

1. There is a legitimate service-related or job-related purpose for the standard.
2. The respondent adopted the standard on a good-faith belief that the standard is necessary to fulfill the legitimate service-related or job-related purpose.
3. The respondent's standard is reasonably necessary to achieve the legitimate service-related or job-related purpose, such that **the respondent could not accommodate you without suffering undue hardship**.

For example, in one case¹, a student requested to take a course remotely due to a disability. The college denied the student's request because the student would not be able to fulfill the course's core requirement of interacting with other students in person. The Human Rights Tribunal found that the standard (in-person attendance) was adopted in good faith and reasonably necessary to achieve the legitimate service-related purpose (fulfilling the requirement for in-person interaction with other students).

As a result, the student's complaint of discrimination did not succeed.

ACCOMMODATION AND UNDUE HARDSHIP

C v. University of Victoria, 2013 BCHRT 252

WHAT IS DISCRIMINATORY HARASSMENT?

Discriminatory harassment means behaviour directed towards another person that is abusive and demeaning, includes a reference to a protected ground, and leads to adverse consequences for the person harassed. It includes sexual harassment but does not include bullying (e.g. harassment with no connection to a protected ground). Bullying is handled under SFU's Bullying and Harassment Policy (GP 47).

The Human Rights Tribunal has recognized that not every negative comment that is connected to a protected characteristic will be discriminatory harassment contrary to the *Code*. Usually, repeated conduct or a pattern of behaviour is required to establish discriminatory harassment. However, that is not always the case and the Tribunal has recognized that sometimes a single slur or derogatory comment based on a protected characteristic may be sufficient to establish discrimination in certain circumstances. The Tribunal will consider factors such as the relationship between the parties and their previous interactions, the egregiousness of the behaviour, the context of the interactions, the impact the behaviour had on the target, and whether an apology was offered.

For example, in one case³, an Indigenous woman established that her landlord committed discriminatory harassment the

WHO CAN HELP YOU?

The Human Rights Office provides safe, timely, confidential, and impartial advice, support, referrals, and information to students on all issues related to human rights. [Contact us](#) or visit our [Get Help](#) page for additional resources.

You can contact the Human Rights Office even if you don't have (or don't want to make) a complaint. We can talk through a situation together, answer your questions, and help you informally resolve your concerns. We also welcome your feedback on what the Human Rights Office can do to improve your experience at SFU.