



The University of North Carolina

GENERAL ADMINISTRATION

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State University

Fayetteville State
University

North Carolina
Agricultural and
Technical State
University

North Carolina
Central University

North Carolina
State University
at Raleigh

University of
North Carolina
at Asheville

University of
North Carolina
at Chapel Hill

University of
North Carolina
at Charlotte

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North Carolina
at Greensboro

University of
North Carolina
at Pembroke

University of
North Carolina
at Wilmington

University of
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School of the Arts

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University

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State University

Constituent High School
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MEMORANDUM

TO: Members, Committee on Educational Planning, Policies, and Programs

FROM: Alan Mabe

DATE: August 2, 2010

SUBJECT: Legislatively Required Campus Policy on Student Excused Absences
Based on Religious Observation

The General Assembly approved a requirement that the Board of Governors 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.

Attached is a summary that reviews the legislative requirement and suggests a course of action for the Board to take. Given the immediacy of application, the recommendation is that the Educational Planning Committee would approve a motion to implement the legislative directive and place it on the Consent Agenda for Board approval at the August meeting. The language of the directive as it applies to UNC is included in the review and the full text is attached as well.

Adopting the following motion will bring about the required result:

“Based on legislative requirements, the Board of Governors directs 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. This policy shall be applicable beginning with the 2010-2011 academic year.”

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 constitute institution to adopt a student religious observance policy.¹ 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 religions 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 religions 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.

¹ S.L. 2010-112, Sec. 3 (HB357), enacting G.S. 116-11(3a).

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.² 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.

² 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.