



XAVIER UNIVERSITY

Religious Accommodation

Effective: February 17, 2014

Last Updated: February 17, 2014

Responsible University Office: Human Resources

Responsible Executive: Associate Vice President for Human Resources

Approved: Cabinet

Scope: All University Employees

A. REASON FOR POLICY

Consistent with Xavier's commitment to recruiting and retaining a diverse workforce, to interfaith engagement, and to cura personalis, it prohibits discrimination in any of the terms and conditions of employment on the basis of religion. Therefore, it will attempt, upon request, to reasonably accommodate an employee whose sincerely held religious belief or practice conflicts with a work requirement, unless doing so would pose an undue hardship.

B. POLICY

As a Jesuit Catholic university rooted in the Ignatian tradition of interfaith engagement, Xavier University respects the religious beliefs and practices of its employees and prospective employees and does not tolerate religious discrimination. Consistent with these values, federal and state law, and University policy, the University will attempt to make, upon request, reasonable accommodations to alleviate conflicts between employees' religious practices and work requirements, unless doing so would impose an undue hardship.

Faculty and staff supervisors are expected to accommodate requests for absences for work-restricted religious holy days, unless it would cause an undue hardship. In cases where the holy days are not work-restricted, supervisors of faculty and staff should be sensitive to requests for accommodations.

Accommodations may include, but not be limited to, providing un-paid leave for religious observances, providing a time and/or place to pray, and or providing the flexibility to wear religious attire.

The University is not required to provide an accommodation that imposes an undue hardship or that would interfere with an employee's ability to perform the essential functions of his/her job. A reasonable accommodation need not be the specific accommodation requested by the employee, and supervisors should explore alternative accommodations if the proposed accommodation causes undue hardship.

DEFINITIONS

- **Religion** is very broadly defined under Title VII. Religious beliefs, practices, and observances include those that are theistic in nature, as well as non-theistic "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views." Religious beliefs can include unique views held by a few or even one individual; however, mere personal preferences are not religious beliefs. Title VII requires employers to accommodate religious beliefs, practices, and observances if the beliefs are "sincerely held" and the reasonable accommodation poses no undue hardship on the employer. See *EEOC Compliance Manual*, Section 12, "Religious Accommodation," February 28, 2011 (available at <http://www.eeoc.gov/policy/docs/religion.html>).
- **Religious Practices:** The EEOC defines religious practices "to include moral or ethical beliefs as to what is right and 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 *Welsh v. United States*, 398 U.S. 333 (1970). The Commission has consistently applied this standard in its decisions. The fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee or prospective employee." The phrase 'religious practice' "includes both religious observances and practices, as stated in section 701(j), 42 U.S.C. 2000e(j). See. 29 C.F. R. §1605.1 (available at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol4/xml/CFR-2011-title29-vol4-part1605.xml>.)

- **Reasonable Accommodation:** A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to comply with his or her religious beliefs and such accommodation must be determined on a case by case basis by the employer. “An accommodation is not “reasonable” if it merely lessens rather than eliminates the conflict between religion and work, provided eliminating the conflict would not impose an undue hardship. Eliminating the conflict between a work rule and an employee’s religious belief, practice, or observance means accommodating the employee without unnecessarily disadvantaging the employee’s terms, conditions, or privileges of employment¹.” **Undue Hardship:** An accommodation requiring more than *de minimus* cost. *De minimus* can mean different things in different contexts. For a further explanation of meaning, please review the *EEOC Compliance Manual* available at <http://www.eeoc.gov/policy/docs/religion.html>
- **Work-Restricted Holy Day:** A recognized denominational sacred or holy day that is observed by persons or groups who are required - through a set or system of religious beliefs, laws/doctrines, tenets, canons or theology - to restrict or limit work and/or physical or mental activity directed toward the production or accomplishment of something; toil; labor. This definition may include academic endeavors (e.g. examinations, classroom activities and research, or out-of-classroom learning experiences). Examples include, and are not limit to, Yom Kippur (Jewish), Íd al-Fitr (Islam), Krishna Janmashtami (Hindu) and Bahá’úllah's Birthday (Bahá’í). There are no work-restricted holy days within the Christian faith.

D. PROCEDURES

An individual requesting a religious-based workplace accommodation should make the request in writing to his/her supervisor or department chair using the Request for Religious Accommodation Form

<http://www.xavier.edu/hr/documents/XavierReligiousAccommodationForm.pdf>. The request should detail the nature of the work conflict and possible accommodations. The supervisor will consider requests for accommodation on an individual basis. If the requested accommodation would impose undue hardship, supervisors should explore alternative accommodations.

As much advanced notice as possible should be provided to the supervisor in order to ensure appropriate coverage and operations can be maintained.

When an accommodation is agreed upon, the supervisor should document it in writing on the Form and forward a copy of the Form to the Office of Human Resources. For accommodations impacting student/faculty class work, the process set out in the Student Handbook should be reviewed and followed. In the event that an employee disagrees with the supervisor’s determination, he/she may consult with the Office of Human Resources or appeal through the normal grievance process.

¹ See EEOC Compliance Manual, Section 12, "Religious Accommodation,"
<http://www.eeoc.gov/policy/docs/religion.html>.

Other applicable policies and/or resources:

Equal Employment Opportunity

Hours of Work

Grievance and Appeals

Harassment Code and Accountability Procedures Calendar
of Religious Holy Days and Observances

Xavier University Student Handbook - 1.5.3. Observance of Religious Holiday