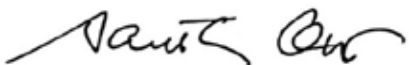


<b>SUBJECT</b>	<b>REPEAL OF POLICY 65 (RELIGIOUS HOLIDAYS)</b>
<b>MEETING DATE</b>	<b>SEPTEMBER 12, 2019</b>

**APPROVED FOR SUBMISSION** Forwarded on the Recommendation of the President

  
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 Santa J. Ono, President and Vice-Chancellor

<b>DECISION REQUESTED</b>	<b>IT IS HEREBY REQUESTED that <i>the People, Community &amp; International Committee recommend that the Board of Governors approve the repeal of Policy 65 (Religious Holidays).</i></b>
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<b>Report Date</b>	August 19, 2019
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**Presented By** Hubert Lai, Q.C., University Counsel  
 Ainsley Carry, Vice-President Students

<i>If this item was previously presented to the Board, please provide a brief description of any major changes since that time.</i>	<p>Policy 65 was approved in May 1994.</p> <p>The proposed repeal of Policy 65 was presented to the Board of Governors for information and input at its meeting in April 2019, and then published for community consultation.</p>
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### EXECUTIVE SUMMARY

Following presentation of the Policy Review Committee’s proposed repeal of Policy 65 (Religious Holidays) for information in April 2019 and subsequent community consultation, the Policy Review Committee proposes repeal of Policy 65. Academic accommodations for students’ observance of religious holidays falls within Senate’s jurisdiction, and is addressed by Senate Policy with further policy development underway. Faculty and staff’s observance of religious holidays is already addressed through Policy 3 (Discrimination) (now Board Policy SC7 under the new Board policy numbering system) and UBC’s legal obligation to comply with the *Human Rights Code* and collective agreements. Further guidance and administrative details (e.g., for responding to requests for accommodations for religious holidays) may be provided in various forms of communication from the Equity & Inclusion Office and Human Resources (e.g., periodic human resources memoranda to administrators, FAQs, guidelines, consultation or assistance).

#### Attachments

1. A copy of the current Policy.
2. A summary of the feedback received from the public consultation period, along with a description of the Policy Review Committee’s response (“**Community Consultation Summary**”).
3. A working draft of the proposed Senate Policy for Academic Accommodation for Students' Religious Observances and for Cultural Observances for First Nations, Métis and Inuit Students.

#### STRATEGIC CORE AREAS SUPPORTED

People and Places     
  Research Excellence     
  Transformative Learning     
  Local / Global Engagement

**DESCRIPTION & RATIONALE**

Policy 65 (Religious Holidays) was created in 1994 to articulate the basis on which students and members of faculty and staff could observe the holy days of their religion, and has never been amended.

Although it is not stated within Policy 65, UBC's legal responsibility to accommodate observance of religious holidays by students, faculty and staff arises from UBC's obligation under the *Human Rights Code* not to discriminate on the basis of various protected grounds, including religion. This obligation applies to UBC as both an employer and as a provider of services and facilities.

Subsequent to the establishment of Policy 65, UBC created Policy 3 (Discrimination) (now Board Policy SC7 under the new Board policy numbering system but for convenience this docket will continue to refer to it as Policy 3), which sets out UBC's commitment to maintain and respect human rights and prevent discrimination on all of the grounds prohibited by the B.C. *Human Rights Code*, including religion, rendering significant parts of Policy 65 redundant.

In addition to Policy 3 and Policy 65, UBC addresses its commitment and obligation to accommodate observance of religious holidays through the Senate Policy on Academic Concessions (to be replaced by a new Senate Policy on Academic Concessions effective September 1, 2019) in both the UBC Okanagan and UBC Vancouver Calendars, and information available on the website of the Equity & Inclusion Office (the "EIO").

The Committee recommends that the redundancies created by these overlapping documents be rationalized on the following basis:

- a. UBC already has a legal obligation to comply with the *Human Rights Code* so as not to discriminate against individuals on the basis of religion (with a concomitant duty to accommodate on such grounds). Policy 3 will continue to set out UBC's commitment to non-discrimination and internal processes for addressing any concerns about discrimination. Recent revisions to Policy 3 included in the section addressing resolution of discrimination concerns, adapted language from Policy 65 (section 1.2 of the Procedures) that provides guidance as to the relevant factors to be taken into consideration in accommodation requests, so as to obviate the need to make a discrimination complaint.
- b. Academic accommodations for students will be provided as in the manner set out under a new Senate policy that will mesh with the existing (and to be revised) Senate Policy on Academic Concessions, which is being developed with a view to being approved by the Senates in December 2019.
- c. For faculty and staff there is also existing language in collective agreements applicable to UBC Vancouver and UBC Okanagan that include "no discrimination" clauses, the obligation to comply with the *Human Rights Code* and/or UBC Policy 3.
- d. Policy 3 and the Senate policy will be supported by information regarding religious accommodations for students, faculty and staff (i.e. further administrative details or guidance) on the websites of Human Resources and the EIO. This is expected to include guidelines or FAQs and possibly periodic memoranda from Human Resources to all administrative heads of unit ("AHOUs") reminding them of UBC's commitment to religious

inclusion and directing them to the key documents and other resource information for religious accommodations. Human Resources is in the process of developing information and guidance as to faculty and staff's requests for time off for religious observances, that is anticipated to be more robust than what is presently available in Policy 65 and to be completed by mid-September.

- e. Policy 65 will be repealed.

By taking the foregoing measures, the Committee's view is that there will be no lessening of UBC's commitment and obligations as to religious holidays.

The Committee recognized that academic accommodations for students' observance of religious holidays (and potentially broader religious observances) fall within Senate jurisdiction as engaging matters of academic governance. As such, UBC's measures to accommodate students in this regard is appropriately addressed by the Senate through Senate policy. This will avoid the risk that either the Board or the Senates will be acting in areas beyond their jurisdiction. The two Senators who serve as the Chairs of the Vancouver and the Okanagan Senate Academic Policy Committees and are also on the Committee both supported the Committee's recommendation and moved forward with the development of a Senate policy for academic accommodations for students' observance of religious holidays (and potentially broader religious observances) for review by their respective Senate Academic Policy Committees. A working draft of this Senate policy is attached to this docket, which is being further discussed and developed with the Senate Academic Policy Committees, with input from the EIO. The draft Senate policy (which is subject to change as it moves through the Senates' development and consultation process) provides more detail and guidance than Policy 65 currently provides. Although there has been a delay in the anticipated timeline for submission of this new Senate policy for approval by the Senates, the Committee is still recommending the repeal of Policy 65 given that accommodations for religious holidays for students is already addressed under the existing Senate policy on Academic Concessions (and the revised policy effective as of September 1, 2019, which provides more detail) and the other sources of UBC's obligations regarding religious holidays.

This overall approach will ensure that religious accommodations are provided in a manner that is consistent with accommodations that are provided in relation to other protected grounds. It will reduce any conflict, confusion, and redundancy between documents. Last, but not least, the use of websites and other informational channels will keep changing information out of policies that are not intended to be changed frequently and allow the policies to function as regulatory instruments. Websites and other information channels can be readily updated from time to time to reflect changes in the law and provide reminders to AHOUs. As well, they provide the flexibility to address questions frequently asked by the UBC community about religious accommodations.

Policy 3 provides guidance as to where assistance, information and advice may be obtained regarding discrimination matters and, thereby, accommodating religious holidays, with the EIO responsible for providing education to students, faculty and staff, and other UBC offices on the prevention and remediation of discrimination. The Policy 3 review committee accepted the Committee's recommendation to incorporate language into Policy 3 regarding the relevant factors to be taken into consideration in accommodation requests (which would

otherwise disappear upon the repeal of Policy 65). The revised section 3.3 of the Procedures of the revised Policy 3 that was approved by the Board of Governors in April 2019 now reads:

"3.3 As part of this consultation process, the Equity & Inclusion Office may work with the relevant Administrative Head of Unit to resolve the concern informally. In doing so, this office should take into considerations all relevant factors, such as risks to health or safety, financial or logistical challenges, disruption of any collective agreements, and impact upon ability to deliver or meet requirements of the relevant course, program, or activity."

As a final note, the Committee recognizes that, beyond the accommodation requirements of Policy 3, the Senate policy, the collective agreements, and the *Human Rights Code*, there may be a broad range of other measures that UBC may wish to implement to promote religious inclusion through a range of other initiatives. Those measures would require undertaking due diligence and cost assessment. The Associate Vice President, Equity & Inclusion established a religious, spiritual, cultural observance working group through the Vice Presidential Strategic Implementation Committee for Equity and Diversity ("**VPSICED**") to explore such measures, such as accommodations for death rites/ritual, prayer time and dress code, the provision of additional multi-faith rooms or prayer spaces and of foot-washing facilities, and the creation of a speaker series or other vehicles for promoting intercultural and religious understanding. The working group will be identifying different potential pathways UBC could consider pursuing around religious, spiritual and cultural observances for students, faculty and staff, and intends to bring forward an "options analysis" to VPSICED when it meets on October 8, 2019.

<p><b>BENEFITS</b> Learning, Research, Financial, Sustainability &amp; Reputational</p>	<p>The repeal of Policy 65 will avoid the risk that either the Board or the Senates will be acting in areas beyond their jurisdiction and it will ensure that religious accommodations are provided in a manner that is consistent with accommodations that are provided in relation to other protected grounds. In addition, the recommended approach will reduce any conflict, confusion, and redundancy between documents and will keep changing information on websites and other communication channels that are best suited for information dissemination and out of policies that are intended to function as regulatory instruments rather than information channels that require frequent changes to remain current. These means of communication will also bring awareness to and allow for flexible ways of educating, the individuals and units involved in making and responding to religious accommodation requests.</p>
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<p><b>RISKS</b> Financial, Operational &amp; Reputational</p>	<p>None.</p>
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<p><b>SCHEDULE</b> Implementation Timeline</p>	<p>Upon approval by the Board of Governors, Policy 65 will be immediately repealed.</p>
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<b>CONSULTATION</b> Relevant Units, Internal & External Constituencies	The University Counsel constituted a Policy Review Committee comprised of the following members to consider Policy 65:	
	Winsome Glover (Chair)	Associate, Richards Buell Sutton LLP (succeeding Karen Choi, Legal Counsel, following the first committee meeting)
	Mark Hulstein (Secretary)	Legal Counsel
	Kristin Cacchioni	Senior Manager, Faculty and Employee Relations - UBC Okanagan
	Jan Cioe	Associate Professor, Department of Psychology, Irving K. Barber School of Arts and Sciences - UBC Okanagan
	Sylvie Desjardins	Associate Dean, Faculty and Academic Planning; Associate Professor, Department of Mathematics - UBC Okanagan
	Shannon Dunn	Director, Business Operations, AVP Finance and Operations - UBC Okanagan
	Paul Harrison	Associate Professor, Department of Botany, Faculty of Science - UBC Vancouver
	Shahera Islam	Student - UBC Okanagan
	Kin Lo	Senior Associate Dean, Students, UBC Sauder School of Business – UBC Vancouver
	Hesham Soliman	Student/Postdoctoral fellow (Faculty of Medicine) - UBC Vancouver
	Michelle Suderman	Director, International Student Development - UBC Vancouver
	Leah Terai	Senior Manager, Faculty Relations - UBC Vancouver
	Tracy Wideman	Organizational Diversity Strategist, Student Diversity Initiative, Equity & Inclusion Office - UBC Vancouver


The proposed repeal of Policy 65 was presented to the Board of Governors at its meeting on March 12, 2019 for information and input. The proposal was then published for community consultation for a period of just over four weeks (April 4, 2019 – May 4, 2019).

The Committee received three sets of comments from the community. The Committee held further meetings to consider the comments. The Committee maintained its recommendation that Policy 65 be repealed. The attached Community Consultation Summary sets out the comments received and the Committee’s unanimous responses.

**Previous Report Date** March 12, 2019

**Decision** The proposed repeal of Policy 65 was presented for information and input, following which community consultation would be undertaken.

**Action / Follow Up** The proposed repeal of Policy 65 was sent out for just over 4 weeks of community consultation.

 <b>The University of British Columbia Board of Governors</b>	<b>Policy No.:</b>  <b>65</b>	<b>Approval Date:</b> May 1994  <b>Last Revision:</b>
	<b>Responsible Executive:</b> Vice-President, Students	
<b>Title:</b>  <p style="text-align: center;"><b>Religious Holidays</b></p>		
<b>Background &amp; Purposes:</b>  To enable students and members of faculty and staff to observe the holy days of their religions.		

## 1. General

- 1.1. In constructing the academic calendar, UBC takes into account legal statutory holidays, days “in lieu” where appropriate, and days which it has agreed through collective bargaining to grant statutory holidays to members of faculty and staff, in determining days on which the University is closed or classes cancelled.
- 1.2. Recognizing the religious diversity of the UBC community, UBC permits students who are scheduled to attend classes or write examinations on holy days of their religions to notify their instructors in advance of the holy day of their wish to observe it by absenting themselves from class or examination. Instructors provide opportunity for such students to make up work or examinations missed without penalty.
- 1.3. UBC permits members of faculty and staff who are scheduled to work on holy days of their religions to notify their administrative heads of unit in advance of the holy days of their religion of their wish to observe it by absenting themselves from work. Administrative heads of unit make efforts to accommodate such requests.

## **PROCEDURES**

**Approved: May 1994**

*Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors and are incorporated in the next publication of the UBC Policy and Procedure Handbook."*

### **1. General**

- 1.1. Students are required to give two weeks' notice of their intention to absent themselves under the terms of this policy. They shall notify the instructor of each course or, where this cannot be done, the Head or Director of the unit concerned.
- 1.2. Administrative heads of unit, in trying to accommodate a request take into consideration financial costs, disruption of any collective agreement, work interruption, employee morale and, where safety is an issue, the magnitude of the risk and the identity of those who bear it. For administrative staff, normally such requests are met by granting a day off without pay, or a vacation day, or the opportunity to make up the time.
- 1.3. Because the difficulties in re-scheduling work vary by unit, each unit will establish a reasonable requirement for advance notice by members of faculty and staff.

### **2. Detailed Procedure**

- 2.1. The Registrar's Office will distribute a multi-faith calendar to each administrative head of unit annually.

## Proposed Repeal of Policy #65 – Community Consultation Summary

No.	Summary of Comment	Committee Response
1.	An individual staff member commented as follows: <i>"I fully agree with the repeal of redundant Policy #65"</i> .	No response required.
2.	<p>An individual staff member commented that the email outlining the proposed repeal of Policy #65 was unclear and this individual was not sure from the email:</p> <ul style="list-style-type: none"> <li>a) how Policy 3 will be amended to protect students/faculty/staff's right to the observance of holy days;</li> <li>b) how Policy 65 and Policy 3 overlap (would like to see specific parts of Policy 3 cited and have it clearly explained to her how these are seen as being equivalent to Policy 65); and</li> <li>c) the Committee's process for moving forward.</li> </ul>	<p>It is unfortunate that only the email was read and not the Board docket that was linked to in the email (which email is intended to provide notice of the proposed recommendation, with further information included in the Board docket). The Board docket provides a comprehensive explanation of the instruments at the University through which the duty to accommodate for religious holidays is addressed, including how Policy #65 is redundant given the subsequent establishment of Policy #3 and other instruments. In response to the particular comments requesting further clarity:</p> <p><b>a) and b)</b> Policy #3 does not require amendment to protect observance of religious holy days as that is already contained in the Policy, as well as arising under applicable law. Policy #3 reflects the University's commitment not to discriminate on those grounds protected under the <i>Human Rights Code</i>, one of which is religion (as listed therein) with the concomitant duty to accommodate on such grounds. The Committee notes that the recent amendments to Policy #3 (effective April 2019) include adapted language from Policy 65 (section 1.2 of the Procedures) as to the relevant factors to be taken into consideration in accommodation requests. In addition, for faculty and staff, in addition to Policy 3 and UBC's legal duty to accommodate observance for religious holidays, there is also information available on the Equity &amp; Inclusion Office website and provisions in collective agreements.</p> <p><b>c)</b> the Committee's process for moving forward is outlined in the Board docket, which is to consider comments received from the University community and then submit a final recommendation to the Board of Governors (for its September meeting).</p>



## Proposed Repeal of Policy #65 – Community Consultation Summary

No.	Summary of Comment	Committee Response
3.	<p>The same individual staff member commented that with a Jewish Family, on an annual basis they need time off work to observe: Rosh Hashana, Yom Kippur and Pesach (totalling 4 days a year usually), and that Jewish persons often use a week of vacation time every year to observe their holy days. This was contrasted to Christian holidays written into our annual calendar. Non-Christian holy days need to be clearly written into our policy and structures, not just as one permitted use of vacation time. UBC needs strong and clear language around this staff/faculty/student need. This would be clear and fair, writing religious freedom into structure, not just finding loop holes through vague equity oriented language and vacation use. UBC needs to identify a specified number of days a year to be used for religious holiday observance. It isn't fair to ask one group of people to lose a week of vacation just because their religion isn't the dominant one.</p> <p>This individual also asked how many non-Christian people are advising the Committee on how to proceed (how many Muslims, Jews, Sikhs).</p>	<p>The University is closed on statutory and civic holidays, which are not necessarily Christian holidays. For guidance as to other days for which staff and students may seek accommodations for religious observances, UBC's Equity &amp; Inclusion Office provides on its website a calendar of religious days and days of significance, as well as linking to an Interfaith Calendar (as also referred to by other educational institutions). This includes holy days from many religious belief systems. The Committee is unaware of any other educational institution or general employment practice of an employer specifying a predetermined number of days a year that can be used by staff and students for religious observance. Having paid days for religious observance would be a matter for collective bargaining or otherwise altering terms of employment.</p> <p>With regard to this Policy review committee, the Committee was constituted consistent with other Board Policy review committees to ensure there is subject matter expertise and knowledge of UBC necessary to support an effective proposal, with persons representative of units responsible for the addressing accommodations for observance of religious holy days. A member's personal religious beliefs were not a criterion to serve on the Committee, however the Committee does include members of other faiths.</p>

## Proposed Repeal of Policy #65 – Community Consultation Summary

No.	Summary of Comment	Committee Response
4.	<p>The Chair of the Religious/Spiritual/Cultural Observance Working Group formed by the VPSICED (the Working Group will ultimately provide recommendations to the VPSICED) provided discussion points from the Working Group:</p> <p>The Working Group commented that if the University wishes to provide a more inclusive approach reaching beyond reactive responses to accommodation requests (and only academic ones at that), the proposed new Senate policy isn't sufficient for students; students should be included in any Board policy that sets out the rights and responsibilities as they relate to religious/spiritual/cultural observance with a broader objective of supporting and fostering religious/spiritual/cultural diversity and flourishing.</p>	<p>A Senate policy is equally authoritative with respect to application to students as a Board Policy is. Currently there is a jurisdictional issue with Policy 65 as academic accommodations for student's observance of religious holidays (and potentially broader religious observances) fall within Senate jurisdiction. The existing Senate policy for academic concessions already addresses accommodations for religious holidays and the new Senate policy that is under development will likely expand its scope. Also, although the new Senate policy for religious holidays (and potentially broader religious observances) may not be submitted for final approval by the Senates until close to the end of 2019, the Committee's view is that there will be no void with the repeal of Policy 65 given that accommodations for religious holidays for students is already addressed under the existing Senate Policy for academic concessions.</p> <p>Should the outcome of the Working Group's exploration of potential broader measures for accommodation of religious/spiritual/cultural observances, their due diligence regarding the same, and recommendation to the VPSICED be that, in addition to other initiatives, there should also be a Board Policy addressing religious accommodations in a broader sense (such scope is yet to be determined), then this would be considered at that time, including the implications for a Senate policy and/or Senate involvement.</p>
5.	<p>The Working Group raised a concern that a stand-alone policy for students is not grounded in substantive rationale and requires additional input before a decision for proceeding is finalized. It is not clear what is being replaced and how the new policy for students may set the tone for faculty and staff.</p>	<p>Policy #65 is not being replaced, but rather, Policy #65 is redundant given the other governing instruments at the University that apply to students, faculty and staff. The subject matter of Policy #65 is, in essence, to give effect to the University's obligation under human rights legislation not to discriminate on the protected ground of religion. The implementation of the obligation reflects the different constituencies of the University community. The obligation is found in existing Senate policy (students), collective agreements and contracts of employment (faculty/staff), Board Policy #3, and supplemented by information available on the website of the Equity &amp; Inclusion Office (students, faculty and staff). With respect to the new Senate policy on students being developed requiring additional input, the Chairs of the Senate Academic Policy Committees that serve on the Policy #65 Review Committee welcome feedback from the Working Group and will be working with the Chair of the Working Group on this.</p>

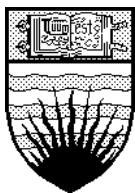
## Proposed Repeal of Policy #65 – Community Consultation Summary

No.	Summary of Comment	Committee Response
6.	<p>The Working Group raised the question of how to ensure students are going to be equally covered by a more expansive articulation/expression of faith (the Working group is considering the realms of spirituality, religion and culture in more substantive ways, beyond accommodation and required time off from academics). For example, what about those who are part of Varsity athletics needing to miss practice for religious observance, or religious practices in student housing.</p>	<p>These more expansive matters and considerations are appropriately placed with the Working Group as part of its exploring what broader measures the University may wish to consider and determining the scope of the different initiatives it may wish to recommend be brought forward for consideration having carried out its due diligence as to their potential impact on resources, costs, etc. More expansive articulations/expressions of faith are matters and considerations beyond this Committee's mandate.</p>
7.	<p>The Working Group felt it desirable to postpone the repeal of Policy #65 until it developed recommendations generally how the University could promote religious inclusivity for students, staff and faculty.</p>	<p>The recommended repeal of Policy #65 is not dependent on the work of the Working Group and its consideration and development of potential initiatives for the promotion of religious inclusion and intercultural and religious understanding that it might wish to propose to the VPSICED and, in turn, then present to the Board of Governors for consideration. The subject matter of Policy #65 is already provided in other instruments (mentioned above) such that Policy #65 is itself redundant. Redundant policies should not be retained by the University. Policy #65 also risks trading into the jurisdiction of Senate. The Working Group focus is to explore vehicles that the University may wish to pursue and to undertake due diligence and cost assessment in relation to such measures.</p>
8.	<p>The Working Group commented that under Policy #3, the request goes to the Administrative Head of Unit (AHOU), and as accommodations can stop there if no action is taken, this may not be an effective way to support those seeking accommodation around their religious/spiritual expression.</p>	<p>Under Policy #3, if a person feels that they have not been properly accommodated (including after having consulted with the Equity &amp; Inclusion Office (EIO) for assistance), they can make a formal complaint to the Director of Investigation (DOI). Additionally, under Policy #3, if concerns are raised about discrimination (and prior to any formal complaint being lodged with the DOI), Administrative Heads of Unit are expected to forward that to the EIO (s. 3.1 as revised with revisions to Policy #3 as of April 18, 2019). The EIO's involvement should assist to see that any issue with respect to allowing an accommodation for observance of religious holy days is properly dealt with in accordance with UBC's obligations.</p>

## Proposed Repeal of Policy #65 – Community Consultation Summary

No.	Summary of Comment	Committee Response
9.	<p>The Working Group also noted that if the intention with the repeal of Policy #65 is that Policy #3 would need additional information in the form of FAQs/other guidelines, this is the opportunity to create a new policy that is comprehensive with respect to the University's accommodation duties and its commitment to foster inclusion for religious/spiritual/cultural observances for all UBC community members.</p>	<p>Policy #65 is recommended for repeal to reduce redundancy, as well as to respect Senate's jurisdiction for academic accommodations. The Committee recognizes that the Working Group may identify potential initiatives it will recommend to foster religious/spiritual/cultural observances, which will go forward to the VPSICED, and which could include a recommendation for a new Board of Governors' Policy.</p> <p>One of the key reasons for including information in the form of FAQs/guidelines on websites and other informational channels is that this is an appropriate way to disseminate information on the University's duty to accommodate for religious reasons rather than in the regulatory instrument of a Board Policy. As was set out in the Board docket, these channels allow for updates from time to time to reflect changes in the law and provide reminders to Administrative Heads of Units (expected through periodic memoranda from Human Resources with direction to key documents and other resources), as well as providing flexibility to address frequently asked questions that may arise over time.</p>

THE UNIVERSITY OF BRITISH COLUMBIA



SENATE POLICY:  
J-#136 – DRAFT 1.2

VANCOUVER & OKANAGAN  
SENATES

c/o Enrolment Services  
2016 - 1874 East Mall  
Vancouver, B.C. Canada V6T 1Z1

**THIS DRAFT HAS YET TO BE  
APPROVED BY THE ACADEMIC  
POLICY COMMITTEES OR THE  
SENATES**

**Number & Title**

*J-136: Academic Accommodation for Students' Religious Observances and for Cultural Observances for First Nations, Métis, and Inuit Students*

**Effective Date:**

01 January 2020 (anticipated)

**Approval Date:**

16 December 2019 (anticipated)

**Review Date:**

This policy shall be reviewed five (5) years after approval and thereafter as deemed necessary by the *responsible committee*.

**Responsible Committee:**

Academic Policy Committees

**Authority:**

*University Act, S. 37(1)*

*“The academic governance of the university is vested in the senate and it has the following powers:*

*... (f) to consider, approve and recommend to the board the revision of courses of study, instruction and education in all faculties and departments of the university;*

*(g) to provide for courses of study in any place in British Columbia and to encourage and develop extension and correspondence programs;*

*(h) to provide for and to grant degrees, including honorary degrees, diplomas and certificates of proficiency, except in theology;...*

*(n) to provide for the preparation and publication of a university calendar;*

### **Purpose and Goals:**

The University of British Columbia values respect for the diversity of people within its community and the religious and cultural traditions that guide their individual lives. In keeping with these principles and values this policy is designed to provide reasonable and appropriate accommodation for students who are absent from classes (including lectures, discussions, tutorials, laboratories, clinical placements, etc.) and scheduled examinations in order to participate in observances of religious significance or observances of cultural importance to First Nations, Métis, and Inuit students.

### **Applicability:**

This policy is applicable to all students at either campus of the University.

### **Exclusions:**

Residents and Visiting International Research Students are not included in this policy. Persons in these categories who face unexpected circumstances should contact their immediate supervisor to make suitable arrangements.

Convocation ceremonies are excluded from this policy.

### **Definitions:**

For the purposes of this policy and in all other policies in which they are not otherwise defined:

- *Instructor* shall mean TBD
- *Coordinator* shall mean TBD
- *First Nations, Métis, and Inuit students* are those students who self-identify as such.

### **Policy:**

- 1) The University provides reasonable and appropriate accommodation for students who are absent from classes (including lectures, discussions, tutorials, laboratories, clinical placements, etc.) and scheduled examinations in order to participate in observances of religious significance or observances of cultural importance to First Nations, Métis, and Inuit students.

- 2) Documentation from faith or community leaders is not required to support requests for accommodation.
- 3) The University accepts that sincerely held beliefs by members of the same group may lead to different observance practices.
- 4) Students are expected to incorporate the deadlines for submission of course work such as essays, reports, and homework/problem sets into their schedules without requesting accommodation.
- 5) Students should first explore options for fulfilling their religious or cultural obligations that will avoid a conflict with a class or exam. If alternatives are not available, then students should seek accommodation.
- 6) Observance may restrict participation in course activities and may require:
  - a) absence from class in which work is produced for a grade;
  - b) absence from scheduled exams;
  - c) absence from a scheduled placement;
  - d) following specific dress codes;
  - e) temporary absence from class for daily prayers, fasting or breaking a fast during class; or,
  - f) missing other required activities identified in the course syllabus.
- 7) Accommodations may include, but are not limited to, the following:
  - a) setting an alternative date for in-term or final examinations or other in-class assessments that are missed;
  - b) providing an alternative assignment for satisfying the course requirement; and,
  - c) re-calculating the evaluation scheme to eliminate the component that has been missed.
- 8) No accommodation will be granted that jeopardizes the academic integrity of the curriculum, the academic standards of courses and programs, or the safety of the student or others.
- 9) Some course activities such as group presentations and laboratories may be impossible to reschedule and so accommodation may require alternative means of demonstrating that the learning outcomes have been achieved.
- 10) It is the responsibility of the student to make the request for accommodation to their instructor/coordinator/program advisor as appropriate well in advance. Failure to make a timely request may result in a denial of the request.

- 11) The instructor/coordinator/program advisor will process requests expeditiously to avoid an academic disadvantage to the student.
- 12) If a course instructor and a student are unable to agree on the form of accommodation, the request will be referred to the academic head of the unit offering the course or program to determine the appropriate form of accommodation.

**Calendar Statement:**

As above.

**Consultations**

The following groups will be consulted during the development of this policy:

AMS; UBCSUO; Academic Advisors; Centre for Accessibility; CTLT; Deans, Directors and Academic Heads; Disability Resource Centre; Enrolment Services; Equity and Inclusion; First Nations House of Learning; GSS; UBC Community via Senate Website and UBC Today newsletter, VP Students' Office and AVP Students' Office; Office of the Ombudsperson; Office of University Counsel; Offices of the Provosts on either campus.

**History:**

This is the first version of this policy. Prior to this policy having been approved, the related provisions in this policy were covered under Board of Governors Policy #65 – Religious Holidays. In a review of the Board policy undertaken in 2018, it was determined that the Senate is the appropriate authority for dealing with academic accommodations for students' religious holidays.

**Related Policies:**

[Joint Board and Senate Policy # 73 -Academic Accommodations for Students with Disabilities](#)

[Board Policy #3 – Discrimination and Harassment](#)

[Senate Policy V-130 – Content and Distribution of Course Syllabi](#)

[Academic Concession](#)

[Grading Practices](#)

[Withdrawal](#)

**Appendix:**

There is no appendix to this policy.

**Procedures:**



- 1) As a reference to assist with understanding where dates of religious significance fall an [Interfaith Calendar](#) is available. It is acknowledged that this list may be incomplete.
- 2) In determining the form of accommodation, instructors should be aware that the act of writing a test or essay in class or in formal exam conditions is a valuable learning experience and so should ensure that if the missed assessment is not rescheduled, students are able to see the assessment questions and learn from the instructor the kinds of answers that were expected.
- 3) Requests for accommodation must be made in person or in writing to the course instructor or, in multi-section courses, to the course coordinator. In cases where a satisfactory arrangement between the student and course instructor/coordinator cannot be made, or if the student is uncomfortable approaching the instructor to request accommodation, the student should contact the advising office of their home Faculty or School or the Equity & Inclusion office for assistance in communicating with the course instructor or the academic head of the unit offering the course.
- 4) Requests for accommodation for examinations scheduled in a formal examination period should be made well in advance and normally no later than 14 days prior to the start of the examination period. Requests for accommodation during the term should be made well in advance and normally no later than 14 days prior to the date when the observance will affect course work. If the observance occurs within 14 days of the start of a term, the student shall contact the course instructor/coordinator at the earliest opportunity to request accommodation.
- 5) In some credit courses, such as some practica and field-work courses, there may be steps required for approval and authorities involved in requests for accommodation in addition to those described in this policy.