

**JAMES BAY LOWLANDS
SECONDARY SCHOOL BOARD**

**BOARD GOVERNANCE POLICY
NO. GOV-16**

Date Adopted	October 24, 2018
Last Revised	
Board Motion	5598-10-18

RELIGIOUS ACCOMMODATION

1. PURPOSE

This governance policy of the James Bay Lowlands Secondary School Board has been developed to comply with the *Ontario Human Rights Code* which protects an individual's freedom from discrimination based on religion. This policy also supports Board Policy GOV-13 Equity and Inclusion.

This policy recognizes and supports freedom of religion as an individual right and a collective responsibility.

2. DEFINITIONS

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 duty arises when a person's religious beliefs conflict with a requirement, qualification, or practice. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation.

Creed: Creed is interpreted by the Ontario Human Rights Commission as "religious creed" or "religion". It is defined as a professional system and confession of faith, including both beliefs and observances of worship.

Under the policy of the Ontario Human Rights Commission, every person has the right to be free from discrimination or harassing behaviour that is based on religion or which arises because the person who is the target of the behaviour does not share the same faith. It should also be noted that atheists and agnostics are also protected under the Code.

Creed does not include secular, moral, or ethical beliefs or political convictions. The 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 criminal law.

Undue Hardship: Accommodation will be made 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, and health and safety.

It will be based on objective evidence. A determination that an accommodation will create undue hardship will be made only with the approval of the Board of Trustees.

Parents: All references to “parents” in this policy also include a parent or guardian(s).

3. GUIDING PRINCIPLES

- 3.1 The James Bay Lowlands Secondary School Board is committed to the principles of equity in accordance with the *Education Act*, *Ontario Human Rights Code*, and the *Canadian Charter of Rights and Freedoms*.
- 3.2 The Board will work with the community it serves to foster an inclusive learning environment that promotes acceptance and protects religious freedom for all individuals. The Board recognizes and values the religious diversity within its community and is committed to providing a safe, respectful, and equitable environment for all.

4. POLICY

- 4.1 The Board upholds the principles of respect for human rights and fundamental freedoms enshrined in the *Canadian Charter of Rights and Freedoms*, which are confirmed in the *Ontario Human Rights Code*. The Board and its staff are also committed to the elimination of all types of discrimination as outlined in the Ontario Ministry of Education Equity and Inclusive Education Strategy and in Ministry Policy/Program Memorandum No. 119: Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools.
- 4.2 The Board has developed Board Policy GOV-13 Equity and Inclusion to ensure that respect for human rights and freedoms is a guiding principle for all Board activities.
- 4.3 The Board acknowledges each individual’s right to follow or not follow religious beliefs and practices, free from discriminatory or harassing behaviour, and is committed to taking all reasonable steps to provide religious accommodation to students and staff.
- 4.4 While the Board and its staff will take all reasonable steps to ensure freedom of religion and religious practices, it is expected that students and their families will help the Board understand their religious needs and will work with the Board to determine appropriate and reasonable accommodations.

BOARD EXPECTATIONS

5. ACCOMMODATION BASED ON A REQUEST

- 5.1 The James Bay Lowlands Secondary School Board will take all reasonable steps to provide religious accommodation to individual members of a religious group to facilitate their beliefs and practices. All accommodation requests will be taken seriously. No one will be penalized for making an accommodation request.

- 5.2 The Board is committed to ensuring equity and respect for different religious and spiritual practices. However, the principal should not be placed in the position of monitoring a student's compliance with a religious obligation and enforcing such practices as daily prayers or wearing a head covering.
- 5.3 The Board will make its decision by applying the *Code's* criteria of undue hardship with the Board's abilities to fulfill its duties under the legislation and this policy.
- 5.4 Where a determination is made that accommodation would create undue hardship for the Board, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon.
- 5.5 An employee may consult with the school or Board administration if he or she does not accept the decision. If issues remain, the matter will be referred to the supervisory officer. If matters are still not resolved, the issue will be presented at a Board meeting.
- 5.6 If a student maintains that his or her rights have been compromised, the issue will be referred to the supervisory officer or designate.

6. STUDENTS

- 6.1 Students must present verbal or written notice from their parents specifying their accommodation needs relating to religious observances, including holy days on which they will be absent from school.
- 6.2 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.

7. THE STAFF

- 7.1 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.
- 7.2 The absence of employees due to religious observances will be granted as determined by this Board policy and the appropriate collective agreement.

8. GENERAL PROCEDURES FOR ACCOMMODATION

- 8.1 Areas where the practice of religion/spirituality may result in a request for accommodation on the part of the school and/or Board may include the following:
 - 8.1.1 Observation of major religious/spiritual days and celebrations

All staff members and students who observe religious holidays may be excused from attendance, subject to the process for request for religious leave. The Board will encourage members of different faith-based groups to identify their religious holy days at the beginning of each school year. To the extent possible, conferences, workshops, co-curricular activities, and exams will not be scheduled on these significant faith days.

8.1.2 School opening and/or closing exercises

The Ontario Ministry of Education Policy/Program Memorandum No.108 states that if parents or a student object 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.

8.1.3 Prayer

Schools will make reasonable efforts to accommodate an individual's 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. Particular accommodation for prayer may include late school arrival, early school leaving, or seasonal adjustment. Adult presence should be for supervision purposes only.

8.1.4 Diet

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 the school, and food provided within the school, at school-sponsored activities and community events.

Any breakfast and/or lunch programs provided in the school 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/co-curricular activities, as well as field trips that extend over a mealtime period.

8.1.5 Fasting

The Board is sensitive to religious periods of fasting. 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 schools will make reasonable efforts to provide appropriate accommodations.

8.1.6 Attire

Appropriate dress procedures are established by the Board, and will take into account common religious needs that may exist. The staff recognizes the need to reasonably accommodate students with regard to religious attire that is a requirement of religious observation.

8.1.7 Modesty requirements in physical education

Special attention must be given to accommodations necessary for a student to participate in physical education and school organized sports. 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.

8.1.8 Participation in daily activities and curriculum

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 staff should have an informed discussion with the student's parents to understand the nature and extent of the conflict.

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

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.

9. Limitations to Religious Accommodation

- 9.1 The James Bay Lowlands Secondary School 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.
- 9.2 The Board will limit practices or behaviour in the school which may put public safety, health, or the human rights and freedoms of others at risk. As well, the Board will limit practices or behaviours in the school that are in violation of Board policies and administrative procedures. These decisions will be made in accordance with the principles of the *Code*.

REFERENCE DOCUMENTS***Legal:***

The Canadian Charter of Rights and Freedoms

Ontario Human Rights Code

Ontario Human Rights Commission—Policy on Creed and the Accommodation of Religious Observances

Education Act, Section 21(2) (g) Absence Excused for Holy Days

Education Act, Section 169.1 Positive School Climate

Ontario Regulation 298, Sections 27-29 Religion in Schools

Policy/Program Memorandum No.108 Opening or Closing Exercises in Public Elementary and Secondary Schools

Policy/Program Memorandum No. 128 The Provincial Code of Conduct and School Board Codes of Conduct

Ontario Ministry of Education. (2009) *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy*

Ontario Ministry of Education. (2009) *Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation*

Ontario Ministry of Education. (2013) Policy/Program Memorandum No. 119 Developing and Implementing Equity and Inclusive Education Policies

Board:

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-08 Staff Recruitment and Selection

Board Policy GOV-09 Board Communications

Board Policy GOV-13 Equity and Inclusion