

Volume G1: Governance	G1.12 Reasonable Accommodation of Religious Observance for Students and Employees Effective Date: 02/06/2015	Responsible Office: Vice President for Legal Affairs
		Responsible Officer: Office of Equal Opportunity, Title IX, and Ethics

POLICY STATEMENT

Northeastern Illinois University (Northeastern or the "University") has an enduring commitment to supporting equality of educational and employment opportunity by affirming the values of diversity and inclusiveness. This commitment includes embracing religious diversity. The University reasonably accommodates students and employees with respect to fulfillment of their religious observances. This policy adopts the concept of "Reasonable Accommodation of Religious Observances" for all students, faculty, and staff with regard to employment obligations, admissions, class attendance, and the scheduling of examinations and other academic work.

PURPOSE OF THE POLICY

The purpose of this "Reasonable Accommodation of Religious Observance..." policy is to advance the University's values of diversity and inclusiveness, and reasonably limit the impact of student and employee absences on University functions. Northeastern, as a public institution, observes legal holidays. It has been the University's long-standing policy that every reasonable effort should be made to help students avoid negative academic consequences when their religious obligations conflict with academic requirements, and help employees avoid negative employment actions when their religious obligations conflict with their work obligations.

WHO IS AFFECTED BY THIS POLICY

All members of the University community, including students, faculty and staff.

REGULATIONS

Section 1: Students

Pursuant to [Illinois Public Act 84-212](#), a state law prohibiting public school districts and institutions of higher education from discriminating against students for observing religious holidays, Northeastern establishes the following regulations. When religious obligations make it impossible to attend classes on a particular day or at a particular time of day, a student shall be excused from undertaking any academic work assignments on such days or times. Absence from classes or examinations for religious obligations does not relieve students from responsibility for any part of the course work required during the period of absence. Students who expect to miss classes, examinations or other assignments as a consequence of their religious observance shall be provided with a reasonable alternative opportunity to complete such academic responsibilities. Faculty may require that students who plan an absence for religious purposes to provide written notice of the intended absence. Such a notice requirement must be listed on the course syllabus.

It is the responsibility of all students who also are employees of the University to notify their department to make arrangements to fulfill their obligations to the University in advance of any absence, and/or to utilize accrued leave (if applicable) during the absence (See Section 2).



Section 2: University Employees

This policy shall be construed as to University employees in accordance with Illinois and federal statutes, and relevant University policy, collective bargaining agreements, rules, and regulations. Pursuant to the [Illinois Human Rights Act](#), University employees may take time off from work in order to observe religious practices. The law does not require payment to employees who take time off from work for this purpose. However, the law requires that if operational needs permit, work hours lost without pay for religious reasons be replaced as needed.

All employees who plan to take time off from work for religious purposes must provide written notice to appropriate supervisors ten calendar days prior to the intended absence. Employees may:

- a) Charge the absence to accrued leave by the use of vacation days or personal days under a collective bargaining agreement if an accrued leave balance is available; or
- b) Request an unpaid leave of absence.

No fees or penalties may be imposed against students or employees who exercise such opportunities.

PROCEDURES

Should disagreement arise over any aspect of this policy with respect to students' religious observance, the parties involved contact the Department Chair. In addition, a student or employee who feels that the University has unreasonably denied an educational or employment benefit due to religious beliefs or practices should contact the University's Director of Equal Opportunity, Title IX, and Ethics (Director of EO). Such reporting may be initiated by filing a complaint form with the Director of EO (see Appendix A). The Director of EO will counsel the reporting individual (the Complainant) and assist with filing a complaint.

A complaint under this policy against the Director of EO should be filed with the President, who will appoint a neutral party to fulfill the role of the Director of EO. Such a complaint against the President or the General Counsel should be filed with the Director of EO, who will engage an outside investigator to ensure that an appropriate, independent investigation is undertaken.

AUTHOR REFERENCE

Illinois Human Rights Act (IHRA)

Title VI of the Civil Rights Act of 1964 (Title VI)

Title VII of the Civil Rights Act of 1964 (Title VII)

Cornell University, *Religious Accommodation*

University of Michigan, *Religious Holidays*

Western Illinois University, *Reasonable Accommodation of Students and Employees Religious Observance Policy*

HISTORY

Formerly Administrative Memorandum No. 29: Observance of Religious Holidays by Students and University Employees

APPENDIX

Appendix A, Discrimination/Harassment Complaint Form

Appendix B, Equal Opportunity and Nondiscrimination Policy and Grievance Procedure



CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	E-Mail
Director of Equal Opportunity, Title IX, and Ethics	(773) 442-5412	eeo@neiu.edu

DISCLAIMER

The University reserves the right to modify or amend sections of this policy at any time at its sole discretion. This policy remains in effect until such time as the Responsible Officer calls for review. Requests for exception to any portion of this policy, but not to the policy statement, must be presented in writing to the Responsible Officer.



Appendix A

**Northeastern Illinois University
 Office of Equal Opportunity and Ethics**

DISCRIMINATION AND/OR HARASSMENT GRIEVANCE FORM

Please complete the following:

_____	_____
Name	Address
_____	_____
Telephone Number	Status (Student, Civil Service, Faculty, Administrator)

Department and Title (for employees)	

I BELIEVE I HAVE BEEN DISCRIMINATED AGAINST AND/OR HARASSED BECAUSE OF: (*check all that apply*)

- Race
- Color
- National Origin
- Religion
- Ancestry
- Age
- Disability
- Sex (including Sexual Harassment)
- Sexual Orientation
- Gender Identity/Expression
- Marital Status
- Veterans' Status
- Unfavorable Military Discharge
- Order of Protection
- Genetic Information
- Retaliation*

* For the purposes of this process, retaliation is defined as retaliatory conduct against an individual who has opposed that which the individual believes to be unlawful discrimination, harassment in employment/education or because the individual has filed a complaint, assisted or participated in an investigation, proceeding or hearing concerning an unlawful practice.

Describe the incident that you believe is discrimination and/or harassment:
(attach additional sheets if necessary)



Appendix B

GRIEVANCE PROCEDURE

The following investigation procedures are the University's grievance procedures for cases involving discrimination and/or harassment, including sexual harassment, and sexual assault.

A. Initial Steps

A private, in-depth interview will be conducted with the Complainant by the Director of Equal Opportunity, Title IX, and Ethics (Director of EO). If the Director of EO decides that further action is warranted, the informal and/or formal investigation procedures outlined below will be followed. The Director of EO will typically investigate only written complaints received within 30 calendar days of the alleged incident, but has the discretion to investigate older allegations or in the absence of a written complaint. All information collected during the review of a complaint will be kept as confidential as possible.

B. Informal Resolution

Informal resolution does not apply to sexual assault grievances. For other cases, prompt notification of the complaint will be provided to the Respondent. Through the informal resolution process, the Director of EO will attempt to achieve a mutually acceptable resolution within 30 calendar days. If a resolution has not been reached through the informal process, further investigation by the Director of EO will be undertaken.

Informal efforts to address the allegations will conclude with one of the following: (1) a resolution of the complaint by agreement of the parties; or (2) a decision to stop further action. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of the Respondent's conduct and ways in which this behavior could be changed; participation in designated educational programs about discrimination and/or harassment (including sexual harassment); verbal or written reprimands; or other interventions or actions aimed at ending the alleged misconduct.

In concluding the informal resolution phase, the Director of EO shall submit a report to the parties involved in the allegation and the appropriate executive officers, but not typically to any other campus-level office. The appropriate executive officers are typically Respondent's Vice President and immediate supervisor if the Respondent is an employee or the Dean of Students if the Respondent is a student. Informal resolution reports will usually be brief. Reports prepared by the Director of EO and all records collected during the investigation shall be kept separate from the official personnel files of the parties, except for discipline and/or sanctions.

C. Formal Investigation

Any party, including the University, may pursue a formal investigation if the party is dissatisfied with a proposed informal resolution. If a complaint proceeds to a formal investigation or the matter is not appropriate for informal resolution, a prompt, thorough, and impartial investigation is conducted by the Director of EO to determine if a violation of this policy occurred.

The Director of EO shall provide a copy of the complaint to the Respondent and to the Respondent's Vice President and immediate supervisor if the Respondent is an employee or the Dean of Students if the Respondent is a student. The Respondent will be required to respond in writing to the complaint within a reasonable time, not to exceed 14 calendar days from the date of delivery of the complaint. Respondent's response may be delivered by email or written letter to the Director of EO. Any extension of time must be approved by the Director of EO. A copy of the Respondent's response will be promptly provided to the Complainant.

The Director of EO's formal investigation shall include interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications. Both the Complainant and Respondent will be provided with the following in connection with the investigation of alleged or suspected violations of this policy:

- The opportunity to speak on their own behalf.
- The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
- The opportunity to submit other evidence on their behalf.



- The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") or other applicable law).
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- The opportunity to appeal the outcome of the investigation.

D. Investigation Disposition

When the formal investigation is completed, an Investigation Report will be prepared by the Director of EO within 60 calendar days from the commencement of the formal investigation (or as soon as feasible when extensions are necessary to ensure a thorough investigation). Copies of the Investigation Report will be provided to the Complainant, Respondent, Respondent's Vice President and immediate supervisor, or Dean of Students, in cases in which the Respondent is a student. The Investigation Report will contain (1) the Complainant's allegations or a summary of any other suspected violations; (2) the Respondent's replies to the allegations or suspected violations; (3) information provided by witnesses, documents, or other information obtained during the investigation; (4) a description of the investigation process; (5) the Director of EO's analysis of evidence and findings of fact on each element of the complaint; and (6) any recommendation(s) the Director of EO may consider pertinent to the disposition of the complaint.

The Director of EO's findings of fact in this Investigation Report shall be made using the *preponderance of the evidence* standard (*i.e.*, more likely than not). Individuals are presumed innocent unless a *preponderance of the evidence* supports a finding of misconduct. The *preponderance of the evidence* standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it. If there is evidence that the complaint was filed without a reasonable basis in fact and honest belief, the Director of EO shall include that evidence in the Investigation Report.

The Director of EO, the Vice President and the immediate supervisor for an employee, or Dean of Students for a student, will review and discuss the case and the Investigation Report as a group, and the Vice President or Dean of Students will make a decision on the merits of the complaint. This decision as to the disposition of the case shall be made as soon as possible, but no later than 30 calendar days from the receipt of the Director of EO's Investigation Report (or as soon as feasible when extensions are necessary). This decision shall be in writing, shall include an explanation of the decision and shall be sent to the parties, and to the Respondent's immediate supervisor in the case of an employee Respondent. If the Vice President or Dean of Students determines that further information is needed to make a decision, the Director of EO will be tasked with conducting follow-up and/or additional interviews.

If a policy violation is found, remedial action will be taken by the Vice President for an employee or Dean of Students for a student after separate discussion of alternative possible remedies with the Complainant and the Respondent's immediate supervisor. If disciplinary action is taken as a result of a finding of a policy violation, procedures required under relevant collective bargaining agreements, Northeastern Illinois Board of Trustees Regulations, State Universities Civil Service Status and Rules, or Student Conduct Code will be followed. If there is insufficient evidence to support the allegation of a policy violation, the Complainant may, at the option of the Vice President or Dean of Students, be given the opportunity to discuss the findings and to provide additional information that would be shared with the Respondent, who would have the opportunity to respond.

Retaliatory action of any kind taken by an employee or student against a complaining party as a result of that party's seeking redress under the above-referenced procedures is prohibited, and shall be regarded as a separate and distinct cause for complaint under these procedures.

APPEALS

Either party (Complainant or Respondent) or both parties may appeal the Vice President's or Dean of Students' decision to the President. Appeals to the President must be made in writing (via written letter or email) within 10 business days from the date of the decision. Upon receipt of the appeal, the President will review the decision and the information provided in the appeal request. The President's decision regarding the appeal will be issued, in writing, to the party no more than 60 calendar days from receipt of the appeal request. The President's decision is final. The President and/or Director of EO may consult the General Counsel for advice at any step in the above informal or formal procedures or in an appeal.