



## Melissa Talks Legal

Advice from the Office of General Council

### RELIGIOUS ACCOMMODATIONS IN THE WORKPLACE AND CLASSROOM

The civil rights laws enforced by the Office for Civil Rights (OCR) protect all students, regardless of religious identity, from discrimination on the basis of race, color, national origin, sex, disability, and age; but none of the laws that OCR enforces expressly address religious discrimination.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. Title VI of the Civil Rights Act of 1964 protects students from race, color, and national origin discrimination. This prohibition encompasses discrimination, including harassment, based on a student's actual or perceived:

- (1) shared ancestry or ethnic characteristics, or
- (2) citizenship or residency in a country with a dominant religion or distinct religious identity.

Title VI does not protect students from religious discrimination. Other federal civil rights laws, however, which are enforced by other federal agencies, do prohibit religious discrimination in schools, colleges, and universities. Title VI prohibits discrimination against students of any religion when the discrimination involves:

- (1) racial, ethnic, or ancestral epithets, or slurs
- (2) how a person or group looks, dresses, or speaks if linked to ethnicity or ancestry (e.g., skin color, facial features, attire, accent, language spoken)
- (3) potentially or allegedly inherited traits
- (4) stereotypes about people who share certain ancestral or ethnic characteristics

Title VII of the Civil Rights act of 1964 defines “religion” broadly to include “all aspects of religious observance and practice as well as belief.” 42 U.S.C. § 2000e(j). The sincerity of a stated religious belief is not typically in dispute. This is the same definition for both employees and students—a set of attitudes, beliefs, or practices that permeate a person’s life.

*The law prescribes broad protection.*

Religion includes not only traditional, organized religions but also religious beliefs that are new, uncommon, or that may even seem illegal or unreasonable to others and typically concerns “ultimate ideas about life, purpose and death,

Social, political, or economic philosophies, as well as preferences, are not religious beliefs.

In both employment and education, religious accommodations may be requested and must be provided **unless such accommodation is an undue hardship or materially alters the student’s course.**

Undue Hardship and/or Materially Altered classroom environment must be based on objective evidence, not mere speculation about hardship. It is more than just the presence of ordinary administrative costs. Materially changes the purpose or curriculum of the class, causes a diminished efficiency in the classroom environment (curriculum or pedagogy), materially changes the terms of the class, the classwork, or the curriculum, impairs classroom safety, or conflicts with another law or regulation. Undue Hardship and/or Materially Altered classroom environment is not an instructor preference, simply a conflict with a classroom or department attendance policies/expectations, worrying that “everyone will want it,” vague statements about how the accommodation will cause disruption in the classroom environment, or automatically denying a request.

Procedure for Requesting a Religious Accommodation in the Classroom can be found [here](https://cdn.maricopa.edu/documents/pdf/legal/Religious-Accommodation-Policy-and-Form.pdf) (see, <https://cdn.maricopa.edu/documents/pdf/legal/Religious-Accommodation-Policy-and-Form.pdf>):

- (1) All students may request a religious accommodation by making a written request for an accommodation to the appropriate faculty member. (*Preferably at least two (2) week before the requested absence from class*).
- (2) Faculty members will submit the request to the dean or department chair and review the request within a reasonable time, possibly requesting additional information, if needed.
- (3) The faculty member will inform the student of the decision and will sign the request form (disposition).

- (4) If accommodation is denied, the District Compliance Office must review the reasons for the denial within 72 hours (3 business days) after the denial.

*EXAMPLE: You teach a hospitality course that works with various hotels in the city. As part of your course requirements, you have a dress and grooming standard for your students. This semester you have a student, Joseph, who wears dreadlocks. You inform him that if he does not cut his hair, he will not be able to participate in the hotel experiences (and will likely fail the class) due to his violation of the dress and grooming standard. Joseph informs you that he is Rastafarian and cannot cut his hair based on his sincerely held religious belief. Joseph is instructed to fill out the religious accommodation request. In consultation with the academic leadership, you review the request alongside the dress and grooming standard and the hotel partner requirements for participation. Since employees of the hotel are also allowed to make religious accommodation requests, you should work with the hotel partner to find an appropriate accommodation for Joseph.*

### **Religious Accommodations and COVID-19 Related Face Mask Mandates**

Can a student/employee request a religious accommodation to not wear a mask?

Possible Claims:

1. Faces are the likeness of God and should not be covered.
2. Religion requires I wear a beard.
3. God will protect me from the virus. I put my faith in God over all.

Some students/employees may state that because of a religious belief, they cannot or will not wear a face covering or mask. Always refer to the religious accommodation process.

Additionally, under Title VII of the Civil Rights Act of 1964, an employee may request a religious accommodation for modified face coverings due to religious reasons. As part of the process, accommodations should be discussed and provided, if feasible and not an undue hardship on the operation of the employer's business or classroom/educational environment. Flatly refusing a request for modifications may lead to liability.

*For more information, please contact Melissa Flores at 480-731-8418 (office), 801-557-1657 (cell) or [Melissa.Flores@domail.maricopa.edu](mailto:Melissa.Flores@domail.maricopa.edu).*