



BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

306 – Religious Accommodations

DIRECTIONAL POLICY

Belonging in Catholic Schools

Title of Administrative Procedure:

Religious Accommodations

Date Approved:

March 2024

Projected Review Date:

March 2029

Directional Policy Alignment:

The Religious Accommodations procedure falls under the directional policy "Belonging in Catholic Schools."

The Catholic District School Board of Eastern Ontario (CDSBEO) recognizes, and respects religious and creed-based practices observed by members of the CDSBEO community and is committed to providing a safe environment free from discriminatory behaviors as outlined in the Ontario Human Rights Code, recognizing the Board's Roman Catholic denominational rights under Section 93 of the Constitution Acts of 1867 and 1982. Freedom of religion is an individual right and a collective responsibility. 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.

Alignment with Multi-Year Strategic Plan:

The Catholic District School Board of Eastern Ontario is a Catholic educational institution comprised of students, families, staff, parishes, and community members whose voices are consulted, celebrated, and encompassed through our Strategic Plan. Under the Believing Tenet, CDSBEO commits to build on community partnerships, weave our spiritual theme throughout daily interactions and foster an environment where an awareness of cultural, economic, and spiritual differences is embraced and an understanding of differences is celebrated, knowing that we are all children of God, created in God's image.

[CDSBEO Strategic Plan 2020-2025](#)

Purpose

The Catholic District School Board of Eastern Ontario is committed to the values of freedom of religion and freedom from discrimination and harassment based on religion and will take reasonable measures to provide religious accommodations within the legal rights afforded to the Catholic school system in Ontario.

Action Required

I. LEGISLATIVE AND POLICY CONTEXT

All school boards exist within a broader context of law and public policy that protect and defend human rights. The Canadian Charter of Rights and Freedoms (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 religion. 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".

The Board and its staff are committed to the elimination of discrimination as outlined in this Federal and Provincial legislation in a manner which 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").

II. ACCOMMODATION GUIDELINES

This guideline ensures that all Board staff, students, parents, and other members of the school community are aware of their rights and responsibilities under the Code regarding religious accommodation. It also sets out the Board's procedures for accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Code and OHRC'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.

1. Accommodation Based on Request

- 1.1. The Board will take all reasonable steps to provide accommodation to individual members of a religious group to facilitate their religious beliefs and practices. All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.
- 1.2. The Board will base its decision to accommodate by applying the Code's criteria of undue hardship, the Board's ability to fulfill its duties under Board policies and the

Education Act.

- 1.3. When concerns related to beliefs and practices arise in schools, collaboration is needed to develop appropriate accommodation.
- 1.4. The Board 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.
- 1.5. 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.
- 1.6. 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. 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 and presence of the Blessed Sacrament in the chapel may apply.) A chapel is open to all people for individual silent prayer or meditation. School administrators will designate another appropriate space or classroom, other than the chapel, for religious celebrations celebrated by other Christian denominations or faith traditions;

1.7. **Smudging**

In accordance with the Smoke-Free Ontario Act, the Board will permit smudging and the use of sacred medicines in connection with Indigenous cultural practices at cultural and educational events, meetings, and relevant classroom presentations. Smudging is the burning of sage and other sacred medicines such as sweet grass, cedar and tobacco and is meant to purify, cleanse, and protect physical, emotional, and spiritual spaces and create harmony and balance.

The inclusion of Indigenous cultures and practices in our schools play a powerful role in supporting and engaging Indigenous students and families as well as educating all students about Indigenous cultural beliefs and practices. Smudging is a common practice among many Indigenous people and therefore it is important for schools to accommodate those who wish to participate in this practice. In considering the practice of smudging, the principal, in consultation with the Indigenous Lead Educator or their designate:

- Will consider the most appropriate location in consultation with the Department of Plan Operations and Maintenance. (e.g. classrooms, gyms, atriums, teachers' lounge, offices, outdoor spaces, etc.).
- Will consider the location of fire alarms and smoke detectors as well as HVAC systems with the custodian. (i.e. Fire alarms should not be a deterrent for smudging).
- Will ensure that smudging is completely voluntary. (i.e. it is completely acceptable for a person to indicate that they do not wish to participate in a smudge. That person may choose to stay in the room and refrain from smudging

or leave the room during the smudge. Respect for all is the guiding principle in any Indigenous tradition.)

2. General Procedures for Religious Accommodation

- 2.1. Reasonable religious accommodations, and any adjustments to the workplace or academic environment that will allow an individual to practice a recognized religion, shall be considered.
- 2.2. The Board will make reasonable accommodation for employees and students who must miss a work-related commitment or miss an academic event for a reason of religious obligation.

3. Areas of Accommodation

3.1 For many students and staff of the Board, 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 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.

4. Accommodation related to curriculum

It is important to note that when an individual requests 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 [Ed. Act. 42 (13)].

The Ministry of Education recommends substitutions when there are exemptions requested related to specific curriculum (Ontario Secondary Schools, Grades 9-12, Program and Diploma Requirements). In general, the Board recommends an informed, collaborative approach to questions of religion and curriculum between school staff, students, and family.

Responsibilities**The Board of Trustees is responsible for:**

- Reviewing the Religious Accommodation Procedure as part of its regular policy and procedures review cycle.

The Director of Education is responsible for:

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.

Superintendents of Schools are responsible for:

- Reviewing and revising this administrative procedure as necessary;
- Family of Schools Superintendents are responsible for reviewing all submitted requests for their family of schools and collaborating with school principals.

Principals and Vice-Principals are responsible for:

- Implementing school wide practices to ensure religious accommodations are considered;
- Investigating all complaints and requests related to religious accommodations and reporting these to the appropriate FOS Superintendent;
- Implementing processes as outlined in the Religious Accommodations Academic Procedure.

Staff are responsible for:

- Implementing the school wide practices into their classroom/practices to ensure religious accommodations are considered;
- Investigating all complaints related to religious accommodations and reporting these to the school administration;
- Implementing processes as outlined in the Religious Accommodations Academic Procedure;
- Communicating (in writing) any specific religious accommodation they will need to be accommodated on or before September. If September notice is not feasible, the person should make the request as early as possible.

Students are responsible for:

- Implementing the school wide practices into their daily routines;
- Communicating with parental consent (written notice) any specific religious holidays or attire they will need to be accommodated on or before September. If September notice is not feasible, the person should make the request as early as possible.

Parents are responsible for:

- Supporting the school wide practices.
- Communicating (in writing) any specific religious holidays or attire they will need to be accommodated on or before September. If September notice is not feasible, the person should make the request as early as possible.

Progress Indicators

- Staff, students, and families feel supported in their religious observances and see themselves reflected and respected within the CDSBEO community.
- School climate and student census surveys indicate that staff and students feel accepted and safe in their learning and work environments accordingly.

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 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, October 20, 1996, pg. 5) 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 a protected ground under the Code. 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 provides that reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.

Creed: Creed is interpreted by the Ontario Human Rights Commission's 1996 Policy on Creed and the Accommodation of Religious Observances as "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances of worship. 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 does not include secular, moral, or ethical beliefs or political convictions. This administrative procedure 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, October 20, 1996, pg. 2). Exemption from religious studies due to creed will be made in accordance with procedures outlined in the Education Act 42 (13).

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).

References

Canadian Charter of Rights and Freedoms [Guide to the Canadian Charter of Rights and Freedoms - Canada.ca](#)

- Fundamental Freedoms Section 2
- Legal Rights Sections 7-14
- Equality Rights Section 15

Catechism of the Catholic Church Equality Rights, Chapter 15 (1), (2), 29 [Catechism of the Catholic Church \(vatican.va\)](#)

The Code of Canon Law, Can. 793 (1), 795, 796 (1), 803 (2) [Code of Canon Law: Table of Contents \(vatican.va\)](#)

Ontario's Education Equity Action Plan [Ontario's education equity action plan | ontario.ca](#)

Ontario's Equity and Inclusive Education Strategy [Ontario's education equity action plan | ontario.ca](#)

Ontario Human Rights Commission [Ontario Human Rights Commission | \(ohrc.on.ca\)](#). A policy primer: Guide to developing human rights policies and procedures.
<https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures>

Religious Rights Fact Sheet <https://www.ohrc.on.ca/en/religious-rights-fact-sheet>

Ontario Human Rights Code

- Policy on creed and the accommodation of religious observances
[https://www.ohrc.on.ca/sites/default/files/attachments/Policy on creed and the accommodation of religious observances.pdf](https://www.ohrc.on.ca/sites/default/files/attachments/Policy%20on%20creed%20and%20the%20accommodation%20of%20religious%20observances.pdf)
- Policy statement on Religious Accommodation <https://www.ohrc.on.ca/en/policy-statement-religious-accommodation-schools>
- Policy on preventing discrimination based on creed <https://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed>

Ontario Education Act

- Policy/Program Memorandum No. 108. <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-108>
- Policy/Program Memorandum No. 119. <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-119>