

Muddled Boundaries: Religious Accommodations in Higher Education

Generic State University is a large, public university, considered the flagship institution in the state's higher education system. The institution is considered among the most elite public universities in the United States, with competitive admissions and consistently high rankings in *The US News & World Report* and *The Princeton Review*. However, the university has been the subject of public controversy recently, and the hot topic in higher education water cooler talk.

Two weeks ago, Generic State University's Muslim Student Alliance requested the campus swimming facility permit a woman-only swim hour one day a week, to allow a handful of their group members to more comfortably utilize the facility. Within days of the administration granting the request, Jack D. Beauregard IV, a rising member of the GSU College Republicans and a relative to key university donors, wrote an op-ed for the school's paper, *The Generic News*, claiming that the new accommodation "privileges Muslims" and "unconstitutionally establishes Sharia law on campus." Online comments to the op-ed and related news articles are a mix of support and derision: "It's not an unreasonable request. Women are half the population," or "I don't want my tuition dollars paying to accommodate somebody's religion. It's not the entire campus's religion. We don't all have to subscribe to Islamic law."

Since the op-ed's publication late last week, campus has been abuzz with tense demonstrations and protests from across the political spectrum, and the institution has been the target of a number of critical pieces from national conservative news outlets. Someone coined the phrase "sharia swimming" as shorthand for the controversy, and the GSU swimming facility was even vandalized two nights ago by apparent white supremacists, who broke windows, defaced walls, and left bacon in the pool. This further intensified the controversy and required a public statement from the Generic State University chancellor.¹

Dr. Jane Grey, a new assistant professor in the GSU English Department, hasn't been involved in the public discourse surrounding this issue – she is busy teaching her first ENG 101 class at the university, and generally prefers to keep a low profile on campus. While Jack D. Beauregard IV is in Dr. Grey's class, his controversial opinions have only rarely come up in class discussions. Late last week, she assigned a major group project for her students with randomized partners. The pairs are to lead a day's discussions of the text and engage their fellow students in a related activity, and the first pair teaches in 3 weeks' time.

When Dr. Grey arrives at her office for office hours, one of her students is already waiting for her. Mike Prince – a freshman in her ENG 101 course – looks sweaty and flustered sitting

¹ This is based on two incidents of a Tennessee Islamic Center and a Florida Mosque being vandalized with pork products, combined the documented proliferation of white supremacist graffiti on American college campuses in recent years (Bauer-Wolf, 2019; DeGennaro & Meyer, 2017; Reuters, 2017).

outside Grey's office, shifting his weight and brimming with nervous energy. When he sees Grey approach, he stands to attention.

"Professor Grey, I have a question about that group assignment you mentioned." His eyes are darting between her and the floor. "Is it...required?"

Dr. Grey is surprised at the question, as she thought she was clear about it during class and in the course syllabus. "Hi, Mike. As I said last week, the project is worth 20% of your course grade, and it has been present on the syllabus since the beginning of the semester." She continues by saying that it is, in no uncertain terms, expected that each student completes it.

"I just..." he pauses, tilting his eyes to the floor. "I can't do it." Dr. Grey doesn't know how to react to this statement, and Mike responds to her expression of confusion. "I can't do this project with a...a woman. It is against my beliefs...I just need a...a religious exemption? Something like that?"

To Dr. Grey, Mike's body language conveys both embarrassment and humiliation. While her knee-jerk reaction is to be at least somewhat offended as a woman, she keeps her composure, noting Mike's body language. She realizes that Mike is uncomfortable with making this request, and though she doesn't want to make him feel worse, she isn't sure how to properly respond to what Mike has requested. She also wonders about the other student in question, and how this request might impact her success in the course. There's been time, after all, for pairs to start dividing up tasks and coming up with a plan for their presentation.

With just a brief pause, she responds, "Let me think this over for a bit. I'll get back to you soon, Mike." Mike offers just a quick embarrassed nod and rushed "thanks" before he practically sprints out of her office.

After Mike leaves, it occurs to Dr. Grey that her decision about this request could fan the flames of the current religious tensions on campus. If she grants the request and somehow word gets out, it could create more division, and conservatives would have a new incident to rally around that could cause issues for both her and the school. After all, Jack D. Beauregard IV is in her very class - surely he would figure out that something happened if the groups are re-assigned unexpectedly. On the other hand, if she doesn't grant the request, Mike could make a public complaint, which would create a new set of consequences and problems, especially among those who could interpret the rejection as appeasement to the Islamophobic rhetoric coming from certain members of the university community. While she doesn't know specifics about his beliefs, Mike has a dark complexion and dark hair that leads her to assume that he is Muslim.

Unsure of what to do and with time to kill during her office hours, Dr. Grey decides to look up whether the university has a policy regarding student religious accommodations. What she finds is a brief, single paragraph on the Generic State University Office of Equity's website:

*"Although Generic State University does not as an institution observe religious holidays, the academic calendar is designed to avoid conflicts with observed holidays, such as July 4, Memorial Day, Thanksgiving, New Year's Day, and Christmas. As the diversity of our community has increased, additional religious holidays now affect a significant number of students, faculty, and staff. Consistent with our commitment of creating an academic community that is respectful of and welcoming to persons of differing backgrounds, we believe that every reasonable effort should be made to allow members of the university community to observe their religious holidays without jeopardizing the fulfillment of their academic or work obligations."*²

The text only leaves Dr. Grey more frustrated. The accommodation Mike requested isn't related to a holiday at all, and the policy doesn't offer any guidance whatsoever with this situation. What does "every reasonable effort" mean? To what extent can "the fulfillment of...obligations" be compromised to make an accommodation? Are there no other policies that can help her? Grey is unsure of what to do, but knows that there are some people she needs to talk to. She's suddenly feeling in over her head, and a jumble of thoughts rush through her head: *Title IX, academic obligations, separation of church and state, religious holidays...* As she closes her computer, she briefly wonders how the university doesn't consider Christmas to be a religious holiday, but the thought leaves her mind as she gathers her belongings and heads down the hall.

Dr. Grey, unsure and conflicted about how to deal with the accommodation request, knocks on the door of a trusted senior faculty colleague in her department, Dr. Ironside. A tenured professor with decades of classroom experience, Dr. Ironside is an active member of the campus's chapter of the American Association of University Professors, and reacts strongly to the news of Mike's request after Dr. Grey gives her synopsis.

"Jane, this is your classroom you are talking about. You have control over your curriculum and how your class operates. If you are uncomfortable with granting this request – if you think it interferes with the operation of YOUR class – then you are under no obligation to grant it. There is nothing even remotely unfair about a random assignment, and nothing is stopping this student from working with their partner in a public space." Dr. Ironside leans back expectantly.

² This is the Religious Accommodation Policy for Northwestern University, with only the institution name changed: <https://www.northwestern.edu/equity/policies-procedures/accommodation/religion.html>.

Dr. Grey isn't quite convinced. "I understand that, but surely we should be more careful with everything going on right now? I could let him work alone? But then again what about his partner? And would the other students know or suspect something is going on?"

"The details of the assignment were on the syllabus from the start," Dr. Ironside says with a frustrated sigh - directed at the situation and not herself, Dr. Grey hopes. "If this student had read the syllabus, then they would have foreseen this issue and told you at the start of the semester so you had time to prepare a solution.³ But they didn't, and that is their problem. Professors still have some power left in this institution, you know, despite the way it looks sometimes. If the administration gives you guff about your decision, the faculty will have your back. You don't have to abide this sexist nonsense from your students."

Still unsure and perhaps wanting a different perspective, Dr. Grey schedules a private meeting with the English Department Chair, Dr. Forrest. Dr. Forrest, who is known for his calm and deliberate demeanor, seems like a natural choice to consult with - a level head, so to speak. After explaining the situation, Dr. Forrest offers his thoughts:

"You know, we really don't need to be rocking the boat in this climate. That said, I think this accommodation would be unfair to your other students, and isn't actually reasonable if you ask me. How can this student expect to go through life so sheltered? What will he do in the real world?" Dr. Forrest pauses for a moment to think, then continues. "In any case, you should come up with a reasonable compromise with him. Maybe reshuffle the groups, and make sure he is ok with his new partner? Allow him to work alone, and make a group of three? I'm going to be honest with you, Grey, the ball is in your court here. There are any number of potential solutions to this situation, and almost any one of them could backfire somehow. You have tenure to think about, and having a classroom disaster that spins into public controversy is not something you want on your record when that conversation goes up the chain. This is a chance to be creative, and make some impressions."

With Dr. Forrest providing very little additional insight (outside of the worrying reminder of the potential impact on her tenure at Generic State University), Dr. Grey schedules one last meeting to get another on-campus perspective - with Dean Johnson, the Generic State University Vice President for Student Affairs and Dean of Students.

Johnson, after being informed of the request, doesn't hesitate to offer a solution for Dr. Grey. "You should really just grant the exemption. Have you looked outside lately? This is the kind of thing that could blow up on the entire university if it isn't dealt with delicately, and we do not

³ This is required in some religious accommodation policies, though not in the one used as a model for this case. For an example, see the University of Denver's policy at <https://www.du.edu/culturalcenter/spiritual-life/process.html>.

need any lawsuits hanging over us. Besides, it's easier to have the conservative pundits stay mad at us than it is to let a whole new group of folks direct their fury in our direction."

Dean Johnson pauses to take a sip of the coffee that is apparently always at hand. Before Dr. Grey can speak, he continues, "More importantly, denying any kind of accommodation is going to send a foul message to our students. They are paying good money to be here, and we're here to serve their needs. It doesn't matter if the request may seem ridiculous to you; it isn't for you to decide what this student needs to succeed. The wise choice here is to keep this at a low profile."

Dr. Grey is dizzied by Dean Johnson's nearly polar opposite reaction to the situation. She was rattled at the potential implications for tenure that could arise from this situation, and now she's worried about lawsuits, protests, and her name in the papers. She just started this scarce tenure-track position, and she knows how easily it can be derailed. How quickly the day goes.

After a long day of meetings and tense discussions with colleagues commenced by her frustrating policy discovery, Dr. Grey arrives home to have dinner with a friend from outside of the university. A long-time friend, Reverend Goode is a hospital chaplain who is accustomed to working intimately with people from different religious, secular, and spiritual backgrounds. Over dinner, Dr. Grey mentioned her dilemma, to which Rev. Goode offers his own advice:

"Jane, I certainly can't tell you what to do, and I don't know what it is like to be a professor." Dr. Grey smiles at that. Reverend Goode would probably be a great teacher and professor, she thinks. "But from what you described, this student was sincere, and it took a lot of courage to come to you with this request. Do you really think they would have asked this of you if they didn't truly, deeply need it? He had to directly confront an authority figure – someone in charge of his grades – and make a request that he knew could be ridiculed or ignored."

"I hadn't thought of it that way before," Dr. Grey says. She remembered how nervous and sweaty Mike was, and how he seemed terribly interested in the floor or the top of her desk.

"Whatever you decide to do," Reverend Goode adds, "I just want you to think about what it took for that student to even show up at your office today. Try to empathize with them. If it were me, I'd ask them what they are comfortable with. Come up with a solution alongside them, instead of imposing it on them. This student is a young adult, and deserves that recognition and respect."

Following dinner and Reverend Goode's departure, Dr. Grey sits at her desk, reflecting on what she should do. Considering the equally valid but incredibly different perspectives of Reverend Goode, Dean Johnson, Dr. Forrest, and Dr. Ironside, she stares at a blank email and struggles to find the words to send to Mike. What should she write to her student? How should she proceed? Are there other perspectives Dr. Grey should seek?

Reading List

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