



The Limestone District School Board acknowledges and respects everyone's right to believe and practice according to one's own creed and is committed to taking all reasonable steps to provide creed-based accommodations to employees and to students. The Board recognizes and values the diversity of creed within its community and is committed to providing a safe, respectful and equitable environment for all, free from all forms of discriminatory or harassing behaviours based on creed.

Freedom of creed, often called freedom of religion, is an individual right and a collective responsibility. The Canadian Charter of Rights and Freedoms recognizes the fundamental freedoms of conscience and religion (section 2) as well as the right to the equal protection and equal benefit of the law without discrimination based on religion (section 15). The Ontario Human Rights Code (the Code) similarly protects an individual's freedom from discriminatory or harassing behaviours based on creed.

The Board is committed to fostering an inclusive learning environment that promotes acceptance and protects freedom of creed for all individuals. This Administrative Procedure stipulates the process of requesting creed-based accommodation. Where the request is related to human development and sexual health, please refer to [Administrative Policy 325: Exemption From Human Development and Sexual Health Instruction, Grades 1 to 8](#). The Board will take all reasonable steps to ensure freedom of creed-based beliefs and practices consistent with the Code. It is expected that students and their families 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.

1. Definitions

1.1. Accommodation

- 1.1.1. The Ontario Human Rights Commission's Policy on preventing discrimination based on creed (2015) (OHRC Policy) describes "accommodation" as a legal duty corresponding to the right for all individuals to be free from discrimination



based on creed.

1.1.2. 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.” Organizations have a legal “duty to accommodate” people’s beliefs and practices where these are: (a) adversely affected by a requirement, qualification or practice of the organization; (b) sincerely held; (c) connected to a creed. The Code focusses on the needs of the individual. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation.

1.1.3. The duty to accommodate must be provided to the point of undue hardship.

1.2. Creed

1.2.1. Creed is the term used in the Code and throughout this Administrative Procedure. Creed includes religion in the broadest sense but may also include non-religious belief systems that, like religion, substantially influence a person’s identity, worldview and way of life. Creed does not require a belief in a god or gods or a single supreme deity, thereby including people who are atheist and agnostic. Creed also includes the spiritual beliefs and practices of Indigenous cultures.

1.2.2. The Code does not define creed. The OHRC Policy provides the following characteristics as relevant when considering whether a belief system is a creed. A creed:

- (a) Is sincerely, freely and deeply held;
- (b) Is integrally linked to a person’s identity, self-definition and fulfillment;
- (c) Is a particular and comprehensive, overarching system of belief that governs one’s conduct and practice;



(d) Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and / or a higher or different order of existence; and

(e) Has some 'nexus' or connection to an organization or community that professes a shared system of belief.

1.2.3. While the Board will accept in good faith that a person practices a creed, not every belief, opinion, expression, practice or matter of conscience is a creed under the Code. A political belief or conviction is not a creed under the Code, and neither is a personal preference.

1.2.4. According to the OHRC Policy, every person has the right to be free from discrimination or harassing behaviour that is based on creed, or which arises because the person who is the target of the behaviour does not share the same creed.

1.2.5. This Administrative Procedure does not extend to practices and observances that incite hatred or violence against other individuals or groups, or that contravene the Code or other legislated rights and obligations.

1.3. Undue Hardship

1.3.1. Accommodation will be provided to the point of undue hardship. The Code prescribes three considerations in assessing whether an accommodation would cause undue hardship: cost, outside sources of funding, and health and safety requirements.

2. Accommodation Guidelines

2.1. Roles and Responsibilities

2.1.1. The purpose of this Administrative Procedure is to ensure that all Board employees, , students, parents/guardians and other members of the school



community are aware of their rights and responsibilities under the Code with respect to creed-based 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 Guide to 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.

- 2.1.2. It is the role of the Board to ensure equity and respect for the diverse creed-based beliefs and practices of students and their families, as well as employees, in the school system.
- 2.1.3. It is the responsibility of the Board to ensure a working and learning environment that is inclusive and that is free of barriers based on creed. Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The Board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.
- 2.1.4. It is the responsibility of employees, and of students (and parents/guardians of students), who are seeking accommodation on the basis of creed to request such accommodation and to provide information in support of that request.
- 2.1.5. It is the responsibility of other members of the school community to support a learning and working environment that is inclusive of all creeds.

3. General Procedures for Creed-Based Accommodation

3.1. Employees

- 3.1.1. The employee making the request must present verbal or written notice specifying their accommodation needs relating to creed, including holy days on which they will be absent from work, to their administrator or supervisor at the beginning of the school year, to the extent possible. If September notice is not feasible, the employee should make the request as early as possible.



3.2. Students

3.2.1. Parents/guardians should complete Form 106A, specifying the accommodation needs of the student relating to creed, including any observances or holy days. Secondary students who are 18 or older, or students aged 16 and 17 who have withdrawn from parental control, may complete the form themselves. 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-based observances into consideration when possible.

3.2.2 The Board and school websites will include information about the procedure to follow to request an accommodation on the basis of creed. Such procedures should be easy for employees, students and parents/guardians to understand.

3.3. Unresolved Requests

3.3.1. Unresolved Requests

Despite the Board's commitment to accommodate, an individual may feel that the accommodation process or end result is not adequate. The Board will, through its human rights procedures, take reasonable and timely steps to address the unresolved issues raised by the affected person, which could include dispute resolution mechanism as noted below.

3.3.2. Employees

In the event that, after an employee's consultation with the school administration and the Superintendent of Education, unresolved issues remain, then the matter will be referred to the Superintendent of Human Resources.

3.3.3. Students

In the event that a student maintains that their rights under this Administrative



Procedure have been compromised, then the matter will be referred to the appropriate Superintendent of Education.

For consultation or further clarification of questions, administrators and managers should contact the Board's Human Rights and Equity Advisor.

4. Elements of an Accommodation Plan

4.1. For many students and employees of the Board, there are a number of areas where the practice of their creed will result in a request for accommodation on the part of the school and/or the Board. As a result, the elements of an accommodation plan may include, but are not limited to, the following:

- School opening and closing exercises;
- Personal Days for Religious Holy Days and Celebrations;
- Prayer/ Meditation;
- Dietary requirements;
- Fasting;
- Religious dress;
- Modesty requirements in physical education;
- Photos and identification;
- Symbols; and
- Participation in daily activities and curriculum.

This Administrative Procedure will consider each (of the above-stated) possible elements of an accommodation plan in turn below.



4.2. School Opening and Closing Ceremonies

4.2.1. 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.

4.2.2. Memorandum No. 108 states the following:

- All public elementary and secondary schools in Ontario must be opened or closed each day with the national anthem. “God Save the Queen” may be included.
- The inclusion of any content beyond “O Canada” in opening or closing exercises is to be optional for public school boards.
- Where public school boards resolve to include, in the opening or closing exercises in their schools, anything in addition to the content set out in item 1 above, it must be composed of either or both of the following:
 - One or more readings that impart social, moral, or spiritual values and that are representative of our multicultural society. Readings may be chosen from both scriptural writings, including prayers, and secular writings.
 - A period of silence.

4.2.3. Parents/guardians who object to part or all of the exercises may apply to the principal to have their children exempted. Students who are adults or have withdrawn from parental control may also exercise such a right.

4.2.4. These requirements will be interpreted in accordance with the Code and the Board will consider other requests for accommodation as may be made.

4.3. Absence for Religious Holy Days and Celebrations



- 4.3.1. The Board is committed to affirm and value equally the faith diversity in our schools. Section 21(2) (g) of the Education Act provides that a person is excused from work or school attendance in observance of a “holy day by the church or religious denomination to which [they] belong..” This requirement will be interpreted in accordance with the Code.
- 4.3.2. All employees and students who observe religious holidays in accordance with section 21(2) (g) of the Education Act may be excused from attendance, subject to the particular request for religious leave process.
- 4.3.3. The Board will encourage members of different faith-based groups to identify their holy days at the beginning of each school year. The Board will make reasonable efforts to acknowledge the different observances of their community when planning programs and events, such as Board-wide tests and examinations. To the extent possible, conferences, meetings, workshops, co-curricular activities and exams/tests, will not be scheduled on these significant faith days:

Examples of Significant Faith Days:	
Baha’i	Ridvan
Buddhist	Lunar New Year/Chinese
Western Christian	Good Friday
Eastern Christian	Christmas Holy Friday
Hindu	Diwali
Jewish	Rosh Hashanah (2 days) Yom Kippur Passover (first day)
Muslim	Eid-ul-Fitr Eid-ul-Adha
Sikh	Baisakhi



4.3.4. A multi-faith calendar will be provided on an annual basis that may assist schools in making appropriate accommodations.

4.4. Prayer

4.4.1 The Board recognizes the significance of prayer, meditation or quiet reflective times. Board schools will take appropriate steps to provide accommodation for an individual's requirement for this practice by providing an appropriate space for students and employees. 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 employee requesting the accommodation. Particular accommodation for prayer may include late school arrival, early school leaving or seasonal adjustment.

4.5. Dietary Restrictions

4.5.1. The Board recognizes the dietary requirements of individual creed-based practices. This 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.

4.5.2. Breakfast and lunch programs in both secondary and elementary schools will consider relevant dietary requirements in their menu planning. Availability of vegetarian options is recommended as a form of inclusive design.

4.5.3. Special attention needs to be given to overnight outdoor education activities, as well as field trips that extend over a mealtime period.

4.6. Fasting

4.6.1. The Board will take appropriate steps to provide accommodation for fasting. For example, Board schools may provide appropriate space, other than cafeterias or lunchrooms, for individuals who are fasting. 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.

4.7. Specific Attire

4.7.1. The Board recognizes that certain individuals may require specific attire as a requirement of creed observance. Such attire is not cultural; it is a requirement of creed observation. Accommodation requests related to student attire will be granted in accordance with this AP and AP 352: Student Clothing.

4.7.2. Creed-based attire that may be accommodated in Board schools includes, but is not limited to:

- Head covers: Yarmulkes, turbans, Rastafarian headdress, hijabs;
- Crucifixes, Stars of David, etc.;
- Ceremonial items

4.7.3. Where uniforms are worn (ex. a team event), administrators may ask the student to wear creed-based attire in the same colour as the uniform (e.g. the head scarves for females); however, there may be creed-based requirements of colour that cannot be modified.

4.7.4. Special attention must be given to accommodations necessary for a student to participate in physical education, school-organized sports and health and safety requirements. Where possible, these should be incorporated into Board policies as part of an inclusive design process.

4.7.5. The Board seeks to foster an atmosphere of cultural understanding in order to be proactive in addressing potential harassment about religious attire. Schools should be aware that harassment about religious attire is one of the most common types of harassment and bullying. The Board and its schools will not tolerate any teasing directed at, or inappropriate actions taken against, an



individual's religious attire and there will be appropriate consequences for individuals who violate this rule in accordance with *AP 353: Progressive Discipline and Promoting Positive Student Behaviour*.

- 4.7.6. There are religious communities that require specific items of attire, which 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 Schedule "A."

4.8. Modesty Requirements for Dress in Physical Education Classes

- 4.8.1. The Board recognizes that some individuals observe strict modesty attire in respect of their creed. 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.
- 4.8.2. If a student or their family has concerns that cannot be addressed through inclusive design, the school should discuss the modesty requirements with them, and, taking into consideration the Ministry of Education's mandated expectations in the physical education curriculum, provide accommodation. The curriculum requirements should be explained to the family so that the family has sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

4.9. Participation in Daily Activities and Curriculum

- 4.9.1. The Board has a duty to expose students to a variety of views and belief systems in furtherance of the Code and the Education Act to foster a more inclusive school environment. There is no right to be shielded from exposure to realities that differ from those in a student's immediate family environment. Learning about, and being exposed to, different belief systems is an integral part of the educational experience.



4.9.2. The Board will take the necessary steps to accommodate students where there is objective evidence that a specific class or curriculum compels a student to adhere to a belief, or engage in a practice, that is contrary to their creed. Disagreement with the class or curriculum will not suffice. Where academic accommodation is requested, the school should have an informed discussion with the student and/or the student's parents/guardians to understand the nature and extent of the conflict. (see Forms 106A – B)

4.9.3. In order to be granted an accommodation (which may take the form of an exemption), the student and/or parent/guardian making the request must provide objective evidence demonstrating that exposure to the conflicting ideas objectively infringes the student's creed-based beliefs and practices, such as by:

- interfering with the ability of students and their parents/guardians to practice, observe, express or transmit their faith (including the ability of the parents/guardians to pass their faith on to their children);
- amounting to indoctrination or compulsion in matters relating to creed-related beliefs; and/or
- creating an unequal environment, such as by privileging or disadvantaging one view over another

4.9.4. The school should make it clear during the discussion that its role is to protect students and employees from harassment and discrimination because of their creed practices. Where these conflict with the school routines and activities or curriculum, the school should make a determination of appropriate accommodation.

4.9.5. Where the accommodation request is related to curriculum, the school supervisor should be consulted.

4.9.6. 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.

- 4.9.7. 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).
- 4.9.8. In general, the Board recommends an informed, common-sense approach to cases of participation in daily activities and curriculum. Requests for this accommodation should be approached with an open discussion between the teacher / Administrator, the student and their family/ guardian focusing on alternatives to exemption from class time encouraging the student to be included.

5. Limitations of Creed-based Accommodation

- 5.1. The Board is committed to preventing and eradicating within its school community discrimination and harassment based on enumerated grounds set out in the Code, including creed. The Board supports freedom of creed-based belief and an individual's right to manifest their beliefs through practices and observances. This right is not, however, absolute.
- 5.2. The Board may limit practices or behaviour in its schools that may put public safety, health, or the human rights and freedoms of others at risk. As well, the Board may limit practices or behaviours in its schools that are in violation of other Board procedures. These decisions will be made in accordance with the principles of the Code.
- 5.3. When an accommodation request has been denied, the Principal will provide written reasons in Form 106B to the applicant explaining why the application was refused.
- 5.4. A determination that an accommodation will create undue hardship should be made only with the approval of Superintendent or the Director. The



determination of undue hardship is dependent on the facts of each individual situation and circumstances (case-by-case).

- 5.5. Only three factors are relevant in assessing whether an accommodation would cause undue hardship: cost, outside sources of funding, and health and safety requirements. The Board has the onus of proof to show that an accommodation will result in undue hardship. It is not up to the person making the request to prove that the accommodation can be accomplished without undue hardship.
- 5.6. The nature of evidence required to prove undue hardship must be objective, real, direct, and in the case of cost, quantifiable. For more information about the evidence needed to prove undue hardship, see the OHRC Policy, pp. 69-71
- 5.7. Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice by the Superintendent, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of their recourse under AP 105: Equity and Inclusive Education and under the Code.

Legal References:

Charter of Rights and Freedoms

Education Act

Ontario Human Rights Code

Chamberlain v. Surrey School District No. 36, 2002 SCC 86 (CanLII)

S.L. v. Commission scolaire des Chênes, 2012 SCC 7 (CanLII)

Loyola High School v. Quebec (Attorney General), 2015 SCC 12 (CanLII)

E.T. v. Hamilton-Wentworth District School Board, 2017 ONCA 893 (CanLII).

Ontario Occupational Health & Safety Act

Ministry of Education PPM No 108: Opening or Closing Exercises in Public Elementary and Secondary Schools

Ministry of Education PPM No. 119: Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools

N.B v. Ottawa-Carleton District School Board, 2022 HRTO 1044 (CanLII)

Ontario Human Rights Commission - Policy on preventing discrimination based on Creed

Human Rights Commission - Policy and Guidelines on Disability and the Duty to Accommodate

Related Procedures:

AP 105: Equity and Inclusive Education



[AP 325: Exemption From Human Development and Sexual Health Instruction, Grades 1 to 8](#)

AP 352: Student Clothing

AP 353: Progressive Discipline and Promoting Positive Student Behaviour

AP 376: Student Human Rights Incidents and Complaints

AP 405: Understanding Harassment and Discrimination



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 their 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, unless they have withdrawn from parental consent.



APPENDIX B

ADDITIONAL RESOURCES

Canadian Multifaith Federation

207 – 3570 Victoria Park Avenue,
North York, Ontario M2H 3S2

Phone: 416-422-1490
Fax: 416-422-4359
Email: omcsrc@omc.ca

www.cmfsrc.ca
www.omc.ca

Interfaith Calendar
www.interfaithcalendar.org

Print Resources

Shared Solutions, MOE 2007

The Multifaith Information Manual (4th edition), Ontario Multifaith Council 2003-2010