

	<b>FGCU POLICY 3.041</b>	<b>Responsible Unit:</b> Human Resources
	<b>Domestic Violence Leave</b>	

**A. POLICY STATEMENT**

The University provides eligible employees who are Victims of Domestic or Sexual Violence with unpaid leave time. Eligible employees may receive up to three (3) working days of unpaid leave within a 12-month period for certain qualifying reasons related to Domestic Violence or Sexual Violence.

**B. REASON FOR POLICY**

This Policy is created to establish procedures to allow leave time for Victims of Domestic or Sexual Violence.

**C. APPLICABILITY AND/OR ACCOUNTABILITY**

This Policy covers in-unit and out-of-unit faculty, executive service, administrative and professional (A&P), support personnel (SP), and other personal service (OPS) employees.

**D. DEFINITION OF TERMS**

1. *Domestic Violence*: Defined under chapter 741, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one Family or Household Member by another Family or Household Member or any crime the underlying factual basis of which has been found by a court to include an act of Domestic Violence.
2. *Family or Household Member*: Defined under chapter 741, Florida Statutes, as spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the Family or Household Members must be currently residing or have in the past resided together in the same single dwelling unit.
3. *Sexual Violence*: Any one incident of sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than sixteen (16) years of age, luring or enticing a child, sexual performance by a child (defined under chapters 794, 800, 787, and 827, respectively, Florida Statutes) or any other forcible felony wherein a sexual act

is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

4. *Victim*: Defined under chapter 741, Florida Statutes, as an individual who has been subjected to Domestic Violence or Sexual Violence.

## **E. PROCEDURES**

1. Employees who have been employed for at least three (3) months may request up to three (3) days of unpaid leave from work in any 12-month period if the employee or a Family or Household Member of the employee is a Victim of Domestic or Sexual Violence.
2. Employees may request leave under this Policy in order to:
  - a. Obtain an injunction for protection against Domestic Violence or an injunction for protection in cases of repeat violence, dating violence, or Sexual Violence;
  - b. Obtain medical or mental health care in connection with Domestic Violence;
  - c. Seek services from a Victim services organization;
  - d. Seek legal assistance in addressing issues arising from Domestic or Sexual Violence or prepare for court proceedings for the same; or
  - e. Secure existing housing from the perpetrator of the Domestic Violence or obtain new housing to escape the perpetrator.
3. Employees are required to provide appropriate advance notice of the need for leave, except in the case of imminent danger to the health and safety of the employee or a Family or Household Member.
4. Employees may use accrued sick leave to obtain medical or mental health care in connection with Domestic Violence consistent with FGCU Policy 3.034, Sick Leave; or may use accrued annual leave or compensatory leave for the requested leave time under this Policy consistent with FGCU Policy 3.030, Annual Leave, and FGCU Policy 3.029, Overtime and Special Compensatory Leave. If the employee does not have sufficient accrued sick, annual, or earned compensatory leave, the time allowed pursuant to this Policy will be allocated as unpaid leave.
5. The University will keep confidential all personal identifying information contained in records documenting an act of Domestic Violence or Sexual Violence submitted for the purpose of requesting leave under this Policy. Such records are exempt from public disclosure pursuant to section 741.313(7)(a), Florida Statutes. Requests for leave submitted under the requirements of this Policy and any timesheets that reflect leave taken for the purpose stated in this Policy are confidential and exempt from public

disclosure pursuant to section 741.313(7)(b) until one (1) year after the leave has been taken.

6. The University will not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising their rights under this Policy. However, an employee has no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this Policy.

*Authority*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

*History of Policy*

*New 04/08/14; Amended Organization Changes 11/01/17; Format Changed 09/10/19;  
Amended 03/02/21*

**APPROVED:**

\*s/Michael V. Martin  
Michael V. Martin, President

March 2, 2021  
Date