

Oregon Tech Policy
OIT-29-030
**Leave and Accommodations Required Because of Domestic Abuse,
Sexual Assault, or Stalking**

1. Policy Statement

Oregon law provides for certain leave allowances and reasonable safety accommodations for victims of domestic abuse, sexual assault, and stalking. This Policy provides an outline of such leave and accommodations rights, as provided by law, and supported by Oregon Tech.

2. Reason for Policy/Purpose

The purpose of this Policy is to assure Oregon Tech complies with applicable law and to assure that its employees have easy access to information detailing leave and accommodations rights and options that may apply to them.

3. Applicability/Scope

This Policy applies to all eligible employees of the University.

4. Definitions

Eligible Employee: As used in this Policy, this term refers to an employee who is a current employee 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.

Reasonable Safety Accommodation: As used in this Policy, this may include, but is not limited to, a transfer, reassignment, modified schedule, use of available paid leave from employment, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedures or any other adjustment to a job structure, workplace facility or work requirement.

Relationship Violence: This is a broad term encompassing dating violence and domestic violence. It is also sometimes referred to as intimate partner violence. Relationship Violence may also manifest in stalking, although stalking can occur outside of an intimate relationship. Intimate Partner Violence can include any act of violence or non-physical tactics including a pattern of emotionally or financially abusive behavior that one person uses against a current or former partner in a sexual, dating, spousal, domestic, or other intimate relationship, to gain or maintain power and control over another.

- **Dating Violence:** Is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: (1) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (2) Dating Violence does not include acts covered under the definition of Domestic Violence.
- **Domestic Violence:** Is violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (5) or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking:** Is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress; or other similar conduct as prohibited by applicable state or federal law. For the purposes of this definition: (1) course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (2) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (3) substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Undue Hardship: As used in this Policy, this term means 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.

5. Policy

a. Reasonable Leave

Eligible employees shall be allowed to take reasonable leave for the following purposes:

- i. 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.
- ii. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault or stalking of the eligible employee or the employee's minor child or dependent.

iii. 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.

iv. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.

v. 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.

b. Reasonable Safety Accommodations

Eligible employees may contact the Office of Human Resources (OHR) to request reasonable safety accommodations in response to actual or threatened domestic violence, harassment, sexual assault, or stalking.

c. Leave and Accommodations Request Process

The employee (directly or through a representative, if unable to directly do so) shall provide their direct supervisor or OHR reasonable advance notice of their intention to take leave or the need for accommodations for these purposes unless giving this notice is not feasible.

Oregon Tech may require the eligible employee to provide certification to OHR documenting 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 fifteen (15) business days after receiving Oregon Tech's request for the certification. Any of the following constitute acceptable certification:

i. 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;

ii. A copy of a protective order or other evidence from a court or attorney that the eligible employee or the employee's minor child or dependent appeared in or was preparing for a civil or criminal proceeding related to domestic violence, sexual assault, or stalking; or,

iii. 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.

d. Use of Accrued Leave

An eligible employee who takes leave under this Policy may use any accrued paid leave as well as leave without pay. Oregon Tech 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, unless the employee has been approved for short- or long-term disability benefits. This leave may be subject to the provisions of the Family Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA) and may be designated as such.

e. Record Keeping

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 may not be released without the written permission of the employee, unless otherwise required by law.

f. Denials and Policy Violations

Oregon Tech 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 Oregon Tech. Oregon Tech shall not deny reasonable safety accommodation requests made under this Policy, unless they create an undue hardship. A determination of whether an undue hardship is created is assessed on a case-by-case basis between OHR and the employee's chain of supervision.

A denial of reasonable leave under this Policy, 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 OHR.

Failure to comply with this Policy could result in disciplinary action, up to and including termination.

6. Links to Related Procedures, Forms, or Information

Related Policies and Procedures

Conflict of Interest
Prohibited Discrimination and Discriminatory Harassment
Prohibited Sexual Misconduct
Reporting Misconduct and Prohibited Retaliation
Violence-Free Campus
Weapons on Campus

Related State and Federal Laws

Family and Medical Leave Act
Oregon Family Leave Act
Oregon Victims of Certain Crimes Leave Act of 2007
OAR 839-009-0325 through 0362
Oregon Revised Statutes 163.732
Oregon Revised Statutes 659A.270 through 290
Title IX of the Education Amendments of 1972
Violence Against Women Reauthorization Act of 2013 (VAWA)

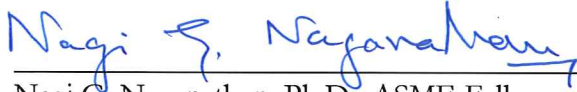
7. Policy Review/Consultation/Responsible Officer

This Policy was adopted pursuant to Oregon Tech's policy review and making process.

The Responsible Officer for this Policy is the University's Chief Human Resource Officer (ph: 541.885.1120; e: oithr@oit.edu).

8. Policy Approval

Approved by the President on May 12, 2022.



Nagi G. Naganathan, Ph.D., ASME Fellow
President

Adoption Date

July 19, 2011

Revision Dates

April 14, 2022