



# Religious Accommodation

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## POLICY STATEMENT

Cornell University has an enduring commitment to supporting equality of employment opportunity by affirming the values of diversity and inclusiveness. This commitment includes embracing religious diversity. As part of this commitment, the university will make good faith efforts to provide a reasonable accommodation of an employee's sincerely held religious belief, unless the university believes such an accommodation would create an undue hardship or is contrary to the university's commitment to diversity and inclusiveness.

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## REASON FOR POLICY

The university is committed to diversity and nondiscrimination and supports the employment of qualified individuals, regardless of religious affiliation, in accordance with state and federal laws and regulations, including Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission Guidelines on Discrimination Because of Religion, and the New York State Human Rights Law.

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## ENTITIES AFFECTED BY THIS POLICY

- All units of the university, including the Weill Cornell Medical College, which will administer this policy separately

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## WHO SHOULD READ THIS POLICY

- Members of the Cornell University faculty, academic and nonacademic staff, including regular, temporary, casual staff members, and student employees. (Students not covered by this policy are directed to the [Faculty Handbook](#).)

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## WEBSITE ADDRESS FOR THIS POLICY

- [www.dfa.cornell.edu/policy/policies/religious-accommodation](http://www.dfa.cornell.edu/policy/policies/religious-accommodation)

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Responsible Executive: Vice  
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## RELATED RESOURCES

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### University Policies and Documentation

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[University Policy 6.9, Time Away from Work \(Excluding Academic and Bargaining Unit Staff\)](#)  
[Collective Bargaining Agreements \(for bargaining unit employees\)](#)  
[Faculty Handbook](#)  
[Student Employment Policies](#)

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### External Documentation

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[Equal Employment Opportunity Commission Guidelines on Discrimination Because of Religion 29CFR 1605.1; 1605.2; 1605.3](#)  
[New York State Human Rights Law](#)

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### University Forms

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Form	Use
<a href="#">Cornell Religious Accommodation Request Form</a>	To be completed by the faculty, staff member, or student employee requesting accommodation.
<a href="#">Cornell Religious Accommodation Request Form for HR Representative</a>	To be completed by the Human Resources representative upon receiving a request for religious accommodation.

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### CONTACTS

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Direct any general questions about this policy, to your unit's administrative office.  
 If you have questions about specific issues, call the following offices.

Subject	Contact	Telephone	Email/Web Address
<b>Policy clarification, exceptions, and interpretation</b>	Unit Human Resources representative		<a href="http://hr.cornell.edu/about/hr_leaders.html">hr.cornell.edu/about/hr_leaders.html</a>
	Department of Inclusion and Workforce Diversity (DIWD)	(607) 254-7232 Fax: (607) 255-0298	<a href="mailto:owdi@cornell.edu">owdi@cornell.edu</a> <a href="http://diversity.cornell.edu">diversity.cornell.edu</a>
<b>Counseling</b>	Faculty and Staff Assistance Program (FSAP)	(607) 255-2673 (5-COPE)	<a href="http://www.fsap.cornell.edu">www.fsap.cornell.edu</a>
<b>Faculty, staff, and student employee requests for religious accommodation</b>	Department chair or supervisor		
<b>Student request for religious accommodation</b>	Faculty Handbook	(607) 255-4843	<a href="http://theuniversityfaculty.cornell.edu">theuniversityfaculty.cornell.edu</a>
<b>Interfaith opportunities at Cornell University</b>	Office of Spirituality and Meaning-Making	(607) 255-6004	<a href="http://scl.cornell.edu/osmm">scl.cornell.edu/osmm</a>
<b>Resolving disagreements with the determination regarding accommodation and/or the proposed accommodation</b>	Department of Inclusion and Workforce Diversity (DIWD)	(607) 254-7232 Fax: (607) 255-0298	<a href="mailto:owdi@cornell.edu">owdi@cornell.edu</a> <a href="http://diversity.cornell.edu">diversity.cornell.edu</a>
	Financial Aid and Student Employment (FASE)	(607) 255-9051	<a href="mailto:finaid@cornell.edu">finaid@cornell.edu</a> <a href="http://finaid.cornell.edu">finaid.cornell.edu</a>
	Office of the University Ombudsman	(607) 255-4321	<a href="mailto:ombudsman@cornell.edu">ombudsman@cornell.edu</a> <a href="http://ombudsman.cornell.edu">ombudsman.cornell.edu</a>

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## DEFINITIONS

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These definitions apply to terms as they are used in this policy.

<b>Casual Appointment</b>	A nonacademic appointment to a position of less than 20 hours per week.
<b>Creed</b>	An authoritative formula of religious beliefs or set of fundamental beliefs.
<b>Essential Function</b>	<p>A fundamental job duty of an employment position, as opposed to marginal functions of that position.</p> <p>A job function may be considered essential for any of several reasons including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• the reason the position exists is to perform that function</li><li>• a limited number of employees are available to perform that function</li><li>• the function is highly specialized so that the incumbent is hired for their expertise or ability to perform the particular function</li></ul>
<b>Good Faith</b>	More than a negligible effort to accommodate the employee's request for religious accommodation. If the proposed accommodation does not eliminate the employee's religious conflict, the employer demonstrates that any further accommodation would cause "undue hardship" (see definition of "undue hardship" below).
<b>Reasonable Religious Workplace Accommodation</b>	<p>Any change in the work environment or in the way tasks or responsibilities are customarily done that enables an employee to participate in their religious practice or belief without undue hardship on the conduct of the employer's business or operation. A reasonable religious accommodation may include but is not limited to providing an employee leave for religious observances, providing a time and/or place to pray, and/or providing the flexibility to wear religious attire. Other examples of accommodating an employee's religious beliefs include scheduling changes, voluntary substitutions of shifts or hours with a supervisor's or department chair's approval, job reassignments, and lateral transfers.</p> <p>◆<b>Note:</b> If the employee is working during certain hours only as an accommodation to their sincerely held religious requirements, that employee is not entitled to premium wages or premium benefits that would apply ordinarily.</p>
<b>Regular Appointment</b>	A nonacademic appointment to a non-temporary position of at least 20 hours per week with an expected duration of at least six months.
<b>Religious Practice or Belief</b>	A practice or observance that includes moral or ethical beliefs as to what is right and wrong that is sincerely held, with the strength of traditional religious views, even if no religious group espouses such beliefs, or the religious group to which the individual professes to belong may not accept such belief.
<b>Student Employee</b>	A student in a nonacademic, hourly-paid position, working less than 20 hours per week during the academic year.

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### DEFINITIONS, continued

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<b>Temporary Appointment</b>	A nonacademic appointment to a position of at least 20 hours per week with an expected duration of less than six months.
<b>Undue Hardship</b>	An accommodation requiring significant expense or difficulty (including a significant interference with the safe and efficient operation of the workplace or of a bona fide seniority system). The specific factors for making an analysis of undue hardship involve the size, scope, and overall operating costs of the enterprise, and the number of individuals who will need the particular accommodation to a sincerely held religious observance or practice. In addition, an accommodation will be considered an undue hardship if it will result in the inability of the employee to perform an essential function of the position in which they are employed.

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### RESPONSIBILITIES

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The major responsibilities of each party in connection with this policy are as follows.

<b>Department of Inclusion and Workforce Diversity (DIWD)</b>	<p>Provide guidance and consultation to Human Resources representative. Maintain record of accommodations requests and determinations.</p> <p>Review denials of accommodations requests.</p> <p>Resolve disagreements with the determination regarding accommodation and/or the proposed accommodation</p>
<b>Faculty and Staff Assistance Program (FSAP)</b>	<p>Provide confidential counseling to employees who seek assistance in resolving concerns, including work-related concerns.</p> <p>Refer staff and faculty with requests for religious-related accommodation to the individual's supervisor or department chair.</p>
<b>Faculty, Staff Members, and Student Employees</b>	<p>Initiate requests for any desired religious-related workplace accommodation by contacting your supervisor or department chair in a timely manner.</p> <p>Make available any documentation related to the tenets of your religious practice or belief that supports the request.</p> <p>Complete the "Cornell Religious Accommodation Request Form" (see "Forms") and submit it to your supervisor or department chair.</p> <p>Cooperate with your supervisor's or your department chair's good-faith efforts to accommodate your practice or belief.</p>
<b>Financial Aid and Student Employment (FASE)</b>	<p>Receive and file completed "Cornell Religious Accommodation Request" forms submitted by the Human Resource representative of the unit in which the requesting student is employed.</p> <p>Assist student employees, supervisors, Human Resources, and the Department of Inclusion and Workforce Diversity and Institutional Equity and Title IX to resolve concerns and complaints in relation to requests for religious accommodation.</p>
<b>Human Resources Representative</b>	<p>Provide information on religious-related workplace accommodations to faculty, staff, and student employees.</p> <p>Complete "Cornell Religious Accommodation Request Form for HR Representative" form (see "Forms") and submit copy to DIWD, and when applicable to student employees, to the Financial Aid and Student Employment (FASE).</p> <p>Work with the supervisor or department chair to gather necessary information and help determine whether a request should be granted.</p> <p>May need to discuss with others, such as DIWD or the Office of Spirituality and Meaning-Making, the basis of the employee's request for accommodation, where this would assist accommodating the request.</p> <p>Before any request for accommodation is denied, the supervisor or department chair and/or Human Resources representative must consult with the Associate Vice President for Inclusion and Workforce Diversity or that Associate Vice President's designee.</p> <p>Notify the supervisor or department chair of the faculty, staff, or student employee making the request of its outcome and, if granted, of the type of accommodation.</p> <p>Where an accommodation has been granted, assist the employee and the supervisor or department chair to implement it effectively and efficiently.</p>

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### RESPONSIBILITIES, continued

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<b>Office of Spirituality and Meaning-Making</b>
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Provide programs of worship, study, and social life, as well as opportunities for students to engage in interfaith dialogue.
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Refer staff and faculty with requests for religious-related accommodation to the individual's supervisor or department chair.
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Advise supervisors and/or department chairs, human resource representatives, and DIWD on issues relating to requests for religious accommodation.
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## PRINCIPLES

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### **Overview**

Cornell University is committed to diversity and nondiscrimination and supports the employment in its workforce of qualified individuals, regardless of religious affiliation or lack thereof. In all its employment practices (such as appointment, promotion, demotion, transfer, recruitment, advertising, layoff, termination, classification, pay rate, or other forms of compensation and selection for training), Cornell University will exercise good faith to treat qualified individuals without discrimination based upon their religious practice or belief. Therefore, a process has been established to assist individuals desiring workplace accommodation for religious reasons.

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## PROCEDURES

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#### **Request for Accommodation**

Faculty, staff and student employees may request a religious accommodation by:

1. completing a “Cornell Religious Accommodation Request Form” (see “Forms”)
2. submitting this request for an accommodation to their supervisor or department chair
3. if requested, providing documentation to support the request

◆ **Note:** Whenever possible, such requests should be made at least 30 days in advance of the desired accommodation.

Supervisors, department chairs, and Human Resources representatives complete the appropriate “Cornell Religious Accommodation Request Form for HR Representative Form”.

#### **Discussion**

Following the receipt of the request for accommodation, the supervisor or department chair will:

1. discuss the request with the faculty, staff member, or student employee, explaining the university’s accommodation process
2. where it would assist accommodating the request, discuss with others the basis of the request

#### **Documentation**

In addition to submitting the “Cornell Religious Accommodation Request Form”, the faculty, staff member, or student employee has the responsibility to provide requested documentation to support this request. Supporting documentation requested may vary depending on the nature and extent of the accommodation requested.

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#### PROCEDURES, continued

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#### **Analysis of Job/Position or Performance of Job Responsibilities**

In determining whether to satisfy the request for accommodation, the Human Resources representative, in conjunction with the individual's supervisor or department chair, will:

1. identify the essential functions or core work-related duties of the individual's position
2. consider the work-related duties of current or prior faculty, staff, or students in that same job or position
3. assess the impact of the requested accommodation on the performance of the essential functions of the individual's position and the operation of the department or unit
4. assess the potential issues posed by the request, such as impact on other faculty, staff, or student employees

#### **Analysis of the Request for Accommodation**

Reasonable accommodations are determined on an individual basis.

The following factors are among those to be included in the individualized assessment of such requests for accommodation:

- nature of the accommodation requested
- duration of the request
- alternative accommodations
- financial impact
- impact on the operation of the department or unit
- ability of the individual to perform essential functions of the position if the accommodation is granted
- other related factors

◆ **Note:** If the employee is working during certain hours only as an accommodation of their sincerely held religious requirements, that employee is not entitled to any premium wages or premium benefits that would apply ordinarily.

#### **Notification and Implementation of an Accommodation**

For tracking purposes, the Human Resources representative will send a copy of the completed form "Cornell Religious Accommodation Request Form" to the Department for Workforce and Diversity Inclusion (DIWD) and, in the case of student employees, to Financial Aid and Student Employment also.

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#### PROCEDURES, continued

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The faculty, staff, or student employee making the request will be notified by their supervisor or department chair of the determination and, if granted, of the type of accommodation.

The supervisor, assisted by the Human Resources representative, will help make an agreed-upon workplace accommodation effective.

◆ **Note:** Before any request for accommodation is denied, the supervisor or department chair and/or Human Resources representative will consult with the Associate Vice President of the Department for Workforce and Diversity Inclusion or the Associate Vice President's designee. DIWD may collaborate or consult with other associated offices, such as, in the case of a student employee, Financial Aid and Student Employment.

#### **Resolving Disagreements**

##### Informal Process

In the event that the faculty or staff member disagrees with the determination and/or proposed accommodation, the individual may contact DIWD or the University Ombudsman for assistance.

##### Review by the Department of Inclusion and Workforce Diversity

If the faculty or staff member continues to have concerns about the accommodation, they can consult with the Department of Inclusion and Workforce Diversity.

##### Recordkeeping

Materials related to an employee's religious accommodation request, including the request for accommodation and any other documentation/information, will be shared only for authorized college/unit business reasons and will be filed along with other unit Human Resources documents.