

## Handbook of Operating Procedures

### RELIGIOUS ACCOMMODATIONS

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#### A. Purpose

The purpose of this policy is to set forth the commitment of The University of Texas Rio Grande Valley (UTRGV) to provide an academic and work environment that is respectful of the religious beliefs of its students and employees, and to establish the process for providing religious accommodations in accordance with federal and state laws and regulations.

#### B. Persons Affected

This policy applies to students, staff, faculty, prospective and entering students, and applicants for employment at UTRGV.

#### C. Policy

It is the policy of UTRGV to provide reasonable accommodations to individuals whose religious beliefs or observance conflict with an academic or employment requirement. A reasonable accommodation is one that is not a fundamental modification to requirements essential to the academic or work environment and does not create an undue hardship or burden to UTRGV.

#### D. Procedures

##### 1. *Requests for Religious Accommodations Generally*

- a. Students, employees, and applicants for employment or admission seeking a religious accommodation should complete and submit a Request for Religious Accommodation form.
- b. The request should:
  - i. explain the religious belief, practice, or observance and how it conflicts with the academic or work requirement;
  - ii. describe the accommodation and how it would enable meeting the religious belief, practice, or observance without impacting fundamental academic or work requirements; and
  - iii. be submitted timely (generally at least twenty (20) calendar days) in advance of when the accommodation is needed.
- c. Individuals seeking an accommodation may be required to provide additional documentation or information about the religious or spiritual practice(s) or belief(s) upon request.

## 2. *Requests by Employees or Applicants for Employment*

- a. Employees or applicants for employment should submit a request for accommodation using the [Request for Religious Accommodation](#) form. The Office of Human Resources will review and assess the request considering factors including but not limited to the:
  - i. essential functions of the job;
  - ii. duties of and impact on other employees in the department or office;
  - iii. duration of the accommodation request;
  - iv. impact of the accommodation on the operation of the business; and
  - v. the availability of other accommodations.
- b. As part of the interactive process, the Office of Human Resources may confer with the applicant or employee, employee's supervisor, the department or office, or with other affected stakeholder(s) to evaluate or grant a reasonable accommodation.

## 3. *Absence Requests by Students*

- a. Students seeking an absence to observe religious holy day(s) as outlined in the undergraduate or graduate catalog should submit their requests to the faculty member instructing the impacted class or classes, or to the Dean of Students (or designee). Students are required to:
  - i. provide a written request for accommodation;
  - ii. explain the reason for the request and the specific accommodation requested;
  - iii. timely submit their request by the census date of the term; and
  - iv. provide any documentation needed by the reviewer of the request.
- b. Students participating in an internship or clinical placement program must also provide advance notice to their internship or clinical placement supervisor prior to any absence. Students should understand that if an accommodation is granted, missing time from an internship or clinical placement may require the student to make up work or repeat the internship or clinical placement at a later time.
- c. The faculty member who timely receives a student's absence request to observe a religious holy day should grant the request and provide a reasonable time after the absence to take an examination or complete an assignment scheduled for the day of absence.

## 4. *Requests by Students for Other Religious Accommodations*

- a. Students seeking other religious accommodations should submit the [Request for Religious Accommodation](#) form.
- b. The Dean of Students, or designee, who receives a student request for other religious accommodations should review and assess the request with the applicable faculty

members (i.e. the course instructor, the chair of the department, and the Dean of the College or designee) to evaluate or grant a reasonable accommodation. The interactive process will consider factors including but not limited to the:

- i. fundamental requirements of the course, academic program or related technical standards;
- ii. duration of the accommodation request;
- iii. impact of the accommodation on the other students;
- iv. pedagogical implications; and
- v. availability of other accommodations when making the determination regarding the request.

#### 5. *Periodic Review*

If a reasonable accommodation is approved for an extended period of time, the Office of Human Resources or Dean of Students (or designee), as applicable, must periodically confer with the accommodated individual to determine whether continuation, modification, or discontinuation of the accommodation granted is appropriate.

#### 6. *Confidentiality of Records*

All offices and individuals responsible for reviewing and analyzing requests for accommodations will maintain the confidentiality of all records related to the request.

- a. Documentation regarding an employee's request for religious accommodation will be maintained separate from the employee's official personnel file and will be accessible only to authorized personnel.
- b. Documentation regarding students requesting absences for religious holy days will be maintained by the faculty member or the Dean of Students, as applicable, and will be accessible only to authorized personnel.
- c. Documentation regarding a student's request for religious accommodation not related to absences will be maintained by the Dean of Students and will be accessible only to authorized personnel.

#### 7. *Complaint Procedures for Faculty, Staff, Students, or Applicants for Employment*

- a. Filing a complaint - Faculty, staff, students, or applicants for employment with complaints against UTRGV alleging religious discrimination or retaliation for having requested a religious accommodation shall provide complaints in writing to the Office of Title IX and Equal Opportunity in accordance with UTRGV *Handbook of Operating Procedures* Policy [ADM 03-100 Non-Discrimination and Complaint Procedure](#).
  - i. The complaint must be made as soon as possible after the action complained of occurs, which in most cases should not exceed ten (10) working days unless the

- complainant obtains approval from the Chief Equal Opportunity and Title IX Officer or designee.
- ii. A complaint must contain the name, address, and phone number of the person filing it, a brief description of the alleged violation, and any documents supporting the complaint.
- b. Investigation of a complaint - The Office of Title IX and Equal Opportunity or designee will investigate the complaint. This procedure will afford interested persons an opportunity to submit evidence relevant to the complaint.
- i. A written statement containing the determination or a suggested resolution shall be sent to the complainant within a reasonable time after receipt of the complaint.
  - ii. The Office of Title IX and Equal Opportunity shall maintain all records related to the complaint.
  - iii. The decision of the Office of Title IX and Equal Opportunity is final.
- c. Untimely complaints - Failure of a complainant to process a complaint within the specified time will constitute abandonment of the complaint, unless an extension has been approved in writing by the Office of Title IX and Equal Opportunity.

#### **E. Definitions**

1. Essential Functions – Tasks that are fundamental, not marginal, to the performance of an employee’s job or to UTRGV courses, academic programs, services, or activities.
2. Reasonable Accommodation –A reasonable change in the work or academic environment that enables an individual to practice or observe a sincerely held religious belief or practice, but which does not fundamentally alter the academic or work environment or create an undue hardship to UTRGV.
3. Religious Belief or Practice – A belief, practice, or observance that includes moral or ethical beliefs as to what is right and wrong, that is sincerely held with the strength of traditional religious views, even if no religious group espouses such beliefs, or the religious group to which the individual professes to belong may not accept such belief. Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs or practices.
4. Religious Holy Day – A holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, *Texas Tax Code*.
5. Undue Hardship – Any accommodation that would cause an undue hardship on the operations of UTRGV. In determining whether a religious accommodation would impose an undue burden or hardship, factors to be considered include (without limitation) the nature of the accommodation; financial considerations; the impact of the accommodation upon the nature and operation of the department or whether the accommodation would fundamentally alter the essential elements of a program or position, course or degree requirements, or

requirements for instruction; and the effect of the request on the health and safety of other employees, students, or other members of the UTRGV community.

**F. Related Statutes or Regulations, Rules, Policies, or Standards**

42 U.S.C. §§ 2000e-2000e-17, Title VII of the Civil Rights Act of 1964 (as amended)

42 U.S.C. §§ 2000d *et seq.*, Title VI of the Civil Rights Act of 1964 (as amended)

Chapter 21, *Texas Labor Code*

Section 51.911, *Texas Education Code* (Religious Holy Days)

Section 11.20, *Texas Tax Code* (Religious Organizations)

19 *Texas Administrative Code*, Part 1, Chapter 4, Subchapter A, §4.4 (Student Absences on Religious Holy Days)

[ADM 03-100 Non-Discrimination and Complaint Procedure](#)

**G. Dates Reviewed or Amended**

Not applicable.