

Religious Accommodations

If you teach in Massachusetts, you need to understand your obligations to provide religious accommodations to students who seek them. While most universities across the country have policies for religious accommodation, in Massachusetts there is a state law that mandates that faculty honor a student's request to take a particular day off for a religious observance.

Massachusetts General Laws Chapter 151C, Section 28 provides:

Any student in an educational or vocational training institution, other than a religious or a denominational educational or vocational training institution, who is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement, and shall be provided with an opportunity to make up such examination, study, or work missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any student because of his/her availing himself of the provisions of the sections.

This means that, if you will be administering an exam or quiz on a day that a student has requested off for a religious observance, you will need to make arrangements for the student to take a make-up exam or quiz on an alternate date. Similarly, if a paper, project, or assignment would otherwise be due on a religious holiday, you should work with the student to establish either an alternative (later) due date or a date as close as possible to the assigned date. You should not require that the student submit her paper early because she will be absent because of the religious holiday.

In addition, a student might request an extension of an additional day (or multiple days depending on the holiday), if a work project would otherwise require the student to work over a religious holiday in order to meet the assignment due date. The guidepost in such a situation should be reasonableness. If the student had a relatively long period of time in which to complete the assignment, an extension may not be warranted. On the other hand, if the assignment was assigned with relatively short notice, and completion of the assignment would require the student to work over the religious holiday, an extension should be allowed.

Although much less common, it is possible that you will be confronted with a situation in which a student requests some type of course modification as a religious accommodation. As a general rule, you are not required to offer an accommodation that would lower academic standards or that would require substantial modification to an academic program. Nevertheless, such requests should not be dismissed out of hand. The case law in this area is still developing, and, in one very recent case, a Federal Appeals Court reversed a lower court's decision dismissing claims against a school and the individual faculty members for failing to make certain course alterations to accommodate the student's religious needs.

Because this area of the law remains in flux, you should neither immediately agree to, nor reject, a request for a religious accommodation. You are urged to bring the student's request to your Dean who, in turn, will consult with the General Counsel. Together, your Dean and the General Counsel will advise you on how to best respond.

Short FAQ About Religious Accommodations

Q: Do I have to accommodate requests for "major" religious holidays of "major" religions?

A : No. The law does not list the particular religions that are covered by the law. You need to proceed as though all of them--ancient and new, popular and little-known—are covered. If you are unfamiliar with a particular religion, you should proceed with caution when asking questions to a student about her religion, its tenets, and holy day requirements. Such inquiries, no matter how innocently asked, may give the impression that you may be hostile to a particular religion or hostile to religious observances and requirements generally.

Q: Last fall semester, a student in my class asked for an accommodation so that she could attend services for Yom Kippur. I have the same student this semester, and she is asking for an accommodation to attend Good Friday services, which are part of the Christian holy calendar. I think the student is taking advantage of the religious accommodation law. What, if anything, can I do?

A : Proceed cautiously, and do not jump to conclusions. Today, many students are being raised **in** homes where their parents practice different religions and have raised their children **in** the traditions of both. It is not impossible for a student to have wanted to observe the Jewish holy days with one parent and the Christian holy days with another. If you are truly concerned that the law is being abused, you should consult with the Dean for Student Life. She may be able to shed light on the situation or assist you **in** having a conversation with a student about your **concerns**.

Q: I have a no-make-up rule that I apply to all my students, regardless of the reason they missed the test: sickness, family emergency, wedding, funeral, etc. Can I refuse to give a make-up for a religious accommodation if I enforce my no make-up rule for other reasons?

A : No. Although you can have a no-make-up rule for a wide variety of reasons, you cannot enforce a "no make-up" rule against a student who missed a quiz or exam because she observed a religious holiday.