



Policy Requirements: Responding to Harassment, Bullying & Discrimination

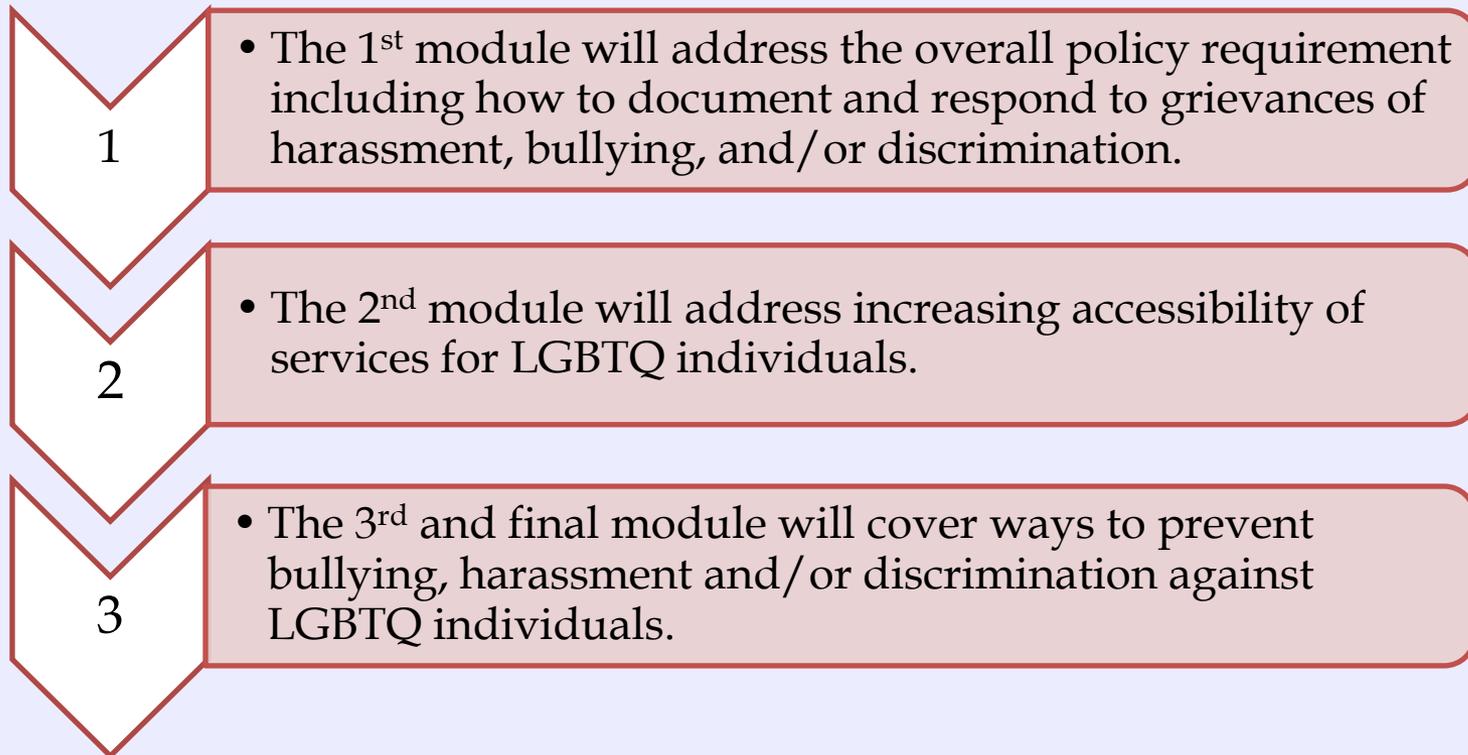
Virginia Department of Social Services
Office of Family Violence
Learning Module 1
March 6, 2014

Services for LGBTQ Individuals

- *The Office of Family Violence is offering this training to support the federal requirement that Family Violence Prevention and Services Act (FVPSA) funded programs develop a practice of promoting access and inclusion of Lesbian, Gay, Bisexual, Transgender and Questioning youth(LGBTQ) individuals, as well as developing non-discrimination and anti-harassment policies.*
- This new FVPSA requirement is a response to the changes to the Violence Against Women Act that add LGBTQ individuals to the list of underserved populations.
- This VAWA inclusion was a hard-fought and historic victory that was the result of a broad coalition of organizations.
- This inclusion means the needs of LGBTQ individuals will be considered and programming is inclusive and non-stigmatizing.
- The FVPSA requirement adds a component to the policy to include a grievance process because it is imperative that individuals receiving services have a mechanism to address harassment, bullying or discrimination.

Learning Modules

The Office of Family Violence has developed a series of 3 learning modules to give programs a better understanding of this requirement and what it will take to make it successful.



Learning Modules

- Each participant will be asked to fill in basic demographic data and provide feedback after each module to receive 1 training credit.

Please Note:

- These modules will not cover basic LGBTQ topics such as definitions, differences between gender identity and sexual orientation or other basics.
- These topics are covered by the Action Alliance in their LGBTQ 101 course.
- OFV recommends that all agency staff take the LGBTQ 101 and 201 trainings. The information will enhance your understanding about services for LGBTQ individuals and the need for a specific policy to create an inclusive environment.
- *To register for the Action Alliance trainings, go [here](#).*



Timeframe

- **March:** Module 1- LGBTQ Policy Requirements and Grievance Process
- **April:** Module 2- Increasing Accessibility and Creating an Inclusive Environment
- **May:** Module 3- Responding and Preventing Bullying/ Harassment/ Discrimination
- **July 1st:** New policy should be in place and staff should have taken the training provided through the learning modules.

The policy put in place in July should be viewed as a working document the first year of implementation.



The Need for an Inclusive Environment

- Current research confirms that battering is just as prevalent (*occurring in 25-33% of relationships*) and **just as harmful and dangerous among lesbian, gay, bi-sexual and questioning people** as among non-transgender heterosexual people (*NCAVP 2011 National Domestic Violence Report*).
- For transgender people the rate of violence is much higher. Transgender survivors were 2 times as likely to face threats/intimidation within violent relationships, and nearly 2 (1.8) times more likely to experience harassment within violent relationships (*2012 Report on Intimate Partner Violence in Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Communities in the U.S*)
- Few LGBTQ survivors access services including police, shelter access and orders of protection for fear of further victimization.
- Services specifically for LGBTQ individuals are scarce, and many domestic violence organizations have not adequately trained or planned on how to serve these clients and may inadvertently discriminate against them.



The Need for an Inclusive Environment

Sometimes the discrimination or harassment occurs from another client.

- A client living in shelter repeatedly refers to a transwoman as “it”.
- A client in a support group tells a lesbian woman that she was “living in sin and going to hell”.

Sometimes the discrimination or harassment occurs from a staff member.

- A transwoman calls the hotline and is denied shelter because staff fear the female clients would feel uncomfortable around her.
- A lesbian attends a support group and is inadvertently out-ed by the advocate.
- A case manager asks a bisexual woman unnecessary and personal questions about her sexual orientation including when she first knew she was bisexual and if she prefers women or men.

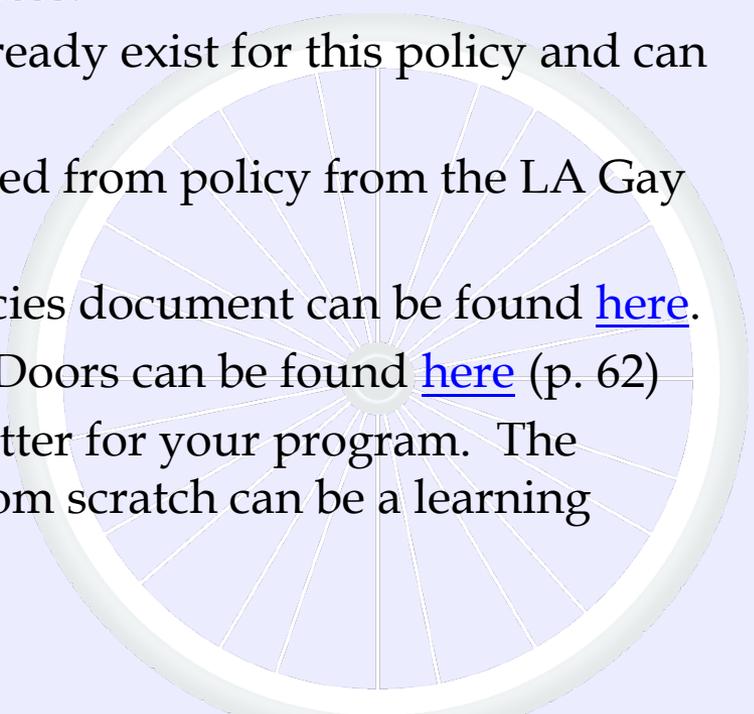


Non-discrimination Anti-harassment Policy

- LGBTQ survivors deserve accessible, welcoming and respectful services that allow them to heal from the abuse and isolation they have faced.
- All clients, including those who identify as LGBTQ should be informed that when discrimination, harassment or bullying happens at a domestic violence program, it will be addressed.
- This includes a non-discrimination/anti-harassment policy for staff & clients that incorporates the opportunity to file a grievance, whether the offending individual is a client or a staff member.



Non-discrimination/ Anti-harassment Policy

- *As per accreditation requirements, accredited programs already have non-discrimination policies in place to assure equal access for all persons who have experienced sexual or domestic violence regardless of race, gender, ethnicity, national origin, age, disability, religion, sexual orientation or gender identity or expression.*
 - This part of the requirement essentially expands on that requirement to also include anti-harassment and a grievance process.
 - *No need to re-invent the wheel!* Many models already exist for this policy and can be modified for your agency.
 - OFV provided a sample in January modeled from policy from the LA Gay and Lesbian Center (attached).
 - Virginia Anti-violence Project Model Policies document can be found [here](#).
 - Language in La Red's Open Minds Open Doors can be found [here](#) (p. 62)
 - Create your own "wheel" if that works better for your program. The process of developing your own policy from scratch can be a learning experience for staff.
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Policy Development

The next two slides cover some of the steps that may need to be taken as you begin this process.



Policy Development

- 1. Workgroup:** A policy development process usually includes the formation of a workgroup. Certainly staff who identify as LGBTQ would have a lot to contribute and may want to participate, but should not be required. Invite others to join the workgroup such as clients, board members and local LGBTQ representatives if possible.
- 2. Plan of action:** The workgroup develops a plan of action such as:
 - Deciding to adopt the sample policy provided, with some agency-specific adaptations, or developing something completely different.
 - Determining what is needed for the task such as getting input for a local LGBTQ organization and/or clients.
 - Obtaining approvals that will be needed, such as the board.
 - Developing a timeline for drafts, the final version, and approval.
- 3. Policy language:** The appropriate staff person drafts the policy language.

Policy Development

5. **Adopt and implement:** Adopting the policy is generally the easier part, while planning for and implementing the policy may be more challenging. An implementation process will be necessary. For instance:
 - *Stage 1-* the prevention components;
 - *Stage 2-* increasing access; and
 - *Stage 3-* distributing anti-harassment/ anti-discrimination policy for signature and putting grievance process in place.
6. **Maintain and evaluate:** This step is on-going and should be viewed as an active process the first year of implementation.
 - *The policy that is put in place by July 2014 could be very different a year later, after the workgroup continues to evaluate the policy and gets feedback on the implementation process.*



Non-discrimination Anti-harassment Policy

- A non-discrimination anti-harassment policy should be developed with both clients and staff in mind.
- Every staff member should agree to the policy by signing a policy agreement.
- Clients should be given the policy to sign upon intake (with a brief overview) or when they are filling out the initial paperwork.



Non-discrimination Anti-harassment Policy

A non-discrimination/anti-harassment policy at a minimum should include:

- A statement that your agency is committed to creating an inclusive environment to ALL victims of domestic violence.
- A statement that the person signing the policy understands comments or actions that harass, demean, stereotype, discriminate or abuse are not acceptable.
- A statement that a violation can be reported to X staff member, and if uncomfortable with that person, may report to X staff member.

For a more complete example, please see the sample policy attached with this module.

The new policy may be used to address discrimination and harassment of all forms- meaning that all clients would have a formal way to file a grievance.



Grievance Process

- A grievance process is an important step to enable domestic violence programs to address discrimination and harassment for all clients.
- The grievance process should cover a range of options to ensure that clients can raise their concerns in a manner in which they feel comfortable, and to make certain issues are addressed and resolved using the most effective and appropriate methods for the client.

The grievance process can be a valuable quality assurance tool to discover any needed changes to reduce conflict and create a welcoming environment that is safe for everyone.



Grievance Process

- The process must ensure grievances are properly documented and monitored from the time of grievance until it is resolved.
- A typical grievance process should include several steps from the time a grievance is filed until it has been resolved.
- *It is important that all steps outlined in the policy be followed and more than one neutral person is involved in the process.*

Step 1

Step 2

Step 3

Grievance Process

- *The next slide is an illustration of what a grievance process might look like. A more detailed example can be found in the Sample Anti-discrimination Anti-harassment Policy provided.*

Grievance Process

1. Sheila, a trans woman, communicates to her case manager that another client, Jenny, referred to her as "him." When Sheila confronted Jenny, Jenny said she wasn't sorry and further wanted Sheila to stay away from her and her children.

2. The case manager, Debra, tells Sheila how sorry she is that this has happened when she is already going through a difficult time. She offers support if Sheila would like for her to speak with Jenny or if she would like to file a grievance.

3. Sheila wants to file a grievance since she has already tried to talk with Jenny. Debra gives her the grievance form, helps her fill it out, and asks for input on the types of outcomes that she would like to see.

4. The grievance form is reviewed by the audit team. The team recommends a corrective action plan based on Sheila's input that involves a meeting with Jenny to let her know a grievance has been filed and that if another grievance is filed, she will be asked to leave. She is also moved to a room further away from Sheila.

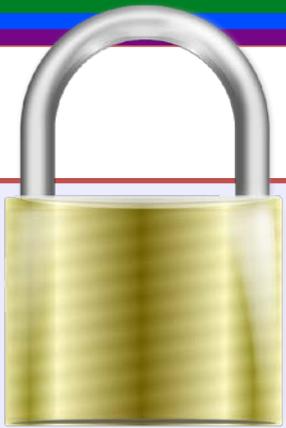
5. Debra develops a corrective action plan based on recommendations.

6. The corrective action plan is reviewed with the Sheila. Sheila consents to the corrective action plan.

7. Debra meets with Jenny to let her know about the grievance and action plan.

8. Jenny agrees she will not behave in this manner again and is moved to another room.

Documentation



- Once the client exits the program, or the grievance has been resolved, all documentation related to the grievance should be filed in a locked cabinet in a special folder for grievances.
- Documentation should *not* be kept in the client file.
- Documentation should be kept for 5 years.

It may also be helpful to have a confidential review of grievances with senior staff to go over improvements that can be made. Training may be developed to address needed changes.

Personnel Policies

- Although the FVPSA requirement does not cover personnel policies, we encourage programs to address personnel policies as well. Staff who identify as LGBTQ should feel safe to be out at work and supported by the agency.

If staff do not feel safe to be out, it's unlikely you will be able to create an environment that feels safe for LGBTQ clients.

Board and Community Support

- As you develop and implement this policy, you may experience some resistance from a board member or a member of the community.
- To reduce the likelihood of resistance, encourage the involvement of board, administration and or community leaders by:
 - Offering a brief LGBTQ 101 workshop followed by an overview of the federal requirement.
 - Providing them with the handouts attached and distributed in January.
 - Asking them to take the learning modules.
 - Engaging them in a discussion about your common ground.
 - Letting them know they do not necessarily have to agree with the policy nor do they have to change their beliefs, but they do have to understand this is a requirement and that your organization is committed to being an inclusive environment for ALL clients.

This process will take some time but can be educational and even transformational!



The end

Thank you for participating in this learning module.

Please click [here](#) to fill out the short survey and print your training credit