

## 1. GENERAL

Title VII of the Civil Rights Act of 1964 requires that employers make every effort to provide reasonable accommodation, “without undue hardship,” of the religious practices of employees. After an employee notifies the employer of his/her need for a religious accommodation, the employer has an obligation to reasonably accommodate the individual’s religious practices. A refusal to accommodate is justified only when the employer can demonstrate that an “undue hardship” would, in fact, result from the accommodation. An employer may assert undue hardship to justify a refusal to accommodate an employee’s need to be absent from his/her scheduled duty hours, if the employer can demonstrate that the accommodation would require more than a de minimus cost.

- 1.01 Reasonable accommodation without undue hardship for religious beliefs or practices at Sam Houston State University is facilitated when a voluntary substitute faculty member with substantially similar qualifications is available at the dates and times required. In order to facilitate securing of voluntary substitutes with substantially similar qualifications, the university desires to promote an atmosphere of collegial cooperation among its faculty members in which such substitutions are favorably regarded.
- 1.02 Another means of providing reasonable accommodation for the religious beliefs and practices of employees is the creation of a flexible work schedule for individuals requesting accommodation. Examples of areas in which flexibility might be introduced are: flexible arrival and departure times; staggered work hours; and permitting an employee to make up time lost to the observance of religious practices.
- 1.03 In most cases whether or not a practice or belief is religious is not an issue; however, in those cases in which the issue does exist, the Equal Employment Opportunity Commission will define religious practices to include moral or ethical beliefs as to what is right or wrong which are sincerely held with the strength of traditional religious views. This standard was developed in *United States v Seeger*, 380 U.S. 163 (1965) and *Welch v United States*, 398 U. S. 333 (1970). The phrase “religious practice” includes both religious observances and practices.

## 2. PROCEDURES

- 2.01 A faculty member wishing to observe religious holy dates normally scheduled as work days during long semesters or summer sessions will notify the head of the academic administrative unit in writing of the faculty member's desire to be absent and the day(s) involved.
- a. The written notification will be submitted at least 30 days prior to the semester or summer session during which the absence is requested.
  - b. The head of the academic administrative unit will make reasonable effort to assist the faculty member in the accommodation of his/her request. It will, however, be the faculty member's responsibility to obtain a voluntary substitute for classes or duties to be missed during the faculty member's absence.
  - c. The head of each academic administrative unit is responsible for encouraging an atmosphere of cooperation and accommodation among the faculty members within the academic unit in such cases.
- 2.02 A reduction in a faculty member's salary will not be made during the periods of authorized absence for the observance of holy days. Each faculty member, however, requesting special accommodation because of religious beliefs or practices, will be expected to respond on a quid pro quo basis to other faculty members within the same academic unit who may desire a similar accommodation.

APPROVED: \_\_\_\_\_/signed/  
James F. Gaertner, President

DATED: \_\_\_\_\_08/10/04\_\_\_\_\_

### **CERTIFICATION STATEMENT**

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents Sam Houston State University's Division of Academic Affairs' APS from the date of this document until superseded.

Original Date: September 15, 1986  
Reviewer(s): Academic Policy Council

Review Cycle: September 1, ENY\*  
Review Date: September 1, 2006

Approved: \_\_\_\_\_/signed/\_\_\_\_\_  
David E. Payne  
Provost and Vice President  
for Academic Affairs

Date: \_\_\_\_\_ 07/29/04

\*=Even Numbered Year