

Procedure Title	Religious Accommodation		
Date of Issue	June 15, 2010	Related Policy	BP 7520-D
Revision Dates	December 7, 2016; December 19, 2018; June 5, 2019	Related Forms	
Review Date		Originator	Administrative Council
References			
The Canadian Charter of Rights and Freedoms; Ontario Human Rights Code, Education Act, PPM 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools"; Regulation 298, "Operation of School-General"; PPM 119 "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools"; BP 7520-D "Human Rights"; BP 6303-D "Equity and Inclusive Education"; BP 6820-D "Safe and Accepting Schools"; Ontario Human Rights Commission's Policy on Preventing Discrimination Based on Creed, September 17, 2015.			

1.0 RATIONALE

- 1.1 Bluewater District School Board (the board) recognizes and values religious diversity within its community and is committed to providing a safe, respectful, and equitable environment for its staff and students that is free from discrimination and harassment. The board further commits to work with the community that it serves, in order to foster an inclusive learning environment that is accepting of all students and staff, regardless of their beliefs and practices.
- 1.2 In accordance with the Ontario Human Rights Code (OHRC), the board will provide accommodation to staff and students on the basis of their sincerely held religious beliefs and practices, where the religious belief or practice is interfered with by a standard, rule, or requirement of the board or a school in more than a trivial or substantial way. Accommodation will be provided to the point of undue hardship and in accordance with the principles of dignity, individualization, and inclusion.
- 1.3 The board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process. The board expects that staff, students, and their families will help the board understand their specific religious beliefs and practices, and will work with the board and school administration to avoid undue hardship, and to implement appropriate accommodations.

2.0 LEGISLATIVE AND POLICY CONTEXT

All school boards exist within a broader context of law and public policy that protect and defend human rights.

The Canadian Charter of Rights and Freedoms (Section 15) protects freedom of religion and the OHRC protects an individual's freedom from discriminatory or harassing behaviours based on creed (religion).

In addition to this legislation, the board is required to comply with the Education Act and its regulations, authorized thereunder, as well as directives and policies of the Ministry of Education. This includes, but is not limited, to the following:

- i. PPM 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools"
- ii. R.R.O. 1990, Regulation 298, "Operation of School-General" section 27-29, under the heading "Religion in Schools"
- iii. PPM 119 "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools"

In addition to this procedure, and board policy BP 7520-D “Human Rights”, the board recognizes, and is committed to providing freedom of religion and freedom from discrimination and harassment through its equity and inclusive education policy (BP 6303-D “Equity and Inclusive Education”), safe and accepting schools policy (BP 6820-D “Safe and Accepting Schools”), and curriculum documents. Each of these documents will be informed by, and interpreted in accordance with, the principles of the OHRC.

3.0 DEFINITIONS

3.1 Accommodation

The board has a legal duty to accommodate the religious beliefs and practices of staff and students to the point of undue hardship where an individual’s religious beliefs and practices are connected to a creed (religion); are sincerely (honestly) held; and are interfered with by a standard, rule, or requirement of the board or a school in more than a trivial or substantial way.

3.2 Creed (Religion)

Creed includes, but is not necessarily limited to, “religious creed” or “religion”. Creed may also include non-religious belief systems that, like religion, substantially influence a person’s identity, worldview and way of life. For creed protections, a person’s creed belief needs only to be sincerely held. The focus is on the person’s sincerely held personal or subjective understanding of their creed. They do not need to show that their belief is an essential or obligatory element of their creed, or that it is recognized by others of the same creed (including religious officials).

3.3 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.

Where a determination is made that an accommodation would result in undue hardship, the person requesting accommodation will be given written notice of the decision, including the reason(s) for the decision. They will also be provided with reasonable accommodation to the point of undue hardship and will be informed of their recourse under the board’s Equity and Inclusive Education Policy (BP 6303-D) and under the OHRC.

4.0 PROCEDURE

4.1 Purpose

The purpose of this procedure is to ensure that all 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 board’s procedures for religious accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Equity Strategy, the OHRC and the Ontario Human Rights Commissions’ ‘Guide to 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. No person will be penalized for making an accommodation request.

4.2 Requests for Religious Accommodation by Staff

A staff member requesting religious accommodation, including an absence to observe a holy day, should advise school administration at, or as close as possible to, the beginning of the school year. A staff member’s request for religious accommodation will be considered in accordance with this procedure, the terms of the staff member’s collective agreement, if any, and the board’s obligations pursuant to the OHRC.

Upon receipt of a request for religious accommodation, school administration will determine if the board is able to provide reasonable accommodation to the staff member’s to the point of undue hardship. This determination may

require collaboration among the school, staff member, Human Resources Services Department, the area superintendent of education, and, in exceptional circumstances, the religious community.

If school administration determines that the board is not able to provide reasonable accommodation to the staff member to the point of undue hardship, school administration will consult with a member of Human Resources Services or the area superintendent of education before advising the staff member of the determination.

Staff members may seek the assistance of Human Resources Services or the area superintendent of education at any point in the accommodation process, including by making their request for religious accommodation directly to a member of Human Resources Services or the area superintendent of education.

For consultation or further clarification of questions, staff, school administration, and managers should contact the Human Resources Services Department or their area superintendent of education.

4.3 Requests for Religious Accommodation by Students

A student requiring religious accommodation should provide verbal or written notice of their request for accommodation, including absence to observe a holy day, to school administration at, or as close as possible to the beginning of the school year. This will allow the scheduling of major evaluations, such as tests, assignments, or examination, to take religious observances into consideration.

If a request for religious accommodation is received directly by a teacher or other staff member, school administration should be notified of the request so that it may be addressed in accordance with this section.

Upon receipt of a request for religious accommodation, school administration will determine if the board is able to accommodate the student's religious needs. This determination may require collaboration among the school, the student and their parent/guardian, staff, Human Resources Services, the area superintendent of education, and, in exceptional circumstances, the religious community.

If school administration determines that the board is not able to provide reasonable accommodation to the student to the point of undue hardship, school administration will consult with a member of Human Resources Services or the area superintendent of education before advising the student and their parent/guardian of the determination.

Where a student is provided with accommodation based on their sincerely held religious beliefs or practice, the school administration or a member of Human Resources Services will advise appropriate staff members of the accommodation to be provided. The accommodation will be shared with the student and their parent/guardian.

For further guidance with respect to specific areas of accommodation, see section 5.0: General Guidelines and Procedure, below. For consultation, or further clarification of questions, the student and their parent/guardian, school administration, and managers should contact Human Resources Services or their area superintendent of education.

4.4 Unresolved Requests

Despite the board's commitment to providing accommodation that is reasonable in the circumstances, and in accordance with this procedure, an individual may feel that discrimination based on religion has occurred. The board will, through its applicable policies and procedures, take reasonable and timely steps to address the unresolved requests raised by the affected person. This step may include a dispute resolution mechanism, or a referral to the superintendent of education responsible for Human Resources Services, or the appropriate area superintendent.

4.5 Confidentiality

To protect the interests of a staff member or student seeking accommodation, all staff and administrators of the board who are responsible for managing and supporting a request for accommodation shall hold in strict confidence all personal information collected from the staff member or student seeking accommodation. The personal information of the staff member or student seeking accommodation will be shared only as needed to assess, determine and implement the accommodation to be provided, if any.

5.0 GENERAL GUIDELINES AND PROCEDURE

5.1 Areas of Accommodation

For many students and staff of the board, there are a number of areas in which their sincerely held religious beliefs and practices may require accommodation on the part of the school and/or the board. These areas include, but are not limited to:

- i. school opening and closing exercises;
- ii. leaves 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 curricular assemblies and activities

5.1.1 School Opening and Closing Ceremonies

Pursuant to the Ontario Ministry of Education Policy/Program Memorandum 108 "Opening or Closing Exercises in Public Elementary and Secondary Schools", 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.

Memorandum No. 108 states the following:

1. 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.
2. The inclusion of any content beyond "O Canada" in opening or closing exercises is to be optional for public school boards.
3. 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:
 - a. 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;
 - b. A period of silence.
4. 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.

These requirements will be interpreted in accordance with the OHRC, and the board will consider other requests for accommodation as may be made.

5.1.2 Absence for Religious Holy Days and Celebrations

The board is committed to affirming and equally valuing the faith diversity in our schools. Section 21(2) (g) of the Education Act provides that a person is to be excused from school attendance in observance of a "holy day by the church or religious denomination to which he/she belongs."

Accordingly, students who observe a religious holy day will be excused from school attendance, in accordance with section 21(2) (g) of the Education Act. Both students and staff members are expected to provide notice of their request for religious accommodation in accordance with section 4 of this procedure. The request for accommodation will be interpreted in accordance with the OHRC.

The board will make reasonable efforts to acknowledge the different observances of their 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 significant faith days.

5.1.3 Prayer

The board recognizes the significance of prayer in religious practice and will make reasonable efforts to accommodate individuals' requirement for daily prayer by providing an appropriate location within a school 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. Particular accommodation for prayer may include late school arrival, early departure, or seasonal adjustment. Adult presence should be for supervision purposes only.

5.1.4 Dietary Restrictions

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.

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.

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

5.1.5 Fasting

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.

5.1.6 Religious Attire

"Dress Code" is the appropriate dress policy established by a school, and may include a school uniform. Such policies should be designed inclusively, taking into account common religious needs that may exist. Schools should accommodate students with regards to religious attire.

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.

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

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

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.

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 (see section 5.1.7).

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.

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.

5.1.7 Modesty Requirements for Dress in Physical Education Classes

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.

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.

5.1.8 Participation in Curricular Assemblies and Activities

The board will provide accommodation to students based on their sincerely held religious beliefs and practices where it is established that attendance at a curricular assembly or activity would actually interfere with the student's observance of a religious practice or belief in more than a trivial or substantial way.

Where accommodation is requested with respect to participation in curricular assemblies and activities, school administration should have an informed discussion with the student and their parent or guardian to understand the nature and extent of the interference.

School administration will then determine if the board is able to accommodate the student's religious needs. This may require further collaboration among the school, student, family, Human Resources Services, the area superintendent of education and, in exceptional circumstances, the religious community in order to develop appropriate accommodation.

If school administration determines that the board is not able to provide reasonable accommodation to the student to the point of undue hardship, school administration will consult with a member of Human Resources Services, or the area superintendent of education, before advising the student and their parent/guardian of the determination.

It is important to note that when an individual requests an accommodation with respect to participation in curricular assemblies and activities, the accommodation applies to the individual in question and not to the whole class, or to classroom practices in general. The Ministry of Education recommends substitutions when there are exemptions requested related to specific curriculum (e.g., Ontario Secondary Schools, Grades 9-12, Program and Diploma Requirements).

6.0 LIMITATIONS TO RELIGIOUS ACCOMMODATION

Pursuant to section 169.1 of the *Education Act*, the board is required to promote a positive school climate that is inclusive and accepting of all students, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

Further, the Ministry of Education's directives and the board's policies and procedures are designed to combat racism, religious intolerance and homophobia, and to ensure that all students feel welcome and accepted in public schools.

Accordingly, although the board is committed to providing accommodation consistent with the OHRC, the right to freedom of religion and religious accommodation is not absolute. The board will not provide accommodation which puts public safety, health or the human rights and freedoms of others at risk, including by conflicting with the board's obligation to promote an inclusive environment that is accepting of all students.

In that respect, it is the board's expectation that all students will attend curricular assemblies and activities designed to promote an inclusive learning environment. Introducing students who are attending non-denominational public schools to ideas, opinions or views which may challenge or even contradict the sincerely-held religious beliefs of the student or their parent or guardian does not amount to an infringement of religious freedom. Similarly, requiring a student who is attending non-denominational public schools to gain an understanding of Canada's diverse reality is not a substantial infringement of the student's religious freedom.

APPENDIX A

GUIDELINE FOR KIRPAN ACCOMMODATION

A Kirpan is a ceremonial sword that must be worn by all baptised Khalsa Sikhs. Bluewater District School 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 the student's 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.