

OREGON INSTITUTE OF TECHNOLOGY

Leave Required Because of Domestic Abuse, Sexual Assault or Stalking OIT-29-030

As set forth in ORS 659A, eligible OIT employees shall be allowed to take reasonable leave for the following purposes:

- (1) To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking.
- (2) To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault or to stalking of the eligible employee or the employee's minor child or dependent.
- (3) To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault or stalking.
- (4) To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.
- (5) To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

An "eligible employee" under this policy is one who has worked an average of more than 25 hours per week for OIT for at least 180 days immediately before the date the employee takes leave; and is a victim of domestic violence, sexual assault or stalking; or, is the parent or guardian of a minor child or dependent who is a victim of domestic violence, sexual assault or stalking, as these terms are defined in relevant statutes.

The employee shall provide their direct supervisor or the Human Resources Director reasonable advance notice of their intention to take leave for these purposes unless giving this notice is not feasible. OIT may require the eligible employee to provide certification to the Human Resources Director that: the employee or the employee's minor child or dependent is a victim of domestic violence, sexual assault or stalking; and, the leave taken is for one of the purposes identified above.

The employee shall provide the certification within five business days after receiving OIT's request for the certification. Any of the following constitutes sufficient certification:

- (a) A copy of a police report indicating that the eligible employee or the employee's minor child or dependent was a victim of domestic violence, sexual assault or stalking;
- (b) A copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or was preparing for a civil or criminal proceeding related to domestic violence, sexual assault or stalking; or,

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(c) Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

All records and information regarding an eligible employee's leave under this policy, including those stating that the employee requested or obtained leave, are confidential and will not be released without the written permission of the employee, unless otherwise required by law. OIT shall not deny leave requests made under this policy but may elect to limit the amount of approved leave in the event the leave creates an undue hardship for OIT as defined in ORS 659a: "a significant difficulty and expense to a covered employer's business and includes consideration of the size of the employer's business and the employer's critical need for the eligible employee." A denial of reasonable leave, or the threatened or actual retaliation for the use of, or the request to use, this leave is prohibited and should be promptly reported to the Human Resources Director.

An eligible employee who takes leave under this policy may use any accrued paid leave as well as leave without pay. OIT may determine the order in which accrued leave is to be used when more than one type of accrued paid leave is available to the employee, and will require the use of paid leave prior to approving leave without pay. This leave is not subject to the provisions of the Oregon Family Leave Act and is not charged as such.

Recommended by:

Faculty Senate – Feb. 1, 2011
Administrative Council – November 9, 2010
President's Council – April 5, 2011

Approved:  _____
Christopher G. Maples, President

Date: _____ July 19, 2011