



MASSACHUSETTS COLLEGE OF LIBERAL ARTS

## Policy Regarding Domestic Violence Leave

Pursuant to Massachusetts law, specifically “An Act Relative to Domestic Violence” (the “Act”), the College must provide up to fifteen (15) days of annual job-protected leave to employees who are victims of domestic violence.

### Which Employees Are Eligible for Domestic Violence Leave?

An employee who is a victim or an employee who has a family member who is a victim, of “abusive behavior” is eligible for leave. Covered family members include the employee’s spouse, parent, step-parent, child, sibling, grandparent and grandchild. The Act specifically notes that perpetrators of domestic violence are not entitled to leave.

### What is “Domestic Violence” under the Act?

The Act defines “domestic violence” as 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 cohabiting 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

### What is “Abuse” and “Abusive Behavior” under the Act?

The Act’s definitions of “abuse” and “abusive behavior” are broadly defined.

“Abuse” is defined as:

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

### When is Domestic Violence Leave Available?

If an employee has suffered abusive behavior, or has a family member who is the victim of abusive behavior, the employee may take leave from work for purposes related to the abuse, such as:

- obtaining medical attention or counseling;
- obtaining legal help;
- 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
- obtaining other victims’ services

The employee is entitled to up to fifteen (15) days of leave per year.

### Is Notice Required?

Yes. Except where there is a threat of imminent danger to the health or safety of the employee or the covered family member, employees must provide “appropriate” notice to their immediate supervisor and/or the Director of Human Resources in advance of their need for leave. This notice should be consistent with other notice required for similar types of time off or leave. If there is a threat of imminent danger, the employee (or his or her representative) must notify the College that the leave was taken within three (3) work days.

### Will Documentation Need to Be Provided to Support a Leave Request?

Yes. Unless there is a threat of imminent danger, the College may also require employees to produce documentation of their need for domestic violence leave. Valid documentation that will support leave under the Act includes:

- a protective order issued by a court;
- a letter from the court or agency addressing the abusive behavior;
- a police report;
- medical documentation of treatment as a result of the abusive behavior;
- a sworn statement signed under 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 abuse 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

### Are There Confidentially Requirements?

Yes. All documentation should be provided to the Human Resources Department and will be kept confidential and will not be disclosed except if required to or consented, in writing, by the employee, or ordered to be released by a court or otherwise required by applicable state or federal law. Additionally, the Human Resources Department will only retain this documentation for only as long as it is required for it to determine the employee’s eligibility for domestic violence leave.

### Are Employees Entitled to Pay during Domestic Violence Leave?

Only employees who are entitled to paid vacation time, sick days, or personal days, will be paid for domestic violence leave, and must exhaust this time prior to taking unpaid leave. This policy does not supersede any benefits or privileges that are provided to employees under their respective collective bargaining agreements. Employees, who are not entitled to accrued time, may take this leave unpaid.

### Questions Regarding Policy?

Employees who have questions regarding the Domestic Violence Leave Policy may contact the Director of Human Resources at ext. 5599.

### Other Resources?

The College recognizes that victims of domestic violence may need access to other types of resources and services in addition to leave. A comprehensive list includes, but is not limited to:

- The Employee Assistance Program (EAP) – (800) 225-2527 or (800) 252-4555, [www.HigherEDEAP.com](http://www.HigherEDEAP.com).
- Southwestern Vermont Medical Center - 100 Hospital Dr., Bennington, VT 05201, (800) 543-1624
- Berkshire Medical Center - 725 North St, Pittsfield, MA 01201, (413) 447-2000
- Elizabeth Freeman Center, Pittsfield, MA - 24 HOUR TOLL-FREE HOTLINE (866) 401-2425, with offices in Pittsfield, North Adams, and Great Barrington (413) 499-2425. Provides help to survivors of domestic and sexual violence and to their families. Free and confidential counseling, shelter, legal advocacy, safety planning, teen dating violence prevention education, a 24/7 hotline, and much more.

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