

SOUTHWESTERN LAW SCHOOL

L O S A N G E L E S

Religious Accommodation Policy for Employees and Job Applicants

Administrative policy approved June 8, 2022. Effective immediately.

Revision history: None; new policy.

Related policies: Religious and Cultural Observances Policy (which outlines the process for students to seek a religious accommodation through the Dean of Students Office); COVID-19 Vaccine and Booster Policy (and related form for a religious exemption from the vaccine); Floating Holidays Policy; Southwestern employee holiday calendar (posted on the employee portal).

Scheduled Review Date: June 2025 (General Counsel's Office and Administrative Services Office)

A. Policy Statement

Southwestern Law School is committed to supporting equality of employment opportunity by affirming our values of diversity and inclusiveness. This commitment includes embracing religious diversity. Southwestern prohibits discrimination against employees and job applicants for employment based on religious beliefs, observances, and practices, including religious dress and grooming practices, in accordance with state and federal laws and regulations, including Title VII of the Civil Rights Act of 1964 and the California Fair Employment and House Act. In addition, Southwestern will provide a reasonable accommodation of an employee's or job applicant's sincerely held religious beliefs, observances, and practices, unless providing a reasonable accommodation would result in undue hardship to Southwestern, including undermining Southwestern's commitment to diversity and inclusiveness. As used in this Policy, "religion" includes any traditionally recognized religion and beliefs, observances, and practices that an individual sincerely holds and that occupy in their life a place of importance parallel to that of a traditionally recognized religion.

B. Procedures

1. Request for Religious Observance Accommodation

Faculty, staff, and job applicants whose religious beliefs, observances, or practices conflict with their job (or potential job, for job applicants), work schedule, Southwestern's policy or practice on dress and appearance, or other aspects of employment, and who seek a religious accommodation can request one by:

- completing appropriate sections of the Southwestern Religious Accommodation Request Form, which is available from Human Resources;
- submitting this request for an accommodation to Human Resources;
- if requested, providing documentation to support the request; and
- participating and cooperating in the interactive process.

This request will include the type of religious conflict that exists and the employee's or job applicant's suggested accommodation. If possible, such requests should be made by employees at least 30 days before the desired accommodation and by job applicants as soon as reasonably possible during the application and recruitment process. Failure to provide reasonable notice may impact Southwestern's ability to accommodate the request. Supporting documentation requested may vary depending on the nature and extent of the accommodation requested. When more than one accommodation is feasible, Southwestern may select among any of the feasible accommodations, provided the accommodation will effectively eliminate the religious conflict.

Following the receipt of the completed request form, Human Resources will:

- engage in an interactive process and discussion with the individual requesting the accommodation;
- notify and consult with any other individual or office reasonably involved in the process regarding the request; and
- issue a written decision to the individual approving or denying the request.

Human Resources will complete the remaining sections of the Southwestern Religious Accommodation Request Form.

2. Interactive Process

Reasonable accommodation decisions are determined on an individual basis considering the totality of the circumstances and following the conclusion of an interactive process. Once a request has been made in accordance with this Policy and Human Resources has initiated an interactive process/discussion with the individual, the individual requesting the accommodation is obligated to participate and cooperate in the process.

In determining whether to approve or deny a religious accommodation request, Human Resources will:

- identify the essential functions of the individual's position;
- confer with anyone reasonably necessary to the decision-making process, including the employee's immediate supervisor;
- 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; and
- assess all other potential issues posed by the request, such as the impact on other employees.

3. Factors Included in the Individualized Assessment

The following factors are among those that may be included in the individualized assessment of religious accommodation requests:

- nature of the accommodation request;
- duration of the request;
- alternative accommodations;
- financial impact;
- impact on safety;
- impact on the operation of a department or on academic functions or requirements;
- impact on other employees or students;
- ability of the individual to perform essential functions of the position if the accommodation is granted; and
- Southwestern's commitment to diversity and inclusiveness.

4. Potential Accommodations

Potential accommodations that may be reasonable depending on the circumstances of the particular request include but are not limited to:

- flexible scheduling (e.g., flexible arrival and departure time, flexible work breaks, working through lunch break in exchange for early departure) to permit religious observances;
- leave for religious observances;
- delivering services through a different modality (e.g., offering an asynchronous class session);
- voluntary shift substitutions or swaps;
- a place to pray;
- exceptions to the dress or grooming policies that do not affect safety requirements; and
- modification of non-essential job functions.

Depending on the situation and with supervisory approval, an employee requesting a religious accommodation may use accumulated leave (such as vacation) or leave without pay.

C. General Provisions for Religious Observance Accommodations

1. Safety and Security

Southwestern is not required by law or this Policy to accommodate religious beliefs when an accommodation would violate other laws or interfere with the safety and security of our community (for example, a religious practice related to use of illegal drugs or carrying a weapon might not be reasonable to accommodate).

2. Time Frame

Requests for accommodation will be processed within a reasonable period based upon the facts and circumstances. Requests not involving extenuating circumstances will be processed and the accommodation, if granted, provided as soon as possible but not more than 30 business days from the date of the request.

3. Interim Accommodation

Human Resources may provide interim accommodations while the individual's request is being processed or if an approved accommodation cannot be promptly implemented.

4. Changes to Employee's Assignment/Department

Employees whose work schedules, positions, or work departments significantly change (e.g., transferring to a new department) must submit a new request for a religious accommodation by following the procedures set forth in this Policy.

5. Effect on Pending Personnel Actions

Filing an accommodation request will not stop or delay any evaluation or disciplinary action related to an employee who is not performing up to acceptable standards or who has violated Southwestern's rules or policies.

6. Record Keeping

Materials relating to an employee's or job applicant's religious accommodation, including the request and any other documentation, will be shared only for valid school or business reasons and will be maintained by Human Resources.

7. Retaliation

Retaliation of any kind against anyone for requesting a reasonable religious accommodation is strictly prohibited. Individuals who believe they are experiencing retaliation should contact Human Resources.

D. Cultural Observances

While not legally required, Southwestern will consider requests for modifications or adjustments to the work environment, the ways tasks or responsibilities are customarily done, work schedule, or the application process in the event of a conflict with a significant cultural observance. Faculty, staff, and job applicants whose significant cultural observances conflict with an aspect of employment (or potential employment by applicants) and who seek an accommodation can request one by:

- completing appropriate sections of the Southwestern Cultural Observances Accommodation Request Form, which is available from Human Resources;
- submitting this request for an accommodation to Human Resources;
- if requested, providing documentation to support the request; and
- participating and cooperating in the interactive process.

This request will include the cultural observance conflict that exists and the employee's or job applicant's suggested accommodation. If possible, such requests should be made by employees at least 30 days before the desired accommodation and by job applicants as soon as reasonably possible during the application and recruitment process. Failure to provide reasonable notice may impact Southwestern's ability to accommodate the request. Supporting documentation requested may vary depending on the nature and extent of the accommodation requested. When more than one accommodation is feasible, Southwestern may select among any of the feasible accommodations, provided the accommodation will effectively eliminate the cultural observance conflict.

Following the receipt of the completed request form, Human Resources will:

- engage in an interactive process and discussion with the individual requesting the accommodation;
- notify and consult with any other individual or office reasonably involved in the process regarding the request; and
- issue a written decision to the individual approving or denying the request.

Human Resources will complete the remaining sections of the Southwestern Cultural Observances Accommodation Request Form.

Southwestern reserves the right to discontinue its consideration of significant cultural observance accommodation requests.