



Northeastern Catholic District School Board

RELIGIOUS ACCOMMODATION GUIDELINE

Administrative Procedure Number: APE 019A

GUIDELINE STATEMENT

The Northeastern Catholic District School Board is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviours 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 Northeastern Catholic District School Board (NCDSB) believes in the dignity of all people and their equality as children of God. The NCDSB recognizes the importance of freedom of religion and strives to recognize, value and honour the many customs, traditions and beliefs that make up the Catholic community.

Freedom of religion is an individual right and a collective responsibility. The NCDSB 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 NCDSB 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 the community.

LEGISLATION AND POLICY CONTEXT

All school boards exist within a broader context of law and public policy that protects and defend human rights. At the NCDSB, 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.

The *Canadian Charter of Rights and Freedom*, Section 2(a) and Section 15, guarantees freedom of religions. The Ontario Human Rights Code (OHRC) protect an individual's freedom from discriminatory or harassing behaviours based on prohibited grounds. Consistent with this legislation is the *Education Act*, its regulations and policies governing equity and inclusion in schools including the following:

PPM No. 118 *Opening or Closing Exercises in Public Elementary and Secondary Schools*

PPM NO. 119 *Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools*

R.R.O. 1990 Regulation 298 Operation of School – Section 27-29, under the heading *Religion in Schools*

The NCDSB and its staff are committed to the elimination of discrimination as outlined in 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 (OHRC).

The NCDSB recognizes, and is committed to, the values and freedom of religion and freedom from discriminatory or harassing behaviour based on prohibited ground through NCDSB Policy E32 Equity and Inclusive Education, NCDSB Policy E-34 Safe Schools, and curriculum resources. All of these will be informed by, and interpreted in accordance with the principles of the OHRC.

These guidelines reflects the NCDSB's fidelity to Canadian law protecting freedom of religion in accordance with the Catholic Church teachings.

DEFINITIONS

ACCOMMODATION

The OHRC Policy on Creed and the Accommodation of Religious Observances defines "accommodation" as a duty corresponding to the right to be free from discrimination:

The OHRC 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 OHRC imposes a duty to accommodate based on the needs of the group or 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.

(Ontario Human Rights Code, October 20, 1996, page 5)

CREED

Creed is interpreted by the OHRC as "religious creed" or "religion". It is defined as a professed system and confession of faith, including both beliefs and observances of worship. 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.

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.

(Ontario Human Rights code, October 20, 1996, page 2)

RELIGIOUS DRESS

The appropriate dress policy established by a school, and may include a school uniform.

UNDUE HARDSHIP

Accommodation will be provided to the point of undue hardship, as defined by the OHRC. 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*, Appendix E.

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

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.

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

ACCOMMODATION GUIDELINES

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 OHRC with respect to religious accommodation. It also sets out the NCDSB's procedures for accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Equity Strategy, the OHRC, and the 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.

The NCDSB is committed to providing an environment that is inclusive and that is free of barriers based on prohibited grounds. Accommodation will be provided in accordance with the principles of dignity and inclusion. The NCDSB will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

1.0 ACCOMMODATION BASED ON REQUEST

- 1.1 The NCDSB 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 and accommodation request.
- 1.2 The NCDSB will base its decision to accommodate by applying the OHRC's criteria of undue hardship, the NCDSB's ability to fulfill its duties under Board policies and the *Education Act*.
- 1.3 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 NCDSB 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.
- 1.4 School administrators should not be placed in the position of monitoring a child's compliance with a religious obligation, and enforcing such practices (for example, wearing a head covering is not the responsibility of the school or the Board).

2.0 GENERAL PROCEDURES FOR RELIGIOUS ACCOMMODATION

2.1 Staff

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

2.2 Students

- i) 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, take the religious observances into consideration
- ii) Student handbooks 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.

3.0 RESOLVED REQUESTS

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

4.0 AREAS OF ACCOMMODATION

4.1 For many students and staff of the NCDSB, 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 NCDSB. These areas include, but are not limited to the following:

- i) School opening and closing exercises;
- ii) Leave of Absence for Religious Holy Days;
- iii) Prayer;
- iv) Dietary requirements;
- v) Fasting;
- vi) Religious dress;
- vii) Modesty requirements in physical education; and
- viii) Participation in daily activities and curriculum.

4.2 School opening and closing exercises

4.2.1 Pursuant to the Ontario Ministry of Education Policy/Program 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 exempt 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 PPM 108 states the following:

- i) 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.
- ii) The inclusion of any content beyond *O Canada* in opening or closing exercises is to be optional for public school boards.
- iii) Where publically-funded 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;

A period of silence.

- iv) Parents who object to part or all of the exercises may apply to the Principal to have their child exempt. Students who are adults may also exercise such a right. These requirements will be interpreted in accordance with the OHRC and the NCDSB will consider other requests for accommodation as may be made.

4.3 Leave of Absence for Religious Holy Days

- 4.3.1 The NCDSB affirms and values the faith diversity in our Catholic 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.”
- 4.3.2 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.
- 4.3.3 The NCDSB will encourage members of diverse groups to identify their religious holy days at the beginning of each school year. The NCDSB 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 New Year
Western Christian	Good Friday
Eastern Christian	Christmas Holy Friday
Hindu	Diwail
Jewish	Rosh Hashanah (2 days) Yom Kippur Passover (first day)
Muslim	Eid-ul-Fitr Eid-ul-Adha
Sikh	Baisakhi
<i>A multi-faith calendar will help schools make appropriate accommodations.</i>	

4.4 Guidelines for Administrators

- i) All staff and students who request to observe a religious holy day should be allowed this right without having to undergo any unnecessary hardship.
- ii) 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.
- iii) 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.
- iv) Student handbooks should include information about the procedures for requesting leaves.
- v) All staff members acting on behalf of/representing the NCDSB on other organizations, which in partnership with the NCDSB are planning events or activities that involve students and/or staff of NCDSB schools, have the responsibility to bring this procedure to the attention of these organizations.
- vi) For consultation or further clarification of questions, administrators and managers should contact the supervisory officer responsible for equity and inclusive education.

4.5 Unresolved Requests

- i) **Employee**
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 Director of Education.
- ii) **Students**
In the event that a student maintains that his/her rights under the NCDSB' religious accommodation guidelines have been compromised, then the matter will be referred to the appropriate supervisory officer.

4.6 Prayer

The NCDSB recognizes the significance of prayer in religious practice. NCDSB 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

- i) The NCDSB 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.
- ii) Breakfast and lunch programs in both elementary and secondary schools will consider relevant dietary restrictions in their menu planning. Availability of vegetarian options is recommended as a form of inclusive design.
- iii) Special attention needs to be given to educational excursions that extend over a mealtime period.

4.8 Fasting

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

4.9 Religious Dress

- i) The NCDSB recognizes that there are certain religious communities that require specific items of ceremonial dress. The NCDSB understands that some religious attire, which is a requirements of religious observance, may not conform to a schools' dress code. NCDSB schools will reasonably accommodate students with regard to religious attire. Religious attire is not cultural dress; it is a requirement of religious observation.
- ii) Religious attire that should be reasonably accommodated in NCDSB schools includes, but is not limited to:
 - Head covers (Yarmulkes, turbans, Rastafarian headdress, hijabs)
 - Crucifixes
 - Stars of David or other items of ceremonial dress
- iii) Where uniforms are worn, administrators may ask the student to wear religious attire in the same colour as the uniform (for example, the head scarves for females), however there may be religious requirements of colour that cannot be modified.

- iv) 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 NCDSB policies as part of an inclusive design process.
- v) The NCDSB 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 NCDSB 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.
- vi) There are religious communities that require specific items of ceremonial dress which may be commonly perceived as contravening NCDSB policies, for example the use of the Kirpan by Khalsa Sikh students. For specific guidelines on the accommodation of Kalsa Sikh students wishing to carry a Kirpan, refer to section 6.0 of this document.

4.10 Modesty Requirements for Dress in Physical Education Classes

- i) The NCDSB 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 clothing used in physical education activities. Such policies should be designed inclusively, taking into account common religious needs that may exist.
- ii) 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 they have sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

4.11 Participation in Daily Activities and Curriculum

- i) The NCDSB 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 parent/guardian to understand the nature and extent of the conflict.
- ii) 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 an accommodation. It cannot, however, accommodate religious values and beliefs that clearly conflict with mandated Ministry of Education and NCDSB policies.

- iii) 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 classroom practices in general.
- iv) The Ministry of Education recommends substitutions when there are exemptions requested related to specific curriculum (Ontario Secondary School, Grades 9-12, Program and Diploma Requirements).
- v) In general, the NCDSB recommends an informed, common-sense approach to questions of religion and curriculum. Hopefully, these questions can be solved by an open discussion between the school principal, teacher, student, and his/her family.

5.0 LIMITATIONS TO RELIGIOUS ACCOMMODATION

- 5.1 The NCDSB 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 NCDSB is carried out in the larger context of the Catholic education system and denominational rights of Catholic schools.
- 5.2 The NCDSB, 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) addresses the issue of Catholic schools and accommodation of baptized non-Catholic students and staff in paragraph #141:

"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 or sacramental ministrations 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."
- 5.5 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.

6.0 GUIDELINE FOR KIRPAN ACCOMMODATION

- 6.1 A Kirpan is a ceremonial sword that must be worn by all baptised Khalsa Sikhs.
- 6.2 The Board seeks to accommodate Khalsa Sikhs who wear a Kirpan under the following conditions:
- i) 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.
- 6.3 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:
- i) The Kirpan is six inches or less.
 - ii) The Kirpan will be sufficiently secured with a stitched flap so it is not easily removed from its sheath.
 - iii) The Kirpan will not be worn visibly, but under the wearer's clothing.
 - iv) 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.
 - v) Students under the age of eighteen must be accompanied by parents/guardians when discussing the rules regarding the wearing of a Kirpan.

Director of Education:

Tricia Stefanie Weltz

Date:

March 2021

