



## RELIGIOUS ACCOMMODATION GUIDELINES

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### A. GENERAL

#### Mission Statement

The Upper Grand District School Board acknowledges each individual's right to follow or not follow religious beliefs and practices free from discriminatory or harassing behaviour.

The Board is committed to taking all reasonable steps to provide religious accommodation to students and staff.

#### Purpose Statements

1. The Upper Grand District School Board recognizes and values the religious diversity within its community and is committed to providing a safe, respectful and equitable environment for all, free from all forms of discriminatory or harassing behaviours based on religion.
2. Freedom of religion is an individual right and a collective responsibility. The Board commits to work with the community it serves to foster an inclusive learning environment that promotes acceptance and protects religious freedom for all individuals. While the Board and its staff will take all reasonable steps to ensure freedom of religion and religious practices consistent with the *Ontario Human Rights Code (The Code)*, it is expected that students and their families will help the Board to understand their religious needs and will work with the Board and its schools to determine appropriate and reasonable accommodations.
3. The purpose of this guideline is to ensure that all Board staff, students, parents and other members of the school community are aware of their rights and responsibilities under *The Code* with respect to religious accommodation. It also sets out the Board's procedures for accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Ministry of Education's *Equity Strategy*, *The Code* and Ontario Human Rights Commission's *Guidelines on Developing Human Rights Policies and Procedures*, it is intended that the accommodation process, as well as the accommodation itself, be effective and respectful of the dignity of accommodation seekers.



## RELIGIOUS ACCOMMODATION GUIDELINES

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### Legislative and Policy Context

1. All school boards exist within a broader context of law and public policy that protect and defend human rights. At the Board, a number of policy statements have been developed that reinforce both federal and provincial legislation, and also help ensure that the freedoms they set out are protected within the school system.
2. The *Canadian Charter of Rights and Freedoms* (Section 15) protects freedom of religion. *The Ontario Human Rights Code (The Code)* protects an individual's freedom from discriminatory or harassing behaviours based on religion. In addition to and consistent with this legislation, *The Education Act*, its Regulations and policies govern Equity and Inclusion in Schools, including:
  - a) PPM #108, "Opening or Closing Exercises in Public Elementary and Secondary Schools";
  - b) R.R.O. 1990, Regulation 298, "Operation of School-General" s 27-29, under the heading "Religion in Schools", and
  - c) PPM #119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools".
3. The Board recognizes, and is committed to, the values of freedom of religion and freedom from discriminatory or harassing behaviour based on religion through its various policies, including Policy #504 Equity and Inclusive Education, Policy #508 Anti- Harassment, and Policy #503 Student Discipline. These and all of the Board's policies will be informed by, and interpreted in accordance with, the principles of *The Code*.

### B. DEFINITIONS

1. Accommodation
  - a) Accommodation is defined by the Board as a duty to meet the special needs of individual and groups protected by *The Code* up to the point of undue hardship.
  - b) The Ontario Human Rights Commission's *Policy on Creed and the Accommodation of Religious Observances* (October 20, 1996)



## RELIGIOUS ACCOMMODATION GUIDELINES

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defines accommodation as a duty corresponding to the right to be free from discrimination:

*The Code* provides the right to be free from discrimination, and there is a general corresponding duty to protect the right: the “duty to accommodate.” The duty arises when a person’s religious beliefs conflict with a requirement, qualification or practice.

*The Code* imposes a duty to accommodate based on the needs of the group of which the person making the request is a member. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation.

- c) The duty to accommodate is an obligation that arises when requirements, factors, or qualifications, which are imposed in good faith, have an adverse impact on, or provide an unfair preference for, a group of persons based on a protected ground under *The Code*. The duty to accommodate must be provided to the point of undue hardship. In determining whether there is undue hardship, reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.

### 2. Creed

- a) Creed is interpreted by the Ontario Human Rights Commission as “religious creed” or “religion.” It is defined as a professed system and confession of faith, including both beliefs and observances of worship.
- b) The existence of religious beliefs and practices are both necessary and sufficient to the meaning of creed, if the beliefs and practices are sincerely held and/or observed.
- c) Atheists and agnostics are also protected under *The Code*.
- d) Creed does not include secular, moral, or ethical beliefs or political convictions. This policy does not extend to religions that incite hatred or violence against other individuals or groups, or to practices and observances that purport to have a religious basis, but which contravene international human rights standards or criminal law.



## RELIGIOUS ACCOMMODATION GUIDELINES

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### 3. Religion

Religion is defined as a systemic or individualistic belief or non-belief in a set of metaphysical, moral, political and or social values or doctrines.

### 4. Undue Hardship

- a) Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, if any, and health and safety. It will be based on objective evidence.
- b) A determination that an accommodation will create undue hardship will be made only with the approval of the Board of Trustees.
- c) Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of his or her recourse under the Board's policies, and *The Code*.
- d) Where a determination of undue hardship has been made, the Board will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

## C. GENERAL PROCEDURES FOR ACCOMMODATION

### Areas of Accommodation

Areas where the practice of religion may result in a request for accommodation from some students and staff include:

- . Leave of Absence for Religious Holy Days and Observances
- . School Opening and Closing Exercises
- . Prayer
- . Dietary Requirements
- . Fasting
- . Religious Dress
- . Modesty requirements for Physical Education, and



## RELIGIOUS ACCOMMODATION GUIDELINES

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- Participation in daily activities and curriculum.

### **Accommodation Based on Request**

1. It is the role of the Board and its staff to ensure equity and respect for the diverse religious beliefs and practices of students and their families and other staff in the school system.
2. The Board will take all reasonable steps to provide accommodation to individual members of a religious group to facilitate their religious beliefs and practices.
3. All accommodation requests will be taken seriously.
4. No person will be penalized for making an accommodation request.
5. The Board will base its decision to accommodate by applying *The Code's* criteria of undue hardship with the Board's ability to fulfill its duties under Board policies and the Education Act.
6. School administrators will not be obligated to monitor a student's compliance with a religious obligation, or enforcing such practices as performing daily prayers or wearing a head covering.
7. When concerns related to beliefs and practices arise in schools, collaboration among the school, student, family, and religious community is needed in order to develop appropriate accommodation.
8. The school will take into consideration the scheduling of major evaluations, such as tests, assignments or examinations, based on the accommodation needs.
9. Student handbooks and parent newsletters should include easily understandable information about the procedure to follow to request an accommodation.

### **Staff Requests for Accommodation**

1. The staff person requesting accommodation should advise the administration of their accommodation needs at the beginning of the school year, to the extent possible.



## RELIGIOUS ACCOMMODATION GUIDELINES

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2. If September notice is not feasible, the person should make the request as early as possible.
3. The absence of employees due to religious observances will be granted as determined by this policy and the appropriate collective agreement.

### **Student Requests for Accommodation**

Students must present verbal or written notice from their parents/guardians specifying their accommodation needs relating to accommodation at the beginning of the school year, to the extent possible.

### **Unresolved Requests**

1. The Board will, based on its policies and procedures, take reasonable and timely steps to address the unresolved issues if an individual feels that discrimination based on religion has occurred.
2. A dispute resolution mechanism may be employed.

### **Unresolved Staff Requests**

In the event that, after an employee's consultation with the school administration and the Superintendent of Education, unresolved issues remain, then the matter will be referred to the Superintendent of Human Resources/designate.

### **Unresolved Students Requests**

In the event that a student maintains that his or her rights under the Board's religious accommodation policy have been compromised, then the matter will be referred to the appropriate Superintendent of Education.

## **D. PROCEDURES FOR INDIVIDUAL AREAS OF ACCOMMODATION**

### **Religious Holy Days and Observances**

1. The *Education Act* provides that "a child shall be excused from attendance at school if he/she is absent on a day regarded as a holy day by the church or religious denomination to which he/she belongs."



## RELIGIOUS ACCOMMODATION GUIDELINES

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2. Collective agreements provide for the accommodation of employees wishing to observe holy days.
3. All staff and students who observe religious holy days should be allowed leave without undergoing unnecessary hardship in the request of the leave.
4. A list of major religious holy days is provided to schools and is available on the Board's website.
5. The Board will:
  - a) encourage members of different faith-based groups to identify their religious holy days at the beginning of each school year.
  - b) make reasonable efforts to acknowledge the different observances of their community when planning programs and events, such as Board-wide tests and examinations.
  - c) to the extent possible, not schedule conferences, meetings, workshops, co-curricular activities and exams/tests on significant religious holy days and during celebrations.
6. Schools will:
  - a) make every reasonable effort to be aware of the religious observances of their staff, students and community when planning special school activities; examination schedules, school concerts, parent interview dates, field trips, and other events.
  - b) reschedule major tests or exams for the student when necessary.

### **Opening and Closing Exercises**

1. In accordance with the Ontario Ministry of Education PPM #108:

All public elementary and secondary schools in Ontario must be opened or closed each day with the national anthem. "God Save the Queen" may be included.



## RELIGIOUS ACCOMMODATION GUIDELINES

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2. The inclusion of any content beyond “O Canada” is optional for public school boards.
3. Where public school boards/schools include in opening or closing exercises anything in addition to the above, it must include either or both of the following:
  - a) one or more readings that impart social, moral, or spiritual values and that are representative of our multicultural society that may be chosen from both scriptural writings, including prayers, and secular writings;
  - b) a period of silence.
4. If a student or parent/guardian who objects to all or part of the opening or closing exercises of a school due to religious beliefs, the student will be exempted and given the option not to participate and to remain in class or in an agreed upon location through the duration of the exercise.

### **Prayer**

1. The Board recognizes the significance of prayer in religious practice.
2. Schools will make reasonable efforts to accommodate individuals’ requirement for daily prayer by providing an appropriate location within the building for students and staff to participate in prayer, such as:
  - a) a quiet space in the library;
  - b) an empty room, or
  - c) any mutually satisfactory location for the school and the student or staff member.
3. Accommodation for prayer may include late school arrival, early school leaving or seasonal adjustment.
4. Any adult presence will be for supervision purposes only.



## RELIGIOUS ACCOMMODATION GUIDELINES

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**Note:** The Board will reasonably accommodate staff with regard to prayer.

### **Dietary Requirements**

The Board is sensitive to the different dietary restrictions of various religious groups.

Schools will consider:

- a) menus provided by catering companies;
- b) school nutrition programs (breakfast, lunch, snack);
- c) food provided in school cafeterias, at school-sponsored activities, and
- d) school/community events, overnight outdoor education activities and field trips that extend over a mealtime period.

### **Fasting**

1. The Board is sensitive to religious periods of fasting and recognizes that students who are fasting may need exemptions from certain physical education classes.
2. Schools will:
  - a) endeavour to provide appropriate space, other than cafeterias or lunchrooms, for individuals who are fasting in religious observance, and
  - b) make reasonable efforts to provide appropriate accommodations for students requiring exemptions.

### **Religious Attire**

1. The Board recognizes that there are certain religious communities that require specific items of ceremonial dress. Some religious attire, which is a requirement of religious observance, and is not cultural dress, may not conform to the Board Policy #515 Appropriate Dress or an individual school's Appropriate Dress Policy (dress code).



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## RELIGIOUS ACCOMMODATION GUIDELINES

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2. Religious attire that is reasonably accommodated includes, but is not limited to:
  - . head covers: Yarmulkes, turbans, Rastafarian headdress, hijabs,
  - . Crucifixes, Stars of David, etc., and
  - . items of ceremonial dress.
  
3. Schools will:
  - a) review their dress codes to ensure religious attire is included, as appropriate;
  - b) reasonably accommodate students with regard to religious attire;
  - c) provide accommodations as necessary for a student to participate in physical education and school organized sports, and
  - d) be proactive in addressing potential harassment and bullying resulting from the wearing of religious attire based on the Board Policies #503 Student Discipline, Bullying Prevention and Intervention (Progressive Discipline, Suspension and Expulsion) and #408 Anti-Harassment.

**Notes:** For specific guidelines on the accommodation of Khalsa, Sikh students wishing to carry a Kirpan, please see Appendix "A."

4. The Board will reasonably accommodate staff with regard to religious attire.

### **Modesty Requirements for Dress for Physical Education**

1. The Board recognizes that some religious communities observe strict modesty attire in respect of their religion which may require accommodation for students to participate in physical education activities and school sports.
  
2. Schools will:
  - a) provide reasonable accommodation to address modesty



## RELIGIOUS ACCOMMODATION GUIDELINES

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requirements;

- b) explain to students and families the Ministry of Education's mandated expectations in the Physical Education curriculum, and
- c) provide information on available curriculum alternatives, as necessary.

### Participation in Daily Activities and Curriculum

- 1. The Board will seek to reasonably accommodate students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance.
- 2. Schools will:
  - a) have an informed, common sense discussion with the student's parent/guardian to understand the nature and extent of the conflict;
  - b) protect students and staff from harassment and discrimination because of their religion and cultural practices;
  - c) consider accommodation that does not clearly conflict with mandated Ministry of Education and Board policies, and
  - d) provide information on Ministry of Education recommended substitutions when there are exemptions requested related to specific curriculum.

**Note:** the accommodation applies to the individual in question and not to the whole class or to classroom practices in general.

### D. LIMITATIONS TO RELIGIOUS ACCOMMODATION

- 1. The right to freedom of religion is not absolute.
- 2. The Board will:
  - a) limit practices or behaviour in its schools which may put public



## RELIGIOUS ACCOMMODATION GUIDELINES

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safety, health, or the human rights and freedoms of others at risk.,  
and

- b) limit practices or behaviours in its schools that are in violation of other Board policies.

### **E. APPENDICES**

Appendix A: Accommodation of Khalsa Sikh students wishing to carry a Kirpan

### **F. RESOURCES**

1. Calendar of multi-faith days
2. Multi-faith Information Manual



### **GUIDELINES ON THE ACCOMMODATION OF KHALSA SIKH STUDENTS WISHING TO CARRY A KIRPAN**

A Kirpan is a ceremonial sword that must be worn by all baptised Khalsa Sikhs.

Schools will make all reasonable efforts to accommodate students who wear a Kirpan, based on the following:

1. At the beginning of the school year or at registration, the student and parent/guardian must report to the Principal that the student wears the five articles of faith, including a Kirpan.
2. The Principal, in consultation with the student and parent/guardian will develop appropriate accommodations to allow the student to wear the Kirpan while ensuring the safety of others. These may include that:
  - a) the Kirpan is six inches or less;
  - b) the Kirpan will be sufficiently secured with a stitched flap so it is not easily removed from its sheath; and
  - c) the Kirpan will be worn under the wearer's clothing and not be visible.
  - d) Written notification to the Principal from the parent/guardian, and where possible from the Guardwara (place of worship) confirming that the student requesting accommodation is a Khalsa Sikh.
3. Students under the age of 18 must be accompanied by parent/guardian when discussing the rules of the wearing of a Kirpan at school.