



# UTAH VALLEY UNIVERSITY

## Policies and Procedures

<b>POLICY TITLE</b>	<b>Religious Accommodations (Temporary)</b>	<b>Policy Number</b>	153
<b>Section</b>	Governance, Organization, and General Information	<b>Approval Date</b>	April 25, 2024
<b>Subsection</b>	Individual Rights	<b>Effective Date</b>	April 25, 2024
<b>Responsible Office</b>	Office of the Vice President of People and Culture		

### 1.0 PURPOSE

1.1 Utah Valley University is committed to providing an academic and work environment that honors each student’s and employee’s religious belief and conscience. As part of this commitment, the University will reasonably accommodate students and employees whose religious belief or conscience conflict with aspects of the school or workplace setting.

### 2.0 REFERENCES

- 2.1 *Title VII of the Civil Rights Act of 1964 as amended.*
- 2.2 *Exercise of Religion, Utah Code § 63G-31*
- 2.3 *Reasonable Accommodations for Government Employees, Utah Code § 67-27-105*
- 2.4 *Religious Liberty Protections, Utah Code § 34A-5-112*
- 2.5 *Student Religious Accommodations, Utah Code § 53B-27-405*
- 2.6 *Utah Antidiscrimination Act as amended, Utah Code § 34A-5-106*

### 3.0 DEFINITIONS

**3.1 Accommodation Review Committee:** The Director of Accessibility Services, the Employee Accommodations Coordinator, and the Director of Employee Relations (or their designees). This committee reviews formal grievances from denied accommodation requests under procedures described in UVU Policy 152 *Accommodations for Individuals with Disabilities*.

**3.2 Employee Accommodations Coordinator:** The individual designated by the division of People and Culture to receive employee accommodation requests, assess such requests, engage in an interactive process with the requesting employee and supervisor, and approve or disapprove accommodations in accordance with this policy.



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### 3.3 First responder:

- 1) a law enforcement officer, as that term is defined in Section 53-13-103;
- 2) an emergency medical technician, as defined in Utah Code 53-2e-101;
- 3) an advanced emergency medical technician, as defined in Utah Code 53-2e-101;
- 4) a paramedic, as defined in Utah Code 53-2e-101;
- 5) a firefighter, as defined in Utah Code 53B-8c-102; or
- 6) a dispatcher, as defined in Utah Code 53-6-102.

**3.4 Undue hardship:** A substantial burden, privation, or adversity on the University that would result from granting an employee's request to be relieved from performing a certain task, expression, action, or inaction when considering all relevant factors, including:

- 1) impact on the University's core mission or ability to conduct business in an effective or financially reasonable manner;
- 2) impact on co-workers and resulting disruption to university operations (excluding disruption due to co-worker resentment or religious animus).
- 3) University's ability to provide training and safety instruction for the job
- 4) the practical impact on the governmental entity in light of the nature, size, and operating cost of the university;
- 5) the disruption of the University's operations;
- 6) the nature of the employee's duties;
- 7) the number of employees the University will be required to grant a request to if the University grants the employee's request;
- 8) the type of workplace; and
- 9) the number of requests by the employee in the preceding 12 months from the day on which the employee submitted the request.

**3.5 Religious belief or conscience:** A sincerely held belief as to the rightness or wrongness of an action or inaction. This includes religious, non-religious, theistic, or non-theistic moral or ethical beliefs. It further includes observances, practices, and abstentions arising from the belief, such as attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and refraining from certain activities. It does not include isolated social, political, economic philosophies, or mere personal preferences that are not part of a comprehensive belief or ethical system. Whether a practice arises from a religious belief or conscience depends on the individual's motivation. One person might engage in a practice for religious reasons and another person might engage in the same practice for purely practical or aesthetic reasons (e.g., dietary restrictions, tattoos, etc.).

**3.6 Retaliation:** For students, any action or threat designed to dissuade a reasonable person from asserting their rights under this policy, or to inflict retribution for assertion of rights under this policy. For employees, retaliation is any of the following actions taken by the University against



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an employee as a result of the employee filing a request for accommodation of religious belief or conscience:

- 1) a dismissal;
- 2) a reduction of compensation;
- 3) a failure to increase compensation by an amount that the employee is otherwise entitled to or
- 4) was promised;
- 5) a failure to promote if the employee would otherwise be promoted; or
- 6) a threat to take any action listed above

### 4.0 POLICY

#### 4.1 Policy Statement

**4.1.1** UVU commits to reasonably accommodating each student's and employee's religious beliefs and conscience in the manner described below.

#### 4.2 Scope of Policy

**4.2.1** This policy applies to all students in attendance at UVU and all employees of UVU.

#### 4.3 Relationship to Policy 165 and Other Policies

**4.3.1** Standards and processes related specifically to religious accommodations are subject to this policy. Employees and students who believe that they have been denied a requested religious accommodation in violation of this policy or have otherwise been discriminated against based on religious believe or conscience may file a complaint with the UVU's Equity and Title IX Office for resolution under UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*.

#### 4.4 Employee Accommodations

**4.4.1** UVU grants employees their reasonable requests to be relieved from performing certain tasks, expressions, actions, or inactions if (1) performing the task would conflict with, burden, or offend the employee's sincerely held religious beliefs or conscience; (2) the employee follows the procedures for requesting an accommodation outlined in section 5.1; and (3) none of the exceptions listed in section 4.4.2 apply.

**4.4.2** *Exceptions*. UVU will not grant an employee's request if exempting the employee from the task, expression, action, or inaction would impose an undue hardship on the University, including when

**4.4.2.1** the request is to be relieved from performing a task that is part of training or safety instructions directly related to the employee's job;



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**4.4.2.2** granting the request would create an unavoidable conflict with an existing legal obligation;

**4.4.2.3** the employee is a first responder and the requested accommodation is to be relieved from performing a task that involves protecting the safety of the public; or

**4.4.2.4** the employee's asserted beliefs or conscience is being asserted for an improper purpose, such as for a reason other than religious belief or conscience, or to receive pay for work not performed.

**4.4.3** Any time off for an accommodation of religious belief or conscience is unpaid; however, accrued paid time off may be used in place of unpaid time off. Employees who anticipate being absent from work because of religious belief or conscience should submit their request for time off in advance and as soon as they become aware of the need.

### **4.5 Student Accommodations**

**4.5.1** Instructors shall reasonably accommodate a student's absence from an examination or other academic requirement if the student provides a written notice to their instructor and the Director of Accessibility Services at [accessibilityservices@uvu.edu](mailto:accessibilityservices@uvu.edu). The notice must state that the date and time of a scheduled examination or academic requirement creates significant difficulty for the student due to their religious belief or conscience. This can include participation in religious holidays, observances, or activities. The Director of Accessibility Services, in consultation with the instructor, will determine the appropriateness of the religious accommodation.

**4.5.2** Scheduling accommodations may include rescheduling or providing a make-up exam, rescheduling a student's in-class presentation, allowing a make-up assignment to substitute for missed class work, changing a course assignment's due date, or excusing an absence from the course, or make another scheduling accommodation for academic requirements related to the student's religious belief or conscience.

**4.5.3** Accommodation requests by students or visitors to relieve a burden on religious belief or conscience other than for scheduling (e.g., modifications to assignments or programs) shall be made to the relevant instructor or program director (if applicable) and the Director of Accessibility Services. For purposes of students' non-scheduling accommodations, a "burden" on religious belief or conscience is a University action that, directly or indirectly (1) constrains, limits, or denies a student's religious belief or conscience, or (2) that compels a student to act, or fail to act, in a manner that is contrary to the person's religious beliefs or conscience. The Director of Accessibility's approval of such requests is subject to the exceptions listed in section 4.5.4 below.

**4.5.4 Exceptions.** Non-scheduling requests to accommodate a burden on religious belief or conscience will be denied only if the Director of Accessibility Services, in consultation with the



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relevant instructor or program personnel, determines that the burden on the student's religious belief or conscience is

- (1) is essential to further a compelling University interest,
- (2) is the least restrictive means of furthering the compelling interest, and
- (3) applies evenly to all students in the activity, course, or program.

**4.5.4.1** For example, instructors need not accommodate a student request to be exempted from required readings, assignments, projects, presentations, participation, or other essential aspects of a course that the student finds offensive or burdensome to their religious belief or conscience so long as

- 1) the requirement (such as reading controversial or offensive material) is essential to a course or program learning outcome (such as the ability to critique and converse with disruptive or offensive ideas and theories in the relevant field);
- 2) the instructor has diligently considered alternatives, but has not found a less burdensome alternative that would advance the learning outcome; and
- 3) the requirement applies evenly to all students in the course.

**4.5.4.2** If an instructor makes exceptions for a student for reasons unrelated to the student's religious belief or conscience (e.g., accommodating personal preferences), the instructor must treat all requests based on religious belief or conscience no less favorably.

### **4.6 Retaliation Prohibited**

**4.6.1** No University employee or student may retaliate against a student or employee for requesting an accommodation for religious belief or conscience.

## **5.0 PROCEDURES**

### **5.1 Employee Religious Accommodations**

**5.1.1 Making a Request.** An employee seeking to be relieved from performing a certain task, expression, action, or inaction because of a conflict with their religious belief or conscience shall, as soon as practicable, submit an accommodation request to the employee's supervisor and the Employee Accommodations Coordinator. The request must be delivered in writing no more than two days after receiving the objectionable assignment (unless the employee has less than two days' notice to perform the assignment, in which case the accommodation request may be oral, but must be delivered immediately). The request must explain how the task, expression, action, or inaction would conflict with the employee's religious belief or conscience.



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**5.1.1.1** The supervisor and the Employee Accommodations Coordinator shall keep the employee's request for accommodation confidential.

**5.1.2 Responding to a Request.** Unless the University and employee agree in writing to waive or extend the time limit, the Employee Accommodations Coordinator, in consultation with the supervisor, shall respond to the request as soon as practicable but at least five days before the certain task, expression, action, or inaction is required to be performed.

**5.1.2.1** The initial response, if not an immediate grant of the requested accommodation, must include an interactive process in which the employee, supervisor, and Employee Accommodations Coordinator communicate with one another to define the nature of the conflict or burden and effective accommodative possibilities, including possibilities that are not the employee's first preference. The supervisor and Employee Accommodations Coordinator may seek additional information to better understand the nature of the conflict and accommodation request.

**5.1.2.2** The employee is not entitled to a requested or preferred accommodation when there are multiple accommodations that would eliminate the conflict, burden, or offense.

**5.1.3 Denials.** If the Employee Accommodations Coordinator denies an employee's request for accommodation, they shall include the following in their written response:

- 1) an explanation of the decision, including how an exception listed in section 4.4.2 applies;
- 2) the process for grieving the denial in accordance with section 5.3 of this policy; and
- 2) a statement that the employee may seek redress in a court as described in Utah Code 67-27-105(6) after they have exhausted the process provided in this policy.

## 5.2 Student Religious Accommodations

**5.2.1 Making a request.** A student seeking to be relieved from a course requirement, such as a due date or an aspect of an assignment, because of a conflict with their religious belief or conscience shall, as soon as practicable (i.e., as soon as the assignment is posted or the schedule is made available), submit an accommodation request to the student's instructor and the Director of Accessibility Services. Accommodation requests that are not course-related, must be delivered to the Director of Accessibility Services, who will coordinate with the relevant program personnel. All requests must be in writing and must explain how the course requirement or other University activity or program (as applicable) would conflict with the student's religious belief or conscience, such as by specifying the dates and times of scheduling conflicts.

**5.2.1.1** The instructor and the Office of Accessibility Services shall keep the student's request for accommodation confidential.



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**5.2.2 Responding to a Request.** The Director of Accessibility Services, in consultation with the instructor or other relevant program personnel, shall respond to the request as soon as practicable. Late requests may result in delayed accommodation.

**5.2.2.1** If the request is not immediately granted, the initial response must include an interactive process where the student, instructor, and Director of Accessibility Services meaningfully engage with one another to define the nature of the conflict or burden and effective accommodative options, including options that are not the student’s first preference. The instructor and Director of Accessibility Services may seek additional information to better understand the nature of the conflict and accommodation request.

**5.2.2.2** The student is not entitled to a requested or preferred accommodation when there are multiple accommodations that would eliminate the conflict, burden, or offense.

**5.2.3 Denials.** If the Director of Accessibility Services denies a student’s request for accommodation, they shall include an explanation of the following in their written response:

- 1) the decision, including how an exception listed in section 4.5.4 applies; and
- 2) the process for grieving the denial in accordance with section 5.3 of this policy.

### 5.3 Grievances

**5.3.1** Reasonable effort should be made to resolve disputes before entering the grievance process. Within 30 days of receiving notice of a denied request, the requesting student or employee may request further review by the Accommodation Review Committee under the procedures described in UVU Policy 152 *Accommodations for Individuals with Disabilities*. Affected supervisors or faculty members may also grieve awarded accommodations under the same procedure to resolve any concerns or problems with the implementation of approved accommodations.

**5.3.2** All grievances must be submitted in writing to the Director of Accessibility Services at [accessibilityservices@uvu.edu](mailto:accessibilityservices@uvu.edu).

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity
April 25, 2024	New policy approved via temporary process.	UVU Board of Trustees