



**Brant Haldimand Norfolk  
Catholic District School Board**

**Policy: Religious Accommodation**

		<b>Policy Number:</b>	200.04
<b>Adopted:</b>	October 23, 2012	<b>Former Policy Number:</b>	n/a
<b>Revised:</b>	N/A	<b>Policy Category:</b>	Students
<b>Subsequent Review Dates:</b>	TBD	<b>Pages:</b>	2

**Belief Statement:**

The Brant Haldimand Norfolk 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.

**Policy Statement:**

The Brant Haldimand Norfolk 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 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 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.

**Glossary of Key Policy Terms:**

**Accommodation**

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:

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

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.

**Creed**

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.



## **Brant Haldimand Norfolk Catholic District School Board**

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.

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).

### **Undue Hardship**

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 and Appendix E.

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.

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.

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.

### **References**

The Canadian Charter of Rights and Freedoms

The Ontario Human Rights Code (The Code)

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

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

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

BHNCDSB Policy: Equity and Inclusion Education Policy #200.23



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## Religious Accommodation AP 200.04

<b>Procedure for:</b>	Superintendents of Education, All Principals	<b>Adopted:</b>	October 23, 2012
<b>Submitted by:</b>	Superintendent of Education	<b>Revised:</b>	N/A
<b>Category:</b>	Students		

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### Purpose

The purpose of the administrative procedure 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.

### Responsibilities

#### Superintendent of Education

The Superintendent of Education will ensure that all staff and the broader community are aware of the Board's Policy and Procedures related to Religious Accommodation and are adhered to.

#### School Principal

The principal will respond to any requests for religious accommodation and will take all reasonable steps to provide accommodation to individual members of a religious group to facilitate their religious beliefs and practices. The principal will base the decision to accommodate by applying the Code's criteria of undue hardship, as well as the principal's ability to fulfill his/her duties under Board policies and the Education Act.

### Information

The Brant Haldimand Norfolk Catholic District School Board and its staff will take reasonable steps to ensure freedom of religion consistent with the principles of the Ontario Human Rights Code, the Constitution Act, 1982 and the Canadian Charter of Rights and Freedom. However, it is recognized that the Catholic school system gives pre-eminence to the tenets of the Catholic faith.

Areas of accommodation 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
- viii. Participation in daily activities and curriculum
- ix. Limitations to religious accommodations

The Board supports freedom of religion and an individual's right to manifest his/her religious beliefs and observances. The right to freedom of religious, 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.

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.



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.

In the first instance, the Directory of 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 and 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.”*

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.

As for chapels in Catholic schools, they are specifically designed and furnished for prayer and liturgy within the Catholic tradition and are not to be considered multi-faith chapels. Following the general custom of the Church, non-Catholics are welcome to join in prayer services and liturgical celebrations of the Catholic Church community (keeping in mind some restrictions such as sharing in Holy Communion). Such a chapel is open to all people for individual silent prayer or meditation. However, it is not appropriate that non-Catholic liturgies or group prayers be held in this setting.

## Procedures

### 1.0 School Opening and Closing Ceremonies

- § Parents who object to part or all of the exercises due to religious beliefs may apply to the principal to have their child(ren) exempted.
- § 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.
- § Students who are adults may also exercise such a right.

### 2.0 Absence for Religious Holy Days

- § 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.
- § Members of diverse groups, including staff and students, are encouraged to identify their religious holy days at the beginning of each school year.
- § Staff requesting such leave shall be granted permission in accordance with the terms of the appropriate collective agreement.
- § Students requesting a leave should give verbal or written notice from their parent/guardian to the school at, or as close as possible, the beginning of the school year. Such procedures should be easy to understand and follow.
- § The principals should include information about the procedures requesting leaves in student agendas, school newsletters and announcements.
- § Principals and managers should contact their respective Superintendent of Education for consultation and/or further clarification should unresolved issues occur.
- § Students who maintain that his or her rights have been compromised may refer the matter to the appropriate Superintendent of Education.



### 3.0 Prayer

§ Board schools will make reasonable efforts to accommodate individuals' requirements 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 student or staff member requesting the accommodation. Adult presence should be for supervision purposes only.

### 4.0 Dietary Restrictions

§ Schools must be sensitive to different dietary restrictions of various religious groups within schools, including breakfast and lunch programs, at school sponsored activities and community events. Special attention should be given to overnight outdoor education activities and field trips that extend over a mealtime period.

### 5.0 Fasting

§ Schools will endeavor to provide appropriate space, other than cafeterias or lunch rooms, for individuals who are fasting in religious observance. Exemptions from certain physical education classes may be necessary and the school should make reasonable efforts for accommodation.

### 6.0 Religious Dress

§ Schools will reasonably accommodate students with regard to religious attire, when a requirement of religious observation.

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

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

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

§ Accommodations may be necessary for students to participate in physical education and school organized sports.

§ Specific items of ceremonial dress which may contravene Board policies and the appropriate accommodations are addressed in Appendix "A".

### 7.0 Modesty Requirements for Dress in Physical Education Classes

§ Reasonable accommodations must be made with respect to clothing worn in physical education activities by discussing modesty requirements with parents relative to the curriculum requirements of the Ministry of Education.

### 8.0 Participation in Daily Activities and Curriculum

§ Schools will seek reasonable accommodations for students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance.

§ Principals will have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict. Where religion and cultural practices conflict with school routines, activities or curriculum, the school should consider accommodation. However, the accommodation cannot conflict with mandated Ministry of Education and Board policies.



## 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.