Creed (Religious) Accommodation Guideline

1. Legislative Context

Lakehead District School Board recognizes the pluralistic nature of Canada. The Canadian Charter of Rights and Freedoms guarantees freedoms such as freedom of religion. The Board upholds the Ontario Human Rights Code (Code) that protects an individual's right to be free from discrimination because of creed. The Board acknowledges an individual's right to follow or not to follow creed (religion). The Board values equity, inclusion and respect for all.

Creed is not defined in the Code, it includes religious beliefs and practices as well as Indigenous spiritual practices. The duty to accommodate creed is about providing the most appropriate accommodation in the circumstances. It is also about engaging in a meaningful and respectful good-faith process to assess needs and find appropriate solutions. The duty to accommodate is about determining an appropriate solution and providing it, short of undue hardship.
Although creed observances are based on generally accepted practices as defined by a religion/faith group, the Board recognizes that members of faith groups are not homogeneous in their understanding, interpretation and practice of their faith. It is not the role of schools to monitor students' compliance with a particular observance.

Human rights protection for creed do not extend to practices and observances that are hateful or incite hatred or violence against other individuals or groups or contravene criminal law.

2. Requests for Accommodation Based on Creed

Lakehead District School Board will take reasonable steps to provide accommodation to students or staff who believe that the Board's operations or requirements interfere with their ability to exercise their creed beliefs and practices to the point of undue hardship. A determination of undue hardship will be based on an assessment of costs of the accommodation, outside sources of funding, and health and safety risks to the individual and/or others at the Board. It is expected that students and their families, as well as staff, will help the Board to understand their creed related needs and will work with the Board and its schools to determine appropriate and reasonable accommodations.

Students or staff may request an accommodation to observe their creed beliefs, commonly in one or more of the following areas:

- school opening and closing exercises;
- prayer;
- dietary requirements;
- fasting;
- attire;
- modesty requirements in physical education;
- participation in daily activities, curriculum and program;
- observance of faith-based (creed) days of significance; and/or
- leave of absence for faith-based (creed) days of significance and celebrations.

3. Suggested Responses to Requests for Accommodation

School Opening and Closing Exercises

A student or employee who objects to all or part of opening or closing exercises for faith-based reasons will be exempted and given the option not to participate and to remain in the class or in an agreed-upon location.

Prayer

Schools should make every reasonable effort to accommodate the requirements for daily prayer by providing an appropriate location within the building for prayer when requested by students or staff. Some accommodation for late school arrival and/or early school leaving may be necessary. Prayer times change in some faiths according to the seasons.

Dietary Requirements

Schools should be aware of dietary restrictions of various faith groups. This awareness includes breakfast and lunch programs, snacks, overnight outdoor education activities and field trips that cover a meal-time period, and catering for special occasions and community events. Provision of halal, kosher or vegetarian options may be needed.

Fasting

Schools should accommodate students and staff with respect to fasting observances. Appropriate space other than the cafeteria or lunchroom should be designated during lunch period for fasting students. Field trip plans should also consider the needs of fasting students. Students might need exemptions or alteration of activities in some classes, e.g., physical education.

Religious Attire

Student/staff wearing of certain hairstyles and attire, such as, but not limited to: yarmulkes, turbans, hijab (headscarves), crucifixes, stars of David, should be permitted. It is worth noting that harassment based on religious attire or wearing articles of faith is one of the most common forms of discrimination. Staff attitudes are crucial to establishing a positive climate of understanding and respect for differences regarding faith-based attire.

Accommodation of Religion Related Dress for Physical Education

When a student requests an accommodation for dress code for participation in physical education activities including swimming, the school and family are encouraged to find a mutually agreeable accommodation. Health and Safety must be considered in the accommodation of dress. For example, a head scarf can be tucked into clothing, track pants may be worn instead of shorts. The curriculum requirements should be explained to the family, so the family has sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

Participation in Daily Activities, Curriculum and Program

When an accommodation is requested, related to the content of curriculum and/or program, it is important to have an open discussion between the parents/guardians and the school. The accommodation applies to the individual who requests it, not the whole class or classroom practices in general.

Observing Faith-based (Creed) Days of Significance

It is recommended that schools recognize religious days of significance, pertinent to their school community. Recognition may include, but is not limited to, announcements, displays, bulletin boards, posters, student work, assemblies, or other events. Schools will endeavour to be aware of the faith-based observances of their school community when planning activities.

Schools are encouraged to recognize the days of significance on the Board's Diversity calendar through announcements, bulletin board displays, assemblies, and other events befitting the school setting and student demographics.

Leave of Absence for Faith-based (Creed) Days of Significance and Celebrations

All staff and students who observe faith-based (creed) days of significance in accordance with Sec. 21 (2) (g) of the Education Act may be excused from attendance.

4. General Procedures for Creed Accommodation Requests

Staff

The person requesting accommodation for observance of creed/religious beliefs should advise their teacher/principal/vice-principal/supervisor 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.

The absence of employees due to creed observances should be granted as determined by the Board's 7030 Human Rights and Workplace Harassment Policy, this guideline and the appropriate collective agreement. The human resources department may verify the day(s) requested on the Board's Diversity calendar.

Students

Parents/guardians/adult students must present verbal or written notice for the student to their teacher/principal/vice-principal, specifying their accommodation needs relating to creed observances, including holy days on which they will be absent from school. 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 creed observances into consideration.

Student handbooks and parent newsletters should include information about the procedure to follow to request an accommodation for creed observances and/or faith or creed-based days of significance.

Unresolved Requests

When a determination is made that an accommodation would create undue hardship, the person requesting the accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon.

In the event an accommodation request is not granted, the matter will be referred to the appropriate superintendent.

5. Recognizing Holy Days in Schools

The intent of recognizing faith-based holy days or events is to educate, not indoctrinate. Days of religious significance as identified in the Board's Diversity calendar should be recognized to the degree it is appropriate in each school setting. Recognition means the inclusion of events in a school curricular and co-curricular program, and may occur through festivals, concerts and other activities.

6. Distribution of Faith Literature and Resources

Lakehead District School Board facilities will not distribute faith-based literature to students. The only exception to this statement is if the materials support curriculum expectations in a program of study. School libraries may include faith texts in their collections as sources of information for students and staff.

7. Common Concerns

Can schools display a Santa Claus?

Yes. Santa Claus is a symbol of the Christmas season, but it is not the only symbol of celebrations in that season. Symbols associated with the special days of other faiths should be displayed at that time of the year when they are recognized.

Can schools display a Nativity scene?

Yes. A display for any faith can be exhibited. Such a display would constitute part of the educational component as described in this guideline. A display for any faith, e.g., a Nativity scene, a menorah or Shiva figure, should be accompanied with an appropriate explanation of the meaning of the day or event, i.e., why it is being recognized. However, a display of only one faith during the school year would be inconsistent with Ministry and Board expectations.

What is the recommended general approach to the December holiday season?

It is recommended that many faith and cultural days of significance be recognized during their season and with authenticity throughout the school year to build a sense of respect for differences, global awareness and equity in the school's culture. It is important to demonstrate the common bonds and principles among the various traditions while respecting and valuing their differences. It is inappropriate to avoid recognizing traditions for fear that schools are unable to recognize everything to the same degree. The intent of inclusion is as important as the "fairness factor".

Are all students expected to attend and/or participate in events or activities related to the recognition of faith days?

Students who conscientiously object to what they consider to be a "controversial issue" may be exempt. Students may not exempt themselves from a human right, respect for differences, or anti-discrimination approach to any tradition.

I am a Board employee who does not work in a school. Am I expected to recognize each day as defined on the Board's Diversity calendar?

It is expected that all Board staff be aware of the day and respect its significance.

What should be done about other events? (e.g. Christmas dance for students?)

If a school event recognizes several faith or cultural traditions, it is recommended that the name of the event focus on the collective theme, for example, Winter Traditions, All About Us, or Festivus. If Christmas is the only tradition being recognized at the event, it is acceptable to call it a "Christmas" event. Nonetheless, a variety of diverse traditions should be represented throughout the school year. It is also important to be accurate and authentic when describing faith activities or symbols: just as "holiday bush" inaccurately describes a Christmas tree.

Is Hallowe'en an event which falls under these guidelines?

Yes. While Hallowe'en may be a secular event for some, it is a religious event for others. Occurring on October 31, the event precedes All Saints' Day during which it was believed that the spirits of the past appeared. For some, it is an occasion when children dress up in costumes and have fun with their peers. Students, who for religious reasons are opposed to participating in Hallowe'en activities, may be provided with an alternative program.

8. More Information about Various Faiths

More detailed information about various faiths as well as explanations about the significance of the Board's Diversity calendar dates can be found at www.lakeheadschools.ca under "About Us"/Equity and Inclusion Working Committee.