

# Accommodation of Religious and Spiritual Practice

## Preamble

We would like to acknowledge that we are on the traditional, unceded territory of the Musqueam people and are proud to have the name snəwəyət̓ lələm̓ (pronounced sno-WAY-ith LAY-lum), meaning 'House of Teaching', given to us by the Musqueam people.

## Context

The British Columbia Human Rights Code<sup>1</sup> 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<sup>2</sup> guarantees a fundamental freedom of religion. To ensure these freedoms and to protect against discrimination, Langara College implemented the Human Rights policy (B3008). 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 Human Rights policy and the law, the College has established the following guidelines for the Accommodation of Religious and Spiritual 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". Case law has set the bar very high when defining undue hardship. Undue hardship includes substantial financial costs that undermine the viability of the service or program, significant disruption to operations including academic programming, substantial interference with the rights of others, significant health and safety concerns, among other things. A bona fide and reasonable justification for discrimination on the basis of religion or spiritual practices in a post-secondary setting is extremely rare.

## 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

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<sup>1</sup> 8 (1) A person must not, without a bona fide and reasonable justification,

- (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or
- (b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public

because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons.

<sup>2</sup> 2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression...

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.

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
- funeral practices or rites
- dietary requirements or fasting
- dress, adornment, including modesty requirements
- ablution (e.g. washing of hands, face & feet)

### **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 expert advice 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 instructor during first two weeks of classes if you will require accommodation. Your instructor 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.
  - a. Explain with sufficient detail to aid understanding, why accommodation is required.
  - b. 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.
  - c. Suggest appropriate accommodation measures.
  - d. 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. Forms for this purpose are available from the course instructor or on-line (see Appendix). Students must submit a separate form for each course in which exam accommodation is requested.

For students who are registered with Disability Services and have approved exam accommodations, please consult with Disability Services to discuss/facilitate possible exam rescheduling.

### **Advice and complaints**

1. Faculty and staff who would like advice regarding an accommodation request from a student, should contact the Director, Student Conduct & Judicial Affairs.
2. Faculty and staff who would like assistance in responding to accommodation requests from indigenous students, should contact the Director, Aboriginal Education and Services.
3. Supervisors and managers who require assistance responding to accommodation requests from employees, should contact the appropriate Human Resources Consultant.
4. Students and employees who wish to file a complaint alleging that the College failed to provide reasonable accommodation, may contact the Director, Labour Relations and Human Rights

### **Resources**

The Interfaith Calendar: <http://www.interfaith-calendar.org/>

SFU Religious Accommodation (Q&A): <http://www.sfu.ca/humanrights/guides-protocols/religious-accommodation.html>

### **Sources**

Alberta Human Rights Commission, Religious Beliefs Information Sheet, April 2016

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

Ontario Human Rights Commission, Policy on Creed and the Accommodation of Religious Observances, October 1996

University of Calgary, Student Accommodation Policy, Frequently Asked Questions, July 2015

# Appendix

## Exam accommodation for religious and spiritual 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:

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Department:

Course name & number:

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Instructor name:

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Student name:

Student number:

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Student signature:

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

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

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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):

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Instructor signature: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTE:** Please provide a copy to the student, maintain a copy for your own records, and provide a copy to your Department Chair or Program Coordinator.

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Langara College collects and maintains the information on this form under the authority of the College and Institute Act [RSBC 1996, Chapter 52], and complies with the provisions of the Freedom of Information and Protection of Privacy Act [RSBC 1996, Chapter 165] by collecting personal information only to assist students to request examination accommodation for religious or spiritual practice. For questions about the collection, use and disclosure of your personal information, contact the Director, Student Conduct and Judicial Affairs at 604-323-5151.