



Report to the Board of Trustees

Revised Policy Code: A 3.8 - Religious Accommodation

Prepared By: Jacquie Davison, Superintendent of Business and Treasurer

Public:

In Camera:

Budget Implications:

Core Priority:

- Student Achievement and Well-Being
- Effective Stewardship of Board Resources
- Appropriate and Effective Faith-Based Programming
- Organizational and Capacity Building

Meeting Date: February 28, 2017

Report Number: E.3.(s).17.

Action:

Information:

Follow Up Item:

Prev. Report #:

Recommendation(s):

That the Board of Trustees approve revised Policy Code: A 3.8 - Religious Accommodation, as presented, effective immediately.

Background and Purpose

At the December 5th, 2016 Regular Meeting the Board of Trustees passed the following motion:

1. That the Board of Trustees give first reading to revised Policy Code: A 3.8 – Religious Accommodation.
2. That revised Policy Code: A 3.8 – Religious Accommodation be circulated to all schools, student cabinet, the District School Council/PIC and presidents of all employee union and professional groups for review and response by Friday, January 27, 2017 to Superintendent of Business and Treasurer, Jacquie Davison for presentation at the regular Board meeting on Monday, February 27, 2017.

Discussion

No feedback was received on this policy.

Attachments:

Revised Policy Code: A 3.8 - Religious Accommodation

RELIGIOUS ACCOMMODATION

POLICY

CODE: A 3.8

Policy Statement:

The London District Catholic School Board (LDCSB) exists within a broader context of law and public policy that protects and defends human rights. To that end, a number of LDCSB policies reinforce both federal and provincial legislation, and also help ensure that the freedoms set out are protected within the school system. The Canadian Charter of Rights and Freedoms (Section 2 (a) and (Section 15) guarantees freedom of religion. The Ontario Human Rights Code (The Code) protects an individual's freedom from discriminatory or harassing behaviours based on prohibited grounds. Consistent with this legislation is The Education Act, its Regulations and policies governing Equity and Inclusion in Schools:

- 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".
- Duty to Accommodate, s. 9 Policy on Preventing Discrimination based on Creed: Ontario Human Rights Commission, September 2015

Purpose:

The Board and its staff are committed to the elimination of discrimination as outlined in this Federal and Provincial legislation in a manner that is consistent with the exercise of its denominational rights under section 93 of the Constitution Act, 1982 and as recognized in section 19 of the Ontario Human Rights Code ("the Code").

Application and Scope:

The London District Catholic School Board recognizes, and is committed to, the values of freedom of religion and freedom from discriminatory or harassing behaviour based on prohibited grounds through its human rights policy, equity and inclusive education policy, the safe schools policy and curriculum documents. All of these will be informed by, and interpreted in accordance with, the principles of the Code and this policy.

This Religious Accommodation Policy reflects the Board's fidelity to Canadian law protecting freedom of religion in accordance with the Catholic Church's teachings.

1.0 Principles

1.1 The London District Catholic 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.

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1.2 The London District Catholic School 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.

1.3 The Board is committed to providing an environment that is inclusive and that is free of barriers based on prohibited grounds. Accommodation will be provided in accordance with the principles of dignity and inclusion. The Board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

2.0 Process

2.1 Areas of Accommodation: In a request for accommodation on the part of the school and/or the Board. These areas 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; and
- VIII. Participation in daily activities and curriculum

2.2 School opening and closing ceremonies: Pursuant to the Ontario Ministry of Education Policy/Program Memorandum No. 108 ("Memorandum No. 108"), 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.

2.3 Leave of Absence for Religious Holy Days: The Board affirms and values the faith diversity in our Catholic secondary schools. Section 21(2) (g) of the Education Act provides that a person is excused from school attendance in observance of a "holy day by the Church or religious denomination to which he/she belongs."

2.4 Prayer: The Board recognizes the significance of prayer in religious practice. Board schools will make reasonable efforts to accommodate individuals' 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. Adult presence should be for supervision purposes only.

2.5 Dietary requirements: 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 elementary schools, and food provided within schools, at school-sponsored activities and community events.

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- 2.6 Fasting: The Board is sensitive to religious periods of fasting. Board 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 Board schools should make reasonable efforts to provide appropriate accommodations.
- 2.7 Religious Dress: The Board recognizes that there are certain religious communities that require specific items of ceremonial dress. The Board understands that some religious attire, which is a requirement of religious observance, may not conform to a school's Dress Code. Board schools will reasonably accommodate students with regard to religious attire. Religious attire is not cultural dress; it is a requirement of religious observation.
- 2.8 Modesty Requirements in Physical Education: The Board recognizes that some religious communities observe strict modesty attire in respect of their religion. This can become a matter of concern when students are asked to wear the clothing used in physical education activities. Such activities should be designed inclusively, taking into account common religious needs that may exist.
- 2.9 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 should have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict to determine a respectful remedy to the conflict.

Requirements:

In accordance with the Equity Strategy, the Code and Ontario Human Rights Commission's Guidelines on Developing Human Rights Policies and Procedures, it is intended that the accommodation process, as well as the accommodation itself, be effective and respectful of the dignity of accommodation seekers. The Board is committed to providing an environment that is inclusive and that is free of barriers

3.0 Religious Dress:

- 3.1 There are religious communities that require specific items of ceremonial dress that may be commonly perceived as contravening Board policies, for example the use of the Kirpan by Khalsa Sikh students. For specific guidelines on the accommodation of Khalsa Sikh students wishing to carry a Kirpan, please see Appendix "A."

4.0 Religious Accommodations:

- 4.1 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 and religious accommodation in the Board is carried out in the larger context of the Catholic education system and denominational rights of Catholic schools.

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- 4.2 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.
- 4.3 Chapels in Catholic schools, 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). 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.
- 4.4 School administrators shall designate another appropriate space or classroom, other than the chapel, for religious celebrations celebrated by other denominations or faith traditions and that Catholic school boards consult with their respective local Ordinary on such accommodations.

5.0 Expected Outcomes of Policy

- 5.1 Freedom of religion is 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 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 that 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.

Adopted: October 26, 2010

Revised:

RELIGIOUS ACCOMMODATION

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Appendix A: 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.