



February 8, 2023

Dr. Susan Harden
Faculty President
UNC Charlotte

Dear Susan,

The Office of Legal Affairs has proposed revisions to University Policy 409, Religious Accommodations for Students. Please see the attached proposed Policy revisions. The major changes are (1) to broaden the scope of the policy from only academic accommodations to any requested religious accommodation from a student and (2) to incorporate the new Office of Civil Rights and Title IX into the process. We have also removed the requirement that students use a specific form to submit a request.

We ask that the Faculty Executive Committee or Faculty Council review the proposed revisions and provide feedback to the Office of Academic Affairs (academicaffairs@uncc.edu) by the end of the spring term.

Sincerely,

A handwritten signature in blue ink that reads 'Alicia L. Bertone'.

Alicia L. Bertone
Provost and Vice Chancellor for Academic Affairs

Attachment

University Policy 409, Religious Accommodation for Students

~~Executive Summary:-~~

~~This Policy was developed in response to a recently enacted North Carolina law, codified at NC General Statute 116-11(3a), which requires UNC Charlotte to (1) authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student; and (2) provide students the opportunity to make up any tests or other work missed due to an excused absence for a religious observance. In order to facilitate compliance with this new law while mitigating the burden on faculty, the Policy establishes a procedure for students to request accommodations for religious observances through the submission of a request form prior to the census date of each semester.~~

I. Introduction

The University of North Carolina at Charlotte is committed to diversity, nondiscrimination and inclusiveness, and to supporting its students, regardless of religious affiliation or non-affiliation, in accordance with state and federal laws and regulations. ~~As part of this commitment, In general, state entities such as The University of North Carolina at Charlotte may enforce neutral rules of general applicability even if the rule may affect someone's religious practice or belief. However,~~ the University makes good faith efforts to accommodate a student's religious practice or belief, unless such accommodation would create undue hardship.

II. Definitions

For the purposes of this Policy:

1. A "reasonable accommodation" is any change in ~~an academic course or program of study~~ University program or activity, including class attendance, with respect to the way tasks or responsibilities are customarily done that enables a student to observe their religious practice or belief without creating undue hardship.
2. A "religious practice or belief" is a practice or observance that includes moral or ethical beliefs as to what is right and wrong and that is sincerely held with the strength of traditional religious views.
3. "Undue hardship" occurs when granting a requested accommodation would require ~~significant more than a minor~~ expense or difficulty for the University, or would result in the inability of the student to perform an essential function or to fulfill an essential element of their course/program of study the University program or activity. Examples of undue hardship include but are not limited to instances where the accommodation diminishes efficiency, infringes on other students' rights or benefits, impairs classroom or program safety, or causes other

students to carry the accommodated student's share of potentially burdensome work. Whether the proposed accommodation conflicts with another law is also part of the consideration. The determination of undue hardship is dependent on the facts of each individual situation.

III. Policy

UNC Charlotte makes good faith efforts to accommodate a student's religious practice or belief, unless such accommodation would create undue hardship.~~provides reasonable accommodations, including a minimum of two excused absences each academic year, for religious observances required by a student's religious practice or belief. -In addition, under North Carolina law (NC General Statute 116-11(3a)), UNC Charlotte is required to (1) authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student; and (2) provide students the opportunity to make up any tests or other work missed due to an excused absence for a religious observance. Students must request s~~Such reasonable accommodations ~~must be requested~~ in accordance with the procedures in this Policy, ~~and include the opportunity for the student to make up any tests or other work missed due to an excused absence for a religious observance.~~ An accommodation request imposes responsibilities and obligations on both the University and the student requesting the accommodation.

UNC Charlotte ~~faculty employees~~ are required, as part of their responsibility to ~~their~~ students and the University, to adhere to this Policy and to ensure its full and fair implementation by reasonably accommodating individual religious practices or beliefs. Regardless of any accommodation that may be granted, UNC Charlotte students are responsible for satisfying all academic or other programmatic objectives, requirements and prerequisites as determined by ~~their instructor and~~ the University.

IV. Procedure

1. A student should request a religious accommodation directly from the University employee overseeing the University program or activity in question.
 - a. The request should be made in writing and should state (i) the specific accommodation being requested, (ii) the religious practice or belief the student holds, (iii) how the requested accommodation enables the student to participate in their religious practice or belief, and (iv) the date(s) and/or frequency of the requested accommodation.
 - b. The request should be submitted as far in advance as possible. The length of time between when the request is submitted and the date of the requested

accommodation may affect the reasonableness of the requested accommodation.

c. For accommodations within an academic course, the student should ask the instructor of the course for an accommodation. If a student cannot identify the relevant University employee for a specific accommodation request or if the student is requesting an exception to a generally applicable University policy, the student may contact the Office of Civil Rights and Title IX (CRTIX) for assistance.

2. Within a reasonably prompt time after the student's request, the University employee and the student should discuss what a reasonable accommodation should include in a given case and attempt to come to an agreement. At a minimum, reasonable accommodations must provide that students be given an opportunity to make up any tests or other work, without penalty, that was missed due to an excused absence for a religious observance.
3. If the student and employee cannot agree on a reasonable accommodation, either or both should seek the advice of the department chair or department supervisor to assist with coming to a consensus. The department chair or department supervisor will consult with CRTIX prior to finalizing a resolution.

~~Students who, acting in accordance with this Policy, miss classes, examinations or other assignments because of a religious practice or belief must be provided with a reasonable alternative opportunity to complete such academic responsibilities. It is the obligation of students to provide faculty with reasonable notice of the dates of religious observances on which they will be absent by submitting a Request for Religious Accommodation Form to their instructor prior to the census date for enrollment for a given semester. The census date for each semester (typically the tenth day of instruction) can be found in UNC Charlotte's academic calendar. A student who submits a Request for Religious Accommodation Form after the census date must show good cause for the late submission, and the late submission itself may be taken into account in determining whether the student has a religious practice or belief requiring accommodation and whether granting the request would create undue hardship.~~

~~The instructor and the student should discuss what a reasonable accommodation should include in a given case. At a minimum, reasonable accommodations must provide that students who are absent on days of examinations or class assignments due to a religious observance have an opportunity to make up the work, without penalty, unless granting the make-up opportunity would create undue hardship.~~

- ~~1. If the instructor and student agree upon a reasonable accommodation, the accommodation is then documented and implemented.~~
- ~~2. If there is no consensus on a reasonable accommodation, either party or both should seek the advice of the department chair. In those cases where a request for a religious accommodation is denied by the instructor, and there is no resolution through discussion with the department chair, the student may pursue a grievance under UNC Charlotte's Student Grievance Procedure. Where a timely request is made by the student but denied by the instructor, the grievance process shall be expedited as much as reasonably possible to ensure that a student pursuing a religious accommodation is not unduly disadvantaged by the passage of time.~~
- 3.4. Excused absences from classes, activities, or examinations for religious observances will not be counted against any mandatory attendance requirements, but they do not relieve students from responsibility for any part of the course work required during the period of absence. The instructor may appropriately respond if the student fails to satisfactorily complete any alternative assignment or examination.

V. Compliance

Failure by an employee to comply with this Policy is a violation of University Policy and subject to disciplinary action in accordance with University Policy 501, Nondiscrimination and/or University Policy 801, Violation of University Policy.

Revision History:

- Interim approved August 27, 2010
- Final approved October 26, 2010
- Updated July 19, 2021
- Revised [date]

Authority: Chancellor

Owner: Academic AffairsInstitutional Integrity

Related Resources:

- NC General Statute 116-11(3a)
- Request for Religious Accommodation FormUniversity Policy 501, Nondiscrimination

- [University Policy 801, Violation of University Policy](#)
- ~~[University Policy 411, Student Grievance Procedure](#)~~
- [Religious Observances Calendar](#)