



## FAITH AND RELIGIOUS ACCOMMODATIONS

Responsibility:	<i>Superintendent, Student Achievement &amp; Well-Being</i>
Legal References:	<i>The Canadian Charter of Rights and Freedoms (Section 15); The Ontario Human Rights Code; The Education Act.</i>
Related References:	<i>Policy 1012 - Faith and Religious Accommodations; Policy 1008 – Equity and Inclusion; Policy 1004 – Anti-Discrimination and Anti-Harassment; Request for Faith and Religious Accommodation Form for Students Request for Faith and Religious Accommodation Form for Staff PPM No. 108, “Opening or Closing Exercises in Public Elementary and Secondary Schools”; PPM No. 112, “Education about Religion in the Public Elementary and Secondary Schools”; PPM No. 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”. General Guidelines for Religious and Faith Accommodations</i>
Effective Date:	
Revisions:	March 2016
Reviewed:	March 2016

### 1. Preamble

- 1.1 The Waterloo Region District School Board (WRDSB) commits to work with the community it serves to foster an inclusive learning environment that promotes acceptance, mutual respect and the protection of religious freedom for all individuals.

Freedom of religion and expression of faith is an individual right and a collective responsibility. In a diverse region such as Waterloo, it is important that the public school system acknowledges freedom of religion and provides protection from discrimination and harassment as described by the Canadian Charter of Rights and Freedoms.

### 2. Belief Statements

- 2.1 All students can achieve to a high standard, all staff can teach and support students to a high standard, and high expectations and early intervention are essential.
- 2.2 The WRDSB is committed to providing a school environment with the highest quality of education to prepare students for successful futures as global citizens. The Board ensures that values of uniqueness and diversity of its students, staff and community are deeply embedded in its services and programs. Equity, inclusiveness, and diversity are goals in all programs, practices, and facilities.
- 2.3 Learning is optimized in a safe, caring and inclusive environment. The Faith Accommodation Policy is a proactive effort to support academic achievement by eliminating discrimination and harassment related to creed. The process of accommodation and partnership with community helps build an environment of mutual respect and understanding.

- 2.4 Faith is a part of a person's identity and faith accommodations serve to honour and respect the whole person.
- 2.5 This procedure acknowledges the presence of students and staff that do not have religious affiliations. The faith and religious accommodation procedure is not intended and should not interfere with or compromise the rights and privileges of the group of staff and students who do not have a religious affiliation.
- 2.6 Respect for faith diversity is considered to be a shared responsibility. The Board works to ensure that students and staff are able to observe the tenets of their faith in school environments free from discrimination. Students, their families, and the community also have a responsibility to support this effort. This includes highlighting, building awareness and understanding the needs of the many religious communities and other groups to determine appropriate and reasonable accommodations.
- 2.7 Staff and students are entitled to equal treatment without discrimination based upon creed. The Faith and Religious Accommodations Policy (P1012) establishes a commitment to the values of freedom of religion, freedom from discriminatory behaviors based on religion, and respect for diversity of faith/belief in schools. This procedure is intended to accommodate religious requests by staff, students and parents, and to increase awareness and sensitivity regarding faith and/or beliefs in schools.
- 2.8 All reasonable steps will be undertaken to provide accommodation to individuals of a religious group to facilitate their religious beliefs and practices and expression of faith. All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

### 3. Definitions

The Ontario Human Rights Commission's Policy on Creed and the Accommodation of Religious Observances define "accommodation" as a duty corresponding to the right to be free from discrimination.

The Ontario Human Rights Code (OHRC) provides the right to be free from discrimination, and a general corresponding right or "duty to accommodate." The duty to accommodate may modify a rule or make an exception to all or part of it for the person requesting accommodation.

- 3.1 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 protection described in the OHRC. 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 states that reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.
- 3.2 Accommodation: faith based accommodation is the obligation to meet the diverse needs of individuals or groups in accordance with the *Ontario Human Rights Code* to the point of undue hardship.
- 3.3 Creed: The Ontario Human Rights Commission (OHRC) defines creed as a professed system and confession of faith, including practices, beliefs, and observances that are part of a religion. Religion is broadly accepted to include non-deistic bodies of faith, such as the spiritual faiths/practices of Aboriginal cultures. 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.

According to the Ontario Human Rights Commission, every person has the right to be free from discrimination or harassing behaviour that is based on religion or where the person who is the

target of the behaviour does not share the same faith. Atheists and agnostics are also protected under the Code.

Creed does not include secular, moral beliefs, 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 profess to have a religious basis that 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).

- 3.4 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 objective evidence regarding the assessment of cost, outside sources of funding, and health and safety.

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 that was depended upon. The accommodation seeker shall be informed of his or her recourse under the WRDSB's Equity and Inclusion Policy (1008) and Anti-Discrimination and Anti-Harassment Policy, 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.

#### **4. Limitations**

While the Waterloo Region District School Board works to create schools free from religious discrimination, this freedom is not absolute. The Board will limit practices or conduct in schools which may put public safety, health, or the human rights and freedoms of others at risk. The Board will also limit practices or conduct in schools that are in violation of other Board Policies.

##### **Accommodation vs. Exemption**

The Board will make reasonable efforts to accommodate students within the curriculum; however, the board will not fully exempt students from the curriculum. The Board has the duty to carry out the Ontario Ministry of Education curriculum to ensure students have a well-rounded understanding of the subject matter.

The Faith and Religious Accommodations Policy balances decisions to accommodate with undue hardship, and the effect of the accommodation on the Board's ability to fulfill its duties under Board Policies and the Education Act.

#### **5. Responsibilities of Principals and Managers**

When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is needed to develop appropriate accommodation. It is the role of the Board 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. Please see 5.2 for the Accommodation Protocol.

School staff is not responsible for monitoring a child's compliance with a religious obligation, and enforcing such practices (e.g. performing daily prayers or wearing a head covering is not the responsibility of the school or the Board).

##### **5.1 Areas of Accommodation**

For many students and staff in Waterloo Region schools, there are a number of areas where the practice of their religion may result in a request for accommodation on the part of the school and/or Board. These areas may include, but are not limited to the following:

- School opening and closing exercises;

- Observance of Days of Significance;
- Prayer and rituals;
- Dietary requirements and fasting;
- Religious attire;
- Modesty requirements in physical education; and
- Participation in daily activities and school curriculum

For more considerations in responding to these situations please refer to the “General Guidelines for Religious and Faith Accommodations”.

## 5.2 Accommodation Considerations

Consider the following when accommodations are requested.

- Discuss the accommodation request with the teacher and/or any relevant staff.
- Meet with the parent/guardian or person making the accommodation request. An interpreter, the teacher, the student, a staff member, or community member may also be invited at the discretion of the principal/manager and the family involved.
- Clearly communicate accommodation procedures with the parent/guardian, student, teacher and/or staff involved.
- Consult with educators, administrators or managers from the faith in question, where necessary.
- In the event that a solution related to religious accommodation remains unsolved, the administrator or manager may contact his/her Superintendent, Student Achievement & Well-Being.
- Contact the Equity & Inclusion Officer for further support and assistance in arrival to a resolution.

It is important to note that accommodations pertain to the individual student or staff person, and not to the whole classroom or department. Furthermore, accommodation request(s) are considered and discussed on a case-by-case basis with individual families.