

# GUIDELINES FOR RESPONDING TO REQUESTS FOR ACCOMMODATIONS OR ADJUSTMENTS IN COLLEGES



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This article proposes a framework for determining responses to requests for accommodations which are adapted to the college environment. It should be clear that we are talking about a framework and not a recipe book: a single response cannot be valid for all similar cases. Each request must be studied in the context of the exact situation in which it occurred. The concrete examples provided in this article will support this assertion.

## CONTEXT

Quebec colleges have been concerned with welcoming and integrating ethnically diverse students for nearly thirty years. At first this involved primarily colleges located in Montreal, but today with the Montreal population moving to the suburbs and the Quebec government promoting a policy of regionalizing immigration, we have witnessed a dispersion of immigrants to the outskirts of Montreal and to different regions throughout the province. There are no statistics available on the ethnic composition of our college population, but the statistics that we do have on the student population at the preschool, elementary and secondary levels help us to foresee the composition of the college student population in the very near future.

### % OF IMMIGRANT STUDENTS\* ARE AT PRESCHOOL, ELEMENTARY AND SECONDARY LEVELS (2005-2006)<sup>1</sup>

Montréal	52.9
Laval	34.3
Ottawa area	14.3
Montréal	11.7
Average for Québec	19.1

We do know that a little more than 60% of immigrant students who completed their secondary studies in French choose to pursue their college studies in French (*Direction des statistiques et des études quantitatives, ministère de l'Éducation, du Loisir et du Sport, 2007*). These students who opt to study in our colleges sometimes make special requests on grounds relating to their mother tongue or some other ethnic trait, usually their religious beliefs. How should we handle these requests? Is it always necessary to take student particular needs into consideration? If yes, then why? If not, then why not?

Some college teachers and staff members tend to comply with most requests for fear of breaching obligations under the Charter of Human Rights and Liberties. Some are under the impression that the individual rights guaranteed under the Charter are unlimited and that they would therefore be at fault for not respecting them. Others, more focused on maintaining their own ways of doing things, often refuse any type of adjustment. They believe it is up to the immigrants, who came here voluntarily, to adjust to our ways of doing things and not the other way around. Just how open should we be? And how far should we go to maintain our college practices?

This questioning was the object, on a national scale, of the Bouchard-Taylor Commission (February 2007-March 2008) inquiry, during which the testimonials and briefs presented expressed positions representing both camps: on the one hand, those who feel obligated for the sake of openness, to make all the adjustments requested by immigrants and, on the other, those who insist on maintaining a notion of "us" which is homogenous and consensual.

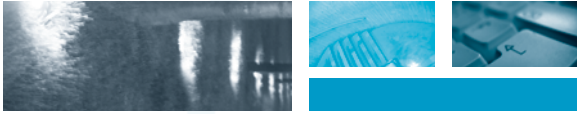
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Finally, during activities relating to a doctorate in intercultural education, I was able to take a close look at the subject drawing on the results of studies and research on intercultural relations and "living together" specifically in the Quebec educational milieu. These experiences, exchanges and studies are what led to the proposal of useful guidelines for managing accommodations and adjustments.

Even though intercultural education in colleges has been the subject of research on understanding immigration, on the different communities that have established themselves in Quebec, on intercultural relations as well as on managing diversity,

<sup>1</sup> In this article, immigrant students are those who were born outside Canada or who were born in Canada but of a mother or father who was born outside Canada or whose mother tongue is neither French nor English.

\* Consulting committee on integration and reasonable accommodations in schools, 2007. *Comité consultative sur l'intégration et l'accommodement raisonnable en milieu scolaire, 2007.*



and although a college-level intercultural pedagogy has also been developed which takes into account multi-ethnic teaching milieus (College Intercultural Department, 2008), to my knowledge, colleges currently offer few guidelines or directives to help teachers and other staff members respond to the requests they receive. As mentioned earlier, depending on an individual's degree of openness, responses can go one way or the other. We can conclude that students are not necessarily assured of receiving a fair response. Guidelines such as the following could foster reflection within an institution and help to develop explicit and concerted responses to ensure a fairer treatment of the various requests.

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#### GUIDELINES FOR DEALING WITH SPECIAL STUDENT REQUESTS BASED ON LINGUISTIC OR ETHNIC TRAITS

From the outset, two basic categories of situations or requests can arise.

A student request deals with a situation in which a liberty or a right guaranteed under the Quebec Charter of Human Rights and Liberties has been compromised by a college's rules or ways of doing things. In this situation, respect for the liberties and rights guaranteed by the Charter takes precedence and the college must seek a reasonable accommodation that will satisfy both the student and the college.

In the case where no right has been infringed but a situation experienced at the college produces dissatisfaction in a student because of a linguistic or ethnic trait, we may or may not propose an accommodation on the basis of whether or not we consider that the request deals with requirements or ways of doing things that are negotiable.

##### To make an enlightened decision...

**Has one of the freedoms or rights protected by Quebec's Charter of Human Rights and Freedoms been infringed?**

**If yes**, then we have no choice but to seek, in agreement with the student making the request, a reasonable accommodation, but one that does not entail excessive constraint.

**If not**, then we can either make an adjustment or not. Our major guidelines serve to orient our decision: what we deem to be non-negotiable in our ways of doing things, our rules and our pedagogical choices. What we consider to be non-negotiable will not be the object of an adjustment and what is negotiable may lead to a voluntary adjustment.

#### RESPECT FOR QUEBEC'S CHARTER OF HUMAN RIGHTS AND FREEDOMS: REASONABLE ACCOMMODATION

Since 1975, Quebec's Charter of Human Rights and Freedoms guarantees the fundamental freedoms of conscience, religion, opinion, expression, peaceful assembly and association (Article 3). It also guarantees a group of fundamental economical, social, political and judicial rights; finally, it guarantees a person's

right to equality and, consequently, it prohibits any discrimination, exclusion or preference based on any of the following reasons: race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social situation, or handicap (Article 10) (*Commission des droits de la personne et des droits de la jeunesse, 2001*). The equivalent has been a part of the Canadian Charter of Rights and Freedoms since 1982.

In the context of intercultural relations at the college level, the freedoms most often brought up are those of conscience and religion. As for rights, the one most frequently invoked is the right to equality, raised for reasons of race, colour, religion, language, or ethnic or national origin.

#### WHAT IS FREEDOM OF RELIGION?

Freedom of religion is an issue that has often been submitted to the courts by parties who have different concepts of religion; this has made it possible to define the concept legally. The latest judgements define it as the right to believe in what we want in religious matters, to profess one's religious beliefs openly, to express them through religious practices, to teach them and to propagate them.

A recent judgement by the Supreme Court of Canada (*Anselem vs. Syndicat Northcrest - 2004*) stated that freedom of religion applies not only to all major religions, but also to any sincere individual beliefs; a personal and subjective conception of religion was accepted as was accepted the sincerity of an individual's conviction.

Elsewhere, an American judgement (by the Consulting Committee on Integration and Reasonable Accommodation in Schools, 2007 for which I know of no Canadian equivalent) considered that



the simple fact of exposing someone to ideas that are contrary to their beliefs would not be an infringement of religious freedom, while forcing someone to go against their beliefs or to adhere to other beliefs would be.

### WHAT IS DISCRIMINATION?

Discrimination consists of depriving someone of a freedom or a right guaranteed by the Charter. Discrimination can be direct, such as denying a Black or Jewish student access to school, or it can be indirect. It would be indirect discrimination if a rule that appears to be neutral and which applies to all, has a prejudicial effect on an individual or a subgroup based on one of the 14 grounds for discrimination listed in the Charter such as, for example, if an exam were scheduled on a Jewish or Muslim holy day. If a behaviour or rule discriminates against a student either directly or indirectly, the law obliges us to correct this prejudicial effect by seeking an arrangement, a reasonable accommodation.

#### Example:

##### Reasonable Accommodation

On the grounds of religious practice a student requests re-scheduling an exam in order to attend a compulsory religious ceremony.

The teacher, concerned with respecting the student's religious practice, finds another convenient time for the student to take the exam before the corrections for the exam are distributed in class.

The obligation associated with a reasonable accommodation is the obligation to seek a solution in good faith, but without excessive constraint. It is therefore possible that excessive constraints might prevent us from finding a solution.

Legally, constraints judged to be excessive are constraints that relate to scheduling, cost, resources, hygiene, security, pressure on others, and major impediments to normal functioning.

#### Examples:

##### Excessive Constraint

On the grounds of religious practice, a Nursing student requests re-scheduling the evaluations programmed during Ramadan due to her weakened state which makes her unfit to attend the evaluations.

The teacher is concerned with respecting the student's religious practice, but finds the constraint excessive because the request involves a number of evaluations (feedback on each day of the work placement and several summative evaluations in class) over a one-month period. The teacher therefore does not comply with the student's request.

A group of Muslim students requests a prayer room during Ramadan.

The Academic Dean accepts to look for a room to allow this group to exercise their religious practice, but no room is available; she cannot meet the students' request due to lack of space.

Whenever a freedom or right guaranteed by the Charter is infringed, it is incumbent on the institution that caused the discrimination to take the initiative in finding an accommodation; if this compromise solution does not suit the student, then the student must in turn suggest an accommodation that the institution can accept or reject. The exchange continues until a solution is found that satisfies both the college and the student. The role of a multi-ethnic institution is to demonstrate flexibility, to come to terms with pluralism and to implement values of respect and tolerance.

### GUIDELINES FOR ADJUSTMENTS

When there is no infringement of a freedom or right, but the students request a particular behaviour toward them on the grounds of their mother tongue or their ethnic origin, we are then in a position to consider possible adjustments although legally there is no obligation on our part to make any adjustments. So, how should we make our decisions in the situations presented next page, for example?

*The obligation associated with reasonable accommodation is the obligation to seek a solution in good faith, but without excessive constraint.*

The Quebec government has already defined for immigrants a frame of reference for "life in Quebec society". It has selected interculturalism as a model for integrating new arrivals and has defined a common public culture that immigrants are called on to respect.

Quebec's vision of interculturalism is a society where pluralism is valued, where immigrants are invited to participate in public life, where there is a mutual influence



## Examples:

### Situations that raise the question of adjustments

Some students are speaking Creole or Arabic among themselves in class, during breaks between classes and in the cafeteria at lunch time.

On the grounds that it goes against his religious beliefs, a student asks to be exempted from reading the Da Vinci Code which is on the program for a Fine Arts program art course.

On the grounds of religious beliefs, a student asks to be exempted from having to study evolutionary theory on the origin of human beings in an anthropology course in the Humanities program.

A female student does not want to work in class on a team with male colleagues.

Some students demand to speak to a secretary's immediate superior in response to a refusal to comply with one of their requests which fall under the secretary's responsibility.

between the culture of the majority and that of various communities but with respect for a common public culture: francophone, egalitarian, pluralistic, democratic as well as secular<sup>2</sup>.

These Quebec guidelines inspire those for colleges. In my opinion, there are at least three elements which are essential to a college education and therefore non-negotiable: to have everyone learn French (including allophones), to develop the exit profile competencies as set by the program, and, finally, to learn how to live in Quebec society. I propose that we make no adjustments to these essential elements of college education but rather that we work on the means for accomplishing this education or on the different forms that it can take.

**Having everyone (including allophones) learn French** should be part of the non-negotiable requirements of a college education. This is at the root of the success of the French courses, of the standard French test, of obtaining the college diploma, of all courses and also of integration into college life and into life in Quebec society. The non-negotiable result we seek here is mastery of the French language at the level of proficiency set by the student's program.

Indeed, colleges have set up special services that enable allophones to achieve the level of French-language mastery required at the college level. To this end, colleges have developed classes for upgrading French, French-language support centres, peer tutoring, etc. In order for students to achieve the targeted mastery of French, we must make the most of every opportunity to speak the language: we should encourage allophones to speak French as much as possible at college, even though we understand the interest that students with a common mother tongue have in

communicating in that language. For reasons of fairness, it is imperative that French be used exclusively for pedagogical activities in class. It also seems unacceptable for students to hand in an assignment in a language other than French, even if there are teachers who are able to understand this language.

Under the pretext that allophone college students are not studying in their mother tongue or that they are learning their second, third or even fourth language, we should not reduce French-language mastery requirements given the crucial importance of language as a means of social integration; and this goes for the mastery of both written and spoken French. This has a direct impact on the possibilities of finding work in French, of communicating with neighbours and colleagues at work, of participating in group activities, in short of integrating into society.

## Examples:

### Decisions to be made in situations where the question of adjustments is raised on linguistic grounds.

Students speak Creole or Arabic amongst themselves in class.

The teacher requires students to speak French during all pedagogical activities in class.

Students speak Creole or Arabic amongst themselves during breaks between classes.

The teacher asks them to speak French during breaks so that they do not cut off communication with other classmates. It is explained to them that their integration in class and in the college depends on it.

<sup>2</sup> These choices were expressed by the Quebec government in its *Énoncé de politique en matière d'immigration et d'intégration* (1990) and in its *Contrat moral entre la société d'accueil et les personnes qui désirent immigrer au Québec* (1990); these choices were summarized in essence in the third part of the Boucharde-Taylor report (2008) which defines the frame of reference, p. 101-154.





Students speak Creole or Arabic amongst themselves in the cafeteria, during lunch hour.

The college shows understanding toward these students, but sensitizes them to the benefits of speaking French as often as possible at college in order to maximize their opportunities to learn French and to integrate successfully at college as well as into Quebec society.

**Developing the competencies set by the program for the exit profile is another non-negotiable objective.**

All college graduates, regardless of their mother tongue or ethnic affiliation, must be prepared to pursue university studies or to practice their technical professions. These are prerequisites for success in professional life and for integration into Quebec society. There are no linguistic or religious grounds to justify reducing these competencies. Whatever the students' religion or cultural values, they must all be competent in health care, social service, day care, etc. They must all have the knowledge, skills and attitudes required to carry out their work successfully as technicians in a pluralistic Quebec environment. The same applies to competencies for pre-university programs: they must be the same for all students and they must prepare students for university.

*[...] there are at least three elements which are essential to a college education and therefore non-negotiable: to have everyone [...] learn French, to develop the exit profile competencies as set by the program and, finally, to learn how to live in Quebec society.*

Adopting a scientific approach and developing critical skills are some of the competencies of a college education. College and university studies teach students how to take a step back and to analyze, in context, data acquired from experience or common sense. Rather than avoiding confrontational situations involving beliefs and values, college students must learn to deal with them: by identifying a variety of opinions on a given subject, by comparing them, by placing them in their proper context, and by positioning themselves in relation to them. All students, without exception, need to develop these skills.

Therefore, a student requesting not to be exposed to different religious viewpoints must not lead to adjustments: the sole fact of being exposed to different religious viewpoints would not constitute an infringement of religious freedom, whereas asking students to adhere to a religious viewpoint they do not share would. However, teachers have the responsibility to make sure that all discussions on beliefs and values remain respectful. The fact that Quebec colleges are becoming increasingly multi-ethnic should be an added benefit for college education: all students stand to benefit from this multiplicity of experiences and viewpoints in order to deepen and broaden their knowledge.

**Example:**

**Refusing an adjustment to educational competencies**

On grounds of religious beliefs, a student asks to be exempted from studying evolutionary theories on the origin of mankind in an Anthropology course of the Humanities program.

The teacher rejects any adjustment while at the same time establishing a climate in which students can feel at ease to express their views freely; they are required to understand evolutionary theories on the origin of mankind (foundations, process, paleontological tracks, archaeological inferences) and to make a distinction between scientific theory and belief.

**Learning how to live in Quebec society** is the last of three non-negotiable objectives, since going to college is one way, among others, of integrating into society. There is no room for compromise when it comes to knowledge of and respect for the common public culture. In fact, under the pretext of tolerance in the face of different cultural values, we would not accept that some students exhibit discriminatory or violent behaviour towards students of other groups, that they treat men and women in an unequal way, that they be intolerant toward beliefs that differ from theirs, etc.

**Examples:**

**Refusing to make an adjustment with respect to values deemed essential in Quebec society**

A female student refuses to work in class in a team with male colleagues.

The teacher takes on having the student learn to work in a team with male colleagues as one of the objectives for the session: by proposing discussion topics for team discussions which range from easy to more delicate, by helping the student to prepare the topics and by making sure that the discussions are respectful.



Some students demand to speak to a secretary's immediate superior in response to a refusal to comply with one of their requests that fall under the secretary's responsibility.

The secretary abides by the original response, states that it is the secretary's responsibility to make this decision, refuses to call the immediate superior to confirm this response and explains that the immediate superior is in total agreement with this way of proceeding.

However, voluntary adjustments are to be encouraged in all facets of college life as they relate to the different ways and means by which the content of college education can be delivered.

#### Example:

#### Voluntary adjustment

On the grounds that it contravenes religious beliefs, a student asks to be exempted from reading *The Da Vinci Code* which is on the program of an arts course in the Fine Arts program.

The teacher gives the student an alternate reading assignment, given that this work is not part of the essential core program.

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## CONCLUSION

It is important to stress that the guidelines proposed here are general. They could very well be defined in greater detail by each college in order to take into account the local choices made on the basis of orientations and policies. They could also be specified within programs, based on their own fundamental orientations.

In essence, these guidelines could be used to generate discussions that would shed light on the framework for integrating diversity within our colleges. This framework implies that students who voluntarily attend college are able to live in an environment that respects their cultural particularities; that they are invited to get involved with their program and college life; that they are able to influence the activities in which they are involved and in turn be influenced by their peers; and that all this is conducted in French, respecting a democratic process between equal individuals who have different values, concepts and religions. ◆

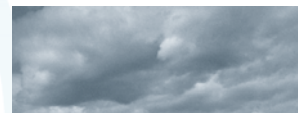
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TO LEARN MORE...



Denyse Lemay suggests the following reading material to further reflection on the question of accommodations and adjustments.

REQUESTS FOR AN ACCOMMODATION OR ADJUSTMENT IN COLLEGE

BOSSET, P. M<sup>e</sup>, *Réflexion sur la portée et les limites de l'obligation d'accommodement raisonnable en matière religieuse*, Commission des droits de la personne et des droits de la jeunesse du Québec, 2005.

BOSSET, P. M<sup>e</sup> and M. ROCHON, *Le pluralisme religieux au Québec: un défi d'éthique sociale*, Commission des droits de la personne et des droits de la jeunesse du Québec, 1995.

BOSSET, P. M<sup>e</sup>, *Avis concernant la discrimination indirecte en emploi et l'obligation de prendre des mesures d'adaptation en faveur des personnes affectées*, Commission des droits de la personne et des droits de la jeunesse du Québec, 1991.

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MC ANDREW, M. and J. LEDENT (avec la collaboration de R. Ait-Said), «Le cheminement scolaire des jeunes des communautés noires au secteur français: cohortes 1994, 1995, 1996 du secondaire», *Cahiers québécois de démographie*, mars 2007.

MC ANDREW, M., B. GARRET, J. LEDENT, C. UNGERLEIDER, M. ADUMATI-TRACHE and R. AIT-SAID, «La réussite scolaire des élèves issus de l'immigration: une question de classe sociale, de langue ou de culture?», *Cahiers québécois de démographie*, juin 2007.

PROVENCHER, C., *Portrait scolaire des élèves issus de l'immigration: de 1994-1995 à 2003-2004*, Ministère de l'Éducation, du Loisir et du Sport, 2006, 66 p.