

Policies and Procedures

Disability Inclusiveness Policy

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Responsible Officer: Deputy Vice-Chancellor (Education)

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1. Purpose

The Convention on the Rights of Persons with Disabilities define '*Person with Disabilities*' as including those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Staff and students with disabilities at the University of the South Pacific are integral members of the institution as they contribute immensely to its operation and success. Their welfare, interests, aspirations, opportunities and participation are paramount, thus the University is obliged under the CRDP and domestic legislation to make **reasonable accommodation** as means of enabling and empowering staff and students with disabilities to participate fully and effectively and realise their academic and other goals at the University without any barrier.

The purpose of this policy is to ensure that *Persons with Disabilities* at USP participate on an equal basis with others at the University without being hindered in any way or form.

2. Objectives

The objectives of this policy are:

- (i) To safeguard the welfare and interests of *Persons with Disabilities* at USP;
- (ii) To foster conducive environment that enable and empower *Persons with Disabilities* at USP to participate fully and effectively without any barrier; and
- (iii) To ensure that USP makes *reasonable accommodation* in support of *Persons with Disabilities*.

These objectives are aligned to the CRPD including domestic legislation such as the Rights of Persons with Disabilities Act 4 of 2018 (Fiji), Rights of Persons with Disabilities Act 2015 (Marshall Islands), and Disability Act 10 of 2008 (Cook Islands).

3. Definitions

For purposes of this policy, the following definitions from the CRPD, Rights of Persons with Disabilities Act 4 of 2018 (Fiji), Rights of Persons with Disabilities Act 2015 (Marshall Islands), and Disability Act 10 of 2008 (Cook Islands) shall be adopted and applied in

accordance to the context and circumstances at USP as a regional institution of learning, teaching and research, and employer:

- **“CRPD”** means the United Nations Convention on the Rights of Persons with Disabilities which entered into force on 3 May 2008.
- **“DRC”** means the Disability Resource Centre based at Laucala Campus, Suva, Fiji.
- **“DEIC”** means the Diversity, Equity & Inclusivity Committee at USP.
- **“HRO”** means the Human Resources Office based at Laucala Campus, Suva, Fiji.
- **“Campus Director”** means the person who is in charge of the campus or centre that isn't Laucala Campus or Fiji.
- **“CSO”** means the Chief Security Officer based at the main Campus which is Laucala Campus, Suva, Fiji.
- **“Persons with Disabilities”** include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- **“Impairment”** means a condition which involves any loss or abnormality of the psychological, physiological, or anatomical structure or function of the body and may include –
 - (a) sensory impairments, such as those affecting sight or hearing;
 - (b) impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
 - (c) progressive impairment, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
 - (d) development impairment, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
 - (e) learning difficulties; or
 - (f) mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and some self-harming behaviour.
- **“Communication”** includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, humanreader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.
- **“Language”** includes spoken and signed languages and other forms of non-spoken languages.
- **“Discrimination on the basis of disability”** means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the

recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

- **“Reasonable accommodation”** means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoying or exercise on an equal basis with others of all human rights and fundamental freedoms.
- **“Procedural accommodation”** means appropriate modifications and adjustments, whether of a rule, a practice, an environment, a requirement or otherwise, to ensure full participation by persons with disabilities in any form of legal or administrative procedure, including investigations and enquiries, on an equal basis with others.
- **“Support service”** means a facility or modification, whether physical, administrative or otherwise, required to provide reasonable accommodation for a person with disability, and includes:
 - (a) provision of assistive devices or technologies;
 - (b) provision of a support person, chosen by the person with disability;
 - (c) ensuring accessibility to buildings and facilities;
 - (d) adoption of universal design measures; and
 - (e) adaptive communication formats;
- **“Assistive device”** means any technical device intended to meet the specific needs of persons with disabilities, and includes wheelchairs, hearing or visual aids and other devices, whether of the same kind or not.

4. **Discrimination on the basis of disability**

- (i) For the purposes of this policy, **“Discrimination on the basis of disability”** means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.
- (ii) *Persons with Disabilities* at USP must not be discriminated on the basis of disability.
- (iii) Notwithstanding **clause 4(ii)** herein, it must not be considered as discrimination if the University sanction:
 - a) Affirmative action bylaws, policies and programmes to promote equality for persons with disabilities provided those bylaws, policies and programmes are proportionate to the aim of promoting equality for persons with disabilities.
 - b) Specific measures which are necessary to accelerate or achieve equality of persons with disabilities.

5. Admission into USP of *Persons with Disabilities*

- (i) *Persons with Disabilities* seeking admission into USP as student, employee, visitor or other legitimate capacity must not be discriminated on the basis of disability.
- (ii) Notwithstanding **clause 5(i)** herein, the Vice Chancellor has the prerogative to exclude any person including *Persons with Disabilities* from the University pursuant to **section 32** of the Statutes of the University of the South Pacific (<http://policylib.usp.ac.fj/form.readdoc.php?id=700>).

6. Disability Disclosure by *Persons with Disabilities*

- (i) **Staff and students with disability** at USP who require *reasonable accommodation* are obliged to disclose even with the assistance of relevant stakeholders including the Human Resources Office (HRO), Head of School / Section / Department, Campus Director, Union, or USPSA branch, his or her *impairment* and need to the Disability Resource Centre (DRC) with supporting medical documentation.

Such disclosure is also extended to **visitors with disability** who are visiting the University on an academic, professional, administrative, or contractual capacity.

(ii) Confidentiality

- a) Information regarding the disabled staff's, student's and visitor's *impairment* and need are **confidential**, and may only be released by the DRC when consulting with relevant stakeholders for purposes of determining the extent to which the University will implement the necessary accommodation or adjustment to benefit the staff, student and visitor with disability.

Breach of such confidentiality constitute a **misconduct** under this policy, and can warrant disciplinary action.

(iii) Unlawful or arbitrary use of information disclosed by *Persons with Disabilities*

Information kept by the DRC and USP regarding staff, students and visitors with disability must not be used in an unlawful or arbitrary manner. Breach of this provision constitute a **misconduct** under this policy, and can warrant disciplinary action.

- (iv) Information regarding students with disabilities must be handled in accordance with the Student Privacy Policy 1.6.2.30 (<http://policylib.usp.ac.fj/form.readdoc.php?id=462>).

7. Staff Code of Conduct and Conflict of Interest

Staff of the University must act in a professional and ethical manner, and strictly adhere to the (a) Staff Code of Conduct Policy 1.6.1.35 (<http://policylib.usp.ac.fj/form.readdoc.php?id=936>), (b) Code of Professional Conduct for Academic Staff 5.22.01 (<http://policylib.usp.ac.fj/form.readdoc.php?id=83>), and (c) Conflict of Interest Policy 1.1.1.34 (<http://policylib.usp.ac.fj/form.readdoc.php?id=934>), when dealing with *Persons with Disabilities* at the University.

8. Sexual Harassment and Bullying of *Persons with Disabilities*

- (i) *Persons with Disabilities* at USP must not be sexually harassed and bullied.
- (ii) *The University is committed to providing a safe and inclusive work environment for all employees, aiming to prevent and address instances of sexual harassment and bullying, with a particular focus on protecting individuals with a disability(s). It is imperative that every employee understands their rights and responsibilities to foster a workplace that promotes dignity, respect, inclusivity and equality.*
- (iii) *Prohibited conduct against any employee, including towards persons with disabilities, includes unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature are strictly prohibited. Bullying including but not limited to verbal abuse, offensive jokes, or any behavior that creates an intimidating, hostile, or offensive work environment and/or focused on persons with disabilities, is strictly prohibited.*

9. Abuse of *Children with Disabilities*

- (i) Children with disabilities attending a USP run service or visiting USP must not be abused. Children with disabilities, particularly children with psychosocial and intellectual disabilities, are more vulnerable than children without disabilities to abuse and violence, including physical and sexual violence.
- (ii) All safeguards must be taken by the University staff, students, service providers or by any other affiliation to protect children from intentional and non-intentional harm or abuse, particularly children with disabilities.

10. Security services to *Persons with Disabilities*

- (i) *Persons with Disabilities* at USP must be safe and secure within the University precinct.
- (ii) In the event that a disabled person's safety is compromised thus requiring security protection or intervention, the DRC must immediately arrange for such protection or intervention from the Chief Security Officer (CSO), and the Campus Director of the campus or centre in which the disabled person is based must do likewise.
- (iii) If a disabled staff and student need a **restraining order** against another person, the DRC or Campus Director must assist accordingly.

11. Freedom of expression and opinion, and access to information

Persons with Disabilities at USP have the freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, including:

- (a) information intended for the general public in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice in official interactions; and
- (c) the right to the use of sign language.

12. Accessibility to benefit *Persons with Disabilities*

- (i) The University will make *reasonable* and *procedural accommodation* to enable *Persons with Disabilities* at the University:
 - a) Ease of access to buildings and facilities within the University precinct.
 - b) To be provided with reasonable *support service* to facilitate accessibility to buildings and other facilities within the University precinct.
 - c) To use sign language, Braille or other appropriate means of *communication*.
 - d) To have reasonable access to necessary materials, substances and devices relating to their disability.
- (ii) Based on **clauses 12(i)a-d** herein, the University will make reasonable adaptations to buildings, facilities, infrastructure, vehicles, working arrangements, rules, practices or procedures, to enable *Persons with Disabilities* to fully participate at the University and effectively realise their rights.

13. Academic needs of *Persons with Disabilities*

- (i) *Persons with Disabilities* have a right to education without discrimination and seek redress of their grievances.

14. Work-Integrated Learning & Internship at USP by students with disabilities

Students with disabilities at USP must be provided the opportunity to engage in:

- a) Work-Integrated Learning pursuant to the Work-Integrated Learning Policy 1.6.2.64 (<http://policylib.usp.ac.fj/form.readdoc.php?id=820>); and
- b) Internship at the University in accordance with the (a) Internal Internship Policy 1.6.4.31 (<http://policylib.usp.ac.fj/form.readdoc.php?id=917>) and (b) Internal Internship Procedure 1.6.4.31(a) (<http://policylib.usp.ac.fj/form.readdoc.php?id=918>).

15. Work and employment needs of *Persons with Disabilities*

- (i) *Persons with Disabilities* have the right to work and on an equal basis with others and seek redress of their grievances.
- (ii) Staff with disabilities at USP:
 - a) Must not be discriminated on the basis of disability with regard to all matters concerning all forms of employment including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions.

- b) Have the right on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe working conditions, including protection from harassment, and the redress of grievances.
- c) Have the right to exercise their labour and trade union rights on an equal basis with others.

16. **Grievance by *Persons with Disabilities***

- (i) Grievances by **staff with disabilities** at USP must be handled in accordance with the:
 - a) Staff Grievance Policy 1.6.1.30, in <http://policylib.usp.ac.fj/form.readdoc.php?id=880>
 - b) Staff Grievance Procedure 1.6.1.30(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=881>
 - c) Staff Grievance Form, in <http://policylib.usp.ac.fj/form.readdoc.php?id=882>
- (ii) Grievance by **students with disabilities** at USP must be handled in accordance with the:
 - a) Student Grievance Policy 1.6.2.31, in <http://policylib.usp.ac.fj/form.readdoc.php?id=460>
 - b) Student Grievance Procedures 1.6.2.31(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=838>
 - c) Student Grievance Form, in <http://policylib.usp.ac.fj/form.readdoc.php?id=861>
- (iii) Grievances raised by staff, students and visitors with disabilities at USP will be promptly investigated and treated in strictest confidence and due diligence, impartially, and without impunity and victimisation.

17. **Implementation of this Policy**

- (i) The Disability Resources Centre (DRC) remain dedicated to work collaboratively with the schools / sections / departments at USP as well as external stakeholders to ensure that *Persons with Disabilities* participate fully and effectively on an equal basis with others at the University without being hindered in any way or form.
- (ii) The Diversity, Equity & Inclusivity Committee (DEIC) will ensure that this Policy is widely disseminated to all schools / sections / departments at USP for purposes of enabling all staff and students to be aware of this Policy and its implications.
- (iii) The University in collaboration with the USPSA Federal Council and USPSA Branches, shall provide the students regular awareness of this Policy aimed at enhancing the students' knowledge and comprehension of this Policy and its implications.
- (iv) It is the responsibility of all Heads of schools / sections / departments including managers and supervisors at USP to ensure that all employees are aware of this Policy and its implications.

- (v) Ensure data privacy and provide targeted training for staff and students in ICT competencies, assistive technologies, and specialized skills to support and accommodate students with disabilities.

18. Monitoring and Evaluation

- (i) The DEIC working in collaboration with relevant stakeholders recognise the importance of monitoring and evaluating the extent to which the University has or will implement *reasonable* and *procedural accommodations* for the benefit of *Persons with Disabilities* at USP, and will ensure that relevant data and statistics are properly and effectively collated, analysed and archived.
- (ii) The DRC shall report on the degree of compliance with this Policy to the DEIC, and on a bi-annual basis to the Senate which report shall evaluate the effectiveness of this Policy and, if warranted, appropriate amendments to the Policy will be subsequently made.

19. Related documents

- 1) UN Convention on the Rights of Persons with Disabilities (CRPD), in https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
- 2) Pacific Framework for the Rights of Persons with Disabilities 2016-2025, in <https://www.forumsec.org/wp-content/uploads/2018/05/PFRPD.pdf>
- 3) Rights of Persons with Disabilities Act 4 of 2018 (Fiji), in http://www.paclii.org/fj/legis/num_act/ropwda2018376/
- 4) Rights of Persons with Disabilities Act 2015 (Marshall Islands), in http://www.paclii.org/mh/legis/num_act/ropwda2015376/
- 5) Disability Act 10 of 2008 (Cook Islands), in http://www.paclii.org/ck/legis/num_act/da2008121/
- 6) Statutes of the University of the South Pacific, in <http://policylib.usp.ac.fj/form.readdoc.php?id=700>
- 7) Student Privacy Policy 1.6.2.30, in <http://policylib.usp.ac.fj/form.readdoc.php?id=462>
- 8) Staff Code of Conduct Policy 1.6.1.35, in <http://policylib.usp.ac.fj/form.readdoc.php?id=936>
- 9) Code of Professional Conduct for Academic Staff 5.22.01, in <http://policylib.usp.ac.fj/form.readdoc.php?id=83>
- 10) Conflict of Interest Policy 1.1.1.34, in <http://policylib.usp.ac.fj/form.readdoc.php?id=934>
- 11) Sexual Harassment Policy 5.22.03, in <http://policylib.usp.ac.fj/form.readdoc.php?id=405>
- 12) Sexual Harassment Procedure 5.22.03(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=927>
- 13) Anti-Bullying Policy 1.6.1.34, in <http://policylib.usp.ac.fj/form.readdoc.php?id=928>
- 14) Anti-Bullying Procedure 1.6.1.34(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=929>
- 15) Child Protection Policy 1.6.1.35, in <http://policylib.usp.ac.fj/form.readdoc.php?id=930>
- 16) Child Protection Procedure 1.6.1.35(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=931>

- 17) Field Trip Policy 1.6.2.75, in <http://policylib.usp.ac.fj/form.readdoc.php?id=919>
- 18) Field Trip Procedure 1.6.2.75(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=920>
- 19) Work-Integrated Learning Policy 1.6.2.64, in <http://policylib.usp.ac.fj/form.readdoc.php?id=820>
- 20) Internal Internship Policy 1.6.4.31, in <http://policylib.usp.ac.fj/form.readdoc.php?id=917>
- 21) Internal Internship Procedure 1.6.4.31(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=918>
- 22) USP Occupational Health and Safety Policy 5.25.01, in <http://policylib.usp.ac.fj/form.readdoc.php?id=548>
- 23) Staff Grievance Policy 1.6.1.30, in <http://policylib.usp.ac.fj/form.readdoc.php?id=880>
- 24) Staff Grievance Procedure 1.6.1.30(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=881>
- 25) Staff Grievance Form, in <http://policylib.usp.ac.fj/form.readdoc.php?id=882>
- 26) Student Grievance Policy 1.6.2.31, in <http://policylib.usp.ac.fj/form.readdoc.php?id=460>
- 27) Student Grievance Procedures 1.6.2.31(a), in <http://policylib.usp.ac.fj/form.readdoc.php?id=838>
- 28) Student Grievance Form, in <http://policylib.usp.ac.fj/form.readdoc.php?id=861>

20. References

- a) UN Convention on the Rights of Persons with Disabilities (CRPD), in https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
- b) Pacific Framework for the Rights of Persons with Disabilities 2016-2025, in <https://www.forumsec.org/wp-content/uploads/2018/05/PFRPD.pdf>
- c) Rights of Persons with Disabilities Act 4 of 2018 (Fiji), in http://www.pacii.org/fj/legis/num_act/ropwda2018376/
- d) Rights of Persons with Disabilities Act 2015 (Marshall Islands), in http://www.pacii.org/mh/legis/num_act/ropwda2015376/
- e) Disability Act 10 of 2008 (Cook Islands), in http://www.pacii.org/ck/legis/num_act/da2008121/