



**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, absenteeism,

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 grante

- 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.

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

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.