Military Obligation Policy at SUNY Oswego

The issue:

Current SUNY Oswego policy regarding military service focuses leave of absence for students called up to active duty or deployment. However, military obligations for our students can be broader, including mobilizations, temporary duty assignment, drill, and unit training assemblies.

This proposal would adopt policy for limited class absences stemming from these types of regular obligations, using the athletic team policy as a model. We currently have a policy excusing absences for our 450+ athletes. This policy would apply to 100-150 students with military obligations from reserves, national guard units, active duty or ROTC.

Background:

There are protections with civilian employment. The Uniformed Services Employment and Reemployment Rights Act (USERRA) accords the right to reemployment to a person who leaves a civilian job for voluntary or involuntary service in the uniformed services (active duty, active duty for training, inactive duty training, funeral honors duty, etc.). USERRA does not apply to the relationship between a student and an educational institution.

Current federal and NYS law set requirements regarding military leave of absence and readmission, notably Section 487b of the US Higher Education Act as amended in 2008. This law protects students interrupting an educational program for uniformed service. It does not protect the National Guard, Reserve or ROTC members with training obligations during the semester. No federal or NYS law requires professors to make accommodations for these circumstances.

Absence from class due to military obligations.

1. For the purposes of this policy, military obligations are defined as duties that will cause a student to miss no more than 15% of class meetings. This obligations include drill, temporary duty assignment, unit training assemblies, and ROTC training.
2. For a student, who because of her/his military obligation is unable to attend classes on a particular day or days because of such, that absence is excused.
3. Faculty and administrative officials of the institution must provide each student who is absent from school because of such obligations an equal opportunity to make up any course requirements which the student may have missed because of such absence. No fees of any kind shall be charged by the institution for this opportunity. At the same time, the absent student shall not expect the instructor to repeat an entire lecture or lab session.
4. For obligations exceeding this 15% limit, any accommodation will be at the instructor’s discretion.

5. Students who are actively participating in the United States Military Reserve, ROTC or National Guard are to provide each faculty member a copy of their military obligation schedule during the first week of class each semester. In the event that the student must perform duties outside of this schedule, a signed memorandum from his/her Unit Commander must be provided with said dates of service and supplied to each instructor.

6. It is the responsibility of the student who misses any classes under these provisions to contact the instructor of each class (prior to the anticipated absence) to arrange for making up course requirements affected by the provisions. It is also the student’s responsibility to inform the faculty affected by these provisions of changes to their schedules at the time of the change.

7. Faculty and administrative officials of the institution must ensure that students do not suffer unfairly because of these provisions. Students who feel that this policy has not been fairly implemented by faculty may appeal to the appropriate department chair. If it is felt that no satisfaction is received there, then the student may appeal to the appropriate dean.