

MEMORANDUM

TO: Amy Nielsen, Executive Secretary
Faculty Senate

FROM: Becky Bitter, Registrar's Office

FOR: Academic Affairs Committee

DATE: 11 September 2019

SUBJECT: Proposal to Revise Rule 82

At its meeting on September 10, 2019, AAC approved a proposal to revise the rule on accommodations of religious observances in order to meet the recently approved language in Substitute Senate Bill 5166, from the 2019 Regular Session. (Passed by the WA State Senate April 19, 2019. Passed by the House April 10, 2019. Approved by the Governor April 29, 2019.) The effective date is July 28th, 2019.

The following pages include the copy with markup; the clean copy; the legislation; and the text to be included in the online syllabus guidelines.

At this time, Faculty Senate review and approval is recommended, to be effective immediately, fall 2019.

82. ACCOMMODATIONS FOR ABSENCE DUE TO ~~OF~~ RELIGIOUS OBSERVANCES IN THE ADMINISTRATION OF EXAMINATIONS

Washington State University is committed to providing people of diverse religious backgrounds access to education. The university reasonably accommodates absences allowing for students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization.

In addition, law requires reasonable accommodation of religious beliefs and practices so that students' grades are not adversely impacted by the absences. ~~Because religious observances do not always conform to state and university holidays, tests or examinations that fall on these religious observances require reasonable accommodation.~~ The university will provide reasonable accommodation consistent with the fair, efficient and secure administration of its programs, and consistent with state law.

- Instructors must reasonably accommodate students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of the course. "Reasonably accommodate" means coordinating with the student on scheduling examinations or other activities necessary for completion of the course and includes offering different times for examinations or activities.
- Any student seeking reasonable accommodations under this section must provide written notice to the instructor, within the first two weeks of the beginning of the course and include the specific dates for absences. Absence from classes or examinations for religious reasons does not relieve students from responsibility for any part of the course work required during the period of absence.
- The instructor shall inform the student of the decision in writing within seven calendar days of the receipt of the request.
- Approved accommodations for absences will not adversely impact student grades.
- The university provides notice to students of this policy on the university's web site and in course or program syllabi, including grievance procedures.

~~When tests or examinations fall on one or two days objectionable to a student because of religious beliefs, the student shall provide the instructor written notice 14 calendar days prior to the holiday. The written notice shall specify the date(s) and the reasonable accommodation requested. If the request appears to be made in good conscience, the instructor shall make alternate arrangements for administration of the examination or test, considering the integrity of the testing process and fairness to all the students. The instructor shall inform the student of the decision in writing within seven calendar days of the receipt of the request.~~

Any student who believes that she or he has not been appropriately accommodated under this policy may seek review of the decision by sending a written request to the chairperson of the department offering the course, as soon as possible and no later than seven days after learning of the instructor's decision. After the chair's decision, the student or the instructor may appeal to the dean's office. Appeals to the dean's office must be presented in writing within seven calendar days of the chair's decision. The decision of the dean or associate dean shall be made within seven calendar days and is final. The University Ombudsman is available at any stage for advice or assistance in resolving requests for accommodation. Students should understand that fairness in the examination process is an important consideration in the educational process and that they do have a duty to cooperate in making alternate arrangements.

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82. ACCOMMODATIONS FOR ABSENCE DUE TO RELIGIOUS OBSERVANCES

Washington State University is committed to providing people of diverse religious backgrounds access to education. The university reasonably accommodates absences allowing for students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization.

In addition, law requires reasonable accommodation of religious beliefs and practices so that students' grades are not adversely impacted by the absences. The university will provide reasonable accommodation consistent with the fair, efficient and secure administration of its programs, and consistent with state law.

- Instructors must reasonably accommodate students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of the course. "Reasonably accommodate" means coordinating with the student on scheduling examinations or other activities necessary for completion of the course and includes offering different times for examinations or activities.
- Any student seeking reasonable accommodations under this section must provide written notice to the instructor, within the first two weeks of the beginning of the course and include the specific dates for absences. Absence from classes or examinations for religious reasons does not relieve students from responsibility for any part of the course work required during the period of absence.
- The instructor shall inform the student of the decision in writing within seven calendar days of the receipt of the request.
- Approved accommodations for absences will not adversely impact student grades.
- The university provides notice to students of this policy on the university's web site and in course or program syllabi, including grievance procedures.

Any student who believes that she or he has not been appropriately accommodated under this policy may seek review of the decision by sending a written request to the chairperson of the department offering the course, as soon as possible and no later than seven days after learning of the instructor's decision. After the chair's decision, the student or the instructor may appeal to the dean's office. Appeals to the dean's office must be presented in writing within seven calendar days

of the chair's decision. The decision of the dean or associate dean shall be made within seven calendar days and is final. The University Ombudsman is available at any stage for advice or assistance in resolving requests for accommodation. Students should understand that fairness in the examination process is an important consideration in the educational process and that they do have a duty to cooperate in making alternate arrangements.

For reference. The following is from the Legislation (Substitute Senate Bill 5166)

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 28B.10.039 and 2014 c 168 s 4 are each amended to read as follows: ~~((Institutions of higher education))~~

(1) Postsecondary educational institutions must develop policies to accommodate student absences ~~((for up to two days per academic year,))~~ to allow students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization, so that students' grades are not adversely impacted by the absences.

(2) The institution's policy must require faculty to reasonably accommodate students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of the course or program. "Reasonably accommodate" means coordinating with the student on scheduling examinations or other activities necessary for completion of the program and includes rescheduling examinations or activities or offering different times for examinations or activities.

(3) Any student seeking reasonable accommodations under this section must provide written notice to the faculty, within the first two weeks of the beginning of the course, of the specific dates the student requests accommodations regarding examinations or other activities.

(4) A postsecondary educational institution shall provide notice to students of its policy by publishing the policy on the institution's web site and including either the policy or a link to the policy in course or program syllabi. The notice to students must also include notification of the institution's grievance procedure.

(5) A postsecondary educational institution may not require a student to pay any fees for seeking reasonable accommodations under this section.

(6) For the purposes of this section, "postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, school as defined in RCW 18.16.020, and any entity offering academic credit for an apprenticeship program under RCW 49.04.150.

(This will be included in the syllabus guidelines - revision from Greg Crouch)

Reasonable Religious Accommodation

Washington State University reasonably accommodates absences allowing for students to take holidays for reasons of faith or conscience or organized religious activities conducted under the auspices of a religious denomination, church, or religious organization. Reasonable accommodation requires the student to coordinate with the instructor on scheduling examinations or other activities necessary for course completion. Students requesting accommodation must provide written notification within the first two weeks of the beginning of the course and include specific dates for absences. Approved accommodations for absences will not adversely impact student grades. Absence from classes or examinations for religious reasons does not relieve students from responsibility for any part of the course work required during the period of absence. Students who feel they have been treated unfairly in terms of this accommodation may refer to Academic Regulation 104 - Academic Complaint Procedures.