



Delaware Judicial Branch Domestic Violence, Sexual Violence, and Stalking Policy

1. PURPOSE

The State of Delaware Judicial Branch (“Judicial Branch”) is committed to ensuring a safe and supportive workplace for Employees who may be affected by domestic violence, sexual offenses, or stalking. Affected Employees can discuss and seek assistance from their Employer. The Judicial Branch has developed the *Delaware Judicial Branch Domestic Violence, Sexual Violence, and Stalking Policy* (“Policy”) to support Employees who are survivors of or otherwise impacted by such violence. This Policy also establishes the protocol for Human Resource (“HR”) representatives and Supervisors to follow when responding to Employees who may be experiencing such circumstances.

2. SCOPE

This Policy applies to all Judicial Branch Employees as defined in the *Judicial Branch Operating Procedures*, including Judicial Officers, part-time Employees, temporary Employees, casual/seasonal Employees, contractual Employees, interns, and volunteers.

Courts and Judicial Branch Agencies shall, at a minimum, comply with this Policy, but may, with the approval of the Chief Justice, adopt more rigorous provisions that may apply to that Court or Judicial Branch Agency.

This Policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is conflict between the law or regulation and this Policy, the law and/or regulation governs.

3. DEFINITIONS

Domestic Violence. A pattern of coercive behavior in any relationship that is used by one person to gain or maintain power or control over the other person. This can involve current or former spouses, family members, intimate partners, current or former dating partners, or parents. Coercive behavior includes, but is not limited to, acts or threatened acts of physical violence, injury, or intimidation; sexual violence or abuse; emotional or psychological intimidation; verbal abuse; harassment; stalking; cyber stalking; or economic abuse and control.

Domestic Violence (DV) Coordinator. A Judicial Branch Employee, or designee, assigned to work directly with Employee Survivors to provide support, resources, and assistance with

safety planning and reasonable accommodation requests (if applicable). And, to provide guidance and support to Employer Supervisors and Managers, including connecting Employees to relevant services and resources.

Employee Survivor¹. A Judicial Branch Employee who is also an individual that is currently, or has been, subject to, domestic violence, sexual violence, or stalking; including workplace and non-workplace related incidents.

Employer. Individually or collectively, the Administrative Office of the Courts, a Court, or Nonjudicial Agency. Nonjudicial Agencies include the Office of the Child Advocate, Office of the Public Guardian, Maternal and Child Death Review Commission, and Delaware Nursing Home Residents Quality Assurance Commission.

Human Resources Representative. An HR Employee designated to work with the Employee, and to work with the Employee's Supervisor regarding the Supervisor's role and responsibly under this Policy, applicable rules, regulations, laws, and contracts.

Individualized Workplace Safety Plan. A strategy developed in collaboration with the Employee Survivor and HR Representative to devise and implement workplace safety options, including but not limited to, procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules; temporary worksite relocation; parking space reassignment; updating contact information; handling of court protection orders; escort to and from the worksite; informing the Employee's co-workers (if necessary).

Non-Workplace-Related Incidents. Incidents of domestic violence, sexual violence, dating violence, and stalking including acts, attempted acts, or threatened acts by or against employees that occur outside an Employee's workplace, or while an Employee is not engaged in or traveling for Judicial Branch business.

Perpetrator. An individual who commits or threatens to commit an act of domestic violence, sexual violence, or stalking.

Protection From Abuse Order ("PFA"). A Court Order designed to protect a person from abuse. The order can require the alleged abuser to stop the alleged behavior and to have no contact with the alleged victim. The order can be of short-term or long-term duration. For information about Delaware's PFA process, please visit Family Court's website.

Sexual Violence. Any sexual act or behavior done to a person that does not or cannot consent to the act or behavior. The range of acts or behaviors includes, but is not limited to, sexual harassment; a completed nonconsensual sex act (i.e., rape); an attempted nonconsensual sex act; abusive sexual contact (i.e., unwanted touching); and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Some or

¹ Individuals affected by domestic violence are referred to as survivors. According to many advocates, the term "survivor" can be used as a term of empowerment to convey that a person has started the healing process and has gained a sense of autonomy in their lives.

all acts may also be addressed in the *Judicial Branch Respectful Workplace and Anti-Discrimination Policy*.

Stalking. Harassing, intimidating, or threatening conduct that causes a person to fear for their safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for their safety. This behavior includes, but is not limited to, spying on a person; appearing at a person's home or work; engaging in unwanted, repetitive, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make contact with the person; monitoring the person; leaving unwanted items for the person; and posting information or spreading rumors about the person on the internet, in a public place, or by word of mouth. Stalking may occur in-person, or by technology use including, but not limited to email; voicemail; text messaging; GPS or social network use.

Workplace-Related Incidents. Incidents of domestic violence, sexual violence, dating violence, or stalking that occur at or in the Employee's physical workplace, or while an Employee is engaged in or traveling for Judicial Branch business. An Employee is also considered to be in the workplace when utilizing Judicial Branch resources, including but not limited to facilities, work sites, equipment, or vehicles.

4. POLICY

To ensure a safe and supportive workplace for Employees who may be affected by domestic violence, sexual violence, or stalking, the Judicial Branch has established and will impartially enforce the following Policy:

- 4.1.** Any Employee who is experiencing, or who has experienced, domestic violence, sexual violence, and/or stalking may notify an HR Representative or their Supervisor (who will confidentially consult with the HR Representative and DV Coordinator as applicable). If such notification presents an immediate emergency, law enforcement may be contacted by the HR Representative.
- 4.2.** If an Employee informs a Supervisor or HR Representative that the Employee is experiencing a situation covered by this Policy, the HR representative will:
 - meet with the Employee to provide resources and information, discuss any limits of confidentiality, and partner with the Employee to determine the appropriate actions to provide assistance and support;
 - provide the Employee the opportunity to make any necessary calls for services, emergency intervention; and
 - obtain and document and/or update in PHRST an emergency contact from the Employee in case the Employer is unable to contact the Employee.
- 4.3.** The Judicial Branch will maintain strict confidentiality regarding an Employee seeking assistance under this Policy. Information will only be disclosed to the extent necessary to protect the safety of the Employee and/or others in the workplace. The Employee will be

informed prior to any necessary disclosures, except in immediate emergency circumstances. These limitations of confidentiality will be discussed with the Employee.

- 4.4.** Discrimination against any Employee who is a survivor of domestic violence, sexual violence, and/or stalking based on knowledge of the Employee survivor's current or past incidents, is prohibited.

The following actions if taken against an Employee, because the individual is an Employee Survivor, are prohibited:

- Failure or refusal to hire;
- Unsubstantiated discharge; or
- Differential treatment with respect to compensation, terms, conditions, or privileges of employment; or
- Failure or refusal to make reasonable accommodations² to the limitations related to domestic violence, sexual violence, and/or stalking known to the Employer (unless the Employer can demonstrate that the accommodation would impose an undue hardship on operations of the Employer).

- 4.5.** Using any State resources, including work time or equipment, to commit an act of domestic violence, sexual violence, and/or stalking is strictly prohibited and constitutes a violation of this Policy.

- 4.6.** Each Employer shall designate at least one HR Representative who will assist with domestic violence, sexual violence, and/or stalking issues. The designated HR Representative may receive training on responding to and assisting Employees who disclose they are survivors of domestic violence.

- 4.7.** Employers must distribute this Policy to all newly hired Employees at the commencement of employment and to existing Employees within thirty (30) days of the issuance of this Policy.

- 4.8.** All Employees must acknowledge, by written signature, receipt and understanding of this Policy within thirty (30) calendar days.

5. PROCEDURES

- 5.1.** For Employees seeking assistance under this Policy:

- 5.1.1.** The Employee will be offered an opportunity to make the necessary calls for services, emergency intervention (such as, shelter) and supportive services confidentially, when appropriate.

² For purposes of this subsection, "reasonable accommodations" means making reasonable changes in the workplace that would enable the Employee survivor to satisfactorily perform the essential duties of the job in question.

- 5.7. If an Employee experiences or witnesses behavior prohibited by the policy or threats of such behavior in the workplace, the Employee must report the incident to an HR Representative immediately. If a disclosure is made to a Supervisor that behavior prohibited by this policy or threats of such behavior occurred in the workplace, the Supervisor shall report it to an HR Representative immediately.
- 5.8. If an Employee discloses to another Employee or to a Supervisor that they are experiencing domestic violence, sexual violence, and/or stalking outside of the workplace, and there is no immediate danger of harm, confidentiality is to be prioritized. The Employee or Supervisor is NOT mandated to report or refer the Employee to an HR Representative. However, the person can refer the Employee to this Policy and encourage that they reach out to HR for support and resources. Additionally, the Supervisor may confidentially³ consult with HR to ensure that they are providing adequate support and resources.
- 5.9. **Family Court Employees.** Should an Employee request a PFA Order or other Family Court assistance, the Supervisor and HR Representative shall refer to Policy number 06-007: Employee Litigation. This policy outlines the steps taken to ensure that employees who need Family Court services can do so without having to appear in Court before colleagues and coworkers. The survivor should be made aware that their case will likely be heard in a different County, but that when they appear for their Court hearing or hearings, Family Court staff from that County may be in attendance. This should not be disclosed to the survivor to discourage a filing within Family Court, but to be transparent with who may have access to the survivor's file and hearings.

6. ASSOCIATED POLICIES AND FORMS

- [11 Del. C. §§ 761, 763 Criminal Conduct](#)
- [19 Del. C. §§ 710, 711](#)
- [Certified Domestic Violence Treatment and Intervention Programs](#)
- [Employee Assistance Program \(EAP\): Comp Psych: 877-527-4742](#)
- [Judicial Intranet Vicarious Trauma Resource Link](#)
- [Statewide Benefits Office](#)
- [Judicial Branch Respectful Workplace and Anti-Discrimination Policy](#)
- [Victim Services Resources](#)

7. RESOURCES

7.1. Information and Referrals

If you feel that you are in danger, call 9-1-1.

- [Domestic Violence Coordinating Council \(DVCC\): 302-255-1700](#)
- [Delaware Coalition Against Domestic Violence \(DCADV\): 302-658-2958](#)
- [Delaware Alliance Against Sexual Violence \(DAASV\): 302-290-7404](#)

³ In this instance, the Supervisor would not disclose the survivor's name or other identifying information. They can use HR as a supervision resource to ensure that the Survivor is directed to all applicable resources.

- [National Domestic Violence Hotline](#): 800-799-SAFE (7233)
- [National Sexual Assault Hotline](#): 800-656-HOPE (4673)

7.2. Delaware Hotline Numbers

New Castle County

Domestic Violence 302-762-6110
 Rape Crisis 800-773-8570
 Bi-lingual Hotline 302-762-6110
 TTY 800-232-5460

Northern Kent County

Domestic Violence 302-678-3886
 Bi-lingual Hotline 302-745-9874

Kent & Sussex Counties

Domestic Violence 302-422-8058
 Rape Crisis 800-262-9800
 Bi-lingual Hotline 302-745-9874

All hotline numbers are confidential and available 24/7. Hotlines are staffed by trained professionals who will assist in safety planning and will refer to available resources. Services are available to survivors who do not speak English or who are hearing impaired (for Delaware Relay Services, dial 711).

Delaware Child Abuse Hotline

800-292-9582

7.3. Domestic Violence Court Advocacy Program. CHILD Inc offers this program in all three counties. Victim advocates may provide assistance with filing for Protection From Abuse (PFA) petitions.

New Castle County
 302-255-0420

Kent County
 302-672-1075

Sussex County
 302-856-5843

7.4. Family Court for the State of Delaware:

[Understanding the Protection From Abuse Process](#)

[Family Court for the State of Delaware Protection From Abuse \(PFA\) Case Instruction](#)

[Packet](#)

7.5. Other. In addition to the above resources, the National Network to End Domestic Violence provides a list of [domestic violence-related frequently asked questions \(FAQs\)](#).

The State of Delaware also offers a [Victims' Compensation Assistance Program](#) for those affected by violent crime.

When an individual becomes separated from work due to circumstances related to domestic violence, sexual offense, or stalking the individual should be informed that unemployment benefits may be available pursuant to Delaware law found at, [Title 19, Chapter 33 §3314](#).

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Acknowledgement Page

This is to certify that I have read, reviewed, and understand the provisions set forth in the Delaware Judicial Branch Domestic Violence, Sexual Violence, and Stalking Policy as presented to me on the date of signature.

Print Name: