

Religious Accommodation in Post-Secondary Institutions:

Introduction

During the fall semester of the 2013-2014 academic year, a male student at York University requested an exemption from the in-person portion of an online class on the basis of

Canadian... We did not send soldiers to Afghanistan to protect the rights of women to only see those same rights eroded at home.”²

Where the Canadian media, and in this case Justice Minister MacKay, failed in presenting a nuanced understanding of the issue at hand, was in their inability to see beyond the questions of gender equality. The York University case, regardless of what we still do not know about it, showed Canadians that they are not well equipped to deal with issues of religious accommodation. Rather, Canadian institutions must continue to make efforts to ensure that all stakeholders have access to resources that will equip them with the knowledge necessary to navigate the complex intricacies of precedent setting Canadian Supreme Court cases and the

willing to respond to follow up, in person questions.³ Although the participants were all given the same core set of questions, the follow-up interviews ranged from 7 to 55 minutes in length.

Although this report will provoke more questions than it will answer, its intentions are to bring to light holes in an exceptionally complex system b

countrywide bilingualism. It concerned itself with such issues as bilingual education as well as the ability for individuals to access resources in their language of choice (English or French).⁴

Along with increased federal concern for protecting human rights were provincial

proverbial Canadian door to people outside of Europe, which in turn opened Canada up to unprecedented religious diversity. Due to increased immigration, specifically from Asia, Africa and the Middle East, Canadian religious categories of identification have diversified significantly since the early 1970s.⁸ From its inception Canada has been a country of immigrants, yet it took until after the Second World War for Canada to openly extend the right to immigrate to non-Christians and non-Europeans *en masse*. The changing face of Canada provoked ethnic minority groups to criticize the original draft of multiculturalism as it was seen as inadequately providing the framework for minority group growth, enhancement and preservation.⁹

Throughout the mid-twentieth century, immigrant communities such as the growing Ukrainian population thought multiculturalism was inadequate from its original inception. They felt betrayed by Trudeau's attempt at multiculturalism because although the policy seemed like it should ease their integration into Canada, they felt as though it had no actual impact on their experience. This led the community to make official complaints to the federal government forcing a reconsi

with the preservation and enhancement of the multicultural heritage of Canadians

new diversity.¹⁴ The initial admission of multiculturalism's shortcomings gave rise to what is now referred to as "religious accommodation" or "reasonable accommodation". The Canadian

that do not interfere with or threaten actual religious beliefs or conduct are not obligatory to accommodate”.¹⁶

Given that this project will be examining the state of religious accommodation at an Ontario institution, it is imperative to examine how Ontario’s definition of “religion”, which they refer to as “creed”, differs from the Supreme Court’s understanding of “religion”. The Ontario Human Rights Code defines the word “creed” as

[i]nterpreted to mean “religious creed” or “

early on set the foundations of belief that Christians were intended to abide.



depending on the size, profitability and capability of each individual institution.³⁰ Thus, when determining whether or not accommodating an individual's religious adherence has the potential to cause undue hardship, factors such as the potential costs, as well as health and safety risks, must all be taken into consideration.³¹ It can therefore be presumed that a larger company that has more employees and larger profit margins can be held to higher standards of accommodation than a smaller company that could easily be disrupted by accommodating all religious requests.

own devices to navigate the complex web of religious accommodations, which often results in decisions being made that do not comply with the regulations set out by the Ontario Human Rights Code. This is further complicated by the fact that there are different “tiers” of instructors all of whom operate with a different type of commitment to the University as well as different levels of familiarity with resources offered. Where a tenured instructor may be comfortable contacting a University Chaplain or Human Rights Office, an adjunct instructor may not only be less comfortable seeking guidance, but may also not be aware of the resources available.³³

Questions of religious accommodation have the potential to impact all institutions and thus, all people in the province of Ontario. Universities and post-secondary institutions are in a unique position as they employers as well as service providers. Both employees and students are in the position to request and have religious accommodations granted. Although post-secondary institutions provide resources to their staff and faculty that are intended aid in the resolution of religious accommodation requests, often, instructors take it upon themselves to remedy these situations without utilizing the resources available to them. This can be seen as inevitable as students wishing to receive an accommodation contact the instructors from whom they first require the accommodation. Often, this occurs without conflict, as students and instructors are able to come to an agreement without either party feeling as though their rights have been violated. Yet, without proper knowledge of their rights, instructors may provide accommodations that they do not need to as a result of their lack of knowledge and reluctance to contact services such as a human rights office, an equity office or a Chaplain’s services. Ontario’s definition of creed makes the granting or denial of religious accommodations exponentially more complicated

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as all stakeholders, in order to follow the proper proceedings, must take it upon themselves to study the Ontario Human Rights Code in all of its intricacies and complexities.

In order to get a glimpse into the state of religious accommodation in Ontario's post-secondary institutions, this project will now turn its attention to the results of an examination of Queen's University's policies and practices on the matter of religious accommodation.

Section Three

Queen's University at Kingston

Queen's University, located in Kingston, Ontario was established in 1841 and currently has approximately 24 580 students enrolled in its programs.³⁴ The University was established as a College by a royal charter from Queen Victoria and was originally primarily funded by the Presbyterian Church in Scotland.³⁵ In 1912 Queen's University was created in order to formally separate from the Scottish Presbyterian Church, a move the University now credits to the changing "secular times".³⁶ The theological training centre continued as Queen's Theological College, a separate but affiliated institution that would divide the Christian-centric goals of the school's theological program from the "secular university".³⁷ One hundred years later, in May 2012, Queen's School of Religion (as the Theological College was now called) was reintegrated back into Queen's University. A steady decrease in enrolments saw the decision in 2014 to suspend enrolments into the School's theology programs, and a process was initiated to close these programs by late 2015.

³⁴ Quick Facts | Queen's University, accessed May 1 2015, www.queensu.ca/discover/quickfacts.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

The Queen’s University website does provide some information regarding religious accommodation policy and practice at the University. The bulk of the information available on the topic is found under the minutes from meetings that took place during May and June of 2011 for the Human Rights Legislation Group, which consisted of unit heads from all academic and non-academic groups on campus or their designates.⁴³ The purpose of this group is outlined on the website:

Co-chaired by Queen’s Legal Counsel and Access and Privacy Co-ordinator Diane Kelly and Human Rights Director Irene Bujara, the purpose of the group is to provide the units with the information they need to understand recent changes in human rights-related legislation, amendments that give employers and services providers additional responsibilities to prevent breaches of human rights.⁴⁴

During the May 2011 meeting, the participants were introduced to community faith leaders who spoke to them regarding important faith dates and gave them contact information to be used regarding further questions that they may have.⁴⁵ Given the complexity of Ontario’s definition of the word “creed” and the consequential complexity of the expectation to provide accommodations that lie outside the realm of “faith dates”, one can easily state that this meeting did not provide vested personnel with the information they would require to enact religious accommodations in line with the expectations of the Ontario Human Rights Code.

During the meetings, the participants were also presented with information on precedent setting court cases that inform the way that institutions are to deal with requests for religious accommodation. The case studies cited dealt with a variety of issues including: religious dress, “holy days”, special interest organizations (e.g., Catholic high schools), collective agreements, occupational requirements, undue hardship and the allocation of prayer space. It is unclear how this information was presented to the participants at the meeting.

⁴³ Ibid.

⁴⁴ Queen’s University.

⁴⁵ Ibid.

The information available to the Queen’s community on the Human Rights section of their website is unclear and difficult to navigate. This section of their website mentions three examples that deal with employment, but only one example that deals with student requests for religious accommodations to instructors.⁴⁶ The example they give is “Refusing to move an exam scheduled on a faith day for which abstention from work/study is required”; an issue that could be remedied if instructors utilize the interfaith calendar provided by the Human Rights Office. The website does not provide any information regarding more complex issues such as religious objections to course content, religious objections to in-class seating arrangements or time off requested for days that do not doctrinally require time off.⁴⁷

The Queen’s Human Rights Office does have a section on their website that outlines “creed” as well as what violations to “creed” could look like at a post-secondary institution. The primary issue with the information available is that it presents the legal cases without providing any context regarding how the decisions made are to impact religious accommodation at Queen’s University. Therefore, instructors who do make the effort to find out what the University has to say on the matter are left to their own devices to decode the legal language in order to come to conclusions regarding how best to apply the information presented by the University to the reality of requests for religious accommodation. It is also important to note that nowhere on this webpage does the University define the word “creed” or discuss the centrality of the Ontario Human Rights Code to questions of religious accommodation in the province of Ontario.

⁴⁶ “Creed”, Queen’s University, accessed May 26 2015, <http://www.queensu.ca/humanrights/advisory/issues/creed.html>.

⁴⁷ An example of this would be a case presented in an interview where a

accommodation theory, as it informs the way that the Human Rights and Equity Offices and the University Chaplain conceptualize their roles in dealing with questions of religious accommodation.

Reflecting on Québec's Bouchard-Taylor Report regarding reasonable religious accommodation, sociologist and philosopher Charles Taylor states: "Religious accommodation can be seen as the recognition that although all Canadians may be equal, they are not identical".⁴⁹ It is this idea of creating equity, where it otherwise would not exist, that informs the overarching mandate of religious accommodation. The Ontario Human Rights Commission defines the term "accommodation" in the case of religious accommodation as:

Aim[ing] to facilitate equality of treatment by addressing and seeking to remedy the disadvantages encountered by minority group members in society as a consequence of

engaging in activities that violate their religious restrictions (e.g., the selling of alcohol; interaction with pork products).⁵¹

The information derived from the researcher's primary sources was supplemented by secondary sources, which included but were not limited to scholarly articles, Ontario Human Rights Commission reports, Canadian Supreme Court case law and Queen's University policies and public documents. Although the idea of "evening the playing field" is a common theme found throughout all different forms of accommodation, what applies to one type of accommodation, does not necessarily apply to another. Rather, each different type of accommodation (religious, disability... etc) comes with its own set of nuances that must be properly understood for their proper enacting.⁵²

Section Five

Religious accommodation policy and practice at Queen's University

Survey results

The initial results of the survey revealed that over half of participating Queen's instructors receive at least one religious accommodation request from a student per semester. Question #1 of the survey, asked instructors simply whether or not they have ever, in their teaching careers, received a request for a religious accommodation. 53% of participants admitted to having received a request for a religious accommodation, which is a sizeable percentage given the complexity of the issue and the lack of explicit resources available (see Appendix 1). Survey question #2 asked instructors how often, per semester, they received requests for religious

⁵¹ Ontario Human Rights Commission, "Human Rights", 9.

⁵² Human Rights and Equity Offices Interview, January 2015.

accommodation. 284 instructors who responded stated that they receive between 1-5 requests for religious accommodations from students per semester. 12 stated that they receive more than 5 per semester (see Appendix 2). Question #3 asked instructors to identify the nature of the requests that they receive. 208 out of 489 participating instructors stated that they had received a request that involved a student needing time off or an extension for an assignment or test. 29 participating instructors stated that they had received a request that involved a student requiring an alternative in class assignment due to a conflict with the given assignment for religious reasons. 13 instructors responded stating that they had had a student request an alternative meeting/seating arrangement due to a religious requirement and 12 instructors stated that they had received requests to avoid particular topics due to a student's religious beliefs. 46 instructors responded to the 'other' option and provided examples of the types of religious accommodations that they have received (see Appendix 3).⁵³

The vast majority of requests that instructors receive for religious accommodation are straightforward and deal with students requesting time off or extensions in order to be able to observe a religious holiday. Yet, instructors also spoke of more complex requests that they have received such as: the need for a practicum to be in a specific city where religiously approved food was available, refraining from all personal greetings such as handshakes, leaving class to pray, time off to sit Shiva and excusal from a Saturday lab for the Jewish Sabbath (which the instructor remedied by filming the session). These are but some examples of the complex situations instructors spoke of having had to deal w

herself as an “interfaith Chaplain”, a somewhat confusing statement given the intense Christian association with the position of “Chaplain”.⁵⁴ Chaplain Johnson does not personally identify as Christian but rather: “a Universalist in theology, Buddhist in practice”. On her website it also mentions that she is a member of the Religious Society of Friends (Quaker). She does recognize that she is most familiar with the Bible of all sacred texts.

When asked what she believes her role to be in dealing with issues of religious accommodation, Chaplain Johnson stated that she is looked to throughout the University as an authority on all issues of this nature. Of course, given that only 20 out of 489 participating

to inform instructors regarding the best way to negotiate their dealings with student requests.⁵⁵

Most of the recommendations that come out of the Chaplain's office are directly in line with the expectations articulated in the Ontario Human Rights Code. This would be what the Chaplain refers to as "the baseline" of religious accommodations. Yet, there are always situations that require both her office as well as instructors to reconsider the baseline. This often takes the form of "friendly accommodations", which will be discussed later in this project.

When Chaplain Johnson receives queries from instructors regarding complex student requests for religious accommodation, she consults the necessary resources and produces a timely recommendation for the instructor. This takes the decision-making and research responsibility off the individual instructors. The vast majority of queries she deals with concern both the December as well as April exam schedules. Chaplain Johnson credits this to what she refers to as the "incompatibility of the exam schedule with all faiths other than Christianity". This is best demonstrated by the fact that exams are held on all days of the week, except for Sundays, the Christian Sabbath. Additionally, there are often conflicts between the Jewish celebration of Hanukkah and the December exam schedule as well as the Jewish holiday of Passover, which often falls during the April exam period.

When asked by the researcher whether or not she anticipates an eventual move to hold exams on Sundays, Chaplain Johnson stated that she could see it happening but believes that it would be "a mess for me and the whole university" if it does. She sees the shift as inevitable given that the rest of Ontario culture has primarily moved to treating Sunday like any other day, which consequently forces us to question whether or not cultural Christians are "observing the Sabbath in a meaningful way". If they are not, Chaplain Johnson sees no viable argument against

⁵⁵ Chaplain Johnson also deals extensively with students, given that this project's focus is on instructors' dealings with religious accommodation, it is outside the scope of the researcher's topic to discuss the student perspective.

holding exams on Sundays just as Queen's already does on Fridays and Saturdays (sacred days to Islam and Judaism respectively).

Taking into consideration the role that Chaplain Johnson sees herself playing within the University's dealings with student requests for religious accommodation, there is no doubt that she has the potential to play an integral role in ensuring that both instructors as well as students feel as though their needs are being met

When asked to describe the role that the Human Rights and Equity Offices plays in matters pertaining to student requests for religious accommodation, the representatives responded with the following:

Our mandate is to both educate and inform but also to take concerns and try and address

that involve this type of complexity require a profound understanding of the way the Ontario Human Rights Code examines conflicts of rights; an inevitability in some requests for religious accommodations:

There are parts of religious accommodation that do not jive with each other... how a person lives their religion, maybe the religion doesn't say that you can't be in a classroom with women... on the other hand, maybe that's the segregation of roles, which this person takes very seriously and to that limit. When the Ontario Human Rights Code says, "how someone lives their faith", there are limits, it just can't be anything. Accommodations dealing with gender are increasing. Democracy requires something, so how you go about segregation will be different and religion has agreed with this. We must examine what the need is to fulfill what the person is trying to do.

The Human Rights and Equity Offices rely on the Ontario Human Rights Code as well as precedent setting cases in order to make their judgments and recommendations. The Office recognizes the issues that arise by not having a set University policy but still believe that a policy would be nearly impossible to institute given the number of "weasel words" such as "normally"... "will normally"... "will usually" that would be required to make the policy as flexible as it would need to be. The Offices, like the Ontario Human Rights Code, sees flexibility as an intrinsic part of religious accommodation. The Offices' use of the word "creed" recognizes that every individual's religion manifests itself differently and consequently has the potential to require a completely different religious accommodation from someone who may seem to identify similarly. This forces a questioning of the practical utility of relying on precedent as the Offices function on the notion that all religious accommodation cases must be handled on a case-by-case basis, taking primary concern for the individual's personal enactment of their religiosity or spirituality.

Just as Queen's University does not currently have a set policy in regard to the handling of student requests for religious accommodation, universities across Canada have not come to a consensus regarding how best to handle the management of religious diversity. The Human

Rights and Equity Offices consider Queen's as having the potential to become a leader within the field in terms of handling religious accommodation, given the fact that Queen's does not leave all decisions in the hands of lawyers, as some universities do. Rather, Queen's "mixes the social

Professor A is the department Head of a large department at Queen's University.⁵⁸ They are the only department head interviewed that believed themselves to be an authority within their department on the issue of religious accommodation.⁵⁹ Due to their partner's Jewish background, they saw themselves as being proportionally more religiously literate than their colleagues,

In many ways Professor A's Declaration of extenuating circumstances seems like an ideal solution. By putting the onus on the student to declare their need for accommodation and create a paper trail, instructors are not the ones left to determine the limits of "undue hardship" in dealings of religious accommodation. In this circumstance, a religious accommodation is being treated no differently than an accommodation that would be given for a student who felt unwell enough to attend class on a particular day, therefore eliminating the complexity of issues such as "creed" and 'undue hardship' from the topic of religious accommodations in post-secondary institutions.

Following the interview with Professor A, the researcher interviewed Professor B, a member of Professor A's department. When asked the standard interview question regarding whether or not they had received any direction from the University or their department regarding specific procedures to take when requests for religious accommodation occur, Professor B stated that the issue had never been discussed and that their department had no official procedure on the

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As the only instructor who saw themselves as a knowledgeable authority on issues of religious accommodation, Professor A felt as though the Declaration took the onus of responsibility and decision making off the individual instructors in his department and put it onto the students looking for any kind of accommodation. Given that the Declaration was not specifically geared to address issues of religious accommodation, it does have some shortcomings, specifically when dealing with issues such as religious conflicts with course content or religious objections to seating arrangements or personal greetings. When asked about this, Professor A gave the example of a course that required the students to perform a dissection: regardless of the reasoning behind why the student opposed the activity, they would all be granted the same type of accommodation.

The example of Professor A and Professor B demonstrates that although department heads may consider themselves to be the 'go to' person regarding issues of religious accommodation, there is no telling how individual instructors perceive the matter. Similarly, there is no guarantee that department heads will see themselves as Professor A does: an authority on determining the legitimacy of religious accommodation requests. Professor A took it upon themselves to become an authority on issues of religious accommodation: the University provided no training, and no procedure or policy was recommended by the faculty or administration.

Other department heads interviewed by the researcher in no way felt as though they were equipped with the proper resources to deal with requests for religious accommodation. They not only felt unprepared to deal with requests that they themselves received, but they did not feel as though they were in the place to provide other members of their department with guidance or even the proper knowledge of resources to which to point instructors.

Question #4 asked participants who they would look to in order to determine the request's legitimacy if the request did not appear to have a clear cut answer. This question of the survey permitted participants to enter their own answers under the option of 'other'. While some respondents said that they would speak to their colleagues or University Deans, others did not believe that consulting with available resources was the proper channel to take.

Professor C responded to this question by stating: "I'm knowledgeable enough to decide. No religious authority (like the Chaplain) can interfere with the academic process". Professor C agreed to a follow up interview where they elaborated on this idea. When asked how they would proceed in the event that a request was made that did not have an obvious solution, Professor C referred back to the two memorable requests that had occurred during their tenure at the school: "With the two students that asked for religious accommodations, I knew the students names so I could associate them with their religion through their appearance and ethnic traits". Not only did Professor C feel as though a student's evident ethnicity or religiosity was sufficient "proof" of religiosity, this instructor understood the overarching idea of religious accommodation to be fine as long as students are prepared to keep their religiosity to themselves, therefore defeating the purpose of religious accommodation as its mandate is equity as opposed to the masking of religious identity.

Professor C's belief that resources such as the Chaplain's office are a detriment to the "academic process" is but one reason why a more open discussion regarding religious accommodation in post-secondary institutions is vital.

University Deans: Policy not Practice

When responding to Question #4 of the survey, instructors named numerous University officials as the resource they believed to be most knowledgeable regarding issues of religious accommodation. These responses included: the Arts and Sciences Office Associate Deans, Arts and Sciences Dean of Undergraduate Studies, faculty relations office (Associate Vice-president – faculty relations and Associate Director – faculty relations), Queen’s University Faculty

sanctioned ground for discrimination. In addition to directing instructors to the online information regarding “creed”, the Faculty Relations office would recommend that instructors complete free, online training on human rights, including, but not limited to issues of religious accommodation. Online tutorials are provided by the Human Rights Office and are intended to provide Queen’s University Community members with basic, applicable information regarding Canadian and Ontario human rights legislation and protocols.

Throughout the follow-up interviews conducted with Queen’s University teaching staff, one of the common themes articulated was the bureaucratic nature of the post-secondary system,

accommodation is unrealistic and demonstrates the gap between the needs of instructors and the resources available.

In their follow up interview Professor E, a Queen's University department head, discussed their experience with a complex question of religious accommodation and the University's failure to provide adequate resources. Less than five years ago, in the few weeks leading up to April exams, a student in Professor E's large course approached them with an issue regarding the scheduling of the exam. The exam was scheduled for the Saturday evening between Good Friday and Easter Sunday. This student was adamant that their personal religiosity required them to attend Saturday Mass with their family, outside of Kingston, although in no way was it prescribed as a requirement by the student's religion. This personal commitment prohibited the student from takin

‘organized feast day’ and thus, they had no protocol on the matter.⁶⁵ Professor E was consequently left to their own devices to come to a conclusion regarding how to proceed and made the decision to permit the accommodation, as it would have been more problematic to deny it.

Professor E’s experience with this religious accommodation request is important for numerous reasons, one of which being that this case involved a Christian accommodation. It is important to discuss student requests for Christian accommodations as many instructors interviewed stated that they believed accommodations only arose regarding minority religious traditions.

Professor F, the head of another department, stated in their interview that we hold non-Christian students to higher standards than Christian students when it comes to expecting them to be familiar with, and divulge details of, their religiosity in order to receive accommodations. That is, the University expects non-Christian students to be familiar with faith dates and upfront about their accommodation needs whereas Christian students fall under the radar given that their holidays are accommodated by statutory holidays. Professor E’s experience demonstrates that this is not always the case.

Professor E’s encounter with religious accommodation demonstrates that although questions of religious accommodation usually arise in regard to non-Christian religious practices, ther

accommodation, there was no consensus between them regarding how queries should be dealt with. This therefore leaves already overwhelmed instructors to come to conclusions on their own, without the help of resources provided by the University. If Professor E had utilized the Interfaith Calendar provided by the Human Rights Office, they would have had no further insight regarding how to proceed. Additionally, chances are that an online tutorial would not have pointed Professor E towards information that would have helped make the decision process easier.

Professor E was told by their faculty Dean that regardless of the fact that the student had received the exam schedule months prior to bringing up the religious conflict, that they should still go ahead and grant the student their request for religious accommodation. That goes against the Ontario Human Rights Code list of rights and responsibilities, which explicitly states that individuals requesting the religious accommodation must give adequate notice. Professor G spoke at length about the University's lack of concern for the rights of instructors in situations similar to Professor E's:

I go in [to my classes] and I say no late papers, unless you're sick or have had a death in your immediate family because I think, imposing a kind of discipline on everyone is good for class morale and sets a clear expectation and teaches them something, which should be the bare minimum of an education, which is "turn in your work on time". Once your pedagogical preference for an equitable classroom gets ravaged by all of these special accommodations and then students see well "so and so" is turning their paper in late or "so and so" seems to get an extension on this but I can't, to me, as an instructor it corrodes the equity I try and create in a class, for reasons you cannot explain to students: "why did so and so get to turn this in on this date"... I think it interferes with your ability to treat all students equitably.... This is a secular institution as far as I am concerned and so I don't know why we acknowledge religious holidays but the trend is... which you can see with all the discussion of depression and mental health, is that whole new categories of accommodations are being created every year as certain issues rise and others fall and so as an instructor you're confronted with so many reasons to accommodate, it's gone.... The ship has sailed and you can see your authority in the classroom dwindle each time you have to allow an exception to a policy you've created, which you believe to be both administratively and pedagogically sound.

There is no doubt that instructors have the obligation to accommodate students who, following the regulations set out by the Ontario Human Rights Code, ask for religious accommodations.

enters your teaching, it's a pernicious thing"; this is the problem at hand that needs to be remedied before it saturates the 'academic system' so many instructors feel is being jeopardized.

Undue Hardship, 'Friendly Accommodations' and a Lack of Resources

Nearly all of the instructors that agreed to follow up interviews stated that the majority of requests for religious accommodation that they receive are from Jewish students. Although the familiarity of instructors with Judaism varied, all instructors interviewed as well as many instructors who limited their responses to the survey, spoke of Jewish students asking for

against the Canadian Supreme Court statement, which states that “trivial and insubstantial

follow mainstream Christian traditions and the fact that in these “grey zone” situations, which occur in religious accommodation requests from all represented religions, instructors have the final say on how these accommodations are dealt with.

Consequently, we must question whether “friendly accommodations” should follow the same rules of “undue harm” that formal religious accommodations follow.⁷² Although the Queen’s University Chaplain recommends that instructors try and make the “friendly accommodations if it is “humanly possible”, whether or not instructors allow these accommodations has more to do with available resources. On the topic, Professor A stated: “A lot of times you’ll have an alternate exam set up for people and it really makes no difference to you if someone else sits it...” Professor F articulated a similar sentiment when they stated:

We do not have a good ratio of faculty and teaching assistants, other staff, who proctor things, so when something unusual happens, it is really quite difficult to accommodate, not because you do not think someone should be accommodated but just practically speaking, it is hard....We’re missing people to supervise as well as the space to hold

regarded as a pain and a detriment to the “academic system”. Professor G spoke to this idea of “friendly accommodations” when they stated: “It’s an idea that on the surface sounds generous and charitable but it leads to making classrooms more chaotic, especially when you take into account all of the other forms of accommodation.”

Non-essential, “friendly” accommodation requests give insight into the fact that instructors are barely able to accommodate the students whose requests are legally binding. When an instructor is presented with a situation that would result in granting a “friendly accommodation” or in some cases, a straight forward religious accommodation, there are often doubts regarding the sincerity of strongly held religious belief, yet the majority of instructors interviewed stated that it is not within their best interest to question whether or not a student is truly as religious as they are claiming to be.

As previously stated and as was reiterated by the representatives from the Human Rights and Equity Offices, it is unlawful to ask for any type of “proof” of religiosity,

Section Six

Moving Forward: Recommendations and Reflections

Amendments to Courses Syllabi

Currently, instructors are not obligated to include any information regarding accommodations of any kind on their course syllabi. Although some instructors take it upon themselves to include information regarding the University's policies on health and disability accommodations, whether or not they do so is completely up to them. In order to ensure that students follow the Ontario Human Rights Code guidelines in regard to giving their instructors adequate time to respond to requests for religious accommodations, instructors would benefit from including a statement (such as the suggested University policy statement) on the matter on their course syllabi. It would be within the rights of instructors to ask students to submit all requests for religious accommodation within the first three weeks of a course. This would consequently give instructors time to process the request and seek guidance from resources such as the Human Rights and Equity Offices or University Chaplain's Office if necessary. Unlike the Declaration of Extenuating Circumstances used by Professor A's department, a simple note on a syllabus would acknowledge the difference between a request for a religious accommodation and the need to take time off for illness. The note on the syllabus could also include a statement regarding examinations that would give students between ten days and two weeks after the exam schedule is posted to discuss any potential conflicts with the instructor.

Varying Perspectives on the Ontario Human Rights Code

The noticeable discrepancy between the way that the University Chaplain's Office and the University Human Rights and Equity Offices understand the role of religious authorities in matters of religious accommodation is not necessarily something that needs to be changed. The

Human Rights and Equity Offices and the University Chaplain's Office would benefit from a better branding of their differing mandates. Where the University Chaplain's Office is more concerned with treating students as individuals with human needs fueled by familial love and connections to tradition, the Human Rights and Equity Offices examine each case within the confines of the Ontario Human Rights Code as well as precedent setting case law. By outwardly defining their differing mandates, instructors can make informed decisions regarding where to seek guidance from depending on their specific, case-by-case needs.

Department Heads: A Potential Resource

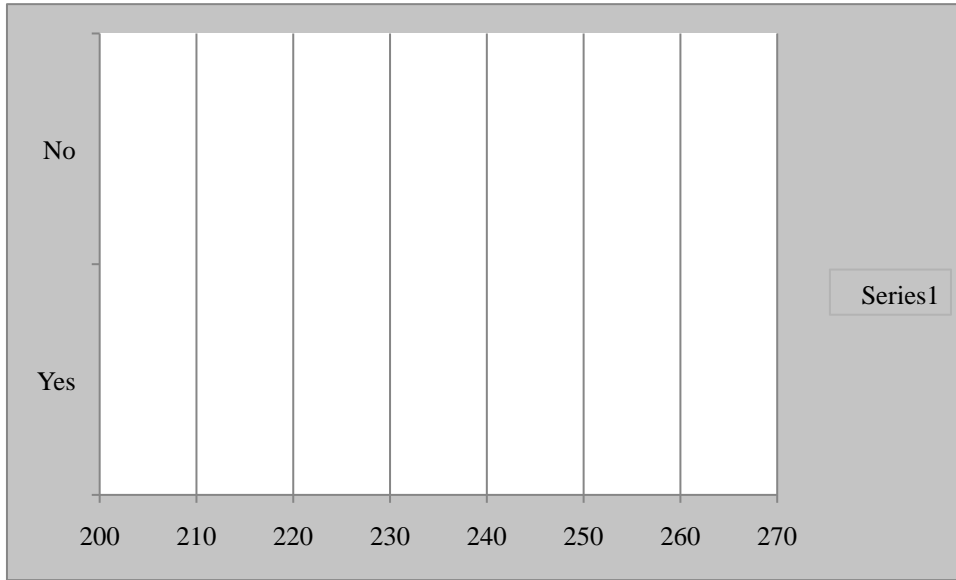
One of the issues most often articulated by instructors in both the survey as well as follow-up interview was that of functioning within a bureaucratic system. One way to eliminate the need for online resources such as those recommended by the faculty Deans is to provide department heads with the necessary information regarding how to respond to requests for religious accommodations. Given the fact that the majority of instructors indicated in the survey that their department heads would be the first resource that they would consult in the event that

syllabi

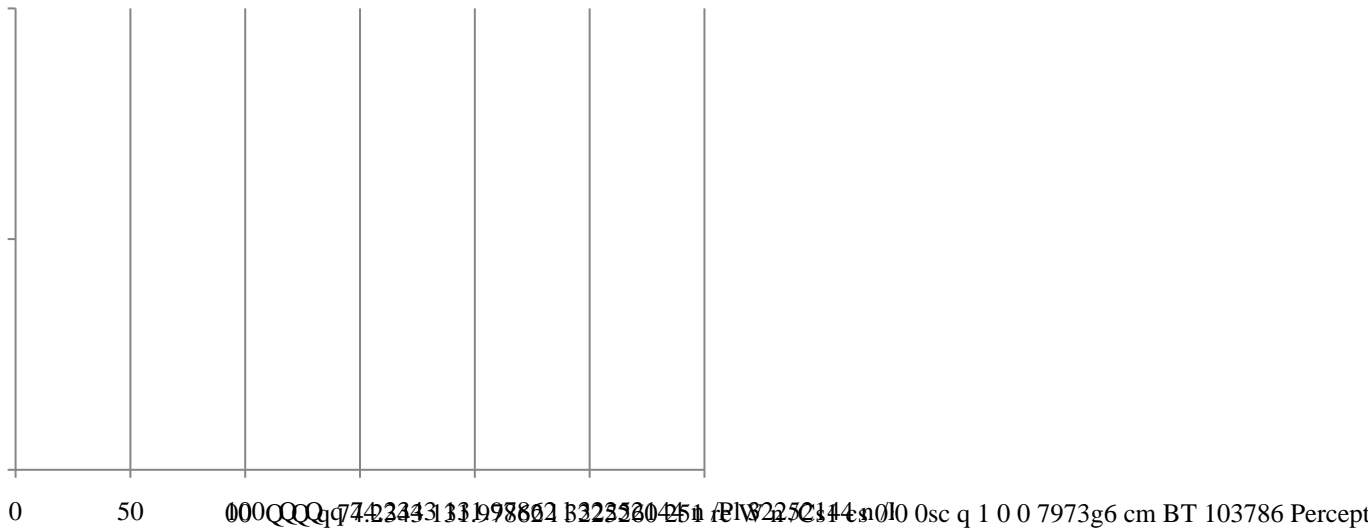
Queen's University's decision to utilize the Ontario Human Rights Code as their "go to" religious accommodation policy is sane in the sense that the Code is equipped to protect both the rights of individuals who need accommodations as well as the rights of individuals being asked to provide religious accommodations. Where the University has failed is in familiarizing instructors and

Rights Code is a starting point, it is unrealistic for post-secondary institutions to believe that it can solve all religious accommodation requests in all circumstances. In order for post-

Appendix 1: Have you ever received a request for a religious accommodation from a student?



Appendix 2: How many requests for student religious accommodations do you receive (on average), per semester?



Appendix 3:

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