

# Employee Leave Related to Domestic Violence, Sexual Assault, & Stalking

Personnel – Holidays and Leave

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**EWU Policy 403-05**

**Effective: May 11, 2018**

**Authority: University President**

**Proponent: Human Resources**

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**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 is a new policy.

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

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## 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 are crimes and a violation of EWU Policy 402-01, Discrimination, Sexual Harassment, Sexual & Interpersonal Violence 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 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

- 1) **Family Member:** means an employee's child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.
- 2) **Domestic violence: means:** (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member.
- 3) **Sexual Assault:** Sexual intercourse or sexual contact with a person without his or her consent.

- 4) **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their health and/or safety or the health/safety of others; or (b) suffer substantial emotional distress.
- 5) **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 who has a family member who is a victim of domestic violence, sexual assault, or stalking 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;
- 2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to the health care treatment of a family member who is a victim of domestic violence, sexual assault, or stalking;
- 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;
- 4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the

employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; 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.

#### **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, the employee or the employee's designee must give notice to the employee's supervisor 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 to provide documentation verifying the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave was taken for one of the reasons permitted by this policy. 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.