

SALISBURY UNIVERSITY FACULTY SENATE MOTION

Submit this form to the Faculty Senate President

SUBJECT: APC Report for Religious Accommodations Policy

SENATOR PROPOSING MOTION: Anita Brown

SENATOR SECONDING MOTION: Mark de Socio

MOTION (this section alone will be recorded in the minutes):

With the four additions identified below to the attached Revised Religious Accommodation Policy proposed by the Academic Policy Committee (APC), in May 2024,

1. add the following language at the end of Section IIIA.3

If any party involved in this grievance process, at any time during the grievance review process, has concern that the faculty member was treated with distinction, preference, or detriment as compared to others based on an individual's religion, was harassed or discriminated against, they should refer the grievance to the Office of Institutional Equity (OIE) to be reviewed within the scope of the University's anti-discrimination policies and procedures.

2. add the following language at the end of Section IIIA.5

If any party involved in this grievance process, at any time during the grievance review process, has concern that the staff member was treated with distinction, preference, or detriment as compared to others based on an individual's religion, was harassed or discriminated against, they should refer the grievance to the Office of Institutional Equity (OIE) to be reviewed within the scope of the University's anti-discrimination policies and procedures.

3. add the following language at the end of IIIB.6

If any party involved in this grievance process, at any time during the grievance review process, has concern that the student was treated with distinction, preference, or detriment as compared to others based on an individual's religion, was harassed or discriminated against, they should refer the grievance to the Office of Institutional Equity (OIE) to be reviewed within the scope of the University's anti-discrimination policies and procedures.

4. add the following language at the end of section IV.

D. In regard to revisions, the Faculty Senate shall be regarded as the owner/author of this policy.

the Faculty Senate approves the proposed policy to proceed through the following process:

1. The Faculty Senate (FS) President shall share this proposed policy and the APC response with the Vice President of Inclusion, Access, and Belonging for review and revision with the APC. The APC will bring that revised document to the FS President by November 19, 2024.
2. The Faculty Senate (FS) President shall share this proposed policy and the APC response with the President/Chair of the other four campus governance groups (the Adjunct Faculty Caucus, the Staff Senate, the Student Government Association, the Graduate Student Council) and request feedback from those groups by the end of the Fall semester.
3. At the first Senate meeting of Spring 2025, the FS will decide upon any revisions to the suggested policy based upon the received feedback. The FS President will notify the President/Chair of each of the other four governance groups of any revisions.
4. The FS President will provide the proposed policy, from Step 3, to the Provost and to the Office of the General Counsel for review, discussion, and possible revision with the FS.
5. The General Counsel will present the version of the policy agreed upon in Step 4 to the Cabinet. Any revisions proposed by the Cabinet must be reviewed and approved by the FS.
6. The final approved policy will be placed in Chapter 6 (Teaching and Learning at Salisbury University) of the Faculty Handbook and linked in Chapter 3 (Faculty Leave) of the Faculty Handbook. The final approved policy will also be placed in appropriate locations, including the SU website and MyClasses, for access by all employees and students.

JUSTIFICATION:

In response to Maryland Law that went into effect in July 2023, a temporary SU religious accommodations policy was posted during Summer 2023. The FS charged the APC to review and make recommendations regarding that temporary policy. The APC response to the FS charge, in consideration of the Maryland Law and BOR policy which was revised in December 2023, was sent to the FS and distributed to the Faculty with the revised policy now proposed by the APC. *The APC response includes a justification for each change to the temporary policy that the APC proposed.*

Because Part IIIA of the policy refers to policy for all employees, in May 2024, when the APC sent the response and the proposed policy to the FS, they also sent a copy to the Faculty Welfare Committee (FWC) and to the Staff Senate. The FWC indicated that the policy should more clearly identify that a committee involved in a grievance filed because the employee or student “was not satisfied with the accommodations,” should be able to send the grievance to be reviewed by the Office of Institutional Equity (OIE) before the committee made a decision regarding the grievance. After consultation with the Associate Vice President of Institutional Equity, the APC has suggested the addition of the statements in IIIA.3, IIIA.5, and IIIB.6 identified in this motion. The Staff Senate indicated that it would need time to review the proposed policy.

SU has a policy for development and oversight of university policies. However the central committee in that policy no longer exists. The process for adoption of this policy must be clear. Hence, this motion proposes a similar process to finalize and distribute this policy.

Because the FS is the body to propose the suggested policy and because faculty should be responsible for drafting academic policies (BOR policy indicates that faculty have a primary role in development of academic policies, and Section IIIB is clearly academic policy), and because faculty will clearly be

impacted by all parts of this policy, when review and/or revision is considered, the FS is not willing to approve the policy before final edits are made.

The SU policy for development and oversight of university policies, identifies a policy owner and describes a specific role for revisions to a policy involving the policy owner. The primary role of the FS in the development and possible revision of this policy should always be clear, hence in the policy, the FS should be identified as the policy owner/author (and that change is included in this motion).

ANTICIPATED IMPACT:

Negative:

Until a final policy is approved and posted, SU must operate under the temporary policy.

Positive:

The temporary policy was not reviewed by the APC, by the FS, or by other governance groups. The proposed policy, revised from the temporary policy, provides more clear guidance and more clearly parallels other SU policies, and will produce an official policy.

Is this a recommendation to the Provost? Yes__X__ No____

Is this a recommendation to someone else? No____ Yes, to _____

VOTE: Number of Senators Present:

Motion Passes or Fails:

APC Suggested Revised Policy with Additions Suggested in FS Motion (shown in yellow highlight):

Suggested Revisions to Temporary Policy 08/25/23 appear in green. Notes related to suggested changes appear in maroon.

SALISBURY UNIVERSITY
RELIGIOUS ACCOMMODATION POLICY
I. POLICY

The University's programs, services, and employment shall be available to qualified students, faculty, and staff, regardless of their religious beliefs. Whenever reasonable accommodations may be made, students, faculty, and staff shall not be penalized because of religious observances.

A calendar identifying a variety of religious holidays is included with the [campus calendars](#). While useful, this calendar will not be inclusive of all possible holidays. The Office of the Registrar maintains this calendar.

II. PURPOSE

This policy and its procedures are intended to instruct students, faculty, and staff employees about how to request religious accommodations and how to proceed if reasonable accommodations are not provided. This policy and procedures are intended to comply with University System of Maryland Board of Regents III – 5.10 Policy Concerning the Scheduling of Academic Assignments on Dates of Religious Observance, state law, and federal law.

III. RULES AND PROCEDURES

A. Supervisors of employees are responsible for providing accommodations to employees with appropriate processing of the accommodations occurring through the Office of Human Resources ("HR").

1. When feasible, employees shall request religious accommodations, in writing, through their immediate supervisor, prior to the end of the academic semester preceding the date for which they need a religious accommodation. If this long-term notice is not feasible, employees must make a request for religious accommodations, in writing, through their immediate supervisor, no less than two weeks prior to the date for which they need religious accommodations.
2. Faculty and their department chairs or program directors, with appropriate support from HR, shall work together to develop reasonable accommodations. Faculty who will not be present when they are expected to perform duties will need to use alternate or online instruction and/or collegial coverage, annual leave, or leave without pay in accordance with Chapter 3 of the [SU Faculty Handbook](#). (note this link goes directly to chapter 3)
3. Faculty who are not satisfied with the accommodations provided may follow the SU Policy on Faculty Grievances as provided in Chapter 2 of the [SU Faculty Handbook](#). (note the link goes directly to the grievance policy) If any party involved in this grievance process, at any time during the grievance review process, has concern that the faculty member was treated with distinction, preference, or detriment as compared to others based on an individual's religion, was harassed or discriminated against, they should refer the grievance to the Office of Institutional Equity (OIE) to be reviewed within the scope of the University's anti-discrimination policies and procedures.

4. Staff and their immediate supervisors, with appropriate support from HR, shall work together to develop reasonable accommodations. Staff who will not be present when they are expected to perform duties will need to request to use annual leave, personal leave, unpaid leave, or leave without pay in accordance with Section III of the [SU Staff Employee Handbook](#). (note this link just goes to the handbook, not directly to section III)
5. Staff who are not satisfied with the accommodations provided may follow the SU Policy on Grievances for Exempt and Nonexempt Staff Employees as provided in Section II of the [SU Staff Employee Handbook](#). (note this link just goes to the handbook, not directly to Section II) If any party involved in this grievance process, at any time during the grievance review process, has concern that the staff member was treated with distinction, preference, or detriment as compared to others based on an individual's religion, was harassed or discriminated against, they should refer the grievance to the Office of Institutional Equity (OIE) to be reviewed within the scope of the University's anti-discrimination policies and procedures.
6. Employees who believe they are facing religious discrimination may file complaints with the Office of Institutional Equity in accordance with the [Salisbury University Policy Prohibiting Non-Sex-Based Discrimination](#).

B. Individual instructors and professors are responsible for providing accommodations to students. Faculty will, whenever feasible and reasonable, provide accommodations to students who request accommodations in accordance with this policy and its procedures. Students must request accommodations in advance of an event.

1. To ensure that accommodations may be made, students who plan to miss class for a religious holiday must inform their instructors as soon as possible prior to the last day of drop/add for the semester. A student will need an opportunity to adjust their schedule should the accommodation "fundamentally alter the essential nature of the course or program," "impose an undue hardship upon the institution," or seem likely to impact student success in the course.¹ Contacting a faculty member on the last day of drop/add will be too late to permit a reasonable discussion regarding the accommodation.
2. For other religious observances, to ensure that accommodations may be made, students who will miss class must inform their instructors in writing no later than two weeks prior to the observance date.
3. Accommodations are determined by the instructor. Accommodations may include the ability to make up missed assignments, to complete alternate assignments, to have extended deadlines, to have some assignments excused, or any reasonable approach determined by the instructor.
4. In courses where a certain number of absences without penalty are allowed, or a certain number of assessments are excluded, absences for religious observances may be included in that number. If, during a semester, the total number of missed classes or assessments requested in accordance with this policy exceeds the number permitted without penalty, an instructor must "consider whether increasing the maximum number of allowed absences" or missed assessments "would be a reasonable accommodation."¹ However, if during a semester, the total number of missed classes or missed assessments exceeds the number permitted without penalty, penalties may be enacted for missed classes or assessments not in accordance with this policy or the Emergency Absence Policy.
5. Students should be aware that missing classes for religious observation does not exempt students from completion of assignments or from understanding material covered. Students should also be aware that even if accommodations are made, those accommodations may not provide the same experience as

¹ Quotes are from USM III-5.10 Policy.

attending class or completing activities in the manner designed for the class. Thus, it is possible that, even when accommodations are made, student success in a course may be impacted by time missed. In some courses, missing more than a week's worth of classes (or even fewer classes during shorter terms), even when accommodations are made, may hinder the feasibility of successful completion of the course. If religious accommodations could cause a student to miss significant critical components of a course, the student should consider enrolling in a different section of the course, a different semester, or a different course with reduced impact.

6. Students who feel that the accommodations provided were not adequate may file a grievance following the grievance policy identified at <https://www.salisbury.edu/administration/academic-affairs/grievance-policy.aspx>. If any party involved in this grievance process, at any time during the grievance review process, has concern that the student was treated with distinction, preference, or detriment as compared to others based on an individual's religion, was harassed or discriminated against, they should refer the grievance to the Office of Institutional Equity (OIE) to be reviewed within the scope of the University's anti-discrimination policies and procedures.
7. Students who believe they are facing discrimination based on their religions may file complaints with the Office of Institutional Equity in accordance with the [Salisbury University Policy Prohibiting Non-Sex-Based Discrimination](#).

IV. RESPONSIBLE DEPARTMENTS

- A. Supervisors, with appropriate support from the Office of Human Resources, are responsible for providing employment accommodations to employees.
- B. Faculty members are responsible for providing academic accommodations to students.
- C. The Office of Institutional Equity is responsible for handling reports of noncompliance with this policy in accordance with the [Salisbury University Policy Prohibiting Non-Sex-Based Discrimination](#).
- D. In regard to revisions, the Faculty Senate shall be regarded as the owner/author of this policy.