THE CITY UNIVERSITY OF NEW YORK
DOMESTIC VIOLENCE AND THE WORKPLACE POLICY & PROCEDURES

POLICY STATEMENT

The City University of New York ("CUNY") disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee's personal life. Domestic violence can spill 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. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence. CUNY will review this policy annually and will notify all employees and the New York State Office for the Prevention of Domestic Violence ("OPDV") of any revisions.

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.

POLICY

I. EMPLOYEE AWARENESS

A. CUNY will provide its Domestic Violence and the Workplace Policy to all employees.

B. CUNY employees will review and follow this policy and procedures.

C. CUNY will provide to all employees, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, university phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, the phone numbers and descriptions of national and local domestic violence resources batterers' intervention programs as well as the information for the New York State Office for the Prevention of Domestic Violence. Also posted prominently will be the names and contact information of CUNY personnel who are trained and available to serve as confidential sources of information, support, and referral.

D. Included in the documentation provided to all employees will be information informing 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.].

E. CUNY will integrate information on domestic violence into existing materials and literature, policies, protocols, and procedures, including its Workplace Violence Prevention Policy & Procedures and existing health and wellness programs, as appropriate. CUNY will take all reasonable actions to educate employees regarding the effects of domestic violence, ways to prevent and curtail violence, and methods to report such violence to authorities.

II. NON-DISCRIMINATORY AND RESPONSIVE PERSONNEL POLICIES FOR VICTIMIZED EMPLOYEES

A. CUNY will not discriminate against victims of domestic violence or persons perceived as domestic violence victims in employment determinations and will be responsive to the needs of victims of domestic violence.

B. CUNY will not make inquiries about a job applicant's current or past domestic violence victimization and employment decisions will not be based on any assumptions about or knowledge of such exposure.

C. CUNY will abide by all relevant New York State laws making 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. CUNY, with at least one prior day notification, will allow time off for victims or subpoenaed witnesses to exercise their 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, employees should contact their human resources director for assistance and clarification.

D. CUNY, upon request of the employee, 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, CUNY will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee.

E. In instances when an employee victim of domestic violence has difficulty producing the documentation necessary to justify absences due to his/her status as such victim, CUNY will make all reasonable efforts, in consultation with employee victims of domestic violence, to identify the documentation necessary to justify absences from work and assist the employee with his/her safety-related needs to satisfactorily meet the identified documentation requirement without compromising the employee's safety.

F. When appropriate, available and permissible, employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), will 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.

G. CUNY encourages victims of domestic violence who are subject to discipline due to job performance or conduct problems, to notify appropriate supervisory, managerial or human resources staff of their situation. Said employees 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 will be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems will be exhausted, including making a referral to any Employee Assistance Program, consistent with existing collective bargaining agreements, statutes, regulations and policy.

H. CUNY encourages any employee who is terminated or voluntarily separates from employment due to domestic violence-related performance problems to notify appropriate human resources staff in order to investigate the employee's potential eligibility for unemployment insurance. CUNY will

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.]

III. WORKPLACE SAFETY PLANS

Each campus within the CUNY system has prepared a domestic violence workplace safety response plan and each campus and worksite is prepared to provide reasonable means and personnel to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations. Said workplace safety response plans are on file on each campus and worksite with the relevant security personnel and with the University-level liaison to OPDV.

A. CUNY has designated a University liaison to OPDV to ensure University-wide implementation of the domestic violence and the workplace policy, and to serve as the primary liaison with OPDV regarding the domestic violence and the workplace policy. Said liaison's name and contact information will be provided with copies of this policy to employees and will be listed on all additional literature and postings.

B. CUNY has designated campus-level liaisons on each campus to further ensure campus-level implementation of the domestic violence and the workplace policy, to serve as the campus-level liaison within CUNY regarding the domestic violence and the workplace policy, and to be available to employees in need of support.

C. Each campus-level liaison will be identified in University and college-level materials and his/her name, phone number and office location will be clearly posted.

D. Any employee who obtains a temporary or permanent order of protection is encouraged to provide the relevant security personnel and supervisory personnel with a copy of the petition and court order. Additionally, the employee is encouraged to provide the relevant security personnel and supervisory personnel with the following information on the abuser: a photograph or physical description, description of the abuser's automobile and license plate number, and any other information CUNY needs for the security of the workplace. CUNY is committed to compliance and assistance with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site of the victim. If requested by the victim of domestic violence or law enforcement, CUNY will cooperate in situations concerning an alleged violation of an order of protection.

E. In the event that a person is observed engaging in threatening behavior, each CUNY campus public safety department will implement its emergency security response plan, including procedures for contacting the appropriate law enforcement agency, and will provide employees with clear instructions about what to do and whom to contact.

F. Upon notice from a victimized employee, each campus public safety department, working with the employee, the campus-level liaison and the employee's supervisor will develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers and, upon request, the employee's bargaining representative, of the situation; 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 CUNY.

IV. ACCOUNTABILITY FOR EMPLOYEES WHO ARE OFFENDERS

CUNY will not tolerate nor excuse conduct that constitutes workplace domestic violence. CUNY will hold accountable any and all employees who engage in the following behavior: (1) using CUNY 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 CUNY business; or (3) using their job-related authority and/or CUNY resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

A. In cases in which CUNY has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using CUNY resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee will be subject to corrective or disciplinary action in accordance with existing collective bargaining agreements, statutes and regulations. If appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

B. In cases in which CUNY 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, CUNY will determine if corrective action is warranted, in accordance with

existing collective bargaining agreements, statutes and regulations.

C. In cases in which any employee intentionally uses his/her job-related authority and/or intentionally uses state 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 will be subject to corrective or disciplinary action, in accordance with existing collective bargaining agreements, statutes and regulations. If appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

V. FIREARMS

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.

A. 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 CUNY 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 agency or to the appropriate police agency.

B. Should an employee fail to comply with the requirements set forth above, said employee will be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statutes or regulations. In addition, the appropriate law enforcement agency will be notified for possible criminal action.

VI. TRAINING

CUNY 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.

A. All persons designated as liaisons, whether the University-level liaison or college-level liaison, and all liaison-identified support personnel will complete OPDV's one-day training on Domestic Violence and the Workplace as soon as practicable after the appointment is made. 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. Training will also 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 the safety risks to on-site personnel and visitors.

B. Campus-level liaisons will designate, as appropriate, managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives or security staff for additional training on domestic violence issues which may include the one-day OPDV training.

C. CUNY will also make training in the prevention and awareness of domestic violence and its impact on the workplace available for all staff. Training will 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.

VII. REPORTING REQUIREMENTS

As directed by OPDV, CUNY 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. The information gathered will not contain any identifying personal information. Said information will be forwarded by each college to the University liaison to OPDV for further reporting to OPDV at the time and in a manner determined by OPDV. Such documents will be kept confidential to the extent permitted by law and policy and the provisions of section (VIII) detailed below.

VIII. CONFIDENTIALITY

Information related to an employee being a victim of domestic violence will be kept confidential, to the extent permitted by law and policy, and will not be divulged without the consent of the victimized employee, unless CUNY 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. The limitations on confidentiality will be discussed with each victim who seeks assistance from supervisory or security staff. 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 CUNY to protect the safety of the

victim and/or other employees or to enforce an order of protection will be given information concerning incidents of domestic violence.

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

A. 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.

B. 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.

C. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, will be provided relevant information on request.

IX LAW ENFORCEMENT AND LEGISLATION

CUNY will cooperate to the fullest extent legally possible with law enforcement and other appropriate government agencies. In addition, this policy will be interpreted and applied in accordance with all applicable local, state and federal laws as well as all existing collective bargaining agreements, policies and regulations.