
RELIGIOUS ACCOMMODATION AND EXPRESSION

Category: Human Resources

Responsible Office: Equity, Diversity and Inclusion

Responsible Executive: Vice President for University Life and Services

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Summary

This policy provides guidance regarding the procedure by which religious accommodations will be provided. It also provides guidance as to religious expression in the context of a public university.

Policy

POLICY STATEMENT

The University at Buffalo (UB, University) is committed to providing a welcoming environment for all, regardless of religious affiliation or belief. As a public employer and educational institution, UB does not endorse any specific religious tenet or belief. Rather, the University respects that each member of its community may have his or her own religious beliefs, or may not ascribe to any religious tenet or belief. Members of the University community will not be required or coerced to abandon, alter or adopt a religious belief or practice as a condition of employment or participation in University activities, nor will they be subjected to harassment on the basis of religious belief. UB adheres to the principles of free speech regarding religious expression, and will not limit religious speech or expression unless such speech or expression creates an undue hardship or is contrary to the University's Discrimination and Harassment Policy.

The University will provide reasonable religious accommodations when necessary for individuals to participate in employment and educational opportunities, as well as other University programs and activities, unless the accommodation poses an undue hardship.

BACKGROUND

The University is committed to diversity and nondiscrimination and supports the employment of qualified individuals, regardless of religious affiliation, in accordance with its Discrimination and Harassment Policy, as well as state and federal laws and regulations, including Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission Guidelines on Discrimination Because of Religion, and the New York State Human Rights Law.

APPLICABILITY

This policy:

- applies to all members of the University community, including students, faculty, staff, volunteers, vendors, visitors, and guests
- applies to all employment and educational practices and actions

- applies to all job classifications, titles, and appointment types, whether full-time, part-time, or volunteers
- applies to all University policies, practices, and actions including, but not limited to, recruitment, hire, rate of pay or other compensation, advancement, upgrading, promotion, demotion, renewal, non-renewal, termination, transfer, layoff, leave, training, grading, housing, and employee and student benefits of whatever nature
- applies to all University organizational units
- expects that each contractor, supplier, union, public agency, or cooperative agent will support this policy by complying with applicable state and federal legal requirements prohibiting discrimination on the basis of religion

DEFINITIONS

Essential Function - a fundamental job duty of an employment position for staff and faculty, or a fundamental academic element of a course or program of study for a student.

Harassment - conduct that is unwelcome, severe, pervasive, or persistent enough to interfere with an individual's employment, education, or other access to University programs and activities, and that is targeted toward an individual or group based on a protected factor, including race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, sexual orientation, predisposing genetic characteristics, marital status, veteran status, military status, domestic violence victim status, and ex-offender status; harassment is a form of discrimination.

Reasonable Religious Accommodation - any change in the work environment for staff and faculty, or academic course or program of study for students, or in the way tasks or responsibilities are customarily done that enables an employee or student to participate in his/her religious practice or belief without undue hardship in the conduct of the University's business or operation. A reasonable religious accommodation may include:

- providing a time and/or place to pray
- arranging an alternative time for a course examination
- providing the flexibility to wear attire required by a person's religion
- scheduling changes
- substitutions of shifts or hours consistent with applicable collective bargaining requirements
- job reassignments
- lateral transfers.

Religious Practice or Belief - A sincerely held practice or observance that includes moral or ethical beliefs as to what is right and wrong, most commonly in the context of the cause, nature and purpose of the universe. Religion includes not only traditional, organized religions, but also religious beliefs that are new, uncommon, not part of a formal religious institution or sect, or only subscribed to by a small number of people. Social, political, or economic philosophies, as well as mere personal preferences, are not considered to be religious beliefs.

Undue Hardship – A significant cost or other burden that would cause a fundamental disruption to the University. The determination of undue hardship is dependent on the facts of each individual situation. An accommodation will be considered an undue hardship if it will result in the inability of the employee or student to perform an essential function of the position or course/program of study or result in any safety hazards for students or staff.

RESPONSIBILITY

President, Provost, Senior Vice President, vice presidents, deans, directors, department heads, managers, and supervisors

- Discourage religious discrimination and harassment; initiate a referral for disciplinary and/or corrective action when appropriate.
- Provide religious accommodations in accordance with this policy.
- Refer persons with inquiries or complaints to this policy and the Office of Equity, Diversity and Inclusion (EDI).

Supervisors and managers

- Provide reasonable religious accommodations to employees when requested; if there is a concern regarding the request, contact EDI.
- Consult with EDI prior to denying a request for religious accommodation.

Director of EDI

- Overall administration of this policy.
- Provide consultation and guidance to individuals with questions about requests for religious accommodations and other matters related to this policy.
- Investigate complaints of discrimination and harassment pertaining to religion, including complaints regarding the failure to provide religious accommodations.

Human Resources Liaison

- Assist in the provision of reasonable religious accommodations.
- Discuss religious accommodations with the requesting employees to ensure they can be implemented.
- Consult with the Office of Equity, Diversity and Inclusion (EDI) when there is a problem or concern regarding implementation of an accommodation request.

Classroom instructors

- Provide reasonable religious accommodations to students.
- Consult with the Office of Equity, Diversity and Inclusion (EDI) prior to denying a request for religious accommodation.

Employee/Student

- Initiate requests for reasonable religious accommodation by contacting your supervisor/classroom instructor in a timely manner.

PROCEDURE

Process for Employee Accommodation

An employee who requires a reasonable religious accommodation should make the request directly to his or her supervisor. If the supervisor determines that the request may pose an undue hardship for the department and/or interfere with the employee's essential job functions, or if the supervisor otherwise has concerns about the accommodation request, the supervisor should contact his/her HR liaison or EDI. If there are concerns about the requested accommodation, the supervisor and/or HR liaison may initiate discussions with the employee to determine whether an alternative accommodation would suffice. A supervisor may not unilaterally deny a request for a reasonable religious accommodation without first consulting EDI.

Process for Student Accommodation

A student who requires a reasonable religious accommodation should make the request directly to his or her course instructor. It is expected that the student will provide sufficient notice of the need for an accommodation to course instructors in order for the accommodation to be implemented. In the event that a student's request for religious accommodation involves an alternative examination time or date, any make-up examinations given for purposes of test security must be comparable, in terms of format and difficulty, to the examinations given to the remainder of the class. If there are concerns about the requested accommodation, the instructor should consult his/her department chair, dean's office and/or EDI. An instructor may not unilaterally deny a request for a reasonable religious accommodation without first consulting EDI.

Complaints

Individuals who believe that there is a violation of this policy; who disagree with a determination regarding a request for a reasonable religious accommodation; who believe they have been treated in a discriminatory manner; or who are experiencing harassment should contact EDI. Complaints will be investigated in accordance with the procedure contained in the University's Discrimination and Harassment Policy. An individual who files a complaint or participates in an investigation will be protected against retaliation. Complaints will be kept confidential to the extent possible.

Contact Information

Office of Equity, Diversity and Inclusion
406 Capen Hall
Buffalo, New York 14260
Email: aa-diversity@buffalo.edu
Website: <http://affirmativeaction.buffalo.edu>

Phone: (716) 645-2266

Fax: (716) 645-3952

Related Information

University Documents:

UB Discrimination and Harassment Policy:

<http://policy.business.buffalo.edu/Policy%20Library/Discrimination%20and%20Harassment.pdf>

Other Documents:

EEOC Guidelines on Religious Discrimination: <http://www.eeoc.gov/policy/docs/religion.html>

EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisor:

<http://eeoc.gov/policy/docs/harassment.html>

Research Foundation Procedures for Resolving Allegations of Workplace Discrimination:

https://portal.rfsuny.org/portal/page/portal/Pers_Admin/Employee%20Relations/hapro026.pdf

SUNY Discrimination Complaint Procedure: http://www.suny.edu/sunypp/documents.cfm?doc_id=451

Presidential Approval

Signed by President Satish K. Tripathi

Satish K. Tripathi, President

4/12/12

Date