KENORA CATHOLIC DISTRICT SCHOOL BOARD

100 General Administration Procedures

AP 119: Religious Accommodation

The Kenora Catholic District School Board is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviors based on religion and will take all reasonable steps to provide religious accommodations within the legal rights afforded to the Catholic school system. Such accommodations will be provided to staff, students and their families.

INTRODUCTION

The Kenora Catholic District School Board (the Board) believes in the dignity of all people and their equality as children of God. The Board recognizes the importance of freedom of religion and strives to recognize, value and honor the many customs, traditions and beliefs that make up the Catholic community.

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 individuals from discrimination and harassment on the basis of their religion.

In accordance with the Catholic Church's teachings, it is the policy of the Board to provide, in all its operations, an educational environment which promotes and supports diversity within its Catholic community as well as the equal attainment of life opportunities for all students, staff, parents and other members of that community.

1.0 LEGISLATIVE AND POLICY CONTENT

1.1 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.

1.2 The *Canadian Charter of Rights and Freedoms* (Section 15) guarantees freedom of religion. *The Ontario Human Rights Code* (The Code) protects an individual's freedom from discriminatory or harassing

behaviors based on religion. Consistent with this legislation is *The Education Act*, its Regulations and policies governing Equity and Inclusion in Schools:

1.3 PPM No 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools",

1.4 R.R.O. 1990, Regulation 298, "Operation of School-General" s 27-29, under the heading "Religion in Schools"

1.5 PPM No. 119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools".

1.6 The Board and its staff are committed to the elimination of discrimination as outlined in this Federal and Provincial legislation in a manner which is consistent with the exercise of its denominational rights under section 93 of the *Constitution Act*, *1982* and as recognized in section 19 of the Ontario *Human Rights Code* ("*the Code*").

1.7 The Board recognizes, and is committed to, the values of freedom of religion and freedom from discriminatory or harassing behaviour based on religion through is human rights policy, equity and inclusive education policy, the safe schools policy and curriculum documents. All of these will be informed by, and interpreted in accordance with, the principles of *the Code*.

1.8 This Policy reflects the Board's fidelity to Canadian law protecting freedom of religion in accordance with the Catholic Church's teachings.

2.0 DEFINITIONS

2.1 Accommodation

2.1.1 The Ontario Human Rights Commission's Policy on Creed and the Accommodation of Religious Observances defines "accommodation" as a duty corresponding to the right to be free from discrimination:

2.1.2 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.

2.1.3 (Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, October 20, 1996, pg. 5)

2.1.4 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, section 24(2) of the Code provides that reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.

2.2 Creed

2.2.1 Creed is interpreted by the Ontario Human Rights Commission's 1996 Policy on Creed and the Accommodation of Religious Observances as "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances of worship.

2.2.2 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.

2.2.3 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 (Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, October 20, 1996, pg. 2).

2.3 Undue Hardship

2.3.1 Accommodation will be provided to the point of undue hardship, as defined by the OHRC (for example in the *Policy and Guidelines on Disability and the Duty to Accommodate*). A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence. For more information about the evidence needed to prove undue hardship, see *Human Rights at Work*, p. 133-134 .

2.3.2 A determination that an accommodation will create undue hardship carries with it significant liability for the Board. It should be made only with the approval of the appropriate Supervisory Officer or where appropriate the Board of Trustees.

2.3.3 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 Equity and Inclusive Education Policy and Anti-Discrimination Policy and Procedure, and under the Ontario *Human Rights Code*.

2.3.4 Where a determination has been made that an accommodation would cause undue hardship, the Board will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

3.0 ACCOMMODATION GUIDELINES

3.1 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 Equity Strategy, the *Code* and OHRC'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.

3.2 The Board is committed to providing an environment that is inclusive and that is free of barriers based on creed (religion). Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The Board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

3.3 Accommodation Based on Request

3.3.1 The Board will take all reasonable steps to provide accommodation to individual members of a religious group to facilitate their religious beliefs and practices. All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

3.3.2 The Board will base its decision to accommodate by applying the Code's criteria of undue hardship, the Board's ability to fulfill its duties under Board policies and the Education Act.

3.3.3 When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is needed in order to develop appropriate accommodation. 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. However, school administrators should not be placed in the position of monitoring a child's compliance with a religious obligation, and enforcing such practices, e.g. wearing a head covering is not the responsibility of the school or the Board.

3.4 General Procedures for Religious Accommodation

3.4.1 Staff

3.4.2 The person requesting accommodation should advise the administration at the beginning of the school year, to the extent possible. If September notice is not feasible, the person should make the request as early as possible.

3.4.3 The absence of employees due to religious observances should be granted as determined by this policy and the appropriate collective agreement.

3.5 Students

3.5.1 Students must present verbal or written notice from their parents/guardians specifying their accommodation needs relating to religious observances, including holy days on which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of each school year) to ensure that scheduling of major evaluations, such as tests, assignments or examinations, takes the religious observances into consideration.

3.5.2 Student handbooks and parent newsletters should include information about the procedure to follow to request an accommodation for religious observances and/or holy days. Such procedures shall be easy for staff, students and parents to understand.

3.6 Unresolved Requests

3.6.1 Despite the Board's commitment to accommodate, an individual may feel that discrimination based on religion has occurred. The Board will take reasonable and timely steps to address the unresolved issues raised by the affected person which could include dispute resolution mechanism.

3.7 Areas of Accommodation

3.7.1 For many students and staff of the Board, there are a number of areas where the practice of their religion will result in a request for accommodation on the part of the school and/or the Board. These areas include, but are not limited to the following:

- School opening and closing exercises;
- Leave of Absence for Religious Holy Days;
- Prayer;
- Dietary requirements;
- Fasting;
- Religious dress;
- Modesty requirements in physical education; and
- Participation in daily activities and curriculum.

4 GENERAL GUIDELINES AND PROCEDURES

4.1 This policy will consider each (of the above stated) area of accommodation in turn.

4.2 School Opening and Closing Ceremonies

4.2.1 Pursuant to the Ontario Ministry of Education Policy/Program Memorandum No. 108 ("Memorandum No. 108"), if a student or parent/guardian objects to all or part of the opening or closing exercises 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.

4.2.2 Memorandum No. 108 states the following:

- 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.

- The inclusion of any content beyond "O Canada" in opening or closing exercises is to be optional for public school boards.

- Where public school boards resolve to include, in the opening or closing exercises in their schools, anything in addition to the content set out in item 1 above, it must be composed of either or both of the following:

- One or more readings that impart social, moral, or spiritual values and that are representative of our multicultural society. Readings may be chosen from both scriptural writings, including prayers, and secular writings;

4.3 A period of silence.

4.3.1 Parents who object to part or all of the exercises may apply to the Principal to have their children exempted. Students who are adults may also exercise such a right.

4.3.2 These requirements will be interpreted in accordance with the *Code* and the Board will consider other requests for accommodation as may be made.

4.4 Absence for Religious Holy Days

4.4.1 The Board affirms and values the faith diversity in our Catholic secondary schools. Section 21(2) (g) of the Education Act provides that a person is excused from school attendance in observance of a "holy day by the Church or religious denomination to which he/she belongs."

4.4.2 All staff and students who observe religious holidays in accordance with section 21(2) (g) of the Education Act may be excused from attendance, subject to the particular request for religious leave process.

4.4.3 The Board will encourage members of diverse groups to identify their religious holy days at the beginning of each school year. The Board will make reasonable efforts to acknowledge the different observances of their Catholic community when planning programs and events, such as Board-wide tests and examinations. To the extent

possible, conferences, meetings, workshops, co-curricular activities and exams/tests, will not be scheduled on these significant faith days:

(Examples of) Significant Holy Days:	
Baha'j	Ridvan
Buddhist	Lunar New Year/Chinese
Western Christian	Good Friday
Eastern Christian	Christmas Holy Friday
Hindu	Diwali
Jewish	Rosh Hashanah (2 days) Yom Kippur Passover (first day)
Muslim	Eid-ul-Fitr Eid-ul-Adha
Sikh	Baisakhi

4.4.4 (A multi-faith calendar will help schools make appropriate accommodations.) Guidelines for Administrators

4.4.5 All staff and students who request to observe a religious holy day should be allowed this right without having to undergo any unnecessary hardship.

4.4.6 Staff requesting a leave should advise the school administration at, or as close as possible to, the beginning of the school year and leave should be granted in accordance with the terms of the appropriate collective agreement.

4.4.7 Students requesting a leave should give verbal or written notice from their parent/guardian to the school at, or as close as possible to, the beginning of the school year. Such procedures should be easy to understand and follow.

4.4.8 Student agendas, school newsletters and announcements should include information about the procedures for requesting leaves.

4.4.9 All staff members acting on behalf of/representing the Board on other organizations, which in partnership with the Board are planning events or activities that involve students and/or staff of Board schools, have the responsibility to bring this procedure to the attention of these organizations.

4.4.10 For consultation or further clarification of questions, administrators and managers should contact Murray Delorme, Assistant to the Director.

4.5 Unresolved Requests

4.5.1 Employee

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

4.5.3 Students

4.5.4 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.

4.6 Prayer

4.6.1 The Board recognizes the significance of prayer in religious practice. Board 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. This may mean a quiet space in the library, an empty room, or wherever it is mutually satisfactory for the school and the student or staff member requesting the accommodation. Adult presence should be for supervision purposes only.

4.7 Dietary Restrictions

4.7.1 The Board is sensitive to the different dietary restrictions of various religious groups. Such sensitivity includes attending to issues related to the menus provided by catering companies, snacks in elementary schools, and food provided within schools, at school-sponsored activities and community events.

4.7.2 Breakfast and lunch programs in both secondary and elementary schools will consider relevant dietary restrictions in their menu planning. Availability of vegetarian options is recommended as a form of inclusive design.

4.7.3 Special attention needs to be given to overnight outdoor education activities, as well as field trips that extend over a mealtime period.

4.8 Fasting

4.8.1 The Board is sensitive to religious periods of fasting. Board schools will endeavour to provide appropriate space, other than cafeterias or lunchrooms, for individuals who are fasting in religious observance. The Board recognizes that students who are fasting may need exemptions from certain physical education classes and Board schools should make reasonable efforts to provide appropriate accommodations.

4.9 Religious Dress

4.9.1 "Dress Code" is the appropriate dress policy established by a school, and may include a school uniform.

4.9.2 The Board recognizes that there are certain religious communities that require specific items of ceremonial dress. The Board understands that some religious attire, which is a requirement of religious observance, may not conform to a school's Dress Code. Board schools will reasonably accommodate students with regard to religious attire. Religious attire is not cultural dress; it is a requirement of religious observation.

4.9.3 Religious attire that should be reasonably accommodated in Board schools includes, but is not limited to:

- Head covers: Yarmulkes, turbans, Rastafarian headdress, hijabs
- Crucifixes, Stars of David, etc.
- Items of ceremonial dress

4.9.4 Where uniforms are worn, administrators may ask the student to wear religious attire in the same colour as the uniform (e.g. the head scarves for females); however, there may be religious requirements of colour that cannot be modified.

4.9.5 Special attention must be given to accommodations necessary for a student to participate in physical education and school organized sports. Where possible, these should be incorporated into Board policies as part of an inclusive design process.

4.9.6 The Board seeks to foster an atmosphere of cultural understanding in order to be proactive in addressing potential harassment about religious attire. Schools should be aware that harassment about religious attire is one of the most common types of harassment and bullying. The Board and its schools will not tolerate any teasing directed at, or inappropriate actions taken against, an individual's religious attire and there will be appropriate consequences for individuals who violate this rule.

4.9.7 There are religious communities that require specific items of ceremonial dress which may be commonly perceived as contravening Board policies, for example the use of the Kirpan by Khalsa Sikh students. For specific guidelines on the accommodation of Khalsa Sikh students wishing to carry a Kirpan, please see Appendix "A."

4.10 Modesty Requirements for Dress in Physical Education Classes

4.10.1 The Board recognizes that some religious communities observe strict modesty attire in respect of their religion. This can become a matter of concern when students are asked to wear the clothing used in physical education activities. Such policies

should be designed inclusively, taking into account common religious needs that may exist.

4.10.2 If a family has concerns that cannot be addressed through inclusive design, , the school should discuss the modesty requirements with them, and, taking into consideration the Ministry of Education's mandated expectations in the physical education curriculum, provide reasonable accommodation The curriculum requirements should be explained to the family so that it has sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

4.11 Participation in Daily Activities and Curriculum

4.11.1 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. Where academic accommodation is requested, the school should have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict.

4.11.2 The school should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination because of their religion and cultural practices. Where these conflict with the school routines, activities or curriculum, the school should consider accommodation. It cannot, however, accommodate religious values and beliefs that clearly conflict with mandated Ministry of Education and Board policies.

4.11.3 It is important to note that when an individual requests an accommodation related to the curriculum, the accommodation applies to the individual in question and not to the whole class or to classroom practices in general.

4.11.4 The Ministry of Education recommends substitutions when there are exemptions requested related to specific curriculum (Ontario Secondary Schools, Grades 9-12, Program and Diploma Requirements).

4.11.5 In general, the Board recommends an informed, common-sense approach to questions of religion and curriculum. Hopefully, these questions can be solved by an open discussion between the teacher, the student and his/her family.

5.0 LIMITATIONS TO RELIVIOUS ACCOMMODATION

5.1 The Board supports freedom of religion and an individual's right to manifest his/her religious beliefs and observances. The right to freedom of religion, however, is not absolute and religious accommodation in the Board is carried out in the larger context of the Catholic education system and denominational rights of Catholic schools.

5.2 The Board, at all times, will seek to accommodate an individual's right to freedom of religion in a manner that not only respects the individual's beliefs but the principles of the Catholic Church.

5.3 Concerning the sharing of worship space in Catholic schools, a distinction needs to be made between baptized non-Catholics, and non-baptized members of other faith traditions.

5.4 In the first instance, the Directory for the Application of Principles and Norms on Ecumenism (published in 1993 by the Pontifical Council for the Promotions of Christian Unity) and addresses the issue of Catholic schools and accommodation of baptized non-Catholic students and staff in paragraph #141: (See Appendix B)

5.5 "In Catholic schools and institutions, every effort should be made to respect the faith and conscience of students or teachers who belong to other Churches or ecclesial Communities. In accordance with their own approved statutes, the authorities of these schools and institutions should take care that clergy of other Communities have every facility for giving spiritual and sacramental ministration to their own faithful who attend such schools or institutions. As far as circumstances allow, with the permission of the diocesan Bishop these facilities can be offered on the Catholic premises, including the church or chapel."

5.6 In the second instance, non-baptized members of other faith traditions should NOT be using the chapel as their own place of prayer. In which case, the Catholic school should provide another space for them. The suggestion of a meeting room in the school library or an unused classroom seems to be appropriate.

Forms associated with this procedure:

Form #063 – School Condition Report

Effective Date: March 1, 2010
Latest Review Date: April, 2010, August 23, 2011, November 2011

Appendix A

Guideline for Kirpan Accommodation

A Kirpan is a ceremonial sword that must be worn by all baptised Khalsa Sikhs. The Board seeks to accommodate Khalsa Sikhs who wear a kirpan under the following conditions as follows:

- At the beginning of the school year or upon registration, the student and parents/guardians must report to their respective school administration that they are Khalsa Sikhs and wear the five articles of faith, including a Kirpan.

The principal, in consultation with the student and his/her parents/guardians, will develop appropriate accommodations to allow the student to wear the Kirpan while ensuring the safety of others. These may include the following conditions:

- The Kirpan is six inches or less.
- The Kirpan will be sufficiently secured with a stitched flap so it is not easily removed from its sheath.
- The Kirpan will not be worn visibly, but under the wearer's clothing.
- There is notification in writing to the principal by the parents/guardians and student and, where possible, from the Guardwara (place of worship), confirming that the student requesting accommodation is a Khalsa Sikh.
- Students under the age of eighteen must be accompanied by parents/guardians when discussing the rules regarding the wearing of a Kirpan.

APPENDIX B

Directory for the Application of Principles and Norms on Ecumenism

In Catholic schools and institutions, every effort should be made to respect the faith and conscience of students or teachers who belong to other Churches or ecclesial Communities. In accordance with their own approved statutes, the authorities of these schools and institutions should take care that clergy of other Communities have every facility for giving spiritual and sacramental ministration to their own faithful who attend such schools or institutions. As far as circumstances allow, with the permission of the diocesan Bishop these facilities can be offered on the Catholic premises, including the church or chapel.