

Employee Leave Related to Domestic Violence, Sexual Assault, ~~& Stalking~~ & Hate Crimes

Personnel – Holidays and Leave

EWU Policy 403-05

Effective: ~~February 26, 2021~~

Authority: Board of Trustees

Proponent: Vice President for People & Culture~~Business & Finance~~

Purpose: This policy describes the procedures and eligibility requirements for employee leave related to domestic violence, sexual assault, or stalking at Eastern Washington University.

History: This policy revises a previous version of the policy dated ~~February 26, 2021~~May 11, 2018. It was approved by the Board of Trustees on ~~[INSERT]February 26, 2021.~~

Applicability: This policy applies to all employees of Eastern Washington University.

1. GENERAL

Eastern Washington University (EWU) will not tolerate domestic violence, sexual assault or stalking on its campus or while persons are engaged in university business or activities. Domestic violence, sexual assault, ~~and stalking,~~ and hate crimes are crimes and a violation of EWU Policy 402-01, Sexual Misconduct, Interpersonal Violence and Title IX Responsibilities and EWU Policy 601-01, Campus Safety, Security & Crime Prevention.

The University will make reasonable efforts to adjust schedules and grant leave to allow employee victims of domestic violence, sexual assault, ~~and stalking,~~ and hate crimes to obtain medical treatment, counseling, legal assistance, move out of the area, or to make other arrangements to create a safer situation for themselves. Leave options for employees are outlined below and in the applicable collective bargaining agreements and policies, including EWU Policy 403-02, Shared Leave. EWU will assist current employees who are victims of such crimes in finding alternative state employment opportunities if such victims need to relocate for safety reasons.

2. DEFINITIONS

Family Member: means an employee's child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

Hate crime: means the commission, attempted commission, or alleged commission of an offense described in RCW 9A.36.080. This includes, but is not limited to, offense that are committed through online or internet-based communication.

Intermittent leave: leave taken in separate blocks of time due to a single qualifying reason.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

3. LEAVE ELIGIBILITY

EWU provides reasonable leave from work, intermittent leave, or leave on a reduced schedule so an employee who is a victim of domestic violence, sexual assault ~~or~~ stalking, or hate crimes, or who has a family member who is a victim of domestic violence, sexual assault, ~~or~~ stalking, or hate crime can:

- 1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, ~~or~~ stalking, or hate crime;
- 2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, ~~or~~ stalking, or hate crime, or to attend to the health care treatment of a family member who is a victim of domestic violence, sexual assault, ~~or~~ stalking, or hate crime;
- 3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, ~~or~~ stalking, or hate crime;
- 4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, ~~or~~ stalking, or hate crime, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, ~~or~~ stalking, or hate crime; or,
- 5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's

family members from future domestic violence, sexual assault, ~~or~~ stalking, or hate crimes.

This leave applies to instances of domestic violence, dating violence, sexual assault, and stalking as defined in EWU Policy 402-01 (Sexual Misconduct, Interpersonal Violence, and Title IX Responsibilities). Such leave is also available for any additional circumstances that would fall outside of these definitions if such circumstances are identified in RCW 49.76.020 or meet the definition of a hate crime.

4. LEAVE USE

Depending on the employee's appointment type, leave eligibility, and leave balances, an employee may take leave under this section as sick leave, vacation leave, a personal holiday, unpaid leave, or as compensatory time if available. An employee may also be eligible for shared leave. Additional information about shared leave requirements is contained in EWU Policy 403-02, Shared Leave.

5. EMPLOYEE NOTIFICATION OF NEED FOR LEAVE

Employees who need to take leave under this section must provide as much notice of the need for leave as they can. If an employee cannot provide advance notice because of an emergency or unforeseen circumstances related to domestic violence, sexual assault, ~~or~~ stalking, or hate crimes, the employee or the employee's designee must give notice to the employee's supervisor and/or the Human Resources Office of the requested leave by the end of the first day the employee takes leave.

6. VERIFICATION OF NEED FOR LEAVE

The University may require the employee or employee's designee to provide documentation verifying the employee or employee's family member is a victim of domestic violence, sexual assault, ~~or~~ stalking, or hate crime and that the leave was taken for one of the reasons permitted by this policy. The employee or employee's designee can provide the documentation to their supervisor and/or to the Human Resources Office. The types of documentation that may be requested are identified in RCW 49.76.040(4). Any information provided to document the need for the request will be treated confidentially. The information will only be disclosed if requested or consented to by the employee, as ordered by a court or administrative agency, or as otherwise required by applicable federal or state law.

7. EMPLOYMENT RESTORATION

Upon returning from leave, the employee will be restored to the position held at the time leave began or to an equivalent position unless the employee was hired for a specific term or only to perform work on a discrete project. To the extent allowed by law, the University will maintain

health insurance coverage for an employee who is taking leave under this section.

8. NON-RETALIATION

The University will not take adverse employment action against an employee because the employee has exercised rights provided under this section or chapter 49.76 RCW.

References

- EWU Policy 402-01 (Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities)
- EWU Policy 601-01 (Campus Safety, Security & Crime Prevention)
- RCW 49.76- Domestic Violence Leave