

# **OIST Guideline on Measures Promoting the Elimination of Discrimination Based on Disability**

November 13, 2015

Approved by President/CEO

[Partial Revision] February 8, 2016

[Partial Revision] May 1, 2018

## **Chapter 1 Purpose**

This Guideline (hereinafter referred to as “Guideline on Measures”), in compliance with the provisions of Article 9-1 of the Act on Promoting the Elimination of Discrimination Based on Disability (Law No. 65 of 2013; hereinafter referred to as the “Act”) and pursuant to the Basic Policies on Promoting the Elimination of Discrimination Based on Disability (decided by the Cabinet on February 24, 2015; hereinafter referred to as “Basic Policies”) and our “Core Value” mentioned in Chapter 1.3 of Policies, Rules and Procedures of Okinawa Institute of Science and Technology (hereinafter referred to as “OIST”), prescribes and stipulates matters necessary for appropriate measures to be implemented by the staff of OIST (including part-time staff; hereinafter referred to as “Staff”) pertaining to the provisions of Article 7 of the Act.

## **Chapter 2 Prohibition of Unjust Discriminatory Treatment**

1 As provided under Article 7-1 of the Act, the Staff shall not, in the execution of their responsibilities and work, violate by reason of disability (meaning physical disability, intellectual disability, mental disability (including developmental disorders) and other forms of physical or mental functional disabilities; the same shall apply hereinafter), the rights and interests of persons with disabilities (persons continuously subject to significant limitations in their daily lives and social activities by reason of disabilities or social barriers) through unjust treatment that is discriminatory as compared to the treatment of persons without disabilities.

2 The specific examples that may constitute unjust discriminatory treatment are listed below. However, it should be noted that these examples are provided merely as illustrations and are not intended to be exhaustive. Also note that judgement on whether or not a case constitutes unjust discriminatory treatment must be made on a case-by-case basis.

### **Specific Examples That May Constitute Unjust Discriminatory Treatment**

- Refuse acceptance of students by reason of disability.
- Refuse reception or subordinate the order of reception by reason of disability.
- Refuse forwarding of materials, provision of pamphlets or other printed materials by reason of disability.
- Refuse attendance at open campus, conferences, symposia or other university events by reason of disability.
- Attach special condition of visiting OIST, such as requiring accompaniment or refusing accompaniment, by reason of disability when no special reason exists for attaching conditions for the performance of work or study at OIST.

### **Chapter 3 Provision of Reasonable Accommodation**

1 As provided under Article 7-2 of the Act, the Staff must, in the execution of their responsibilities and work, provide necessary and reasonable accommodation (hereinafter referred to as “Reasonable Accommodation”) for the removal of social obstacles in line with the sex, age and disabilities of persons with disabilities in order that the rights and interests of persons with disabilities are not violated. Reasonable Accommodation shall be provided when indication has been given by a person with disabilities that he or she requires the removal of social obstacles and when the provision of such Reasonable Accommodation does not impose undue burdens.

2 Reasonable Accommodation is intended for the purpose of providing opportunities that are equivalent to opportunities enjoyed by persons without disabilities in light of the purpose and work of OIST, and it must not fundamentally alter the purpose and work of OIST.

3 Reasonable Accommodation must be applied with flexibility within necessary and reasonable limits, in consideration of level of impact on work (whether or not the purpose and content of work or function of OIST will be undermined), level of feasibility (physical and technological constraints, personnel and institutional constraints), level of cost and burden.

4 The specific examples of Reasonable Accommodation are listed below. However, it should be noted that these examples are provided merely as illustrations and are not

intended to be exhaustive.

### **Specific Examples of Reasonable Accommodation**

#### **Adjustment in Physical Environment**

- Stairs: Assist persons in wheelchairs by helping to lift the wheel, helping to place portable wheelchair ramp or other effective methods.
- Hand pamphlets and other materials placed in higher shelves. Tell the place of the pamphlets or other materials clearly.
- When guiding a person with disabilities to his or her destination, adjust walking speed to the speed of the person with disabilities, and ask about performances on whether to stand on the left or right, or front or behind of the individual, and at what distance.
- Depending on the characteristics of the disability, an individual may need to leave his or her seat frequently. In such cases, seat the individual near the door.

#### **Adjustment in Means of Communication**

- Use various communication methods depending on the condition of disabilities, such as conversing in writing, reading out loud, sign language, braille, and enlarged characters.
- When producing the conference materials in braille and enlarged characters, consider the page number in those materials may be different.
- When sending the conference materials to those who have visual disabilities, provide them with the materials in electronic media (text format) which is applicable to Text-to-Speech Software programs.
- In place of direction that are normally given orally, write the directions down on paper and hand it to the individual.
- When a request is made by a guest of OIST with intellectual disabilities, speak slowly and clearly and repeat the explanation. Continue the explanation while confirming that the explanation has been understood.

#### **Flexible Adjustment of Rules and Practices**

- Provide necessary opportunity to judge impartially in comparison to the person without disabilities, when judging necessary ability, aptitude or other capability for the study at OIST on the occasion of the Selection for

#### Admission.

- When a student with disability studies at OIST, OIST considers to ensure her or his equivalent participation to the opportunities which are provided to all students depending on the condition and characteristics of each student.
- When a person with disabilities is standing and waiting in line, prepare a seat or a separate room where the individual can wait for his or her turn after seeking the understanding of others who are waiting their turn in the same line.
- Provide seats near the screen where persons with disabilities can see the screen or white board more easily.
- When a large number of persons with disabilities are expected to visit OIST, change parking spots in the parking lots of OIST that are usually open to all visitors to spots reserved for persons with disabilities.
- For persons with difficulty passing through IC-card controlled gates when entering a facility, assist them to pass through the gates.

### **Chapter 4      Responsibility of Supervisors**

1        To promote the elimination of discrimination based on disability, all Staff occupying a position of Manager or above (hereinafter referred to as “Supervisors”) shall pay due attention to avoiding unjust discriminatory treatment based on disabilities by paying due attention to the matters enumerated below, and shall endeavor to provide Reasonable Accommodation for persons with disabilities.

a        Supervisors shall, through guidance and instruction given in the execution of daily work, call the attention of Staff to the elimination of discrimination based on disability and shall deepen the understanding of the Staff regarding the elimination of discrimination based on disability.

b        Supervisors shall act with due speed to ascertain the situation when a request for consultation or complaint has been filed by persons with disabilities or other relevant persons for unjust discriminatory treatment or failure to provide Reasonable Accommodation.

c        Supervisors shall instruct their respective subordinate Staff to appropriately

provide Reasonable Accommodation when provision of Reasonable Accommodation has been confirmed to be necessary.

2 Supervisors shall act with due speed to take appropriate action when a problem related to discriminatory treatment based on disabilities has arisen.

## **Chapter 5**      **Disciplinary Action**

A member of the Staff who engages in unjust discriminatory treatment or who fails to provide Reasonable Accommodation notwithstanding the fact that such Reasonable Accommodation does not impose undue burdens may, according to the circumstances, etc., be found liable for the act that damages the trust of OIST or the act to disrupt the order and morality of the workplace, and may be subject to disciplinary action upon OIST rules and procedures.

## **Chapter 6**      **Advisory Services**

1 OIST shall establish an advisory desk to be comprised as stipulated below to properly respond to requests for consultation on the discriminatory treatment based on disabilities which are filed by persons with disabilities, their families or other related persons.

- a Gender Equality and Human Resource Development Division
- b Respectful Workplace and Anti-Harassment hotline (RWAH hotline)
- c Staff appointed by Vice President for Gender Equality and Human Resource Development, such as employees with disabilities

2 The person who intends to request for consultation may contact to any of the contact points of the advisory desk stipulated in the above paragraph, in the form of letter, telephone, facsimile, e-mail or any other means.

3. The contact points of the advisory desk shall report the information provided by the person who requested for consultation to Diversity and Welfare Section.

4. Diversity and Welfare Section shall compile and record the information provided by the contact point of the advisory desk.

5. The contact points of the advisory desk shall ask or cooperate with relevant Division(s) to take appropriate actions, if it is deemed necessary for OIST.

6. Sufficient consideration of the privacy of the consultees shall be provided, when the contact point of the advisory desk shares the information provided by the consultees with Diversity Section or when the contact point and/or relevant Division(s) take(s) appropriate actions stipulated in Chapter 6.5.

7. The advisory desk stipulated in the above paragraph shall act to secure and develop Staff for engaging in advisory services and dispute settlement as needed.

## **Chapter 7 Training and Education**

1 OIST shall provide staff with necessary training and education for promoting the elimination of discrimination based on disability.

2 Training shall be provided to new members of Staff for developing an understanding of basic matters related to the elimination of discrimination based on disability. Training shall also be provided to Staff who are newly appointed as supervisors for developing an understanding of their role in the elimination of discrimination based on disability.

3 Awareness shall be raised to ensure that Staff understand the characteristics of disabilities and appropriately respond to persons with disabilities by manuals and other materials