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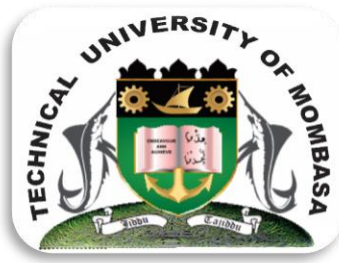
# TECHNICAL UNIVERSITY OF MOMBASA

*A Centre of Excellence*

# DISABILITY MAINSTREAMING POLICY



TUM IS ISO 9001: 2015 CERTIFIED



WI - 1 - 1 - 035

**TECHNICAL UNIVERSITY OF MOMBASA**

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# **DISABILITY MAINSTREAMING POLICY**

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## PREFACE

The Constitution of Kenya 2010, provides under Article 54 that Persons with Disability should be treated with dignity and respect. Persons with Disability are further required to have access to educational institutions, facilities and in general all public places. The University is guided by the Constitutional provisions under Article 232 which requires the Public Service to be representative of the diverse Kenyan Communities. It emphasises that adequate and equal opportunities in appointment, training and advancement, be accorded at all levels of the Public Service to men and women, and members of all Ethnic Communities and Persons with Disabilities.

The University Council is committed to abiding by the above-mentioned Constitutional requirements in relation to Persons with Disability at the Institution. On behalf of the Council, I wish to thank all those who participated in making this Policy.



**Dr. Robert Arunga**

**Chairman of Council**

## FOREWORD

Issues of Disability have recently been gaining recognition worldwide. Deliberate efforts to integrate Persons with Disability into development are key to achieving the millennium development goals. Technical University of Mombasa is committed to the provision of equitable opportunities and access to Persons with Disability through various mechanisms provided in this Policy.

The Disability Mainstreaming Policy provides clear guidelines regarding the commitment by the University to non-discriminatory practices, effective participation, equity and respect for Persons with Disability. This Policy aims to comply with other existing local and international initiatives on disability mainstreaming. It provides guidelines on mainstreaming disability into the various programs, services and structures of the University.

I wish to assure the University Community and its entire Stakeholders that the University is committed to the full implementation of this Policy.



**Prof. Laila U. Abubakar**  
Vice Chancellor

## ACKNOWLEDGEMENT

The publication of the Disability Mainstreaming Policy was made possible by the collective efforts of the Disability Mainstreaming Committee and the Deputy Chief Legal Officer to whom we are indebted. It is my pleasure, therefore, to acknowledge the following persons for investing their time and skills in the development of this Policy:

- |                         |                            |
|-------------------------|----------------------------|
| 1. Dr. Nzaro G. Makenzi | Chairperson                |
| 2. Ms. Peris Omitto     | Secretary                  |
| 3. Ms. Joan Cheroitich  | Member                     |
| 4. Mr. Joseph Mukare    | Member                     |
| 5. Mr. Joseph Ongera    | Member                     |
| 6. Ms. Serah Okumu      | Deputy Chief Legal Officer |



**Prof. Joseph Rasowo**

**Deputy Vice Chancellor (AFP)**



## DEFINITIONS

**“Academic Adjustment”**, an adaptation made to ensure that a Student with disability is able to benefit from equal educational opportunities.

**“Accessibility”**, the attribute of being easy to obtain or use.

**“Act”**, Refers to the Persons with Disabilities Act, 2003.

**“Activities of Daily Living (ADL)”**, refers to the usual day-to-day activities that are expected of an ordinary person.

**“Adaptations”**, includes redesigning of tools, equipment, machines, workstations, work environment or adjustment in work schedules, sequence of work and breaking down work tasks to suit needs of persons with disabilities.

**“Adjustment order”**, refers to an order made by the National Council for Persons with Disabilities (NCPWD) under Section 24.

**“Assessment”**, is a method of gathering information to ascertain the needs and the required services for persons with disabilities.

**“Assistive devices and services”**, means 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.

**“Cognitive Impairment”**, inability to reason, understand, and learn.

**“Disability Mainstreaming”** a strategy through which concerns, needs and experiences of Persons with Disabilities are made an integral part or dimension of designing, implementing, monitoring and evaluating policies and programs in political, economic and social spheres so that Persons with Disabilities benefit equally to ensure that inequality is not perpetuated.

**“Disability”**, a physical, sensory, mental or other impairment such as visual, hearing or learning incapacity which impacts adversely on one’s social, economic or environmental participation in daily activities.

**“Discrimination”**, any direct or indirect distinctive 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”**, refers to the process through which Persons with Disability acquire knowledge, skills and attitudes to critically analyse their situation and take appropriate action to change the status quo of the underprivileged.

**“Hearing Impairment”**, a loss that prevents a person from receiving sounds through the ear. The loss ranges from mild to profound.

**“Impairment”**, means an injury, illness, or congenital condition that causes or is likely to cause a loss or difference of physiological or psychological function.

**“Job Accommodation”**, an adjustment made to meet the needs of Staff with disabilities in areas of accessibility and policies.

**“Mainstreaming”**, the process of integrating formerly segregated and/ or stigmatized issues and people into ‘mainstream’ society and development programs and out of the welfare department.

**“Mental Impairment”**, a disorder characterized by the display of an intellectual defect, as manifested by diminished cognitive, interpersonal, social, and vocational effectiveness and quantitatively evaluated by psychological examination and assessment.

**“Participation”**, the process in which an implementing body puts effort into informing, consulting and co-deciding with all involved Stakeholders, especially with the people whom the Program or Policy is meant for. Taking Stakeholders’ views into account at all stages of a process leads to more effectiveness, efficiency and sustainability.

**“Persons with Disabilities”**, persons with permanent physical, mental, intellectual, developmental, visual and hearing impairment or albinism, which in interaction with the environment may hinder their full and effective participation in the society on an equal basis with others.



**“Physical Disability”**, an inability of a person to use one or more of one’s extremities or a lack of strength to walk, grasp, or lift objects.

**“Reasonable Accommodation”**, an adjustment made in a system to accommodate or make fair the same system for an individual based on a proven need.

**“Speech Impairment”**, the inability to produce sounds. It may include an articulation disorder, characterized by omissions or distortions of sounds; a fluency disorder, characterized by a typical flow, rhythm, and/or repetitions of sounds; or a voice disorder, characterized by abnormal pitch, volume, resonance, vocal quality, or duration.

**“Student with Disability”**, a person pursuing education who has been diagnosed by an appropriate professional as having a mental impairment, physical impairment, neurological impairment, learning disorder, or sensory impairment which may be permanent or temporary and is likely to significantly interfere with educational pursuits.

**“University”** refers to Technical University of Mombasa

**“Visual impairment”**, a decreased ability to see to a degree that causes problems not fixable by usual means.

## ABBREVIATIONS AND ACRONYMS

DMC	Disability Mainstreaming Committee
ICT	Information and Communication Technology
PWDs	Persons with Disabilities
STWDs	Students with Disabilities
TUM	Technical University of Mombasa

## EXECUTIVE SUMMARY

The Disability Mainstreaming Policy involves deliberate strategies that the University will adopt to ensure that Persons with Disabilities benefit equally without discrimination in compliance with other existing local and international initiatives. The objectives of this Policy is mainly to promote disability mainstreaming at the University.

This Policy sets out the University's commitment to Staff and Students with Disability and provides a framework to ensure that TUM offers a supportive environment for members of the University Community with impairment. It sets out guidelines addressing the prevailing and emerging challenges, in the attainment of the Constitutional provisions applicable to PWDs at the University. It also outlines the operational regulations that will affect PWDs including training and induction, disclosures and confidentiality as well as channels of communication. The Policy apportions roles and responsibilities to the VC and the DMC to ensure implementation of the Policy.

## 1.0 INTRODUCTION

Technical University of Mombasa (TUM) was established by the Universities Act No. 42 of 2012 and Technical University of Mombasa Charter, 2013 to offer technological, professional and scientific education, research and training, while ensuring quality, accessibility, and equity in the discharge of its mandate.

This Policy sets out the University's commitment to Staff and Students with Disability and provides a framework to ensure that TUM offers a supportive environment for all those members of the University Community with impairment.

### 1.1 Citation

This Policy shall be cited as the **Technical University of Mombasa Disability Mainstreaming Policy**.

### 1.2 Vision

A Technical University of Global Excellence in Advancing Knowledge, Science and Technology

### 1.3 Mission

To advance knowledge and its practical application through teaching, research and innovation to serve both industry and the community

### 1.4 Core Values

The Council, Senate, Management, Staff and Students of TUM will endeavour to institutionalize and inculcate values fostering a strong corporate culture while promoting quality service delivery, cohesion in our diverse community and achieving the targeted goals. These will be realized by espousing the following values:

- a) *Excellence;*
- b) *Integrity and Professionalism;*
- c) *Equity;*
- d) *Teamwork; and*
- e) *Creativity, Innovativeness and Environmental Sustainability.*

## **1.5 Motto**

*Jiddu Tajidu* (Endeavour and Achieve)

## **1.6 Policy Statement**

Technical University of Mombasa shall establish, implement and oversee a culture of respect for PWDs by ensuring that it implements and complies with the Constitutional and Statutory provisions applicable.

## **1.7 Legislative and Administrative Instruments**

The following, but not limited to, legal instruments and Institutional Policies shall apply:

- a) The Constitution of Kenya, 2010;
- b) Persons with Disability Act, 2003;
- c) Employment Act, 2007;
- d) The National Social Security Fund Act, 2013,
- e) Public Procurement and Assets Disposal Act, 2015;
- f) The Public Service Commission Diversity Policy, 2015;
- g) Technical University of Mombasa Statutes, 2019;
- h) Technical University of Mombasa Human Resource Manual and Procedures, 2017;  
and
- i) Technical University of Mombasa Policies.

## 1.8 Scope/Applicability

This Policy shall apply to all Students, Staff, visitors and stakeholders of the Technical University of Mombasa.

## 1.9 Guiding Principles

This Policy is guided by the following principles:

- a) Respect for the inherent dignity, individual autonomy (which includes freedom of choice and independence) of all persons;
- b) Non-discrimination;
- c) Full, equal and effective participation and inclusion in society;
- d) Respect for difference and acceptance of PWDs as part of diversity and humanity;
- e) Accessibility;
- f) Implementing affirmative action in efforts to ensure equality and diversity; and
- g) Valuing the differences and diversity of all people.

## 1.10 Policy Goal

The goal of this Policy is to ensure that the University complies with all applicable laws in relation to PWDs.

## 1.11 Policy Objectives

The following are the Policy objectives:

- a) To enhance and promote participation and provide opportunities to PWDs in the University;
- b) To engage members of Staff and Students in fostering a climate of non-discrimination against PWDs;
- c) To provide non-discriminatory and equitable enrolment and employment opportunities to PWDs;



- d) To ensure the application of the principle of affirmative action in employment and enrolment of PWDs; and
- e) To continuously sensitize the University community on Disability issues and ensure that PWDs have appropriate information and support.

## 2.0 STUDENTS WITH DISABILITIES

The University shall ensure that measures are put in place to accommodate Students with Disability to facilitate admission and ease of learning.

The University shall:

- a) Ensure that all advertised programmes in Schools, Campuses and Institutes clearly indicate that Students with Disabilities (STWDs) are encouraged to apply;
- b) Amend all admission/registration forms to require Students to declare any disabilities that they might have to facilitate registration;
- c) Ensure that the University has specially-adapted accommodation for up to four Students to cater for Students requiring day to day living support;
- d) Ensure that other University housing, both on and off campus, shall include adapted units for disabled Students who are able to live independently;
- e) Commit to regularly review admissions procedures to ensure that they do not create unnecessary barriers and delays for PWDs;
- f) Undertake an individualized assessment of the needs of Students with Learning Disabilities, and where necessary provide the support required such as:
  - i) Counselling,
  - ii) Referral for medical attention,
  - iii) Extra examination time, and
  - iv) Alternative learning or examination mode or both.
- g) Continually work towards the modification of its physical environment to make it conducive to Students with Physical Disabilities by providing:
  - i) Orthopaedic aids such as crutches and wheelchairs,
  - ii) Accessible buildings and related facilities (such as corridors, floors, toilets, and bathrooms),
  - iii) Ramps and lifts in buildings,
  - iv) Footpaths that are conducive to the use of orthopaedic aids,
  - v) Easy-to-handle accessories in buildings,

- vi) Voice recognition software to enable Students who cannot use their hands to manipulate the computers, and
- h) Provide these facilities to Students with Hearing Impairment:
  - i) Hearing Aids,
  - ii) Sign Language interpreters,
  - iii) Use of course materials in all units offered in the University,
  - iv) Modification of Examination questions (preserving content while eliminating superfluous words), and
  - v) Adaptive ICT with visual prompts.
- i) Facilitate the acquisition of these facilities to Students with Visual Impairment:
  - i) Campus mobility orientation,
  - ii) Provision of white canes,
  - iii) Footpaths conducive to the use of white canes,
  - iv) Lifts with audio prompts,
  - v) Laptops (for quiet, convenient note-taking in lectures),
  - vi) Adaptive ICT (screen-readers, screen magnifiers, braille displays and braille embossers),
  - vii) Adaptive ICT training prior to commencement of studies at the University,
  - viii) Digitalization of University Documents,
  - ix) Availing of course materials offered in the University, and
  - x) Mobilization of volunteer readership support from fellow Students one hour per week of readership per volunteer.

### 3.0 STAFF WITH DISABILITIES

The University shall ensure that measures are put in place to accommodate Staff with Disability in efforts to facilitate recruitment and their work at the University.

The University shall:

- a) Uphold the rights of Staff with Disabilities to:
  - i) Work and earn a living,
  - ii) Have a conducive and safe work environment, and fair treatment in the work place,
  - iii) Have access to career counselling, vocational training, and career development,
  - iv) Enjoy reasonable changes in the work environment,
  - v) Acquire relevant experience in the labour market, and
  - vi) Have access to rehabilitation programmes that support return-to-work of newly disabled Staff.
- b) Advertise vacancies in a wide range of media, including national and local newspapers and websites;
- c) Make available texts of all advertisements and particulars in electronic, Braille, large text or other format upon request;
- d) Ensure that shortlisting and selection is favourable to PWDs;
- e) Ensure that interview arrangements are not at a disadvantage to PWDs compared to other applicants;
- f) Ensure that PWD applicants will be offered reasonable adjustments in relation to the interview process, such as sign language interpreters, adjustments to any presentations, etc.;
- g) Ensure that the interviewing criteria in place does not disadvantage a disabled applicant;
- h) Commit to affirmative action with regard to recruitment for PWDs;
- i) Commits to undertake the following:

- i) Ensure that all new buildings meet the statutory access requirement laid down for new buildings with regard to PWDs,
- ii) Construct well-lit appropriate pathways that are obstacle free,
- iii) Provide ramps and lifts to ease movement of PWDs,
- iv) Conduct regular access audits on buildings, pathways and equipment,
- v) Modify doorways, washrooms and accommodation premises to suit the needs of PWDs, and
- vi) Modify equipment to suit users with disability.
- j) Enforce the recommended etiquette for relating with PWDs as provided for in the Act;
- k) Provide access to facilities and services by offering transportation to PWDs within the University;
- l) Include PWDs in physical planning;
- m) Provide suitable accommodation for PWDs within the University;
- n) Designate well-marked parking spaces, passage ways for PWDs;
- o) Make reasonable adjustments to the workplace and to employment arrangements such as:
  - i) Altering working hours;
  - ii) Allowing absences during working hours for rehabilitation, assessment or treatment;
  - iii) Giving additional training;
  - iv) Modifying physical features of the workplace such as fixtures and fittings, furniture and access to equipment;
  - v) Making special arrangements for parking and access to buildings;
  - vi) Provision of special furniture, equipment or signage;
  - vii) Endeavouring to secure the reservation of 5% of all casual, emergency, senior, managerial and teaching as well as contractual positions in employment for PWDs; and

viii) Co-operating with the National Council for Persons with Disability, which maintains a register of Persons with Disabilities who possess skills and training and which updates the register regularly for job placement.



## 4.0 OPERATIONAL POLICIES

### 4.1 Training, Induction and Support

The University will be responsible for training, induction and support with regard to Staff with Disability through:

- a) Additional induction requirements, particular equipment or car parking;
- b) Ensuring that support is provided on an on-going basis, with regular assessment of whether needs are being met;
- c) Availability of specialized training to allow them to develop their skills and career opportunities;
- d) Consulting the Human Resources Department and the DMC or other specialist agencies for advice and guidance on a medical condition or on the safety implications of recruiting Staff as appropriate;
- e) Encouraging involvement and participation of Staff with Disabilities to ensure that employment practices and procedures recognize and meet their needs;
- f) General orientation and creating disability awareness at the University;
- g) Provisions of bursaries and scholarships and other financial support to the STWDs through the Dean of Students;
- h) Incorporation of STWDs into the University work programs; and
- i) Provision of guidance and counseling services to newly enrolled STWDs to cope with the new and challenging environment.

### 4.2 Disability Arising During Employment

The University shall undertake all reasonable steps to accommodate Staff disabled during the course of their duty through:

- a) Making adjustments to their existing employment, or through appropriate retraining and redeployment;
- b) Continuing in the same post with reasonable adjustments to the duties and/or the working environment or provision of equipment;
- c) Redeployment to another post within the University, or in case of a Student, facilitate transfer to another course program;
- d) Consideration of early retirement/resignation on ill-health grounds. In the case of a Student he/she may defer the course; and
- e) Or, terminate the employment on ill-health grounds but in such case the Staff will have the usual right of appeal.

#### **4.3 Disclosure and Confidentiality**

The University shall treat all information regarding a person's impairment in confidence as follows:

- a) All information collected for monitoring purposes will be confidential;
- b) All existing Staff, Students and applicants should be told that the information collected will be used only for equal opportunities monitoring purposes; and
- c) Individuals should be consulted whether they wish their colleagues to be informed of their disability status. The exception shall be when it is believed that nondisclosure of impairment could cause a hazard to other Staff and the University Community in terms of health and safety reasons, and any decision taken should be reported to the individual Person with Disability to whom it relates.

#### **4.4 Channels of Communication**

The following are the channels of communication available to PWDs:

- a) The Head/ Chairperson of Department for the member of Staff/Student is the first contact person;
- b) Human Resource Officers/ Dean of Students may be contacted in order to discuss issues in general terms;

- c) The Officer responsible for Health Services may be contacted to discuss matters related to health or the DMC Chairperson can also be contacted to discuss any concerns; and
- d) Human Resource Officers/ Dean of Students is responsible for ensuring that all matters relating to employment/Student welfare are dealt with appropriately. Unresolved issues/ complaint shall be pursued via the grievance procedures of the University where applicable.

## 5.0 DUTIES AND RESPONSIBILITIES

### 5.1 The Vice-Chancellor shall:

- i) Constitute a Disability Mainstreaming Committee as follows:
  - a) A Senior Officer as the Chair of the Committee;
  - b) A member of the University Management Board;
  - c) Head of Human Resources;
  - d) Head of Procurement;
  - e) The Committee appoints a Disability Mainstreaming focal person to act as the Secretary and Liaison Officer with NCPWD and other Stakeholders; and
  - f) A Student Representative.
- ii) Provide necessary resources and support for implementation of this Policy.

Constitution of the Committee should ensure thirty percent (30%) representation of PWDs.

### 5.2 Disability Mainstreaming Committee

The function of the DMC shall include:

- a) Acting as a focal point on disability related issues in the University;
- b) Holding quarterly meetings at minimum or as required to deliberate on disability issues and activities;
- c) Guaranteeing inclusion of PWDs in the University operations;
- d) Ensuring 5% of employment opportunities in the University are reserved for PWDs;
- e) Ensuring reasonable accommodation to PWDs in relation to employee support service delivery;
- f) Advising the Vice Chancellor on emerging issues and matters concerning PWDs;
- g) Promoting the principle of universal design in the planning, implementation, monitoring and evaluation of the University's core mandate or programs, projects and activities;

- h) Promoting continuous awareness creation on disability issues to form positive attitudes towards Persons with Disabilities; and
- i) Submitting standardized quarterly disability mainstreaming progress reports, using NCPWD framework, to the NCPWD and implement the recommendations thereof.

### 5.3 Commitment

The University Council commits itself to:

- a) Providing adequate service to Persons with Disabilities as required;
- b) Consulting regularly with Staff and Students with Disabilities on matters affecting their wellbeing;
- c) Ensuring that Staff and Students are adequately sensitized on matters relating to disability;
- d) Ensuring that its premises are disability friendly;
- e) Removing barriers deterring the enjoyment of human rights by Persons with Disabilities; and
- f) Adhering to national and international laws governing rights of Persons with Disabilities.

## 6.0 POLICY IMPLEMENTATION AND REVIEW

### 6.1 Policy Implementation

The DMC shall be responsible for the implementation of this Policy. The University Management and the Council shall be key in its monitoring and evaluation.

### 6.2 Policy Review

This Policy shall be reviewed after every three (3) years.

**THIS POLICY IS EFFECTIVE FROM THIS 14<sup>TH</sup> DAY OF APRIL 2021**



SIGNED.....

**COUNCIL CHAIRPERSON**





**CONTACT:**

Technical University of Mombasa (TUM)  
Tom Mboya Street Tudor,  
P. O. Box 90420 - 80100,  
Mombasa - Kenya.

Tel: (254) 41-2492222/3,  
Fax: (254) 41- 2495632,  
Mobile: (+254) 0733 -955377 | 020 8095365 | 020 8095368 | 020 8095371  
E-mail : [vc@tum.ac.ke](mailto:vc@tum.ac.ke)  
Website: [www.tum.ac.ke](http://www.tum.ac.ke)



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