



# Brandeis University

## Domestic Violence Leave

### **Policy Statement:**

Brandeis University, in compliance with the Massachusetts Domestic Violence Leave Act of 2014 (DVLA), recognizes that domestic violence impacts the workplace and is committed to supporting employees who are victims of domestic violence or have a family member who is a victim of domestic violence.

Domestic Violence Leave is an authorized absence from work that allows employees up to fifteen (15) days of job-protected leave in a twelve (12) month period if the employee or an employee's family member is a victim of domestic violence. Domestic Violence Leave is to be used for issues directly related to the domestic violence against the employee or the employee's family member. The employee cannot be the perpetrator of domestic violence against the family member.

### **Applicability:**

This policy applies to all regular, full time and part-time Brandeis employees.

### **Guidelines:**

#### **Eligibility:**

An employee is eligible for unpaid leave if the employee, or a family member of the employee, is a victim of domestic violence, stalking, sexual assault, or kidnapping.

#### **Definitions:**

"Abuse": (i) attempting to cause or causing physical harm; (ii) placing another in fear of imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; (iv) engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; (v) depriving another of medical care, housing, food or other necessities of life; or (vi) restraining the liberty of another .

"Abusive behavior" includes domestic violence, stalking, sexual assault and kidnapping. "Domestic violence": abuse against an employee or the employee's family member by: (i) a current or former spouse of the employee or the employee's family member; (ii) a person with whom the employee or the employee's family member shares a child in common; (iii) a person who is cohabitating with or has cohabitated with the employee or the employee's family member; (iv) a person who is related by blood or marriage to the employee; or (v) a person with whom the employee or employee's family member has or had a dating or engagement relationship.

"Family member": (i) persons who are married to one another; (ii) persons in a substantive dating or engagement relationship and who reside together; (iii) persons having a child in common regardless of whether they have ever married or resided together; (iv) a parent, stepparent, child, step-child, sibling, grandparent or grandchild; or (v) persons in a guardianship relationship.

**General Provisions:**

Employees will be granted up to fifteen (15) calendar days of unpaid leave in any 12-month period if the employee or a family member of the employee is a victim of any of the abusive behavior described above. The leave must be used to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee (given that the employee is not the perpetrator of the abusive behavior against the family member).

**Procedure for Requesting Domestic Violence Leave:**

Except in cases of imminent danger to the health or safety of an employee, a request for Domestic Violence Leave shall be made in writing to the immediate supervisor or the Department Head of the employee, as well as to the Director of Employment and Labor Relations as soon as possible, and if circumstances allow, at least 1 week prior to the leave.

**Imminent Threat of Danger:**

If there is a threat of imminent danger to the health or safety of an employee or the employee's family member, the employee shall not be required to provide advance notice of leave; provided, however, that the University receives notice within 3 workdays that the leave was taken or is being taken under this policy. Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

**Leave Administration:**

All available accrued sick leave, vacation leave, and available personal days, shall be utilized during the period of Domestic Violence Leave. When all available paid accrued time has run out, the balance of the Domestic Violence Leave will be unpaid.

**Supporting Documentation:**

An employee requesting Domestic Violence Leave must provide to the Director of Employment and Labor Relations documentation showing that the employee or employee's family member has been a victim of abusive behavior and that the leave taken is consistent with the domestic violence leave policy. An employee is not required to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior.

An employee must provide one of the following forms of documentation to the University within 15 days after the University requests documentation relative to the employee's absence:

1. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
2. A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
3. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.

4. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
5. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
6. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
7. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

**Employee Status after Domestic Violence Leave:**

At the conclusion of an approved leave, the employee must contact their supervisor and the Office of Human Resources in order to be returned to the payroll.

It is the supervisor's responsibility to ensure the Office of Human Resources is notified when the employee returns to work.

**Confidentiality:**

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- I. requested or consented to, in writing, by the employee;
- II. ordered to be released by a court of competent jurisdiction;
- III. otherwise required by applicable federal or state law;
- IV. required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
- V. necessary to protect the safety of the employee or others employed at the workplace.

*This policy is for general guidance only. It does not create an employment contract or any right to continued employment at Brandeis University. Brandeis University reserves the right to modify, revoke, suspend, terminate and/or change any and all policies and procedures at any time, with or without notice.*