Policy Statement:

Domestic violence permeates the lives and compromises the safety of thousands of employees each day. 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.

SUNY New Paltz recognizes that workplace and domestic violence is detrimental to a safe and productive working, living and learning environment. The purpose of this policy is to identify and educate the campus community about practices that will promote safety in the workplace and to provide effective responses that help to support and/or meet the needs of those who are victims of domestic and workplace violence.

**This policy applies to:**

- Employees of the State University of New York at New Paltz (the “College”),
- Independent Contractors,
- Vendors,
- Other visitors who have been retained by the College with respect to the business or operation of the College.
• Students who are employed by the College and acting in the capacity of their employment (Acts of violence alleged to have been committed by students are addressed in the Code of Student Conduct).

Any and all forms of violence or threatening behavior which involve or affect the College or occur on the College’s campus are prohibited by this policy and the College will respond promptly and decisively to reports of such behavior. For purposes of this policy, “the campus” is collectively defined as the College’s premises, and any off-campus location where an employee is on official duty or travel status.

**Campus Community Responsibility:**

All potentially dangerous situations must be reported immediately. If an employee, student, or visitor believes he/she or others are in immediate danger, University Police should be contact immediately at extension 2222 or 911. Reports of violence, threatening behavior, or harassment should be made to any of the following persons/organizations:

- Immediate supervisor
- Human Resources (257-3171)
- University Police (257-2222)
- Compliance and Campus Climate (257-3675)

**Domestic or workplace violence should be reported to University Policy or Human Resources in order to ensure that appropriate measures are taken to promote safety of the victim, the individual reporting and/or the broader campus community.**

**Supervisor Responsibility:**

• Each dean, director, department chairperson, executive officer, administrator, or other individual with supervisory responsibility (hereinafter “supervisor”) is responsible within his/her area for implementation of this policy.

• Supervisors are required to contact the University Police immediately in the event of actual violence involving weapons or potential physical injuries.

• Supervisors must report to Human Resources any complaint of workplace violence made to him/her, and any other incidents of workplace violence of which he/she becomes aware of or reasonably believes to exist. Supervisors are expected to report any complaints, acts, or threats of violence making no assumption that any previous remedy has addressed or resolved the concern.
**Employee responsibility:**

- Employees are encouraged to bring their orders of protection (OP) to the attention of
  - University Police Chief, David Dugatkin, Service Building 100, 257-2443
  - OR
  - Director of Human Resources, Dawn Blades, Haggerty Administration Building (HAB) 203, 257-3171.

- Once the OP has been brought forward, it will be secured. For the purposes of ensuring enforcement and/or supporting safety plans in the workplace. UPD and Human Resources may consult on and share the information regarding an OP.
- The employee is responsible to notify University Chief of Police or the Director of Human Resources if there are any changes to the OP.

**College Responsibility:**

- Ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.
- To raise awareness for all employees through training and information pursuant to NYS Labor Law 27B that will help in reducing risk for violence, recognizing potential victims and offenders and reporting. The College will provide OPDV materials and encourage participation in training provided by OPDV when scheduling permits.
- Post information about domestic and workplace violence and available resources, include information in new hire orientation and ensure that the policy is reviewed annually. Each employee must sign to acknowledged receipt of this policy and this will be placed in the individual's employment file.
- This policy shall be reviewed annually. Any substantive policy revisions and updates shall be coordinated by the Executive Director for Compliance and Campus Climate and will be responsible for communicating any changes or updates to the SUNY System– Wide Affirmative Action Officer.
- The Executive Director for Compliance and Campus Climate, consistent with applicable policies and laws, will coordinate the reporting of domestic violence incidents which include the number of reports and general nature of the incident, the number of employees requiring leave under this policy, the number of employee request for information and referrals made in connection with those request. No personally identifiable information is included in this report. This report is provided to the OPDV.
• The College will make every effort to keep the confidentiality of any person(s) reporting domestic or workplace violence and when possible will keep the identity of an unwilling victim or witness confidential. However, we cannot guarantee unqualified confidentiality as we must also balance the safety of other members in our community. If we determine that there is the threat of imminent harm to an individual or to the community, information may need to be shared and then only with appropriate individuals. Where possible, the College will provide to the victim of domestic or workplace violence notice of the intent to provide information to other employees and/or safety personnel.

• Address any incident of retaliation against any person who reports or participates in the resolution of domestic or workplace violence claims.

• The College will hold accountable any employee found to be using their official authority, work time or work resources to engage in behavior that violates this policy. An Employee found to have threatened or committed an act of domestic or workplace violence under the this policy, may be subject to corrective or disciplinary action in accordance with collective bargaining agreements, statutes and regulations.

• The College shall comply and assist with enforcement of all known court orders of protection (OP), 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 college shall provide information in its possession concerning an alleged violation of an order of protection

  o Orders of Protection will be kept in a secured and locked location accessible by the University Chief of Police or Director of Human Resources.

• The Director of Human Resources or HR designee shall offer victimized employees assistance to develop and implement individualized workplace safety plans. With the permission of the employee and when appropriate, workplace safety plans may include: 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 in a confidential on-site location. Plans must address additional concerns if the victim and the offender are both employed by the college.

  o SUNY New Paltz maintains an emergency security response plan, which includes procedures for contacting University Police and possibly other appropriate law enforcement agencies, and which provides employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior.
The College will ensure compliance with New York State law which provides that employers cannot 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]. Questions regarding leave time under this policy should be directed to the Director of Human Resources or The Attendance and Leave Unit at the Department of Civil Service.

The College will, upon request, assist the employee in understanding 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 collective bargaining agreements applicable to the employee and the attendance rules.

The College is aware that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. Therefore, the college will make good faith efforts to work with the employee to identify what documentation she/he might have, or be able to obtain in identifying, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer. Because there are issues of confidentiality associated with the submission of documentation in these instances, the HR department should be consulted. 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.

Victims of domestic violence are a protected class in the employment provisions of the NYS Human Rights Laws. The college should prohibit inquiries about a job applicant’s current or past domestic violence victimization, and prohibit employment decisions such as compensation, terms or privileges of employment to be based on any assumptions about or knowledge of such exposure.

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 shall be afforded all of the proactive measures outlined in this policy, and shall 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 collective bargaining unit agreements, statute, regulations and applicable policy.

- 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, 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 [http://www.labor.ny.gov/ui/claimantinfo/domesticviolenceanduibenefits.shtm.][§593 of NYS Labor Law.]
Appendix A- Definitions and Prohibited Conduct/Behavior

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 are in an intimate relationship, including but not limited to, 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.

Below are general or common examples of prohibited conduct or behavior. This is not exhaustive and each report of domestic violence or workplace violence is unique and all relevant facts will be considered in order to identify any appropriate responses.

- All threats or acts of violence occurring on the campus, regardless of the relationship between the College and the parties involved.
- All threats or acts of violence not occurring on the campus (i.e. in travel status) but involving someone who is acting in the capacity of their work.
- Any threats or acts of violence resulting in the conviction of an employee or agent of the College, or of an individual performing services on the College’s behalf on a contract or temporary basis under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the College.
- 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. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on the campus is prohibited. While certain employees of the College may be required as a condition of their work assignment to possess firearms, weapons, or dangerous devices on campus, or are permitted to carry them as authorized by law; such employees are to use such firearms, weapons, and dangerous devices in accordance with campus operating procedures and all applicable state and federal laws.
- Any form of retaliation against any employee or student who complains about threatening behavior, violence, or harassment or participates in the investigation of a complaint.
• Physical and Emotional injury or harm may include:
  o Slapping, hitting, punching, grabbing, or shoving or otherwise causing physical injury to another person.
  o Sexually assaulting or raping an individual.
  o Kidnapping an individual.
  o Murdering an individual.
  o Threatening to harm an individual or his/her family, friends, associates, or their property. Inciting or suggesting participation in acts or language that causes injury to persons or property.
  o Intentionally damaging or destroying or threatening to damage or destroy property owned, operated, or controlled by the College, or property of another employee.
  o Making or sending harassing or threatening telephone calls, letters, or messages (electronically, printed, or any other method) to any employee, student, or visitor on campus.
  o Intimidating or attempting to coerce an employee or student to do wrongful acts that would affect the interests of the College.
  o The willful malicious, and repeated following of another individual which results in that individual reasonably fearing for his/her safety (also known as “stalking”).
  o Aggressive or hostile behavior that creates a reasonable fear of injury to another individual, or subjects another individual to emotional distress.
  o Verbally abusing or harassing an individual.
  o Committing acts motivated by, or related to, sexual harassment or domestic violence.

**What are some signs of risk behavior?**

Remember that workplace and domestic violence can be emotional, psychological and physical. Those perpetrating acts of domestic or workplace violence are not always obvious in their behavior and victims are often fearful of admitting to being victimize.

Not every act or behavior seen as “strange”, “rude” or “difficult” is necessarily a violation of this policy. However, there are signs to watch for and if it raises a concern you should report your observations or concerns to a supervisor or Human Resources immediately. This is not an exhaustive list but some examples of risk behavior are:

• Displaying, and/or talking with a weapon or something than can be reasonably assumed to be used as weapon.
• Shouting, screaming, cursing.
• Making threats of injury or sexually harassing/violent comments.
• Persistent challenge to rules or authority.
• Nervous pacing, restlessness.
• Violent or angry gestures such as clenching fists or jaw, pounding on or breaking of objects that may suggest intimidation or violence.
• Staggering, slurred, irrational or impaired speech.
• Stalking or cyber stalking.

Stalking

Stalking is non-consensual, willful and continuous communication with, and/or harassment of another person. It is often malicious and may stretch over long periods of time. This type of harassment is based in power and stalkers are often attempting to directly or indirectly intimidate, threaten or create fear in one’s sense of safety. Stalking tends to escalate in both intensity and frequency over time and may lead to physical violence. Examples of stalking may include repeated following, repeated telephone calls and hang-ups; letters; unwanted gifts and packages; spreading harmful gossip; vandalism or theft. Stalkers may also enlist their friends to obtain information or to create opportunities for stalking.

Stalking or cyber stalking (the use of technology to stalk) are not usually physical but they can have real and devastating consequences:

Victims of stalking often experience continuous stress or anxiety and vulnerability. Over time these can cause a person to develop an all-consuming sense of fear. Stalking often disrupts or seriously impacts everyday activities. Victims of stalking often develop an inability to work or attend school, participate in social events, shop, etc. More serious impact can include depression, post-traumatic stress disorder, problems sleeping and eating.

What do I do if I think I am being stalked /cyber stalked?

Take reasonable steps when you go out. Trust your instincts and common sense. Keep in mind risk reducing behaviors to stay and feel safe.

Tell someone! A friend, a teacher, a co-worker, the Dean of Students, or a Student Affairs staff member, a member of Human Resources, the Title IX Coordinator, or UPD. We can work together to help support you.

Document the stalking. Keep track of what, where and when (dates and occurrences) of the unwanted communication. Don’t erase texts, social media posts, emails or voicemails and don’t destroy or discard any physical examples, such as unwanted letters or unwanted gifts.

Stalking and Cyber stalking are crimes. If you believe you are a victim of stalking or cyber stalking, you are encouraged to seek support and assistance.
What you can do to make a difference

- Use good judgment about professional and civil behavior and be aware that in a diverse community, there are diverse opinions on what is appropriate and what is offensive.
- If you see it or hear it, say “No!” Say it firmly, without smiling or apologizing. Ignoring the situation won't change the behavior.
- Leave work or class through well-lit areas, walk in groups or tell someone where you can expect to be found or when you will be delayed.
- Be aware of blue light phones and keep UPD number stored as a quick dial number on your cell.
- Protect personal information, especially personal identifications, account numbers, passwords, etc.
- If working early, late or in non-regular office hours let UPD know that you will be in your office.
- When possible, take or participate in offered trainings on stress reduction, conflict management etc.
- Keep a record of what occurred. Include direct quotes, witnesses, and patterns to the behavior. Save any relevant cards, letters, voicemail or e-mail messages that are sent however harmless they may seem.
- Take action. If the behavior persists or you are not comfortable addressing it yourself, discuss the situation with your supervisor and/or Human Resources.

Laws and Policy Resources

Information on partner violence

Information on stalking
http://www.opdv.ny.gov/professionals/criminal_justice/stalking/stalking-infoguide.html

Information on Title VII non-discrimination in employment
http://www.eeoc.gov/laws/statutes/

Information on Title IX non-discrimination
http://www2.ed.gov/policy/rights/guid/ocr/sex.html

Information on NYS non-discrimination of sexual orientation and gender expression
http://assembly.state.ny.us/Press/20120430a/
http://www.ag.ny.gov/civil-rights/sonda-brochure
Please provide this resource page to victims and others who report domestic violence

Support resources:

**New York State Domestic Violence Hotline:** 1-800-942-6906, English & Español/Multi-language Accessibility, Deaf or Hard of Hearing: 711

**NYS Office for the Prevention of Domestic Violence**

**Hospitals**

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<thead>
<tr>
<th>Hospital</th>
<th>Phone</th>
<th>Website</th>
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<tbody>
<tr>
<td>Vassar Brothers Medical Center, Poughkeepsie</td>
<td>845-454-8500</td>
<td><a href="http://www.healthquest.org/home_vb.cfm?id=11">http://www.healthquest.org/home_vb.cfm?id=11</a></td>
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</table>

**Crime Victims Assistance Program**

<table>
<thead>
<tr>
<th>Location</th>
<th>Phone</th>
<th>Hotline</th>
<th>TTY</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poughkeepsie</td>
<td>845-452-1110</td>
<td>452-7272</td>
<td></td>
<td><a href="http://www.co.dutchess.ny.us/Community/14412.htm">http://www.co.dutchess.ny.us/Community/14412.htm</a></td>
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The College shall 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 college shall provide information in its possession concerning an alleged violation of an order of protection.

Human Resources will make efforts to consult with victimized employees to develop and implement individualized workplace safety plans.

The College will make every effort to keep the confidentiality of any person(s) reporting domestic or workplace violence. However, we cannot guarantee unqualified confidentiality as we must also balance the safety of other members in our community. If we determine that there is the threat of imminent harm to an individual or to the community, information
may need to be shared and then only with appropriate individuals. Where possible, the College will provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel.

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.

The 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]. Questions regarding leave time under this policy should be directed to the Director of Human Resources or The Attendance and Leave Unit at the Department of Civil Service.

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.

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.]

An employer is prohibited from inquiring about a job applicant's current or past domestic violence victimization, and employment decisions cannot be based on any assumptions about or knowledge of such exposure.

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.] The employer must make good faith efforts to provide timely response or information to aide in this process.

http://www.labor.ny.gov/ui/claimantinfo/domesticviolenceanduibenefits.shtm