

BOSTON COLLEGE

DOMESTIC VIOLENCE LEAVE POLICY

This policy is intended to comply with the Massachusetts law, effective in August 2014, called “An Act Relative to Domestic Violence.” The law requires employers with 50 or more employees to provide up to fifteen (15) days of leave to an employee who is, or whose family member is, a victim of domestic violence, and who needs time off to address issues related to the domestic violence.

Employees Covered by the Law

All employees are covered. There are no minimum hours or service requirements.

Basic Leave Provision

Employees are eligible for up to fifteen (15) days of unpaid leave in any twelve (12) month period.

An employee must exhaust any accrued vacation time, personal days, or (for absences involving the employee’s health) sick leave prior to requesting or taking leave.

Eligibility for Leave

An employee is entitled to leave if:

- the employee, or a family member of the employee, is a victim of domestic violence;
- the employee intends to use the leave to address issues directly related to the domestic violence against the employee or family member; and
- the employee is not the perpetrator of the domestic violence against the family member.

Domestic Violence – Policy Definition

“Domestic violence” is defined 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 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.

"Domestic Violence" also includes abusive behavior defined as sexual assault, stalking, and kidnapping.

Abuse – Policy Definition

"Abuse" includes:

- 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.

Applicable Reasons for a Leave

Leave may be taken 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.

Family Members

Employees' family members include spouses, domestic partners, individuals having a child in common with the employee, parents, children, siblings, grandparents, or grandchildren.

How To Apply for Domestic Violence Leave

Employees must submit a written request for the leave in advance (preferably 30 days in advance, if possible), unless there is a threat of imminent danger. The request should be submitted to the employee's supervisor with a copy to the Benefits Director.

For a scheduled leave, appropriate documentation confirming the abusive behavior must be provided to the Benefits Director at the time of the leave request. Such documentation will be

kept by the Benefits Director for the purpose of determining the employee's eligibility for leave and will not be disclosed unless the disclosure is requested by the employee in writing, ordered by a court or required by law, required by law enforcement for an investigation, or necessary to protect the safety of a member of the University community. Examples of acceptable documentation include a protective order, a police report, medical documents, or a signed affidavit by the employee or an individual assisting the employee, such as a social worker, clergy member, or legal advocate. (The documentation will be retained in the Benefits Office, and copies will not be placed in an employee's personnel file.)

For an unscheduled leave, the employee (or his/her representative) must notify the supervisor and the Benefits Director within three (3) work days that the leave was taken or is being taken pursuant to the law. The leave will be approved retroactively if appropriate documentation is provided to the Benefits Director within thirty (30) days after the unscheduled absence.

Approval (or denial) of Domestic Violence Leave requests will be communicated in writing to the employee and the employee's department head by the Benefits Office within seven (7) days of receipt of the appropriate documentation, or as soon as administratively possible.