



TO: The University Senate
The University Community

FROM: President Kermit L. Hall *KLH*

DATE: 19 December 2005

RE: Senate Bill 05506-09, No Suspension of Classes
for Religious Holidays

Dear Colleagues and Students:

Thank you for your thoughtful discussion of possible changes to the University at Albany academic calendar. Many vital issues have been raised about how courses are affected by our calendar, as well as which holidays — religious or secular — should be recognized by the calendar. With our renewed focus on student academic success, the nature of the calendar is a critical aspect of university life; it must reflect the high priority we place on teaching and learning.

While I appreciate the recent discussions and the reasons behind the Senate's vote to end the current practice of suspending classes for "religious holidays," I will not sign the legislation.

Given the profound cultural overtones associated with this issue and the significant diversity in our community, I believe it is imperative to fashion a strong consensus. I see no evidence of that consensus; I do not view the closely divided vote by the Senate as a mandate for action. On a secret ballot the senators voted 26 to 21 to support the legislation now before me. Yet no undergraduate member of the Senate voted since none were present in the house because their representatives had not been elected. I do, of course, appreciate the efforts made by the Senate to discuss the issue with the undergraduate population over the previous year, but I also note that at the moment of decision the undergraduates had no effective voice or a vote.

The question is not whether the University will celebrate religious holidays. By law a public institution like our own may not suspend classes for religious reasons, but may do so only when normal academic operations are challenged because of expected high absenteeism.

For the past 30 years, the University has suspended classes for some major Christian and Jewish holidays, not to enhance celebration of those holidays, but in order to accommodate the administrative and logistical difficulties presented by significant student, faculty, and staff absenteeism. I repeat, the University, as a state-supported public institution, does not celebrate religious holidays but it does have limited authority to accommodate the impact of such holidays. It has invoked that limited authority repeatedly to the point of creating a sense of customary expectation and practice among some groups.

In light of the existing law, our debate can and should be structured to address the question of how best to affect an appropriate accommodation when religious holidays prove disruptive to the normal operations of the university and when students, faculty, and staff wish to follow their religious beliefs. Given this reality, two possible strategies are available that, I believe, should be viewed as supportive of rather than antagonistic to one another. First, the current practice of suspending classes seems altogether appropriate when large numbers of the university community are affected, as is clearly true with Christian and Jewish holidays. Second, in those instances where students of other beliefs have holidays, it is appropriate for another form of accommodation to occur. Under current New York State educational law all faculty must appropriately accommodate our students' religious beliefs. The provision notes: "Any student in an institution of higher education who is unable, because of his or her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements." Faculty who have questions about this provision should consult the Office of Academic Affairs when students need support to make proper accommodations.

The Senate and the administration should address together two other issues that are not fully accounted for in the current legislation. These are federal holidays that are not celebrated currently and the use of so-called "shoulder days" now granted for purposes of assisting students to travel around holidays of any stripe.

Given these considerations, I cannot sign the current legislation. I would be willing to consider subsequent legislation that:

- * generates broader consensus,
- * that gives the undergraduate representatives full opportunity to participate in the Senate discussions and to vote,
- * that approaches the issue as one of providing an appropriate legal accommodation rather than granting or denying an opportunity to celebrate a particular religious activity,
- * that takes account, either positively or negatively, of the suspension of classes for federal holidays, including those not currently celebrated,
- * and that comes to terms with the additional "shoulder days" off we now grant surrounding holidays generally.

Our academic calendar must correspond with our goals as a university. We can and will, as we move the university forward, expand our curriculum and programming in ways that underscore the centrality of diversity and globalization. The University is an institution that welcomes all faiths and beliefs, and together we are responsible for developing a culture that recognizes and enhances cross-cultural understanding.

Again, I express my gratitude to the University Life Council and to so many of you who participated in this university-wide discussion that was a model of civility, thoughtfulness, and dedication to our academic mission. It augurs well for the University's future.

Without my signature on the legislation, the accommodative practices of the University will revert following the next academic year to where they stood in 2001.