

Date of this Document: April 2024

APC Response to Religious Observance Accommodations Charge sent by FS to APC in 2023

Charge Question 1: Where appeals should go if a student or employee (faculty) does not feel that they have been discriminated against based on their religion but are nevertheless unsatisfied with the accommodations provided to them;

Response/Recommendation: There are current grievance policies for faculty, staff, and students. It seems reasonable that when the concern does not seem to be discrimination, faculty, staff, and students follow those established procedures.

We thus recommended that

faculty who feel that the accommodations provided were not adequate may file a grievance following the grievance policy identified in the Faculty Handbook (<https://catalog.salisbury.edu/content.php?catoid=10&navoid=377#grievance>)

staff faculty who feel that the accommodations provided were not adequate may file a grievance following the grievance policy identified in the Staff Handbook (<https://www.salisbury.edu/administration/administration-and-finance-offices/human-resources/files/pdfs/Staff-Employee-Handbook.pdf?v=20231118004452>)

students who feel that the accommodations provided were not adequate may file a grievance following the grievance policy identified by the Office of Academic Affairs (<https://www.salisbury.edu/administration/academic-affairs/grievance-policy.aspx>).

Note: These policies do not permit a quick final resolution. A final resolution may not occur until after the date for requested accommodations would have passed, but any policy permitting multiple levels of review would take significant time.

Charge Question 2: Whether the advanced notification of at least two weeks from faculty is adequate. If the two week notification is not adequate, the APC should recommend what is adequate notice;

Response/Recommendation: Given that the dates for numerous religious observances are known well in advance (Eid Al-Fitr, Diwali, Rosh Hashanah, Shogatsu, for example), notice could be given well in advance. Advance notice should permit advance planning. In case course scheduling is a consideration, we recommend that when possible, notification be given at the beginning of the semester. When the observance is not established far in advance, we recommend that the two week notice be continued.

We recommend that in approximately 3 years, the Faculty Senate, with the APC, conduct a review of

Charge Question 3: Whether the advanced notification to the faculty of at least two weeks from students is adequate. If the two week notification is not adequate, the APC should recommend what is adequate notice;

Response/Recommendation: Some accommodations (missing every Friday of a course for example) could likely be significantly detrimental to student success in the course or significantly alter the course. In such cases, it could be advisable that the student take a different section of a course, take the course during a different semester, or take a different course. Course schedules cannot be changed after the end of drop/add, which typically ends at 5 pm at the end of the 1st week of classes. To have time to make schedule changes, a student would need to be aware of the concern well before the drop/add deadline. After a student is made aware of the concern, the student would need time to consider that information, review schedules, and make any changes. Hence any conversation with the faculty member regarding the requested accommodations would need to occur well before the drop/add deadline at the beginning of a semester.

The dates for a number of religious holidays are known at least a year in advance. For such holidays, we thus recommend that students inform faculty of their requests for accommodations, in writing, as far in advance of the end of drop/add as possible.

Some religious observances other than holidays, may not permit planning so far in advance. In those cases, to ensure that the faculty member has some time to consider and to plan appropriate accommodations, we suggest the deadline in writing, no later than two weeks prior to the observance date, be continued

We have recommended that when students are not satisfied with the accommodations provided to them that they follow the

Recommendation: Change the sentence to indicate there should be no penalties for religious observance in general as long as reasonable accommodations are possible.

3. There are many religions and religious holidays.

However, our SU attorney and our Title IX office have indicated that faculty may not request documentation to verify the need for the accommodation, nor should they ask for identification of the religion involved or the actual religious observance. Faculty need to be aware of this, but it does not seem appropriate to include it as an item in the policy.

Recommendation: Faculty Senate determine how to educate faculty regarding these expectations.

12. It should be clear to students and to faculty how religious observances and a set number of absences or dropped assignments may be addressed. As the newly revised (15 December 2023) BOR policy III-5.10 and the SU Emergency Absence Policy identify, the number of absences for religious observances should be counted toward the maximum number allowed. Hence it should be clear to students that if 5 absences are allowed by course policy and the student has 4 absences for religious observance and also had 1 absence due to oversleeping and 1 absence due to a nonfunctioning car, the student may receive penalties for 1 absence.

However, the BOR policy also indicates that unless there are program specific attendance policies, there should be a consideration of whether extending the number of absences or missed assignments with no penalty would be a reasonable accommodation.

Recommendation: Add language to Section IIIB of the temporary policy to clarify how religious observance impacts the number of allowed absences or missed assignments.

13. SU has a culture of typically expecting Faculty to make accommodations for students of no more than a week. Faculty will need to understand the expectations of the state law and the BOR policy for religious accommodations.

Recommendation: Faculty Senate determine how to educate faculty about the expectations.

14. As the APC discussed this temporary policy, having subsections of A, B, C with subsections under those of a, b, c caused confusion.

Recommendation: Change the subsections under A, B, C to be numbers or to lower case Roman Numerals as in the Emergency Absence Policy.

Attachments:

1. Revised Religious Accommodation Policy as suggested by the APC.
2. Temporary Religious Accommodation Policy 08/25/23
3. State law regarding religious accommodations in public institutions of higher education
4. BOR Policy regarding religious accommodations
5. Example Religious Observance Calendar