



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Chief Human Capital Officer

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Special Attention of:

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1. This Transmits: HUD Handbook 793.1, Workplace and Domestic Violence Prevention and Response Handbook.
2. Summary: This handbook establishes the policy, procedures, guidelines, and responsibilities for HUD's Workplace and Domestic Violence Prevention Program.
3. Filing Instructions:

Remove:

HUD Handbook 791.1, Chapter 10 dated 10/95

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U.S. Department of Housing and Urban Development

# **WORKPLACE AND DOMESTIC VIOLENCE PREVENTION AND RESPONSE HANDBOOK**

Procedures For Preventing, Identifying, and Responding to Acts of Workplace  
and Domestic Violence, Sexual Assault, Harassment, and Stalking

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## **Handbook 793.1**

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## CHAPTER 1: GENERAL PROVISIONS

- 1-1 Introduction: The Department of Housing and Urban Development (HUD) is committed to ensuring adequate safety for the security of its employees. Violence in the workplace can have devastating effects on the Department's productivity and on the quality of life of HUD employees. We must take all reasonable steps to protect ourselves and others in the workplace from violent incidents that may result in injury or harm and to protect government and personal property. By working together, we can ensure that HUD establishes and maintains a work environment that is safe and healthy for all.
- 1-2 Purpose and Scope: This handbook establishes the policy, procedures, guidelines, and responsibilities for HUD's Workplace and Domestic Violence Prevention Program and establishes the departmental Workplace and Domestic Violence Crisis Response Team, hereafter referred to as the Crisis Response Team. It is intended to help employees become aware of the potential for violence in the workplace and domestic abuse, to increase their ability to recognize early warning signs of potentially violent situations, and to understand how to respond to actual or potential incidents. This guidance is general in order to address the wide array of occupations and locations of HUD employees. It is recognized that many sites and operations have unique risk factors that should be addressed with an expanded strategy. Finally, some additional resources are included for those who want to learn more (see Chapter 8).

This policy applies to all HUD employees, contractors, visitors, and others who have access to HUD facilities. The provisions outlined in this handbook covers incidents that occur while performing work related to official HUD business. For the purpose of reporting an incident, this program applies to all HUD employees, contractors, visitors, and others to HUD facilities.

- 1-3 Background: Violence is a complex phenomenon that impacts the workplace in a number of ways. In recent years, we have all become aware of the increasing frequency of violent and disruptive activities occurring in the workplace. The majority of incidents in the workplace involve assaults, harassment (including sexual), bullying, and other emotional abuse. These types of incidents rarely show up in the headlines and are often not even reported to agency management.

Domestic violence, sexual assault, and stalking are also serious problems that can affect individuals, families and communities. These crimes often cause emotional trauma and physical injury, and the effects of this can spill over into the workplace in numerous ways. As a result, domestic violence, sexual assault, and stalking have the potential to affect every Federal workplace across the United States.

The Department of Housing and Urban Development, including its employees, managers, and supervisors, must firmly and unequivocally commit to doing everything within our

power to provide a safe workplace and to prevent any incident of workplace or domestic violence.

1-4 Authorities: This section outlines some of the more relevant laws, regulations, and HUD policies related to violence in the workplace including:

- 5 CFR 630.201 – Definitions and General Provisions for Annual and Sick Leave
- 5 CFR 630.1202 – Family and Medical Leave
- 5 U.S.C. Chapter 75 – Adverse Actions
- 5 U.S.C. Chapter 23 – Merit System Principles
- 18 U.S.C. § 922 – Unlawful Acts
- 18 U.S.C. § 930 – Possession of firearms and dangerous weapons in Federal facilities
- 41 C.F.R. § 102-74.440 – Weapons
- Title VII of the Civil Rights Act of 1964

### **Standards of Ethical Conduct**

Threatening or intimidating behavior and violent acts may be viewed as a job conduct problem. In these situations, the Standards of Ethical Conduct may influence sanctions imposed concerning the conduct. The standards are promulgated by the Office of Government Ethics to ensure that the business of Federal agencies is conducted effectively, objectively, and without improper influence or the appearance of improper influence. They also attempt to ensure that government employees are persons of integrity and observe high standards of honesty, impartiality, and behavior.

### **The Rehabilitation Act of 1973**

The Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in federal employment and is, therefore, relevant to the issue of workplace violence. Plans for responding to potential workplace violence must be consistent with nondiscrimination requirements, including reasonable accommodations. Individuals with disabilities must be provided with the same ability to know about, and take refuge from, workplace violence as individuals without disabilities.

The Rehabilitation Act protects individuals with disabilities from employment-related decisions that are based on false assumptions or stereotypical views about risks posed by individuals with disabilities. Under the Rehabilitation Act, an individual with a disability may only be denied employment or discharged based on disability-related safety concerns where (1) that individual poses a direct threat to the health or safety of others; and (2) the direct threat cannot be reduced or eliminated by a reasonable accommodation without undue hardship. A direct threat of violence is generally understood to mean a specific and significant risk of violence coupled with a high probability of substantial harm. It is

determined on a case by case basis. Once it is determined that an individual poses a direct threat to the health safety of others, HUD must then determine whether a reasonable accommodation can eliminate or reduce the threat without undue hardship to the agency.

An individual's conduct of a violent nature may or may not be associated with a disability. Employees who threaten or commit acts of violence may seek protection under the laws because of psychological handicaps that may lead to violence, but the Rehabilitation Act does not shield employees from the consequences of violent behavior. Employees with disabilities must be qualified to perform the essential functions of their job with or without reasonable accommodations.

Violence and threats of violence can be very stressful, and different individuals respond to violence or threats in different ways. Additionally, it is important to recognize that employees may have disabilities, including psychiatric disabilities, which could be triggered or exacerbated by exposure to violence or threats. An employee may make a reasonable accommodation request in accordance with Departmental policy and procedures outlined in Handbook 7855.1, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities. Reasonable accommodation requests may involve disability-related information of a confidential nature and may be time-sensitive.

### **Employee Assistance Program (EAP)**

The regulatory requirements in Title 5 of the Code of Federal Regulations (CFR) Part 792 mandate that agencies establish appropriate prevention, treatment, and rehabilitation programs for Federal employees with alcohol and/or drug abuse problems. Furthermore, Public Law 79-658 authorizes agencies to provide for the physical and mental fitness of Federal employees. These authorities form the basis for the existence of the EAP. Comprehensive EAPs must address alcohol, drug abuse, and emotional/behavioral problems.

The basic program philosophy is that when personal problems of all types are effectively dealt with and treated, affected employees are expected to become healthier, better adjusted individuals, who are likely to perform more effectively on the job. The EAP also has a strong preventative philosophy. The EAP plays a critical role in preventing workplace violence through assisting employees with stress or other personal issues that may lead to violence. The EAP also assists victims of threatening or violent behavior by providing counseling and referral for emotional problems that may result from acts of violence. Assistance for entire workgroups is also provided by the EAP after traumatic events.

### **Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act of 1993 guarantees an eligible worker the right to take up to 12 weeks of unpaid, job protected leave in a year to care for one's own serious



health condition or to attend to family members' serious health conditions. If a mental or physical injury occurs due to workplace violence, an employee may be eligible to utilize this leave for care of the injury.

### **Federal Property Management Regulations**

These regulations are promulgated by the General Services Administration (GSA). They contain several provisions prohibiting disruptive conduct in Federal buildings. The regulations prohibit the creation of hazards as well as disturbances of all kinds that disrupt the performance of official job duties. They also prohibit the use of alcohol and drugs at work and contain penalties for violations of these regulations. Physical protection and building security is also required to be provided by GSA under these regulations.

### **Workers Compensation**

The role of workers' compensation is significant in workplace violence. Injuries resulting from personal disputes are typically judged compensable, no matter how unusual. But an employee's injury is covered under workers' compensation only if the dispute leading to the injury is related to the employment. In other words, the employee must have been acting within the scope of his/her job when the injury occurred for the injury to be compensable. An employee who commits a violent act in the workplace and who sustains injuries may also be entitled to workers' compensation benefits. However, there are certain restrictions to the right of recovery of benefits for the perpetrator that make it more difficult to collect benefits.

### **Other Responsibilities**

HUD's employees need to be aware of other laws and regulations that impact their response to workplace and domestic violence. For example, most states now have stalking laws that prohibit willful, malicious, and repeated following and harassing of another person. These stalking laws would prohibit this type of behavior at work as well.

Restraining orders and protective court orders are another measure used in the community for preventing further violence, threats or harassment. They are issued by a court and forbid, for a specified period of time, one party from making contact with another. It is important that appropriate persons in the Department know about these orders so that the individuals can be protected at work, particularly when the two parties work together.

#### **1-5 Departmental Workplace and Domestic Violence Policy Statement:**

It is HUD's Policy:

- To provide a safe and healthy work environment for all employees. Every HUD employee

deserves to be treated with respect, dignity, and fairness. Acts of violence, assault, intimidation, bullying, weapons possession, threats of violence, explicit or veiled, verbal or written, or any other form of abusive, aggressive, or disruptive behaviors against any HUD employee, at any organizational level are against HUD's policy and Federal law and will not be tolerated.

- That no employee, contractor, vendor, or visitor shall possess or cause a firearm (or other dangerous weapon) to be present in a HUD facility or event, or be in possession of a weapon while performing their official duties as cited in 18 U.S.C §930, except for law enforcement and security officers authorized to carry firearms or other dangerous weapons.
- To remove individuals who commit acts that compromises the safety and security of the HUD workplace from the premises. Employees found in violation of this policy may be subject to disciplinary or adverse action, criminal penalties, or other appropriate remedy or sanction, up to and including removal from Federal service and referral to the appropriate law enforcement authorities. All nonemployees found in violation of this policy will be referred to the appropriate law enforcement authority.
- To provide support and assistance to employees whose work lives are affected by domestic violence and to encourage employees at all levels to report threatening or intimidating behavior to the appropriate authorities within and outside the Department.

1-6 **Definitions:** These definitions are provided for use in the context of this policy and should not be construed as legal definitions.

**Assault/Violence:** To attack someone physically or verbally, causing bodily or emotional injury, pain and/or distress. This might involve the use of a weapon, and includes actions such as hitting, punching, pushing, poking, or kicking.

**Crisis Response Team:** A group of departmental management officials convened on an ongoing or ad hoc basis to implement policies regarding workplace or domestic violence; investigate and assess a violent or potentially violent situation; intervene to provide solutions to resolve or diffuse some violent situations (which are not better handled by law enforcement); implement the agency's action plan when required; and/or implement any corrective, preventive, or follow-up action during or following an incident of workplace violence. It is not the intention of this team to interfere with official police investigations.

**Cultural Competence:** Cultural competence is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enable effective work in cross-cultural situations. "Culture" refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups. "Competence" implies

having the capacity to function effectively as an individual or an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.

**Dangerous Weapon:** A device, instrument, material, or substance (animate or inanimate) that is used for, or is readily capable of, causing death or serious bodily injury. These include guns, knives, clubs, chemicals and explosive devices.

**Domestic Violence:** Domestic violence is 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, current or former intimate partner, current or former dating partner, or person with whom the perpetrator shares a child in common. This behavior includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats, physical intimidation, or injury. Domestic violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic violence can occur in heterosexual and same-sex intimate relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship.

**Employee:** Any person employed by a Federal Executive agency as defined in 5 U.S.C. § 105. This does not include employees of private contractors hired by agencies.

**Employee Assistance Program (EAP):** A professional assessment, referral, and short-term counseling service available to all HUD employees and their family members to help with personal problems such as substance abuse, job stress, and family dysfunction which may be affecting work performance. EAP services are voluntary, confidential, and provided at no cost to the employee and are accessible 24 hours a day 7 days a week via: [www.FOH4you.com](http://www.FOH4you.com), 1 (800) 222-0364, or if hearing impaired: 1 (888) 262-7848 (TTY).

**Immediate Supervisor:** The individual to whom the employee directly reports.

**Imminent Danger:** Any condition(s) or practice(s) in any HUD workplace that could be reasonably expected to cause death or physical harm immediately within such a short time that emergency steps must be taken.

**Intimidating or Harassing Behavior:** Threats or other conduct which in any way creates a hostile environment; impairs agency operations; or frightens, alarms, or inhibits others. Psychological intimidation or harassment includes making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt or cause harm to others' reputations. Physical intimidation or harassment may include holding, impeding or blocking movement, following, stalking, touching or any other inappropriate physical contact or advances.

**HUD Facility:** A building, or part thereof, including appurtenant grounds and parking lots, utilized or under the control of, assigned to or leased by or on behalf of HUD and/or its components where its employees or contractors are present for the purpose of performing their official duties.

**Local Authorities:** Municipal, county, state, and federal law enforcement (having local responsibilities); or public safety personnel, such as police, fire fighters, arson investigators, bomb/threat investigators, etc., of the civil jurisdictions where HUD facilities are located or acts of violence occur.

**Management Official:** Any individual employed by HUD in a position for which the duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of HUD. For purposes of this policy, this may also include an individual in a supervisory position.

**Outside Source:** Any non-HUD individual.

**Perpetrator:** An individual who commits or threatens to commit an act of violence, domestic violence, sexual assault, and/or stalking.

**Protection or Restraining Order:** A protection order, sometimes called a restraining order, a stay-away order, or a peace order, is an order issued by a court to protect a victim from a perpetrator. Such an order also may establish custody and visitation guidelines and provide for forms of economic security, like child support, rent or mortgage 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 assault, or stalking or a related crime.

**Sexual Assault:** Sexual assault refers to a range of behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape, sodomy, and child molestation), an attempted nonconsensual sex act, and/or abusive sexual contact. Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. A victim of sexual assault may know the perpetrator, such as a co-worker 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 victim. Lack of consent should be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent.

**Sexual Harassment:** Title VII of the Civil Rights Act of 1964 refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating,

hostile, or offensive work environment. Sexual assault is a form of sexual harassment prohibited by Title VII, but most sexual harassment does not rise to the level of sexual assault. This Handbook only addresses sexual assault. For sexual harassment that does not rise to the level of sexual assault, agencies should follow their sexual harassment policies and guidance from the EEOC.

**Stalking:** Stalking refers to harassing, unwanted, or threatening conduct that causes the victim to fear for his/her safety or the safety of a family member. Stalking conduct may include, but is not limited to, following, spying on, or waiting for the victim in places such as home, school, work, or recreation place; leaving unwanted items, presents, or flowers for the victim; making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property; posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; and obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting the victim's friends, family, work, or neighbors. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS and social networking sites.

**Threat:** Any oral, written expression, or gesture that could be interpreted by a reasonable person as conveying intent to cause physical harm to persons or property. Statements such as, "I'll get him" or "She won't get away with this" are examples of threatening expressions.

**Victim:** A victim is an individual who is currently subject to or has in the past been subjected to, threats, violence, domestic violence, sexual assault, and/or stalking.

**Workplace:** A workplace is an employee's official duty station or alternative work location that is associated with the employee's established tour of duty (working hours). The employee is considered to be in the workplace while in or utilizing the resources of HUD. The availability and character of an agency response to a workplace-related incident may be dependent upon the location at issue.

**Workplace-related Incidents:** Workplace-related incidents of violence, domestic violence, sexual assault, and stalking include acts, attempted acts, or threatened acts by or against employees, and/or against employees' families or property, that occur in the workplace or that occur outside the workplace but have an impact on the workplace.

**Workplace Violence:** An action (verbal, written or physical aggression) which is intended to control or cause, or is capable of causing, death or serious bodily injury to oneself or others, or damage to property. Workplace violence includes, but is not limited to abuse of authority, intimidating or harassing behavior and threats. Workplace violence may make an employee afraid to come to work or interact with others.

## CHAPTER 2: ROLES AND RESPONSIBILITIES

We all have a responsibility to ensure that HUD remains a safe place to work. Further, all responsible parties must recognize and respect the victim's rights to privacy, and the need for confidentiality and autonomy in protecting the safety of the disclosing employee, and other reports of workplace and domestic abuse-related incidents of violence. Specific responsibilities are spelled out below.

### 2-1 Employees will:

1. Comply with the provisions of this handbook.
2. Respect co-workers and refrain from behavior that could be perceived as threatening, intimidating, or dangerous to themselves or others.
3. Encourage victims of workplace or domestic violence to report incidents themselves. Communicate your concern for his/her safety and be clear that your role is to help.
4. Immediately report any incidents of threats or violence they experience or witness by completing the Incident Report for Assault, Harassment, Intimidation, Bullying, Weapons Possessions or Threat, here after referred to as the Incident Report, as soon as practicable and forward to his/her immediate supervisor, or a management official in their chain-of-command, union official, or other appropriate source, as warranted (see Appendix B).
5. As safety permits, remove themselves from possible or further harm and danger immediately.
6. Cooperate fully in investigations/assessments of allegations of workplace violence.
7. Seek appropriate assistance (e.g., Employee Assistance Program or other counseling service) if they are experiencing stressful personal or work circumstances, originating from any source, which may adversely affect their productivity or lead to unacceptable behavior.
8. Inform appropriate persons in their supervisory chain-of-command about restraining orders and other protective court orders related to workplace and domestic situations so that assistance can be offered at the worksite.
9. Not excuse, cover or protect a co-worker who threatens or commits a violent act against another person or property.
10. Only report accurate and truthful information. Employees who falsely report information or make unfounded complaints against another may be subject to disciplinary or adverse

action up to and including removal from Federal service, referral to the Office of the Inspector General (OIG), or possible criminal prosecution.

11. As necessary, complete related training as provided by HUD to develop additional techniques to deal with these types of incidents.
12. Consider developing a safety plan to identify and evaluate options to reduce his/her risk when confronted with the threat of harm or actual harm.
13. Obtain medical treatment for injuries.

2-2 Managers and Supervisors will:

1. Ensure compliance with the provisions of this handbook.
2. Warrant through discussion, that all employees are fully informed of and understand HUD workplace and domestic violence policy and procedures so that they understand how to handle intimidating, threatening, and violent incidents and the consequences of such behaviors.
3. Promote and cultivate a safe and secure work environment for employees under their supervision.
4. Become familiar with the warning signs and levels of workplace and domestic violence, and workplace protocols in reporting and responding to incidents and promptly address them with all concerned parties (see Chapter 3).
5. Refuse to tolerate harmful, threatening, intimidating, or any other inappropriate behavior in the workplace.
6. Exercise cultural competence when addressing workplace and domestic violence within a diverse Federal workforce.
7. Monitor, assess, and respond to employee complaints, credible reports of threats, questionable behavior, or prohibited conduct.
8. Conduct threat assessments in order to assess the nature and severity of threatening or violent conduct, and work with the victim and other appropriate officials to implement the appropriate action, including the establishment of a safety plan if necessary (see Appendix G).
9. Consult with their local employee relations advisor for advice and guidance on the appropriate course of disciplinary action for validated acts of physical violence, assault,

intimidation, harassment, stalking, bullying, weapons possession or threats by an employee.

10. Complete related training to develop additional techniques to prevent or deal with threatening or violent behaviors in the workplace. Such courses could include interpersonal communications, conflict management, and verbally defusing hostility.
11. Encourage employees or other individuals who appear to be distressed or who show evidence of possible domestic violence to seek and receive assistance through the Employee Assistance Program (EAP), as necessary.
12. Provide useful information to the Workplace and Domestic Violence Crisis Response Team to assist in determining the severity of any threat and appropriate course of action to mitigate current or future incidents.
13. Document on the Incident Report and respond to allegations of workplace and domestic violence in a timely fashion. Preserve the confidentiality of all employee complaints, incident reports and related information, and protect the privacy of all persons involved to the extent reasonably possible (see Chapter 4).
14. Make available the necessary resources to employees experiencing workplace and domestic violence by assisting with the development and implementation of the employee's safety plan(s) offering workplace flexibilities, as applicable.
15. Demonstrate sensitivity to stress generated from violent workplace incidents and employ changes that would alleviate work-related stress.
16. Assure that employees have time and opportunity to attend training concerning understanding and responding to threats or violence in the workplace.
17. Consistently apply all applicable Federal laws and regulations, ensuring that thorough and appropriate reference screening is performed to avoid hiring individuals with an authenticated history of violent, threatening, or other unacceptable disruptive behavior that would preclude them from performing the duties of the job or place other employees at reasonable risk of serious injury or death.
18. Assist agency officials with any follow-up investigations.

2-3 Office of the Chief Human Capital Officer (OCHCO) will:

1. Serve as the overall lead, which has ultimate responsibility for workplace and domestic violence policy and procedural development and planning and execution of this program in coordination and collaboration with other appropriate entities, as appropriate.



2. Champion efforts to provide a safe and secure workplace by sponsoring initiatives to create awareness, consultation and guidance, training, and other resources and assistance to the HUD workforce.
3. Assist with the development and delivery of appropriate training and education sessions related to violence in the workplace, to include agency policy, warning signs, workforce issues which contribute to stress, response procedures, and prevention techniques.
4. Provide advice and assistance to managers and supervisors regarding employees' personnel and administrative actions related to violent behavior, threats of violence, or other performance and conduct deficiencies.
5. Inform supervisors and managers of the importance and proper methods of screening applicants to avoid hiring an individual with a history of or the potential for violent behavior in connection with required background investigations.
6. Advise supervisors and managers of the warning signs symptoms potentially violent situation exists to determine the appropriate response or corrective action to be taken.
7. Deny access to HUD facilities to individuals who pose a clear threat and obtaining information as needed to make an assessment of an individual's potential for violent behavior.
8. Led efforts to assist in investigating allegations of workplace and domestic violence raised by supervisors, managers, and all other employees or as requested by the departmental Workplace and Domestic Violence Crisis Response Team or law enforcement personnel.
9. Coordinate with the Office of Departmental Equal Employment Opportunity (ODEEO) to help parties resolve conflicts that they cannot resolve on their own with the assistance of a neutral third party by way of the Alternative Dispute Resolution (ADR) process.
10. Oversee the actions of the Regional Crisis Response Officer, who convenes the headquarters Workplace and Domestic Violence Crisis Response Team, by providing advice and assistance to management and employees to identify precautionary actions they should take in cases of imminent threat related to workplace or domestic violence, sexual harassment, and stalking.
11. Provide the necessary resources to employees experiencing workplace or domestic violence by assisting with the development and implementation of the employee's safety plan(s), as applicable.
12. Encourage employees or other individuals to obtain assistance, if necessary, with any

personnel problem through the EAP.

13. Administer the workplace and domestic violence program to ensure accountability by evaluating and reporting agency incidents relative to goal identification and progress.

2-4 Office of Administration will:

1. Oversee local building security personnel actions for reported incidents of violence and act as liaison with Federal Protective Services (FPS) or local law enforcement authorities, when necessary in providing first response to violent acts, contacting local law enforcement entities for immediate response as needed in individual circumstances.
2. Direct the actions of the Regional Crisis Response Officer, who convenes the Workplace and Domestic Violence Crisis Response team, as required, and provide oversight for regional and field related matters, by providing advice and assistance to management and employees to identify precautionary actions they should take in cases of imminent threat related to workplace or domestic violence, sexual harassment, and stalking.
3. Provide the necessary resources to employees experiencing workplace or domestic violence by assisting with the development and implementation of the employee's safety plan(s), as applicable.
4. Encourage employees or other individuals to obtain assistance, if necessary, with any personnel problem through the EAP.
5. Ensure accountability by evaluating and reporting agency incidents relative to goal identification and progress to the Departmental Crisis Response Program Manager.
6. Led efforts to assist in investigating allegations of workplace and domestic violence raised by supervisors, managers, and all other employees or as requested by the departmental Workplace and Domestic Violence Crisis Response Team or law enforcement personnel.
7. Collaborate with the Departmental Crisis Response Program Manager to administer the program through the identification, development, and implementation of appropriate training and education sessions related to violence in the workplace, to include agency policy, warning signs, workforce issues which contribute to stress, response procedures, and prevention techniques.
8. Provide advice and assistance to managers and supervisors at the regional and field office level, regarding employees' personnel and administrative actions related to violent behavior, threats of violence, or other performance and conduct deficiencies.

2-5 Office of Disaster Management and National Security Protection (ODMNS) will:

1. Serve in an advisory capacity on HUD's Workplace and Domestic Violence Crisis Response Team by providing advice and guidance to managers and employees on precautionary actions they should take in cases of imminent threat and/or workplace danger and assist with or conduct investigations of threats or incidents of workplace violence.
2. Provide technical advice and support regarding physical security matters and promptly respond to threats or acts of violence reported to the local building security.
3. Assist in the provision of training to managers and supervisors on dealing with violent and threatening behavior in the workplace.
4. Act as liaison with Federal Protective Services (FPS) or local law enforcement authorities, as appropriate.
5. Encourage employees or other individuals to obtain assistance, if necessary, with any personal problem through the EAP.

2-6 Office of Departmental Equal Employment Opportunity (ODEEO) will:

1. In cases where appropriate and safety is not compromised, provide mediation and other Alternative Dispute Resolution (ADR) services to assist employees in resolving disputes.
2. Partner with OCHCO in providing training in conflict resolution, effective communication, and negotiation skills.
3. Serve on the Workplace and Domestic Violence Crisis Response Team and assist in determining the severity of any threat and appropriate course of action to mitigate current or future incidents, as requested.

2-7 Employee Assistance Program will:

1. Provide consultation and guidance to managers and supervisors on an appropriate response plan in dealing with employees with performance or conduct problems.
2. Provide diagnostic counseling for employees experiencing personal problems on and off the job.
3. Offer access to short-term counseling and provide referrals to community resources for employee needing long-term counseling.

4. Serve on the Workplace and Domestic Violence Crisis Response Team and assist in determining the severity of any threat and appropriate course of action to mitigate current or future incidents, as requested.
5. Notify the appropriate authorities for action when employees demonstrate imminent risk behaviors for violence.
6. Assist in the provision of training to assist employees to deal with situations which may lead to potential violence, for example, stress management and domestic violence.

2-8 Federal Protective Service (FPS), Local Security, or Local Law Enforcement will:

1. Take the necessary actions to ensure the safety of the HUD workplace.
2. When necessary, provide first response to violent acts, contacting local law enforcement offices for immediate response as needed in individual circumstances.
3. Make arrests for acts of violence in Government owned and leased buildings, when appropriate and when having authority. Where local security personnel or FPS are not available, their role may be fulfilled by local law enforcement, as appropriate.

2-9 Unions and Their Representatives will:

1. Refer to negotiated agreements and/or supplements for union involvement in workplace and domestic violence incidents.

2-10 Safety Officers will:

1. Gather incident reports on workplace violence in HUD.
2. Prepare trend reports and other analyses of the incident.
3. Perform emergency preparedness activities in HUD.
4. Serve on the Workplace and Domestic Violence Crisis Response Team and assist in determining the severity of any threat and appropriate course of action to mitigate current or future incidents, as requested.

2-11 Workplace and Domestic Violence Crisis Response Team will:

1. Convene as requested by local Crisis Response representatives which include the Departmental Crisis Response Program Manager for Headquarters incidents or a Regional

Crisis Response Officer for Field incidents, to conduct threat assessments of the department's current ability to handle incidents by promptly assessing reports of threats or harmful acts that occur in HUD facilities, document the circumstances, and work with the victim and management to implement appropriate course of action, as necessary.

2. Include representation by a local Crisis Response representative, and as appropriate, management official representatives from the functional areas listed below which will vary in size and composition based on the location of each office and circumstances of the incident:
  - a. Employee Assistance Program (EAP)
  - b. Employee Relations
  - c. General Counsel
  - d. Health Unit
  - e. EEO Advisor
  - f. Senior Management
  - g. Administration/Facilities
  - h. Investigation Officers (ODMNS)
3. Evaluate the outcome of threat assessments (see Appendix G) in order to assess the nature and severity of threatening or violent conduct, and work with the victim, manager, and other appropriate officials to implement the appropriate action, including the establishment of a safety plan as required.
4. Provide recommendations for training and consultation regarding trends, risks, or other appropriate actions to HUD management officials or other interested parties.
5. Review incident reports to determine that all reasonable actions are taken to protect employees in threatening situations or emergencies.
6. Serve as a resource and information conduit for workplace and domestic violence concerns.
7. Make records accessible to the victim for discussions or to review recommendations developed by the team.

2-12 Office of General Counsel (OGC) will:

1. Provide legal assistance and coordinate with the Office of the Chief Human Capital Officer (OCHCO) for workplace incidents and related criminal proceedings, as applicable.
2. Serve on the Workplace and Domestic Violence Crisis Response Team and assist in determining the severity of any threat and appropriate course of action to mitigate current or future incidents, as appropriate.

2-13 Office of the Inspector General (OIG) will:

1. Evaluate and investigate, when appropriate, allegations of workplace misconduct by employees or contractors.
2. Coordinate with OCHCO, ODMNS, and other entities with an interest in the matter.
3. Provide appropriate supervisor with the results of any investigation for review and action, if warranted.

2-14 Departmental Crisis Response Program Manager will:

1. Serve as the primary administrator and advocate for HUD's Workplace and Domestic Violence Program.
2. Administer the program in accordance with the provisions of this handbook and encourage management officials and employees to inform the appropriate law enforcement authorities as soon as possible of any specific threats or situations which could escalate into a harmful act.
3. Designate and convene the Workplace and Domestic Violence Response Team as appropriate, to assess HUD's capacity to respond to reported incidents and determine the severity of any threat and appropriate course of action to mitigate current or future incidents.
4. Serve as a resource and information conduit for workplace and domestic violence concerns by providing training to assist managers and employees to deal with situations which may lead to potential violence, for example, conflict resolution, stress management, and negotiation skills.
5. Deliver the necessary resources to employees experiencing workplace and domestic violence by assisting with the development and implementation of the employee's safety plan(s), as required.
6. Assesses all Headquarters incidents and works collaboratively with Field Local Crisis Response representatives to evaluate reported incidents to determine that all reasonable actions are taken to protect employees in threatening situations or emergencies, as required.
7. At least annually, make information available relative to HUD's workplace and domestic violence prevention program to the workforce or other interested stakeholder for the purpose of monitoring the effectiveness of strategic responses for the department's

workplace and domestic violence prevention program (see Appendix F).

8. Request assistance from the Employee Assistance Program (EAP), when appropriate.
9. Assist or independently conduct threat assessments to assess the nature and severity of threatening or violent conduct, and work with the victim, manager, and other appropriate officials to implement the appropriate action, including the establishment of a safety plan, as required (see Appendix G).

2-15 Regional Crisis Response Officer will:

1. As a collateral duty, RSM or designee will serve as Regional Crisis Response Officer to execute the program at the respective region or field office in accordance with the provisions of this handbook and encourage management officials and employees to inform the appropriate law enforcement authorities as soon as possible of any specific threats or situations which could escalate into a harmful act.
2. Convene the Workplace and Domestic Violence Response Team to assess the HUD's capacity to respond to reported incidents and determine the severity of any threat and appropriate course of action to mitigate current or future incidents.
3. Serve as a resource and information conduit for workplace and domestic violence concerns by providing training to assist managers and employees to deal with situations which may lead to potential violence, for example, conflict resolution, stress management, and negotiation skills.
4. Deliver the necessary resources to employees experiencing workplace and domestic violence by assisting with the development and implementation of the employee's safety plan(s), as required.
5. Evaluate field reported incidents to determine that all reasonable actions are taken to protect employees in threatening situations or emergencies, as required.
6. Provide information to the Departmental Crisis Response Program Manager and other interested stakeholders, information relative to their respective workplace and domestic violence prevention activities and incidents for the purpose of monitoring the effectiveness of strategic responses for the department's workplace and domestic violence prevention program (see Appendix F).
7. Request assistance from the Employee Assistance Program (EAP), when appropriate.
8. Assist or independently conduct threat assessments to assess the nature and severity of threatening or violent conduct, and work with the victim, manager, and other appropriate

officials to implement the appropriate action, including the establishment of a safety plan, as required (see Appendix G).



## CHAPTER 3: IS THIS A VIOLENT SITUATION? LEARN THE WARNING SIGNS AND LEVELS OF VIOLENCE.

- 3-1 Violence, as well as threatening and similar disruptive actions, is prohibited because it adversely affects safety, morale and productivity. Ignoring an employee or outside source who exhibits these behaviors sends the message that such behaviors are acceptable. Consequently, the behaviors are likely to continue and may even increase in frequency and severity. Therefore, it is critical to identify and report the behaviors at the earliest possible moment so that appropriate action can be taken. When the violent or potentially violent person is an employee, it is also important to note if it becomes necessary to take disciplinary action later based on the threat or act. Equally, the fact that the Department took the behavior seriously will strengthen the basis for the disciplinary action.

Employees are urged to make use of the resources available to help in managing conflict and stress that may lead to violence. Available resources include but are not limited to: managers and supervisors; Employee Assistance Program or other community source; union representatives/stewards; human resources and employee relations specialists; building security personnel; and EEO specialists or counselors.

There are various workplace flexibilities available to offer employees in these situations (see Chapter 5). Although such participation is voluntary, the employee (victim or perpetrator) should be made aware of the services offered through EAP. An employee's voluntary participation in EAP counseling could mitigate the severity of any penalty arising out of the behavior. Supervisors must contact their local employee relations advisor for advice and guidance on the appropriate action.

- 3-2 Warning Signs: No one can always predict when a human being will become violent. There is no absolute specific profile of a potentially dangerous individual; however, indicators of increased risk of violent behavior are available. The following types of behavior are unacceptable, will not be tolerated and require appropriate actions by managers and supervisors. Employees who exhibit these types of behavior could be subject to appropriate disciplinary action, which could include removal from Federal Service. Some of the observable behavior indicators may include but are not limited to:
- a. Threats may be direct statements such as "I am going to kill you," or veiled statements such as "Something bad will happen to someone," "I am afraid I may hurt someone," or "I think about killing myself." Some of the ways employees may receive threats include:
    - i. Remarks made directly to the victim of the threat orally, either in person or through telephone calls;
    - ii. Remarks made to one person about another; or
    - iii. Remarks made in letters, notes, or electronic messages.

When you are aware of such threatening remarks, do not ignore the information, even if you do not personally believe the threat to be serious. Victims who receive or witnesses who observe threatening behaviors should report them to their supervisor or other management official in their chain-of-command, or other appropriate official, who must immediately follow the protocol illustrated in Chapter 5 of this handbook.

- b. Intimidating or harassing remarks may not actually contain a threat. However, these types of remarks can create a hostile work environment and must be addressed. Employees should report such remarks to their supervisor or other management official in their chain-of-command or other appropriate official, who must immediately follow the protocol illustrated in Chapter 5 of this handbook.
- c. Intimidating, harassing, or confrontational behavior can include such things as physically crowding, stalking, or directing menacing looks or gestures at an individual to create fear. Such actions are inappropriate and will not be tolerated. When ignored, they can escalate to more serious problems. Employees should report intimidating or harassing behavior to their supervisor or other management official in their chain-of-command, or other appropriate official, who must immediately follow the protocol illustrated in Chapter 5 of this handbook.
- d. Irrational or inappropriate behavior often bothers others and can be extremely disruptive. These behaviors may be a warning sign of violence or may be indicative of other problems. Examples of such irrational or inappropriate behavior may include unwelcomed name calling, use of obscene language, throwing objects and the like. Employees should notify their supervisors or management official in their chain-of-command or other appropriate official when they are the victim or have witnessed irrational or inappropriate behavior. The supervisor or management official must then immediately follow the protocol illustrated in Chapter 5 of this handbook.

Each of these behaviors indicates the potential for escalation of violent behavior. None should be ignored. By identifying the problem and dealing with it appropriately, we may be able to prevent violence from happening. Employees who recognize these behaviors in themselves are encouraged to seek assistance from the Employee Assistance Program (EAP) or other trained professionals. Employees who notice the above indicators in coworkers should notify their supervisors or management officials in their chain of command or the local Crisis Response representative. Supervisors who have seen the above indicators in an employee, or have received a report from one employee regarding another, should immediately contact the local Crisis Response representative for advice and assistance in determining the appropriate course of action to prevent or mitigate the situation.

- 3-3 Levels of Violence: Potential or actual violent situations among employees escalate if not defused. Violence and the warning signs that typically occur can usually be identified at

three levels. It should be noted that any one or combination of warning signs at the three levels may be indicative of a potentially violent situation.

The following is an attempt to delineate the threat level and corresponding appropriate action(s). There is no fail-safe way of presenting this information and management officials and employees will have to make a judgment call as to the appropriate action to take by discerning and evaluating a given situation. Please refer to Appendix C which demonstrates observable behavior indicators and the suggested means for identifying and responding to workplace and domestic violence issues.

- a. LEVEL 1: When early signs occur:
  - i. Observe and document (in detail) the behavior in question right after it happens.
  - ii. Encourage victims to report incidents of domestic violence themselves and promptly report incidents of threats or violence they experience or witness. Report concerns to immediate supervisor, or other management official in the chain-of-command, the local Crisis Response representative, or other appropriate officials in order to alert them to any concerns and seek their help in assessing the situation (if you feel it is necessary, submit information anonymously). If the perpetrator is an employee and is the reporting employee's immediate supervisor, the employee or victim should notify the next level of supervision until someone is contacted. If the perpetrator is not an employee, the supervisor of the employee or victim reporting the incident is still the appropriate individual to receive and provide an initial response to the report.
  - iii. Following the above determination, managers are strongly encouraged to contact their servicing employee and labor relations specialist for advice and guidance prior to meeting with the perpetrator. When meeting with the perpetrator, consider the suggested actions below:
    - Schedule private time and place.
    - Get straight to the point.
    - Ask the employee for his/her input.
    - Ask how you can help.
    - Identify the performance and/or conduct problems that are of concern.
    - Identify the steps you would like to see to correct problems.
    - Set limits on what is acceptable behavior and performance.
    - Establish time frames to make changes and subsequent consequences for not meeting the deadlines.
    - Reward/recognize the desired performance or conduct.
    - Frequently at this level it is only necessary to remind the individual of the Department's policies.
- b. LEVEL 2: Escalation of the Situation:

- i. Document (in detail) the behavior in question immediately.
- ii. If necessary, secure your own safety and the safety of others, including contacting people who are in danger (make sure emergency numbers for employees are kept up-to-date and accessible).
- iii. Immediately contact the supervisor or other management official in the chain-of-command, the local Crisis Response representative, local building security, FPS, or local law enforcement in your area.
- iv. When appropriate, contact others who can assist you such as employee relations, union representative, and the Employee Assistance Program.
- v. If the perpetrator is an employee, the supervisor should again meet with the perpetrator to discuss concerns and consult with an employee relations advisor for the appropriate course of action.
- vi. When encountering an angry employee or outside source, follow the suggested actions below:
  - Call for assistance, if possible.
  - Set ground rules/boundaries.
  - Get others away from the person.
  - Avoid an audience.
  - Remain calm, speaking slowly, softly and clearly.
  - Ask the person to sit down; see if he/she is able to follow directions.
  - Ask questions relevant to the person's complaint such as: "What can you do to try to regain control of yourself?"; "What can I do to help you regain control?"; "What do you hope to gain by committing violence?"; "Why do you believe you need to be violent to achieve that?"
  - If the person does not calm down, try matching the loudness of his/her voice and gradually bring your voice down to a calm level.
  - Try to direct the aggressive tendencies into another kind of behavior so that the person sees he/she has choices about how to behave.

c. LEVEL 3: Further Escalation- Usually Resulting In an Emergency Response:

Any individual observing violent or threatening behavior which poses an imminent danger or threat to employees or property is expected to:

- i. First secure his/her safety and leave area if safety is at risk.
- ii. Call local building security, ODMNS when appropriate, FPS, or local law enforcement for that particular facility.
- iii. Call the Health Unit or other medical response authority if the situation requires immediate medical attention.
- iv. Remain calm and contact supervisor, or other management official in the chain-of-command, local Crisis Response representative, or other appropriate officials.

- v. Cooperate with law enforcement personnel when they respond to the situation. Once law enforcement personnel are on the scene, they will assume control of the situation. Witnesses should be prepared to provide a description of the violent or threatening individual, details of what was observed, and the exact location of the incident.
- vi. When personally confronted by an angry or threatening person, follow the procedures described in (vi) of Level two described above.

Note: Once law enforcement personnel are on the scene, they will assume control of the situation. Victims and witnesses should be prepared to provide a description of the violent or threatening individual, details of what was observed, and the exact location of the incident. This report may provide valuable information and will be useful when proposing or taking corrective or precautionary measures. When feasible, the supervisor of the involved parties must contact the local Crisis Response representative who will convene members of the Crisis Response Team as quickly as possible.

## CHAPTER 4: INCIDENT REPORTING, CONFIDENTIALITY, AND DISCLOSURE OF INFORMATION

- 4-1 Incident Reporting: All incidents, whether instigated by internal or outside sources, should be reported on the Assault, Harassment, Intimidation, Bullying, Weapons Possession or Threat Reporting Form (see Appendix B). Ideally, the form should be completed by the person reporting the incident; however, the immediate or next higher level supervisor in the employee's chain-of-command or other appropriate source may complete the form if necessary.
1. Each Region must designate a point of contact to serve as the local Crisis Response representative to assist the Departmental Crisis Response Program Manager, located in Headquarters, with program administration and reporting requirements. Together, the Crisis Response representatives will create awareness of and convene the Crisis Response Team on related matters and to update their respective office personnel on developments regarding workplace and domestic violence matters.
  2. Each employee is encouraged to immediately report any incidents of threats or violence they experience or witness. If an employee knows or believes that a co-worker is a victim of workplace or domestic violence, encourage him/her to report these incidents.
    - a. The incident should be reported to a supervisor or management official in their chain-of-command, local Crisis Response representative, or other appropriate source. For Headquarters incidents, if the situation requires immediate assistance of law enforcement and/or medical personnel, report the incident directly to the Security Control Center by dialing 708-3051 or 708-6564, FPS by dialing 708-1111 or the local law enforcement by dialing 911.
      - i. The Regional Crisis Response Officer will maintain up-to-date emergency contact and jurisdictional information for addressing imminent workplace threats or acts. However, if the situation requires immediate assistance of law enforcement and/or medical personnel, contact local building security and if appropriate, the FPS by dialing 1-877-437-7411 (national toll free number), or the local law enforcement by dialing 911 and when feasible, the respective Regional Crisis Response Officer.
    - b. The employees should complete appropriate sections of the Incident Report (see Appendix B) and forward it to a management official in the employee's chain-of-command, union representative, or the local Crisis Response representative, if the immediate supervisor is the threat for awareness and strategy planning.
  3. Once the supervisor/manager has been notified of an incident, he/she must:

- a. In instances of imminent danger, ensure FPS or the local law enforcement authority, medical emergency personnel, and the local building security have been contacted.
- b. In instances when removal of the alleged aggressor is either not feasible or not sufficient, remove the employee(s) from the worksite; authorize the employee to work at an alternate work location determined by employee and program office management official(s) and the local Crisis Response representative. Consider the necessity to provide leave and/or other workplace flexibility to allow the employee to remain safe and maintain his/her work performance (see Chapter 5).
- c. Ensure the employee(s) has obtained medical treatment, if necessary.
- d. Obtain the names and contact information of all parties involved and all witnesses to the incident.
- e. Document all known information concerning the reported incident; including the dates, times, locations, pertinent background information, applicable documents and circumstances causing the incident. In cases involving contractors, the supervisor shall notify the Government Technical Representative/Monitor who will inform the Contracting Officer of the incident for appropriate action.
- f. Report behaviors identified by employee complaints, direct observations or warning signs (e.g., verbal abuse, repeated argumentation, excessive profanity, inappropriate sexual comments, and related misconduct) or discovery of prohibited behavior.
- g. Complete appropriate sections on the Incident Report (see Appendix B). Review the entire form for completeness, accuracy, and action(s) initiated to resolve the reported incident.
- h. Send the original incidents reporting form to the Departmental Crisis Response Program Manager for Headquarters incidents or the Regional Crisis Response Officer for Field incidents. These forms will be used for program accountability, record keeping, and reporting purposes.
- i. The respective Crisis Response representative will retain copies of all reported incidents and related documents (e.g., signed narrative statements, memos, and related documents, etc.) and secure information separately from other personnel records maintained on the employee.
- j. Depending on the situation, the Crisis Response Team may intervene to defuse threatening occurrences or to implement an action plan. The team will review

reported incidents and recommend appropriate action to the supervisory chain-of-command, or Contracting Officer, of the parties involved. All reported incidents will be fairly and objectively reviewed.

- k. If help is needed in assessing whether a situation is potentially violent, contact the respective Crisis Response representative who will convene the Crisis Response Team for incident and threat assessment and will determine when the incident is resolved.

- 4-2 Confidentiality: In all responses to domestic violence, HUD will protect the confidentiality and autonomy of the employee to direct his/her own life, to the fullest extent permitted by law, except when maintaining confidentiality could compromise the security of the workplace or compromise an ongoing criminal investigation. It is important to maintain the confidentiality of an employee who discloses information regarding an experience of domestic violence, sexual assault, or stalking.

Managers must demonstrate confidentiality of employee information and records when disclosing information provided by a victim or others as violations of privacy could jeopardize the victim's safety. Information should be limited to the scope and content of such disclosure as reasonably necessary to protect the safety of the disclosing employee and others and to comply with Privacy Act statutory requirements and provisions. Management officials should make every effort to provide advance notice to the employee who disclosed information about the fact that the information will be disclosed, with whom it will be disclosed, and why. Additionally, management officials must provide the employee with the names and titles of the people with whom HUD intends to share the employee's statements and should explain the necessity and purpose of that disclosure.

- 4-3 Disclosure of Information: Reports of physical violence, assault, intimidation, bullying, weapons possession, or threats will be kept confidential to the extent permitted by law and shared on a need-to-know basis.
- a. Employee Assistance Program (EAP): EAP counselors are prohibited by the confidentiality regulations (42 CFR Part 2) from disclosing information obtained from employees without their written consent. An exception to that prohibition, however, is if an employee specifically threatens another person. In that case, the EAP counselor generally will advise the employee that the information will be reported to appropriate authorities, regardless of whether a written consent is provided.
  - b. Crisis Response Team: Information obtained during a threat assessment will be released to individuals needing the information in order to conduct an appropriate investigation into the situation, protect departmental personnel, or confront the perpetrator making the threat. Typically, this includes employee relations staff, EAP as necessary, security staff, and management/supervisory personnel.



- c. Dealing with the Media: Questions from the news media related to incidents of workplace or domestic violence should be forwarded to the Office of Public Affairs.

## CHAPTER 5: RESPONDING TO WORKPLACE AND DOMESTIC VIOLENCE INCIDENTS

If you know someone at work who is being affected by workplace or domestic violence, whether or not the perpetrator has shown up at work, it is important to provide support and assistance. Not only is the person at risk for more and usually escalated violence, but it has a negative impact on the productivity of the entire workplace. Below are some ideas for helping employees affected by domestic violence.

- Talk to the person about your concerns. Provide support and refer him/her to EAP or other resources with expertise in assisting victims of workplace and domestic violence.
- Contact the Employee Assistance Program for more information, and where he/she can also get help in understanding and responding to the problem at [www.FOH4you.com](http://www.FOH4you.com) or by dialing: 1 (800) 222-0364 or for hearing impaired: 1 (888) 262-7848 (TTY).
- Recommend that a workplace safety plan be developed in case an incident occurs at the workplace. Think about the safety of the individual as well as everyone around him/her. Don't be a hero if the perpetrator shows up at work. Follow the safety plan and go for help.

5-1 Violence in the Workplace. One of the most common types of workplace violence is that among co-workers. In addition, a high percentage of violent incidents are perpetrated by individuals from outside the workplace. This includes situations such as domestic violence, bomb threats, and violence by outside sources. Any violent act in the workplace must be immediately addressed. In an emergency, secure your own safety and then call local building security, FPS or the local law enforcement or emergency personnel, as appropriate.

If you can safely do so, keep involved parties calm and separated until help arrives. Medical attention should be obtained for any injured individual(s). Within 24 hours following the situation, the local Crisis Response representative should be contacted to convene the Crisis Response Team, as appropriate.

FPS or the local law enforcement must be immediately contacted if it is reported that an employee or visitor has a firearm or other dangerous weapon at the worksite. *Do not attempt to disarm the individual yourself.*

If a violent act is committed in a HUD facility and the individual is a HUD employee, supervisors and managers must immediately contact building security personnel, FPS, or local law enforcement to defuse the situation followed by direct contact to their local employee relations advisor for guidance as to the appropriate course of action to address the situation. The violent individual may be subject to disciplinary action, up to and

including removal from the Federal service. Further, depending on the severity of the incident, the employee or outside source may be subject to criminal penalties, and if a HUD employee, the individual may be subject to disciplinary action pending resolution of the criminal charges.

The departmental response to all Level Three emergencies (see Chapter 3) related to workplace or domestic violence for HUD employees and contractors is to suspend access:

1. Physical Access: When access to a HUD facility is suspended, the following actions must be considered:
  - Retrieve all keys, badges, cards, and other devices that afford the perpetrator to access HUD facilities.
  - Suspend access through all electronic means (e.g., access control lists, badge swipes, etc.).
  - Change combinations to all safes and locks to which the perpetrator has access.
2. Information Systems Access: When access to HUD sensitive systems is suspended, the following actions must be considered:
  - Suspend all access authorizations.
  - Retrieve all devices that afford access to HUD sensitive systems.
  - Retrieve all government-owned equipment.

All accesses and equipment will be held until a final resolution is reached and the perpetrator is again authorized access to HUD sensitive systems.

If the violent individual is a visitor, he/she will be removed from HUD's premises by the building security personnel, FPS, or local law enforcement and may be subject to criminal penalties.

- 5-2 Domestic Violence. Except when those involved in domestic violence are co-workers, most incidents are perpetrated by outside sources. It is therefore, unlikely that the levels of violence as described in Chapter 3 will be evident. There will, however, be early warning signs that this type of violence is escalating outside the workplace. The victim may show symptoms such as reduced productivity, absenteeism, increased fear, emotional episodes, and/or signs of physical injury. Victims as well as perpetrators, also show signs of work performance deterioration. By intervening when the early warning signs occur, even though violence may or may not yet have been committed at work, a serious incident may be prevented.

Any employee who has obtained an order of protection or restraining order against a HUD employee should make their supervisor or other management official in their chain-of-command aware, who will inform the local Crisis Response representative and other appropriate sources (i.e., local employee relations advisor, Office of General Counsel) for advice and guidance on the appropriate action. Individuals who suspect an employee is being abused at home can contact, explicitly or anonymously, the supervisor, or management official in the employee's chain-of-command, the local Crisis Response representative, or other appropriate source, for guidance and/or assistance.

**The Department's response to domestic violence:** In the event that the perpetrator shows up at work with the intent of harming the victim and any others who happen to be in the way or involved, follow the procedures outlined in Level Three in responding to the immediate crisis, (see Chapter 3).

5-3 Threats: When an event involves suspicious letters and/or packages, a bomb, personal threat or medical emergency, employees are expected to:

- a. Suspicious Letters/Package(s):
  - i. When an event involves suspicious letter/packages, a bomb, a personal threat or medical emergency:
    - Don't handle or open the suspicious item.
    - Follow established evacuation plans to clear the area if safety is at risk.
    - Notify the supervisor or other appropriate agency officials as appropriate.
    - Immediately report the situation to building security, FPS, or local law enforcement or emergency personnel, and when feasible, the local Crisis Response representative.
- b. Threats (including bomb threat):
  - i. When an event involves suspicious letter/packages, a bomb, a personal threat or medical emergency:
    - Notify the supervisor or management official in the chain-of-command.
    - Immediately report the incident to the building security who will assess and engage ODMNS, as appropriate, and when feasible, the local Crisis Response representative.
    - Follow established office evacuation plans to clear the area if there is a safety risk.
  - ii. Whenever possible, if a bomb threat is received by telephone, note the

following:

- Telephone number where call was received.
- Exact time call was received.
- Exact words of the caller.
- Caller's sex, name, telephone number, and location.
- Details regarding caller's voice (calm, excited, disguised, accent, etc.).
- Caller's estimated age (as determined by voice).
- Names of those threatened.
- Background noise
- (If bomb threat) ask the following:
  - a. When will the bomb explode?
  - b. Where is the bomb?
  - c. What does it look like?
  - d. What kind of bomb is it?
  - e. Why did you place the bomb?

Most importantly, if you reasonably believe that the situation poses an imminent threat to the workplace, call the FPS, local law enforcement or medical emergency response officials immediately and, when feasible, the local Crisis Response representative.

c. Medical Emergencies: Contact the following as applicable to the event:

- Local Health Unit
- Fire Department
- Rescue Squad

5-4 Employee Support and Assistance: Various types of workplace flexibilities are available to assist employees to deal with problems that originate or are brought to the workplace. Employees should begin by contacting their immediate supervisor or management official in their chain-of-command, local Crisis Response representative, or EAP to discuss available options when dealing with workplace or domestic violence, sexual assault or stalking situations. To the greatest extent possible, managers should work in collaboration with the employee to explore and provide assistance and/or other workplace flexibilities to help the employee to remain safe and to maintain his/her work performance.

When the need for time off is foreseeable, the employee must provide reasonable advance notice to their immediate supervisor or official in their management chain-of-command. A third party (family member, union representative, health care professional, etc.) may submit a leave request on behalf of the individual; however, only the employee's immediate supervisor (or designee) or management official in the employee's chain-of-command is authorized to approve the leave request. The employee or third party

requester must provide the supervisor or management official with sufficient information regarding the leave request to determine the type of leave to authorize.

Management officials should become familiar with the available workplace flexibilities that can be considered for addressing workplace or domestic violence, sexual assault, and stalking situations for employees. A listing of HUD workplace flexibility offerings are provided below.

***Annual Leave:*** This type of leave may be used for, but is not limited to, time off for court proceedings and to meet with lawyers, victims' advocates, law enforcement officers, or to attend support group meetings. Annual leave can also be used in lieu of sick leave for illnesses or injuries as a result of domestic violence, sexual assault, or stalking for the employee to go to a safe place. An employee has a right to take annual leave, the timing of which would be subject to agency approval.

***Advanced Annual Leave:*** At its discretion, HUD may advance annual leave to an employee in an amount not to exceed the amount the employee would accrue in the remainder of the leave year.

***Sick Leave:*** An employee may use sick leave, consistent with current law and regulations for granting and using sick leave. Sick leave may be used for injuries resulting from domestic violence, sexual assault, or stalking, to meet with medical providers, for counseling by a health care provider, to care for a family member with injuries or a "serious health condition" resulting from domestic violence, sexual assault, or stalking, or to accompany a family member when he/she meets with medical providers for injuries or illnesses resulting from domestic violence, sexual assault, or stalking.

***Advanced Sick Leave:*** HUD may advance up to 13 days of sick leave for the employee's own – or a family member's – medical, dental, or optical examinations or treatment, or to care for a family member who is incapacitated by a medical or mental condition. If the employee is incapacitated for the performance of his/her duties or if the family member's injury rises to the level of a "serious health condition," HUD may advance up to 30 days of sick leave to the employee.

***Flexible Work Schedules:*** An employee on an approved flexible work schedule may adjust his/her work schedule, such as reporting times and work hours, to accommodate events driven by domestic violence, sexual assault, or stalking in accordance with agency internal policies and/or collective bargaining agreements. Employees represented by an exclusively-recognized union may participate in a flexible work schedule only to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative (see 5 U.S.C. § 6130(a) (2)).

***Leave without Pay (LWOP):*** An employee may be granted LWOP if other forms of paid leave are unavailable. As with annual leave and advanced leave, agencies are encouraged;

whenever possible, to approve requests by employees for LWOP for reasons related to domestic violence, sexual assault, or stalking. Employees are entitled up to 12 weeks of leave without pay under the Family and Medical Leave Act (FMLA) described below.

***Excused Absence (Administrative Leave):*** HUD has discretion to excuse employees from their duties without loss of pay or charge to leave. Excused absence may be granted for brief periods when it is determined to be in the interest of the agency and should be limited to those situations in which the excused absence, in the agency's determination, is not prohibited by law. OPM advises that the granting of excused absence for purposes related to domestic violence, sexual assault, or stalking issues be limited to those situations in which the employee's perpetrator poses a threat to the employee and/or his/her co-workers in the workplace. It is essential for the agency to consider the safety of the employee and his/her co-workers in addition to avoiding disruption to the workplace. Excused absence should be used in very limited circumstances. Typically, annual and/or sick leave or leave without pay will be the most appropriate tools.

***Family and Medical Leave Act (FMLA):*** An employee is entitled to up to 12 weeks of unpaid leave under FMLA if domestic violence, sexual assault, or stalking results in a serious health condition for the employee that makes the employee unable to perform the essential functions of his/her position. FMLA leave can also be used to care for a spouse, son or daughter (under 18 or over 18 years of age but incapable of self-care because of a mental or physical disability), or parent of the employee with a serious health condition as a result of domestic violence, sexual assault, or stalking. Annual leave, sick leave, and annual leave donated under the Voluntary Leave Transfer or Voluntary Leave Bank Programs may be substituted for unpaid leave under FMLA.

***Voluntary Leave Transfer and Bank Programs:*** An employee is eligible to apply for donated annual leave if the domestic violence, sexual assault, or stalking results in a medical emergency for either the employee or the employee's family member that is likely to require the employee to be absent from duty for a prolonged period and may result in a substantial loss of income because of the employee's lack of available paid leave.

***Telework:*** HUD may permit a telework-ready employee to work from an alternative site if the employee (or a family member for whom the employee is caring) is experiencing problems associated with domestic violence, sexual assault, or stalking. Telework promotes continuity of operations without risking the safety of the employee or the employee's co-workers. An employee must follow his/her agency's telework policy for requesting leave and work scheduling changes when teleworking.

***Credit Hours (Flexible Work Schedules):*** Credit hours can be earned and used only by employees who are governed by a flexible work schedule that provides for credit hours. An employee who works under a flexible work schedule that permits credit hours may elect to work in excess of his/her basic work requirement (e.g., 80 hours in a pay period

for a full-time employee) so as to vary the length of a workweek or workday. Employees may use credit hours to fulfill their basic work requirement, thereby gaining time off from work to deal with issues related to domestic violence, sexual assault, or stalking. If HUD authorizes credit hours under its flexible work schedule program, employees may carry over a maximum of 24 credit hours from one pay period to another.

***Compensatory Time Off:*** Employees may earn compensatory time off in lieu of overtime pay in exchange for performing an equal amount of time in irregular or occasional overtime work or, when permitted under agency flexible work schedule programs, for regularly scheduled or irregular or occasional overtime work. An employee may use earned compensatory time off for issues related to domestic violence, sexual assault, or stalking.

***Compensatory Time Off for Travel:*** Employees earn this type of compensatory time off for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensated. Compensatory time off for travel that an employee has accrued may be used upon an employee's request to deal with issues related to domestic violence, sexual assault, or stalking.

***Absence without Leave (AWOL):*** An employee is charged AWOL when the employee is absent without permission. Employees who are missing as a result of domestic violence, sexual assault, or stalking may substitute a form of approved paid or unpaid leave upon return to work and with supervisor approval.

- 5-5 **Dealing with the Aftermath (Post-Incident Response):** Following any threat or violent incident, the Crisis Response Team will be convened to review the situation and implement activities to assess the appropriateness of the course of action taken, capture lessons learned, and to determine if anything could have been done better. The team will also, determine what preventive measures should be implemented to prevent or lessen the impact of similar future incidents. Management will be advised of the results of this review upon availability of the findings /recommendations.

The effects of violence do not disappear after the violent act is over, and harm is not only to the victim directly attacked. Victims of workplace violence suffer a variety of consequences in addition to their actual physical injuries. These include short and long-term psychological trauma, fear of returning to work, changes in relationships with coworkers and family, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors and managers. Anyone exposed to threatening or violent events, at or away from work, will require support from family, co-workers, and management. When they receive this support, they may feel more trustful, and less isolated. Active support tends to promote increased commitment, productivity, and better recovery. The EAP program is a readily available resource offered by HUD to assist victims of workplace violence, domestic violence, sexual assault, harassment, or stalking.



## CHAPTER 6: DISCIPLINARY ACTIONS & LEGAL IMPLICATIONS

Being aware of performance and/or conduct problems which may be warning signs of potential trouble are good prevention strategies. These signs may show up in perpetrators of violence, those who are victims, and those involved in domestic violence.

Managers and supervisors must be willing to take action when necessary. All employees must know that violence in the workplace will not be tolerated and that appropriate action will be taken when threats or acts of violence occur in the workplace.

6-1 Employees as Perpetrators: If HUD determines that an employee has engaged in acts of workplace or domestic violence, sexual assault, harassment, or stalking disciplinary action proportionate to the offense may be ensued to the extent that there is a nexus between the conduct and the “efficiency of the service.” Management officials are strongly encouraged to contact their local employee relations advisor or the Office of General Counsel for advice and guidance in addressing these matters.

### 1. Disciplinary Actions for Misconduct Committed Outside of Work

When taking adverse action against employees who commit off-duty misconduct, HUD management officials must be able to prove by a preponderance of evidence that there is a clear and direct nexus between the specific misconduct of the employee and the employee’s ability to perform his/her duties. If a relationship can be proven between the conduct and the efficiency of service, the department has the authority to impose discipline or take other appropriate action for conduct that involves the threat or commission of violence, domestic violence, sexual assault, or stalking by a HUD employee during off-duty hours.

### 2. Disciplinary Actions for Misconduct Committed at Work

HUD may impose disciplinary action or take other appropriate action for conduct that involves the threat or commission of workplace violence, domestic violence, sexual assault, or stalking by a HUD employee on HUD facilities or during working hours or at an agency-sponsored event.

### 3. Disciplinary Actions Pertaining to an Alleged Misconduct

Civil service laws authorize HUD to place an employee on indefinite suspension when the agency has reasonable cause to believe the employee has committed a crime for which the employee could be imprisoned. HUD will work to terminate the suspension promptly upon completion of the event it identified when imposing the suspension.

- 6-2 Employees as Victims: Employees who are victims of workplace violence, domestic violence, sexual assault, or stalking may inadvertently react in a manner that results in disciplinary action. For example, an employee may be charged with AWOL for absences arising from workplace violence, domestic violence, sexual assault, or stalking. In such cases, once the supervisor becomes aware of the violence, sexual assault, or stalking issues, the victimized employee should be referred to EAP for support and assistance.
- 6-3 Situations Involving Employees in the Same Workplace: In some situations, both the victim and the perpetrator may be HUD employees working in the same building, program office or work unit and may need to be separated while at work. In this situation, HUD will look at options to maintain safety in terms of switching tours of duty, changing work locations, granting telework, and/or issuing a Cease and Desist Order and Cease and Desist Compliance Agreement (see Appendix D and E).

In cases where appropriate and safety is not compromised, a directive to avoid contact in the form of a Memorandum of Instruction-Cease and Desist (see Appendix D and E) may be given to both the victim and the alleged perpetrator by their respective supervisors or other management official in their direct chain-of-command. This document will outline the department's and the employee's obligations to avoid contact while still performing the functions of their position. Privacy, confidentiality, and impartiality must be maintained. Both employees should be reminded of their opportunity to use the services of HUD's EAP.

- 6-4 Situations Involving Contractors: The Federal workplace also includes contractor employees of various vendors. Such personnel are not Federal employees. Concerns regarding the conduct of contractors should promptly be brought to the attention of the relevant Government Technical Representative or Monitor (GTR/M) or Contracting Officer (CO), local building security, FPS or the local law enforcement entity or medical emergency personnel. If a contractor is a victim of workplace violence, domestic violence, sexual assault, or stalking, HUD managers should make the GTR, CO, and the local Crisis Response representative aware for consultation on enhancing the safety of the workplace for the contractor and HUD's employees.

Executive Order 11246, as amended, sets forth requirements for Federal contractors on non-discriminatory practices and prohibits contractors from discriminating against their employees on the basis of sex, including by engaging or allowing their employees to engage in sexual harassment. Contractors are also required to comply with Title VII of the Civil Rights Act of 1964, including its prohibition on sexual discrimination. Prohibited behavior could occur in conjunction with domestic violence, sexual assault, or stalking. While federal contractors are not legally required to attend training that would otherwise be mandated for Federal employees, contractor representatives are strongly encouraged to partner with the respective HUD Contracting Officer to fulfill the training provision related to domestic violence, sexual assault, and stalking. As appropriate, HUD may

require contractors to adopt a workplace policy responding to domestic violence, sexual assault, and stalking as a condition of the contract.

- 6-5 Non-discrimination: HUD will not discriminate against victims of workplace violence, domestic violence, sexual assault, or stalking in hiring, staffing, discipline, or other terms and conditions of employment. Such treatment re-victimizes victims.

## CHAPTER 7: PREVENTION AND ACCOUNTABILITY

Maintaining a secure and physically safe workplace is part of any good strategy for preventing workplace violence. A sound prevention plan is the most important and, in the long run, the least costly portion of any workplace violence program. Becoming familiar with these guidelines is an important step in preventing workplace violence. Therefore, it is imperative that all employees, including managers and supervisors, understand the provisions of this handbook.

All managers and supervisors are expected to discuss these provisions with their respective staff members so that they understand how to handle intimidating, threatening or violent incidents, and understand the consequences of such behavior (such as disciplinary and/or adverse action up to and including removal from Federal service and criminal charges).

- 7-1 Training: One of the most critical components of HUD's prevention program is training. Training provides an effective opportunity to address a range of issues with a large audience which includes: warning signs, sensitivity, and responding to workplace and domestic violence, and the effects of domestic violence in the workplace. HUD managers and supervisors must assure that employees have time and opportunity to attend training in regards to understanding and responding to threats or violence in the workplace.
- 7-2 Employee Assistance Program (EAP): HUD offers free confidential employee counseling sessions, 24 hours a day, seven days a week, with trained counselors who can address workplace stress and violence issues. Employees can use the EAP as a way to assess whether a situation needs to be brought to the attention of management and is very effective in providing solutions for addressing deficient work performance, conduct, attendance, reliability, or safety resulting from employees' personal problems. Employees can also use the EAP to strategize ways to deal with uncomfortable or threatening situations. The EAP will provide counseling assistance and referral services for all HUD employees, including supervisors and managers and has resources available for victims of workplace violence, domestic violence, sexual assault, or stalking, including information regarding crisis hotlines and local national service providers.
- 7-3 Building Safety and Security

### A. Work Environment

The best prevention strategy is to maintain an environment which minimizes negative feelings such as isolation, resentment and hostility among employees as well as provides for the safety and security of all employees. Although no workplace can be perceived as perfect by every employee, there are several steps that management can take to help create a professional, healthy, and caring climate. These include:

- Promoting sincere, open communication between management and employees;

- Offering opportunities for advancement and professional development;
- Fostering family activities and social opportunities open to all staff members;
- Maintaining mechanisms for complaints and concerns and allowing them to be expressed in a non-judgmental forum that includes feedback to the initiator;
- Taking a sincere interest in employees' quality of life issues such as, job satisfaction and recreation opportunities;
- Taking threats seriously and taking appropriate and timely action; and
- Maintaining fair treatment and discipline for all employees exhibiting improper conduct and performance.

#### B. Addressing Physicals Layout of Worksite:

Local Crisis Response representatives, physical security personnel, management officials, and other appropriate staff should work with victims to assess the physical layout of the worksite and identify possible threats to victim safety as well as changes that can be made to enhance safety. For employees who work in non-office settings, managers and supervisors should work with the employee to implement appropriate safety precautions.

The following measures may be considered for each case of possible on-site intrusion:

- Ensure that the layout does not allow someone to sneak up on the victim (e.g., victim has back to the door, lobby, or street-level window).
- Consider the use of barriers (desks, dividers, walls, furniture) between the victim and entrances that a perpetrator might use to enter the workplace.
- Relocate a threatened employee to alternate worksites unknown to the perpetrator. This relocation should be handled with the strictest confidentiality and respect for victim autonomy related to worksite relocation.

#### C. Weapons and Firearms

All departmental facilities occupied by HUD employees for the purposes of this program are considered "federal facilities", whether they are General Services Administration (GSA), public or privately controlled property. Therefore, possession or use of firearms and other dangerous weapons on the property (government owned or leased, including grounds, parking lots and buildings) of all HUD facilities is illegal.

Any HUD employee who violates prohibitions on possession of weapons in or on HUD facilities will be prosecuted and/or appropriately disciplined (up to and including removal from Federal service). Employees who become aware of someone being in or on HUD facilities with a prohibited weapon should immediately report it to the local building security personnel, a management official, the local Crisis Response representative, or other appropriate authority.

#### D. Physical Security

Maintaining a physically safe work place is paramount to the success of the department's workplace and domestic violence prevention program. HUD uses a variety of security measures to help ensure workplace safety and compliance with these measures is critical to safeguarding employees. HUD's measures include, but are not limited to:

- On-site guard services to provide guard force assistance in registering, badging and directing visitors in HUD facilities;
- Issuance, and the requirement for employees to display photo identification badges when moving throughout HUD facilities and access cards that restrict entry of unauthorized individuals within designated offices or areas; and
- Proper notification to building security, FPS, local law enforcement and or medical emergency personnel entities to immediately respond to crisis.

##### i. Computer Technology Concerns

In consultation with the victim and management official, the local Crisis Response representative will coordinate with the OCIO staff to address victim safety concerns such as the employee/perpetrator use of computer technology to harass or stalk a victim. As appropriate, a safety plan should address these concerns, including removing identifying information, to include the victim's telephone number and office location from the HUD's public websites. Any employee who uses departmental equipment to engage in harassing or stalking behavior may be subject to disciplinary action up to and including removal from Federal service.

##### ii. Protection and Restraining Orders

HUD recognizes that a victim may seek an order of protection or may receive a restraining order as part of his/her efforts to become safe and as part of his/her workplace safety plan. It is important to recognize that the workplace may or may not be included in 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, the supervisor or manager wherever possible (as determined in consultation with legal counsel), will assist the employee to enforce his/her order. The management official should work collaboratively with the local Crisis Response representative to notify appropriate personnel (i.e., building security) of such orders. Building security personnel should keep copies of restraining orders and photos of the perpetrator at all appropriate guard stations when made available and deemed appropriate. In addition, the management official should retain a copy of the order in a confidential and separate file from employee's personnel file, and,

if applicable, assist the employee in gathering documentation from the workplace, such as email or voicemail messages, that could assist the employee's efforts to obtain or maintain safety from a perpetrator. Supervisors and managers are reminded to adhere to confidentiality and Privacy Act implications of their record-keeping decisions.

iii. Safety Planning

Developing a workplace safety plan that includes and respects the views and preferences of the affected employee is an essential element of threat management. When a violent incident affects the workplace, it is important that both employees and managers know what to do. In consultation with the victim, his/her supervisor or manager, or other support personnel (i.e., union officials as required) are expected to consider the use of appropriate workplace flexibilities to assist victims with safety planning activities. This planning may involve temporary changes, such as moving the employee to a more secure location or instituting an adjustment to the employee's work schedule to make the employee less vulnerable to attack.

E. Working with Local Law Enforcement

When taking into consideration confidentiality concerns, it is critical that victims be informed that the police will be notified. Building security personnel and other appropriate entities (i.e., ODMNS), may determine that local law enforcement agencies should be contacted when there is a risk of violence that could affect one or more employees. Local law enforcement may have information that could be helpful in assessing the level of threat against an employee while he/she is at work.

Depending on the location of the office, and the type of incident or situation, jurisdiction may vary which include building security personnel, the FPS, or local law enforcement entities, or a combination of these. For information, contact the local Crisis Response representative for guidance and workplace protocols related to law enforcement jurisdiction as gaps may exist in coverage when issues of workplace and domestic violence arise.

7-4 Accountability:

Ensuring accountability is a necessary component of any successful program. This includes assigning responsibility within HUD for monitoring, evaluating, and reporting on progress.

A. Recordkeeping.

Records may be generated as a result of a workplace violence incident. Primarily, records will be maintained by local Crisis Response representative for program evaluation and reporting. However, if an event warrants additional reporting or notifications, additional records may be generated and retained by other sources (i.e., immediate supervisor or management official, building security), as appropriate. Such records may include but are not limited to logs of injury or illness, reports of work injuries from assault, minutes of safety meetings, etc. Documentation in automated or paper files must be maintained in a confidential file separate from the employee's personnel file and accordance with the National Archives and Records Administration's General Records Schedules.

#### B. Program Administration and Program Evaluation

The Office of the Chief Human Capital Officer (OCHCO), Employee Assistance Program, Health and Wellness Division will administer this program. The Departmental Crisis Response Program Manager will evaluate workplace and domestic prevention program on an annual basis to determine overall effectiveness the guidelines outlined in this Handbook, to identify deficiencies and areas of opportunities for implementing improved protocols, corrective actions and reporting for this program.

Policy Questions: Questions about HUD's Workplace and Domestic Violence Program may be directed to the Crisis Response Program Manager on 202-402-4290 or at [EAPWorklife@hud.gov](mailto:EAPWorklife@hud.gov)



## CHAPTER 8: RESOURCE GUIDE

### 8-1 Government:

#### **Department of Health and Human Services (DHHS)**

#### **Federal Occupational Health (FOH), Employee Assistance Program (EAP)**

Website: <http://www.FOH4you.com> or by dialing:

Toll Free: 800- 222-0364

TTY: 888-262-7848

#### **Office of Personnel Management (OPM) Guidance**

Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies, February 2013

#### **Publications**

A Manager's Handbook: Handling Traumatic Events

Website: [http://archive.opm.gov/Employment\\_and\\_Benefits/worklife/](http://archive.opm.gov/Employment_and_Benefits/worklife/)

Responding to Domestic Violence: Where Federal Employees Can Find Help

Website: [http://archive.opm.gov/Employment\\_and\\_Benefits/worklife/](http://archive.opm.gov/Employment_and_Benefits/worklife/)

#### **Department of Health and Human Services, Center for Disease Control and Prevention**

National Institute for Occupational Safety and Health (NIOSH)

395 E. Street, NW

Suite 9200, Patriots Plaza Building

Washington, DC 20201

Website: [www.cdc.gov/niosh](http://www.cdc.gov/niosh)

Toll free: 800-CDC-INFO

TTY: 888-232-6348

Publication: Violence in the Workplace: Risk Factors and Prevention Strategies

#### **Department of Justice**

National Institute of Justice

National Criminal Justice Reference Service

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000

Rockville, MD 20849-6000

Website: <https://www.ncjrs.gov/>

Toll Free: 800-851-3420

Publications:

Violence and Theft in the Workplace  
The Cycle of Violence

**Department of Justice  
Violence against Women**

Website: <http://www.ovw.usdoj.gov/>

**Department of Labor  
Occupational Safety and Health Administration**

200 Constitution Avenue, SW Room N3201  
Washington, DC 20210  
General Information: 202-693-1999

**Department of Labor  
Women's Bureau**

200 Constitution Avenue, NW  
Washington, DC 20210  
202-693-6710  
Website: <http://www.dol.gov/wb>

Publication: Domestic Violence: A Workplace Issue

8-2 **Non-Government:**

**American Psychiatric Association**

Division of Public Affairs  
1400 K Street, NW  
Washington, DC 20005  
Call Toll-Free: 1 1-888-357-7924  
Website: <http://www.psych.org/>

**American Psychological Association**

1200 17<sup>th</sup> Street, NW  
Washington, DC 20236  
Telephone: 800-374-2721; 202-336-5500. TDD/TTY: 202-336-6123  
Website: <http://www.apa.org/>

**National Center for Victims of Crime**

P.O. Box 588  
Arlington, VA 22216  
Telephone: 202-467-8700

Website: <http://www.victimsofcrime.org/>

**National Domestic Violence Hotline**

Toll Free: 800-799-SAFE

TDY: 800-787-3224

**National Coalition against Domestic Violence**

Website: <http://www.ncadv.org/>

**National Organization for Victim Assistance**

1757 Park Road, NW

Washington, DC 20010

Telephone: 1-800-TRY-NOVA

Website: <http://www.trynova.org/>

**Partnerships against Violence Network**

Website: <http://www.pavnet.org/>

## **Appendix A**

### **Do's and Don'ts for Dealing with Potentially Violent Individuals**

#### **Do's**

1. Do project calmness. Move and speak slowly, quietly, and confidently.
2. Do listen attentively and encourage the person to talk.
3. Do let the speaker know that you are interested in what he/she is saying.
4. Do maintain a relaxed yet attentive posture.
5. Do acknowledge the person's feelings and indicate that you can see he/she is upset.
6. Do ask for small, specific favors such as asking the person to move to a quieter area.
7. Do establish ground rules. State the consequences of violent or threatening behavior.
8. Do employ delaying tactics that give the person time to calm down. For example, offer a glass of water.
9. Do be reassuring and point out choices.
10. Do help the person break down big problems into smaller, more manageable problems.
11. Do accept criticism. When a complaint might be true, use statements such as, "You're probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.
12. Do arrange yourself so that your exit is not blocked.
13. Do make sure there are three to six feet between you and the other person.

#### **Don'ts**

1. Don't make sudden movements that may seem threatening.
2. Don't speak rapidly, raise your volume, or use an accusatory tone.
3. Don't reject all demands.
4. Don't make physical contact, jab your finger at the other person, or use long periods of eye contact.
5. Don't pose in challenging stances: directly opposite someone, hands on hips or with arms crossed.
6. Don't challenge, threaten, or dare the individual. Never belittle the other person.
7. Don't criticize or act impatient.
8. Don't attempt to bargain with a threatening individual.
9. Don't try to make the situation seem less serious than it is.
10. Don't make false statements or promises you cannot keep.
11. Don't try to impart a lot of technical or complicated information when emotions are high.
12. Don't take sides or agree with distortions.
13. Don't invade the individual's personal space.

## Appendix B

### **Incident Report for Assault, Harassment, Intimidation, Bullying, Weapons Possession, or Threat**

#### **Section I. EMPLOYEE**

**Date:**

Employee Name (optional)	Telephone:  Work: _____ Home: _____
Work Office Address (street, city, state, zip)	Program Office
Manager's Name	Telephone

#### **Section II. INCIDENT**

Name of Victim	Is she/he an employee? <input type="checkbox"/> yes <input type="checkbox"/> no
Name of Perpetrator	Is she/he an employee? <input type="checkbox"/> yes <input type="checkbox"/> no
Date of Assault/Threat	Location of Assault/Threat
Assault/Threat was from: <input type="checkbox"/> Personal Confrontation <input type="checkbox"/> Telephone Conversation <input type="checkbox"/> Other Please Explain:	
Were there witnesses? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, how many? _____ Provide information below and attach their statements. (Determine if witnesses prefer to remain anonymous due to the concern of retaliation by the aggressor.)	

#### **Section III. WITNESSES** (If additional Witnesses, provide information on attached sheet of paper.)

<b>Witness 1-Name</b>	Telephone:  Work _____ Home _____
Address (street, city, state, zip)	Witness Role (i.e. employee, customer, etc.)
<b>Witness 2-Name</b>	Telephone:  Work _____ Home _____
Address (street, city, state, zip)	Witness Role (i.e. employee, customer, etc.)

**Section IV. IF ASSAULTED**, answer next 6 questions. **If threatened**, go to reverse side of this report.

1. What started the assault?
2. What did the perpetrator say when you were assaulted?
3. What was used to hit/strike/injure you?
4. What injuries did you sustain? Was medical treatment necessary?
5. How did the assault end?
6. How did you leave the assault site?

**Section V. IF THREATENED**, answer next 3 questions.

1. As closely as possible, what were the exact words used?
2. Was perpetrator in a position to carry out the threat immediately?
3. How serious do you believe the threat was and why?

**Section VI. EMPLOYEE RELATED ACTIONS** (Employee must complete next two questions whether a threat or assault)

1. What actions were taken by the employee? (e.g. filed workers compensation, obtained medical treatment, used sick leave/vacation, etc.)
2. What specific actions from Employer does employee request related to assault/threat? If none, so indicate.

**Section VII. LAW ENFORCEMENT INFORMATION** (Manager, Employee, etc.) - Attach copy of police report when possible.

Law Enforcement Agency Contacted – Name of Person/Officer Helping	Date Contacted	Telephone Number ( )
Was a written report completed? <input type="checkbox"/> yes <input type="checkbox"/> no What action was promised?		

**Section VIII. MANAGER ACTIONS**

Directions given to Employee (i.e. go home, go to hospital, etc.)
Manager Recommendation: <input type="checkbox"/> Administrative Action <input type="checkbox"/> Restraining Order <input type="checkbox"/> Letter to Perpetrator <input type="checkbox"/> Other, please specify:

**Section IX. LEGAL COUNSEL ACTION(S)**

<i>Actions Taken:</i>
-----------------------

**Section X. NOTIFICATION DATES**

Received:	Employee Notified of Chosen Action: <input type="checkbox"/> Yes <input type="checkbox"/> No	Health & Safety Officer Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No
Division Management Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No	EAP Officer Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No	Was Employee and Management notified of other options that can be pursued personally? <input type="checkbox"/> Yes <input type="checkbox"/> No

## Appendix C

**Table of Suggested Means For Identifying and Responding To Workplace and Domestic Violence Acts**

<b>Categories/Levels</b>	<b>Examples</b>	<b>Intervention</b>	<b>Who To Call<sup>1</sup></b>
<b>LEVEL I</b>  <ul style="list-style-type: none"> <li>• Warning signs</li> <li>Implied (covert) threats</li> <li>• Verbal/mental abuse</li> <li>• Uncooperativeness</li> <li>• Badgering</li> <li>• Inappropriate tones (threatening) or gestures (menacing)</li> </ul>	Screaming, yelling, belligerent tones <ul style="list-style-type: none"> <li>• “You’ll pay for this.”</li> <li>• “You’ll be sorry.”</li> <li>• Name calling, berating, sarcasm</li> <li>• Unfounded criticism – “You can’t do anything right.”</li> </ul>	<u>Employee:</u> <ul style="list-style-type: none"> <li>• Report to supervisor, mgmt. official or other appropriate source</li> <li>• Document on the Incident Report Form (Appendix B)</li> </ul> <u>Supervisor:</u> <ul style="list-style-type: none"> <li>• Inform mgmt. official(s) as needed.</li> <li>• Define/address the problem;</li> <li>• Document on the Incident Report Form (Appendix B); and report to the Local Crisis Response representative</li> <li>• Consult with Building Security, ER EAP, ODEEO, Union (as appropriate) or the GTR or CO (if a contractor), as necessary to determine plan of action to resolve.</li> </ul>	<ul style="list-style-type: none"> <li>• Immediate Supervisor or other management official in the chain-of-command</li> <li>• Local Crisis Response representative for debriefing and planning with Crisis Response Team (EAP, ER, ODEEO as appropriate)</li> </ul>
<b>LEVEL II</b>  <ul style="list-style-type: none"> <li>• Threatening gestures</li> <li>• Specific (overt) written or verbal threats</li> <li>• Sabotages (abuse/mishandling) equipment or steals property for revenge</li> <li>• Stalking</li> <li>• Argumentative with co-workers, management, customers</li> </ul>	<ul style="list-style-type: none"> <li>• Raising hand or object to strike someone</li> <li>• Any written or verbal threat to harm, avenge, or retaliate</li> <li>• Throwing objects, slamming doors, slamming fists on desk, hitting or kicking walls or objects</li> <li>• Monitoring a co-worker’s activities to satisfy personal objectives (unwarranted attention)</li> <li>• Refusing to obey departmental policies and procedures;</li> <li>• Refusing to leave an area (office) when asked to do so</li> <li>• Intentionally crowding to intimidate</li> <li>• Blocking access to or exit from the area</li> <li>• Tripping or intentionally bumping or jostling</li> <li>• Sending a threatening note(s) to co-workers and/or management</li> </ul>	<u>Employee:</u> <ul style="list-style-type: none"> <li>• Report to supervisor, mgmt. official or other appropriate source</li> <li>• Document on the Incident Report Form (Appendix B)</li> </ul> <u>Supervisor:</u> <ul style="list-style-type: none"> <li>• Inform mgmt. official(s).</li> <li>• Define/address the problem.</li> <li>• Document on the Incident Report (Appendix B) and report to the Local Crisis Response representative.</li> <li>• Consult with Building Security, ER, OGC, EAP, or the GTR/M or CO (if a contractor), as necessary to determine plan of action to resolve.</li> </ul>	<ul style="list-style-type: none"> <li>• Local building security</li> <li>• Immediate supervisor or other management official in the chain-of-command</li> <li>• Local Crisis Response representative for debriefing and planning with Crisis Response Team (EAP, ER, OGC, ODEEO as appropriate)</li> </ul>



**Table of Suggested Means For Identifying and Responding To Workplace and Domestic Violence Acts, Continued**

Categories/Levels	Examples	Intervention	Who To Call
<p>LEVEL III</p> <ul style="list-style-type: none"> <li>• Physical fights “Scuffles”</li> <li>• Destruction</li> <li>• Assault – physical, sexual, armed</li> <li>• Suicide Threats</li> <li>• Display of extreme rage</li> <li>• A presently occurring loss-of-control event creating fear of imminent harm</li> <li>• Unauthorized possession and utilization of firearms or other weapons on government premises.</li> <li>• Bomb threats</li> <li>• Protests</li> </ul>	<ul style="list-style-type: none"> <li>• Shoving, grabbing, jabbing, poking, or prodding</li> <li>• Breaking equipment</li> <li>• Breaking or putting holes in doors, walls, windows, etc.</li> <li>• Intentional use of objects for purpose of destruction – fire, bombs, chemicals, vehicles, etc.</li> <li>• Any intentional harmful physical contact</li> <li>• Unremitting rampage of loud, threatening, or incoherent speech</li> <li>• Bringing an unauthorized weapon on site</li> <li>• Utilizing an unauthorized weapon on site</li> </ul>	<p><u>Any/All Staff:</u></p> <ul style="list-style-type: none"> <li>• Activate Emergency Response Procedures – <b>Do NOT try to handle on his/her own!!</b></li> <li>• Report to supervisor. Report to supervisor, mgmt. official or other appropriate source.</li> <li>• Assist in maintaining calm, if possible.</li> <li>• Assist in victim care, if possible</li> <li>• Leave the area for personal safety, if necessary.</li> <li>• Document on the Incident Report Form (Appendix B).</li> </ul> <p><u>Supervisor:</u></p> <ul style="list-style-type: none"> <li>• Inform mgmt. official(s)</li> <li>• Document on the Incident Report (Appendix B) and report to the Local Crisis Response representative.</li> <li>• Consult with Building Security, ER, OGC, EAP, or the GTR/M or CO (if a contractor), as necessary to determine plan of action after resolved.</li> </ul>	<ul style="list-style-type: none"> <li>• FPS or Local law enforcement authorities or medical emergency personnel (911)</li> <li>• Local building Security and as appropriate, ODMNS</li> <li>• Immediate Supervisor or other management official in the chain-of-command</li> <li>• Local Crisis Response representative for debriefing and planning with Crisis Response Team( EAP, ER, Health Unit, OGC, and others, as appropriate)</li> </ul>

<sup>1</sup> Offices/individuals are listed in the recommended order of contact.

<sup>2</sup> All incidents must be recorded on the Incident Report Form forwarding a copy of the report and supporting documentation to the Local Crisis Response representative for coordinated action and/or follow-up.

**IMPORTANT NUMBERS:**

Employee Assistance Program: 800-222-0364 or 888-262-7848 (TTY)

Federal Protection Service: 202-708-1111 (Headquarters) or 1-877-437-7411 (national toll free number)

Local Law Enforcement: 911

Local building security: 202-708-3051 or 202-708-6564 (Headquarters)

ODMNS: 202-402-4000

## Appendix D

### Sample Cease and Desist Order

[Perpetrator's name]

[Perpetrator's address]

[Today's date]

RE: Cease and desist from [insert actions here]

Dear [Perpetrator]:

This CEASE AND DESIST ORDER is to inform you that your persistent actions including but not limited to [insert actions here] will not be tolerated. You are ORDERED TO STOP such activities immediately as they are being done in violation of HUD's Workplace and Domestic Violence policy.

If you continue to engage in the above mentioned actions, HUD has the authority to impose disciplinary action or take any other appropriate action against you for that conduct.

Again, you must immediately stop [unwanted activities] and send written confirmation that you will stop such activities.

This letter acts as your final warning to discontinue your conduct before any disciplinary actions are taken against you. To ensure compliance with this letter, you are required to fill in and sign the attached form and return it to your immediate supervisor, or other appropriate agency officials. Failure to do so will act as evidence of your failure to comply with this order, and disciplinary action or any other appropriate action will be taken against you.

Sincerely,

---

[Supervisor's signature]

---

[Supervisor's printed name]

## Appendix E

### Sample Employee Cease and Desist Compliance Agreement

I, [insert perpetrator's name here] do hereby agree to stop [insert unwanted activities here] which are in violation of HUD's Workplace and Domestic Violence policy. I understand that this is my final chance to cease these activities. I understand that HUD has the right to pursue disciplinary action or any other appropriate action against me relating to my engagement in these activities, but will not pursue those actions in contemplation of my compliance with this written demand. I further understand that HUD has not waived its rights and may pursue disciplinary action or any other appropriate action against me if I fail to abide by this agreement. I understand that this agreement is not specifically limited to the activities named herein. I will not engage in any activity now or in the future that involves the threat or commission of violence, domestic violence, sexual assault, or stalking of [victim(s) full name]. I furthermore agree not to engage in any activity, regardless of its official title, that is done in violation of [victim(s)]'s legal rights. If I fail to cease performing these activities, HUD may pursue disciplinary action or any other appropriate action against me.

---

[perpetrator's signature]

---

[perpetrator's printed name]

Date \_\_\_\_\_

## **Appendix F**

### **Annual Workplace and Domestic Violence Reporting Checklist**

The following checklist provides information for the purpose of monitoring the effectiveness of strategic responses to workplace and domestic violence, sexual assault, and stalking. It is important to keep in mind that documenting such events may come across as a rise in incidence of violence. In actuality, any evidence of higher incidence may be a reflection of insufficient reporting in the past.

The following information will be compiled annually by each Regional Crisis Response Officer and submitted to the Departmental Crisis Response Program Manager for coordinated review and reporting. This report will provide a snapshot of departmental activities over the year and a comparison for any prior year's activities:

1. Number of employees and managers receiving training or educational information on workplace violence, domestic violence, sexual assault, and stalking (including sexual harassment);
2. Number of employees requesting information, referrals, or time off for needs relating to workplace violence, domestic violence, sexual assault, and stalking;
3. Number of orders of protection or restraining orders (in aggregate form) given to management by employees or issued by the employer in consultation with employee;
4. Number and/or percentage of employees requesting help for workplace violence, domestic violence, sexual assault, and stalking through employee assistance services;
5. Records of threat assessments and violence prevention actions, specifically safety plans made to respond to workplace violence, domestic violence, sexual assault, and stalking threats and/or prevent incidents of sexual harassment and violence;
6. Incident reports filed on the Incident Report form regarding any violent events that involved employees or others at work;
7. Changes to policies or procedures that were implemented during the last year.

## Appendix G

### Sample Threat Assessment:

The following guidelines is provided to assist supervisors, managers, local Crisis Response representatives, or other appropriate officials to use for the purpose of evaluating, screening, and assessing the nature and severity of threatening or violent conduct. **All reports of threatening or violent conduct should be taken seriously and evaluated.** If an employee self-discloses workplace or domestic violence, and it appears that he/she may be in immediate danger, call 911, FPS, or local building security. A threat assessment should take place if the danger is present, but not urgent. Be sure to let the employee know that to ensure his/her safety, only certain information will be shared with appropriate officials within the organization.

### Call 911, FPS, or local building security if an employee is ever in immediate danger

1. What is the situation? Please explain the details.
2. Has the perpetrator made any threats?
3. What type of abuse have you been exposed to?
4. Have there been any harassing phone calls?
5. Have there been any harassing phone mail messages? If so, have they been deleted? (Explain how the organization can help screen and/or record them).
6. Are your co-workers aware of the situation? If so, who are they and what information has been given to them?
7. Does the perpetrator know where you work? Has he/she visited the facility in the past?
8. Does the perpetrator have a history of violence? If so, please explain each situation.
9. Do you think you or others are in danger here? (The victim knows best what the perpetrator is capable of.)
10. Does the perpetrator possess any type of firearms or weapons? a) If so, are they registered?  
b) Please describe the type (handgun, shotgun, assault rifle, etc.)
11. What is your relationship to the perpetrator?
12. Have you contacted the EAP or a domestic violence program in the community?
13. Can I help you gather or provide you with the numbers of local resources?
14. Has a report been filed with the police? If so, please provide us a copy of the report
15. Has an order of protection been issued? a) If so, please provide us with a copy.  
b) If not, will one be filed?

16. Can you provide us with a description and current picture of the perpetrator?
17. What is your need for safety at this present moment?
18. Do you need time off to attend court?
19. Do you need more extended leave to find safe housing or address other safety concerns?
20. Do you need time off or flexible hours to arrange for childcare?
21. Do you need to be escorted to and from your car/public transportation?
22. Do you need to change your hours or location?
23. Do you have the confidential security hotline handy?
24. Do you have a safety plan? If not, it would be a good idea to work with a manager or other appropriate officials to establish one.
25. Do you feel safe at work? Has the perpetrator made any threats, specifically to try to hurt you at work?
26. Do you need any further assistance?

At this point, if there is no threat to the safety of the victim at work, offer referrals to local counselors and/or the EAP. Each case is different and responses must be tailored to the circumstances. When the threat assessment process determines that a high level of planning or response is needed, the more intensive step of gathering the Crisis Response Team should be taken. Always consult with the local Crisis Response representative or other appropriate official to help you make an accurate threat assessment.