

DOMESTIC VIOLENCE LEAVE

PURPOSE

Pursuant to Massachusetts law, the university provides job-protected leave to employees who are victims, or who have family members who are victims, of abusive behavior, including domestic violence.

POLICY

If you or your family member is a victim of domestic violence, the university encourages you to communicate with the Office of Human Resources. You are eligible for leave under this policy immediately upon beginning your employment.

You may take up to a maximum of 15 days of protected time off in a 12 month period, if either you or your family member as described below is:

- the victim of abusive behavior (such as domestic violence, stalking, sexual assault, or kidnapping); and/or
- seeking medical attention, counseling, legal or other victim services directly related to the abusive behavior against the employee or family member of the employee.

More specifically, leave is available for the following purposes:

- obtaining medical attention or counseling;
- obtaining legal assistance;
- meeting with law enforcement or a district attorney;
- securing housing;
- securing an order of protection from a court;
- attending child custody proceedings;
- attending other court proceedings related to the abusive behavior; and/or
- obtaining other victim services.

Alleged perpetrators of domestic violence are not eligible for leave under this policy.

The university will require you to use any accrued vacation, sick, compensatory or personal time concurrently with any leave taken under this policy; if no accrued paid

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time is available, leave under this policy will be unpaid. This policy does not supersede or replace any benefits or privileges that are provided to employees under their respective collective bargaining agreements. Leave granted pursuant to this policy will run concurrently with any domestic violence leave currently allowed under an employee's collective bargaining agreement.

The university requests that you provide appropriate advance notice to Human Resources or your immediate supervisor of your need to take leave under this policy, unless there is an imminent danger to your immediate health and safety (in which case, you must submit notification within three workdays that the time you took or are taking is for reasons covered by this policy).

Similarly, unless there is a threat of imminent danger to you or your family member, the university also requires you to submit documentation of the need for leave prior to taking leave under this policy. Such documentation includes:

- a protective order issued by a court;
- a letter from the court or agency addressing the abusive behavior;
- a police report;
- documentation that the perpetrator of the abusive behavior has been found guilty or convicted of any offense constituting abusive behavior;
- medical documentation of treatment as a result of abusive behavior;
- a sworn statement signed under the pains and penalties of perjury provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or professional who has assisted the employee in addressing the abusive behavior; or
- a sworn statement signed under the penalties of perjury from the employee attesting that he or she had been the victim of abusive behavior, or that a family member has been a victim of abusive behavior.

If you take an unscheduled absence for purposes related to this policy, you must, within 30 days of the absence, produce documentation of the reason for the absence to Human Resources.

The university will not require you to produce evidence of an arrest, conviction, or other law enforcement documentation for such abusive behavior. Similarly, the university will not make any leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser.

Provided you have submitted proper notice and documentation, your employment is protected during leave taken under this policy.

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All documentation provided to Human Resources will be kept confidential and will not be disclosed unless: (1) you request or consent to the disclosure in writing; (2) a court orders the documentation to be disclosed; (3) the information is required in the course of an investigation by law enforcement; (4) the disclosure is otherwise required by applicable state or federal law; or (5) the disclosure is necessary to protect your safety or the safety of others employed by the University. Additionally, Human Resources will only retain this documentation for as long as it is required in order to determine your eligibility for leave under this policy.

For the purposes of this policy, the following definitions shall apply:

A Family Member is:

- the employee's spouse, parent, step-parent, child, step-child, sibling, grandparent, or grandchild;
- a person in a substantive dating or engagement relationship and who resides with the employee; or
- a person in a guardianship relationship with the employee.

Domestic Violence is abuse against an employee or the employee's family member by:

- a current or former spouse of the employee or the employee's family member;
- a person with whom the employee or the employee's family member shares a child in common;
- a person who is cohabitating with or has cohabitated with the employee or the employee's family member;
- a person who is related by blood or marriage to the employee; or
- a person with whom the employee or employee's family member has or has had a dating or engagement relationship.

Abuse is:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- 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;
- engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror;
- depriving another of medical care, housing, food, or other necessities of life; or

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- restraining the liberty of another.

Abusive behavior is any behavior constituting domestic violence, stalking, sexual assault, or kidnapping under Massachusetts law.

If you have questions regarding this Domestic Violence Leave policy, please contact the Associate Director of Human Resources at ext. 5637, or the Assistant Vice President of Human Resources at ext. 8277.

RESOURCES

The university recognizes that victims of domestic violence may need access to other types of resources and services in addition to leave. University employees are encouraged to seek confidential counseling assistance through one of the following resources:

LifeScope Employee Assistance Program

(800) 828-6025 or www.LifeScopeEAP.com

Username: Westfield State University / Password: guest

Domestic Violence Service Providers in Western Massachusetts

HOTLINES are 24 hour and confidential

New Beginnings

Location: Westfield, Huntington

Huntington Office: 413-667-8784

Westfield Office: 413-562-5739

Westfield HOTLINE: 413-562-1920

HOTLINE : 800-479-6245

Website: www.ywca.org

YWCA Western Massachusetts

Location: Springfield

HOTLINE TTY/Voice: 800-796-8711

HOTLINE TTY/Voice: 413-733-7100

Spanish Language Assault HOTLINE: 800-223-5001

Website: <http://www.yvworks.org/services.php>

Services: Domestic violence program, 24 hour confidential hotline, sexual assault/rape crisis program, emergency domestic violence shelter.

YWCA Community Domestic Violence Services

Location: Springfield

Address: 1 Clough Street, Springfield, MA 01118

Phone: 413-732-3121

Location: Westfield (see New Beginnings)

P.O. Box 1835, Westfield, MA 01086

Phone: 413-562-5739

Location: Huntington (see New Beginnings)

9 Russell Road, Huntington, MA 01050

Phone: 413-667-8784

Womanshelter/Compañeras

Location: Holyoke

Outreach focus: Holyoke, Chicopee, Ludlow, Springfield, West Springfield, Westfield, Southampton, Monson, Palmer, Ware, South Hadley, Belchertown and Granby.

HOTLINE: 877-536-1628

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

Services: Domestic violence program, emergency domestic violence shelter.

Safe Passage

Location: Northampton

HOTLINE: 888-345-5282 (toll-free)

TTY/HOTLINE: 413-586-5066

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

Services: Domestic violence program, emergency domestic violence shelter.

Women in Transition/NELCWIT

Location: Greenfield

HOTLINE: 413-772-0806

HOTLINE for Athol and Towns East: 888-249-0806

Location: Orange

Phone: 978-544-0270

Location: Athol

Phone: 978-249-2938

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

Services: Domestic violence program, 24 hour confidential hotline, sexual assault/rape crisis program, emergency domestic violence shelter.

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Center for Women and Community

Location: Amherst

HOTLINE: 413 Area Toll-Free Rape Crisis: 413-545-0800

Main number/TTY: 413-577-0940

Website: <http://www.umass.edu/ewc>

Services: Sexual assault/rape crisis program.

Elizabeth Freeman Center

Location: Pittsfield

HOTLINE/Information: 866-401-2425

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

Services: Domestic violence program, 24 hour confidential hotline, sexual assault/rape crisis program, emergency domestic violence shelter.

Other HOTLINES:

Multilingual HOTLINE in Massachusetts:

Domestic Violence SafeLink - [Español](#), [Portugues](#),

HOTLINE: 1-877-785-2020

TTY: 1-877-521-2601

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

HOTLINE support outside of Massachusetts:

National Domestic Violence Hotline

HOTLINE: 800-799-SAFE

800-799-7233

Website: www.thehotline.org

For U.S. Citizens outside the country:

Americans Overseas Domestic Violence Crisis Center (AODVC)

International toll free crisis line: 866-USWOMEN

HOTLINE: 866-979-6636

Website: www.866uswomen.org

REVIEW

This document will be reviewed annually by the Assistant Vice President of Human Resources.