



**MOOSONEE DISTRICT
SCHOOL AREA BOARD**

BOARD GOVERNANCE POLICY	
Motion	2016-05-010
Adopted	May 3, 2016
Last Revised	
Review Date	

RELIGIOUS ACCOMMODATION

1. PURPOSE

This governance policy has been developed to recognize and support freedom of religion as an individual right and a collective responsibility. 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.

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 defined as a professed system and confession of faith, including both beliefs and observances of worship. Creed does not include secular beliefs or ethnic 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 claim to have a religious basis, but which contravene international human rights standards or 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.

POLICY

3. Religious Accommodation

- 3.1 The Moosonee District School Area Board acknowledges and respects each individual's right to follow or not to follow religious/spiritual beliefs and practices, free from discriminatory or harassing behaviour and is committed to taking all reasonable steps to provide religious accommodations to students and staff.

- 3.2 The Board recognizes that the predominant faith-based groups in the community are Christian, with strong influences of Cree and First Nations spirituality, which are often manifest in traditional activities and ceremonies.
- 3.3 While the Board and its staff will take all reasonable steps to ensure freedom of religion and religious practices consistent with the *Ontario Human Rights Code*, it is expected that students and their families will help the Board to understand their religious needs and will work with the Board and its schools to determine appropriate and reasonable accommodations.

4. Accommodation Based on a Request

- 4.1 The 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.
- 4.2 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 child's compliance with a religious obligation and enforcing such practices as daily prayers or wearing a head covering.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 If a student maintains that his or her rights have been compromised, the issue will be referred to the supervisory officer or designate.

5. Students

- 5.1 Students must present verbal or written notice from their parents/guardians specifying their accommodation needs relating to religious observances, including holy days on which they will be absent from school.
- 5.2 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.

6. The Staff

- 6.1 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.

6.2 The absence of employees due to religious observances should be granted as determined by this Board policy and the appropriate collective agreement.

7. General Procedures for Religious Accommodation

7.1 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:

7.1.1 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.

7.1.2 School opening and/or closing exercises

The Ontario Ministry of Education Policy/Program Memorandum No.108 states that 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.

7.1.3 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.

7.1.4 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.

7.1.5 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.

7.1.6 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.

7.1.7 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.

7.1.8 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/guardians 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.

8. Limitations to Religious Accommodation

8.1 The Moosonee District School Area Board is committed to preventing and eradicating within its school community discrimination and harassment based on enumerated grounds set out in the *Ontario Human Rights Code*, including creed (religion). The 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.

8.2 The Board will limit practices or behaviour in its schools 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 its schools that are in violation of Board policies and 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

Ontario Occupational Health and Safety Act

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

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

PPM No.119 Developing and Implementing Equity and Inclusive Education Policies, rev. 2013

PPM No. 128 The Provincial Code of Conduct and School Board Codes of Conduct

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

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

Board:

Board Policy No. GOV-01 Vision, Mission, and Values

Board Policy No. GOV-07-0 Equity and Inclusive Education

Board Policy No. GOV-08 Safe Schools