

Roman Catholic School Board Settles Human Rights Case To Stop Subjecting Students to “Creed-based Pressure”

Civil Rights in Public Education

In a case with province-wide implications, a former high school student from Midland, Ontario, reached a settlement with her local Catholic school board and the Ontario Catholic School Trustees Association that will guarantee students “the right to be free from creed-based pressure” when making requests to be exempt from religious courses, programs or activities.

In September, 2014, St. Theresa’s Catholic High School student Claudia Sorgini applied to the Simcoe Muskoka Catholic School Board for an exemption from religious programs or courses. Students at Catholic high schools have a right to be exempted from religious programming on making an application under s. 42(13) of the Education Act. Ms Sorgini’s application was initially denied by the Simcoe Muskoka Board, and she and her family were later subjected to harassment by the school and the school board for the rest of the school year.

In January, 2016, Ms. Sorgini filed a complaint with the Human Rights Tribunal of Ontario, asserting that her right to be free from discrimination on the ground of creed was violated by her high school and school board. Ms. Sorgini also alleged that the Ontario Catholic School Trustees Association was complicit in her mistreatment because it had encouraged school boards across Ontario to create barriers to students asking for an exemption from religious courses under s. 42(13) of the Education Act.

As the case proceeded to hearing, the Tribunal rejected a motion by the provincial Trustees Association to be removed from the case and granted intervener standing to the Canadian Civil Liberties Association. On May 31, 2017, the parties reached a comprehensive settlement.

The parties agreed to Public Interest Remedies that require the Simcoe Muskoka Board to revise its exemption policy and have it reviewed by the Ontario Human Rights Commission to ensure it complies with the Human Rights Code. The new policy must incorporate measures that prevent other students from being subjected to unnecessary and coercive meetings with school officials trying to guilt or intimidate students into dropping exemption applications. The Public Interest Remedies also require the Ontario Catholic School Trustees Association to communicate that new policy to every Catholic school board in the province with a recommendation that other boards similarly change their exemption policies.

All students at publicly funded high schools, including Roman Catholic high schools, have the right to be exempt from religious courses or programs. Hopefully, Ms. Sorgini’s case will lead to all Catholic school boards adopting new exemption policies that will end creed-based harassment of students and families who request an exemption under the Education Act. •

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