

**Keiwa College Guidelines for
Responding to and Deterring Disability-Based Discrimination**

May 11, 2016
Issued by the University President

[Intention Statement]

Article 1

The following guidelines (hereinafter referred to as “support guidelines”) have been written in accordance with the Legislation to Eliminate Discrimination Based on Disabilities (Law No. 65 of the year 2013) and are aligned with the procedures that have been established in Article 9, Paragraph 1 of the Foundational Plan to Eliminate Disability-Based Discrimination (Enacted by the Cabinet on February 24, 2015). The faculty and staff of Keiwa College (including all part-time staff, hereinafter referred to as “faculty and staff”) pledge to use the procedures as stated in the following support guidelines to establish adequate communication and determine relevant matters in relation to university related discrimination cases. In addition, the faculty and staff of Keiwa College pledge to use these procedures as preventative measures to help reduce disability-based discrimination at the university and its affiliations.

[Definition of Terms]

Article 2

The stipulations put forth in the support guidelines make use of the following terms as defined below.

1. Persons with disabilities: Article 2 Paragraph 1 of the Fundamental Law Regarding the Physically Disabled (Law No. 84 of the year 1954) determines persons with disabilities as anyone with a physical disability, a mental disability, a psychiatric disorder (including developmental disorders), a disability that affects his/her mental and emotional functioning (including persons whose disabilities are caused by incurable diseases. Such disabilities will hereinafter be referred to simply as disabilities). Persons whose ability to participate in society and perform day-to-day activities is limited or restricted in some form as a result of an underlying physical condition will be considered physically disabled. Any person educating, studying, or performing research at this university whose physical status falls under one or more of the above categories will be considered a person with disabilities.
2. Social Barriers: These will be defined as any item, system, practice, or idea that creates an obstacle(s) for persons with disabilities and restricts one’s ability to functionally participate in society and/or fulfill the needs and duties of one’s daily life.

[Basic procedure for evaluating claims of disability-based discrimination.]

Article 3

According to these support guidelines, disability-based discrimination is considered any kind of discrimination that cannot be justified. This includes, but is not limited to, being refused access to education and/or research opportunities, being refused access to university related events and places, being refused opportunities that are offered to persons without disabilities, and being refused access to typical hours of operation/timelines, etc. due to said disabilities. Placing special considerations and conditions on persons who are disabled will be considered a violation of their rights. **However**, if and when placing such special considerations and conditions on a person with disabilities leads to greater equality and access to equal opportunity for said person rather than being restrictive, these special considerations and conditions will not be considered discrimination.

1. The process for determining whether a claim of discrimination, as based on the terms stated in the previous paragraph, can be considered reasonable or unreasonable will not be made with a simple judgment. Rather, the reasonableness of a discrimination claim will be determined by an unbiased third party who will investigate the claim based on the specific circumstances of the claim itself and the individual(s) with disabilities who is/are involved in the claim. Additionally, the investigation that an unbiased third party makes will take into consideration the point of view of the university (including its faculty and staff) and its facilities and will also evaluate the purpose, contents, and maintenance of said facilities and activities in regard to their use for education, research, and extracurricular activities. After due consideration has been taken, an objective decision will be made as to whether the claim of discrimination can be considered justifiable or unjustifiable. In the case where the reason for discrimination is found to be reasonable, the faculty and staff of this university will be responsible for clearly explaining to the person(s) with disabilities that made the claim why the circumstances in the claim have not been considered discriminatory.
2. According to these support guidelines, persons with disabilities are considered to have the same basic rights and freedoms as persons without disabilities. In addition, they are guaranteed the right to express and exercise their freedoms as they choose. If it is necessary to take or grant special conditions or measures to assure that persons with disabilities have access to the same rights and freedoms as persons without disabilities, those conditions and/or measures must be considered. However, in the case that such conditions would create too large of a burden for the university to reasonably bear, those conditions and/or measures may be denied without their denial being considered discrimination.
3. Determining what constitutes a burden that the university (including its faculty and staff) cannot reasonably be expected to bear, as mentioned in the

previous paragraph, will not be made by a simple judgment. Rather, the particular burden in question will be examined by an unbiased third party and all of the factors and conditions surrounding the burden will be taken into consideration. Furthermore, said examination will give careful consideration to the following factors as outlined in the statements below. When it has been determined that an unreasonable burden has been placed on the university or a member of its faculty and staff, the reasoning behind this conclusion must be clearly explained to the person with disabilities making the claim until complete comprehension has been attained.

- a. The degree to which the special conditions in question alter and/or affect the ability of the university and its faculty and staff to effectively facilitate education and research.
- b. The feasibility of meeting said conditions. (The laws of nature, technological limitations, human limitations, etc. that are involved in meeting any special provisions)
- c. The cost and size of the special conditions.
- d. The size and scale of the university itself, its finances, and its financial standing.

[Responsibility Hierarchy: to be used when Dealing with Disability-based Discrimination]

Article 4

The responsibility hierarchy used at this university for reducing disability-based discrimination (hereinafter referred to as responsibility hierarchy) will be outlined in the following bullets.

1. Director: The University President or person of highest authority will be responsible for creating a barrier-free environment on campus (This includes appointing people and resources to help remove impediments from the university campus and creating an open and accepting attitude toward incoming students with disabilities.). The University President will also be responsible for demonstrating a strong sense of leadership over school administrators when dealing with issues of discrimination and will, in the end, carry the final responsibility on all decisions and actions made in regard and response to disability-based discrimination.
2. Administrator: The head of the student support center is responsible for aiding the university president in educating the university's faculty and staff about disability-based discrimination and is also responsible for demonstrating the proper steps and procedures to take when dealing with instances of disability-based discrimination.
3. Supervisor: Department chairs and office managers are responsible for taking the proper steps and procedures when

dealing with instances of disability-based discrimination in their respective departments/offices.

[Responsibilities of Administrators]

Article 5

In order to show reasonable consideration and extend relevant provisions to students with disabilities and to help deter disability-based discrimination, administrators must take special precautions to follow the duties stated below.

- a. Raise faculty and staff members' awareness of how, when, and where discrimination happens in the everyday workplace and help to deepen their cognizance of discrimination.
 - b. In the event that a discrimination claim or complaint is made, administrators must investigate said claim as quickly as possible.
 - c. If the claim is found to be valid, administrators must consult the faculty and staff that are involved and lead them through the necessary and appropriate steps to be taken in order to remedy the situation at hand.
1. In the event that discrimination is determined to have occurred, supervisors must report the incident to the appropriate administrator and follow said administrator's instructions on how to deal with the incident both appropriately and expediently.

[Discrimination Ban]

Article 6

Faculty and staff cannot infringe on the rights of any persons with disabilities while performing and executing their regular work duties.

1. Faculty and staff must refer to separate guidelines when dealing with matters relating to the responsibilities covered in the previous section.

[Providing Reasonable Accommodation to Persons with Disabilities]

Article 7

If a person with disabilities signals in any way to the university faculty and staff that he/she desires special conditions be made to accommodate his/her disability, the faculty and staff must give due consideration to that request.

1. The aforementioned signals will be considered as spoken words (including sign language), braille and handwritten/typed notes, gestures, etc. In other words, any kind of signal that represents a person with disabilities' desire to communicate will be considered a sign. In the event that a person with disabilities displays difficulty expressing his/her wishes, his/her family, nurse, caregiver, or support person, etc. can assist him/her with communication. Should a person with disabilities not be able to adequately express his/her needs, yet the source of his/her distress is obvious and clearly observed, due consideration can be made regarding said person's needs and a proposal to meet those needs can be offered.

2. In the event that a faculty or staff member must give due consideration to a request as outlined in the two aforementioned sections, separate guidelines must be referred to.

[Consultation Structure]

Article 8

In the event that a person with disabilities, a member of his/her family, or any other person related to a discrimination claim would like to receive consultation, he/she can do so at the following information centers.

1. Student Support Center
2. Advisor's Office
3. Harassment Consultation Center

[Conflict Prevention System]

Article 9

Committees such as a harassment inquiry committee will help mitigate claims of discrimination and prevent disputes arising from such claims (discriminatory action that does not have a reasonable justification or the lack of reasonable accommodations being made for persons with disabilities will be considered claim worthy).

[Faculty and Staff Training/Development]

Article 10

Faculty and Staff Training in regard to disability-based discrimination will be implemented in the following ways.

1. New faculty and staff will undergo a training program to educate them about matters of discrimination and to help them better understand what constitutes discrimination.
2. New supervisors will be trained and informed about their duties and obligations concerning matters of discrimination.
3. Other faculty and staff will be educated about the characteristics of discrimination and trained to develop their awareness of such issues while referring to a manual on how to properly respond to persons with disabilities.

[Disciplinary Measures]

Article 11

If faculty and staff perform any form of discrimination without what has been considered to be a reasonable cause or a burden that cannot be reasonably borne, if faculty and staff do not give reasonable consideration to a request made by a person with disabilities, or if a faculty or staff member is found to be negligent in his/her duties and responsibilities, he/she will be subject to being disciplined according to Article 49 of

the Keiwa College employment rules (Established on April 1, 1994) and
Article 44 of the Keiwa College employment regulations for faculty and staff.

Supplementary Provisions (May 5, 2016)
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Keiwa College

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