

## **Summary of New Student Religious Observance Policy Requirement (S.L. 2010-211)**

The statutory powers and duties of the Board of Governors were amended during the recent legislative short session to impose a new duty on the Board of Governors that requires the BOG to direct each constituent institution to adopt a student religious observance policy. Under the new law, the campus student religious observance policy:

- MUST authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student,
- MUST include a provision that students be given the opportunity to make up tests and other work missed due to an excused absence for a religious observance, and
- MAY require students to provide written notice of their request for an excused absence for a religious observance in a reasonable time prior to the date of the observance.

The new law is effective immediately, and the new campus student religious observance policy *must apply at the beginning* of the coming 2010-2011 academic year.

*Content of Campus Policy:* Other than the mandatory requirements of the new G.S. 116-11(3a), the new law does not otherwise dictate the contents and provisions of the campus student religious observance policy. Campuses therefore have flexibility as to the specific contents and provisions of their policies (such as what constitutes “reasonable advance notice” for the student’s excused absence request), but their policies *must* include:

- The law’s main requirement authorizing a minimum of two excused absences each academic year for religious observances, and
- The requirement giving students the opportunity to make up tests and other work missed due to an excused absence for a religious observance.

*Process for Campus Policy Adoption:* The new law does not prescribe the form and process by which campuses are to adopt their student religious observance policies. Campuses therefore have flexibility in the method by which they will adopt the new policy. For example, campuses may either adopt a new policy or amend an existing policy, and may use whatever method of adoption is deemed appropriate or required at their individual campuses.

*Implementation Timeframe:* Since the law applies with the *beginning* of the 2010-2011 academic year, campuses must adopt a student religious observance policy *prior* to the beginning of the coming Fall 2010 term. While not specifically required under the law, it can be assumed that the campuses should provide notice of the new policy to all faculty and other affected campus personnel prior to the beginning of the coming academic year to ensure compliance with the new law and the campus policy implementing it.

*BOG Action:* The new law specifically requires the Board of Governors (not the President) to direct campuses to adopt a student religious observance policy, but does not specifically prescribe the method by which this directive is to be given. This type of action is not included under the President’s delegated authorities (UNC Policy Manual Sec. 200.6);

consequently, the Board of Governors itself must take direct action. Given the short time frame in which the BOG must give this directive to the campuses in order to ensure compliance prior to the beginning of the 2010-2011 academic year, the BOG should take action at its upcoming August meeting. This action is not required to be done in the form of an amendment to the UNC Code or Policy Manual – such an amendment would delay final action by the BOG until at least its September meeting, which occurs *after* the beginning of the Fall 2010 term. In addition, given the clear requirements of the law, General Administration does not need to issue a guideline or regulation directing specific implementation guidelines or requirements for campuses.

Below is the text of the new provision and effective date clause, and a copy of S.L. 2010-112 is attached.

**S.L. 2010-112 (HB357):**

**SECTION 3.** G.S. 116-11 is amended by adding a new subdivision to read:

"(3a) The Board of Governors shall direct each constituent institution to adopt a policy that authorizes a minimum of two excused absences each academic year for religious observances required by the faith of a student. The policy may require that the student provide written notice of the request for an excused absence a reasonable time prior to the religious observance. The policy shall also provide that the student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance."

**SECTION 5.** This act is effective when it becomes law and applies beginning with the 2010-2011 academic year.

S.L. 2010-112, Sec. 3 (HB357), enacting G.S. 116-11(3a).

The new G.S. 116-11(3a) does not necessitate an amendment to UNC Policy Manual Sec. 400.1.6 (*The University of North Carolina Academic Calendar*) because the requirements of the student religious observance policies do not impact the academic calendar itself.

**Interim Religious Observance Policy  
Appalachian State University  
August 10, 2010**

1. Students must be allowed a minimum of two excused absences each academic year for religious observances. Students are responsible for requesting excused absences for religious observances required by the faith of a student. Instructors are responsible for complying with this requirement. In classes in which attendance is taken and/or penalties are applied for student absences, instructors must document their compliance with the religious observance policy by tracking student excused absences for religious observances.
2. For purposes of this policy, the term “religious observances” shall include religious holidays or holy days or similar observances required by a student’s religion and that require absence from class.
3. Students must be afforded the opportunity to make up tests or other work missed due to an excused absence for a religious observance.
4. Except in extraordinary circumstances, student requests for excused absences for religious observances must be submitted to instructors in writing no later than three weeks after the first class day of the term.
5. This policy on excused absences for religious observances must be referenced on all course syllabi.

6. This policy supersedes one part of Faculty Handbook section 5.5.1.1, which reads: “In addition, faculty members are encouraged to make reasonable accommodations for students requesting to miss class due to the observance of religious holidays.”
7. This policy amplifies another part of Faculty Handbook section 5.5.1.1, which reads: “Faculty, at their discretion, may include class attendance as a criterion in determining a student's final grade in the course. On the first day of class, faculty must inform students of their class attendance policy and the effect of that policy on their final grade; both policies must be clearly stated in the class syllabus.”
8. This policy also amplifies Faculty Handbook section 5.5.1.2, which reads: “A syllabus is to be prepared for each course and distributed at the first of the semester. The syllabus should include the following: an explanation of course goals and objectives, the name of the text and any other materials required of each student, the instructor's office hours, an explanation of how the grade is to be determined, and an explanation of any additional reading, papers, projects and examination which the instructor expects to give or assign.”