



UNDUE HARDSHIP

Before completing this form, it is helpful to review UBC's Disability Accommodation Policy (LR7), particularly Section 3 of the Procedures "Limits to Accommodation: Undue Hardship and Essential Requirements," which sets out the circumstances and procedures in citing undue hardship as a reason for not implementing an accommodation.

WHAT IS UNDUE HARDSHIP?

"Undue hardship" is a legal term that describes the limit of what is required to do to accommodate an individual with disability. The BC Human Rights Commissioner defines "undue hardship" as

the point at which it is too unsafe, difficult, or expensive to remove barriers so people [with disabilities] can participate in work or other areas of daily life.

While BC and Federal caselaw affirms that what is considered undue hardship will depend on individual circumstances, the threshold for finding undue hardship is typically set high. Undue hardship doesn't mean any hardship, but a difficulty that is truly excessive, exceptional, or disproportionate.

HOW IS UNDUE HARDSHIP ADJUDICATED?

Policy LR7 is drafted in accordance with human rights legislation and caselaw and sets out that that an instructor citing undue hardship as a justification for not implementing of an accommodation must clearly demonstrate that the accommodation would:

- Pose a significant health or safety risk to the student or others;
- Prevent a student from meeting essential course requirements; and/or
- Cause serious logistical or financial challenges

It is important to note that the Human Rights Tribunal and the courts regard the duty to accommodate as an institutional duty and will view undue hardship on an institutional level, for example, if financial challenge is cited, they will adjudicate undue hardship based on the resources of all of UBC rather than a single classroom or program.

WHAT DO I DO IF I BELIEVE THAT AN ACCOMMODATION MAY CAUSE UNDUE HARDSHIP?

If you believe an accommodation outlined in a student's Letter of Accommodation may result in undue hardship, please contact the Centre for Accessibility (CfA) via the Accessibility Advisor

identified in the Letter to discuss your concerns. We will work together with you to explore whether undue hardship truly applies.

Important: *While this process is underway, the accommodation must still be implemented, (Policy LR7, Procedures Section 3.5). If an agreement cannot be reached, the matter will be escalated to UBC's Registrar.*

WHAT HAPPENS IF AN ACCOMMODATION IS REFUSED WITHOUT JUSTIFICATION?

Under Policy LR7, if an instructor refuses to implement an accommodation while undue hardship is under review - or if the Registrar or CfA determines undue hardship does not apply - UBC is obligated to:

- Notify the instructor's faculty leadership;
- Refer the student to the Equity & Inclusion Office or UBC Investigations Office (if they choose to file a formal complaint); and
- Alert UBC's Office of University Counsel regarding potential legal risk.

The CfA does not participate in disciplinary actions. These may be handled under employment contracts, human rights law, or other legal frameworks.



INSTRUCTOR RESPONSE FORM

Please complete the following to help us understand your concerns. These questions are based on legal precedent and reflect what may be asked if a refusal leads to formal review.

INSTRUCTOR INFORMATION

Instructor Name:

Course Name:

Student Name (with accommodation):

1. WHICH ACCOMMODATION(S) DO YOU BELIEVE MAY RESULT IN UNDUE HARDSHIP?

(Refer to the student's Letter of Accommodation)

2. WHAT TYPE OF UNDUE HARDSHIP DO YOU BELIEVE APPLIES?

(Select all that apply)

- A.** The accommodation would prevent the student from meeting an essential course requirement
- B.** The accommodation poses a substantial health or safety risk
- C.** The accommodation would cause serious logistical or financial challenges

If you selected **A**:

Does your syllabus or program description identify the essential skill or outcome in question?

Do you actively teach or assess this essential skill or outcome?

If you selected **B**:

Note: Instructor mental health or emotional strain is not considered undue hardship under LR7. If you're experiencing stress, please speak with your supervisor for support.

How would the accommodation impact the physical safety or health of others?

How is the risk substantial? What are the potential consequences?

If you selected C:

Note: Minor inconvenience or additional work is not considered undue hardship.

Would UBC's financial health be compromised by implementing this accommodation?

What logistical challenges would seriously undermine the viability of your course or program?

NEXT STEPS

Thank you for completing this form. A student's Accessibility Advisor will contact you via your UBC email to schedule a time to discuss your concerns.