

## **UNC Charlotte: Guidance on the Enforceability of Classroom Policies and Practices**

Below are some basic legal guidelines to help faculty determine whether their classroom policies are legally enforceable or supportable. These guidelines are not intended to be comprehensive, but they should serve as a good starting point for faculty to "test" policies before they implement them.

Generally, the answer to the question, "is this classroom policy enforceable?" will be either       

"Yes, if . . ." or "No, unless . . ." the policy or practice imposed by the faculty member:

- ! allows different treatment for a particular student as a reasonable accommodation of a disability (such accommodation is not mandated if it requires a "fundamental alteration of the academic program")
  
- ! allows different treatment for a particular student as an accommodation of a "sincerely held religious belief" (the University must be able to establish that it has a "compelling interest" in denying such accommodation or that providing the accommodation imposes an "undue hardship" on the University)
  
- ! is "rationally related" to an educational purpose; in other words, you are able to provide a rational justification for imposing the policy or practice
  
- ! is not "arbitrary and capricious," in other words, it is imposed consistently by the instructor
  
- ! is not imposed maliciously
  
- ! is not applied, or excused, on the basis of race, gender, [sexual orientation,] or national origin; or on the basis of religion or disability, when reasonable accommodation to those factors is required