

## Regulations on Elimination of Discrimination against Persons with Disabilities at Osaka University

\* Please note that this document is a translation of the Japanese version, and should only be used as a reference.

(Purpose)

Article 1:

The purpose of these Regulations is to stipulate matters necessary for the academic and administrative staff, including part-time employees, of Osaka University (“University Staff”) to act pursuant to Paragraph 1 of Article 9 of the Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013), and the Basic Policy on Elimination of Discrimination on the Basis of Disability (Cabinet Decision dated February 24, 2015).

(Definitions)

Article 2:

The following terms as used herein shall have the meanings set forth below.

- (1) The term “Persons with Disabilities” shall mean all individuals with a physical, intellectual, or mental disability (including developmental disorder), or a physical or mental function impairment (including an impairment resulting from an intractable disease) (collectively “Disabilities”) who are constantly subject to considerable restrictions in their daily or social lives due to their Disabilities and Social Barriers and who participate in educational and research activities at Osaka University (“University”) and other activities undertaken by the National University Corporation Osaka University (“University Corporation”) in general.
- (2) The term “Social Barriers” shall mean all the things in society that pose an obstacle to Persons with Disabilities in their daily or social lives, including institutions, practices, and ideas.
- (3) The term “Division” shall mean any of the departments and divisions of the Administration Bureau, Graduate Schools, Schools/Faculty, University Libraries, University Hospitals, Research Institutes, Joint-Use Facilities, National Joint-Use Facilities, and other relevant organizations of the University.

(Basic Concept of Unfair Discriminatory Treatment Because of Disability and Reasonable Accommodation)

Article 3:

1. For the purpose of these Regulations, “Unfair Discriminatory Treatment” shall mean: refusing to offer opportunities for Persons with Disabilities to participate in educational and research activities at the University and other activities undertaken by the University Corporation in general because of the Disabilities, without any justifiable reason, or offering opportunities for Persons with Disabilities to participate in said activities only in limited places or during limited time periods; and prejudicing the rights and interests of Persons with Disabilities by subjecting them to conditions that are not imposed upon persons without Disabilities or otherwise treating Persons with Disabilities differently from persons without Disabilities. However, taking special measures to promote or achieve equality in substance between Persons with Disabilities and persons

without Disabilities shall not be deemed to constitute Unfair Discriminatory Treatment.

2. Whether there is a justifiable reason stated in the preceding Paragraph or not shall be decided not based on general or abstract ideas, but on a case-by-case basis, comprehensively and objectively, taking into consideration the situations specific to each case, including the rights and interests of the Person with Disability concerned, the University Corporation, and third persons involved, as well as the possibility of maintaining the purposes, contents and functions of educational and research activities conducted at the University and other activities undertaken by the University Corporation. If the University Staff member in charge has decided that there is a justifiable reason, then the University Staff member shall explain the reason to the Person with Disability concerned to convince him or her of the reason.
3. For the purpose of these Regulations, “Reasonable Accommodation” shall mean making appropriate changes or adjustments necessary to ensure that Persons with Disabilities are entitled to or able to exercise all human rights and fundamental freedoms on an equal footing with persons without Disabilities, which is required under specific circumstances and which does not entail any imbalanced or excessive burden.
4. Whether Reasonable Accommodation entails an excessive burden stated in the preceding Paragraph or not shall be decided not based on general or abstract ideas, but on a case-by-case basis, comprehensively and objectively, taking into consideration the following factors. If the University Staff member in charge has decided that there is an excessive burden, then the University Staff member shall explain the reason to the Person with Disability concerned to convince him or her of the reason.
  - (1) Impacts of the Reasonable Accommodation on educational and research activities conducted at the University and other activities undertaken by the University Corporation (whether or not it will adversely affect the purposes, contents and functions of said activities)
  - (2) Feasibility of providing the Reasonable Accommodation (in consideration of physical, technical, personnel, or institutional restrictions)
  - (3) Expenses and burdens required for the Reasonable Accommodation
  - (4) Size and financial situations of the University Corporation

(Organization for Promotion of Measures for Elimination of Discrimination against Persons with Disabilities)

Article 4:

The organizational structure for elimination of discrimination against Persons with Disabilities at the University Corporation (“Elimination of Disability Discrimination”) shall be as set forth below.

- (1) Chief Management Officer: The President of the University shall take up the post thereof to exercise overall control over the University Corporation, give directions to the General Supervisor and Supervisors to take appropriate measures for Elimination of Disability Discrimination, and assume the final responsibility, with a view to facilitating efforts for Elimination of Disability Discrimination and improving the campus environment, including making University facilities barrier-free, allocating staff as necessary for these tasks, defining principles and policies on the admission and treatment of students with Disabilities, and improving access to

information.

- (2) General Supervisor: The Executive Director in charge of human rights issues shall take up the post thereof to assist the Chief Management Officer and take measures necessary for Elimination of Disability Discrimination across the University Corporation, including offering training and education programs for the staff of the University Corporation.
- (3) Supervisors: The Deans and Directors of the Divisions shall take up the post thereof to be responsible for promoting measures for Elimination of Disability Discrimination in the respective Divisions by taking appropriate measures therefor and shall perform the obligations stated in Article 5 below.

(Obligations of Supervisors)

Article 5:

1. Supervisors shall exert control over their staff to ensure that Persons with Disabilities are not treated in an unfair discriminatory manner and that Reasonable Accommodation is provided to them, thereby facilitating efforts for Elimination of Disability Discrimination. To be specific, Supervisors shall be obliged to:
  - (1) Offer guidance to the staff under supervision in the course of daily duties to increase their attention to Elimination of Disability Discrimination and deepen their awareness of the importance thereof;
  - (2) Upon receipt of a request for consultation or a complaint from a Person with Disability on Unfair Discriminatory Treatment or lack of Reasonable Accommodation, verify the allegation raised by the person without delay;
  - (3) Give directions to the staff under supervision to take appropriate action to provide Reasonable Accommodation if the necessity thereof is confirmed.
2. Should a problem arise due to Disability Discrimination, each Supervisor shall notify the General Supervisor thereof and take appropriate measures to cope therewith following instructions of the General Supervisor without delay.
3. Supervisors may assign staff responsible for offering assistance in providing Reasonable Accommodation to Persons with Disabilities to the respective Divisions when necessary.

(Prohibition of Unfair Discriminatory Treatment)

Article 6:

1. None of the University Staff shall be allowed to give Unfair Discriminatory Treatment to Persons with Disabilities on the grounds of their Disabilities in conducting educational and research activities at the University and other activities for the University Corporation, thus prejudicing the rights and interests of Persons with Disabilities.
2. Specific examples of Unfair Discriminatory Treatment stated in the preceding Paragraph shall be as shown in Attachment 1.

(Provision of Reasonable Accommodation)

Article 7:

1. If a Person with Disability requests the removal of Social Barriers to participate in educational and research activities conducted at the University or any other activities undertaken by the University Corporation, then the University Staff in charge shall provide Reasonable Accommodation to remove the Social Barriers to the extent possible without entailing an excessive burden, taking into consideration the gender, age, and degree of disability of the person, thereby protecting the rights and interests of said person.
2. It shall be noted that any Person with Disability may request the removal of Social Barriers under the preceding Paragraph not only by language (including sign language) but also by means of tools used by Persons with Disabilities when communicating with others, such as Braille, text, gestures and other signs and that if the Person with Disability has difficulty in expressing such a request by himself or herself, then his or her family member, caregiver or other person assisting him or her in communicating with others may help express the request. Even if such a request is not expressed, the University Staff in charge shall endeavor to propose Reasonable Accommodation that is deemed appropriate for the Person with Disability, in case it is simply obvious that the Person with Disability needs Social Barriers to be removed.
3. Specific examples of Reasonable Accommodation stated in the preceding two Paragraphs shall be as shown in Attachment 2.

(Consultation System)

Article 8:

1. Supervisors shall open a consultation desk to offer timely consultation to Persons with Disabilities, their family members, and other persons concerned (“Persons with Disabilities and Others”) about Disability Discrimination as necessary.
2. The University Corporation shall have a general information desk to refer Persons with Disabilities and Others who seek consultation to the appropriate consultation desk.

(Resolution of Conflicts)

Article 9:

The Human Rights Committee shall be responsible for the prevention and resolution of conflicts stemming from Disability Discrimination.

(Training and Education for University Staff)

Article 10:

The University Corporation shall educate the University Staff on Elimination of Disability Discrimination by providing training sessions and lectures and by various other means.

(Disciplinary Action)

Article 11:

If any of the University Staff member has treated any Person with Disability in an unfair, discriminatory manner, or failed to provide Reasonable Accommodation that does not entail an excessive burden, he or she may be subjected to disciplinary action pursuant to the Work Regulations for National University Corporation Osaka University Staff or other applicable regulations, as appropriate.

(Miscellaneous Provision)

Article 12:

Matters relating to Elimination of Disability Discrimination at the University Corporation not specified herein shall be set forth separately.

Supplementary Provision

These Regulations shall come into effect on April 1, 2016.

Attachment 1:

Specific examples of Unfair Discriminatory Treatment (Article 6)

As stated in Paragraphs 1 and 2 of Article 3 hereof, whether a particular case constitutes Unfair Discriminatory Treatment or not shall be decided on a case-by-case basis. To be specific, cases that shall be deemed to constitute Unfair Discriminatory Treatment shall include, but not be limited to, the following, provided that there is no justifiable reason.

1. Excluding Persons with Disabilities from taking an entrance examination of the University by reason of their Disabilities.
2. Excluding Persons with Disabilities from enrolling in the University by reason of their Disabilities.
3. Excluding Persons with Disabilities from registering for certain courses by reason of their Disabilities.
4. Refusing to offer research guidance to Persons with Disabilities by reason of their Disabilities.
5. Excluding Persons with Disabilities from participating in practices, training sessions, fieldwork or other relevant educational activities by reason of their Disabilities.
6. Giving lower priority to Persons with Disabilities in addressing their needs at an administrative desk by reason of their Disabilities.
7. Excluding Persons with Disabilities from attending ceremonies, functions, briefing sessions, symposiums, and other relevant events by reason of their Disabilities.
8. Excluding Persons with Disabilities from moving to a dormitory of the University by reason of their Disabilities.
9. Excluding Persons with Disabilities from using facilities or services of the University by reason of their Disabilities.
10. Excluding Persons with Disabilities from attending classes, training sessions, courses, practices or any other relevant events of the University by reason of the lack of information-recording services, including sign language interpretation, and note-taking and computer note-taking accommodations.
11. Evaluating the performance of Persons with Disabilities in examinations, etc. based on criteria different from those applied to students without Disabilities on the grounds that Reasonable Accommodation has been offered to them.

## Attachment 2:

### Specific examples of Reasonable Accommodation (Article 7)

Reasonable Accommodation shall mean taking measures to enhance the campus environment to meet the individual needs of Persons with Disabilities on a case-by-case basis, which includes: making University facilities barrier-free in anticipation of future enrollment of Persons with Disabilities; allocating staff as necessary for such measures; and improving access to information. Reasonable Accommodation, as stated in Paragraphs 3 and 4 of Article 3, can be highly personal and take a great variety of forms, since the details thereof vary depending on the nature of the particular disability and situation in which the removal of Social Barriers is required. Therefore, the University shall be flexible in taking measures and selecting methods to remove the Social Barriers to the extent necessary and reasonable, taking into consideration the situations of individual Persons with Disabilities. It shall be noted that Reasonable Accommodation shall not entail any excessive burden, and shall include, but not be limited to, the following:

#### (Physical environment)

1. Assisting the mobility of wheelchair users by tipping the wheelchair backwards over the curbs and providing portable wheelchair ramps across curbs.
2. Adjusting the facilities and equipment installed in lecture rooms, libraries, computer rooms, laboratories, practical training rooms and other locations in the University so that students with disabilities can use them as easily as those without disabilities.
3. Providing parking space near the rooms used frequently by individuals with mobility problems.
4. Retrieving books, brochures or other items placed on high shelves for individuals having difficulty in accessing high places or telling them where the books, brochures, or other items are placed so that they can reach them without fail.
5. Assigning seats close to the exits to individuals who need to leave their seats frequently during class due to their disabilities.
6. Changing classrooms to ones in more accessible locations for individuals with mobility problems.
7. Providing a rest space outside a classroom and allowing individuals who are prone to fatigue due to their disabilities to take a rest in the space when so requested, or if this is impossible, placing a couch in the classroom to make a temporary rest space.
8. Accommodating a request for seating arrangements given by any individual with weak eyesight or hearing impairment.

#### (Communication)

1. Providing means to assist individuals with communication difficulties in accessing information, including sign language interpretation, note-taking and computer-note-taking accommodations, and assistive hearing devices,

during lectures, practices, training sessions, events and various other occasions.

2. Providing support for communications as necessary for individuals with difficulties in listening, comprehension, articulation, and/or speech.
3. Providing electronic files, Braille documents, large-print documents and other relevant means to enable individuals with visual impairment to read syllabi, textbooks, course materials, and other printed materials upon request.
4. Providing captions on videos and other audiovisual materials for students with listening difficulties.
5. Providing materials to be used in a lecture to students with disabilities early to allow them time to read and comprehend the materials or convert them into an easier-to-read format.
6. Having University Staff or peer supporters fill in documents necessary for administrative procedures for individuals with disabilities.
7. Explaining application processes and other procedures using diagrams and illustrations to individuals who can better understand information when presented visually.
8. Using direct expressions when talking with individuals with difficulties in understanding indirect expressions.
9. Giving instructions in writing to individuals with difficulties in understanding oral instructions.
10. Assisting individuals with disabilities in participating in class discussions by making appropriate arrangements to help them speak in the discussions or allowing them to express opinions using text-based communication.
11. Giving instructions and reminders concerning entrance examinations, regular examinations, and matters relating to classes not only orally but also in writing.

(Flexible adjustment of existing rules or practices)

1. Providing special accommodations to students with disabilities at entrance and regular examinations as appropriate to the nature of individual disabilities, including extending the examination time and allowing them to take examinations in a separate room, use assistive devices and take examinations in a Braille or large-print format.
2. Allowing for some flexibility in evaluating student performance to the extent that does not compromise the fairness of evaluation, in compliance with the fundamental educational goals of the University.
3. Permitting caregivers to enter facilities that are not open to third persons.
4. Allowing individuals with disabilities to take a break whenever needed or giving extra break time to them during events, lectures, practices, and training sessions of the University.
5. Moving the vehicle drop-off and pickup point to a location nearer to the entrance of the classroom for individuals with mobility problems.
6. Allowing students with disabilities to choose facilities that can provide Reasonable Accommodation as venues for their teaching practice and other off-campus practices.
7. Allowing students with disabilities who are to undergo teaching practice or clinical practice to visit the venues of the practice in advance or give them more detailed manuals than usual.

8. Allowing students with difficulties in listening comprehension of foreign speech due to disabilities to take an alternative class in place of the class in which listening of foreign speech is required.
9. Assigning a special teaching assistant or other supporter to the laboratory work or practice in which individuals with disabilities participate.
10. Allowing students with disabilities to record lectures using an IC recorder or other device.
11. Allowing students with difficulty in taking notes during class to take photographs of the blackboard/screen.
12. Assigning a staff member or peer supporter to help individuals with difficulties in performing certain tasks due to involuntary movement or other disorders.
13. Allowing individuals with hypersensitivity to wear sunglasses, ear protectors, noise canceling headphones and other similar devices.
14. Extending the deadline for submitting a report or other assignment when students with disabilities are unlikely to meet the deadline due to ill health.
15. Allocating a seat near the lecturer and blackboard/screen in the classroom to a student with disability.
16. Ensuring that students with disabilities can take elective subjects for which only a limited number of students are accepted and which are likely to require fewer accommodations for their functional disorders.
17. Helping students with disabilities check documents to be submitted, schedules, and other procedures individually at the time of enrollment where many student orientation and guidance sessions are held.
18. Offering make-up classes to students with disabilities who have been unable to attend classes due to medical treatment or thinking of other ways to make up for missed learning opportunities.
19. Allowing caregivers to accompany individuals with disabilities to classes if necessary.
20. Allowing caregivers accompanying individuals with visual or orthopedic impairment to complete administrative procedures at the University's offices for said individuals if so requested.