



# Learning Environment Equity and Inclusive Education

Policy Number LE-21

The Simcoe Muskoka Catholic District School Board (SMCDSB) recognizes that all people are created equal, in the image of God, each with inimitable characteristics deserving of dignity (Genesis: 1:27). In accordance with the Church's teachings, it is the policy of SMCDSB to provide in all its operations an educational environment which supports and enables inclusion and equity and celebrates diversity within its Catholic community.

SMCDSB is committed to the principles of anti-racism and ethnocultural equity in all existing and new policies, goals, plans, practices and organizational structures. SMCDSB is committed to the removal of systemic barriers and ensuring that the rights of all students and staff are addressed.

SMCDSB recognizes that any form of social or cultural discrimination is incompatible with Catholic moral principles and is in violation of the *Ontario Human Rights Code*. SMCDSB recognizes that the school system gives pre-eminence to the tenets of the Catholic faith, congruent with the protection afforded in the *Ontario Human Rights Code*, the *Constitution Act, 1982* and confirmed in the *Canadian Charter of Rights and Freedoms*.

SMCDSB and its staff are committed to the elimination of racism and discrimination as outlined in Ontario's Equity and Inclusive Education Strategy and the Ontario Ministry of Education (the "Ministry") Policy/Program Memorandum No. 119, in a manner which is consistent with the exercise of SMCDSB's denominational rights under section 93 of the *Constitution Act, 1982* and as recognized at section 19 of the *Ontario Human Rights Code*.

SMCDSB endorses the following statement concerning inclusion in our schools:

Inclusion is about relationships and belonging. Inclusion is about the attitudes that we have and demonstrate through our actions towards each other.

Inclusion is the responsibility of everyone.

Inclusion is rooted in the Gospel.

## Procedural Guidelines Follow

Approved: Board Meeting #12-2010 (Wednesday, June 30, 2010)

Reviewed: Board Policy Review Committee Meeting #03-2015 (Wednesday, March 11, 2015)

Reviewed: Board Policy Review Committee Meeting #05-2022 (Wednesday, May 30, 2022)

Revised: Board Meeting #08, Wednesday, June 15, 2022

# Procedural Guidelines Supporting Policy Number LE-21 Equity and Inclusive Education

## EIGHT (8) AREAS OF FOCUS:

*Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation, Ontario's Equity and Inclusive Education Strategy (The Strategy) and Policy/Program Memorandum No. 119 (2009) "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools" identify eight areas of focus for implementing equity and inclusive education.*

In accordance with the above policy documents, applicable legislation that outlines the denominational rights of the Catholic school system and with adherence to the *Guiding Principles of the Equity and Inclusive Education Strategy*, and consistent with the *Ontario Human Rights Code (the Code)*, each area of focus will be introduced and anchored by a preamble and SMCDSB's mission statement. This will serve to guide the actions of SMCDSB and its schools, in honouring its commitments to equity and inclusive education policy development, implementation, monitoring and reporting.

### 1. BOARD POLICIES, PROGRAMS, PROCEDURES AND PRACTICES

*SMCDSB is committed to serving staff, students, and families in its diverse Catholic community by incorporating the principles of equity and inclusive education into all aspects of its policies, programs, procedures, and practices that are consistent with Catholic denominational rights.*

SMCDSB recognizes the importance of anti-bullying, anti-discrimination, antiracism and anti-harassment policies in promoting and maintaining a Catholic educational and working environment which fosters racial and ethno-cultural understanding.

SMCDSB will ensure that its policy review cycle will result in the alignment and integration of the requirements of Policy/Program No. 119 and the Strategy with all Board policies, programs, procedures, and practices. The perspectives of the entire diverse Catholic school community will be reflected in all areas of the teaching, learning and administrative culture. Every effort will be made to identify and remove discriminatory biases and systemic barriers that may limit access to and opportunity for effective employment procedures for individuals from diverse communities and underrepresented peoples within the context of the denominational rights of Catholic school boards.

**Action Items:**

**SMCDSB will:**

- 1.1. Establish the foundational framework that will inform their review and/or development and implementation of a comprehensive equity and inclusive education policy that recognizes and eliminates biases related to the grounds identified under the Ontario Human Rights Code, and is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully and have equal opportunities.
- 1.2. Review existing equity and inclusive education policies and/or extend or develop such policies to fulfill the requirements of existing regulations, The Strategy, Policy/Program Memorandum No. 119, and the Code, in accordance with the denominational rights afforded to the Catholic school system.
- 1.3. Ensure that principles of equity and inclusive education permeate and are explicitly stated in all Board policies, programs, guidelines, operations, practices, and Board improvement plans.
- 1.4. Ensure all future policies, guidelines and practices are drafted and implemented in accordance with SMCDSB's equity and inclusive education policy.
- 1.5. Collect information needed to monitor the effects of the implementation of the Equity and Inclusion Education policy by SMCDSB.
- 1.6. Ensure all persons with disabilities are accommodated appropriately and in a manner consistent with the Code.
- 1.7. Provide training for school and system leaders to facilitate equitable recruitment and hiring to reflect Ontario's diverse society
- 1.8. Provide opportunities for the diverse school community, including students, staff, parents, trustees and community members, to provide active input into Board policies and improvement plans on an ongoing basis.
- 1.9. Investigate in a thorough and timely manner any claims of discrimination and/or racism and take appropriate action consistent with the principles of the Code.



### **Our Schools will:**

- 1.10. Review existing school policies, for example, codes of conduct, to determine that they reflect the principles of equity and inclusive education.
- 1.11. Extend, develop, and implement strategies to actively engage students, parents, families and the wider community in the review, development, and implementation of initiatives to support and promote equity and inclusive education.
- 1.12. Implement Board equity and inclusive education policies, programs and school improvement plans consistent with the Code and that reflect the needs of their diverse Catholic school community.

## **2. SHARED AND COMMITTED LEADERSHIP**

*SMCDSB is committed to establishing and maintaining partnerships with all members of our diverse Catholic community so that the perspectives and experiences of all students are recognized and their needs are met.*

SMCDSB subscribes to an informed leadership philosophy that inspires, empowers, and supports all stakeholders in our Catholic community to join together to implement institutional practices and behaviours that cultivate equity and inclusion.

SMCDSB is committed to providing informed shared leadership to improve student achievement and to close achievement gaps for students by identifying, addressing, and removing all barriers and forms of discrimination.

SMCDSB recognizes the critical connection between student leadership and improved student achievement and will strive to include the student voice in all aspects of the implementation of equity and inclusive education.

In accordance with the Ministry's Ontario Leadership Strategy, effective Board and school leaders will encourage and promote a collaborative approach to all dimensions of equity and inclusive education, which ensures the participation of students, parents, unions, colleges and universities, service organizations and other community partners.

**Action Items:**

**SMCDSB will:**

Share in the life and mission of the Church by developing a system plan to build and sustain Board and staff capacity in the areas of equity and inclusive education in curriculum and instruction, human resources and governance.

- 2.1. Identify and appoint a contact person to liaise with the Ministry and other Boards to share challenges, promising practices and resources.
- 2.2. Provide extensive and ongoing education and training for students, administrators, teachers (including guidance counsellors), support staff and trustees in implementing equity and inclusive education and leadership initiatives.
- 2.3. Establish selection criteria for leadership positions that prioritize demonstrated commitment, knowledge and skills related to equity and inclusive education implementation and inclusive leadership, and consistent with proactive Code compliance.
- 2.4. Provide ongoing training for all staff that reflects comprehensive attention to the principles of human rights and their fundamental role in an equitable and inclusive environment.
- 2.5. Strive to ensure that members of communities that are underserved and /or marginalized are included in the shared leadership.

**Our Schools will:**

- 2.6. Establish a collaborative culture where the collective capabilities and voices of all stakeholders are used to develop and implement equity and inclusive education goals.
- 2.7. Promote equity minded student leadership related to issues of social justice.
- 2.8. Develop initiatives such as a Student Leadership Conference in Equity with student facilitators representing diverse voices and experiences.
- 2.9. Demonstrate leadership in setting the tone for the positive and proactive implementation of the Equity Strategy within the school.

### 3. SCHOOL-COMMUNITY RELATIONSHIPS

*SMCDSB is committed to establishing and maintaining partnerships with all members of our diverse Catholic community so that the perspectives and experiences of all students, families, and employees are recognized and factored into decision-making.*

SMCDSB recognizes that the effective review, development, implementation and monitoring of equity and inclusive education policies and practices requires the involvement of all members of the entire Catholic school community. SMCDSB further recognizes the importance of engaging specialized expertise in developing and implementing its equity and inclusive education policy.

SMCDSB will seek collaboration with and active engagement from students, parents, staff and other Catholic community partners to create and sustain a positive school climate reflective of Catholic values that supports student achievement.

SMCDSB will identify, examine, and remove any barriers that exist, that are part of systemic discrimination under the Code, and that prevent full participatory school-community relations.

#### **Action Items:**

#### **SMCDSB will:**

- 3.1. Develop a database of information that establishes the diversity of communities based on self- identification.
- 3.2. Review and/or initiate tools, for example, school climate surveys, to determine stakeholders' views on school environment and act upon relevant next steps.
- 3.3. Take proactive steps to ensure that existing committees represent the diversity of the wider community.
- 3.4. Review and deepen existing community partnerships to ensure that they reflect the principles of equity and inclusive education.
- 3.5. Expand community efforts to foster new partnerships that engage a cross- section of diverse students, parents, staff, community members and various community organizations, including business groups, to ensure inclusion.

- 3.6. Establish processes to identify and address systemic barriers that limit or prevent all sectors of the school community from benefiting from enhanced opportunities for Board representation and greater access to Board initiatives.
- 3.7. Identify under-represented communities and facilitate their participation and involvement in Board activities
- 3.8. Gather and use the knowledge, skills, and experience of Board community partners to enrich the total educational and career experiences of staff, students, and volunteers.

**Our Schools will:**

- 3.9. Implement strategies to review existing community partnerships to ensure that they reflect the diversity of the broader community.
- 3.10. Invite and support representation of diverse groups on school committees, including school improvement planning.
- 3.11. Engage stakeholders in community forums to listen and address concerns and suggestions.
- 3.12. Reflect the approaches described above in their outreach to the broader community.

**4. INCLUSIVE CURRICULUM AND ASSESSMENT PRACTICES**

*SMCDSB is committed to implementing an inclusive curriculum based on Catholic values and to reviewing resources, instruction, and assessment and evaluation practices in order to identify and address discriminatory biases so that each student may maximize their learning potential.*

When we consider inclusive curriculum and assessment practices, we need to consider both the “how” and the “what”. What we bring to students in terms of content is as important as the way it is delivered. We must consider both what is said and what is not said, as it is known that our students learn both the explicit and hidden curricula. Both in its content and methodology, inclusive curriculum seeks to recognize our commitment to Catholic values and our respect for all students, regardless of race and ethnic origin, gender expression, gender identity, place of origin, religion, cultural and linguistic background, social and economic status, sexual orientation, age, disability (includes mental, physical, perceived), ancestry, citizenship, colour, creed (includes but is not limited to religion and Indigenous spirituality), family status (includes child, adoptive, elder relationships), marital status (including single, separated, widowed, common law and covers same and opposite sex relationships), sex (includes pregnancy and breastfeeding), record of offences (in employment only) and association with a person identified by a ground listed above.

Effective evaluation includes researched best practices that truly reflect the current level of achievement of the student. Multiple opportunities for assessment allow for student learning and accuracy of assessment and instruction.

Students must be represented in the curriculum and heard in the assessment and evaluation. Students' voice is fundamental in the planning for instruction and the accuracy of assessment.

**Action Items:**

**SMCDSB will:**

- 4.1. Review student assessment and evaluation policies and practices to identify and address systemic bias that may exist in the way students' work is assessed and evaluated in order to reduce the achievement gap. The principles of such a review will be consistent with the Code.
- 4.2. Support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices specifically addressing areas of discrimination (e.g., race, gender, disability).

**Our Schools will:**

- 4.3. Review student assessment and evaluation policies and practices to identify and address systemic bias that may exist in the way students' work is assessed and evaluated; the principles of such a review will be consistent with the Code.
  - 4.3.1. Promote grade team planning and use of Teaching Learning Critical Pathways; including teacher moderated marking to ensure a collaborative approach to student assessment.
  - 4.3.2. Ensure that assessment and evaluation support growth and learning, with the belief that each and every student can achieve and be successful given the appropriate time and support.
  - 4.3.3. Provide education and training based on the belief that all students can learn and ensure that it is reflected in expectations of students' assessment and evaluation practices, counselling about available program options, and other counselling practices.



- 4.3.4. Use a variety of assessment strategies and instruments to inform short- and long- term planning to reduce gaps in student achievement and improve student learning.
- 4.4. Support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices;
  - 4.4.1. Provide multiple opportunities for assessment (self, peer, teacher, student led conferencing and /or parent/student and teacher interviews).
  - 4.4.2. Adjust instruction based on the results of formative assessment. Feedback to students must be specific, timely and promote further learning.
  - 4.4.3. Ensure collaborative learning structures recognizing the variety of learning styles and multiple intelligences.
  - 4.4.4. Ensure consistent monitoring of the growth of students who are on Individual Education Plans and/or are English Language Learners to ensure that the specific needs of students are addressed through the accuracy of programming based on best practices in assessment; all needed accommodations and modifications must be in place to assist the student in accessing the curriculum.
  - 4.4.5. Ensure all students who have English language learning needs receive an education program that closely aligns with their specific needs and that ensures equity of access to the curriculum.
  - 4.4.6. Ensure parents (and students where appropriate) are actively involved in identification and placement decisions, including those required by the Identification, Placement and Review Committee.
  - 4.4.7. Ensure access and use of assistive technologies for students who require accommodations to support achievement and success.
  - 4.4.8. Improve student learning and achievement through the use of differentiated product (e.g. an oral response for a reading comprehension task or a mind map in lieu of an essay or a dramatic performance that demonstrates the student's learning).

- 4.4.9. Engage students as active participants in their learning (e.g. students seeing and hearing themselves in the curriculum; gender specific teaching practices; culturally relevant and responsive pedagogy; research based practices in assessment and evaluation).
- 4.4.10. Review and reflect upon classroom practices and revise them as needed to help ensure that they are aligned with school-wide equity and inclusive education policies.
- 4.4.11. Make certain that resources and instructional strategies are in accordance with Catholic teachings and are in compliance with the provisions of the Code with respect to the prohibited grounds of discrimination; show people of different races, genders, and ages in non-stereotypical settings, occupations, and activities; explore the roles and contributions of all peoples in Canada, and the factors that shaped these roles; encourage open discussion of the prohibited grounds of discrimination under the Code (e.g., race, gender, disability) in society, the community, and the school.

## 5. RELIGIOUS ACCOMMODATION

*SMCDSB is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviour based on religion and will take all reasonable steps to provide religious accommodations within the legal rights afforded to the Catholic school system.*

Committed to the mission of the Church, SMCDSB provides a learning and working environment in which all individuals are treated with respect and dignity regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability, in accordance with the Ontario *Human Rights Code* and Ministry Policy/Program Memorandum No. 108.

Within the framework of gospel values, traditions, and SMCDSB's denominational rights, in recognition of this diversity, SMCDSB will attempt to provide reasonable accommodation for students' and staffs' religious beliefs and practices, while also protecting its denominational rights.

**Action Items:**

**SMCDSB will:**

- 5.1. Consult with a variety of individuals and groups who represent the religious diversity of SMCDSB in the development and implementation of this policy.
- 5.2. Inform students and their parents/guardians and staff of their right to request accommodation for religious beliefs and practices.
- 5.3. Utilize the religious accommodation guideline (Appendix A) in keeping with the Code, and consistent with its denominational rights, which prohibits discrimination on the grounds of creed, and other Code protected grounds, and provides a duty to accommodate.
- 5.4. Provide religious accommodation for students and staff, where reasonable and consistent with the Code.

**Our Schools will:**

- 5.5. Revise /Implement their religious accommodation practices to align with SMCDSB's religious accommodation guideline.

**6. SCHOOL CLIMATE AND THE PREVENTION OF DISCRIMINATION AND HARASSMENT**

*SMCDSB is committed to the principle that every person within the school community is entitled to a respectful, positive and Christ-centred school climate and learning environment, free from all forms of discrimination and harassment.*

SMCDSB recognizes that a safe and welcoming environment is most conducive to learning. SMCDSB will therefore seek to foster a Christ-centred, positive school climate, free from discriminatory or harassing behaviour. SMCDSB acknowledges that a Christ-centred, positive school climate is one where all members of the school community feel safe, welcomed, and accepted. The principles of equity and inclusive education support positive student behaviour.

The principles of equity and inclusion are consistent with Catholic doctrine and must be considered and applied in employing progressive disciplinary measures, particularly when it is necessary to take into account mitigating and other factors.



**SMCDSB will:**

- 6.1. Implement strategies to identify and remove discriminatory barriers that limit engagement by students, parents, and the community, so that diverse groups and the broader community have better Board-level representation and greater access to Board initiatives;
- 6.2. Put procedures in place that will enable students and staff to report incidents of discrimination and harassment safely and that will also enable SMCDSB to respond in a timely manner.
- 6.3. In an effort to alleviate the negative impact of suspensions and exclusions on students, proactive programs will be initiated or expanded to decrease the number of suspensions and expulsions.
- 6.4. Create a climate in which excellence is continually strived for and respect for all permeates the environment.
- 6.5. Communicate that administrators are expected to use progressive discipline and professional discretion, and to understand the duty to accommodate students with disabilities.

**Our Schools will:**

- 6.6. Ensure that codes of conduct are revised to address all forms of racism, discrimination, and harassment.
- 6.7. Ensure the use of progressive discipline including peer mediation and restorative justice.
- 6.8. Welcome, respect and validate the contributions of all students, parents, and other members of the school community.
- 6.9. Ensure that every student is supported as outlined in Student Success strategies, Learning for All, Reach Every Student and other applicable legislation, and is inspired to succeed in a culture of high expectations for learning.
- 6.10. Ensure that school codes of conduct reflect the needs of the diverse Catholic community served by the school and are developed with the active consultation and involvement of students, staff, parents, and a representative cross-section of community members.

- 6.11. Review or develop guidelines and procedures to address the prohibited grounds of discrimination under the Code as they may apply to students, staff, and others in the Catholic community.
- 6.12. Ensure that the established Board procedure will enable students and staff to report incidents of harassment and discrimination safely and to have confidence that they will receive a timely and appropriate response in accordance with the requirements of Bill 157.
- 6.13. Ensure that all information about the new or revised procedures involving equity and inclusive education is communicated to all students, staff, families, and others in the school community.

## 7. PROFESSIONAL LEARNING

*SMCDSB is committed to providing the school community, including students, with opportunities to acquire the knowledge, skills, attitudes, and behaviours needed to identify and eliminate discriminatory biases and systemic barriers under the Code.*

The Staff of SMCDSB is its most important asset and is the vehicle by which Catholicity and equity are taught in the classroom and throughout the system. SMCDSB, therefore, recognizes the importance of ongoing professional learning to create a foundation for Catholic values, ecclesial and cultural identity, human rights education and effective teaching practices.

Professional learning increases the knowledge and skills that teachers bring to the craft and science of teaching, and, thus, engages the student with increasing complexity and precision teaching. Perpetual professional learning is the groundwork for positive changes in our schools. Professional learning must include knowledge creation and knowledge sharing (Earl and Katz, 2005) to ensure that all voices are represented and that we recognize that there is no essential knowledge but rather a continued quest towards deeper representation of all with our knowledge base.

Distributed, deep and sustained changes in practice and structures in school are key elements of professional learning and have impact on student learning, engagement and success in a knowledge society (Earl and Katz, 2005). Professional Learning works to engage all learners and strives for student success and includes the following:

- a) Changes in thinking and practices of teachers
- b) Collaborative inquiry at various levels within the school
- c) Pursuit of innovation (Katz, Earl and Jaafar, 2009)

**SMCDSB will:**

- 7.1. Support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices.
- 7.2. Allocate adequate resources to provide ongoing opportunities for students, administrators, teachers, support staff, and trustees to participate in equity and inclusive education training and leadership initiatives:
- 7.3. Provide antiracism and antidiscrimination training that promotes respect and courtesy in all interactions, virtuous conduct, including training in prevention and early intervention strategies.
- 7.4. Ensure that training includes information on cross-cultural differences, and promotes a deeper understanding of exceptionalities and of how to mitigate discipline, in light of its effect on students with disabilities.
  - 7.4.1. Provide ongoing opportunities for students, administrators, teachers, support and Board staff, as well as trustees, to participate in equity and inclusive education training and leadership initiatives.
  - 7.4.2. Ensure that the principles of equity and inclusive education are modeled and incorporated in professional learning programs.
- 7.5. Identify a Board equity and inclusive education contact to liaise with the Ministry of Education and other Boards in order to share challenges, promising practices, and resources.

**Our Schools will:**

- 7.6. Review classroom strategies and revise them as needed to help ensure that they are aligned with and reflect school-wide equity and inclusive education policies.
- 7.7. Promote collaborative teams that learn together through job embedded learning, implement their learnings and reflect together on best practices.
- 7.8. Build staff capacity through ongoing needs based professional learning determined through data analysis and based on results.

- 7.9. Encourage and support students in their efforts to promote social justice, equity, antiracism, and antidiscrimination in schools and classrooms.
- 7.10. Develop Equity initiatives such as Equity Walks and provide timely and specific feedback that will further school-wide equitable practices.

## **8. ACCOUNTABILITY AND TRANSPARENCY**

*SMCDSB is committed to assessing and monitoring its progress in implementing The Strategy; to embedding the principles of Equity and Inclusive Education into all Board policies, programs, guidelines and practices; and to communicating these results to the community.*

SMCDSB acknowledges and assumes the responsibility for its policies, actions, and decisions. In the pursuit of greater transparency and accountability, SMCDSB, in respectful collaboration and communication with the whole Catholic school community, will report on its goals and progress in the areas of policy review, school improvement planning and the implementation of The Strategy.

### **Action Items:**

#### **SMCDSB will:**

- 8.1. Embed the principles of equity and inclusive education into all Board policies, programs, guidelines, and practices.
- 8.2. Actively communicate the equity and inclusive education policy to students, teachers, parents, staff, school councils, community partners, and volunteers and post it on SMCDSB's website.
- 8.3. Seek and use feedback to improve the Equity and Inclusive Education policy, in the spirit of continuous improvement.
- 8.4. Engage Board and school teams in school improvement planning with particular emphasis on using data to identify and remove barriers to student achievement, to raise awareness about discriminatory practices and to encourage conversations and collaborative actions about racism and other equity issues.
- 8.5. Establish processes to monitor progress and assess effectiveness of policies, programs, and procedures.



- 8.6. Report on the progress of implementation of The Strategy and its impact on student achievement using specific criteria.
- 8.7. Ensure the transparency of the Identification Placement and Review Committee (IPRC) process, inform, and support parents through this process.

**Our Schools will:**

- 8.8. Report student achievement data annually to SMCDSB and intervene at all levels to ensure the achievement and success of those students who are underserved in our system.
- 8.9. Develop and communicate evidence based school improvement plans that are aligned with The Strategy.
- 8.10. Review and establish self-reflection and self-assessment tools to determine the effectiveness of the school's equity and inclusive education plans and procedures.



## APPENDIX A

### GUIDELINE FOR RELIGIOUS ACCOMMODATION

The Simcoe Muskoka Catholic District School Board is committed to the values of freedom of religion and freedom from discriminatory or harassing behaviours based on religion and will take all reasonable steps to provide religious accommodations within the legal rights afforded to the Catholic school system. Such accommodations will be provided to staff, students and their families.

### INTRODUCTION

SMCDSB believes in the dignity of all people and their equality as children of God. SMCDSB recognizes the importance of freedom of religion and strives to recognize, value and honour the many customs, traditions and beliefs that make up the Catholic community.

Freedom of religion is an individual right and a collective responsibility. SMCDSB commits to work with the community it serves to foster an inclusive learning environment that promotes acceptance and protects individuals from discrimination and harassment on the basis of their religion.

In accordance with the Catholic Church's teachings, it is the policy of SMCDSB to provide, in all its operations, an educational environment which promotes and supports diversity within its Catholic community as well as the equal attainment of life opportunities for all students, staff, parents and other members of that community.

#### I. LEGISLATIVE AND POLICY CONTEXT

All school boards exist within a broader context of law and public policy that protect and defend human rights. At SMCDSB, a number of policy statements have been developed that reinforce both federal and provincial legislation, and also help ensure that the freedoms they set out are protected within the school system.

*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 prohibited grounds. 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".

SMCDSB 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)*.

SMCDSB recognizes, and is committed to, the values of freedom of religion and freedom from discriminatory or harassing behaviour based on prohibited grounds through its human rights policy, equity and inclusive education policy, the safe schools policy and curriculum documents. All of these will be informed by, and interpreted in accordance with, the principles of the Code.

This Policy reflects SMCDSB's fidelity to Canadian law protecting freedom of religion in accordance with the Catholic Church's teachings.

## **II. DEFINITIONS**

### **1. 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.

## 2. 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.

This policy 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).

## 3. 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*). A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence. For more information about the evidence needed to prove undue hardship, see *Human Rights at Work*, p. 133-134 and Appendix E.

A determination that an accommodation will create undue hardship carries with it significant liability for SMCDSB. It should be made only with the approval of the appropriate Supervisory Officer or where appropriate the Board of Trustees.

Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of **their** recourse under SMCDSB's Equity and Inclusive Education Policy and Anti-Discrimination Policy and Procedure, and under the *Ontario Human Rights Code*.

Where a determination has been made that an accommodation would cause undue hardship, SMCDSB will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

## III. ACCOMMODATION GUIDELINES

The purpose of this guideline is to ensure that all Board staff, students, parents and other members of the school community are aware of their rights and responsibilities under the *Code* with respect to religious accommodation. It also sets out SMCDSB's procedures for accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Equity



Strategy, 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.

SMCDSB is committed to providing an environment that is inclusive and that is free of barriers based on prohibited grounds. Accommodation will be provided in accordance with the principles of dignity, and inclusion. SMCDSB will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

## **1. Accommodation Based on Request**

SMCDSB 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.

SMCDSB will base its decision to accommodate by applying the Code's criteria of undue hardship, SMCDSB's ability to fulfill its duties under Board policies and the Education Act

When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is needed in order to develop appropriate accommodation. It is the role of SMCDSB and its staff to ensure equity and respect for the diverse religious beliefs and practices of students and their families and other staff in the school system. However, school administrators should not be placed in the position of monitoring a child's compliance with a religious obligation, and enforcing such practices, e.g. wearing a head covering is not the responsibility of the school or SMCDSB.

## **2. General Procedures for Religious Accommodation**

### **a. Staff**

The person requesting accommodation should advise the administration 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 religious observances should be granted as determined by this policy and the appropriate collective agreement.

### **b. Students**

Students must present verbal or written notice from their parents/guardians specifying their accommodation needs relating to religious 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 religious observances into consideration.

Student handbooks and parent newsletters should include information about the procedure to follow to request an accommodation for religious observances, **religious rituals** and/or holy days. Such procedures shall be easy for staff, students and parents to understand.

### **3. Unresolved Requests**

Despite SMCDSB's commitment to accommodate, an individual may feel that discrimination based on religion has occurred. SMCDSB will take reasonable and timely steps to address the unresolved issues raised by the affected person which could include a dispute resolution mechanism.

### **4. Areas of Accommodation**

For many students and staff of SMCDSB, 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 SMCDSB. 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.

## **IV. GENERAL GUIDELINES AND PROCEDURES**

These Guidelines will consider each (of the above stated) area of accommodation in turn.

### **1. School Opening and Closing Ceremonies**

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.

Memorandum No. 108 states the following:

1. 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.
2. The inclusion of any content beyond “O Canada” in opening or closing exercises is to be optional for public school boards.
3. 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:
  - a. 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 writings;
  - b. A period of silence.
4. Parents who object to part or all of the exercises may apply to the Principal to have their children exempted. Students who are adults may also exercise such a right. These requirements will be interpreted in accordance with the Code and SMCDSB will consider other requests for accommodation as may be made.

## 2. Absence for Religious Holy Days

SMCDSB affirms and values the faith diversity in our Catholic secondary schools. Section 21(2) (g) of the Education Act provides that a person is excused from school attendance in observance of a “holy day by the Church or religious denomination to which he/she belongs.”

All staff 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.

SMCDSB will encourage members of diverse groups to identify their religious holy days at the beginning of each school year. SMCDSB will make reasonable efforts to acknowledge the different observances of their Catholic 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:

<b>(Examples of) Significant Holy Days:</b>	
<b>Bahá'í</b>	Ridvan
<b><i>Buddhist</i></b>	Lunar New Year/Chinese
<b><i>Western Christian</i></b>	Good Friday

<b><i>Eastern Christian</i></b>	Christmas Holy Friday
<b><i>Hindu</i></b>	Diwali
<b><i>Jewish</i></b>	Rosh Hashanah (2 days) Yom Kippur Passover (first day)
<b><i>Muslim</i></b>	Eid-ul-Fitr Eid-ul-Adha
<b><i>Sikh</i></b>	Baisakhi

(A multi-faith calendar will help schools make appropriate accommodations.)

### ***Guidelines for Administrators***

All staff and students who request to observe a religious holy day should be allowed this right without having to undergo any unnecessary hardship.

Staff requesting a leave should advise the school administration at, or as close as possible to, the beginning of the school year and leave should be granted in accordance with the terms of the appropriate collective agreement.

Students requesting a leave should give verbal or written notice from their parent/guardian to the school at, or as close as possible to, the beginning of the school year. Such procedures should be easy to understand and follow.

Student agendas, school newsletters and announcements should include information about the procedures for requesting leaves.

All staff members acting on behalf of/representing SMCDSD on other organizations, which in partnership with SMCDSD are planning events or activities that involve students and/or staff of Board schools, have the responsibility to bring this procedure to the attention of these organizations.

For consultation or further clarification of questions, administrators and managers should contact the office of the Superintendent of Equity and Inclusive Education.

### **Unresolved Requests**

a. *Employee*

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

b. *Students*

In the event that a student maintains that **their** rights under SMCDSB's religious accommodation policy have been compromised, then the matter will be referred to the appropriate Superintendent of Education.

### **3. Prayer**

SMCDSB recognizes the significance of prayer in religious practice. Board schools will make reasonable efforts to accommodate individuals' requirement for daily prayer by providing an appropriate location within the building for students and staff to participate in prayer. 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 staff member requesting the accommodation. Adult presence should be for supervision purposes only.

### **4. Dietary Restrictions**

SMCDSB is sensitive to the different dietary restrictions of various religious groups. Such sensitivity 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.

Breakfast and lunch programs in both secondary and elementary schools will consider relevant dietary restrictions in their menu planning. Availability of vegetarian options is recommended as a form of inclusive design. Special attention needs to be given to overnight outdoor education activities, as well as field trips that extend over a mealtime period.

### **5. Fasting**

SMCDSB is sensitive to religious periods of fasting. Board schools will endeavour to provide appropriate space, other than cafeterias or lunchrooms, for individuals who are fasting in religious observance. SMCDSB 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.



## 6. Religious Dress

“Dress Code” is the appropriate dress policy established by a school, and may include a school uniform.

SMCDSB recognizes that there are certain religious communities that require specific items of ceremonial dress. SMCDSB understands that some religious attire, which is a requirement of religious observance, may not conform to a school’s Dress Code. Board schools will reasonably accommodate students with regard to religious attire. Religious attire is not cultural dress; it is a requirement of religious observation.

Religious attire that should be reasonably accommodated in Board schools includes, but is not limited to:

- Head covers: Yarmulkes, turbans, Rastafarian headdress, hijabs
- Crucifixes, Stars of David, etc.
- Items of ceremonial dress

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

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

SMCDSB 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. SMCDSB 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.

There are religious communities that require specific items of ceremonial dress 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 Appendix “B.”

## 7. Modesty Requirements for Dress in Physical Education Classes

SMCDSB recognizes that some religious communities observe strict modesty attire in respect of their religion. 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.

If a 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 reasonable accommodation. The curriculum requirements should be explained to the family so that it has sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

## **8. Participation in Daily Activities and Curriculum**

SMCDSB will seek to reasonably accommodate students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance. Where academic accommodation is requested, the school should have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict.

The school should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination because of their religion and cultural practices. Where these conflict with the school routines, activities or curriculum, the school should consider accommodation. It cannot, however, accommodate religious values and beliefs that clearly conflict with mandated Ministry of Education and Board policies.

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.

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, SMCDSB recommends an informed, common-sense approach to questions of religion and curriculum. Hopefully, these questions can be solved by an open discussion between the teacher, the student and his/her family.

## **V. LIMITATIONS TO RELIGIOUS ACCOMMODATION**

SMCDSB supports freedom of religion and an individual's right to manifest their religious beliefs and observances. The right to freedom of religion, however, is not absolute and religious accommodation in SMCDSB is carried out in the larger context of the Catholic education system and denominational rights of Catholic schools.

SMCDSB, at all times, 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.

Concerning the sharing of worship space in Catholic schools, a distinction needs to be made between baptized non-Catholics, and non-baptized members of other faith traditions.



SIMCOE MUSKOKA CATHOLIC  
DISTRICT SCHOOL BOARD

In the first instance, the Directory for the Application of Principles and Norms on Ecumenism (published in 1993 by the Pontifical Council for the Promotions of Christian Unity) and addresses the issue of Catholic schools and accommodation of baptized non- Catholic students and staff in paragraph #141:

“In Catholic schools and institutions, every effort should be made to respect the faith and conscience of students or teachers who belong to other Churches or ecclesial Communities. In accordance with their own approved statutes, the authorities of these schools and institutions should take care that clergy of other Communities have every facility for giving spiritual and sacramental ministrations to their own faithful who attend such schools or institutions. As far as circumstances allow, with the permission of the diocesan Bishop these facilities can be offered on the Catholic premises, including the church or chapel.”

In the second instance, non-baptized members of other faith traditions should NOT be using the chapel as their own place of prayer. In which case, the Catholic school should provide another space for them. The suggestion of a meeting room in the school library or an unused classroom seems to be appropriate.

## APPENDIX B

### GUIDELINE FOR KIRPAN ACCOMMODATION

A Kirpan is a ceremonial sword that must be worn by all baptised Khalsa Sikhs. SMCDSB seeks to accommodate Khalsa Sikhs who wear a kirpan under the following conditions:

- 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.

*Approved: Board Meeting #12-2010 (Wednesday, June 30, 2010)*

*Revised: May 30, 2022*

*Revised: Board Meeting #08, Wednesday, June 15, 2022*