

POLICY ON RELIGIOUS ACCOMMODATION

The State University of New York at Old Westbury prohibits discrimination on the basis of religion.

Religious Accommodation and Employment

It is an unlawful discriminatory practice for an employer to impose upon a person as a condition of obtaining or retaining employment, promotion, advancement or transfers, any terms or conditions that would require such person to violate or forgo a sincerely held practice of his or her religion. The law requires employers to provide a reasonable accommodation for religious practices, unless such reasonable accommodation would constitute an undue hardship for the employer.

Employees and prospective employees whose dress, hairstyle, beards, Sabbath and holy day observances and prayer requirements, are mandated by their religious beliefs, generally cannot be required to choose between their religious practices and their jobs.

All managers must make reasonable accommodations for an employee's religious observance or practice if it does not impose an undue hardship on the conduct of business. Employees must request religious accommodations in writing directly to their supervisors. It is the duty of administrative officials to exercise the fullest measure of good faith in reviewing religious accommodation requests. The employee may also be required by the employer to make up the equivalent amount of time and work at some other mutually convenient time or may be required to charge such time against accrued leave balances, except sick time. An absence that is not made up or charged against accrued leave may be treated as leave without pay.

No adverse or prejudicial effects shall result to any employee because he/she avails himself/herself of the benefits under discrimination law.

Procedure for Requesting a Reasonable Religious Accommodation

A person may request a reasonable religious accommodation including but not limited to the following situations:

1. An employee may request a religious accommodation to observe the Sabbath or holy days;
2. An employee may request a religious accommodation to observe prayer practices during the workday.

Decisions regarding requests for religious accommodations are to be made by the immediate supervisor at the departmental level, in consultation with the department head and the Affirmative

Action Officer (located in the Office of Human Resources). The Affirmative Action Officer must review all religious accommodation determinations before the employee is notified of the decision.

The supervisor should make every effort to provide an accommodation that is effective for the individual unless to do so would create an undue hardship for the College. If the request involves scheduling changes, these changes are to be made in accordance with any applicable seniority constraints. The supervisor should make a written record of the steps taken to accommodate the request, including seeking volunteers where warranted.

When the immediate supervisor is unable to authorize the requested accommodation, the supervisor and the department head will consult with the Affirmative Action Officer. At this point, the employee has the following options:

- (S)he may choose to accept the agency's decision and end the process;
- (S)he may choose to appeal the decision by filing a complaint using the College's Non-Discrimination/Anti-Harassment Complaint Procedure.

Religious Accommodation for Students

Faculty members need to be aware of the College's legal obligation to accommodate the religious needs of students. Under New York State Education Law § 224(a):

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that (s)he is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study or work requirements on a particular day or days.
2. Any student who is unable, because of his/her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials to make available to each student who is absent from school, because of religious belief, an equivalent opportunity to make up any examination, study or work requirement that (s)he may have missed because of such absence. No fees of any kind shall be charged.
4. If classes, examinations, study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or makeup classes, examinations, study or work requirements shall be made available on other days, where it is possible and practicable to do so. No fees of any kind shall be charged.
5. It is the duty of the faculty and of the administrative officials to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of availing him/herself of the provisions of this law.