

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Religious Accommodations for Employees and Employment Applicants

Regulation and Procedure Number: URP: 05.120

Policy Owner: Finance and Administration

POLICY STATEMENT

Texas Woman's University ("TWU" or "University") is committed to providing a work environment that is respectful of the religious beliefs of its employees and employment applicants in accordance with state and federal laws and regulations. Accommodations may be provided to employees and employment applicants whose sincerely held religious beliefs conflict with a University policy, procedure, or employment requirement.

TWU recognizes the importance of its employees and employment applicants' individually-held religious beliefs and practices. The University will reasonably accommodate an employee's or employment applicant's sincerely-held religious beliefs and practices in the workplace as outlined in this policy unless the accommodation creates an undue hardship for the University.

APPLICABILITY

This policy is applicable to TWU Employees and Employment Applicants.

DEFINITIONS

1. "Employee" means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.
2. "Employment Applicant" means any individual who has applied for a specific position that the University has acted to fill, has followed the University's standard procedures for submitting applications, and has indicated an interest in the position. This includes student employment applicants.
3. "Faculty" means an individual who is employed by TWU as a member of the faculty and whose duties include teaching, research, service, and administration. Professional librarians and graduate assistant titles are excluded from the definition of faculty.

4. "Religious Accommodation" means a reasonable adjustment to the work environment that will allow an employee or employment applicant to practice or otherwise observe a sincerely held religious practice or belief without undue hardship on the University.
5. "Staff" means each classified, administrative, and professional employee appointed to work in a full, part-time, or temporary position, excluding students employed in positions for which student status is required as a condition of employment and those holding teaching or research positions classified as faculty.
6. "Student Employee" means a TWU student employed in a temporary position for which student status is required. Student Employees include Graduate Assistants (Graduate Assistant, Graduate Teaching Assistant, Graduate Research Assistant) and Student Assistants.
7. "Undue Hardship" means an individualized assessment of a requested or contemplated accommodation that includes consideration of the following factors:
 - a. The nature and cost of the requested or contemplated accommodation in relation to the size of TWU;
 - b. The overall financial burden required in the provision of the reasonable accommodation, the number of employees, the effect on expenses and resources, or the impact otherwise of such accommodation upon TWU operations; and
 - c. The nature and structure of TWU's operation and the impact of the requested or contemplated accommodation on the specific facility providing the accommodation.
 - d. Examples of undue hardship may include the lack of necessary staffing, jeopardizing security or health, or costing more than a minimal amount.

REGULATION AND PROCEDURE

I. General Guidelines

- A. Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, protects employees and applicants for employment from discrimination based on various protected categories, including religion. This includes disparate treatment, job segregation, harassment based on religious belief or practices (or lack thereof), and retaliation for the exercise of Title VII rights. Further, Title VII requires TWU to provide reasonable accommodations of

sincerely held religious beliefs, observances, and practices when requested, unless the accommodation would impose an undue hardship on business operations. Reasonable accommodation applies not only to schedule changes or leave for religious observances but also to such things as diet, dress, or grooming practices that an employee or employment applicant has for religious reasons. Employees should confer fully and promptly with their supervisor or the Office of Human Resources if a religious accommodation is needed in the workplace. Employment applicants should confer with the Office of Human Resources if a religious accommodation is needed during the application and hiring process.

- B. The University may justify a refusal to accommodate an individual's religious beliefs or practices if the University can demonstrate that the accommodation would cause an undue hardship. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work. Undue hardship based on cost requires that the University show more than a minimal impact on the University's operations.
- C. Materials relating to an employee's or employment applicant's religious accommodation request, including the written request for accommodation and any other documentation or information will be kept confidential to the extent permitted by law or except as necessitated by the operational needs of the University.

II. Employee or Employment Applicant Responsibilities

- A. An employee or employment applicant must make TWU aware of the need for an accommodation based on a conflict between the individual's religious belief or practice and their work duties or TWU's employment application process. The employee may make the request in writing by completing a Religious Accommodation – Employee and Employment Applicant Form. The request for an accommodation may trigger an interactive process between the responsible supervisor, the Office of Human Resources, and the individual making the request to discuss the request and assess available options, particularly if TWU reasonably needs more information. If the request for accommodation involves a scheduling change, the request should be submitted at least ten (10) business days in advance of the event or requested scheduling change. The request should include but is not limited to the accommodation that is being sought, the work requirement or application requirement that conflicts with the religious belief, practice or observance, an explanation of how the requested accommodation will enable the employee to meet their religious obligations without impacting their ability to meet the essential functions of their position or meet the obligations of the application process for employment applicants.

- B. Employees or employment applicants are responsible for providing sufficient information to the Office of Human Resources about the tenets of the religious practice or belief to permit the University to make an assessment of whether the request is based on a sincerely held religious belief, is a reasonable accommodation and whether the accommodation would cause an undue hardship on the University.

III. Supervisor, Department, and Office of Human Resources Responsibilities

- A. The Office of Human Resources will receive all religious accommodation requests for employees and employment applicants. Once an accommodation request from an employee or employment applicant is submitted to the Office of Human Resources, the request will be reviewed, in consultation with supervisors or department leadership.

- 1. Review of the Request

- a. The request for an accommodation may necessitate an interactive process as determined by the Office of Human Resources, particularly if TWU reasonably needs more information to review the request and assess available options. The interactive process will include the Office of Human Resources, supervisors, department leadership, and the employee. The review will consider whether or not the request is based on a sincerely held religious belief, if there is any conflict between that belief and job duties or work environment, and whether granting the accommodation would pose more than a minimal burden on the University's operations. The University is not required to provide an employee or employment applicant's preferred accommodation if there is more than one effective option.

- 2. Approval or Denial of the Request

- a. If the request is approved for an employee, the Office of Human Resources, in consultation with the supervisor will notify the employee of the approval in writing. If the request is approved for an employment applicant, the Office of Human Resources will notify the employment applicant of the approval in writing.
 - b. If the request is denied for an employee, the Office of Human Resources, in consultation with the supervisor and department leadership, will provide a written explanation to the employee detailing why the proposed accommodation was not approved. If the request is denied for an employment applicant, the Office of Human Resources will provide a

written explanation to the employment applicant detailing why the proposed accommodation was not approved.

- c. No request for an accommodation may be denied by a supervisor or department leadership without prior review by the Office of Human Resources. In some circumstances, the Office of Human Resources, in consultation with the supervisor or department leadership, may offer a temporary modification of job duties or work environment while the accommodation request is under consideration.
- d. Based on the relevant information provided, the Office of Human Resources, in consultation with the supervisor shall determine what, if any, reasonable accommodation will be made and shall convey this information to the employee within ten (10) business days barring exigent circumstances.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[TEX. LABOR CODE CHAPTER 21](#)

[TITLE VII OF THE CIVIL RIGHTS ACT OF 1964](#)

FORMS AND TOOLS

[Religious Accommodation – Employee and Employment Applicant Form](#)

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