



1 PURPOSE

The purpose of the Students with Disabilities Policy is to outline the principles that will guide and inform the Mangosuthu University of Technology (MUT) in responding to the needs of students with disabilities.

2 RATIONALE

Students with disabilities are exposed to restrictive learning environments and barriers that continue to unfairly discriminate against them, marginalise and exclude them from active participation in the MUT community. MUT supports the philosophy of inclusive education for a student with a disability, and affirms that no person may unfairly discriminate against any other person on grounds of a disability. As MUT values diversity, this policy seeks to promote meaningful access to educational opportunities for all prospective and registered MUT students.

3 SCOPE

The MUT Students with Disabilities Policy will apply to the entire University community, staff, prospective and registered students and associates of students with disabilities. It will guide all Academic and Administrative Departments and Units in dealing with students with disabilities.

4 OBJECTIVES

The objectives of the Students with Disabilities Policy are:

- 4.1 To provide equal opportunities to all prospective students and registered MUT students;
- 4.2 To ensure that all MUT students are treated with dignity, fairness and respect at all times;
- 4.3 To eliminate unfair discrimination against students on grounds of disability and to promote equal access to educational opportunities for students with disabilities;

- 4.4 To establish fair and consistent practices and procedures with regard to the needs of students with disabilities; and
- 4.5 To promote the values of mutual respect, trust, honesty, and freedom in the University learning environment.

5 DEFINITIONS

5.1 Academic Assessment

Assessment refers to a measure or evaluation of a student's ability to meet the minimum academic requirements of a course or programme. This includes both the content and design of assessment tasks.

5.2 Academic consideration

Academic consideration refers to a process intended to help minimise the impact of serious or extenuating circumstances beyond a student's control that significantly impairs a student's ability to complete an assessment task on or by the due date as stipulated in the subject outline or to attend to an academic task or progress academically in a subject relevant to his or her course of study. Academic consideration may be granted on the basis of medical grounds, compassionate grounds and/or extenuating circumstances.

5.3 Accommodation

Accommodation refers to a measure or action (or a group of measures or actions) taken by an education provider that has the effect of assisting a student with a disability on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of his/her disability.

5.4 Associate

An associate refers to a person or an MUT student who provides support to a student with a disability. An associate may include but is not limited to:

- A spouse of the student with a disability;
- Another person who is living with the student with a disability on a genuine domestic basis;
- A relative or friend of the student with a disability; and
- A carer of the student with a disability.

5.5 Disability

"Disability may be physical, cognitive, mental, sensory, emotional, developmental or some combination of these". (Wikipedia, the free encyclopaedia).

5.6 Disabilities

According to the World Health Organisation (1980), "Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An **impairment** is a problem in body function or structure; an **activity limitation** is a difficulty encountered by an individual in executing a task or action; while a **participation restriction** is a problem experienced by an individual in involvement in life situations.

Thus disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives".

5.7 Inclusive education

Inclusive education refers to:

- Valuing all students;
- Recognizing that inclusive education is one aspect of preparing them for an inclusive society;
- Increasing the students' participation in mainstream education, culture, curricular within the University community.

5.8 Practical placement

Practical placement refers to classroom accommodation, residence accommodation, workplace experience or other practical training requirements that enable the students to meet the necessary academic requirements.

5.9 Reasonable accommodation

Reasonable accommodation refers to any action on the part of the University that enables the student to have full access to academic facilities by reducing the impact of the impairment on such access. Such action must be considered reasonable and should not impose an unjustifiable hardship on the part of the University. This includes but is not limited to:

- Adapting existing facilities to make them accessible;
- Adapting existing equipment or acquiring new equipment where possible;
- Reorganizing classrooms and residences;
- Changing training and assessment materials and systems;
- Providing readers, Braille equipment, sign language and interpreters; and
- Providing specialized supervision, training and support.

5.10 Support for Students with Disabilities

Support for students with disabilities refers to the scope of assistance or any action that is intended to alleviate the impact a disability has on the student in relation to the learning environment. Such assistance or action will satisfy all the following:

- Long-term or recurring condition;
- Impairment; and
- Substantially limiting.

5.10.1 Long-term or Recurring Condition

- (a) Long-term will mean the impairment which has lasted or is likely to persist for at least twelve months. A short-term or temporary illness or injury will not be regarded as an impairment which can give rise to a disability; and
- (b) A recurring impairment will mean one that is likely to happen again and to be substantially limiting.

5.10.2 Impairment

Impairment may be physical or cognitive:

- (a) Physical impairment will mean a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being, hearing impaired or visually impaired and any combination of physical or mental impairment; and
- (b) Cognitive impairment will mean difficulties brought about by specific learning disabilities.

5.10.3 Substantially Limiting

- (a) An impairment will be considered substantially limiting if, in the absence of reasonable accommodation by the University, a student would be either totally unable to carry on with his/her learning activities or would be significantly limited in his/her learning performance; and
- (b) For reasons of public policy certain conditions or impairments may not be considered disabilities. These include but are not limited to:
 - Sexual behaviour disorders that are against public policy;
 - Self-imposed body adornments such as tattoos and body piercing;
 - Compulsive gambling, tendency to steal or light fires;
 - Disorders that affect a student's mental or physical state if they are caused by current use of illegal drugs or alcohol, unless the affected student is participating in a recognized programme of treatment;
 - Normal deviations in height, weight and strength and
 - Conventional physical and mental characteristics and common personality traits.

5.11 Unjustifiable hardship

Unjustifiable hardship refers to an action that requires significant or considerable difficulty or expense that is likely to substantially harm the viability of the University. This would involve considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the University. In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:

- The nature of the benefit or detriment likely to accrue or be suffered by any person(s)/student(s) concerned;
- The effect of the disability of a student concerned; and
- The financial circumstances and the estimated amount of expenditure required to be made by the person/student claiming unjustifiable hardship.

6 POLICY PRINCIPLES

MUT will continue to provide equitable teaching and learning opportunities for students with disabilities. The University will be sensitive to complaints emanating from the implementation of this policy and will give due regard to the confidentiality of all parties concerned:

6.1 Impairments

MUT shall ensure that:

- 6.1.1. No unfair discrimination takes place against students with impairments within the various teaching and learning settings within the institution;
- 6.1.2 Positive and unprejudiced attitudes towards students with impairments are fostered and encouraged; and
- 6.1.3 Reasonable accommodation as regards the needs of students with impairments are explored in order to minimise the adverse impact of the impairment.

6.2 Commitment

MUT will be committed to:

- 6.2.1 Providing a university experience that gives students with disabilities the opportunity to realise their academic and social potential and participate fully in university life;
- 6.2.2 Balancing the interests of all parties affected by reasonable adjustment;
- 6.2.3 Maintaining the academic standards of its courses and programmes;
- 6.2.4 Providing a supportive educational environment and an appropriate level of resources that will enable all students to realize their academic and social potential;
- 6.2.5 Continuous improvement that will ensure all buildings and facilities comply with the national regulations with regard to safety, accessibility and accommodation for students with disabilities. This will be achieved through the ongoing review and gradual upgrade of existing buildings and construction of new buildings and facilities; and
- 6.2.6 Providing an environment free from harassment and discrimination.

6.3 Reasonable Accommodation

MUT will take all reasonable steps to ensure that:

- 6.3.1 A prospective student with a disability is able to seek admission to or apply for enrolment;
- 6.3.2 A student with a disability is able to participate in the courses or programmes provided and use facilities and services of the University;
- 6.3.3 A course or programme is designed in such a way that a student with a disability is able to participate in the learning experiences, including assessment and certification requirements, of the course or programme and any relevant supplementary course or programme;
- 6.3.4 A student with a disability is able to use support services on the same basis as a student without a disability, and without experiencing discrimination; and

- 6.3.4.1 MUT will provide support services and programmes intended specifically for the benefit of a student with a disability in order to enable him/her to participate in their studies and to facilitate independent learning. The Student Counselling Unit will coordinate these services at the University administration level and the Dean of Faculty will facilitate these services at the faculty level.

6.4 Determination of Reasonable Accommodation

- 6.4.1 In determining whether a particular adjustment for a student with a disability is reasonable, all relevant circumstances and interests will be taken into account, including the following:

6.4.1.1 The student's disability;

6.4.1.2 The views of the student or the student's advocate;

6.4.1.3 The effect of the adjustment on the student, including the effect on the student's:

- Ability to achieve learning outcomes;
- Ability to participate in courses or programmes; and
- Independence;

6.4.1.4 The effect of the proposed accommodation on anyone else affected, including the University, staff and other students;

6.4.1.5 The inherent requirements of the course or programme; and

6.4.1.6 The costs and benefits of making the accommodation;

6.4.2 In assessing a particular accommodation for a student with a disability, current, relevant and appropriate medical or specialized documentation will be provided to substantiate the reasonableness of the adjustment.

6.4.3 Academic Assessment

6.4.3.1 A student with a disability will be entitled to reasonable accommodation in respect of assessment; and

6.4.3.2 Consultation will occur in relation to reasonable accommodation to assessments. Consultation will involve the student requesting reasonable accommodation, the Subject Coordinator/Lecturer and the Dean of Faculty.

6.5 Disclosure

6.5.1 MUT will encourage students with disabilities to disclose the nature and extent of their disabilities to the Student Counselling Unit as soon as they become aware of their disability and in a timely manner that allows MUT to best support their needs;

- 6.5.2 The nature of the disability will be substantiated by current, relevant and appropriate medical documentation. A student will seek advice from the Student Counselling Unit to determine all documentation that is appropriate to their circumstances;
- 6.5.3 Information in relation to the particulars of a disability, provided by a student or an associate will remain confidential and will be restricted to those with a legitimate need to know.

6.6 Practical Placement

- 6.6.1 A student with a disability undertaking practical placement will be entitled to reasonable adjustment and due consideration will be given to the ability of the University to provide reasonable adjustments in order to meet specific student needs and disability requirements; and
- 6.6.2 Consultation will occur in relation to reasonable adjustment to practical placements. Consultation will involve the student requesting reasonable adjustment and the staff member responsible for co-ordinating practical placements.

6.7 Associate of a Student with a Disability

- 6.7.1 If an associate of a student with a disability is a student, he/she will be entitled to reasonable adjustment. Alternatively, such a student will be eligible for academic consideration; and
- 6.7.2 MUT will support a student who is an associate of a student with a disability to meet the specific needs.

7 ROLES AND RESPONSIBILITIES

7.1 Exceptions

- 7.1.1 MUT will not be required to provide an adjustment to the extent that it would impose unjustifiable hardship on the University or the placement provider;
- 7.1.2 MUT will not compromise academic standards of a course or programme, or other requirements or components that are inherent in or essential to its nature; and
- 7.1.3 MUT will reserve the right to isolate a student with a disability, where it is reasonably necessary to protect the health or welfare of the student or other people.

7.2 The University has the responsibility to:

- 7.2.1 Ensure that this Policy is accessible to all staff, students and associates; and
- 7.2.2 Ensure that this Policy is implemented and applied consistently across the MUT community.

7.3 The Student Counselling Unit has the responsibility to:

- 7.3.1 Act as a link between students, the faculty and relevant academic staff;
- 7.3.2 Facilitate in conjunction with the Dean of the Faculty, reasonable adjustment provisions at the faculty level for each student with a disability;
- 7.3.3 Provide consultation and assessment services to students with a disability in order to recommend reasonable adjustments;
- 7.3.4 Ensure that current, relevant and appropriate professional, medical or specialised documentation is provided by the student with a disability or his/her associate;
- 7.3.5 Provide information, counselling and relevant support staff with advice on matters related to disability to the MUT community, where necessary;
- 7.3.6 Monitor progress and experience of students with disabilities; and
- 7.3.7 Resolve issues or conflict related to a disability between a student with a disability and any member of the University community.

7.4 The Academic Staff have the responsibility to:

- 7.4.1 Ensure that this Policy is complied with and applied consistently so that all students are treated fairly and equitably as far as practicable;
- 7.4.2 Participate in the consultative process with Student Counselling Unit to determine reasonable adjustments as required; and
- 7.4.3 Implement recommended reasonable adjustments.

7.5 The student with a disability has the responsibility to:

- 7.5.1 Disclose the nature and extent of his/her disability to Student Counselling Unit;
- 7.5.2 Provide current, relevant and appropriate professional, medical or specialised documentation;
- 7.5.3 Advise and/or inform Student Counselling Unit:
 - Of his/her subject enrolment at the beginning of each academic session;
 - When he/she alters/modifies his/her subject enrolment;
 - When he/she takes leave of absence from his/her studies;
 - When he/she discontinues his/her studies; and
 - When his/her circumstances or condition changes;
- 7.5.4 Participate in consultations and reviews as required; and
- 7.5.5 Engage with staff on matters related to their disability.

7.6 An associate has the responsibility to:

- 7.6.1 Register with Student Counselling Unit and obtain permission to remain in the University premises;
- 7.6.2 Provide current, relevant and appropriate professional, medical or specialised documentation and apply for academic consideration in a timely manner if is an MUT student;
- 7.6.3 Participate in consultations and reviews as required; and
- 7.6.4 Inform Student Counselling Unit when their circumstances or the condition of the student with a disability changes.

8 COMPLAINT OR GRIEVANCE

- 8.1 Students who have a complaint or grievance on the basis of disability will contact the Student Counselling Unit in the first instance and then the Dean of Faculty; and
- 8.2 Student cases or complaints of harassment or victimisation on the basis of disability will be referred to the Office of the Dean of Students.

9 POLICY CONTEXT

The Students with Disabilities Policy will be guided by the following documents:

- 9.1 The Constitution of the Republic of South Africa, 1996 (Act No: 108 of 1996);
- 9.2 The Employment Equity Act, 1998 (Act No: 55 of 1998);
- 9.3.1 The MUT Admissions Policy;
- 9.3.2 The MUT Co-Operative Education Policy;
- 9.3.3 The MUT Learning Assessment Policy;
- 9.4 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No: 4 of 2000);
- 9.5 The South African Schools Act, 1996 (Act No: 84 of 1996);
- 9.6 Wikipedia, the free encyclopaedia; and
- 9.7 World Health Organisation, Health Topics: *Disabilities*, 1980.

10 POLICY REVIEW

This policy will be reviewed every three years.

N/B: This Policy was approved by MUT Council on: ***30/03/2011***

11 POLICY PROCEDURES

11.1 Purpose

To ensure that all proper and appropriate procedures are followed when handling issues of students with disability which should be in line with the MUT Students with Disability Policy.

11.2 Scope

The scope of the procedures include the following stakeholders:

- Prospective and registered students
- Staff
- Associates of students with disabilities

11.3 Accessibility:

- 11.3.1 There should be on-going training of staff and students on the Students with Disability Policy. This would help to ensure that students with disabilities are not unfairly treated or discriminated against;
- 11.3.2 The Student Counselling Unit must record the needs of students with disability and immediately inform relevant stakeholders of the plan of action, at the beginning of each academic year or whenever a need arises. This is to ensure that reasonable accommodation of the student(s) is achieved;
- 11.3.3 The Student Development Unit should analyse the students' needs biannually and provide reasonable supportive training and appropriate level of resource provision in line with identified needs; and
- 11.3.4 The Student Housing Unit should reserve appropriate rooms for students with disabilities. It should also ensure that relevant facilities are made available in residences for students with disabilities.

11.4 Creating a conducive learning environment:

- 11.4.1 The Student Counselling Unit must develop a communication chart and train students with disabilities on rights of people with disabilities, the communication chart as well as guidelines of communicating needs of people with disabilities;
- 11.4.2 The Skills Development Facilitator must train staff on the rights of students with disability, the communication chart as well as guidelines of communicating needs of students with disabilities; and
- 11.4.3 With respect to experiential training, a Student Counsellor and a Student Placement Officer must first assess the suitability of the learning environment and then make written recommendations before a decision to place a student is taken.

11.5 Assessment of needs of students with disabilities;

- 11.5.1 The Student Counselling Unit must first conduct an assessment by using a Transition Planning Inventory (TPI) profile form and other psychometric tests, and produce a report which will highlight needs of students with disabilities;
- 11.5.2 A Student Counsellor should agree with the student by means of a signed consent form on issues to be disclosed to other interested parties;
- 11.5.3 A Student Counsellor should collate information on students with disabilities and include the nature of disability, support needs as stated by the students, current, relevant and appropriate professional medical or specialized documentation in support of the needs of the student as well as a psychological report specifying needs in respect of learning assessment and support relevant to academic studies;
- 11.5.4 All associates of a student with a student disability must be assessed by an independent body or a Student Counsellor for suitability to support students with disabilities and a report must be produced for future reference if there is a need;
- 11.5.5 In cases where a student applies for specific adjustments, the office of the Dean of Students will provide application form(s) and attend to the request within 3 days, depending on the context;
- 11.5.6 In cases where the request is regarded as imposing unjustifiable hardship to the University or a placement provider, a reasonable alternative will be sought to assist the student to pursue his or her studies;
- 11.5.7 The Student Health Services should assist in providing a physical assessment of the extent of a student's disability; and
- 11.5.8 The Student Health Services should provide relevant health care to students with disabilities.

11.6 Support for students with disabilities

- 11.6.1 The Student Counselling Unit should:
 - (a) Develop and circulate a communication chart for assisting students with disabilities;
 - (b) Compile and annually update database of all students with disabilities;
 - (c) Compile a report based on TPI and other psychometric tests in order to assist the Student Support and Development Committee to make appropriate decisions;
 - (d) Coordinate activities to support students with disabilities;
 - (e) Develop students with disability progress matrix and make follow-ups on indications of poor academic achievement and social adjustment;

- (f) Conduct conflict management sessions where necessary in order to help students and others improve relations; and
- (g) Communicate with academic staff in writing about issues that help to improve adjustment of students with disabilities.

11.6.2 Academic staff should:

- (a) Give and record further assistance given to students with disabilities whenever it is necessary;
- (b) Display a confidentiality policy on the walls of their offices and communicate with the Student Counselling Unit all issues that will determine reasonable accommodation as required; and
- (c) Seek advice from the Student Counselling Unit on how to handle particular disability related matters.

11.7 Members of the organisation for students with disabilities and/ or a student with a disability

11.7.1 Attend student counselling and discloses the nature of a disability;

11.7.2 Provide current, relevant and appropriate professional medical and specialised documentation to support disability status;

11.7.3 Informs student counsellor about:

- Subject enrolment at the beginning of each academic year;
- When he/she alters/modifies his/her subject enrolment;
- When he/she takes leave of absence from his/her studies;
- When he/she discontinues his/her studies; and
- When his/her circumstances or conditions changes;

11.7.4 Participate in consultative reviews as required;

11.7.5 Inform academic staff about matters related to their disability;

11.7.6 Register with the Student Counselling Unit;

11.7.7 Attend student related consultative reviews as required; and

11.7.8 Inform the Student Counselling Unit about any changes in his/her status or that of a student.

11.8 Complaints or grievance procedures

11.8.1 A student who has a complaint or grievance should notify the appropriate structure/s about the complaint or grievance and/or report it to the Student Counselling Unit;

- 11.8.2 Student Counsellors must explain the grievance process to the student and provide appropriate counselling or therapy;
- 11.8.3 A Counsellor must help the student to complete the grievance form based on a plan of action after a counselling session;
- 11.8.4 Completed form must be given to the Dean of Students or next level of authority within 3 days of the grievance being registered with the Student Counselling Unit;
- 11.8.5 Student Counsellors must conduct post-grievance counselling to find out if further action needs to be taken; and
- 11.8.6 Student Counsellors must ensure that the concerned student signs a satisfaction survey form upon resolution of a particular complaint or grievance.

NB: Students with Disabilities Policy and Procedures was approved by Council on: **30/03/2011**