

Domestic Violence and Sexual Violence Leave Policy

In accordance with Massachusetts law, specifically MGL c. 149, section 52E, the University provides up to fifteen (15) days of paid, job-protected leave, in any 12-month period, if the employee or employee's family member is the victim of abusive behavior.

Definitions

Massachusetts General Law, Chapter 149, section 52E provides the following definitions:

Abuse –

- *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*
- *Restraining the liberty of another.*

Abusive Behavior –

Any behavior constituting domestic violence, stalking, sexual assault, or kidnapping under MGL c. 149, section 52E.

Domestic Violence –

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 had a dating or engagement relationship.*

Family member –

- *Persons who are married to one another;*
- *Persons in a substantive dating or engagement relationship and who reside together;*
- *Persons having a child in common regardless of whether they have ever married or resided together;*
- *A parent, step-parent, child, step-child, sibling, grandparent or grandchild; or*
- *Persons in a guardianship relationship.*

Eligibility

Employees eligible for this leave are those who are a victim of or have a family member who is a victim of abusive behavior. Perpetrators of abusive behavior are not entitled to leave as outlined in this policy.

Only employees who are entitled to paid vacation, sick, and personal leave will be paid for domestic or sexual violence leave and must exhaust this time prior to taking leave in accordance with this policy. This policy does not supersede or replace any benefits or privileges that are provided to employees under their respective collective bargaining agreement. Leave granted pursuant to this policy will run concurrently with any domestic violence leave currently allowed under an employee's collective bargaining agreement.

Leave Purposes

Employees may take leave from work for purposes related to the abusive behavior against the employee or family member such as:

- Obtaining medical attention and/or counseling;
- Obtaining legal assistance;
- Meeting with law enforcement or a district attorney;
- Securing housing;
- Securing an order of protection from the court;
- Attending child custody proceedings;
- Attending other court proceedings;
- Obtaining other victim services; or
- Address other issued directly related to the abusive behavior.

Request Process & Documentation

A request for leave in accordance with this policy should be made in advance to the Human Resources Office unless there is a threat of imminent danger to the health and safety of the employee or covered family member (in which case notice shall be provided within 3 workdays).

Valid documentation that will support this request for leave includes:

- A protective order issued by a court;
- A letter or documentation from the court or agency addressing the abusive behavior;
- A police report;
- Medical documentation of treatment as a result of abusive behavior;
- 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; 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.

Valid documentation must be provided to the Human Resources Office and will be kept confidential. This documentation will not be disclosed except if requested to or consented, in writing, by the employee, or ordered to be released by a court, or otherwise disclosed in compliance with applicable state or federal law. Additionally, the Human Resources Office will only retain this documentation for only as long as it is required to determine the employee's eligibility for domestic or sexual violence leave.

If an unscheduled absence occurs, the employee must produce valid documentation of the reason for the absence within 30 days of the unauthorized absence. The university may not require the employee to produce evidence of an arrest or conviction.

Resources

Questions regarding this policy should be directed to the Human Resources Office at extension 1324. Additional resources are available to victims of abusive behavior who may need access to other services in addition to leave. A comprehensive list can be found in the University's [Sexual Violence Policy](#). Further, the University provides employee assistance program (EAP) services to employees through its relationship with LifeScope. LifeScope is a confidential and voluntary referral service provided to employees free of charge. For confidential assistance, please call 1-800-828-6025.

The University will not discharge or discriminate against any employee for exercising rights in accordance with this policy.

Leave is not contingent upon whether or not the victim maintains contact with the alleged abuser.