**Policy Statement**

Domestic violence permeates the lives and compromises the safety of thousands of employees each day, with tragic, destructive, and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past.

Domestic violence is defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

The purpose of this policy is to identify and prescribe practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

Therefore, Daemen College to the fullest extent possible without violating any existing rules, regulations, statutory requirements, or contractual obligations designates and directs appropriate management, supervisory, and/or human resources staff to implement the following policy.

**Definitions**

For purposes of this policy, the following terms will be defined as follows.

**Domestic Violence:** A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

**Intimate Partner:** Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples.

**Abuser:** A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

**Victim:** The person against whom an abuser directs coercive and/or violent acts.

1. **Employee Awareness**

	1. Daemen College will post information on domestic violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as company intranet, wellness newsletter, rest rooms and/or lounge areas. Such information shall include available sources of assistance such as Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or college personnel who are trained and available to serve as confidential sources of information, support, and referral
	2. Daemen College will include information on domestic violence awareness and services in written materials provided to new employees and as part of new employee orientation.
	3. Daemen College will inform employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance Law.]
	4. Daemen College will integrate information on domestic violence and the company's domestic violence and the workplace policy into existing materials and literature, policies, protocols, and procedures, as appropriate.
	5. Daemen College will provide domestic violence awareness activities such as "brown bag" lunch programs and other health and wellness programs.
2. **Non-Discriminatory and Responsive Personnel Policies for Victimized Employees**
	1. New York State law makes it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. This law requires employers, with prior day notification, to allow time off for victims or subpoenaed witnesses to exercise his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law [Penal Law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, contact the Human Resources Office.
	2. Daemen College, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, the college will evaluate the employee's request for leave for eligibility under existing law and/or the employee and the attendance rules.
	3. In instances when an employee victim has difficulty producing the documentation necessary to justify absences due to his/her status as such victim without compromising his/her safety, Daemen College will make reasonable effort, in consultation with employee victim of domestic violence, to identify the documentation necessary to justify absences from work and assist the employee to satisfactorily meet the identified documentation requirement without compromising the employee’s safety.
	4. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
	5. New York State has established that victims of domestic violence are now a protected class in the employment provisions of NYS human rights law. This law prevents an employer from firing or refusing to hire any individual based on their status as a victim of domestic violence and prevents discrimination in compensation or in the terms, conditions or privileges of employment. Inquiries about a job applicant’s current or past domestic violence victimization and employment decisions based on any assumptions about or knowledge of such exposure are prohibited.
	6. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee will be afforded all of the proactive measures outlined in this policy, and will be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care should be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems should be exhausted, including making a referral to the Employee Assistance Program, consistent with existing statute, regulations and college policy.
	7. If reasonable measures have been taken to resolve domestic violence-related performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment, Human Resources will inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]
3. **Workplace Safety Plans**

Daemen College has domestic violence workplace safety response plans in place and is prepared to provide reasonable means to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with statutes and regulations.

* 1. Designated personnel are available to support those in need of assistance around the issue of domestic violence. Designated support personnel's contact information, including name, phone number and location will be included in company materials and clearly posted.
	2. Daemen College will comply and assist with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site. If requested by the victim of domestic violence or law enforcement, the company shall provide information in its possession concerning an alleged violation of an order of protection.
	3. Daemen College has an emergency security response plan in place, including procedures for contacting the appropriate law enforcement agency, and provides employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior. Such a plan will allow appropriate actions to be taken if an abuser gains unauthorized access to the work site, or if an abuser engages in any acts that threaten the safety of employees or members of the campus community.
	4. Company should discuss with the victim of domestic violence the agency confidentiality policy and the limitation thereto. (See Section VII. Company Responsibility d - g).
	5. Designated personnel will consult with victimized employees to develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers; setting up procedures for alerting security and/or the police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule, reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to security personnel. Plans must address additional concerns if the victim and the offender are both employed by the same company.
	6. The domestic violence and the workplace policy will be reviewed annually.
1. **Accountability for Employees Who Are Offenders**

Daemen College will hold accountable employees who engage in the following behavior: (1) using college resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official college business; or (3) using their job- related authority and/or resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

* 1. In cases in which Daemen College has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using college resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee should be subject to corrective or disciplinary action in accordance with existing company policy, statutes and regulations.
	2. In cases in which Daemen College has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the college will determine if corrective action is warranted, in accordance with existing company policy, statutes and regulations.
	3. In cases in which any employee intentionally uses his/her job-related authority and/or intentionally uses college resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee should be subject to corrective or disciplinary action, in accordance with existing company policy, statutes and regulations.
1. **Firearms** *(Note: only for applicable companies)*

Pursuant to New York State and federal law, a person convicted of a domestic violence-related crime or subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm or long gun. Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.

* 1. In addition to complying with the law, employees who are authorized to carry a firearm as part of their job responsibilities are required to notify the company if they are arrested on a domestic violence- related offense and/or served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the issuing company or to the appropriate police agency.
	2. Should an employee fail to comply with the requirements set forth in V. a., said employee should be subject to corrective or disciplinary action, in accordance with existing company policy, statute or regulations. In addition, the appropriate law enforcement agency should be notified for possible criminal action.
1. **Training**

Daemen College will train management and supervisory personnel on this policy and will provide continuing educational opportunities for employees using materials provided by or approved by OPDV.

* 1. All personnel designated to provide support for those in need of assistance should complete OPDV's one-day training on Domestic Violence and the Workplace. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses in recognition of the physical, social and cultural realities that may affect an individual victim's situation. Training will also include information on the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.
	2. Training on domestic violence and its impact on the workplace will be made available on a regular basis for all college personnel. Training would include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks.
1. **Reporting Requirements**

As directed by OPDV, Daemen College is obligated to document all incidents of domestic violence that happen in the workplace, including the number of employees who report domestic violence, the number of employees who request information/services, and the number of referrals made to domestic violence service providers. This reported information will not contain any identifying personal information. Incidents should be reported to the HR Director as College liaison to OPDV. Information will be submitted at the time and in the manner determined by OPDV.

1. **Confidentiality**

Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and policy, and shall not be divulged without the written consent of the victimized employee, unless Daemen College determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection, only those individuals (employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by the college to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information.

Daemen College will disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, an agency should provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. Nothing herein shall prevent the college from investigating an act or acts of domestic violence that happen within the workplace. Examples of situations where confidentiality cannot be maintained such as the following:

1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee’s co-workers.
2. First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee’s co-workers.
3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, shall be provided relevant information on request.