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**POLICY**

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# **Employee Handbook – Section 317**

## **Domestic Violence Leave**

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RESPONSIBLE OFFICE

**Human Resources**

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### **317 Domestic Violence Leave**

Boston University 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.

### **Who Is Covered By This Policy:**

All regular, full-time and regular part-time employees are eligible upon hire for Domestic Violence Leave.

### **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.

## **Types of Domestic Violence Leave:**

An employee may request Domestic Violence Leave for the following reasons: 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.

## **How to Request Domestic Violence Leave:**

When domestic violence leave is foreseeable, you must give 30 days notice, otherwise, you must give as much notice as possible. Except in cases of imminent danger to your health or safety (or the health and safety of your family member), you are responsible for submitting a completed Staff Request for Leave of Absence to your immediate supervisor or Human Resources at [hr@bu.edu](mailto:hr@bu.edu).

Domestic Violence Leave is managed by Human Resources. If you submitted the Staff Request for Leave of Absence form to your supervisor, then your supervisor will forward the completed form to Human Resources. Human Resources will be responsible for approving the leave and notifying you about the conditions of the leave.

Boston University will require documentation showing that you or your family member has been a victim of abusive behavior and that the leave taken is consistent with the domestic violence leave policy.

## **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 advanced notice of leave; provided, however, that the employee shall notify the University within three (3) workdays that the leave was taken under this policy. Such notification may be communicated to the University 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. In the case of an unscheduled leave, the employee will need to submit appropriate documentation within thirty (30) days from the

unauthorized absence to qualify for domestic violence leave.

## **Documentation Needed:**

An employee requesting Domestic Violence Leave must provide 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 shall provide such 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.

All information related to the employee's leave under this section shall be kept confidential by Boston University 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.

## **Leave Administration**

All available accrued sick leave, vacation leave, available Personal Days, and available Compensatory time off may 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.

## **Conditions of Reemployment**

An employee on an approved Domestic Violence Leave for fifteen (15) days or less is entitled to return to the employee's original job or to an equivalent position without any loss of benefits for which he or she was eligible on the date that the leave started.

An employee who fails to return to work by the expected return date will be considered to have resigned voluntarily from the University.

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THIS POLICY STATEMENT IS PART OF THE [EMPLOYEE HANDBOOK](#), AND SHOULD BE READ IN CONJUNCTION WITH ALL OF THE POLICIES THAT COMPRISE THE HANDBOOK. THE PROVISIONS OF THE EMPLOYEE HANDBOOK DO NOT CONSTITUTE AN EMPLOYMENT CONTRACT AND DO NOT ALTER THE AT-WILL STATUS OF AN EMPLOYEE.

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END OF POLICY TEXT

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## Additional Resources Regarding This Policy

### Related Policies and Procedures

- [Employee Handbook Policies Manual](#) (staff)
  - [302 Sick Leave](#)
  - [303 Personal Days](#)
  - [308 Holidays](#)
  - [312 Family and Medical Leave \(FMLA\)](#)
  - [313 Unpaid Time Off](#)
  - [314 Leave of Absence – Medical \(Unpaid\)](#)
  - [315 Leave of Absence – Personal \(Unpaid\)](#)
  - [318 Paid Family and Medical Leave](#) – effective January 1, 2021
- [Faculty Handbook](#) (faculty)

### Related BU Websites

- [Human Resources](#)

- [HR Policies](#)
- [Manager Resources](#) - HR Website
  - [Leaves of Absence](#)

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