



Human Resources

Guideline on Multifaith Accommodations

April 2011



Educating for success!

Kawartha Pine Ridge District School Board Mission and Values

Religious pluralism poses a challenge in any multicultural society, especially one as diverse as ours. Although the law is developing rapidly in this area, an informed spirit of tolerance and compromise is indispensable to any civil society, as well as to its capacity to make opportunities available to everyone, on equal terms, regardless of creed.

- from the Ontario Human Rights Commission:
Policy Guidelines on Creed and the Accommodation of
Religious Observances

The Kawartha Pine Ridge District School Board Mission Statement:

We educate our students to excel in learning, to succeed in life and to enrich our communities.

We are a dynamic and responsive educational community that inspires joy in learning, excellence in teaching, and the development of character. We respect the diversity and uniqueness of all learners, employees, and community members. We create pathways for success in life.

The Kawartha Pine Ridge District School Board Values:

- The best interests and well-being of our students guide our decisions and actions.
- We provide a balanced education that includes success in student learning, and in personal, social and citizenship development.
- Our programs support the unique abilities, aptitudes, interests and needs of our students in their career destinations and life choices.
- We value equity, diversity, inclusiveness and the dignity and humanity of each individual in our policies, practices, programs and interactions.
- We create a climate of high expectations to promote excellence.
- Our students and employees demonstrate the positive character attributes developed through community consultation.
- We foster parental involvement and community engagement to build partnerships that support student learning.
- We nurture creativity, innovation and ingenuity in our quest for continuous improvement.
- We value the contributions of each of our employees to the attainment of our mission.
- We are accountable to the public we serve.

Our Values:

Respect	Responsibility	Honesty	Integrity	Empathy
Fairness	Initiative	Perseverance	Courage	Optimism

General Guidelines and Procedures for Religious Accommodation

A. Introduction

The Kawartha Pine Ridge District School Board (KPRDSB) values the dignity and humanity of each individual as well as the contribution of all members of its diverse community to the achievement of its mission and goals. The Board understands that its continuous improvement requires the creation and maintenance of safe, fair, nurturing, positive and respectful working and learning environments.

In order to enable the achievement of our potential as individuals, as an organization and as a society, it is important that the public school system actively acknowledge both the freedom of religion that is protected by the *Canadian Charter of Rights and Freedoms*, and the protection from discrimination and harassment based on religion that is part of the *Ontario Human Rights Code*. This proactive stance is demanding: it requires constant integration and evaluation of new knowledge, emergent issues and new approaches. Ultimately, the KPRDSB believes that the process of accommodation and partnership with members of its community will help to build an environment of mutual respect and understanding.

While this document establishes guidelines and procedures for religious accommodation in the KPRDSB, the Board acknowledges the fact that many of those who study and work in the school system do not have religious affiliation. The Board assures these members of its community that their rights and privileges are not interfered with by the religious accommodation guidelines and procedures.

In addition to the guidelines and procedures for religious accommodation with respect to KPRDSB policies, practices, structures, programs and interactions, this document also provides:

- the legislative and policy context for religious accommodation.
- an appendix that provides interfaith education resources.
- how to get more information in response to 'frequently asked questions.'

This document also complements information about significant religious observances available in electronic format via the Board's Equity & Diversity Calendar (www.kprdsb.ca).

While these guidelines and procedures recommend courses of action and expectations for those who work for or are associated with the KPRDSB in the long term, the best strategies for achieving an inclusive learning and working environment is a pro-active, democratic education system. It is essential that the curriculum, teaching methods, and management practices of the KPRDSB support the values embodied in this document. As well, it is essential that the Board make every effort to remove any discriminatory barriers experienced by members of religious communities in employment policies and practices, and in access to programs, resources, and facilities for members of religious communities.

Respect for religious diversity is a shared responsibility. While the Board works to ensure that students and staff are able to observe the tenets of their faith, free from harassment or discrimination, it is also the responsibility of the students and the community to help the schools by highlighting and providing understanding of the needs of the many religious communities that share the resources of schools within the Board area.

B. Legislative and Policy Context

All school boards exist within a broader context of law and public policy that protect and defend human rights. At the KPRDSB, a number of policy statements have been developed that both reinforce federal and provincial legislation, and help ensure that the freedoms they name are protected within the school system.

The *Canadian Charter of Rights and Freedoms* protects freedom of religion. The *Ontario Human Rights Code* protects an individual's freedom from discriminatory or harassing behaviour based on religion. The Ontario Ministry of Education's Equity and Inclusive Education Strategy and Program/Policy Memorandum (PPM 119) identifies the shared mandate of all publicly funded school boards to ensure the development, implementation, and monitoring of equity and inclusive education policies, board policies, programs, guidelines, and practices, as well as shared and committed leadership, inclusive curriculum and assessment practices, school community relationships, religious accommodation, school climate and the prevention of discrimination and harassment, professional learning, and accountability and transparency.

The Kawartha Pine Ridge District School Board recognizes and is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviour based on religion or creed through its:

- Mission and Values Statement
- Code of Conduct (B-1.2)
- Code of Conduct for Employees (HR-5.3)
 - Administrative Regulation (HR-5.3.1)
- Equity, Diversity and Inclusion Policy (B-3.2)
 - Administrative Regulations (B-3.2.1-B-3.2.7)
- Alternative Work Arrangements (HR-4.3)
 - Administrative Regulation (HR-4.3.1)
- Selection and Appointment to all Positions (HR-1.4)
 - Administrative Regulations (HR-1.4.1-HR-1.4.7)
- Workplace Harassment Policy (HR-4.2)
 - Administrative Regulations (HR-4.2.1)
- Safe, Caring and Restorative Schools Policy (ES-1.1)
 - Administrative Regulations (ES-1.1.1-10)
- Selection of Textbooks and Supplementary Resources (ES-3.3)
 - Administrative Regulations (ES-3.3.1-3.3.3)

B1: Accommodation Based on Request

The KPRDSB will take reasonable steps to provide accommodation to individual members of a religious group who state that the Board's operations or requirements interfere with their ability to exercise their religious beliefs and practices. The Board will balance its decision to accommodate on several factors, such as undue hardship, including: the cost of the accommodation to the Board, health and safety risks to the person requesting accommodation and to others, and the effect of accommodation on the Board's ability to fulfill its duties under Board policies and the *Education Act*.

B2: Unresolved Requests

Despite the Board's commitment to accommodate, an individual may feel that discrimination based on religion has occurred. The Board will, through the appropriate policies and procedures (see above for key policy references), take reasonable steps to address the unresolved issues raised by the affected person.

C. Definitions

C1: Accommodation

In keeping with the Ontario Human Rights Code, accommodation can be understood as an "obligation to meet the special needs of individuals and groups protected by the Code, unless meeting such needs would create undue hardship. For a blind employee, accommodation could mean providing a voice synthesizer on a computer; for other protected groups, it could mean altering a dress code or changing shift work to accommodate employees' individual religious practices." (Definitions and Glossary, Appendix A)

The Ontario Human Rights Commission's *Policy Guidelines 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, Oct. 20, 1996, p. 5)

The duty to accommodate, then, is an obligation that arises where 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 is not required where it would cause an undue hardship.

C2: Creed

The Ontario Human Rights Commission's *Policy Guidelines on Creed and the Accommodation of Religious Observances* defines creed in the following terms:

Creed is interpreted to mean "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances or worship. A belief in a God or gods, or a single supreme being or deity, is not a requisite.

Religion is broadly accepted by the Commission to include, for example, non-deistic bodies of faith, such as the spiritual faiths/practices of Aboriginal cultures, as well as *bona fide* newer religions (assessed on a case-by-case basis).

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" is defined subjectively. The Code protects personal religious beliefs, practices, or observances, even if they are not essential elements of the creed, provided they are sincerely held.

It is the Commission's position that every person has the right to be free from discriminatory 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. This principle extends to situations where the person who is the target of such behaviour has no religious beliefs whatsoever, including atheists and agnostics who may, in these circumstances, benefit from the protection set out in the Code.

In either situation, creed must be involved—either because the person who is the subject of the discrimination is seeking to practice his or her own religion, or because the person who is harassing or discriminating is trying to impose his or her creed on someone else. In both cases, creed must be involved.

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, Oct. 20, 1996, p. 2)

D. Areas of Accommodation

For many students and staff within KPRDSB, 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 may include the following:

- Observation of major religious holy days and celebrations
- School opening or closing exercises
- Prayer
- Dietary requirements
- Fasting
- Religious attire
- Modesty requirements in Physical Education
- Participation in daily activities and curriculum

When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is often needed in order to develop appropriate accommodations. Building trust and mutual respect is an important aspect of accommodation, and it is the role of administrators and teachers to ensure fairness and respect for the diverse religious beliefs and practices of students and staff in the school system. However, school administrators and teachers should not be placed in the position of monitoring a child's compliance with a religious obligation, and enforcing such practices as performing daily prayers or wearing a head covering is not the responsibility of the school.

Religious accommodation in KPRDSB will be granted in the context of respect for the Board's Mission and Values and relevant policies, particularly the following: Equity, Diversity and Inclusion; Code of Conduct; Workplace Harassment; Safe, Caring and Restorative Schools; Alternative Work Arrangements; and, the Selection of Textbooks and Supplementary Learning Resources.

E. General Guidelines and Procedures for Religious Accommodation

The following are general guidelines and procedures to be followed when considering accommodation for religious purposes. These general statements do not name specific religions, but simply refer to common areas of concern.

E1: Procedures for Religious Holy Days and Celebrations

The *Education Act*, Section 21:2(g) establishes that "A child is excused from attendance at school if s/he is absent on a day regarded as a holy day by the church or religious denomination to which s/he belongs."

Collective agreements and applicable Board policies and guidelines provide for the accommodation of employees wishing to observe holy days.

All staff and students who observe religious holy days should be allowed leave without having to undergo unnecessary hardship in the request of the leave. The following procedures should be followed.

Staff

The person requesting the leave should advise their supervisor at the beginning of the school year. If notice in September 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 appropriate Board policies and collective agreements.

Students

Students are required to present a written notice from their parents/guardians/caregivers, specifying the religious holy days in which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of the school year) to ensure that scheduling for major evaluations (e.g., tests, assignments, examinations) takes the holy days into consideration.

Student handbooks, parent newsletters, and school announcements should include information about religious holy days procedures.

Schools must make every reasonable effort to be aware of the religious observances of their staff, students, and community when planning special school activities; examination schedules, school concerts, parent interview dates, field trips, and other events.

In the case of an absence for religious holy day reasons, major tests or exams should be rescheduled for the student.

E2: Opening and Closing Exercises

Procedures

If a student or parent/guardian objects to all or part of opening or closing exercises due to religious beliefs, the pupil will be exempted and given the option not to participate and to remain in class or in an agreed-upon location throughout the duration of the exercise.

Opening and Closing Exercises, and exemption from them, are established in Ontario schools by the *Education Act* in Section 304 of the *Safe Schools Act, 2000*, and in Section 4 of Regulation 298.

Under section 304 of the *Safe Schools Act, 2000*, boards are required to ensure that opening and closing exercises are held in all of their schools. The exercises are required by the *Safe Schools Act* must include the singing of "O Canada" and may include the recitation of a pledge of citizenship. Students can be excused from participating in the exercises in the circumstances set out in the regulations:

Exemptions:

4. A student is not required to sing 'O Canada' or recite the pledge of citizenship in the following circumstances:
 - (1) In the case of a student who is less than 18 years old, if the student's parent or guardian applies to the principal to be exempted from doing so
 - (2) In the case of a student who is at least 18 years old, if the student applies to the principal to be exempted from doing so."

According to "Regulation to amend Regulation 298 of the Revised Regulations of Ontario, 1990, section 4" (September 1, 2000):

- "4. (1) Every public elementary and secondary school shall hold opening or closing exercises in public elementary and in public secondary schools.
 - (2) Opening or closing exercises shall include 'O Canada' and may include 'God Save the Queen' and may also include the following types of readings that impart social, moral, or spiritual values, and that are representative of Ontario's multicultural society.
 1. Scriptural Readings including prayers.
 2. Secular writings
 - (3) The opening or closing exercises may include a period of silence.
 - (4) In the following circumstances, a student is not required to participate in the opening or closing exercises described in this section
 1. In the case of a student who is less than 18 years old, if the student's parent or guardian applies to the principal of the school for an exemption from the exercises.
 2. In the case of a student who is at least 18 years old, if the student applies to the principal for an exemption from the exercises."
 - (5) No pupil enrolled in a public elementary or secondary school shall be required to take part in any opening or closing exercises where a parent or guardian of the pupil or the pupil, where the pupil is an adult, applies to the principal of the school that the pupil attends for exemption therefrom."

E3: Prayer

Guidelines

Schools should make every reasonable effort to accommodate the requirement for daily prayer by providing an appropriate location within the building for prayer. This may mean a quiet space in the library or an empty room, or wherever it is mutually satisfactory for the school and the student or staff member requesting the accommodation.

Some accommodation for late school arrival or early school leaving may be necessary in the case of students and in the case of staff, for late/early arrival/departure from the workplace. For some religions, the time for prayer changes with the seasons.

E4: Dietary Requirements

Guidelines

Schools and workplaces should be attentive to the dietary restrictions of the various religious groups. This includes attending to issues related to the menus provided by the catering firms, snacks in elementary schools, and catering for special occasions and community events.

Breakfast and lunch programs in both secondary and elementary schools should consider dietary restrictions in their menu planning. Availability of vegetarian options is recommended.

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

E5: Fasting

Guidelines

Schools and workplaces should accommodate with respect to religious practices related to fast periods. Appropriate space, other than cafeterias or lunchrooms, should be designated during lunch periods for students who are fasting. Field-trip planning should attend to the needs of students who might be fasting. Fasting students may need exemptions from some classes (e.g., swimming classes because of ingestion of water or sports classes where dehydration could be an issue).

E6: Religious Attire

Guidelines

Schools should 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 appropriately accommodated in school includes, but is not limited to:

- hairstyles
- yarmulkes (skullcaps), turbans, Rastafari headdress
- head scarves
- crucifixes, Stars of David
- items of ceremonial dress

In schools where uniforms are worn, administrators may ask the students to wear religious attire in the same colour as the uniforms (e.g., the head scarf for Muslim girls). However, there may be religious requirements of colour that cannot be modified.

Harassment about religious attire is one of the most common types of harassment; school staff should be sensitive to it and be proactive in setting a climate of understanding.

There are religious communities that require specific items of ceremonial dress that may be perceived as contravening Board policies, for example, the wearing of the kirpan by Khalsa Sikh students. Refer to Appendix 1 (attached) for the kirpan accommodation procedures.

E7: Modesty Requirements

Guidelines

Some religious communities observe strict modesty in attire. This can become a matter of concern when the students are asked to wear the brief clothing used in Physical Education activities.

If a family has concerns about this, the school should discuss the modesty requirements with them, and, taking into consideration Ministry of Education mandated expectations in the Physical Education curriculum, provide reasonable accommodations. 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.

E8: Participation in Daily Activities and Curriculum

Guidelines

When accommodation is requested related to the contents of a curriculum in which there is a demonstrated conflict with a religious requirement, the school should have an informed discussion with parents/guardians and students.

The school should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination that arise because of the religious practices that set individuals apart, and conflict with school routines and activities. Therefore, if curriculum directly conflicts with these practices, the school can consider accommodation. It cannot, however, accommodate religious values and beliefs that conflict with Board policies.

It is important to note that when an individual requests an accommodation related to the curriculum, the accommodation applies to that 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 requirements. (OSS, Grades 9–12, Program and Diploma Requirements, 1999, 3.2)

In general, these Guidelines and Procedures recommend an informed, common-sense approach to questions of religion and curriculum; some questions and issues can be solved by an open discussion between the teacher and the student.

F. Limitations to Religious Accommodation

Religious accommodation in the KPRDSB is carried out in the larger context of the secular public education system. While the Board works to create a school system free from religious discrimination, this freedom is not absolute. The Board will limit practices or conduct in its schools that may put public safety, health, or the human rights and freedoms of others at risk. As well, the Board will limit practices or conduct in its schools that are in violation of other Board policies.

Appendix A: Guidelines for Kirpan Accommodation

Kirpan

The *kirpan* (a small, ceremonial sword, approximately six to seven inches long) is a symbol of courage, self-sacrifice, defense of the weak and righteousness. Wearing the kirpan is a requirement of being a Khalsa Sikh. This ceremonial sword symbolizes each individual's duty toward other human beings, particularly the poor and oppressed, and is worn on the person. This is not a weapon, and strict rules prohibit its use as such. It is never to be removed from its sheath. For safety reasons, two or three clasps hold the kirpan securely in the sheath. Only a baptized Khalsa Sikh is required to wear a kirpan.

School Accommodation

Schools will accommodate Khalsa Sikh students and staff who wear a kirpan under the following conditions:

- At the beginning of the school year or upon registration, the student and parents/guardians must report to the school administration that they are Khalsa Sikhs and wear the five articles of faith.
- The kirpan is small (six to seven inches).
- The kirpan will be sufficiently secure to render removal difficult.
- The kirpan should not be worn visibly, but under the wearer's clothing.
- There is notification in writing to the principal by parents/guardians and student and, where possible, from the gurdwara (place of worship), confirming that the student requesting accommodation is a Khalsa Sikh.
- Students under 18 must be accompanied by parents/guardians when discussing the rules regarding the wearing of the kirpan.

The principal and student, in consultation with the parent/guardian, will discuss program modifications to ensure that there will not be any situations where the wearing of a kirpan could inadvertently cause physical harm to the wearer or to another individual in the school.

Appendix B: Interfaith Education Resources

Ontario Multifaith Council (OMC)

208-789 Don Mills Road
Toronto, ON M3C 1T5
Telephone: (416) 422-1490/(888)-837-0923
Fax: (416) 422-4359
Website: www.omc.ca
E-mail: omcsrc@omc.ca

The Ontario Multifaith Council's Library:

Telephone: (416) 422-1490 ext. 207
Toll free: 1-888-837-0923
Website: www.library.omc.ca
E-mail: thelibrary@omc.ca

Scarboro Missions Interfaith Dialogue

2685 Kingston Road
Scarborough, ON M1M 1M4
Website: www.scarboromissions.ca/Interfaith_dialogue/index.php

Interfaith Resources Online:

KPR's Equity & Diversity Calendar:
Website: www.kprschoools.ca/Students/LearningResources.html

Interfaith Calendar
Website: www.interfaithcalendar.org

BBC Religion
Website: www.bbc.co.uk/religion/

World Religion Day
www.worldreligionday.org