



DOMESTIC VIOLENCE LEAVE

Harvard
Human
Resources

Policy

POLICY STATEMENT

It is the intent of Harvard University to foster a safe and supportive community for all staff, faculty, students and visitors. Staff and faculty who experience the effects of domestic violence, stalking or sexual assault are encouraged to utilize job-protected leave from the workplace in order to seek and obtain assistance.

REASON FOR POLICY

To provide Harvard staff and faculty who experience, or whose family member experiences, domestic violence or related abusive behavior with job-protected leave from the workplace.

ENTITIES/INDIVIDUALS COVERED BY THIS POLICY

- All University Schools, Units and Affiliated Institutions
- All University employees, including:
 - Faculty, including senior, junior and visiting faculty
 - Other paid academic appointees
 - Staff, including salaried exempt workers and hourly non-exempt workers

POLICY

A. Leave Entitlement

In accordance with Massachusetts law, M.G.L. c. 149, §52E, Harvard provides up to 15 days of unpaid leave in any 12-month period to an employee who is a victim of abusive behavior, or the family member of a victim of abusive behavior, including domestic violence, stalking, or sexual assault. This leave can be used for the following:

- To seek or obtain medical care, counseling, victim services, or legal assistance;
- To secure housing;
- To meet with law enforcement;
- To attend court proceedings, including for purposes of obtaining a protective order or for child custody proceedings;
- To address other issues directly related to the abusive behavior.

B. Use of Paid Leave

Leave taken pursuant to this policy is unpaid; however, employees may choose to use accrued sick leave while taking leave under this policy. If an employee does not have sufficient accrued sick leave to cover the entire duration of a leave under this policy, then the employee may choose to use vacation, personal days, and compensatory time while taking domestic violence leave.

C. Definition of Domestic Violence

For purposes of leave under this policy, domestic violence means abuse against an employee or family member by:

- A current or former spouse of the employee or family member;
- A relative of the employee, by blood or marriage;

- A person with whom the employee or family member shares a child in common;
- A person who is cohabiting with, or has cohabitated with, the employee or family member;
- A person with whom the employee or family member has or has had a dating or engagement relationship.

D. Definition of Family Member

For purposes of leave under this policy, family member means any of the following:

- Persons who are married to one another;
- Persons in a substantive dating or engagement relationship and who reside together;
- Persons having a child in common, regardless of whether they have ever married or resided together;
- A parent, step-parent, child, step-child, sibling, grandparent or grandchild;
- Persons in a guardianship relationship.

E. Employee Responsibilities

Except in cases of imminent danger to the health or safety of the employee or family member, appropriate advance notice of the need for leave must be submitted to the supervisor or local human resources officer. If the employee cannot provide advance notice because of a threat of imminent danger, the employee must provide, within three work days, notice that the leave was taken for a reason covered by this policy. The employee must provide documentation showing that the employee or family member has been a victim of abusive behavior and that the leave was taken for one of the permitted purposes. Documentation should be provided within a reasonable time and, in the case of leave for which no advance notice was provided, within 30 days of the last consecutive day of the leave. Any of the following types of documentation will be accepted for purposes of this requirement:

- A protective order or similar document issued by a court as a result of the abusive behavior;
- A document on letterhead of a court, public agency, or provider that the employee attended for the purpose of receiving assistance relating to the abusive behavior;
- A police report or statement of a victim or witness provided to the police that documents the abusive behavior;
- Documentation showing that the perpetrator of the abusive behavior has been convicted of, or adjudicated a juvenile delinquent because of, or has admitted sufficient facts to support a finding of guilt of any offense constituting abusive behavior and which is related to the behavior that necessitated the leave;
- Medical documentation of treatment as a result of abusive behavior (for example, a doctor's note; employees should not be asked to provide examination records or other material that might contain sensitive or otherwise confidential medical information);
- A sworn statement, signed under penalty 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;
- A sworn statement, signed under penalty 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.

Documentation provided by the employee to support the request for leave shall be kept in the employee's employment record only for so long as required to make a determination as to whether the employee is eligible for leave under this policy. See paragraph F below.

F. Employer Responsibilities

Once the employee's documentation is received and reviewed, local human resources should provide the employee with a letter approving or denying the request for leave and return to the employee all documentation submitted in support of the request. A copy of the letter of determination shall be the only document retained in the employee's personnel record in relation to leave taken under this policy.

Harvard will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided under M.G.L. c. 149, §52E, or make leave requested or taken hereunder contingent upon whether or not the victim maintains contact with the alleged abuser. Harvard will not discharge or in any other manner discriminate against an employee for exercising the employee's rights under M.G.L. c. 149, §52E.

G. Confidentiality

Harvard will keep confidential all information related to an employee's leave under this policy and will not disclose such information, unless disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered by a court;
- Otherwise required by state or federal law;
- Required in the course of a law enforcement investigation;
- Necessary to protect the safety of the employee or other members of the Harvard community.

H. Reinstatement

Upon return from leave under this policy, the employee will be returned to the position he or she held when the leave began or to an equivalent position. Use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

RELATED POLICIES

Harvard Human Resources (HHR) – Staff Personnel Manual

[General Employment Policies](#)

[Sexual Harassment Policy](#)

[Work Relationships Policy](#)

[Whistleblowing Policy](#)

[Non-Retaliation Policy](#)

Guidance for Human Resources Professionals (PIN-protected):

[Addressing Domestic Violence, Sexual Assault and Stalking as a Workplace Issue](#)

[HR Practitioners Toolkit \(Forms and Other Support Materials\)](#)

ADDITIONAL RESOURCES

Have questions? Contact the following offices with questions about these guidelines and best practices.

- a) Local Unit Human Resources Offices: Local Human Resources offices provide advice and assistance on the operation of and compliance with the policy and on specific concerns, as necessary.
<http://hr.harvard.edu/local-human-resources-offices>
- b) Harvard University Police Department (HUPD): The Harvard University Police Department can assist with reports of criminal behavior on the Harvard campus, and provides periodic training on self-defense for members of the Harvard community.
Dial 911 for Emergencies
Call (617) 495-1212 for non-emergencies
- c) Office of Sexual- and Gender-Based Dispute Resolution (ODR): Receives reports of and investigates allegations of sexual assault or harassment occurring in the Harvard community.
<http://odr.harvard.edu/> or 617-495-3786
- d) Employee Assistance Program (EAP): The Wellness Corporation provides additional legal, health and related employee support resources for members of the Harvard community.
<https://kga.infonowweb.com/Default.aspx>, or
877-EAP-HARV (877-327-4278)
- e) Harvard Human Resources (HHR), Office of Work/Life: OW/L maintains additional employee wellness and support resources.
<http://hr.harvard.edu/worklife>, worklife@harvard.edu or 617-495-4100
- f) Office of the University Ombudsman: The Ombudsman provides advice and assistance to members of the Harvard community on the operation of the policy and on specific concerns, as necessary.
<http://www.universityombudsman.harvard.edu/> or 617-495-7748
- g) Anonymous Reporting Hotline: The Anonymous Reporting Hotline may receive anonymous reports of any suspected violations of law or Harvard policy from members of the Harvard community under this policy.
<https://www.integrity-helpline.com/HarvardUniversity.jsp> or
877-694-2275
- h) Labor and Employee Relations (LER): HHR/LER maintains the policy and provides advice and assistance to local human resources offices on the operation of the policy and on related concerns, as needed.
<http://hr.harvard.edu/labor-and-employee-relations-department> or
617-495-2786