More Information

The information on Religious Accommodation in this pamphlet is provided by UNITED SIKHS.

If you feel that you or someone you know has been discriminated against because of their religious identity, contact UNITED SIKHS at law-usa@unitedsikhs.org or 1-646-688-3525 or for more information visit www.unitedsikhs.org.

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UNITED SIKHS

Know Your Rights: Religious Accommodation
What is a Religious Accommodation?

The term religious accommodation is commonly associated with employment rights that flow from Title VII of the Civil Rights Act. Under Title VII, the term “religion” includes “all aspects of religious observance and practice, as well as belief.”

Policies that accommodate religious beliefs and practices are however also implemented in public and private places of business outside of the employer/employee framework. The necessity for policies that accommodate Sikh religious beliefs and practices is evident not only in the workplace but in schools, testing centers, training facilities, government offices, holding cells, prisons, military training programs, and other private and public places of business.

Why do we need Religious Accommodation Policies?

Religious Accommodation policies are one of the keys to achieving equality and inclusivity for minority religious communities within our larger societal fabric. After the tragic events of 9/11, the national climate with respect to minorities with external religious identities became quite virulent as fear, hate and a practice of “othering” became commonplace. The Sikh community has felt the pressure of this discrimination not only in the workplace, but at airports, borders, train stations, schools, prisons, testing centers, and government buildings like courthouses and service centers.

UNITED SIKHS Cases Involving Religious Accommodation

Each year, UNITED SIKHS receives numerous complaints from individuals whose religious practice and belief has been substantially burdened due to policies that do not accommodate the Sikh religion. UNITED SIKHS’ legal team works with businesses, both public and private, to craft accommodations policies that protect a Sikh’s right to practice his/her religion freely without sacrificing his/her engagement in society at large. These accommodation[s] policies are vital to the free exercise of minority religious practices like the manifestation of articles of faith, and need to be more widely adopted.

UNITED SIKHS has seen several incidents indicative of a widespread pattern of non-accommodation for religious minorities, a disturbing trend that is growing rather than waning. Some examples of situations in which religious accommodations policies are needed are:

- In 2009, a young man in high school who has aspirations of joining the Air Force joined the Air Force Jr. ROTC (AFJROTC), but because this young man maintained his distinctive Sikh identity, including a turban and uncut hair, he was found in violation of the AFJROTC uniform policy.
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- In January 2010, an elderly Sikh taxi driver mistaken for someone else was arrested and put in a holding cell, was stripped of all his articles of faith, not given an explanation for his arrest and subsequent detention, and never given a translator. Moreover, his kirpan (short sheathed religious sword) was never returned to him after he was released.

What has UNITED SIKHS done?

UNITED SIKHS has advocated on behalf of this young man at the Sikh Summit in Washington, DC and our legal team has brought his situation to the attention of government people and government officials.

What can you do?

- Encourage Rigorous Adherence to Religious Land Use and Institutionalized Persons Act (RLUIPA): According to the holding in Khatib v. City of Orange, the free exercise of one’s faith extends to pre-charged holding cells. This is essential; otherwise, individuals in holding cells risk having their religious freedoms restricted before even being charged with a criminal act. Write your representatives about this issue at: www.house.gov/writerep/.
- In August 2010, a Sikh gentleman seeking to address a traffic ticket he received was denied entry into the courthouse by security agents because of his kirpan. The only option he received was to make a written submission to the court. Access to courts is a fundamental right and to preclude Sikhs from entering with their faith intact is an affront to our constitutional rights of due process and the free exercise of religion.
- In September 2010, a freshman student at a large California university was told not to return to campus with his kirpan.
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