

MAINE STATE GOVERNMENT
POLICY AGAINST FAMILY AND INTIMATE PARTNER VIOLENCE (DOMESTIC VIOLENCE), SEXUAL ASSAULT, AND STALKING IN THE WORKPLACE

I. Policy Statement

The State of Maine is committed to promoting the health and safety of its employees. In keeping with the State's objective to serve as a model employer, the State's commitment includes addressing the issues of family and intimate partner violence, sexual assault, and stalking and reducing its impact on the workplace.

The State recognizes that family and intimate partner violence, sexual assault, and stalking presents unique issues for its workforce and acknowledges that family and intimate partner violence, sexual assault, and stalking, can be workplace issues even if the actions are being perpetrated or experienced outside of work. The State will not tolerate acts of family and intimate partner violence, sexual assault, or stalking in the workplace.

This policy is a resource for employees to provide guidance and education so they can take a proactive and informed approach in supporting survivors of family and intimate partner violence, sexual assault, and/or stalking, and also in addressing the actions of perpetrators in the workplace. The specific purposes of the policy are to:

1. Create a supportive workplace environment, in which employees feel safe and comfortable discussing issues of family and intimate partner violence, sexual assault, and stalking.
2. Develop responsive policies and procedures to assist employees who are affected by family and intimate partner violence, sexual assault, and stalking.
3. Provide immediate assistance to survivors.
4. Specify responses regarding employees who are perpetrators of family and intimate partner violence, sexual assault, and stalking, on duty or off duty with a connection to employment.
5. Offer training on recognizing and responding to family and intimate partner violence, sexual assault, and stalking.

II. Definitions

“Family and Intimate Partner Violence” (“FIPV”)¹ means a pattern of coercive behavior that is used by a person against family or household members, a current or former intimate partner/spouse, a current or former romantic or sexual partner or a person with whom the perpetrator shares a child to establish and maintain power or control over the other party in the relationship. This behavior may include physical violence, assault, sexual abuse or assault, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property. Acts need not be physically violent to constitute FIPV. FIPV occurs between people of all racial, economic, educational, and religious backgrounds.

“Perpetrator” means an individual who commits an act of FIPV, stalking, or sexual assault.

“Responders” means human resources, supervisors, and managers. HR is primarily responsible for responding to FIPV, sexual assault, and stalking but supervisors and managers may also be trained to respond.

“Sexual Assault” means a sexual act whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity, or whereby a party engages in sexual activity with another who lacks the ability to consent to such sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, elder sexual abuse, unwanted sexual contact, sexual harassment, ritual abuse, exposure, and voyeurism.

“Stalking” means the act of intentionally or knowingly engaging in a course of conduct directed toward a specific person or persons that would cause a reasonable person to fear bodily injury or harm to themselves, their relations, or their property; or to suffer serious emotional distress or inconvenience. Stalking may involve direct or indirect contact and may occur between intimate partners, acquaintances, or strangers. Stalking behaviors include but are not limited to: following a person; appearing at a person’s home or workplace; making harassing or excessive phone calls; sending letters or e-mails; leaving written messages or objects; or vandalizing a person’s property. In Maine, stalking is a crime and is defined more specifically in the criminal statutes in 17-A M.R.S. [§ 210-A](#).

“Survivor” means an individual subjected to an act of FIPV, sexual assault, or stalking.

¹ For more information, please see 26 M.R.S. § 850 for crises caused by domestic violence, sexual assault, or stalking.

“Workplace” is when the employee is on duty, is traveling on behalf of the State, is in State-owned or leased workspace, is using the State facilities, services, or equipment, is wearing a work-related uniform, or is using a vehicle that is owned or leased by the State or its agencies.

“Workplace Safety Plan” is a strategy developed in collaboration with a survivor to implement workplace safety options including, but not limited to, the following: Setting procedures for alerting security or police; temporary relocation of the survivor to a secure area; voluntary transfer or permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; shielding from telephone, fax, email, or mail harassment; and keeping a photograph of the perpetrator or a copy of an existing court order in a confidential on-site location and providing copies to designated personnel.

III. Confidentiality

The State recognizes and respects an employee's need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the employee's disclosure demands otherwise, the State will maintain the confidentiality of the employee's disclosure. Responders may share disclosures if there are workplace safety issues. Whenever possible, the employee will be given notice of necessary further disclosures.

Disclosure may be necessary if, in the opinion of the person to whom a disclosure is made, a perpetrator presents a threat to the safety of any person, the employee has expressed homicidal or suicidal intentions, or there is a reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults. Certain persons are "mandated reporters" (see Title 22 M.R.S. [§ 4011-A](#)) of abuse or neglect of children, and abuse, neglect, or exploitation of incapacitated or dependent adults. 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. Survivors 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 and Assistance

The State seeks to offer support and referrals for assistance to those employees who disclose concerns or request assistance. Although employees wishing to

discuss FIPV, sexual assault, and/or stalking issues are encouraged to speak with whomever they are most comfortable, those seeking services provided under this policy are asked to notify a supervisor, manager, or human resources staff member.

Employees are also encouraged to report the existence of temporary or permanent Orders for Protection from Abuse or Harassment to any HR manager or director, particularly if the order prevents the perpetrator from having any contact with the employee at work. Information or documents pertaining to a survivor's involvement in an FIPV, sexual assault, and/or stalking situation are maintained separate from the employee's personnel records and will not be considered for the purposes of hiring or promotion. The HR Manager will work with the employee on necessary follow-up actions to be taken in the workplace.

Supervisors and Managers who become aware that an employee may be experiencing FIPV, sexual assault, or stalking must notify Human Resources immediately. In the case of an urgent threat (if violence is occurring or appears imminent) any employee should call 911 or other appropriate emergency numbers.

V. Response to Employees Living with Family and/or Intimate Partner Violence

The State recognizes that employees who are survivors of FIPV, sexual assault, and/or stalking may experience temporary difficulty fulfilling job responsibilities. If the State becomes aware that an employee's work performance or conduct has been impacted by FIPV, sexual assault, and/or stalking, the State will offer support to the employee and work in collaboration with the employee to address the issues, in accordance with established policies within the workplace. The State may:

1. Develop a Workplace Safety Plan;
2. Make referrals to appropriate agencies and services, including, but not limited to: Living Resources, family and/or family and intimate partner violence and sexual assault advocacy programs and helplines, legal services, law enforcement, address confidentiality program, and medical and counseling services;
3. Assess the survivor's need to take leave from work and a review of benefits allowing such leave as the Victim's Leave Act, FMLA, vacation time, sick time, unpaid leave, and/or the provisions of a collective bargaining agreement;
4. Provide information regarding employment benefits, including processes for changing insurance benefits, and changing pay arrangements; and/or

5. Provide information regarding the availability of unemployment benefits in certain circumstances under 26 M.R.S. [§1043\(23\)\(B\)\(3\)](#) and 26 M.R.S. [§1193\(1\)\(A\)\(4\)](#).

VI. Work Performance and Leave from Work

State employees who are survivors of FIPV, sexual assault, and/or stalking may experience temporary difficulty fulfilling job responsibilities. If a supervisor becomes aware that an employee's work performance or conduct has been impacted by FIPV, sexual assault, or stalking, the supervisor must contact Human Resources immediately. The impact of FIPV, sexual assault, and/or stalking may be considered during performance evaluations as a mitigating factor for poor performance but must not be documented on the performance management form, and the supervisor may also develop a work plan with the employee to provide an opportunity to improve any deficiencies and meet their performance expectations.

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

The employee may take unpaid leave that is reasonable and necessary to prepare for and attend court proceedings or receive medical treatment or attend to medical treatment for a survivor who is the employee's child, parent, spouse, or domestic partner. Paid leave may be provided if the employee has available sick, vacation or personal leave. Any such leave will be consistent, at a minimum, with 26 M.R.S. [§ 850](#), and Family and Medical Leave, if applicable. Supervisors and managers should be mindful that the effects of FIPV, sexual assault, and/or stalking can be severe and may take extended periods of time to address.

VII. Response to Employees Concerned about a Co-Worker

If an employee has a concern that a co-worker is a survivor of FIPV, sexual assault, and/or stalking, the employee is encouraged to contact a Responder to discuss the concern and appropriate responses.

VIII. Response to an Employee Perpetrating Abuse

Employees are expressly forbidden from using State resources to commit abusive, violent, or harassing acts. Any employee who is found using any State resources such as work time, including regularly scheduled breaks, workplace telephones, including state issued cell phones or any phones used to conduct state business,

facsimile machines, mail, electronic mail, a State vehicle, a State credit card, or other means to commit an act of FIPV, sexual assault, and/or stalking will be subject to corrective and disciplinary action, up to and including termination. Similarly, any employee who is arrested, convicted, or issued a court order as a result of FIPV, sexual assault, or stalking when such action has a connection or nexus to their employment with the State, will be subject to corrective and disciplinary action, up to and including termination.

If an employee is concerned that a co-worker is a perpetrator of FIPV, sexual assault, or stalking with a workplace connection, the employee should notify a Responder or the Director of Human Resources. The employee should not confront the co-worker directly.

IX. Retaliation

Any retaliatory action resulting from an employee making a complaint or observation of FIPV, sexual assault, and/or stalking, or otherwise asserting rights or responsibilities under this policy or relevant laws is a serious violation of this policy and will be subject to disciplinary action, up to and including termination.

X. Training, Education, and Outreach

This policy will be distributed to all employees. New employees will receive the policy upon commencing employment and/or during their first day orientation with human resources. All employees are expected to become familiar with the provisions of this policy and to complete FIPV training as provided by the State.

Responders will attend specialized training, as provided by the State focused on identifying and safely responding to issues of FIPV, sexual assault, and stalking in the workplace.

Informational and resource materials will be available at worksites and on Bureau of Human Resource's websites, along with available sources of assistance such as Living Resources, helpline numbers for local domestic violence service providers, the Maine Coalition to End Domestic Violence and other domestic violence resources in the community.

XI. Employees Affected by Sexual Assault and/or Stalking

Employees who are victims of sexual assault or stalking should be referred to the appropriate sexual assault crisis and support center by calling 1-800-871-7741.

XII. Effective Date

The Effective Date of this policy is August 1, 2023.

XIII. Appendix 1 – Resources

Maine Coalition to End Domestic Violence: providing statewide services
1-800-834-4357 or 1-800-437-1220 for deaf and hard of hearing individuals
www.mcedv.org

Maine Coalition Against Sexual Assault: providing statewide services
1-800-871-7741
www.mecasa.org

Certified Domestic Violence Intervention Programs can be found at:
<https://www.maine.gov/corrections/victimservices/cdvip>

Immigrant Resource Center of Maine
207-753-0061
www.ircofmaine.org

National Human Trafficking Hotline
1-888-373-7888
www.humantraffickinghotline.org

Preble Street Anti-Trafficking Services
207-775-0026
www.preblestreet.org/what-we-do/anti-trafficking-services

Wabanaki Women's Coalition with the StrongHearts Native Hotline
1-844-762-8483
www.wabanakiwomenscoalition.org

Hope and Justice Project: serving Aroostook County:
1-800-439-2323
www.hopeandjusticeproject.org

Aroostook Mental Health Center Sexual Assault Services: serving Aroostook County:
1-800-871-7741
www.amhcsas.org

Partners for Peace: serving Penobscot and Piscataquis Counties:
1-800-863-9909, or TTY 1-800-437-1220
www.partnersforpeaceme.org

Rape Response Services: serving Penobscot and Piscataquis Counties:
1-800-871-7741
www.rrsonline.org

Family Violence Project: serving Kennebec and Somerset Counties:
1-877-890-7788
www.familyviolenceproject.org

Safe Voices: serving Androscoggin, Franklin, and Oxford Counties:
1-800-559-2927
www.safevoices.org

Next Step: serving Hancock and Washington Counties:
1-800-315-5579
www.nextstepdvproject.org

New Hope for Women: serving Sagadahoc, Lincoln, Knox, and Waldo Counties
1-800-522-3304
www.newhopemidcoast.org

Sexual Assault Support Services of Midcoast Maine: serving Waldo, Knox, Sagadahoc,
Lincoln, and eastern Cumberland Counties
1-800-871-7741
www.sassmm.org

Sexual Assault Prevention and Response Services of Southern Maine:
1-800-871-7741 or TTY 1-888-458-5599
www.sapars.org

Through These Doors: serving Cumberland County:
1-800-537-6066
www.throughthesedoors.org

Caring Unlimited: serving York County
1-800-239-7298
www.caring-unlimited.org

XIV. Appendix 2 – Employee Acknowledgement

**STATE OF MAINE
Employee Acknowledgement of the Policy Against Family and Intimate Partner
Violence, Sexual Assault, and Stalking in the Workplace**

Employee's Name: _____

Work Location: _____

I certify that I have received and fully understand the standards set forth in the State of Maine's Policy Against Family and Intimate Partner Violence, Sexual Assault, and Stalking in the Workplace. I further understand that violation of these standards may result in discipline up to and including termination.

Employee Signature

Date