



MAASAI MARA UNIVERSITY

POLICY TITLE

DISABILITY MAINSTREAMING

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1.0 PREAMBLE

The University has committed itself to the provision of necessary opportunities and access to people with disability through various mechanisms.

This policy will play a major role in mainstreaming disability within the University. This policy provides guidelines regarding the position of the University with regard to non-discriminatory practices, effective participation, equity and respect to people with disability. This policy complies with other existing local and international legislation on disability mainstreaming. It provides guidelines on mainstreaming disability into the various programs, services and structures of the University in line with The Constitution of Kenya 2010 and Persons With Disability Act Of 2003

1.1 PURPOSE

This policy addresses the barriers to inclusion (structural, cultural, organizational and attitudinal) which adversely impact upon Persons With Disabilities (PWDs), affecting the ability to learn or work in the University. The policy shall apply within the national legal framework, including the constitution of Kenya 2010 and the persons with disability act of 2003

1.2 VISION

A leading University of choice that promotes excellence in learning and service delivery to students with disability

MISSION

To develop leaders and professionals who are living with disability through teaching, training, consultancy, research and innovation for socio-economic development

CORE VALUES

Innovation and Creativity - We are committed to delivering innovative solutions in delivery of our services.

Professionalism - We strive to uphold professionalism in whatever we do. We will stand ethical scrutiny by being committed to high standards of excellence in our day to day operations.

Teamwork - We promote respect and unity of purpose among staff as well as promoting mutual exchange of information and experiences.

Diversity and Inclusiveness – We are an equal opportunity employer.

Autonomy and freedom of Inquiry - We encourage our staff to engage in free and independent thinking.

Comment [m1]: Replace with MMU Vision

1.3 UNIVERSITY PHILOSOPHY ON DISABILITY MAINSTREAMING.

The University believes in making reasonable adjustments to accommodate student or member of staff living with disability who may be placed at a substantial disadvantage in comparison with a person who is not disabled

1.4 DEFINITION OF TERMS

Act means the persons with disabilities act 2003

Adaptations includes redesigning of implements, tools, equipment, machines, workstations, work environment or adjustment in work schedules, sequence of work and breaking down work tasks to suit needs of staff and students with disabilities.

Assistive Assessment is a method of gathering information to ascertain the needs and the required services for persons with disabilities

Devices and Services. Means implements, tools and specialized services (including the services of qualified interpreters for the hearing impaired and qualified teachers for the visually impaired) provided to persons with disabilities to assist them in education, employment or other activities

Disability. Means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation.

Discrimination means Any direct or indirect distinction exclusion or restriction based on disability which has the purpose or effect of impairing, nullifying the recognition, enjoyment or exercise, on an equal basis with others. It is the denial of any human rights or fundamental freedom in the political, economic, socio-cultural, and civil or any other field, and, includes use of words, gestures or caricatures that demean, scandalize or embarrass a person with a disability

Empowerment Refer to the process through which persons with disability acquire knowledge, skills and attitudes to critically analyze their situation and take appropriate action to change the status quo of the underprivileged;

Impairment Means an injury, illness, or congenital condition that causes or is likely to cause a loss or difference of physiological or psychological function;

Mainstreaming The process of integrating formerly segregated and/ or stigmatized issues and people into ‘mainstream’ society and development programmes – and out of the welfare department. It is a strategy through which concerns, needs and experiences of persons with disabilities are made an integral part or dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that persons with disabilities benefit equally and inequality is not perpetuated;

1.5 LIST OF ACRONYMS / ABBREVIATIONS

AIDS Acquired Immune Deficiency Syndrome

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

DSAC Disability Services Advisory Committee

CRC The Convention on the Rights of the Child

GOK The Government of Kenya

HIV The Human Immunity-Deficiency Virus

MPDA Medical Practitioners and Dentists Act

JKUAT Jomo Kenyatta University of Agriculture and Technology

NCPWD National Council for Persons with Disabilities

OFPWD Organization For Persons With Disabilities

OPWD means organization of people with disability

PWDs Persons with Disability

UN United Nations

1.6 RATIONALE

The University recognizes the local, global, historical and culturally negative attitudes which have slowed the development and progress of persons with disabilities. They have been hindered in their desire to fully exploit their potential and participate in nation building. Previously closed opportunities for persons with disabilities are gradually opening up enhancing their potential to be active in societal development. More however, remains to be done. MMU seeks to enhance social justice and remove barriers to PWDs

1.7 SCOPE OF THE POLICY

The policy is intended to influence ethics, policies and regulations relating to staff and students with disabilities in MMU.

1.8. OBJECTIVES.

- a) To promote a safe, accessible, healthy work and study environment conducive to PWDs
- b) To maximize the contributions of staff and students with disabilities
- c) To facilitate PWDs access university facilities and services
- d) To ensure that the needs of PWDs are catered for in the discharge of human resource functions
and management in work and studies.

2.0 THE LEGAL FRAMEWORK

2.1 THE CONSTITUTION F KENYA

The Government of Kenya has adopted a number of laws and policies pertaining to people with disabilities, including their right to productive and decent work and basic services. The Constitution being the mother law of the land categorically provides under Article 54 for persons with disabilities. It states that a person with any disability is entitled;

- a. to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
- b. to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
- c. to reasonable access to all places, public transport and information;
- d. to use Sign language, Braille or other appropriate means of communication; and
- e. to access materials and devices to overcome constraints arising from the person's disability.

The Constitution also provides that the State should ensure the progressive implementation of the principle that at least five percent (5%) of the members of the public in elective and appointive bodies are persons with disabilities.

Persons with Disabilities in Kenya live in vicious cycle of poverty due to stigmatization, limited education opportunities, inadequate access to economic opportunities and access to the labour market.

2.2 THE PERSONS WITH DISABILITY ACT 2003

The Persons with Disabilities Act, 2003, is a comprehensive law covering rights, rehabilitation and equal opportunities for people with disabilities. It creates the National Council of Persons with Disabilities as a statutory organ to oversee the welfare of persons with disabilities. The Act aims to ensure that Persons with Disabilities' issues and concerns are mainstreamed.

The Government has the responsibility to take steps towards the full realization of the rights of persons with disabilities as set out in the Persons with Disability Act, 2003. The Act provides that;

1. No person shall deny a person with a disability access to opportunities for suitable employment.
2. A qualified employee with a disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as qualified able-bodied employees.
3. An employee with a disability shall be entitled to exemption from tax on all income accruing from his employment.

The National Council of Persons with Disabilities shall endeavour to secure the reservation of five percent of all casual, emergency and contractual positions in employment in the public and private sectors for persons with disabilities.

The Act also provides that No person or learning institution shall deny admission to a person with a disability to any course of study by reason only of such disability, if the person has the ability to acquire substantial learning in that course.

Learning institutions should take into account the special needs of persons with disabilities 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.

The constitution of Kenya (2010) and the PWD Act 2003 place a duty on MMU to promote disability equality as follows:

- i. Elimination of unlawful discrimination
- ii. Elimination of harassment of PWDs
- iii. Promotion of equality of opportunities between PWDs and other people.
- iv. Encouragement of participation by PWDs in social life.
- v. Involvement of PWDs in formulation of policies.
- vi. Taking steps to meet PWDs' needs, even if this requires more favourable treatment
- vii. Identification and analysis of potential discriminatory policies, practices and procedures in all aspects of the University.

3.0 STAFF RECRUITMENT AND DEVELOPMENT

It is the aim of the University to recruit, train, develop and retain PWDs. The University monitors self-declaration of disability at both application and appointment stage.

4.0 STUDENTS WITH DISABILITIES

The University welcomes applications from PWDs. MMU also encourages existing students to declare a disability or specific learning difficulty either on application or any time thereafter in order that they can be made aware of possible entitlements and the support that is available to assist them to achieve their potential in University study. Information provided to the University is held in confidence.

5.0 REASONABLE ADJUSTMENTS

5.1 The University is required to make reasonable adjustments when a student or member of staff living with disability may be placed at a substantial disadvantage in comparison with a person who is not disabled. Examples of reasonable adjustments for students include making appropriate arrangements in such activities as:

- i. Teaching, including classes, lectures, seminars, practical sessions.
- ii. Examinations and assessments
- iii. Field trips and outings.

5.2 Adjustments may include specific examination arrangements, provision of additional support for learning, adjustments to assessment practices and accommodation arrangements,

5.3 Similarly there is an obligation to make reasonable adjustments for employees or potential employees to ensure that they are not disadvantaged. Adjustments may include:

- i. Reallocation of duties.
- ii. Altering work hours
- iii. Changing work location
- iv. Modifying equipment e. g providing an adapted keyboard or telephone
- v. Consideration for other roles.

Consideration should also be made for those employees associated with persons with disabilities.

6.0 DATA ON PWDs

The University shall maintain data of employees and students with disabilities

7.0 IDENTIFICATION OF EMPLOYEES WITH DISABILITIES

The University shall identify disabled employees using the following procedure;

7.1 An employee with an impairment in his/her body shall be expected to confirm their disability status with a doctor after medical examination;

7.2 Once it is confirmed that he/she is disabled, the employee shall register with the National Council for Persons with Disabilities;

7.3 The employee shall then present the registration certificate from the National Council for Persons with Disabilities to the University which shall then recognize them as disabled employees.

8.0 STRATEGIES

8.1 The University shall endeavour to employ 5% (five per cent) of all staff as persons with disabilities, without compromising merit.

8.2 MMU shall endeavour to provide physical facilities at the work place as may be required to accommodate persons with disabilities.

9.0 MONITORING AND EVALUATION

The monitoring and evaluation will be done by the disability mainstreaming committee. Quarterly reports are sent to the national council for persons with disability.

10.0 POLICY REVIEW

This policy will be reviewed from time to time as the need arises

ANNEX 1. POLICY IMPLEMENTATION

GOVERNANCE AND RESPONSIBILITIES

The office of the Deputy Vice-Chancellor, AF&P shall have the principal responsibility of ensuring that this policy is effectively implemented.

IMPLEMENTATION DEPARTMENT

The department of gender and disability mainstreaming shall implement this policy.

APPROVALS

This policy shall be approved by the University Council.

APPENDIX 2: BENEFITS TO PERSONS WITH DISABILITY IN KENYA.

Sections 35 and 36 of the PWDS act 2003, recognises the following benefits to PWDS

35 Exemptions.

- (1) All persons with disabilities who are in receipt of an income may apply to the Minister responsible for finance for exemption from income tax and any other levies on such income.
- (2) The Minister responsible for finance shall, in consultation with the Council, assess all applications received under subsection (1) and make such order thereon, if any, as he deems fit, exempting the applicant wholly, or to the extent provided by the order, from income tax or other levies specified therein, and any such order shall, notwithstanding the provisions of any other Act, have effect according to its terms.
- (3) Materials, articles and equipment, including motor vehicles, that are modified or designed for the use of persons with disabilities shall be exempt from import duty, value added tax, demurrage charges, port charges and any other government levy which would in any way increase their cost to the disadvantage of persons with disabilities.
- (4) All goods, items, implements or equipment donated to institutions and organizations of or for persons with disabilities shall be exempt from import duties, value added tax, demurrage charges, port charges and any other government levy which would in any way defeat the purposes of or increase the cost of the said donations.

36 Incentives.

- (1) Any donations, bequest, subsidy or financial aid which may be made to government agencies involved in the rehabilitation of persons with disabilities or to organisations involved in such rehabilitation and registered with the Council for the purposes of this section shall, subject to the provisions of the Income Tax Act, be allowed as deductions from the donor's gross income for the purpose of computing taxable income.
- (2) The Minister responsible for finance or other appropriate authority shall endeavor to provide, subject to the provisions of any other relevant law, incentives to local manufacturers of technical aids and appliances used by persons with disabilities including, but not limited to, the following—
 - (a) additional deductions for labour expenses;
 - (b) tax and duty exemptions on imported capital equipment; (c) tax credits on domestic capital equipment;
 - (d) simplified customs procedures;
 - (e) unrestricted use of consigned equipment; (f) employment of foreign nationals;
 - (g) exemptions from taxes and duties on raw materials; and
 - (h) access to bonded manufacturing systems.