes that survivors of domestic violence, dating violence, sexual violence, and/or stalking may need time off for medical assistance, counseling, or to attend to other matters related to the violence, such as obtaining or attempting to obtain a protection order, securing safe housing, receiving services from a crisis agency, participating in safety planning, or any other assistance to help ensure his or her health, safety, or welfare or that of his or her child. [Company] will work in collaboration with the employee to provide reasonable and flexible paid and unpaid leave options when an employee is a survivor of domestic violence, dating violence, sexual violence, and/or stalking. When the need for time off is foreseeable, an employee must provide reasonable advance notice to the employer. To request Leave, employee should contact [person]. [Company] will also work with the employee to determine if other non-leave-related assistance will facilitate the employee's safety and to maintain his or her work performance while at work. Reasonable accommodations may include the implementation of safety measures, include a transfer, reassignment to another workstation within the workplace, modified schedule, option to telecommute, changed work contact, installed lock, assistance in documenting the violence that occurs in the workplace, an implemented safety procedure, another adjustment to a job structure, workplace facility, or work requirement in response to the violence. Holly Hill will assist an employee to enforce his or her protection order, if applicable.

#### **3. Access to Unemployment Insurance Benefits**

[Company] recognizes that in certain situations it is no longer feasible for an employee who is a survivor of domestic violence, dating violence, sexual violence, and stalking to continue working for [Company]. In such circumstance, [Company] shall provide the employee with information regarding access to unemployment insurance benefits. [Company] has designated [person] to provide accurate information regarding unemployment benefits for survivors of violence.

#### **4. Work Performance**

[Company] recognizes that employees who are survivors of violence may experience temporary difficulty fulfilling job responsibilities. If [Company] becomes aware that an employee's work performance or conduct has been impacted by domestic violence, dating violence, sexual assault, and/or stalking, Holly Hill will work in collaboration with the employee to address the issues, in accordance with established policies within the workplace. [Company] may develop a work plan with employee, provide leave and other accommodations, provide referrals to support or advocacy agencies, advise employee of his or her rights regarding unemployment insurance, and maintain a separate and confidential record of employee's status as a survivor of domestic violence, dating violence, sexual violence, and/or stalking to ensure that the survivor's rights and privileges of employment are not impacted or compromised as a result of the violence. enforce his or her order, shall archive said order in a confidential and separate file from employee's personnel file, and, if applicable, may assist employee to gather documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

#### **5. Protection and Restraining Orders**

[Company] recognizes that a survivor of domestic violence, dating violence, sexual violence, and/or stalking may or may not seek an order of protection. Holly Hill recognizes that the workplace may or may not be included on an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order to [Company], the employer may, wherever possible, assist the employee to enforce his or her order, shall archive said order in a confidential and separate file from employee's personnel file, and, if applicable, may assist employee to gather documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

#### **B. Responses to Employees Concerned About Violence**

Employees who suspect or witness acts of domestic violence, dating violence, sexual violence, and/or stalking in the workplace, or who suspect or witness domestic violence, dating violence, sexual violence, and/or stalking against an employee or perpetrated by an employee, are encouraged to report their concerns to the authorized person within [Company]. [Company] shall not retaliate against any employee for reporting concerns about workplace related incidents of domestic violence, dating violence, sexual violence, and/or stalking pursuant to this policy. Any employee who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy should contact [person] within [Company]. Any allegations of violations of this policy will be promptly investigated.

#### **C. Consequences to Employees Who Commit Violence**

If it is determined that an employee has committed a workplace-related incident of domestic violence, dating violence, sexual violence and/or stalking, or if a supervisor becomes aware that an employee may have committed such incident, the supervisor shall conduct or refer the employee to the designated individual as specified in Section V above to conduct appropriate investigations, interventions, and

referrals. [Company] shall promptly investigate and take disciplinary action, up to and including termination, against any employee who threatens to commit or who commits workplace-related incidents of domestic violence, dating violence, sexual violence, and/or stalking. Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, internet connections, fax machines, or other means to threaten, harass, intimidate, embarrass or otherwise harm another person. An employee 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, dating violence, sexual violence, or stalking, must disclose the existence of such criminal or civil action if the conditions of such actions interfere with the employee's ability to perform his or her job, impact another employee at [Company], or specifically relate or name [Company]. 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.