

**University of Maine
Policy on
Relationship Abuse and the Workplace¹**

I. STATEMENT OF PURPOSE

The University of Maine (hereafter “the University”) is committed to preventing relationship abuse in the workplace and maintaining a safe work environment. This commitment includes the prevention and reduction of the incidence and effects of relationship abuse, and reducing its impact on the workplace. Relationship abuse, defined later in the policy, is inclusive of domestic violence, sexual assault, or stalking or any act used to gain power and control over another party in the context of an intimate relationship.²

Domestic violence, sexual assault, stalking or any other form of relationship abuse do not stay at home when victims or abusers go to work. The University recognizes that such relationship abuse is also a workplace issue. Victims may be especially vulnerable while they are at work. Several studies, including two sponsored by the Maine Department of Labor, have demonstrated that relationship abuse can compromise the safety of employees and directly interfere with the mission of a workplace by decreasing morale and productivity, as well as by increasing absenteeism and health costs. For these reasons, the University has established this policy on relationship abuse and the workplace.

The specific purposes of the policy are to:

- Create a supportive workplace environment in which employees feel comfortable discussing relationship abuse issues and seeking assistance for relationship abuse situations;
- Develop responsive policies and procedures to assist employees who are affected by relationship abuse;
- Provide immediate assistance to victims;
- Provide assistance and/or disciplinary action to employees who are perpetrators of abuse; and
- Offer training on recognizing and responding to relationship abuse.

The University will not tolerate any act of relationship abuse in the workplace, and will take action to prevent and correct the misuse of the institution’s resources in connection with any act of relationship abuse. Misuse of the institution’s resources in connection with any act of

¹ This policy serves to complement the existing *Workplace Harassment and Violence Policy*, which addresses harassment and violence in the workplace.

² The term “intimate relationship” may not reflect everyone’s perception; an individual may not identify her/his experience as intimate or a relationship. Both men and women can be victims of relationship abuse; however, the overwhelming majority of victims of relationship abuse are women. In fact, domestic violence is the leading cause of injury (requiring medical attention) to women in the United States. “Research suggests that wife-beating results in more injuries that require medical treatment than rape, auto accidents, and mugging combined” (Stark, E. & Flitcraft, A. “Violence Among Intimates: An Epidemiological Review,” in Haslett et al. [eds.], *Handbook of Family Violence*, 1987).

relationship abuse will result in discipline up to and including termination. This policy applies to all employees of The University of Maine.³

II. DEFINITIONS

The University of Maine, as a standard for employee conduct, defines the following terms for the purposes of this policy.

A. Relationship Abuse: A pattern of coercive and/or abusive behaviors that serves to exercise control and power in an intimate relationship, and can be physical, sexual, psychological, verbal and/or emotional. Relationship abuse occurs between people of all racial, economic, educational, and religious backgrounds, and may occur in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

The coercive and abusive behaviors may include: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking,⁴ isolation from friends and family, economic control, and destruction of personal property. For the purposes of this policy and related procedures, the term relationship abuse includes (but is not limited to) one or more of the following behaviors in the context of a current or former intimate relationship:

- Attempting to cause or causing bodily injury or offensive physical contact, e.g., slapping, pulling hair, punching, sexual assault;
- Knowingly restricting the movements of another person, e.g., removing a person from residence or work, isolating or confining a person for a substantial period, monitoring phone calls or email, preventing a person from attending work or interfering with work;
- Attempting to place or placing another person in fear through a course of conduct, e.g., threatening, manipulating, intimidating, verbally and/or emotionally abusive behaviors, or exhibiting extreme possessiveness or jealousy.

B. Batterer, Perpetrator, or Abuser: An individual who commits an act of relationship abuse (as defined above).

C. Survivor, Victim or Person Affected by Abuse: An individual who has experienced or is experiencing an act of relationship abuse (as defined above).

D. Responder: Designated employees with specialized training to handle disclosures of relationship abuse (as defined above), referrals, risk assessment, and facilitate workplace safety planning (in collaboration with employee).

³ Harassment and assault by students (who are not employees), including sexual assault, relationship abuse, and stalking are violations of The University of Maine Student Conduct Code, and as such, are adjudicated through the Office of Community Standards.

⁴ Stalking behaviors or an unwelcome contact are considered harassment and are covered by the Policy on Sexual Harassment or the Workplace Harassment and Violence Policy.

E. Safe Campus Project Coordinator: The Coordinator is designated to perform the following duties: serve as the University's relationship abuse and sexual assault victim advocate; provide oversight, training, support, and consultation for Responders (in collaboration with Spruce Run and Rape Response Services); conduct risk assessment and advise Vice President for Administration and Finance (or designee) when a situation warrants action by the Workplace Threat Assessment Team.⁵

F. Workplace: University property and any place where an employee of the University is engaged in the performance of their job duties as required or directed by the University.

G. Employee: Any person engaged by the University to perform any service for compensation, but not including an independent contractor or unpaid volunteer.⁶

III. STATEMENT OF CONFIDENTIALITY

The University recognizes and respects an individual's need for privacy. To the extent permitted or required by law and unless the substance of the employee's disclosure demands otherwise, the University will maintain the confidentiality of the individual disclosing relationship abuse.

Disclosing incidents of relationship abuse can sometimes compromise individual safety. The role of the Responder is to support and assist individuals to: 1) weigh options and associated risks, 2) discuss possible next steps, and 3) access information about available resources and services. **No one is expected or required to pursue a specific course of action.** Responders will consult and share disclosures with Safe Campus Project Coordinator, a confidential advocate.

Information will be maintained as confidential unless:

- Individual signs a release of information form allowing disclosure of information; or
- Individual indicates threat of harm to self or others; or
- Individual indicates abuse of minor or elder;⁷ or
- There is a valid court order that requires disclosure of information.

If, in the opinion of the person to whom the initial disclosure is made, further disclosure is warranted, the employee will be given notice, whenever possible, of necessary further disclosures.

⁵ A description of this team's purpose and function can be found in the *Workplace Harassment and Violence Policy*.

⁶ This definition is exclusive of students who are employed on campus and inclusive of employees who take classes.

⁷ Certain persons are "mandated reporters" of abuse or neglect of children, and abuse, neglect or exploitation of incapacitated or dependent adults. Mandated reporters include law enforcement officials. See 22 M.R.S.A. § 4011-A; 22 M.R.S.A. § 3477. In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.

IV. RESPONSE TO AND ASSISTANCE FOR VICTIMS

The University seeks to offer support and referrals for assistance to those employees who disclose concerns or request help. [Subsequent sections, V. and VI., delineate support and assistance available for concerned employees and perpetrators.] Disclosures may be made to any Responder. All employees wishing to discuss relationship abuse issues are encouraged to speak with whomever they are most comfortable.

The University recognizes all persons' rights to privacy, autonomy, and safety, and the individual's need to control the process following any disclosure. To the extent that disclosures do not implicate issues of workplace safety and performance, and to the extent permitted by law and this policy, the University's response to victims will be guided by the expressed wishes of the victim, and may include the following.

A. Resources and Support

If relationship abuse is occurring in the workplace, is affecting the performance of the victim or the victim's co-workers, or if the victim otherwise requests, the University will assist the victim by:

- 1) Referring to appropriate agencies and services, including Safe Campus Project, Employee Assistance Program (EAP), domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;
- 2) Assessing the victim's need to be absent from work or have alternate work environment or hours;
- 3) Providing information regarding employment benefits, including processes for changing insurance benefits, requesting leave, and changing pay arrangements (such as direct deposit of paychecks); and
- 4) Providing information regarding the availability of unemployment benefits in certain circumstances.

B. Security

If any person is at immediate risk in the workplace, or knows or suspects that someone is, s/he should contact UMaine Police (call 9-1-1 or 581-4040). The University will follow applicable emergency or safety procedures.

Any person who is concerned about his or her safety at work, or the safety of another person, is encouraged to speak to a Responder. The Responder will consult with and make appropriate referrals to Safe Campus Project Coordinator. If there is an imminent danger to anyone in the workplace, the Responder will notify UMaine Police. The Responder will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

C. Safety Planning

If requested, the victim will be assisted with the development of an individualized workplace safety plan in conjunction with appropriate agencies and services. The University and the victim may consider, for example, screening telephone calls, changing the affected employee's phone extension or physical location, arranging for escort to and from parking areas, changing work schedules, and providing information concerning the perpetrator to UMaine Police and/or office front line personnel, such as a receptionist. For an outline of what the safety plan will consider, at a minimum, see Appendix A.

D. Reasonable and Necessary Leave

This policy recognizes that, in accordance with 26 M.R.S.A. § 850, an employer must grant reasonable and necessary leave from work, with or without pay, to an employee who is a victim to prepare for and attend court proceedings; receive medical treatment; attend to the medical treatment of a child, parent or spouse who is a victim; or obtain necessary services to remedy a crisis caused by relationship abuse. The necessity of the leave must be based upon the employee or the employee's daughter, son, parent or spouse being a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection from abuse. In addition to adherence to state law, the University further extends this policy to include the employee's intimate partner, family or household member.

E. Work Performance

When an employee confides that job performance or a conduct problem is caused by relationship abuse, referrals and assistance should be offered in accordance with this policy.

The supervisor, in collaboration with the employee and any other appropriate entities, which may include EAP, Human Resources, or the collective bargaining unit, should allow a reasonable amount of time away from work for the employee to obtain assistance regarding relationship abuse. This time may be drawn from sick or vacation leave or unpaid leave, as determined appropriate and available. Any such leave will be consistent, at a minimum, with 26 M.R.S.A. § 850.

Nothing in this policy alters the authority of the University to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

F. Court Orders

Victims are encouraged to disclose the existence of Temporary and Permanent Orders for Protection from Abuse or Harassment to a Responder, especially where the order includes a provision that the perpetrator is not to have contact with the victim at the

victim's place of employment. The Responder will follow the provisions of this policy with respect to response and assistance to the victim, and address the issue of workplace safety planning with the victim as appropriate.

V. RESPONSE TO AND ASSISTANCE FOR PERPETRATORS

The University seeks to offer referrals and assistance to those employees who disclose concerns or request help. [Section VI. delineates support and assistance available for concerned employees.] Disclosures may be made to any Responder.

A. Resources and Support

The University encourages employees who are perpetrators of relationship abuse to seek assistance from appropriate resources, such as the University's confidential EAP and/or a local state certified batterer intervention program. If an employee discloses to a Responder that he or she is or has been a perpetrator of relationship abuse, the Responder should refer the employee to appropriate resources, such as EAP and/or a local state certified Batters' Intervention Project. In every situation where an employee makes this disclosure, the Responder will share the disclosure and consult with Safe Campus Project Coordinator (in accordance with confidentiality statement outlined in Section III).

B. Security

If any person is at immediate risk in the workplace, or knows or suspects that someone is, s/he should contact UMaine Police (call 9-1-1 or 581-4040). The University will follow applicable emergency or safety procedures.

Any person who is concerned about his or her safety at work, or the safety of another person, is encouraged to speak to a Responder. If there is an imminent danger to anyone in the workplace, the Responder will notify UMaine Police.

C. Work Performance

Any incident of relationship abuse committed by an employee while in the workplace will not be tolerated. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including termination.

The use of University resources, work time, or equipment in connection with any act of relationship abuse is prohibited. The University will prevent and correct misuses of University resources in connection with any act of relationship abuse. An employee violating this section will be subject to corrective and disciplinary action, up to and including termination.

D. Off Duty

If an employee:

- 1) Is found by the University to have engaged in relationship abuse; or
- 2) Is arrested, convicted, or named as a defendant in a protective order as a result of domestic violence, sexual assault or stalking;

and such action or behavior has a nexus/connection to one's employment with the University, the employee may be subject to corrective or disciplinary action, up to and including termination.

E. Court Orders

Any employee of the University who has court action against him/her must disclose to UMaine Police any order for protection from abuse or harassment, or any condition of bail or probation that includes:

- 1) Conditions prohibiting or limiting contact with other members of the University community (e.g., employees, students); or
- 2) Conditions that may interfere with the employee's ability to perform job duties.

Failure to disclose the above information may result in disciplinary action up to and including termination.

VI. RESPONSE TO AND ASSISTANCE FOR CONCERNED EMPLOYEES

A. Resources and Support

If an employee has a concern that a co-worker is a victim of relationship abuse, the employee is encouraged to contact a Responder to discuss the concern. The Responder will support the concerned employee with the identification of next steps. In addition, the Responder will consult with and make appropriate referrals to Safe Campus Project Coordinator. If there is an imminent danger to anyone in the workplace, the Responder will notify UMaine Police. The Responder will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

If an employee discusses concerns about safety with a victim, the employee should only offer help, not judgment. The employee should also:

- 1) Refer the victim to appropriate agencies and services, including Safe Campus Project, EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services; and
- 2) Encourage the victim to seek assistance when addressing personal safety issues.

If an employee is concerned that a co-worker is a perpetrator of relationship abuse, the employee should notify a Responder. The employee is discouraged from confronting the co-worker directly. Instead, the Responder will share the disclosure and consult with Safe Campus Project Coordinator to decide how best to address the situation.

B. Security

If any person is at immediate risk in the workplace, or knows or suspects that someone is, s/he should contact UMaine Police (call 9-1-1 or 581-4040). The University will follow applicable emergency or safety procedures. Additionally, any employee who experiences or witnesses relationship abuse is encouraged to report the incident to a supervisor.

VII. OTHER STATEMENTS OF POLICY

A. Documentation

The UMaine Police will maintain copies of orders for protection from abuse and other documents that demonstrate workplace relationship abuse in a confidential file. The University will develop necessary protocols related to maintaining records of relationship abuse disclosures.

B. Retaliation

Retaliation against anyone who, in good faith, brings forward information on relationship abuse is against University of Maine policy and may be a violation of state and federal laws. Substantiated retaliation is treated as a serious offense.

C. Persons authorized to carry weapons

Some employees of the University are designated and authorized to carry firearms as part of their job duties. Any employee who is prohibited to possess a firearm or other dangerous weapon⁸ must disclose this information to UMaine Police; the University will take necessary employment action. If the individual disclosing weapons prohibitions is an employee with the UMaine Police Department, then s/he must disclose this information to Chief of Police who will notify the Vice President for Administration and Finance (or designee).

D. Related Policies

The University also has policies covering Workplace Harassment and Violence, Sexual Harassment, Electronic Communications, and Weapons, among other policies. If any policy contradicts another, then the policy with the highest standard and strictest guidelines will apply.

⁸ See Title 19-A, § 4006.

VIII. EDUCATION AND TRAINING

A. Policy Distribution

This policy will be distributed to all University of Maine employees covered by this policy and will be posted to the University's web site at: [insert link when available] New employees will receive the policy upon commencing employment. All employees will receive a list of Responders and be advised these individuals have received specialized training. Additionally, employees will be advised of the services available through the Safe Campus Project and similar resources.

B. Orientation and Training

- All employees are expected to become familiar with this policy and to receive education about relationship abuse as provided by the University.
- All new employees will receive information about relationship abuse as part of New Employee Orientation.
- Responders will attend specialized training, as provided by the University, focused on identifying and responding to issues of relationship abuse in the workplace.
- Managers, supervisors, and unit heads will receive information about the policy on relationship abuse in the workplace and should participate in an educational session to increase their awareness of relationship abuse, resources, and their role and responsibility when responding to incidents of relationship abuse in the workplace.

C. Education and Training Committee

To carry out the purpose of this policy, the University will establish an ongoing Education and Training Committee. This committee will be convened by the Vice President for Administration and Finance (or designee) and established to provide continuing opportunities for education and training. In addition to new employee orientation (described above), such educational activities may include "Lunch and Learn" sessions, speakers, and a lending library. The Safe Campus Project Coordinator will coordinate training for Responders.

D. Resources

A list of resources for survivors of relationship abuse is appended to this policy, and will be maintained and posted in locations of high visibility, such as bulletin boards, break rooms, and the University Intranet. Resources may include but not be limited to: contact information for the Safe Campus Project, EAP, the hotline number of Spruce Run, Rape Response Services, and the phone number and description of other relationship abuse resources in the community (court, police, victim advocates, legal

assistance, and sexual assault services and hotlines), and a current list of state-certified batterers' intervention programs.

IX. CONCLUSION

The University is committed to providing a supportive workplace environment free of relationship abuse. The University will strive to respond and provide immediate assistance to individuals who seek it. Individuals who disclose experiences of relationship abuse will be treated with compassion and will not be judged. The University will intervene when incidents of relationship abuse that impact the workplace are disclosed. Incidents of relationship abuse committed by an employee while in the workplace will not be tolerated. Through outreach and education, the University will heighten awareness among staff of this issue, and provide staff training in prevention and available resources.

Employees with questions about this policy or ideas to improve this policy should contact a Responder or the Coordinator of the Safe Campus Project.

Approving Authority: _____
Robert A. Kennedy, President

Date: _____

Effective Date: September 12, 2006

Appendix A

Components of a Workplace Safety Plan:

- a) Consider obtaining a civil order for protection and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to UMaine Police and other individuals or offices as appropriate, e.g., your supervisor, Human Resources. Ask co-workers and/or supervisors to call the police if the perpetrator threatens, harasses you at work, or violates the civil order for protection in any way.
- b) Consider providing a picture of the perpetrator to UMaine Police and other individuals or offices as appropriate, e.g., reception areas, if applicable.
- c) Consider providing UMaine Police with a description of any vehicle the abuser may drive.
- d) Consider identifying an emergency contact person should your employer be unable to contact you.
- e) Review the safety of your parking arrangements.
- f) Consider having an escort to and from your car or public transportation and/or obtaining special parking access.
- g) Consider requesting a change and/or unpredictable rotations of your work schedule, work site, or work assignment, if such a change is possible and would enhance your safety at work.
- h) Consider having your telephone calls screened at work.
- i) Consider requesting additional security measures for your work site. It may be possible to relocate your work station to a more secure area, provide you with a cellular phone for emergency use at work, or install security cameras or silent alarms at your work site.

Appendix B

Resources

Relationship Abuse and the Workplace Policy
<http://www.umaine.edu/safecampusproject/RA&Workplace.htm>

Safe Campus Project
201 East Annex
Phone: 581-2515
Website: www.umaine.edu/safecampusproject

Spruce Run
Hotline: 1-800-863-9909
Website: <http://www.sprucerun.net/>

Rape Response Services
Hotline: 989-5678
Toll Free: 1-800-310-0000
Website: www.raperesponseservices.com

Employee Assistance Program
126 College Avenue
Email: eap@umit.maine.edu
Website: www.umaine.edu/eap

Department of Public Safety
Public Safety Building
Phone: (207) 581-4040
Website: www.umaine.edu/publicsafety/

Office of Human Resources
234 Corbett Hall
Phone: 581-1581
Website: www.umaine.edu/hr/

Office of Equal Opportunity and Diversity
101 North Stevens Hall
Phone: (207) 581-1226
Website: www.umaine.edu/eo/

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