



State University of New York at New Paltz Domestic Violence and Workplace Violence Prevention & Reporting Procedures

In January of 2023, SUNY issued the Gender-Based Violence and the Workplace Policy. Contained within this policy are the responsibilities of SUNY New Paltz, as the employer, in supporting greater awareness and education about gender-based and domestic violence and supporting any employee who reports being a victim/survivor of gender-based or domestic violence.

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 University with respect to the business or operation of the University,
- Students who are employed by the University 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).

If an employee, student, or visitor believes he/she or others are in immediate danger, University Police should be contacted immediately at 845-257-2222 or 911 (from a campus phone).

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

Domestic Violence Liaisons: The University has designated the following individual as Domestic Violence Liaisons (DVL). These individuals work within Human Resources, Diversity and Inclusion and will receive training through the NYS Office for the Prevention of Domestic Violence to provide appropriate support to employees who report.

- Kim Cohen - HAB 603 cohenk@newpaltz.edu
- Amanda Zarrelli - HAB 603 zarrella@newpaltz.edu

Each situation is unique for the individual but there are common considerations when providing support to a victim/survivor of gender and domestic violence. Below is a Q and A that could be helpful.

What do I do if an employee I supervise reports that they are a victim/survivor of gender or domestic violence?

Supervisors shall ensure that any employee who discloses being a victim/survivor of domestic or gender-based violence is aware of this Policy and properly refers the reporting employee to the DVL or to the resources noted below for support. Supervisors should understand that employees who report being a victim/survivor of gender-based or domestic violence have the right to discuss accommodations, including but not limited to change of schedule, time off, etc. The DVL will assist in planning and coordinating requested accommodations.

Campus Resources:

[EAP](#)

Crime Victim Advocate:

SUNY New Paltz's Crime Victim Advocate is Elena Valencia (she/her). She has office hours in Student Union Building Room 314 on Tuesday and Friday from 9:00 a.m.-12:00 p.m. and by appointment in the afternoon.

Ulster County Crime Victim Advocate:

On campus by appointment at Student Union Building 314, by cell (845) 332-5221 or 24-hour Crisis Hotline: (845) 340-3442

The NYS [Domestic](#) and Sexual Violence Hotline:

- Call: 800-942-6906
- Text: 844-997-2121.

Local programs serving victims of domestic and sexual violence:

[SUNY SAVR](#)

[Family of Woodstock](#), Inc. Serving Ulster County, NY and surrounding communities. Call 24/7 or Text to 845 679 2485.

I have an Order of Protection -- who should I contact for assistance or guidance?

- Employees are encouraged to bring their orders of protection (OP) to the attention of:
 - Michael Corbisiero, Chief of Police, Service Building 241, 257-3344
- or*
- Campus DVLs: Kim Cohen, HAB 603, cohenk@newpaltz.edu and Amanda Zarrelli, HAB 603, zarrella@newpaltz.edu.
- 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 the DVL in the Office of Human Resources, Diversity & Inclusion may consult on and share the information regarding an OP.
- The employee is responsible to notify the University Chief of Police or the DVL if there are any changes to the OP.

What is a safety plan and how can I obtain assistance to create a safety plan?

The Campus DVLs are Kim Cohen, HAB 603, cohenk@newpaltz.edu and Amanda Zarrelli, HAB 603. They can provide assistance and guidance on developing a safety plan.

When requested by the victim, the campus level DVL will work with the employee to develop a plan to how best increase safety for the victim, other employees, and the workplace. Options may include, but are not limited to:

- Providing front desk security or reception staff with a copy of the Order of Protection with a photo of the perpetrator.
- Blocking the perpetrator from being entered into the Visitor Management System (VMS) or a similar database.
- Protocols for reporting to law enforcement.
- Allowing the employee to work staggered hours, an “off shift,” or move to a different work location, either temporarily or permanently.
- Temporary reassignment of certain duties, such as overnight travel.
- Reassignment of parking space.
- Providing employees an escort for entry and exit from the worksite.
- Allowing security to escort the perpetrator out of the building and off the worksite premises.
- Working with the employee to address any identified concerns about the use of technology.
- Assigning a new email account or phone number if the perpetrator has been able to access the existing accounts.
- Creating a personalized safety plan in consultation with the local domestic or sexual violence program.
- Allowing the employee to work from an alternate work station until further action is taken, if the employee works directly with the perpetrator.
- If an Order of Protection is in place and has been violated (e.g., by the perpetrator showing up at the workplace of the victim), requiring security to report the violation to law enforcement.

I need to take time away from work to attend appointments pertaining to my status as a victim/survivor of gender or domestic violence?

DVLs will help coordinate with you and your supervisor to manage the impacts on work, including:

- 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 their 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 Office of Human Resources, Diversity & Inclusion 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, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirements of the employer. Because there are issues of confidentiality associated with the submission of documentation in these instances, the HRDI 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 (EAP), consistent with existing collective bargaining unit agreements, statutes, 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]

Non-Retaliation Policy

SUNY shall not engage in any retaliatory practices against any employee that discloses they are a victim of domestic or gender-based violence, or any employee seeking accommodations or to exercise their rights under this Policy.

SUNY will not retaliate, tolerate retaliation by any superiors, terminate, or discipline any employees for reporting information about alleged incidents of domestic violence that may have been committed by an employee, including those in management positions.

Retaliatory practices may include, but are not limited to, fewer promotions, inappropriate jokes, snide comments, excluding employee from conversations, etc., and may be carried out by everyone, not just the original perpetrator. Retaliation includes commencing discipline against victimized employees for actions taken to promote their safety.

Any employee or SUNY engaging in retaliatory practices may be subject to disciplinary actions. If you believe you have been subject to retaliatory practices, please contact the campus DVLs immediately.

Definitions

- Domestic Violence - A pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a victim, as defined in New York State Social Service Law § 459-a, including, but not limited to physical, sexual, psychological, economic, and/or emotional abuse; or the threat of any/all of the aforementioned acts.
- Domestic Violence Agency Liaison (DVAL) - A designated employee(s) of SUNY who has been trained by the Office for the Prevention of Domestic Violence (OPDV) to assist victimized employees; who ensure SUNY compliance with the Gender-Based Violence and the Workplace Policy; and who serves as the primary contact for OPDV.
- Gender-Based Violence - Violence or threats that happen because of someone's sex, gender, sexual orientation, gender identity or expression, or other related characteristics. Gender-based violence is an umbrella term that includes domestic violence, sex-based discrimination, sexual harassment, sexual assault, and sexual violence, and can also include stalking or human trafficking.

- Order of Protection (OP) (commonly referred to as “Restraining Order” or “Stay-Away Order”) - An order issued by any court to limit the behavior of someone who harms or threatens to harm another person. Orders of protection may direct the offending party not to injure, threaten, or harass the victim, their family, or any other person(s) listed in the order and may include, but are not limited, to ordering him/her/them to stay away from the home, school, business, or place of employment of the victim; vacate a shared residence; abide by any active orders of custody and visitation; and surrender any firearms.
- Perpetrator or abusive partner or person who causes harm - A person who commits or threatens to commit coercive or violent acts, which may include, but are not limited to, physical, psychological, sexual, economic, and/or emotional abuse against a victim.
- Sexual Harassment - Consistent with the New York State Human Rights Law, unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:
 - Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
 - Such conduct is made either explicitly or implicitly a term or condition of employment; or
 - Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.
- Victim of Domestic Violence (New York State Social Services Law § 459-a) - Any person over the age of sixteen, any married person, or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of an act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation, identity theft, grand larceny, or coercion; and
 - *Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person’s child; and*
 - *Such act or acts are or are alleged to have been committed by a family or household member.*
- “Family or household members” means the following individuals:
 - *persons related by consanguinity or affinity (blood or a person’s relation to blood relatives of their spouse);*
 - *persons legally married to one another;*
 - *persons formerly married to one another regardless of whether they still reside in the same household;*
 - *persons who have a child in common regardless of whether such persons are married or have married or have lived together at any time;*

- *unrelated persons who are continually or at regular intervals living in the same household or who in the past continually or at regular intervals lived in the same household;*
- *persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship;” or*
- *any other category of individuals deemed to be a victim of domestic violence as defined in regulation by the New York State Office of Children and Family Services.*
- “Parent” means a natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.
- Workplace - For the purposes of this Policy, any permanent or temporary location away from an employee’s domicile where an employee performs any work-related duties in the course of employment.

Laws and Policy Resources

Information on partner violence:

<http://www.opdv.ny.gov/statistics/>

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/>

<https://ag.ny.gov/civil-rights/sonda-brochure>

SUNY Gender-Based Violence and the Workplace Policy:

https://www.suny.edu/sunypp/documents.cfm?doc_id=905