



UNIVERSITY OF NAIROBI

DISABILITY POLICY

OCTOBER 2020

FOREWORD

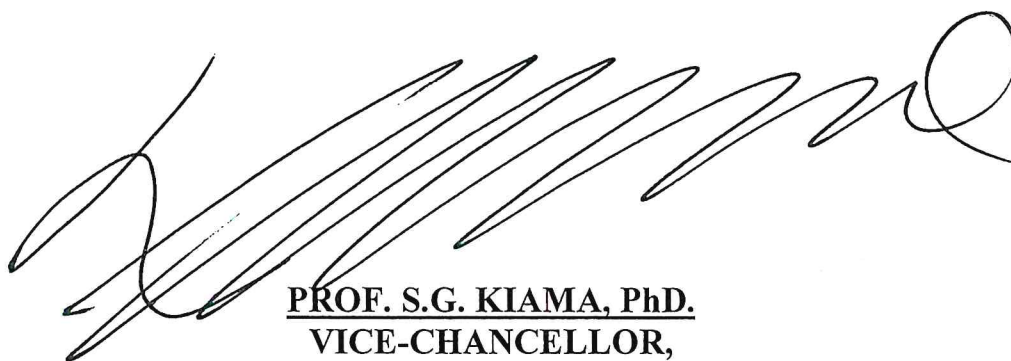
The University of Nairobi is the pioneer institution of higher education in Kenya and the largest University in the Eastern and Central Africa Region. It has over the years maintained a leading position in the higher education sector and is looked upon as a knowledge hub and as point of reference in key development issues.

In discharging its mandate, it serves all segments of society and strives for inclusivity and equality, while the University has students and staff with disabilities amongst its population and also interacts with them as stakeholders. Consequently, there is need to take policy and administrative measures to ensure that Persons with Disabilities have equal access to and opportunities to engage in all aspects of University life and activities.

Over the years, the University has been operating without a disability policy to guide disability specific interventions in University processes and procedures. The University has been responding to disability issues in an ad hoc manner which is inefficient and ineffective. The need to develop a disability policy is also driven by the necessity to promote fairer and inclusive societies as enshrined in the Constitution of Kenya (2010), the Persons with Disabilities Act (2010), the Convention on the Rights of Persons with Disabilities (2003) and other relevant Acts, policies and human rights instruments.

Disability inclusion as an aspect of inclusivity is anchored on the National Values and Principles of Governance as specified in Article 10 of the Constitution of Kenya (2010). This is explicitly outlined in the national values including the need to observe and uphold human dignity, equity, inclusiveness, equality, non-discrimination and protection of the marginalized, good governance, integrity, transparency, accountability and sustainable development.

In the spirit of leaving no one behind as we endeavor to achieve world class scholarly excellence, the University is committed to mainstreaming disability in its operations, processes and procedures.

A large, stylized handwritten signature in black ink, consisting of several sweeping, interconnected loops and strokes, positioned above the printed name and title.

PROF. S.G. KIAMA, PhD.
VICE-CHANCELLOR,
UNIVERSITY OF NAIROBI

1.0 Introduction

Available data indicates that 15% of the world population which translates to about one billion people experience some form of disability. The prevalence is higher in developing countries. This predisposes Persons with Disabilities (PWDs) to adverse socio-economic outcomes such as poor health, lower education and employment than persons without disabilities. (World Bank report on Disability inclusion, Updated on April 1, 2020). Putting in place policies to respond to their plight is critical for institutions and societies.

The University of Nairobi is the pioneer institution of University Education in Kenya established and operating under the Universities Act, Number 42 of 2012 of the laws of Kenya and the University of Nairobi Charter issued under that Act. In continuing to deliver excellence, the University is committed to ensuring inclusion of all cadres of society. It recognizes that PWDs require special attention to ensure that their needs are considered and catered for in all processes. This is both a constitutional imperative and a directive in the University Act which requires the University to ensure equality of opportunity among students and staff and to explicitly require equalization for PWDs. The University is committed to this ideal and has over the years, endeavored to ensure quality service delivery to PWDs. In harmony with the commitment of the United Nations Sustainable Development Goals (SDGs) of leaving no one behind and in furtherance of the Constitutional provisions captured in Article 54. The University of Nairobi is committed to mainstreaming disability issues in its operations by ensuring a conducive learning and working environment for students and staff with disabilities.

While some progress has been realized thus far, the University still faces challenges in its quest to ensure that disability issues are at the center of all its operations and that the challenges facing PWDs are addressed. A key aspect of the obstacles is lack of a centralized dedicated unit to coordinate disability issues for students and staff and serve as a one-stop reference point. This is exacerbated by lack of accurate and up to date data on PWDs within the University. Although there is little data, triangulation demonstrates that there is a population of PWDs within the

University community. The University has a student population of over 84,000 students and a staff population of approximately 5,000.

The Policy mitigates the challenges through a commitment to establish a disability center to be a Centre of excellence in service delivery to Persons with Disabilities, disability support services, data collection unit, coordination of disability research and other related services. Further the Policy undertakes to ensure alignment of all University policies to be disability inclusive. It adopts as the definition of Disability, the national definition contained in the Persons with Disabilities Act, which also aligns with the international definition as provided in the United Nations Convention on the Rights of Persons with Disabilities. The Act defines disability as “a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation.” The definition focusses on limitation of full and equal participation because of the condition. This Policy also recognizes that disability is an evolving concept and will take that evolving nature into account in the implementation process.

2.0 Rationale, Scope, Objectives & Core Principles

2.1 Rationale

Persons with Disabilities form part of the University students, staff and stakeholders. However, often they experience obstacles that hinder the realization of their full potential. The University of Nairobi has, therefore, taken deliberate strategic efforts to bridge this gap by having a policy on disability issues. This document outlines our Policy for supporting students, staff and stakeholders with disabilities in line with our legal obligations and our duty of care. The Policy promotes, protects and ensures full and equal enjoyment of all human rights and fundamental freedoms by all PWDs. It provides the institutional commitment and measures for mainstreaming disability issues in all University processes and operations.

2.2 Scope

This Policy applies to all students, staff and relevant stakeholders as a guideline to ensuring that disability concerns are mainstreamed in all processes and the environment in the entire University, Colleges, Campuses, Faculties, Institutes, Centers and Departments. It is intended to influence ethics, attitudes, policies, procedures, regulations and practices related to students, staff and other stakeholders to ensure that they are disability inclusive.

Staff and students with disability will require to register with the National Council for Persons with Disabilities and obtain the necessary documentation and submit this to the University to enable the University to offer them support services under this Policy.

2.3 Policy Objectives

- i. To create awareness on disability issues among the University Community to foster positive attitude towards PWDs.
- ii. To ensure accessibility to the institution's facilities, built environment, information and services for PWDs.

- iii. To provide equal opportunities of learning and employment for PWDs.
- iv. To ensure a conducive work environment for staff, interns and attaches with disabilities.
- v. To ensure that staff and students who become incapacitated while at the University are supported and enabled.
- vi. To promote the participation of PWDs in decision-making at all levels.
- vii. To ensure the safety of PWDs in the event of an emergency.

2.4 Core Principles

The principles that guide the implementation of this Policy are:

- i. ***Inclusion*** – The University shall ensure inclusion of Persons with Disabilities in all processes and all levels of decision making.
- ii. ***Accessibility*** – The University shall endeavor to ensure accessibility of built environment, facilities and provision of information in accessible formats.
- iii. ***Reasonable Accommodation*** – The University shall ensure that necessary and appropriate modifications and adjustments are provided where needed in a particular case to Persons with Disabilities.
- iv. ***Dignity*** - The Policy is anchored on respect for inherent dignity and individual autonomy which includes freedom of choice and independence of all persons.
- v. ***Non-Discrimination*** - The Policy prohibits discrimination based on disability.
- vi. ***Equity*** - The University shall ensure equality of opportunities and equity in all its operations and services regardless of disability status.

3.0 Legal and Policy Framework

The Policy is guided by the provisions of the following laws, policies, national and international instruments.

- i. The Constitution of Kenya 2010
- ii. The Persons with Disabilities Act Number 14 of 2003
- iii. The Universities Act Number 42 of 2012
- iv. The Employment Act Number 11 of 2007
- v. The University of Nairobi Charter 2013
- vi. Sessional Paper Number 1 of 2019 on Reforming Education and Training for Sustainable Development
- vii. Sector Policy for Learners and Trainees with Disabilities 2018
- viii. The United Nations Convention on the Rights of Persons with Disabilities of 2008
- ix. African Charter on the Human and Peoples' Rights of 1981.

The Constitution of Kenya 2010 directs that disability issues be mainstreamed in all spheres of governance and public affairs, setting the basis for the development of this Policy. It provides for equal treatment, inclusivity and non-discrimination as national values and principles of governance. In addition, it requires that Persons with Disabilities get equal opportunities for appointment, training, and advancement in the public service. The Bill of Rights contains a specific clause, Article 54, focusing on the Rights of PWDs. At the center of the Article is the requirement for inclusivity for PWDs. In addition to directing that PWDs be treated humanely, with dignity and respect, the article specifically deals with access to educational institutions and facilities. This Policy consequently seeks to give a framework for realization of this right within the University of Nairobi.

The principal law on disability mainstreaming is the *Persons with Disabilities Act* enacted in 2003. There are ongoing efforts to align the Act to the Constitution of Kenya 2010 and international developments. The Act spells out the details of rights and privileges that PWDs are entitled to. It establishes the National Council for Persons with Disabilities (NCPWD) and vests it with responsibilities of spearheading the efforts to ensure that rights of persons with disabilities

are realized and their rehabilitation undertaken. NCPWD is also mandated to register all PWDs in the country. It has oversight powers over the performance of Universities in disability mainstreaming.

The Universities Act, 2012 recognizes the place of University education in supporting inclusion and equality for Persons with Disabilities and thus provides that one of the objectives of University education is to promote equalization of PWDs, amongst other marginalized groups. The Act also requires that affirmative action for PWDs guide admission to Universities through the Kenya Universities and Colleges Central Placement Service.

The Employment Act requires that employees are not to be discriminated against based on their disability status and outlaws disability being used as a ground of disciplinary action or termination of the employment relationship. The Act also makes provision of affirmative action measures, an issue further buttressed by the *Public Service (Values and Principles) Act*, by allowing departure from the criteria of merit in appointments and promotions in the public service, so as to address representation of PWDs in the public service or a public institution.

There are also several national level policies that are germane to disability mainstreaming. Key amongst these include, *Sessional Paper Number 1 of 2019 on Reforming Education and Training for Sustainable Development*, which recognizes the importance of inclusive education by enhancing access, equity, quality and relevance in education provision for PWDs ; *the Sector Policy for Learners and Trainees with Disabilities 2018*, identifying measures to ensure inclusive education and training for learners with disabilities; *The Public Service Commission Code of Practice on Mainstreaming Disability*, which provides for equal opportunities for PWDs in the public service, employment, accessible and conducive workplace and human resource issues.

At the international level, *the UN Convention on the Rights of Persons with Disabilities 2008* has elaborate provisions geared towards ensuring that PWDs are respected, treated equally to other members of society and with dignity and their participation promoted. Some key areas that the Convention addresses include access to education, language, communication, discrimination, reasonable accommodation, universal design, and awareness raising.

At the continental level, Kenya is a signatory to the *African Charter on Human and People's Rights*, **Article 18** which guarantees PWDs special measures of protection in keeping with their physical or moral needs. This right has subsequently been elaborated in a Protocol to the Charter on the Rights of PWDs in Africa. Although Kenya is not yet party to the Protocol, it provides inspiration on the Policy issues necessary to ensure mainstreaming of PWDs in all public processes.

4.0 Policy Statements

4.1 Aligning all University Policies and Strategic Plans to be Disability Inclusive

The University has developed a myriad of policies to guide its processes and discharge of its mandate. All the policies affect PWDs just as they affect other members of the university community. Some policies are, however, more critical for disability mainstreaming than others. Notable ones in this regard, include the Housing Policy, The Transport Policy, policies on academic activities, and Human Resource Policies. Despite this, the extent to which the policies adopted by the University addresses disability issues within their sphere of focus varies with some totally silent, others mentioning in passing while others are comprehensive.

Effective inclusion requires that disability issues are not just addressed in and by a Disability policy of an institution, but in all policies. Consequently, the University will align all its policies and procedures to this policy to enable effective attention to and mainstreaming of disability matters in all policy interventions. In addition, subsequent strategic plans of the University will comprehensively address disability mainstreaming.

4.2 Training and Sensitization on Disability

The University has a Human Resource Policy which outlines Training and Development as a key instrument for promoting institutional performance. Over the years the University has continued to offer in-house training and sensitization on disability mainstreaming and external training on a needs basis. Most of the trainings and sensitization on disability have focused on identifying the types of disabilities to create awareness and a culture of inclusion through de-stigmatization.

The University is committed to and will undertake continuous training and sensitization for all staff and students on disability issues. Training will also focus on ensuring that there is knowledge on providing disability friendly services, including sign language. The trainings shall be participatory and involve PWDs as trainers together with other resource persons. They shall be conducted University wide using a cascaded model.

4.3 Accessibility to Facilities and Built Environment

Some of the University facilities and premises are accessible to PWDs whereas others are not. The University has installed elevators in some buildings, provided ramps, accessible parking lots, signage, accessible washrooms, customer service points, furniture and fittings and accessible surroundings. However, there are still accessibility challenges with some buildings having neither ramps nor elevators and some having faulty elevators and ramps that do not meet accessibility standards. Parking lots for Persons with Disabilities are not well marked, and in most instances, they are used by non-disabled motorists. In addition, in the event of an emergent evacuation procedures, staff and students might not have such information as relates to how PWDs may be assisted in emergency situations.

The University shall identify and address barriers to facilities and buildings by:

- i. Allocating in the annual University budget adequate funds for retrofitting of access solutions in existing buildings and installation.
- ii. Adhering to the standards and guidelines on Universal Design Principles in the design, construction and maintenance of all buildings, facilities and all other infrastructures for which the University is responsible.
- iii. Allocating designated parking areas for PWDs and ensuring that they are not used by non-disabled motorists.
- iv. Sensitizing staff and students and putting in place measures for safety and evacuation for PWDs during emergency situations.
- v. Maintaining door closers within acceptable limits, ensuring all signage are updated and all safety devices such as a bell, fire alarm, whistle or siren, flashing lights, non-electrical elevators, safety scents and signs or symbols are in working condition.

4.4 Admission of Students

The Persons with Disabilities Act, 2003, requires all learning institutions to consider the special needs of PWDs with respect to the entry requirements, pass marks, curriculum, examinations, auxiliary services, use of school facilities, class schedules, physical education requirements and

other similar considerations. Further, the Act states that no persons or learning institutions shall deny admission to a PWD because of their disability.

In fulfillment of the above obligations, the University shall:

- i. Take affirmative action measures to increase the numbers of Students with Disabilities admitted to all its courses and programs.
- ii. Make the admission process more disability friendly
- iii. Allow Students with Disabilities to make their own queue during registration and any other service related to admission.
- iv. Uphold the principle of non-discriminatory approach in enrollment of Students with Disabilities in various Academic programs relevant to their qualification.
- v. Give priority to Students with Disabilities in allocating halls of residence.

4.5 Teaching and Learning

PWDs are entitled to equal opportunities to all teaching and learning resources, processes and services. Students with Disabilities have unique needs and may require extra attention in learning. In the past, however some Students with Disabilities have had challenges accessing all teaching and learning services. In addition, with the adoption of online learning the unique needs of persons with disabilities require to be taken into account and addressed.

University examinations are important because they play a central role in the assessment and measurement of students' progress. Students with Disabilities face various challenges which are unique to their various forms of disabilities. The challenges if not mitigated affect their participation and performance in examinations.

The University shall:

- i. Mainstream disability in the design and implementation of all its programs
- ii. Provide reasonable accommodation to Students with Disabilities in accordance with their different categories of disability in the delivery of academic programs.
- iii. Provide Students with Disabilities with needed support services such as interpretation, Braille machines, assistive technologies and guides to facilitate their learning.

- iv. Address the needs of Persons with disability during online teaching and learning to enable them access and utilize the adopted platforms.
- v. Address the needs of Students with Disabilities during the examination process.

4.6 Employment, Welfare and Support to Staff with Disabilities

PWDs form part of the University Workforce spread across different job cadres. The Constitution of Kenya requires all Public Institutions to progressively work towards ensuring that five percent of the work force are PWDs. Currently the percentage of the University workforce is below this constitutional threshold. Once in employment, PWDs require reasonable accommodation and support from the University to be able to discharge their employment obligations. In addition, those who acquire disabilities while in employment should, in compliance with international standards, be rehabilitated and supported to utilize their full potential.

The University shall:

- i. Take measures in the recruitment of staff to ensure that progressive realization of the requirement that at least 5% of the work forces are PWDs.
- ii. Not discriminate against qualified PWDs during recruitment, promotion, training & development.
- iii. Ensure that all recruitment processes including job advertisement, short listing and interviews are disability inclusive.
- iv. Provide reasonable accommodation to the needs of Staff with Disabilities on a case by case basis, depending on the nature of disability.
- v. Take into consideration the specific needs of PWDs during transfers and deployment.
- vi. Put in place measures to support Staff who acquire disabilities while in the University to rehabilitate them and ensure they continue being in employment.
- vii. Provide tax exemption, Personal guide allowance and extend the retirement age by five years for PWDs.

4.7 Participation in University Processes

Public participation is an important principle of governance and is a mandatory requirement under the constitution of Kenya. However, Persons with disability are invariably excluded from certain processes due to their disability status. The University of Nairobi recognizes the importance of inclusion of persons with disability in all activities and processes at the institution. The University shall therefore take measures to involve persons with disability in all undertakings in the University.

4.8 Data Management

Lack of data constrains the ability of planning and monitoring for PWDs. To ensure full and equal participation of PWDs, the United Nations Convention on the Rights of People with Disabilities (UNCRPD) instructs state parties to collect and disseminate data on disability. In compliance with this requirement, all Public institutions in Kenya should continuously collect and maintain accurate data on PWDs for purposes of planning, inclusion and monitoring.

The University of Nairobi relies on accurate data for informed decision making. Collection and analysis of comprehensive data on PWDs is, therefore critical for Disability Mainstreaming within the institution.

The University shall:

- i. Continuously collect, analyze and disseminate gender-disaggregated data on Staff and Students with Disabilities, their challenges and needs for informed decision making.
- ii. Guarantee the confidentiality of information collected from Staff and Students with Disabilities relating to their status as required or permitted by law. Any information collected shall be used for the benefit of the Staff or the Student with Disabilities. No information should be shared without the consent of the Staff or Student with Disabilities.

4.9 Resources

The effectiveness of implementation of a Disability Policy is highly dependent on allocation of resources commensurate with the identified needs. The University of Nairobi is committed to ensuring allocation of adequate Human and Financial resources to support the implementation of this Policy. It shall plan for and allocate adequate resources for Disability Mainstreaming in its

annual plans and budgets and ensure that the annual disability mainstreaming work plan captures financial allocations for implementation. In addition, it shall seek for resources from stakeholders and partners to support its disability mainstreaming efforts.

4.10 Establishment of a Disability Support Centre

In line with international, national and local requirements that PWDs be accorded equal rights and space to operate in all organizations, the University of Nairobi is committed to mainstreaming disability in its operations. This shall be actualized through the establishment of a disability Centre herein referred to as '**The University of Nairobi Disability Support Centre**'. The core mandate of the Centre shall be to implement disability mainstreaming activities to staff and students at the University. The Centre shall also further the vision of an inclusive society that supports the attainment of academic, professional and personal goals for PWDs in line with the constitutional requirements and the set guidelines on disability mainstreaming as stipulated by the National Council for Persons with Disabilities (NCPWD). The Disability Centre will work with all units in the University and other stakeholders both local and International to achieve its mandate of serving PWDs with dignity in the University.

The Centre shall be managed by a Director and other staff as per the University of Nairobi staffing policy. The Central Administration Disability mainstreaming committee shall offer oversight role to the Disability Support Centre until an Advisory Board is appointed.

4.11 Stakeholder Engagement

The University recognizes the important role that stakeholders play and is committed to their engagement in all its operations. In implementing this Policy, therefore the University shall map and engage all the relevant stakeholders. Areas of stakeholder engagement include sensitization, training, and registration by the National Council for Persons with Disabilities, resource mobilization, provision of assistive devices and bursaries.

5.0 Implementation

5.1 Implementation Framework

The overall responsibility for the implementation of this Policy shall vest in the Vice Chancellor. The Policy shall be implemented at service delivery points; all Colleges, Faculties, Institutes, Centers and Departments shall ensure that disability is mainstreamed in their operations as stipulated in the Policy and their respective mandates. Every College shall have a Disability Mainstreaming Committee to provide oversight in disability mainstreaming in the respective colleges. The Disability Support Centre shall undertake day to day coordination of disability support services in the University, while the Central Disability Mainstreaming Committee shall provide oversight over corporate level implementation.

5.2 Monitoring and Evaluation

College Disability Mainstreaming Committees shall collate reports from all their units and prepare quarterly reports for submission to the Disability Support Centre. Departments within Central Administration shall also prepare and submit their reports to the Disability Support Centre.

The Disability Support Centre shall undertake continuous monitoring of disability mainstreaming activities within the University. It shall prepare quarterly, and an annual report based on its monitoring and information from College Disability Mainstreaming Committees for submission to the Vice Chancellor.

5.3 Review

The Policy shall be reviewed after every five years or as it will be deemed necessary.