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SECTION 5A

Frequently Asked Questions

The presence of a sincerely held belief is the basis by which religious accommodation decisions are guided.

QUESTION

What does sincerely held belief mean—and who determines whether a sincerely held belief is worthy of an accommodation for observance?

ANSWER

Sincerity of belief simply implies an honesty of belief; that the presently asserted belief is in good faith, neither fictitious nor capricious, and that it is not an artifice. A sincerely held belief is the person's intention and serious desire to obey the fundamental precepts of his or her religion. A sincerely held belief is a defining criterion for creed according to the Manitoba Human Rights Commission guidelines on creed and the accommodation of religious observances, as stated below.

Creed is interpreted to mean “religious creed” or “religion.” It is defined as a professed system and confession of faith, including both beliefs and observances or worship. A belief in a God or gods, or a single supreme being or deity is not a requisite.

Religion is broadly accepted by the Commission to include, for example, non-deistic bodies of faith, such as the spiritual faiths/practices of First Nations cultures, as well as bona fide newer religions (assessed on a case-by-case basis). 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.

“Creed” is defined subjectively. The Code protects personal religious beliefs, practices or observances, even if they are not essential elements of the creed, provided they are sincerely held.

Because it is the Commission's position that every person has the right to be free from discriminatory or harassing behaviour that is based on religion or creed or which arises because the person who is the target of the behaviour does not share the same faith, requests for an accommodation of practices and/or observances provided that they are derived from sincerely held beliefs are protected by the Manitoba Human Rights Code.

Request for Accommodation by Students

QUESTION

Are school divisions and schools obligated to accommodate students and families who are Pagans (Wiccan) and are requesting a day to acknowledge a Pagan day of significance?

ANSWER

Yes, because they fall within the interpretation of “creed” by the Manitoba Human Rights Commission, as stated previously.

QUESTION

What should an administrator do when a faith group lacks a source for institutional verification of an individual’s religious practice and therefore a request for an accommodation cannot always be confirmed?

ANSWER

The administrator may contact the Division’s Superintendent or Officer with Equity in their portfolio, or the Manitoba Interfaith Education Council. Likewise, the administrator may also request that the student provide a contact for his or her faith organization so that the school can become more adequately informed about adherents’ beliefs, practices, and observances.

Religious Practice: Prayer

QUESTION

What may we use to start the school day over the announcements (e.g., public secular reading, prayer, multifaith prayers, “Lord’s Prayer,” prayers from a rotating roster of faiths)?

ANSWER

Readings selected for opening or closing exercises must fulfill educational purposes. Since the social, moral, and spiritual development of Canadians has roots in many religious and philosophical traditions, readings must be drawn from a variety of scriptural and secular sources representative of our multicultural society. Prayers, including the “Lord’s Prayer”, may be included, but only as readings.

The collective recitation of a specific reading from a particular religious tradition can no longer be permitted; as such, this practice is not in accordance with the Canadian Charter of Rights and Freedoms.

A period of silence is intended to be used for such activities as personal reflection or individual silent prayer.

*Multani v. Commission scolaire Marguerite-Bourgeoys. Supreme Court of Canada. (2006). Retrieved from the Department of Justice Canada website at <<http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/15/index.do?r=AAAAQAHbXVsdGFuaQAAAAAAAAAE>>.

QUESTION

Do any religious prayers have a role to play in public secular schools?

ANSWER

Readings selected for opening or closing exercises must fulfill educational purposes. Since the social, moral, and spiritual development of Canadians has roots in many religious and philosophical traditions, readings must be drawn from a variety of scriptural and secular sources representative of our multicultural society. Prayers, including the “Lord’s Prayer,” may be included, but only as readings.

QUESTION

Can any religious prayer of one faith tradition that starts the day be inclusive?

ANSWER

Readings selected for opening or closing exercises must fulfill educational purposes. Since the social, moral, and spiritual development of Canadians has roots in many religious and philosophical traditions, readings must be drawn from a variety of scriptural and secular sources representative of our multicultural society. Prayers, including the “Lord’s Prayer,” may be included, but only as readings.

The collective recitation of a specific reading from a particular religious tradition is not permitted; as such, this practice is not in accordance with the Canadian Charter of Rights and Freedoms.

QUESTION

What should inclusive schools include in December/January practices?

ANSWER

The months of December and January bring the intersection of faith and curricular considerations. Our school communities (teachers, students, parents/guardians/caregivers, support staff, associated community organizations) may find the following two goals helpful when collectively determining December/January activities:

- the enhancement of the school's inclusive environment
- the development of activities that are of curricular merit

When planning school activities to welcome the wide variety of faith practices that occur from late October to January, consider the following questions:

Questions to consider regarding holidays

- Is the school's curriculum structured so that an opportunity is provided for the study of different religions and religious beliefs in Canada and the world, without giving primacy to and without indoctrination in any particular religion or religious belief?
- Are the objectives and curricular expectations that correlate to the teaching and learning regarding holy days such as Christmas, Hanukkah, and Diwali; and the holding of a holiday concert or community event, clearly identified and articulated for all members of the school community?
- Are the feelings and rights of non-Christians respected during the season through a balanced and inclusive recognition of religious holy days and holidays of multiple faiths?
- Are the feelings and rights of Christians respected during the season through a balanced and inclusive recognition of religious holy days and holidays in a balanced and inclusive context of multiple faiths?
- Do students learn about the most meaningful days of different faiths or only about the days that are seen as parallel to Christian holidays? For example, do students learn about Rosh Hashanah and Yom Kippur, or about Hanukkah?
- Are activities developmentally suitable for children, including those who are exceptional and differently-abled?
- Are activities related to the lives of parents/guardians and children of the school community?
- Do the school community's activities demonstrate sensitivity to
 - the alienating pressures of holiday commercialism on children and families' lower socio-economic status
 - the feeling of exclusion experienced by non-Christian students during the Christmas season

Religious Practice: Accommodation for Prayer in School (Islam)

QUESTION

What is the protocol for establishing prayer times within the school that is mindful of the changing time parameters as the day lengthens and shortens?

ANSWER

Where provided, as in the case of the Perpetual Prayer Time Calendar (See [Islam](#) section of this document for information on Muslim calendars.), designated times may not always accurately reflect the resetting of Daylight Saving Time and clocks. At some points of the year, there may be sufficient time after the school day for the student to return home to fulfill noon prayer obligations within the prescribed time frame. In the months between November and March, students may require accommodation for prayers. (See [Islam](#) section of this document for information on Muslim calendars.)

Accommodation for School Dress Codes

QUESTION

What obligations/responsibilities/duties do school staff have to parents/guardians regarding the implementation of what parents and guardians deem appropriate dress for their children (e.g., a child's clothing conforms to the school's code, but does not comply with modesty requirements of the parents/guardians)?

ANSWER

School administrators and teachers should not be placed in the position of having to monitor a child's compliance with a religious obligation. Enforcing such practices as performing daily prayers or wearing a head covering is not the responsibility of the school personnel.

QUESTION

May a Muslim student wearing a hijab be requested to remove the hijab from technical class and laboratories for safety reasons?

ANSWER

No. The student's wearing of the hijab should be respected. The school administrators, the parents/guardians, the teacher, and the student should have an informed discussion of specific circumstances regarding when and why the hijab may pose safety concerns for the student and others when working with laboratory equipment and materials. Should occasions arise when a hijab's unsecured scarf/clothing ends may pose challenges to the

student's ease of movement while handling equipment or materials, or when peripheral vision is obscured, it should be clarified that safety concerns are most important in the technical class and/or laboratory. A number of resolutions that are respectful of the student's religious practices and meet the school's requirement for safety (e.g., securing scarf ends so that individual mobility is unrestricted) are possible.

Secondary schools with science and technology laboratories should have clear safety guidelines that are part of the curriculum for all courses. School-based science safety contracts are a suggested practice.

QUESTION

How is a swastika, a Hindu symbol commonly used in art and decoration that represents good fortune, luck, and well-being, different from the Nazi Party's use of a swastika, which can be generally perceived as a symbol for racial/ethno-cultural/religious-based hate?

ANSWER

The swastika is a cross with four arms of equal length, with the ends of each arm bent at a right angle. Sometimes dots are added between each arm. Its name comes from the Sanskrit word *svasti* (*sv*, well; *asti*, is), meaning good fortune, luck, and well-being. The swastika is most commonly used as a charm to bring good fortune (in which case the arms are bent clockwise), but it has a variety of religious meanings as well. The swastika is an ancient symbol found worldwide, but it is especially common in India. It can be seen in the art of the Egyptians, Romans, Greeks, Celts, Native Americans, and Persians, as well as Hindus, Jains, and Buddhists.

The right-hand swastika in Hinduism is one of the 108 symbols of the god Vishnu, as well as a symbol of the sun and of the sun god, Surya, while the left-hand (counter-clockwise) swastika represents Kali and magic. The symbol imitates, in the rotation of its arms, the course taken daily by the sun, which appears in the Northern Hemisphere to pass from east, then south, to west. (It is also a symbol of the sun among Native Americans.)

The left-hand swastika (called a *sauvastika*) in Hinduism usually represents the terrifying goddess Kali, night, and magic; however, this form of the swastika is not "evil" and it is the form most commonly used in Buddhism.

The Buddhist swastika is almost always clockwise, while the swastika adopted by the Nazis (many of whom had occult interests) is counter-clockwise.



Figure 5.1: The swastika is a symbol that dates back thousands of years to the Indus Valley, and remains widely used in Hinduism, Buddhism, and Jainism. A swastika was adopted as a symbol of the Nazi Party of Germany in 1920 and used as a symbol of the Aryan race.

In Buddhism, the swastika signifies auspiciousness and good fortune, as well as the Buddha's footprints and heart. The swastika is said to contain the whole mind of the Buddha and can often be found imprinted on the chest, feet, or palms of Buddha images. It is also the first of the 65 auspicious symbols on the footprint of the Buddha.

The swastika has also often been used to mark the beginning of Buddhist texts. In China and Japan, the Buddhist swastika is seen as a symbol of plurality, eternity, abundance, prosperity, and long life.

The swastika is used as an auspicious mark on Buddhist temples and is especially common in Korea. It can often be seen on the decorative borders around paintings, altar cloths, and banners. In Tibetan Buddhism, it is also used as a clothing decoration.

The auspicious symbol of the swastika is very commonly used in Hindu art, architecture, and decoration. It can be seen on temples, houses, doorways, clothing, cars, and even cakes. It is usually a major part of the decoration for festivals and special ceremonies like weddings.

The Nazis adopted the swastika because it was understood as an Aryan symbol indicating racial purity and superiority. (The Nazis propagated a historical theory in which the early Aryans of India were white invaders.) There may also be a connection with the swastika's magical connections because Hitler and other Nazi leaders were keenly interested in the occult.

Source: Religion Facts: Swastika Symbol in Buddhism.
<www.religionfacts.com/buddhism/symbols/swastika.htm>.

Accommodation for School Activities

QUESTION

Can a student request an accommodation from exams to participate in a religious camp or course?

ANSWER

No. Although the school division should take reasonable steps to provide accommodation to individual members of a religious group who state that the division's operations or requirements interfere with their ability to exercise their religious beliefs and practices, attendance of a camp or course is voluntary and not required practice by the religion/faith. Subsequent discussions between the school administrator and the parent/guardian might also include the organizers and/or faith leaders of the camp or course to make inquiries about the scheduling of the camp so as to prevent future conflicting demands on the student's time. (See the section of this document titled [Participation in Daily Activities and Curriculum](#).)

Students are required to present a written notice from their parents/guardians, specifying the religious holy days on which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of the school year) to ensure that scheduling for major evaluations (e.g., tests, assignments, examinations) takes the holy days into consideration. Student handbooks, parent newsletters, and school announcements should include information about procedures specific to religious holy days.

Schools must make every reasonable effort to be aware of the religious observances of their staff, students, and community when planning special school activities, examination schedules, school concerts, parent/guardian interview dates, field trips, and other events.

In the case of an absence for religious holy day reasons, major tests or exams should be rescheduled for the student.

QUESTION

Can a student request an accommodation from exams to participate in a religious camp or course, attendance at which his or her religious institution indicates is mandatory?

ANSWER

Yes. After confirming that the learner's attendance is a religious/faith requirement, subsequent discussions between the school administrator and the parent/guardian might include the organizers and/or faith leaders of the camp/course to make inquiries about the scheduling of the camp so as to prevent future conflicting demands on the student's time. (See the section of this document titled [Participation in Daily Activities and Curriculum](#).)

QUESTION

Would an accommodation be granted to a secondary student on an exam day if he or she is over 18 and requests accommodation for his or her confirmation as either a member or religious leader of a faith organization which is unknown to the school administrator?

ANSWER

Yes. However, administrators should implement the procedures outlined in the section of this document titled [Observation of Major Religious Holy Days and Celebrations](#) under the subheading "Students." Students are required to present a written notice from their parents/guardians, or in this case from the student, specifying the religious holy days on which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of the school year) to ensure that scheduling for major evaluations (e.g., tests, assignments, examinations) takes the holy days into consideration.

In the case of an absence for religious holy day reasons, major tests or exams should be rescheduled for the student.

Assessment and Evaluation: Music

QUESTION

Can a student request accommodation from a school performance if a musical selection concerns a holy day that is not his or hers?

ANSWER

Yes. A student's parents/guardians can request accommodation. (See the section on [Participation in Daily Activities and Curriculum](#).) When accommodation is requested related to participation in daily activities or school programming in which there is a demonstrated conflict with a religious requirement, the school should have an informed discussion with parents/guardians and students. The school should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination that arise because of the religious practices that set individuals apart and conflict with school routines and activities. Therefore, if curriculum or school programming directly conflicts with these practices, the school can consider accommodation. It cannot, however, accommodate religious values and beliefs that conflict with department policies.

It is important to note that when an individual requests an accommodation related to the daily activities or school programming, the accommodation applies to that individual in question and not to the whole class or to classroom practices in general.

QUESTION

In cases in which parents/guardians request religious accommodation necessitating varying degrees of exemption for their child from an elementary school program (e.g., in instrumental music), what process/protocol is used to complete the assessment and evaluation of the child for the class?

ANSWER

When parents/guardians request full exemption after discussion with school administrators, administrators will ensure that curricular expectations that can be attempted and achieved by the student within the subject area are being assessed, evaluated, and reported. Administrators should clearly advise parents/guardians that the resulting grades appearing on the report card will reflect only the course content addressed by the student, altered as a result of the request for accommodation from specific expectations.

QUESTION

Who supervises students who have been exempted from programs for faith accommodation?

ANSWER

The school division should take reasonable steps to provide accommodation to individual members of a religious group who state that the division's operations or requirements interfere with their ability to exercise their religious beliefs and practices. The department will balance its decision to accommodate on several factors, such as undue hardship, including the cost of the accommodation to the department; health and safety risks to the person requesting accommodation and to others; and the effect of accommodation on the school's ability to fulfill its duties under department policies and the Education Act. (See the section titled [Requests for Accommodation.](#))

QUESTION

If parents/guardians request complete exemption of a child's participation in a class after a meeting with school administrators, should the school contact the family's spiritual leader in order to clarify practices and beliefs?

ANSWER

The school administrator and parents/guardians may contact the family's spiritual leader to clarify and add to suggested resolutions.

School Curricula

QUESTION

When should the viability of a credit based on accumulated hours of coursework be the basis by which an accommodation request is considered?

ANSWER

When accommodation is requested related to the contents of a curriculum in which there is a demonstrated conflict with a religious requirement, the school should have an informed discussion with parents/guardians and students. The school should make it clear during the discussion that its role is to protect students and staff from harassment and discrimination that arises because of the practices of their religion that set them apart in some way and conflict with school routines and activities. Therefore, if curriculum directly conflicts with these practices, the school can consider accommodation. It cannot, however, accommodate religious values and beliefs that conflict with department policies.

It is important to note that when an individual requests an accommodation related to the curriculum, the accommodation applies to that individual in question and not to the whole class or to classroom practices in general.

The Department of Education and Advanced Learning allows up to a maximum of two substitute credits in exceptional circumstances and, in discussion with the parents/guardians, for the substitution of an optional course for any compulsory course. In general, these Guidelines and Procedures recommend an informed, common-sense approach to questions of religion and curriculum. There will be questions that can be solved by an open discussion between the teacher and the student.

QUESTION

What should happen when a request for faith accommodation conflicts with safety and security procedures?

ANSWER

Religious accommodation in Manitoba schools is carried out in the larger context of the secular public education system. While the department works to create a school system free from religious discrimination, this freedom is not absolute. The department will limit practices or conduct in its schools which may put public safety, health, or the human rights and freedoms of others at risk. As well, the department will limit practices or conduct in its schools that are in violation of other department policies. (See section titled [Limitations to Religious Accommodation](#).)

QUESTION

What criteria are used to determine safety of dress for Physical Education activities when modesty is an issue?

ANSWER

Safety guidelines for physical activity and sport have been developed for Manitoba. For further information, go to the following websites:

- *Safety Guidelines for Physical Activity in Manitoba Schools* at www.edu.gov.mb.ca/k12/docs/support/pehe_safety/safety_full.pdf.
- *Out-of-Class Safety Handbook: A Resource for Grades 9 to 12 Physical Education/Health Education* is available at www.edu.gov.mb.ca/k12/cur/physhlth/out_of_class/index.html.

Upon receipt of an individual student's/family's request for accommodation, the school administrators, parents/guardians, teacher, and student should have an informed discussion pertaining to specific circumstances regarding when and why articles of clothing may pose safety concerns for the student and others in specific activities.

Should occasions arise when unsecured clothing may pose challenges to the student's ease of movement while handling equipment or materials, it should be clarified that safety concerns are most important. A number of resolutions that are respectful of the student's religious practices and meet the school's requirement for safety (e.g., wearing sport-appropriate hijabs that provide the individual student with full mobility) are possible.

Secondary schools with compulsory credit physical education courses, which include all publicly funded schools in Manitoba, should have clear safety guidelines that are part of the curriculum.

QUESTION

Can a student be exempt from sex education?

ANSWER

Yes, if his or her parents/guardians submit a request. In Manitoba, student learning outcomes in two strands of the Physical Education/Health Education curriculum, Substance Use and Abuse Prevention and Human Sexuality (in GLO 5—Healthy Lifestyles Practices) as well as in the personal safety (prevention of sexual exploitation and abuse) sub-strand (in GLO 3—Safety) may be potentially sensitive to some students and their parents/families and/or communities. This sensitivity may be based on family, religious, and/or cultural values.

Potentially sensitive content must be treated in ways that are appropriate for the local school and community context. Greater cooperation and coordination among the home, school, and public health systems will contribute to the health and well-being of students. Schools are required to

- determine local policy related to potentially sensitive content using a school or divisional planning process
- seek parental involvement as part of the planning process
- provide a parental option prior to implementation
- make decisions relative to the following areas as outlined in the following chart

Potential Decision Areas for School and Division Planning

Potentially Sensitive Content	<p>The framework identifies the following content areas as potentially sensitive:</p> <ul style="list-style-type: none"> ■ human sexuality ■ substance use and abuse prevention ■ personal safety <p>These areas require school divisions to use a planning process (that includes parental involvement) to determine programming details.</p>
Breadth/Depth Treatment of Content	<p>Decisions related to the depth and breadth of coverage of potentially sensitive content include the choice of appropriate content, instructional strategies, assessment/reporting strategies, and learning resources.</p> <p>Decisions regarding the depth/breadth treatment of specific learning outcomes in the strands/sub-strands identified as potentially sensitive in the framework can include the following:</p> <ul style="list-style-type: none"> ■ more—use with greater depth/breadth than what appears in the framework ■ at—use with the same depth/breadth ■ less—use with less depth/breadth ■ none—no use
Parental Option	<p>There must be an inclusion of a parental option related to the potentially sensitive content. A parental option means that parents may choose one of the following options for delivery of potentially sensitive content:</p> <ul style="list-style-type: none"> ■ school-based delivery ■ alternative delivery <p>Parents have the right to opt for alternative delivery (e.g., home, professional counselling) for their child where the content is in conflict with family, religious, and/or cultural values.</p>
Scheduling of Instruction	<p>Decisions related to scheduling of potentially sensitive content may include the following options:</p> <ul style="list-style-type: none"> ■ within physical education/health education ■ integrated in various subject areas (e.g., science, language arts) ■ in separate units and/or blocks of time (e.g., theme weeks) ■ a combination of within, integrated, and/or separate
Parental Communication	<p>Ways of informing parents of school-based programming and determining the parents' choice (i.e., school-based and/or alternative delivery) need to be established. Means of communication may include the following:</p> <ul style="list-style-type: none"> ■ letters ■ meetings ■ permission forms ■ websites ■ brochures ■ newsletters <p>Parents may use departmental resources when choosing alternative delivery.</p>
Teacher Training Requirements	<p>Decisions for identifying requirements for training (e.g., number of days and types of training) related to potentially sensitive content for school staff and others such as parents, community volunteers, and peer educators must be made.</p>
Staff Assignments	<p>Staff assignments could include the use of staff, parents, peer educators, and community volunteers to enhance programming related to potentially sensitive content.</p>

For more background information, lesson plans, and instructional and assessment strategies, refer to the following support documents:

- Manitoba Education, Citizenship and Youth. *Human Sexuality: A Resource for Kindergarten to Grade 8 Physical Education/Health Education*. Winnipeg, MB: Manitoba Education, Citizenship and Youth, 2005. <www.edu.gov.mb.ca/k12/cur/physhlth/hs_k-8/index.html>.
- Manitoba Education, Citizenship and Youth. *Human Sexuality: A Resource for Senior 1 and Senior 2 Physical Education/Health Education*. Winnipeg, MB: Manitoba Education, Citizenship and Youth, 2005. <www.edu.gov.mb.ca/k12/cur/physhlth/hs_s1-2/index.html>.

QUESTION

What should happen when the novels presented in English Language Arts classes conflict with a student's religious values?

ANSWER

The English curriculum in Manitoba does not require any particular novels. Manitoba Education and Advanced Learning is only concerned about students meeting the curricular outcomes. A student can reach the curricular outcomes (see <www.edu.gov.mb.ca/k12/cur/ela/curdoc.html>) in a variety of ways that meet his or her ability, interests, background, skills, and so on. The English teacher, in consultation with the parents/guardians may suggest alternate novels that will accommodate the family's values and comfort level. The teacher should consider assigning these alternate novels to a group of students to avoid singling the student out. The classroom discussion will then create diversity regardless of faiths.

QUESTION

Can a student be exempt from animal dissections in biology class?

ANSWER

Yes, if his or her parents/guardians submit a request. In Manitoba, "Grade 12 Biology does not mandate that dissection (either real or virtual) take place in the classroom. Dissection is one of many instructional strategies that may be used to familiarize students with the structure and function of organs and organ systems. Interactive multimedia materials such as computer simulations, tutorials, and video clips can substitute for the use of animals in the classroom; however, these alternatives must satisfy the objectives of teaching scientific methodology and fundamental biological concepts. If, in the judgment of the teacher, available alternatives do not meet these objectives, dissection may be used, provided that no student is forced to participate in a dissection over his or her objections. In the event that a student chooses not to participate in a dissection, he or she should be provided with an alternate activity of

comparable complexity and rigour.” There are currently advanced online simulations as well as free 3D applications for tablets that mimic the process of animal dissections. A student can meet the curricular outcomes and get his or her credit without physically participating in the animal dissection process.

Religious (Sacred and Holy) Texts

QUESTION

Is it disrespectful to have copies of various holy books for students to study from?

ANSWER

No. Copies of the religious texts in English and/or French are to be studied in appropriate courses. It is therefore expected that the texts would be made available for all learners.

Notes