Religious Accommodations for Students and Employees

POLICY STATEMENT

The University of North Dakota (University/UND) is committed to providing equal access to academic pursuits and employment opportunities regardless of religious beliefs. To this end and pursuant to applicable state and federal laws, UND offers religious accommodations. Such accommodations are reasonable changes in the work or academic environment that enable a student, employee, or applicant to practice or observe a sincerely held religious belief without undue hardship on the University.

REASON FOR POLICY

Pursuant to Title VII of the Civil Rights Act of 1967, the North Dakota Human Rights Act, and other applicable state and federal laws, the University is dedicated to providing an equal opportunity learning, living, and working environment for all members of the University community, regardless of religious beliefs. To this end, UND offers reasonable accommodations for religious beliefs. The University adopts this policy with a commitment to ensuring students, employees, and applicants have a clear understanding of their rights to a reasonable accommodation on the basis of religious belief and of the process for requesting such an accommodation.

SCOPE OF POLICY

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Area Managers & Supervisors
• Faculty
• Staff
• Students
• Others: Applicants for Employment or Admission

CONTACTS

Specific questions should be directed to the following:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Telephone</th>
<th>Department/Office E-Mail Web Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Clarification</td>
<td>Equal Opportunity &amp; Title IX</td>
<td>701.777.4171</td>
<td><a href="mailto:UND.EO.TitleIX@UND.edu">UND.EO.TitleIX@UND.edu</a> Equal Opportunity &amp; Title IX Website</td>
</tr>
<tr>
<td>Report Possible Policy Violation</td>
<td>Equal Opportunity &amp; Title IX</td>
<td>701.777.4171</td>
<td><a href="mailto:UND.EO.TitleIX@UND.edu">UND.EO.TitleIX@UND.edu</a> Equal Opportunity &amp; Title IX Website</td>
</tr>
<tr>
<td>Request Accommodations</td>
<td>Equal Opportunity &amp; Title IX</td>
<td>701.777.4171</td>
<td><a href="mailto:UND.EO.TitleIX@UND.edu">UND.EO.TitleIX@UND.edu</a> Equal Opportunity &amp; Title IX Website</td>
</tr>
</tbody>
</table>

DEFINITIONS

Employee

Any person employed for wages or salary by the University, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, medical residents, graduate assistants, and student employees. Employee includes temporary, probationary and regular employees.

Religion

Religion is defined broadly and includes all aspects of religious observance and practice as well as spiritual beliefs; traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism; and religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people. Religious beliefs include theistic beliefs as well as non-theistic moral or ethical beliefs that are sincerely held with the strength of traditional religious views and typically concern ultimate ideas about life, purpose, and death. Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs.

Religious Accommodation

Reasonable adjustments made to accommodate the religious beliefs and practices of individuals, without causing undue hardship to the university. Examples include time for prayer or the ability to attend religious events or observe a religious holiday.

Student

All persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, full-time or part-time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the Code, who are not enrolled for a particular term but have a continuing relationship.
with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities designated for students regardless of their current enrollment status.

PRINCIPLES

Overview

UND is committed to providing equal access to academic pursuits and employment opportunities regardless of religious beliefs. To this end, UND offers religious accommodation. Such accommodations are reasonable changes in the work or academic environment that enable a student, employee, or applicant to practice or observe a sincerely held religious belief without undue hardship on the University. A religious accommodation may include, but is not limited to, time for prayer during a workday or the ability to attend religious events or observe a religious holiday.

The University is not required to provide an accommodation that is unreasonable. An accommodation for religious beliefs or practices may be unreasonable when it compromises essential requirements of a course, program, job, or activity; creates an undue hardship; or is requested retroactively or in an untimely manner. Accommodations are not retroactive.

Violations of this policy may result in disciplinary actions, up to and including termination.

PROCEDURES

How to Request an Accommodation

Students

Academic

Students may work directly with their faculty members to request minor academic adjustments. The student may submit an accommodation request to the EO/Title IX Office by completing the student religious accommodation request form (see Forms) if:

- The student need assistance making the request;
- The student and faculty member are unable to agree upon an adjustment; or
- The requested adjustment would require substantive changes to the academic environment or the expenditure of funds

Requests for religious accommodations must be made each semester in which an accommodation is desired. Requests should be made a reasonable time in advance, preferably within the first two weeks of the term, to ensure adequate time for the accommodation process. Requests for accommodations impacting the first two weeks of the term may need to be made sooner.

Other Programs or Activities

Requests for a religious accommodation related to participation in other University-sponsored programs

or activities, such as Housing or Dining programs, may be made using the above procedure. If a student is unsure to whom to make a request, they may contact the EO/Title IX Office or submit the student religious accommodation request form (see Forms).

**Employees**

**Workplace**

Employees, including student employees, may work directly with their supervisors to request minor adjustments. The employee may submit an accommodation request to the EO/Title IX Office by completing the employee religious accommodation request form (see Forms) if:

a. Employees need assistance making the request;

b. The employee and supervisor are unable to agree upon a reasonable adjustment; or

c. The adjustment would require more than minimal changes to work duties or the expenditure of funds.

Requests for religious accommodations should be made a reasonable time in advance to ensure adequate time for the accommodation process.

**Other Programs or Activities**

Requests for a religious accommodation related to participation in other University-sponsored programs or activities may be made using the above procedure. If an employee is unsure to whom to make a request, they may contact the EO/Title IX Office or submit the employee religious accommodation request form (see Forms).

**Applicants and Candidates**

Applicants and/or candidates for employment requesting a religious accommodation during the application process should contact the EO/Title IX office for assistance as soon as the need for an accommodation is known.

**Determining Accommodations**

The equity compliance and education manager, or designee, will review all student, employee, and applicant/candidate accommodation requests to determine what accommodation, if any, should be provided. The equity compliance and education manager may consult with the requestor and their faculty member, supervisor, and/or other offices as appropriate and necessary, to determine an appropriate accommodation.

In reaching a determination, the equity compliance and education manager will consider:

a. Whether the basis for the accommodation request is "religious" as opposed to reliant on a social, political and/or economic philosophy or personal preference;

b. Whether the accommodation allows the requestor to meet their religious obligations; and

c. Whether the accommodation is reasonable or imposes an undue hardship on the University.
The equity compliance and education manager will also consult other relevant laws or guidance, as appropriate (e.g., OSHA guidance for personal protective equipment).

An accommodation may be unreasonable if it compromises or modifies essential requirements of a course, program, job, or activity, or is requested retroactively or in an untimely manner. An accommodation may cause undue hardship if it imposes costs or other burdens that are substantial in the overall context of the University's business. The equity compliance and education manager will not evaluate whether the stated religious beliefs are "sincerely held" but will instead rely on the requestor's affirmation that such beliefs are sincere.

If the accommodation request is denied due to failure to establish (a) or (b) above, the requesting student, employee or applicant/candidate may request reconsideration by providing additional information regarding the religious belief and why it necessitates an accommodation. The equity compliance and education manager will then review the accommodation request in light of this additional information.

If the equity compliance and education manager determines that an accommodation is appropriate but (a) the accommodation requested imposes an undue hardship or is unreasonable, or (b) there are multiple means of accommodation that would not cause undue hardship, the University may offer an alternative accommodation.

**Appeal**

If the requesting student, employee, or applicant/candidate believes no additional information is necessary and that the accommodation was wrongfully denied or that the request was wrongfully denied after providing additional information, they may file an appeal with the assistant vice president for equal opportunity & Title IX. The appeal must be submitted in writing, stating the basis for the appeal and the requested outcome. Appeals must be received within 10 calendar days.

The assistant vice president for equal opportunity & Title IX (AVP EO/Title IX), or designee, will review the appeal documents and provide a written determination.

**Failure to Implement an Approved Accommodation**

Failure to implement an approved accommodation may constitute discrimination and may lead to disciplinary action. A student, employee, or applicant/candidate who feels they were not provided an approved accommodation may file a complaint through the EO & Title IX Reporting Form or by contacting the Equal Opportunity & Title IX Office. See UND's Discrimination and Harassment Policy (Related Information).

If there is difficulty in implementing an approved accommodation or the accommodation does not achieve the aim of providing equal access, the requestor may contact the Equal Opportunity & Title IX Office to discuss alternative reasonable accommodations.

**Non-Retaliation**

The University prohibits retaliation against any individual who seeks or receives religious
accommodations. Any form of discrimination or adverse action against individuals requesting or utilizing religious accommodations is strictly prohibited.

Confidentiality

All information pertaining to the employee's or student's accommodation request will be shared only on a need-to-know basis as necessary to make appropriate determinations on an accommodation request and/or to implement the approved accommodation.

RESPONSIBILITIES

| Assistant Vice President for Equal Opportunity & Title IX | • Review accommodation appeals |
| Equal Opportunity & Title IX | • Work with faculty, students, supervisors, and employees to determine and implement reasonable religious adjustments. • Receive and resolve reports of discrimination or failure to provide reasonable accommodations |
| Faculty | • Give reasonable minor academic adjustments to students • Contact Equal Opportunity & Title IX for substantive accommodation requests, for clarification about approved accommodations, or when faculty and student cannot agree on a reasonable accommodation |
| Supervisors and managers | • Give reasonable minor working environment adjustments • Contact Equal Opportunity & Title IX for substantive accommodations, for clarification about approved accommodations, or when supervisor and employee cannot agree on a reasonable accommodation |
| Employees and students | • Request accommodations a reasonable time in advance to ensure adequate time for the accommodation process. • Contact the Equal Opportunity & Title IX Office if/when implementation of an approved accommodation is not unfolding according to plan. |
## RELATED INFORMATION
- 42 USC §2000e - Title VII of the Civil Rights Act of 1964 (Title VII)
- NDCC 14-02.4 et seq. – North Dakota Human Rights Act
- OSHA Interpretation: OSHA’s decision not to provide a religious exemption from the respirator standard
- UND Equal Opportunity & Title IX
- UND Policy - Discrimination and Harassment
- UND Policy - Tobacco-Free Campus (smudging, use of sage, sweetgrass and cedar)
- UND Respiratory Protection Program

## FORMS
- Student Religious Accommodation Request
- Employee Religious Accommodation Request

## APPENDICES
There are not appendices associated with this policy.

### Approval Signatures

<table>
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<tr>
<th>Step Description</th>
<th>Approver</th>
<th>Date</th>
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<tbody>
<tr>
<td>Campus Comment</td>
<td>Jennifer Rogers: Director of University Policy</td>
<td>Pending</td>
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<tr>
<td>Executive Council (1st Reading)</td>
<td>Jennifer Rogers: Director of University Policy</td>
<td>04/2024</td>
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<tr>
<td>Policy Advisory Group</td>
<td>Jennifer Rogers: Director of University Policy</td>
<td>03/2024</td>
</tr>
<tr>
<td>Policy Office</td>
<td>Jennifer Rogers: Director of University Policy</td>
<td>03/2024</td>
</tr>
<tr>
<td>Policy Owner</td>
<td>Donna Smith: Assistant VP for Equal Opportunity/Title IX</td>
<td>03/2024</td>
</tr>
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