

Accommodating Creed

A Guide for Students, Faculty, and Staff

WHAT IS CREED?

Creed has been broadly defined by the Ontario Human Rights Commission (OHRC) to mean “religious creed” or “religion”, but also includes bodies of faith such as the spiritual/faith practices of Aboriginal cultures, as well as more recently established religions (e.g. Wicca). York University policies primarily use the term “religion” and not “creed” in internal policies and guidelines; however, both terms have been used interchangeably, as they are in this fact sheet.

YORK UNIVERSITY POLICY

York University is committed to ensuring that all York community members, including students, staff, faculty, and visitors to the university, receive equal treatment without discrimination on the basis of creed. York University’s Senate Policy governing the setting of sessional dates and examination schedules includes a statement on religious observances. In addition, York’s list of Religious Observance Dates notes the commonly recognized days upon which individuals belonging to these faiths typically do not work or study, or

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may have some ritual observance to perform that are incompatible with full attendance on those dates. This list does not purport to be definitive or all-inclusive, and York recognizes that there may be dates and religions that are not listed.

WHAT IS THE DUTY TO ACCOMMODATE?

When an individual’s religious beliefs conflict with a requirement, qualification or practice in the areas of employment or services such as those in an academic setting like York’s, the Code imposes a duty to accommodate. Provided that they are sincerely held, personal religious beliefs, practices or observances are protected by York University policies and the Code even if they are not considered by all as essential elements of a creed. For example, even though not all members of the Hindu religion commemorate Diwali, there are those that do consider it to be a holy occasion requiring certain practices to be observed on that day. Religious, Aboriginal and spiritual observances are often highly personal and subjective and requests for accommodation need to be assessed on a case by case basis.

A request for accommodation on a date included in York’s list of Religious Observance Dates may need to consider the extent of conflict between the observance required or belief held on the one hand, and the academic or workplace obligation on the other.

Examples of religious accommodation requests:

- Absence from work or from class, an examination or an assignment, with or without an obligation to make up a test or assignment or work task at another date
- Absence from scheduled exams with a deferral
- Following a specific dress code
- Temporary absence from class or work for daily prayers, fasting or breaking a fast
- Absence and/or deferral of other required activities outlined in a course syllabus or in an employee’s job description

PRACTICING ACCOMMODATION

The Ontario Human Rights Commission’s (OHRC) guidelines on accommodation are a useful reference tool in guiding religious accommodation requests:

Person Requesting:

- Take the initiative to request accommodation
- Explain why accommodation is required
- Provide notice of request in writing, and allow a reasonable time for reply
- Explain what measures of accommodation are required
- Deal in good faith
- Be flexible and realistic
- If desired, request details of the cost of accommodation if undue hardship may be a factor

Person/organization Responsible:

- Respect the dignity of the person seeking accommodation
- Assess the need for accommodation based on the needs of the group of which the person is a member
- Reply to the request within a reasonable time
- Grant requests related to the observance of religious practices
- Deal in good faith
- Consider alternatives
- If accommodation is not possible because of undue hardship, explain this clearly to the person concerned and be prepared to demonstrate why

LINKS TO YORK RESOURCES

Accommodation concerns and complaints should be directed to the Centre for Human Rights.

LINKS TO YORK POLICIES/ PROCEDURES/GUIDELINES

Senate Policy on Sessional Dates and the Scheduling of Examinations

<http://www.yorku.ca/secretariat/policies/document.php?document=99>

Policy and Guidelines on the Conduct of Examinations

<http://www.yorku.ca/secretariat/policies/document.php?document=80>

Senate Policy on Religious Observance and Religious Accommodation Guidelines

<https://w2prod.sis.yorku.ca/Apps/WebObjects/cdm.woa/wa/regobs>

Religious Observance Dates

<http://www.registrar.yorku.ca/index.php>

EXTERNAL RESOURCES

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

<http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed>

Ontario Human Rights Commission - Policy on creed and the accommodation of religious observances

<http://www.ohrc.on.ca/en/policy-creed-and-accommodation-religious-observances>

SOURCES

Ontario Human Rights Commission - Policy on creed and the accommodation of religious observances

<http://www.ohrc.on.ca/en/policy-creed-and-accommodation-religious-observances>

Ryerson University Discrimination & Harassment Prevention Office

<http://www.ryerson.ca/equity/index.html>

MAKING YORK UNIVERSITY REDI

The Centre for Human Rights (CHR) contributes to York University's vision of social justice and accessible education. We strive to build a respectful, equitable, diverse and inclusive (REDI) community at York by advancing, promoting, and upholding human rights at York in accordance with provincial human rights legislation and the University's policies.

Contact the Centre for Human Rights if you:

Have questions or concerns about human rights on campus

Are seeking human rights education

Are interested in human rights research

CENTRE FOR HUMAN RIGHTS

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This fact sheet provides general information about human rights related accommodation to York University students, staff, and faculty members and should not be construed as legal advice.