

Accommodation of Religious Practice Guidelines

The British Columbia Human Rights Code makes it clear that the College must not deny a service customarily available to the public or discriminate against any person or group on the basis of religion.

Section 2 of the Canadian Charter of Rights and Freedoms guarantees a fundamental freedom of religion. To ensure these freedoms and to protect against discrimination, Columbia College implemented the **1.5 Respectful Workplace Policy**. This policy promotes a climate of understanding and mutual respect, and prevents discrimination, harassment and differential treatment based on one or more of the protected grounds. In keeping with the intentions of our **Respectful Workplace Policy** and the law, the College has established the following guidelines for the Accommodation of Religious Practice.

The duty to accommodate

In the absence of a bona fide and reasonable justification, BC Human Rights law requires the College to fulfill its duty to accommodate the religious or spiritual needs of students or employees to the point of undue hardship. The duty to accommodate is mandatory, even if fulfilling the request will result in some challenge or “hardship”.

What is meant by “undue hardship”?

What constitutes undue hardship is determined on a case-by-case basis, but generally speaking the College would need to show that accommodating a religious practice for a student or an employee would create unduly onerous conditions. Factors that are considered are the cost (relative to the overall budget of the College), disruption of the workforce, and the effect on other students and employees.

When students sign up for a certain course, they know what the expectations are from the beginning. Why are we obliged to give special consideration to them after the fact?

Because that is what the law requires. Human rights legislation is quasi-constitutional in nature, which means that other laws are subordinate to it. So, for example, if a Jewish student signing up for a Chemistry lab knows before he registers for the course that he will need to be away from the College on Rosh Hashanah and Yom Kippur, two of the significant holy days in Judaism, he has the right to register for the course, and the College has the obligation to accommodate him.

Similarly, when someone applies for a job, they know in advance about the hours of work, vacation entitlement and statutory holidays. If, for religious reasons, they cannot be available during those times, why are they not obliged to give us that information before they are hired? There is no onus on a job candidate to disclose that they may require religious accommodation if they are the successful applicant. If we declined to offer a position to a candidate based on the person's religious beliefs because we suspect that they will require accommodation, that would constitute religious discrimination because we would have imposed a burden, an obligation or a disadvantage on that individual because of their religious practice.

Reasonable accommodation

What constitutes a reasonable accommodation for religious or spiritual practice will depend on the facts of a particular case and may take many forms. It can include, but is not limited to, modifying due dates or schedules, permitting absences, breaks or alternate exam/assignment dates, exempting an individual from handling or consuming certain food stuffs, permitting religious or spiritual attire and adornment (including modesty of dress) or allowing for ablution etc. Generally, the College must be willing to modify or relax certain

requirements, if such modification is necessary to alleviate an adverse effect of the requirement on the individual or group.

For example, if a student cannot write an exam because it is scheduled on a holy day, accommodation can involve any of the following:

- writing a make-up exam on another day
- assigning the value of the exam to a later exam;
- requiring the student to submit another type of assignment.

Religious and spiritual accommodation requirements do not apply to requests based on personal preferences or those that stem from non-religious/spiritual interests such as culture, heritage or politics.

For example, weddings, births, cultural events, family obligations, or other similar commitments are not normally considered religious or spiritual practices. Keep in mind however, that “religion” and “spiritual practice” are broad and somewhat fluid concepts, and there are many more religions, creeds and practices than many of us are familiar with.

Possible areas of accommodation for religious and spiritual practice

For many students and employees at the College, there are a number of areas where the practice of their religion may result in a request for accommodation. The following are some examples. Please be aware that the College’s obligation to accommodate extends to clinical and practice areas, as well as work integrated learning settings.

- observation of major holy days and spiritual celebrations
- prayer or similar spiritual practices: The College made a reasonable effort to accommodate the requirement for daily prayer by providing an appropriate location – Main Campus, Room 349.
- funeral practices or rites
- dietary requirements or fasting
- dress, adornment, including modesty requirements
- ablution (e.g. washing of hands, face & feet)

It is relatively easy to accommodate a religious practice for one or two days a year. However, the tenets of some religions require practices that are undertaken once a week or more. Are they entitled to accommodation, as well?

Yes. Some religions, like Orthodox Jews and Seventh Day Adventists, practice their religious faith by worshipping from sundown on Friday until sundown on Saturday. Therefore, they are required to be away from work and study during these times. In winter, when the days are shorter, it may be more difficult to accommodate because sundown arrives early. Nevertheless, accommodation is still a legal requirement. Similarly, Muslims who fast during Ramadan may require daily accommodation in order to fast. These practices all trigger the duty to accommodate.

Which religions are accommodated? Would witchcraft be accommodated as a religion?

Please refer to SFU Religious Calendar: <https://www.sfu.ca/students/interfaith/religious-accommodation/All.html>

Those who practice Wicca (Pagan Witchcraft) are generally accommodated.

Responsibilities in the accommodation process

Accommodation is a collaboration between the requester and the College. It is achieved through cooperation and communication. Both parties have responsibilities in the accommodation process.

These responsibilities are summarized as follows:

1. The requester must make a timely request with sufficient notice so that the request can be considered and implemented before it is needed.
2. The requester must provide sufficient information about the request so as to aid understanding, and

must provide suggestions as to the kind of accommodation requested. This could include dates/times of anticipated absences, exemption from certain activities, access to certain resources etc.

3. The receiver of the request must give full and fair consideration to the request, and ascertain how the request might be implemented. A requester is not normally required to provide “proof” of religious or spiritual observance, although it may be requested in certain circumstance.
4. The receiver is encouraged to discuss the request with the requester to obtain more information, explore options and come to an agreement.
5. A person seeking accommodation has a duty to accept a reasonable accommodation, even if it is not exactly what is wanted.
6. The receiver is required to implement the accommodation, and confirm the accommodation in writing if possible.
7. The receiver must seek advice at Student Services for a student or at Human Resources for an employee if the request appears highly unusual, excessively challenging or untenable.
8. The requester must notify the receiver if needs change or if the accommodation is no longer needed. Both the requester and receiver must be willing to review and modify the accommodation agreement if circumstances change or if the agreement is no longer working.

Regardless of any accommodation that is implemented, students must meet the essential requirements of the course or program, and employees must meet the terms and conditions of employment.

Information for students

It is worthwhile to inform students of College expectations regarding accommodation for religious or spiritual practice as early as possible at the start of the semester. Including information about the accommodation request process in a course outline/syllabus or by a separate handout is helpful.

Below is a sample statement:

“The College accommodates students whose religious or spiritual practice interfere with attendance, meeting due dates or sitting tests and examinations. Please inform your instructors during the first two weeks of classes if you will require accommodation. Your instructors may require more information regarding your request.”

Steps to request and obtain accommodation for religious or spiritual practice

1. Inform your instructor or supervisor about the need for accommodation, preferably in writing as early as possible. For students, this would be within the first two weeks of classes. Include the following information:
 - Explain with sufficient detail to aid understanding, why accommodation is required.
 - If appropriate, support the request for accommodation with written information from a reliable source about the specific religious or spiritual needs or practices needing accommodation.
 - Suggest appropriate accommodation measures.
 - Indicate how long accommodation will be required.
2. Allow a reasonable amount of time for your instructor or supervisor to reply to your request for accommodation.
3. Listen to and consider any reasonable accommodation options that your instructor or supervisor proposes.
4. When agreement is reached, ask your instructor or supervisor to write down the terms of the accommodation.
5. Cooperate to make the agreement work.
6. Advise your instructor or supervisor as early as possible if your accommodation needs to change.
7. Tell your instructor or supervisor if the need for accommodation ends.

Exam accommodations for students

Except in unforeseen circumstances, students seeking accommodation for religious or spiritual practice in the form of an absence from the exam, must submit a formal request to the course instructor as soon as exam schedules are made available. Students must submit a separate request for each course in which exam accommodation is requested. Forms for this purpose are available from the course instructor or on-line (see Appendix).

Information for Employees

Employees requesting leave should advise their supervisor in writing at least two weeks in advance. Requests should be made in writing to the supervisory/dean as soon as possible.

Seeking Advice

1. Faculty and staff who would like advice regarding an accommodation request from a student, should contact the Director of Student Services.
2. Supervisors and managers who require assistance responding to accommodation requests from employees, should contact Human Resources.

Resources

- The Interfaith Calendar: <http://www.interfaith-calendar.org/>
- SFU Religious Accommodation (Q&A): <https://www.sfu.ca/humanrights/guides-and-protocols/religious-accommodation.html>

Sources

- Langara College, Accommodation of Religious and Spiritual Practice Guidelines
- BC Public Service Agency, A Manager's Guide to Reasonable Accommodation, June 2008
- British Columbia Human Rights Code
- Canadian Charter of Rights and Freedoms
- Centennial College, Guidelines for Religious Accommodation, February 2007

Appendix

Exam Accommodation for Religious Practice

Students seeking accommodation for religious or spiritual practice in the form of an absence from an exam, must submit a formal request to the course instructor as soon as exam schedules are made available. Students must submit a separate form for each course.

Date submitted: _____

Course name & number: _____

Instructor name: _____

Student name: _____

Student number: _____

Student signature: _____

I am requesting accommodation for religious or spiritual practice for the following date(s):

Briefly outline the reasons for your request and the nature of the accommodation you are requesting.

The course instructor will note the agreed upon accommodation at the bottom of the form, and return a copy of the form to the student.

Agreed upon accommodation (to be completed by the instructor):

Instructor signature: _____

Date: _____

NOTE: Please provide a copy to the student, maintain a copy for your own records, and provide a copy to your Dean.