

Points of attention regarding the response procedure concerning efforts to promote elimination of discrimination on the grounds of disabilities in the University of Tokyo

Pursuant to the provisions of paragraph (3) of Article 3 and paragraph (6) of Article 4 of the response procedure concerning efforts to promote elimination of discrimination on the grounds of disabilities in the University of Tokyo (Tokyo University Rules No. 64; hereinafter referred to as “response procedure”), the points to note for faculty members of our university are specified as follows:

Terms used in the points of attention shall follow the definitions in the response procedure.

#### Article 1 Specific concept of unjust discriminatory treatment

1. When determining that treatment differing from that administered to persons without disabilities on the grounds of disabilities is not unjust discriminatory treatment, the following requirements must be met:

(1) Measures deemed necessary to promote equality, provide positive actions and reasonable accommodation, etc.

(2) There are justifiable grounds. If treatment which differs from that provided to persons without disabilities is not provided, it is likely to be detrimental to the rights or interests of persons with disabilities, our university or a third party under certain circumstances (education/research and other administration or business engaged in by our university), etc.

2. Whether or not a reason that corresponds to a justifiable reason as per item 2 of the preceding paragraph is not determined simply based on general and abstract reasons but is determined, in consideration of the rights and interests of persons with disabilities and third parties, maintaining the purpose, content, and function of education, research, and other activities of our university, after comprehensively and objectively considering the specific circumstances on a case-by-case basis.

3. When none of the requirements listed in the items of the paragraph 1 is met, treatment differing from that provided to persons without disabilities shall be deemed unjust discriminatory treatment.

4. Where faculty members determine that a justifiable reason applies, they must carefully explain this reason to persons with disabilities and endeavor to obtain understanding. At that time, both faculty members and the person with disabilities are required to seek mutual understanding while valuing each other's positions.

#### Article 2. Examples of unjust discriminatory treatment

1. Examples that may constitute unjust discriminatory treatment are as in the following respective items. However, the decision on whether they constitute unjust discriminatory treatment shall be determined on a case-by-case basis.

Please note that the information listed in the following items includes examples. Not every case constitutes unjust discriminatory treatment and cases other than those listed in said respective items may constitute unjust discriminatory treatment.

- (1) On the grounds of disabilities, refuse examination.
- (2) On the grounds of disabilities, refuse admission.
- (3) On the grounds of disabilities, bar from a lecture.
- (4) On the grounds of disabilities, bar from internal events.
- (5) On the grounds of disabilities, refuse admission to student dormitories.

2. The examples respectively listed in the preceding paragraph constitute treatment differing from that provided to persons without disabilities and when a justifiable reason is confirmed, cases shall not be deemed as constituting unjust discriminatory treatment. Note that separate consideration shall be required if reasonable consideration is requested even if there is a legitimate reason and if the treatment does not fall under unjust discriminatory treatment.

3. The examples listed in the respective items of paragraph 1 are described as those concerning the learning of students, etc. (including undergraduate students, research students, audit students and special audit students of our university and students, research students, credited auditors, special audit students and special research students of the graduate school and students of the secondary school attached to the Faculty of Education. The same shall apply hereinafter.) and not limited to examples, prohibition of unjust discriminatory treatment regulated by law shall apply to the entire education/research and other administration or business conducted by our university.

#### Article 3 Specific concept of reasonable accommodation

1. When determining that accommodation is reasonable, the requirements listed in the following respective items must be noted:

(1) Necessary in certain cases. Due to specific disabilities and under certain circumstances (education/research and other administration or business engaged in by our university), any trouble occurs and improvement of the trouble is assumed by specific consideration.

(2) Appropriateness. When giving consideration, the true nature of education/research and other administration or business engaged in by our university shall remain unchanged.

(3) To avoid imposing an undue burden. When giving consideration, the degree of physical/technical/personnel/systemic burden and cost burden shall be appropriate in light of the scale and financial conditions of the education/research and other administration or business of our university.

2. When the requirements listed in the respective items of the preceding paragraph are all satisfied, consideration shall be deemed reasonable.

3. Whether or not the consideration corresponds to reasonable is not determined simply based on general and abstract reasons but is determined after comprehensively and objectively considering the specific circumstances on a case-by-case basis.

4. Where faculty members deem consideration as unreasonable, they must carefully explain the reason to persons with disabilities and endeavor to obtain their understanding. At that time, both faculty members and the person with disabilities are required to seek mutual understanding through constructive dialogue and to consider flexible measures, including the selection of alternatives while valuing each other's positions.

5. In reasonable care, the gender, age, and disability status of the person with disabilities shall

be considered. In particular, for women with disabilities, the fact that they are women in addition to their disability shall be considered. Also, the sexual orientation and gender identity of a person with disabilities shall be considered.

6. Note that expressions of intention from persons with disabilities that require the removal of social barriers include those that can be communicated by any means necessary for disabled persons toward communicating with others, such as language (including sign language), Braille, written communication, signals, or gestures, etc., and if it is difficult for the person to express his/her intention due to the characteristics of the disability, etc., the person with disabilities shall be assisted by the person's communication supporters such as family members or caregivers.

#### Article 4 Examples of reasonable accommodation

1. Examples constituting reasonable accommodation are as in the following respective items. However, reasonable accommodation shall be determined on a case-by-case basis. Note that the items listed in the following items are just examples, and that even cases other than those listed in said respective items may constitute reasonable accommodation.

(1) When, due to disabilities and test conditions, ability cannot be evaluated sufficiently, consideration shall be provided such as extending exam time, taking exams in a separate room, seat selection, need for written instructions, adjustment of question setting/answer method, etc.

(2) When students, etc. cannot sufficiently learn at a seat other than a specific seat, due to the disabilities and the classroom environment, priority seating shall be secured in the classroom to hold the class.

(3) When it remains difficult for students, etc. to participate in classes, etc. due to disabilities and the default participation method, the participation method shall be changed to another participation method.

(4) When it remains difficult for students, etc. to complete their assignments due to disabilities and by the default deadline, the submission deadline shall be extended.

(5) When ability cannot be sufficiently evaluated via the default evaluation method such as a written examination or report, etc. due to disabilities, the evaluation method shall be changed to another evaluation method.

2. The examples listed in the respective items of the preceding paragraph are to describe the requirements in particular cases. No cases shall be deemed reasonable accommodation until confirmed as appropriate and not imposing an undue burden.

3. The examples listed in the respective items of paragraph 1 are cited as examples concerning the learning of students, etc. and beyond the scope of specific examples, the obligation of reasonable accommodation shall apply throughout the education/research and other administration or business conducted by our university.

4. Examples of possible violations of the obligation to provide reasonable consideration are as follows. However, whether or not these constitute a violation of the obligation to provide reasonable consideration must be determined on a case-by-case basis. Note that the items listed in the following items are just examples, and that there are other items that fall under violations of the obligation to provide reasonable consideration even if they are not listed here.

(1) Refusal to respond flatly without making necessary adjustments on the grounds that there is no precedent for allowing digital devices to be brought in if a request is made to use a digital device due to difficulty in writing for entrance exams, regular exams, etc.

(2) Flat refusal to respond, saying “Special treatment is not possible” not considering measures such as securing a seat in advance in a class held with non-reserved seats, if a student with low vision requests to take the course in a seat where they can clearly see the screen or blackboard, etc.

Supplementary provision

The decisions shall be enforced from April 1, 2016.

Supplementary provision

The decisions shall be enforced from April 1, 2024.