MSA proposal for new policy and procedures regarding religious observance

Note: the Full MSA proposal is 83 pages and documents the process by which the MSA has arrived at the proposed revision of MU policy on religious observance. This is an excerpt of the key documents thereof. These are:

Pages 2-3: Background on proposed policy revision
Page 4: Current MU faculty handbook statement on religious observances
Pages 5-6: The joint resolution of the MSA (original proposal) with seven other student governance bodies and organizations
Pages 7-8: Proposed new guidelines for accommodations for religious observance
Pages 9-10: Proposed forms for request for (student) and approval/denial of (instructor) accommodations
**MSA RELIGIOUS OBSERVANCE POLICY REVISION BRIEF**

*For the purpose of MU Faculty Council consideration*

*Spring 2015*

**Brief Overview:** Our brief begins with an article from Insight Magazine that explains the importance of proactive university actions regarding religious accommodation. Conflicts between instructional practices and the religious practices of a diverse student body are inevitable, unfortunately however, a number of universities have been too reactive. The University of Missouri has a choice—proactivity or reactivity. As Charles Hayne, director of the Religious Freedom Education Project at the Newseum Institute in Washington D.C. would put it, the question facing similar universities is whether to "buy the fire truck before the fire or after". MSA is confident that the proposed religious observance revision contained in the brief is proactive, consistent with the diversity goals of the University of Missouri, and is also the most responsible course of practical policy.

Our brief next examines the religious observance policy of the University of Georgia who was criticized by Insight. Georgia’s policy lacks clear and firm direction and also lacks any formal system of implementation that would serve to increase campus-wide religious awareness. Georgia also recommends that its staff use a very complicated religious calendar in order to educate themselves. As recent as 2014, the University of Georgia Administration resorted to requesting religious sensitivity via email and included provisions that would be most valuable if actually included in university policy. In comparison, the University of Missouri Religious Observance Policy also lacks clear and firm direction. The policy which “encourages” staff to make religious accommodations leaves much to ambiguity: is accommodation required under the university discrimination procedure (as some on campus would argue)? What should occur in instances of disagreement? What is the standard of reasonableness? etc. The University of Missouri similarly directs staff to use the same complicated religious calendar endorsed by the University of Georgia. Improvements in the University of Missouri Religious Observance Policy are valuable, and necessary to sustain a healthy religious diversity on campus.

Next, our brief includes a suggestion for a more effective religious observance policy: MSA Resolution 54-11. This piece of legislation has received campus wide support from various religious groups, hundreds of students (who have attached signatures to the resolution), and also from other student leadership organizations including the Graduate Professional Council, Four Front, Legion of Black Collegians, Residents Hall Association (representing major student governments on campus). An important supplement that further explains the philosophies of the resolution and responds to faculty questions posed at the MSA presentation to faculty council in November of 2014 follows Resolution 54-11. We are confident Resolution 54-11 is consistent with the general framework of the University of Missouri’s Student Absences Policy listed in Article IV of the Faculty Council Handbook, and is within the framework of the philosophies of the State of Missouri. We are also confident that Resolution 54-11 would appropriately direct University of Missouri staff to internal resources provided by MizzouDiversity – instead of a confusing calendar – which would make religious policy more effective.
Greater utilization of MizzouDiversity (a product of the Chancellor's Diversity Initiative) is one suggestion for improvement, but our brief continues on to examine the religious observance policy of numerous universities across the country in order to recommend a comprehensive strategy for practically implementing Resolution 54-11. The following sections include religious observance policies taken from selective non-SEC Conference universities, SEC Conference universities, non-sec large state universities, as well as other universities within the state of Missouri. Unique characteristics from each school have been underlined throughout the brief. Our brief concludes with a suggested means of practically implementing Resolution 54-11 based on information gained from researching the policies of other universities.
Religious Observance

It is the policy of the University of Missouri-Columbia to respect the diversity of our students. Students may want to observe religious holidays and days of special commemoration. The faculty is encouraged to excuse students who have a conflict with a class period, test or activity because of these obligations. An interfaith calendar of primary sacred times for world religions is available at: www.interfaithcalendar.org.
Joint Resolution No. FS14-01
A Resolution to Urge a Change to the University of Missouri's Religious Observance Policy

BE IT ENACTED BY THE JOINT SESSION OF THE UNIVERSITY OF MISSOURI STUDENT GOVERNMENT BODIES HERE GATHERED THAT:

WHEREAS, the University of Missouri-Columbia is an institution committed to respecting the diversity of students; and

WHEREAS, students at the University of Missouri-Columbia represent diverse religious observance practices; and

WHEREAS, the current Religious Observance policy of the University of Missouri-Columbia expresses no clear requirement to respect the diverse religious observance practices of students; and

WHEREAS, many students express confusion, perceptions of inconsistency, and feelings of injustice resulting from experiences with the current Religious Observance policy of the university; and

WHEREAS, a Religious Observance policy that clearly requires respect for the diverse religious observance practices of students will educate, enhance, and protect members of the University of Missouri-Columbia community; and

WHEREAS, numerous other universities, including the University of Missouri-St. Louis and the University of Missouri-Kansas City, have embraced clear requirements to respect the diverse religious observance practices of students with much success; be it

RESOLVED, by majority vote of the Joint Session here gathered that the Joint Session suggests a revision to the current religious observance policy of the university and urges the University of Missouri Faculty Council to take action on this suggestion; and be it further

RESOLVED, that the exact wording of the proposed revision be as follows:

"It is the policy of the University of Missouri-Columbia to respect the diversity of our students. In accordance with this policy the university makes every reasonable effort to accommodate the sincerely held religious observance obligations of students. Any student who is absent from class or unable to complete an assignment because of his/her sincerely held religious observance obligation shall be given the opportunity to make up any relevant work, without penalty, unless it can be demonstrated that such an
opportunity would create a significant and insurmountable hardship upon the quality of the course. It is the responsibility of students to provide faculty with advanced notice of the dates of religious observances obligations on which they will be unable to attend class or complete an assignment. Such notice must be provided by the add/drop deadline of the given term to receive full consideration. Absence from classes or assignments due to religious observance obligations shall not be construed to relieve students from responsibility for any part of the course work required during the period of absence. It is the responsibility of the student and the relevant instructor(s) to determine the conditions under which work will be made up in a timely and reasonable manner. Should disagreement arise over any aspect of this policy, faculty should consult first the Department Chair, then the Dean of the School, and finally, if necessary, the office of the Provost for final resolution. On occasions when accommodation for religious observance is denied students may wish to appeal the decision per the University Discrimination Grievance Procedure for Students outlined in the Collected Rules and Regulations of the Provost 390.010 through the Office of MU Equity.”

SUBMITTED,

Alex Nidkum  Ben Vega
MSA Senator  MSA Senate Academic Affairs Chairman

Steven Chaffin Jr.  Thalia Sass
RHA President  President - Jewish Students Organization

Ben Bolin  Samantha Brown  Nathan Willett
MSA Senate Speaker  Senator  Senator
UNIVERSITY OF MISSOURI
FACULTY GUIDELINES FOR STUDENT RELIGIOUS ACCOMODATIONS

Working Policy

It is a long-standing policy of the University of Missouri to respect the diversity of our students. Various religious faiths are represented in the University of Missouri student body. The University of Missouri does not restrict student free exercise of religion, unless 1) the restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and 2) it can be demonstrated that the application of the restriction is essential to furthering a compelling university interest, and is not unduly restrictive considering the relevant circumstance. The policy of the University attempts to strike a reasonable balance between accommodating the religious practice of students and meeting academic needs and standards.

Guidelines

In accordance with the Universities stance on religious freedoms, the University makes every reasonable effort to accommodate the sincerely held religious practices of students. Any student who is absent from class, or is unable to complete an assignment because of a religious practice based upon a sincerely held religious belief shall be given the opportunity to submit any relevant work, without penalty, unless it can be demonstrated that doing so would impose undue hardship upon the quality of the course, or upon the University.

If the grade of the course is dependent upon attendance, the student shall not be penalized for any absences resulting from excused religious practice. Additionally, course attendance policies that allow for a specific number of dates to be missed without impact on a student’s grade should not count absences resulting from excused religious practice within that number. A student who is to be excused from class for a religious practice based upon a sincerely held religious belief is not required to provide a second party certification for the reason of absence, or to be required to prove attendance at religious services insofar as the request is submitted before the add/drop deadline of the course. The University of Missouri does not recognize a minimum or maximum number of excused absences to be allocated for sincerely held religious practice; all excused absences are contingent upon the relevant circumstances of the course, and may be restricted in cases where undue hardship can be demonstrated.

The University of Missouri also makes every reasonable effort to permit students to engage in religious expression, unless it can be demonstrated that doing so is in direct conflict with a compelling university interest or is contrary to established university policy.

Definitions

Exercise of religion: an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

Demonstrate: the burden of going forward with the evidence and of persuasion.

Reasonable accommodation: any change in an academic course or program of study with respect to the way tasks or responsibilities are customarily done that enables a student to observe a sincerely held religious practice or belief without creating undue hardship.

Sincerely held: held with the strength of traditional religious views.
Undue hardship: Occurs when granting a requested accommodation would require significant expense or difficulty for the University, or would result in the inability of the student to perform an essential function of the student’s course or program of study. The determination of undue hardship is dependent upon the facts of each individual situation.

Procedure

1. Students should provide the relevant instructor(s) with advanced notice of the dates on which they will be unable to attend class or complete an assignment due to sincerely held religious practice via the “Student Request for Religious Accommodation Form” which can be found on the website of the Office of MU Equity (equity.missouri.edu). In order to receive full consideration, notice should be hand delivered to the relevant instructor(s) by the add/drop deadline of the given term. An instructor may deny a student’s request for an excused absence on the grounds that the request was not made before the add/drop deadline of the course.

2. The student and the relevant instructor(s) should then determine the conditions under which work will be submitted in a timely and reasonable manner. The process shall be expedited as much as reasonably possible in order to ensure that a student pursuing a religious practice excusal is not unduly disadvantaged by the passage of time. Instructors reserve the right to insist that course work to be missed should be completed prior to the anticipated absence, and in no way shall this policy be construed to relieve students from responsibility for any part of the course work required during the period of absence. Additionally, instructors are not required to consider extended accommodations for the purpose of allowing students to travel away from Columbia, MO for religious practice.

3. The student and relevant instructor(s), should complete and sign the “Student Request for Religious Accommodation Form”. The instructor should return the completed form to the student, submit a copy to the program department office, and keep a personal copy of the form on file – per the instructions outlined on the form.

4. Should disagreement arise over any aspect of this policy, parties should consult first the Department Chair, then the Dean of the School, and finally, if necessary, the office of the Provost for final resolution.

5. On occasions when accommodation of religious practice is denied, students may wish to appeal the decision in reference to the University Discrimination Grievance Procedure for Students outlined in the Collected Rules and Regulations of the Provost 390.010. Such appeal should be submitted to the Office of MU Equity.

Faculty are encouraged to consult the MU Guide to Religions available through the MizzouDiversity website before making decisions pertaining to religious accommodation (diversity.missouri.edu).

Compliance

Failure to comply with these Guidelines may be a violation of University of Missouri policy.

390.010 Discrimination Grievance Procedure for Students:

“It is the policy of the University of Missouri to provide equal opportunity for all enrolled students and applicants for admission to the University on the basis of merit without discrimination on the basis of their race, color, religion, sex, sexual orientation, national origin, age or disability, or Vietnam era veteran status.”
UNIVERSITY OF MISSOURI STUDENT REQUEST FOR ACCOMMODATION OF RELIGIOUS PRACTICE

It is a long-standing policy of the University of Missouri to respect the diversity of our students. Various religious faiths are represented in the University of Missouri student body. The University of Missouri does not restrict student free exercise of religion, unless 1) the restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and 2) it can be demonstrated that the application of the restriction is essential to furthering a compelling university interest, and is not unduly restrictive considering the relevant circumstance. The policy of the University attempts to strike a reasonable balance between accommodating the religious practice of students and meeting academic needs and standards.

This form can only be used to notify an instructor of an absence associated with religious practice. Students are expected to notify their instructor(s) by completing and submitting this form in a manner that is consistent with the procedure outlined in the University’s policy on student religious accommodation. Providing false information regarding sincerely held religious practice is a violation of the University’s Standard of Conduct and will not be tolerated.

**Student Information**

Name of Student: ___________________________ Date of Submission: ______________

Student ID #: ___________________ University Email: _________________________

Instructor Name: ____________________________

Department: ___________________ Course Number & Section: ____________________

**Request for Accommodation**

A reasonable accommodation is any change in an academic course or program of study with respect to the way tasks or responsibilities are customarily done that enables a student to observe a sincerely held religious practice or belief without creating undue hardship. Please provide the following information:

What specific class accommodation(s) do you request (e.g., excused absence, rescheduling of an exam or other class requirement)?

____________________________________________________________________

____________________________________________________________________

Please identify your religious practice or belief and state how the requested accommodation enables you to participate in your religious practice or belief.

____________________________________________________________________

____________________________________________________________________

Please state the date(s) & frequency of requested accommodation within the academic semester.

____________________________________________________________________

____________________________________________________________________
UNIVERSITY OF MISSOURI STUDENT REQUEST FOR ACCOMMODATION OF RELIGIOUS PRACTICE

FOR INSTRUCTOR USE ONLY

Name of student: ___________________________ Date of submission: __________

Select one of the following options:

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<tr>
<th>OPTION 1: Accommodation Approval</th>
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<td>What specific accommodation will be provided?</td>
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<td>State date(s) or duration for the accommodation:</td>
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<td>Instructor signature: ______________ Date: __________</td>
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<tr>
<th>OPTION 2. Accommodation Denial</th>
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<tr>
<td>Ultimate outcome and reason for denial, e.g., requested accommodation required significant expense or difficulty, including a significant interference with the essential functions of the course and/or program of study (specify):</td>
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<td>Should disagreement arise over any aspect of this policy, parties should consult first the Department Chair, then the Dean of the School, and finally, if necessary, the office of the Provost for final resolution.</td>
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<tr>
<td>Instructor signature: ______________ Date: __________</td>
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RETURN THE COMPLETED FORM TO THE STUDENT
SUBMIT A COPY TO THE DEPARTMENT OFFICE
KEEP A COPY OF THIS FORM IN YOUR FILES

_proposed March 2015 MU MSA_