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Owner Michael Luna  
Document Area Vice President of Human Resources  
Applicability Saint Louis University

## Domestic Violence or Sexual Abuse Leave Policy



**Responsible University Official:** Vice President of Human Resources/Michael Luna

**Policy Owner:** Vice President of Human Resources/Michael Luna

**Policy Contact:** Vice President of Human Resources/Michael Luna

### 1.0 Reason for Policy

The purpose of this policy is to support faculty and staff by providing leave and protection for employees who are victims of domestic violence, sexual violence, or sexual abuse, or whose family or household members are victims of domestic violence, sexual violence, or sexual abuse. This policy is intended to comply with Missouri's "Victims Economic Safety and Security Act" (VESSA).

### 2.0 Policy Statement

Saint Louis University is committed to complying with VESSA, and to providing required notice, leave, and protections to those who qualify for the requisite leave and protections. This policy was enacted to aid faculty and staff that experience domestic or sexual abuse as a reflection of Saint Louis University's Jesuit values and concern for staff and faculty, and their family or households.

Two (2) workweeks of unpaid leave are provided per twelve (12) month period. Leave is permitted to be taken all at once, intermittently, or on a reduced work schedule. VESSA does not create a right for an employee to take unpaid leave that exceeds the amount of unpaid leave time allowed for under the federal Family and Medical Leave Act.

The "workweek" is defined as an employee's standard workweek. As such, the precise number of days to which an eligible employee is entitled will depend on the specific employee's standard workweek.

The employee is eligible for leave if (1) the employee is a victim of domestic violence, sexual violence, or sexual abuse, or (2) one or more of the employee's family or household members are victims of domestic violence or sexual abuse. All of the following are "family" or "household members" under VESSA: a spouse, parent, child, other person related by blood or by present or prior marriage, other person who shares a relationship through a child, and persons jointly residing in the same household.

**Qualifying reasons for leave:**

Eligible employees may take unpaid leave from work under VESSA to address domestic violence, sexual violence, or sexual abuse by:

- a. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- b. Obtaining services from a victim services organization for the employee or the employee's family or household member;
- c. Obtaining psychological or other counseling for the employee or the employee's family or household member;
- d. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- e. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

**Notice and Documentation:**

Employees seeking leave under VESSA must provide at least 48 hours' advance notice of the intention to take leave, unless giving notice is not practicable.

Employees are required to provide certification that (1) the employee or the employee's family or household member is a victim of domestic or sexual violence, and (2) that the leave is for one of the qualifying reasons set forth above. The employee must provide the certification within a "reasonable period" after certification is requested.

When advance notice of the absence is not possible, VESSA prohibits an employer from taking adverse

action against an employee because of the absence if the employee provides a certification of eligibility and qualifying reason for leave "within a reasonable period" of time.

#### **Content of Certification and Recordkeeping:**

Upon a request for certification, the employee must provide certification that "the employee or the employee's family member is a victim of domestic or sexual violence, and that the leave is for one of the qualifying reasons for leave under VESSA." An employee may satisfy the certification requirement by providing a sworn statement of the employee, and the following:

- a. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, or sexual abuse and the effects of such violence;
- b. A police or court record; or
- c. Other corroborating evidence.

The University is required to retain the employee's certification, "the fact that the employee has requested or obtained [VESSA] leave," and any other information that the employee provided to the University related to the employee's request for or use of VESSA leave, "in the strictest confidence." VESSA prohibits disclosing this information "except to the extent that disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law."

#### **Maintenance of Benefits and Restoration Rights:**

An employee who takes VESSA leave will be returned to the same or other equivalent position upon return to work. The employee will not lose any employment benefit accrued prior to the date on which the leave commenced because of an employee's use of protected leave. The University is required to maintain coverage for the employee and any family or household member under any group health plan for the duration of this leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

In the event the employee does not return to work following this leave, the University is permitted to recover the premium paid to maintain group health insurance coverage during the leave of absence. The University is also permitted to require an employee on leave to provide the University with periodic updates on the employee's status and intention to return to work.

## **Reasonable Safety Accommodations:**

The University shall make reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence.

The University shall make such accommodations unless they would impose an undue hardship on the University. In determining whether the accommodation is reasonable, the University shall consider any exigent circumstances or danger facing the employee or their family or household member.

VESSA defines "reasonable safety accommodation" as "an adjustment to a job structure, workplace

facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence."

The University may require an employee requesting a reasonable safety accommodation to provide a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under VESSA.

## 3.0 Scope

This policy applies to all operating units of Saint Louis University, excluding Saint Louis University-Madrid, including all faculty, staff, students, volunteers, and other workforce members not otherwise identified.

## 4.0 Procedures

Requests for leave or protection under this policy should be initiated by the employee. Employees seeking leave for the reasons covered by this policy should apply for leave through FMLASource ([www.fmlasource.com](http://www.fmlasource.com)). Questions that arise as part of the FMLASource review process should be addressed to Human Resources (contact your HR consultant).

## 5.0 Sanctions

Individuals who fail to comply with this policy and the procedures associated with it may be subject to disciplinary actions guided by the University's *Staff Performance Management Policy*, *SLU Faculty Manual (St. Louis Campus)*, or *Student Handbook*. Non-compliance with this policy may result in disciplinary action, up to and including separation from the University.

## 6.0 Responsibilities

Employee: Employees should initiate the request for leave through FMLASource. Employees seeking leave under VESSA must provide at least 48 hours' advance notice of the intention to take leave, unless

giving notice is not practicable. Other steps to be taken by the employee are outlined above in Section 4.0.

Employer: Requests for leave will be reviewed and processed by the Department of Human Resources, in accordance with the steps and process outlined above in section 4.0.

## 7.0 References

### University Policies Including But Not Limited to:

[Americans with Disability Act \(ADA\) Policy](#)

[Family and Medical Leave Act \(FMLA\) Policy](#)

[Non-Retaliation Policy](#)

[Reporting Concerns of Misconduct Policy](#)

[Staff Flexible Work Policy](#)

[Staff Performance Management Policy](#)

[Staff Sick Leave Policy](#)

[Staff Vacation Policy](#)

[Title IX Sexual Harassment Policy](#)

### University Resources Including But Not Limited to:

[SLU Faculty Manual \(St. Louis Campus\)](#)

[Student Handbook](#)

### External Resources Including But Not Limited to:

[Missouri Victims Economic Safety and Security Act \(VESSA\), Mo. Stat. §285.625-670.](#)

## 8.0 Definitions

See Missouri Revised Statute Section 285.625 for all definitions:

<https://revisor.mo.gov/main/OneSection.aspx?section=285.625&bid=49909&hl=>

**Abuse** – As defined in Section 210.110, RSMo.

**Certifying agent** – An employee, agent, or volunteer of a victim services organization, an attorney, a

member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, or sexual abuse and the effects of such violence.

**Domestic violence** – Abuse or stalking, as defined in Section 455.010, RSMo.

**Eligible Employee** – One who is employed by the university and is a victim of domestic or sexual violence, as defined in this policy.

**Family or household member** – This includes an employee's spouse, parent, child, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household as the employee.

**Reasonable safety measure** – An adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence. Any exigent circumstances or danger facing the employee or the employee's family or household member shall be considered in determining whether the safety measure is reasonable.

**Sexual violence** – A sexual assault, as defined in Section 455.010, RSMo, and trafficking for the purposes of sexual exploitation, as described in Section 566.209, RSMo.

**Undue hardship** – Significant difficulty or expense, when considered in light of the nature and cost of the reasonable safety accommodation.

**Victim of domestic or sexual violence:** An individual who has been subjected to domestic violence, sexual violence or abuse, as those terms are defined by this policy.

**Victim services organization** – A nonprofit, nongovernmental organization that provides assistance to victims of domestic violence or to advocates for such victims, including a rape crisis center, a child advocacy center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

**Workweek** – An individual employee's standard workweek.

## 9.0 History

This is a new university policy,

## Approval Signatures

Step Description	Approver	Date
Policy Review Committee	Michael Reeves	Pending
Policy Review Committee	Michael Luna	12/3/2024
Chief Policy Officer review before PRC	Michael Reeves	11/25/2024

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## Applicability

Saint Louis University

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