

# MORAVIAN UNIVERSITY

## Immigration Detention and Leave of Absence Policy

### Purpose

The University recognizes that employees, including both faculty and staff, may experience unexpected circumstances that affect their ability to report to work, including detention or legal proceedings related to immigration enforcement. This Policy outlines how such situations will be addressed in accordance with University policies and applicable law.

### Policy

If a University employee becomes unable to work due to detention by U.S. Immigration and Customs Enforcement (ICE) or other federal immigration authorities, the University will review the situation on a case-by-case basis and determine whether a leave of absence may be granted consistent with University policy and applicable laws.

In general, when an employee is unable to perform their job duties due to detention or related legal proceedings, the University may treat the absence in accordance with the University's Leave of Absence policy as outlined in the Work Leaves Policy and Employee Handbook: <https://www.moravian.edu/hr/benefits/work-leaves/leave-of-absence>. Although the language from the preceding link states that it is "not applicable to faculty", it does apply to faculty in this particular context (i.e., immigration detention).

### University Obligations

The University is an employer subject to federal and state law. Accordingly:

- The University must comply with all applicable federal, state, and local laws, including immigration laws and employment verification requirements;
- The University cannot interfere with lawful government enforcement actions or provide employment in violation of applicable law; and
- Employment status may depend on whether the individual remains legally authorized to work in the United States.

### Leave Considerations

When feasible and legally permissible, the University may consider the following factors in determining whether a leave of absence may be approved:

- The expected duration of the employee's absence;
- The employee's available paid leave balances;
- Eligibility for unpaid leave under University policy;
- Operational needs of the department; and

- The employee's continued legal authorization to work.

Leave approved under this section will follow the same procedures, limitations, and benefit implications as other leaves of absence under University policy.

## **Employment Status**

If the employee is unable to return to work within the timeframe permitted under the Leave of Absence policy, or if the employee is no longer legally authorized to work in the United States, the University may need to take appropriate employment action consistent with applicable law and University policy.

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