

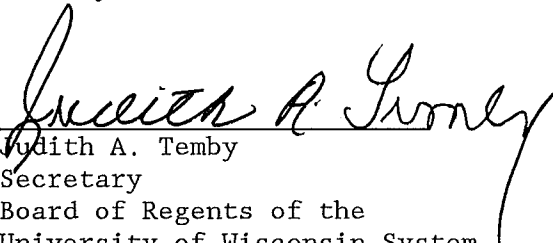
CR 92-116

STATE OF WISCONSIN)

BOARD OF REGENTS OF)
THE UNIVERSITY OF)
WISCONSIN SYSTEM)

I, Judith A. Temby, Secretary of the Board of Regents of the University of Wisconsin System and custodian of the official records, certify that the annexed rules, relating to the accommodation of students' religious beliefs, were duly approved and adopted by the Board on May 7, 1993. I further certify that this copy has been compared by me with the original on file with the Board and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Regents of the University of Wisconsin System at 1860 Van Hise Hall, 1220 Linden Drive, in the city of Madison, this 7th day of July, 1993.


Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System

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9-1-93

ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM
CREATING RULES

Agency contact persons: Patricia B. Hodulik (262-6497); Judith A. Temby (262-2324)

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to create Chapter UWS 22, Wisconsin Administrative Code, relating to the reasonable accommodation of students' religious beliefs.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE UW SYSTEM]

Section 36.43, Wisconsin Statutes (1991 Wisconsin Act 227), requires the Board of Regents to promulgate administrative rules providing for the reasonable accommodation of students' sincerely held religious beliefs with regard to examinations and other academic requirements. The statute specifies certain elements to be included in the rules to ensure that students' religious beliefs are accommodated, and that there is a mechanism available for resolving any complaints concerning religious accommodations.

The proposed rules in Chapter UWS 22 address the statutory requirements. The rules affirm the policy of the Board of Regents to reasonably accommodate students' sincerely held religious beliefs with respect to examinations and other academic requirements. Proposed s. UWS 22.03 provides that students shall be permitted to make up an examination or other academic requirement at another time or by an alternative method, without any prejudicial effect, where there is a scheduling conflict between a student's sincerely held religious beliefs and taking the examination or meeting the academic requirement. Students must notify the instructor, within the first three weeks of the beginning of classes (the first week of summer sessions or short courses), of the dates on which they will request relief from an examination or academic requirement. Such student notifications must be kept confidential. Instructors may schedule make-up examinations or other requirements either before or after the regularly scheduled examination or other academic requirement. Complaints of a failure to accommodate may be brought under institutional procedures adopted pursuant to Chapter UWS 6 or UWS 13, Wisconsin Administrative Code. Students and instructors are to be notified of the rules governing religious accommodations through appropriate institutional publications, including the timetable and catalogue.

Wisconsin Act 227 required that these rules be submitted to the Legislative Council Staff by the first day of the fifth month after publication of the act. The Act further provided that the rules should first apply in the 1992 fall semester. The rules were submitted to the Legislative Council within the required time period, but because of the statutory provisions and reviews required under Chapter 227, Wisconsin Statutes, it was not possible to have the rules finally promulgated before the 1992 fall semester began. Accordingly, UW System institutions have prepared interim policies to ensure the reasonable accommodation of students' religious beliefs. These interim policies will be in effect until the final promulgation of proposed Chapter UWS 22.

[TEXT OF THE RULE]

SECTION 1. CHAPTER UWS 22 is created to read:

CHAPTER UWS 22

ACCOMMODATION OF RELIGIOUS BELIEFS

UWS 22.01 DECLARATION OF POLICY. It is the policy of the board of regents that students' sincerely held religious beliefs shall be reasonably accommodated with respect to all examinations and other academic requirements. The board of regents adopts this chapter in order to ensure that all institutions of the university of Wisconsin system have in place appropriate mechanisms for ensuring the reasonable accommodation of students' sincerely held religious beliefs, and for appeals related to these matters.

UWS 22.02 DEFINITIONS. In this chapter:

- (1) "Board of regents" or "board" has the meaning given under s. UWS 1.02.
- (2) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers, or the university extension.
- (3) "Examination or other academic requirement" means any course requirement established by an instructor which will be considered in awarding the student's grade in the course.
- (4) "Institution" has the meaning given under s. UWS 1.06.
- (4) "Instructor" has the meaning given under s. UWS 14.02(11).
- (5) "Student" means any person who is registered for study in an institution of the university of Wisconsin system for the current academic period.

UWS 22.03 ACCOMMODATION OF RELIGIOUS BELIEFS. (1) A student shall be permitted to make up an examination or other academic requirement at another time or by an alternative method, without any prejudicial effect, where:

- (a) There is a scheduling conflict between the student's sincerely held religious beliefs and taking the examination or meeting the academic requirement; and

(b) The student has notified the instructor, within the first three weeks of the beginning of classes (within the first week of summer session and short courses), of the specific days or dates on which he or she will request relief from an examination or academic requirement.

(2) Instructors may schedule a make-up examination or other academic requirement before or after the regularly scheduled examination or other academic requirement.

(3) Instructors shall accept, at face value, the sincerity of students' religious beliefs.

(4) Student notification of instructors and requests for relief under par. (1) shall be kept confidential.

(5) Complaints of failure to provide reasonable accommodation of a student's sincerely held religious beliefs as required by this rule may be filed under institutional complaint and grievance procedures adopted pursuant to Chapter UWS 6 and Chapter UWS 13.

(6) The chancellor of each institution shall, through appropriate institutional publications (to include at a minimum the timetable and catalog), provide notification to students and instructors of the rules for accommodation of religious beliefs, and of the procedure and appropriate office for filing complaints.

It is proposed that this rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated:

July 7, 1993

Judith A. Temby
Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System

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Board of Regents of The University of Wisconsin System

Office of the Secretary
1860 Van Hise Hall, 1220 Linden Drive
Madison, Wisconsin 53706
(608) 262-2324

July 7, 1993

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Gary Poulson
Revisor of Statutes
119 Martin Luther King Boulevard
2nd Floor
Madison, WI 53703

Dear Mr. Poulson:

Enclosed for filing with your office are one certified copy and one uncertified copy of administrative rules concerning the accommodation of students' religious beliefs. Also enclosed is a disk-copy of the rules, on WordPerfect 5.2. These rules were originally approved by the Board of Regents on September 10, 1992. Following legislative review, modifications to the rules were approved by the Board on May 7, 1993, and the modifications were submitted to both houses of the legislature on May 14, 1993, pursuant to s. 227.19(4)(b)2, Wisconsin Statutes. The period for legislative review of the rules has now expired, and publication is, therefore, appropriate.

Thank you for your assistance in this matter.

Sincerely,


Judith A. Temby
Secretary

Enclosures

cc: Regents
President Lyall
Vice Presidents
Patricia Hodulik