



McGill

Memorandum

TO: Senate

FROM: Professor Morton Mendelson, Deputy Provost (Student Life and Learning)
Professor Linda Jacobs Starkey, Interim Dean of Students

SUBJECT: Policy for the Accommodation of Religious Holy Days: Handbook of Student Rights and Responsibilities (Chapter 7).

DATE: February 5, 2007

DOCUMENT #: D06-37

FOR: INFORMATION APPROVAL DISCUSSION

ISSUE: Executive Committee of the Board of Governors recommendation - proposed amendment to the Policy for the Accommodation of Religious Holy Days.

BACKGROUND: Amendments to the Policy for the Accommodation of Religious Holy Days ("the Policy") were approved by Senate at its December 6, 2006, meeting and sent to the Board of Governors (Executive Committee) for approval.

The Executive Committee (January 22, 2007) recommended that the amendments return to Senate for the purpose of restoring the phrase "without undue hardship", which was removed on the floor of Senate. It is the view of the Executive Committee that this phrase is essential to the policy and reflects legal considerations that were brought to the development of the amendments as originally proposed.

MOTION OR RESOLUTION Be it resolved that Section 2 under Procedures of the Policy for the Accommodation of Religious Holy Days be amended to read:

FOR APPROVAL: "c) shifting the weight normally assigned to the evaluation to the weight assigned to ~~the remaining~~ other components of the evaluation.

When the instructor and student are unable to agree on suitable accommodation, the matter will be referred to the Associate Dean. The Associate Dean who may request official documentation confirming the requirements of the student's religious affiliation observance. The Associate Dean will decide whether reasonable accommodation without undue hardship is possible, and what accommodation is to be made in this instance, and will convey the decision to the instructor and student."

The revised text would therefore read as follows:

“c) shifting the weight normally assigned to the evaluation to the weight assigned to other components of the evaluation.

When the instructor and student are unable to agree on suitable accommodation, the matter will be referred to the Associate Dean. The Associate Dean may request official documentation confirming the requirements of the religious observance. The Associate Dean will decide whether reasonable accommodation without undue hardship is possible, and what accommodation is to be made in this instance, and will convey the decision to the instructor and student.”

RATIONALE:

The Policy for the Accommodation of Religious Holy Days was initially approved by Senate on March 20, 1996. The amendments as proposed on December 6, 2007, were necessary, because the policy is intended to address observance, not affiliation, and to clarify the authority of Associate Deans in this matter.

The phrase “without undue hardship” was included in the revision as an essential qualification on the matter of accommodation and reflects a full legal consultation of the issues.

**PRIOR
CONSULTATION:**

Working group struck by the Senate Committee on Student Affairs (January 9, 2006); Committee on Student Affairs (January 25, 2006; March 15, 2006; and November 1, 2006). In this process Interim Dean Starkey and the Deputy Provost consulted with the University’s internal legal counsel.

Amendment approved by Senate (December 6, 2007) with the removal of the phrase “without undue hardship”. The Executive Committee recommends that the phrase be restored by Senate.

NEXT STEPS:

Recommend amendments to the Board of Governors for approval.

APPENDICES:

Current Policy for the Accommodation of Religious Holy Days (1 page)

Policy for the Accommodation of Religious Holy Days

Approved by Senate - March 20, 1996 - Minute 92

Preamble

McGill University recognizes and respects the diversity of its members, including diversity of religious faiths and observances. The aim of this policy is to ensure that the University provides an environment in which its students can fulfil both their university and their religious commitments.

Policy

1 Students are not to be penalized if they cannot write examinations or be otherwise evaluated on their religious holy days where such activities conflict with their religious observances.

2 While sessional dates, classroom and faculty activities, and examination dates take into account academic constraints and statutory holidays, where there is flexibility, efforts are to be made to select dates which do not conflict with religious holy days or to find other appropriate accommodations.

Procedures

1. In advance of the first day of class, the Registrar shall distribute to all units a multifaith calendar for the academic year, along with a copy of this policy.

2. Students who because of religious commitment cannot meet academic obligations, other than final examinations, on certain holy days are responsible for informing their instructor, with two weeks' notice of each conflict. Possible solutions include:

- a) rescheduling the evaluation, or
- b) preparing an alternative evaluation for that particular student, or
- c) shifting the weight normally assigned to the evaluation to the weight assigned to the remaining evaluation.

When the instructor and student are unable to agree on suitable accommodation, the matter will be referred to the Associate Dean who may request official documentation confirming the student's religious affiliation. The Associate Dean will convey the decision to the instructor and student.

3. When the requested accommodation concerns a final examination, students are responsible for advising their faculty office as soon as possible and not later than the deadline for reporting conflicts. Additional documentation confirming their religious affiliation may be requested. Possible solutions include (in order of preference):

- a) treating the request as a conflict, and accommodating it within the examination period, or
- b) providing a special deferred examination as soon as possible, or
- c) granting permission to write a regular deferred examination.

The choice will depend on the particular circumstances.

4. This policy is to be made available to all members of the University community.