Allegany College of Maryland

# FIRST AMENDMENT RELIGIOUS FREEDOM POLICY

Adopted 2023
Approved by Board of Trustees 06/19/23
Implementation 07/01/23
Type of Policy: Mandate (Maryland)
Revised per Federal Directive (NDS) 2025
Approved by Board of Trustees 05/12/25

## BACKGROUND AND PURPOSE

Allegany College of Maryland honors the United States Constitution and recognizes its responsibility as a public institution to protect the rights articulated in the First Amendment: freedom of speech, religion, assembly and association within the context of its educational mission and without preferential treatment. Allegany College of Maryland honors the religious heritage of all persons and encourages all students, employees, and community members to value the principles of religious freedom – including showing respect to persons whose religious beliefs and practices differ from their own. Allegany College of Maryland complies with Title VI of the Civil Rights Act of 1964 which protects students from discrimination based on a student's actual or perceived ancestry/ethnicity or citizenship/residency in a country with a dominant religion or distinct religious identity; Maryland complies with Title VII of the Civil Rights Act of 1964 which protects employees from discrimination based on religion. Allegany College of Maryland adheres to its own non-discrimination statement. This policy codifies the College's compliance, implements 2023 legislated requirements in Maryland (Accommodations at Public Institutions for Religious Beliefs), and highlights how persons can exercise their religious rights with reasonable time, place, and manner restrictions free from discrimination or unconstitutional content-based restrictions by the institution. This policy is a companion to the First Amendment Speech & Expression Policy.

### Non-Discrimination Statement as Required by Federal Directive effective 2/28/25

Allegany College of Maryland does not discriminate on the basis of federally protected classes of race, color, national origin, religion, sex, age, disability, and veteran/military status in matters affecting employment or in providing access to programs and activities. Allegany College of Maryland recognizes and complies with additional protections for employees and/or pursuant to state law.

## POLICY

### I. SCOPE OF THE POLICY

This policy applies to constitutionally protected religious activity as defined herein. This policy applies to all students, faculty, staff, and any person lawfully on College property which includes all campuses, instructional sites, and any property owned or managed by Allegany College of Maryland including – but not limited to – buildings, parking lots, access roads, vehicles, and fields/lawns. The words "on campus" encompass all such properties. This policy applies to both planned and spontaneous events/activities as well as any College-sponsored or College-sanctioned activity or event which creates a public forum.

### II. POLICY STATEMENT

Allegany College of Maryland shall not interfere with the rights of persons lawfully on campus to engage in constitutionally protected religious activity subject to reasonable time, place, and manner restrictions. No constitutionally protected religious activity shall be restricted based on content or viewpoint nor will the College discriminate based on religion. Harassment by any person of another person based on religion is prohibited; retaliation is prohibited. The College

will provide dedicated space on the main Cumberland, Maryland campus for individual students and employees to engage in protected religious activity and, when requested, the College will provide reasonable accommodations for individual students and employees.

Distributing religious materials, expressing religious beliefs on campus, holding a rally, and similar forms of protected speech/expression are subject to the companion First Amendment Speech & Expression Policy which applies to both planned and spontaneous events/activities.

## III. DEFINITIONS

For purposes of this policy, the following words/phrases are defined as

A. Protected religious activity: Events, practices, and observances that are covered by the First Amendment, federal laws, and Maryland law. Examples include: individual prayer; group prayer, carrying/citing religious materials such as books/treatises/liturgy, dietary restriction, restricted activity based upon the day of the week and/or time of day, holiday observances, artwork/décor of personal spaces, and wearing religious symbols or messages in attire, jewelry, body art, and head coverings which are also protected by the First Amendment Speech and Expression Policy. "Protected religious activity" applies to sincerely held faith-based or religious beliefs of an individual or group of individuals.
B. Reasonable accommodation: an adjustment to a College rule or requirement that will allow the student or employee to meet their religious beliefs without creating an undue hardship upon the College.
C. Religion (or creed): Beliefs, practices, and observances that are theistic in nature or non-theistic moral or ethical beliefs as to what is right and wrong that are sincerely held. A religion may or may not be a traditional organized faith. Religion is not social, political, or economic philosophies or personal preferences.
D. Sincerely held: Professed belief is genuine to the individual or group with literature, practices, observances, or other indica that aligns with the professed belief.

## IV. TIME, PLACE AND MANNER RESTRICTIONS

In order to maintain healthy, safe, and orderly learning as well as institutional operations, the College adopts the following reasonable time, place, and manner restrictions on protected religious activity:

- Individuals and groups are responsible for their own religious activity including supplying any materials; the College is not required to provide any equipment, materials, supplies, publicity or personnel.
- Organized/group religious activities are not permitted in classrooms, study labs, libraries, or other learning spaces that are being used for learning activities.
- Religious activities may not disrupt educational activities or orderly operations.
- Religious activities may not endanger the health or safety of any person.
- No person may be compelled to participate in any religious activity.
- Religious activities may not interfere with the free flow of pedestrian or vehicular traffic.
- College property may not be defaced or damaged; banners, signs and the like may not be permanently affixed or attached to any College property, and they must be removed or properly stored at the conclusion of the event/activity.
- Participants must comply with health/safety directives from authorized College Officials or local officials.

- Religious groups or organizations intending to hold a religious service must rent their desired College facility adhering to rental facility usage/fee agreements.
- Events which are supported by college funds must be open to all employees and students unless seating or space capacity is limited; in such cases, the individual or group is responsible for managing occupancy and access.
- Academic programs which have a dress code for students and employees while engaged in program activities on or off-campus may restrict clothing, jewelry, body art, and head coverings but only if necessary for specific health/safety reasons or to comply with clinical/practicum requirements.
- Athletic programs which have a uniform for students and employees while engaged in program activities on or off-campus may restrict clothing, jewelry, body art, and head coverings but only if necessary for specific health/safety reasons or to comply with NJCAA or Maryland JUCO requirements.

## V. INSTITUTIONAL REQUIREMENTS, PERMISSIONS, AND PROHIBITIONS

A. The College must

1. Permit protected religious activity by students, employees, and visitors
2. Provide reasonable academic accommodations for students to practice sincerely held faith-based or religious beliefs. Accommodations include
    a) excusing absences for a student to observe faith-based or religious holidays or participate in organized religious activities and
    b) allowing an alternative if a student misses an examination or other academic requirement pursuant to an absence excused under this policy.
3. Provide a grievance procedure to report non-compliance with the policy
4. Provide a non-denominational or religiously neutral space on campus to accommodate an individual's faith-based or religious practices.
5. Post this policy prominently on its website.

B. The College may

1. Require students and employees to complete necessary forms, petitions, or waivers to request a religious accommodation and/or to seek a religious exemption from particular mandated activities or health/medical requirements.
2. Deny a request for a religious accommodation or an exemption if there is an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice. The College may seek additional, supporting information and consider these factors:
    a. Whether the student or employee has behaved in a manner markedly inconsistent with the professed belief.
    b. Whether the accommodation sought is a particularly desirable benefit that is likely to be sought for secular reasons.
    c. Whether the timing of the request renders it suspect (e.g., it follows an earlier request by the student or employee for the same benefit for secular reasons).
    d. Whether the College otherwise has reason to believe the accommodation is not sought for religious reasons.

C. The College may not

1. Impose value judgements about the merit, truth, accuracy or validity of a person's religious beliefs.
2. Make decisions based on the content of any religious activity related to:
    a) First Amendment activities/events,
    b) Student club/organization funding,
    c) Facility use or rental,
    d) Funding, grants, procurement,
    e) Academics/instruction,
    f) Administrative operations, and/or
    g) Personnel decisions.
3. Interfere with protected religious activity that is compliant with time, place, and manner restrictions.
4. Compel participation in a religious activity.

## VI. Procedures

Allegany College of Maryland shall adopt necessary procedures to implement this policy.

## VII. Other Provisions

A. The exercise of any right or activity covered by this policy by a person or group does not constitute endorsement by Allegany College of Maryland, and Allegany College of Maryland reserves its own rights under the First Amendment.
B. The College assumes no liability for the event/activity or the actions of any participant.
C. It is the responsibility of the student or employee to be aware of any conflict between their sincerely held religious belief and the College's operations; it is the responsibility of the affected student or employee to request a religious accommodation in a timely manner pursuant to the policy's procedures.
D. Nothing in this policy shall be construed to limit or infringe on academic freedom as understood and applied in higher education.
E. Nothing in this policy shall be construed to exempt a student or employee from third party requirements over which the College has no control such as student intern or clinical site rules.
F. Application of this policy may directly or indirectly require the application of other institutional policies; nothing in this policy shall be construed to prohibit the application of related policies which include, but are not limited to the policies listed here. If the application of this policy conflicts with the application of another institutional policy, the College will make a good faith effort to comply with all mandates and legal requirements. Related policies: First Amendment Speech & Expression Policy, Non-Discrimination, Sexual Misconduct and Sex Discrimination Policy (Title IX), Safety Risk Policy, Code of Student Conduct; Alcohol and Drug Policy, HR policies, Academic Regulations, Personal Electronic Account Privacy Protection Policy, FERPA Policy.

## VIII. ADMINISTRATION OF POLICY

The Dean of Student & Legal Affairs is responsible for the implementation, administration, and oversight of this policy in consultation with other College Officials and/or General Counsel as needed.

Questions, concerns, and reports of non-compliance should be promptly reported to the Office of Student & Legal Affairs.

## IX. Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.