



WI-1-1-037

**TECHNICAL UNIVERSITY OF MOMBASA**

*A Centre of Excellence*

# EQUALITY & DIVERSITY POLICY



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WI - 1 - 1 - 037



**TECHNICAL UNIVERSITY OF MOMBASA**

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# **EQUALITY & DIVERSITY POLICY**

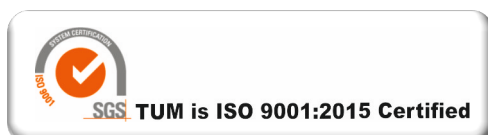
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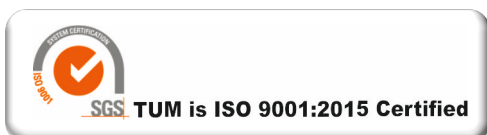
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## PREFACE

The Constitution of Kenya 2010, under Article 27 provides for equality before the law and the right to equal protection and benefit of the law for all Persons. The values and principles of the Public Service under Article 232 are founded on the principles of equality and diversity. It is therefore paramount that the University provides adequate and equal opportunity in appointment, training and advancement, to men and women, members of all ethnic communities and Persons with Disabilities.

The Equality and Diversity Policy highlights the University's commitment to inculcating the principles of equality and diversity in its daily operations. The Policy identifies the University's commitment to enhancing equality and diversity with regard to youth, Persons with Disability, Gender and Ethnicity of all persons at the Institution.

The University Council is committed to fulfilling the provisions of this Policy through compliance and adoption of best practices both nationally and internationally on matters of equality and diversity. On behalf of the Council, I wish to thank all those who participated in making the Policy.



**Dr. Robert Arunga**

**Chairman of Council**

## FOREWORD

Equality and Diversity are the cornerstones of a healthy work environment. Ensuring that the principles on equality and diversity are inculcated in our Institution will not only enhance compliance to the Constitutional provisions but also improve the services offered at the University. Furthermore as a Public Entity it is our prerogative to ensure that all our Stakeholders are offered equal opportunities and furthermore that the Institution represents the face of Kenya in encouraging diversity in all areas of admission, recruitment and access to opportunities.

This Policy will guide the University Management in its daily operations especially on areas of recruitment, promotions, admissions, training and mainstreaming of gender and disability. The Policy also provides an implementation matrix in compliance with the Public Service Commission's Policy on equality and diversity.

This Policy has been prepared as an initiative of the Administration, Finance and Planning Division.



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

## ACKNOWLEDGEMENT

The publication of the Equality and Diversity Policy was made possible by the collective efforts of a group of Staff 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. Ms. Serah Okumu       | - | Deputy Chief Legal Officer |
| 2. Dr. Jane Kyalo        | - | Chairperson NCNVC          |
| 3. Mr. Rufus Mwakideu    | - | Member NCNVC               |
| 4. Mr. Ngetich Cheruiyot | - | Member NCNVC               |
| 5. Mr. Abdalla Yuga      | - | Member NCNVC               |
| 6. Mr. Joseph Kaleli     | - | Member NCNVC               |
| 7. Mr. Jacklinus Otiato  | - | Member NCNVC               |
| 8. Ms. Jaytee Kivihya    | - | Chairperson GMC            |
| 9. Mr. Zablon Mwaramu    | - | Member GMC                 |
| 10. Ms. Ruth Mudanya     | - | Member GMC                 |
| 11. Ms. Alice Abok       | - | Member GMC                 |
| 12. Mr. Victor Kambi     | - | Member GMC                 |
| 13. Ms. Teresia Kochumba | - | Member GMC                 |
| 14. Dr. Nzaro G. Makenzi | - | Chairperson DMC            |
| 15. Ms. Peris Omitto     | - | Secretary DMC              |
| 16. Ms. Joan Cheroitich  | - | Member DMC                 |
| 17. Mr. Joseph Mukare    | - | Member DMC                 |
| 18. Mr. Joseph Ongera    | - | Member DMC                 |

**Prof. Joseph Rasowo**  
Deputy Vice-Chancellor (AFP)

## DEFINITIONS

“**Affirmative**” includes any measure designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom.

“**At all levels**” refers to representation at the support, technical, middle management, senior management and Policy levels.

“**Bonafide Student**” means a Student who has officially enrolled in the University, has paid the required fees and his or her name appears in the class list.

“**Disability**” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities.

“**Discrimination**” means to accord different treatment to different persons solely or mainly as a result of different abilities and disabilities, gender, youth, minority and marginalized groups.

“**Diversity**” means recognising and embracing the contribution of people with differences in background, experience and perspectives.

“**Equality**” includes providing equal opportunities and enjoyment of all rights and fundamental freedoms to all irrespective of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

“**Ethnicity**” refers to shared cultural practices, perspectives, language and distinctions that set apart one group of people from another.

“**Gender**” refers to the social roles attributed to being masculine or feminine.

“**Mainstreaming**” it is the consistent integration of youth, Persons with Disabilities, minorities, marginalized communities and gender in the design, implementation, monitoring and evaluation of policies, plans, programmes, activities and projects at all levels.

“**Marginalized Community**: as defined in Article 260 of the Constitution is –

- (a) A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;



- (b) A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;
- (c) An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or pastoral persons and communities, whether they are –
  - (i) Nomadic; or
  - (ii) A settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

**“Marginalized Group”** as defined in Article 260 of the Constitution is - a group of people who, because of laws or practices before, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) of the Constitution.

**“Proportionate representation”** refers to representation of the community in the University relative to their national population size.

**“Race”** refers to groups of people who have differences and similarities in biological traits deemed by society to be socially significant.

**“Sex”** refers to the biological orientation of being male or female.

**“Student”** means a registered Student of the Technical University of Mombasa.

**“Staff”** means an employee of the Technical University of Mombasa.

**“University Stakeholders”** means any person with an interest in Technical University of Mombasa.

**“University”** means Technical University of Mombasa.

**“Youth”** refers collectively to all individuals in the Republic of Kenya who have attained the age of 18 years and have not attained the age of 35 years.

**ABBREVIATIONS AND ACRONYMS**

<b>DMC</b>	Disability Mainstreaming Committee
<b>DVC (AFP)</b>	Deputy Vice Chancellor (Administration, Finance and Planning)
<b>GMC</b>	Gender Mainstreaming Committee
<b>HRD</b>	Human Resource Department
<b>NCNVC</b>	National Cohesion and National Values Committee
<b>NCPWD</b>	National Council for Persons with Disabilities
<b>PSC</b>	Public Service Commission
<b>PWD</b>	Persons with Disability
<b>TUM</b>	Technical University of Mombasa
<b>VC</b>	Vice Chancellor

## EXECUTIVE SUMMARY

This Policy expounds on the strategies that the University will put in place to achieve the Constitutional provisions that facilitate access to opportunities by the Youth, marginalised Communities and Persons with Disabilities. The Policy also addresses the strategies that will be adopted to achieve gender parity and ensure that the University represents the face of Kenya as provided for in the Constitution. The Policy also highlights the legislative instruments that govern implementation as well as the responsibilities that will be assigned to the individual Committees that will be required to monitor and evaluate the implementation of the Policy provisions and strategies to ensure compliance.

## 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.

The purpose of this Policy is to outline the principles, guidelines, practices that the University will embrace in its endeavour to ensure that the Constitutional Provisions on equality and diversity are achieved and inculcated in the University. In implementing the Policy, the University will ensure that it adheres to both national and international standards in putting in place measures to ensure that it reflects the principles of equality and diversity in all areas of its mandate.

### 1.1 Citation

This Policy shall be cited as the **Technical University of Mombasa Equality and Diversity 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;*

e) *Creativity, innovativeness and environmental sustainability.*

### **1.5 Motto**

*Jiddu Tajidu* (Endeavour and Achieve)

### **1.6 Policy Statement**

Technical University of Mombasa shall foster, cultivate and preserve a culture of respect for equality and diversity by embracing and encouraging equal access to opportunities and inclusivity in terms of age, race, minority, marginalized, disability, ethnicity, family or marital status, gender, language, physical and mental ability, race, religion, socio-economic status, and other characteristics that ensure compliance with the Constitution's provisions on equality and diversity.

### **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) National Cohesion and Integration Act, 2008;
- e) The Public Officers Ethics Act, 2003;
- f) The State Corporations Act, 2012;
- g) The Universities Act, 2012;
- h) The Public Finance Management Act; 2012;
- i) Public Procurement and Assets Disposal Act, 2015;
- j) Public Procurement and Assets Disposal Regulations, 2020;
- k) The Public Service Commission Diversity Policy, 2015;
- l) Technical University of Mombasa Statutes, 2019;
- m) Technical University of Mombasa Human Resource Manual and Procedures, 2017; and
- n) Technical University of Mombasa Policies.

### 1.8 Scope/Applicability

This Policy shall apply to all University engagements and provision of services to the Public as well as internally. It shall apply to Staff, Students, Suppliers and all Stakeholders interacting with the University as well as the general public.

### 1.9 Guiding Principles

This Policy is guided by the following principles:

- a) Fair and equal access to opportunities and services;
- b) Protection from harassment and discrimination;
- c) Objectivity in decision making with regard to equity and merit;
- d) Respect and dignity of all Stakeholders and the general public;
- e) Eliminating unfair and inappropriate barriers currently in place;
- 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 equality and diversity is reflected in all University operations.

### 1.11 Policy Objectives

The Policy objectives are as follows:

- a) Entrench the commitment to equality and diversity within the University;
- b) Outline the rights and responsibilities to which all University Stakeholders will be expected to adhere to;
- c) Anchor the University as a destination of choice for Students and Staff with diverse backgrounds, cultures and identities;
- d) Develop the University's approaches for building equality, diversity and inclusion into the design and delivery of its courses and curriculum;
- e) Augment the University procedures and tactics in efforts to ensure that Students and Staff with diverse backgrounds, cultures and identities are fully supported to realise their full potential;
- f) Address key equality issues affecting Students and Staff; and
- g) Celebrate and promote the diversity of Students and Staff at all levels.

## 2.0 YOUTH

The University shall ensure representation of the Youth in employment as well as access to Procurement Services as Suppliers. The University shall:

- a) Establish attachment and mentorship programmes for Students;
- b) Put in place an Internship Policy;
- c) Comply with the provisions of access to Government opportunities for Youth in Procurement at the University;
- d) Take affirmative action measures to ensure representation of the youth at all levels of the Institution;
- e) Improve the work environment by putting in place infrastructure and facilities to maximize productivity of youthful employees;
- f) Afford opportunities for appointment, training and promotion of youthful employees to facilitate career progression;
- g) Develop and implement a succession management plan to attract, retain and progressively engage the youth at the workplace;
- h) Deploy policies and practices to facilitate diversity in terms of age, skills, knowledge, experiences and leadership attributes; and
- i) Implement recruitment and selection policies and processes that are fair and equitable.

### 3.0 PERSONS WITH DISABILITIES

The University shall adopt measures aimed at facilitating the realization of the Constitutional principles of ensuring an inclusive Public Service and that at least five per cent (5%) of appointments in the Institution shall comprise Persons with Disabilities. Where the University has not met the requirement, the institution shall take such measures, including adopting affirmative action programmes, to ensure progressive realization within five (5) years after coming into force of this Policy. The University shall:

- a) Advertise available job vacancies, Student admissions, procurement tenders in a format accessible to Persons with Disabilities including using established Government channels, print, large print, braille, television, radio and the internet including sharing with the National Council for Persons with Disabilities (NCPWD);
- b) Adopt a shortlisting criteria that does not in any way disadvantage candidates with disabilities either directly or indirectly;
- c) Provide reasonable accommodation for candidates with disabilities to attend and participate effectively in the interview or admission process including use of assistive and support devices such as sign language interpreters, braille, presence of personal aide or service animals;
- d) Shortlist adequate numbers of Persons with Disabilities to progressively achieve the principle that at least five per cent (5%) of appointments in the Public Sector shall comprise of Persons with Disabilities;
- e) Take affirmative action measures to ensure representation of Persons with Disabilities which may include ring-fencing jobs for priority employment and promotion;
- f) Induct every interview and selection panel on disability etiquette to be sensitive on issues of disabilities while conducting interviews;
- g) Make accessible premises and information to all persons;
- h) Conduct orientation and induction programmes for Persons with Disabilities and provide them with information essential for performance of their jobs;



- i) Procure goods, services and works that observe and uphold the principle of universal design and reasonable accommodation in the work environment;
- j) Sensitize employees on disability etiquette;
- k) Afford persons with disability access to Government opportunities in procurement ; and
- l) Afford Persons with Disabilities with special opportunities for attachment and internship.

## 4.0 GENDER

The University shall implement the principle that not more than two-thirds (2/3) of its employees shall be of the same gender at all levels; ensure that gender issues are mainstreamed at the workplace and take appropriate measures including affirmative action to ensure gender equality; and uphold, observe and protect the right of women to health and safety in working conditions, including the safeguarding of the function of reproduction. The University shall:

- a) Within one year of coming into force of this Policy, determine its gender balance ratios; establish the extent of the imbalance and put in place time bound affirmative action programmes to ensure that the ratio of men to women progressively achieve the principle that not more than two-thirds (2/3) of its employees shall be of the same gender at all levels;
- b) Prohibit imposition of sanctions or dismissal on the grounds of pregnancy, maternity/paternity leave or marital status and observe the requirement of maternity and paternity leave with pay;
- c) Treat all employees including women equally with regard to pay, benefits, transfers, training, education, and social programs;
- d) Within three (3) years of coming into force of this Policy, take necessary measures to provide supporting social services to enable parents combine family obligations with work responsibilities, in particular through establishment and development of baby-care facilities; and
- e) Provide protection to women during pregnancy in types of work proven to be harmful to their status.

## 5.0 ETHNICITY

The University shall ensure fair and equitable representation of the diverse Kenyan ethnic communities and groups including minorities and marginalized groups, proportionate to their national population size. The University shall:

- a) Take affirmative action measures to ensure proportionate representation of members of unrepresented and under-represented ethnic communities, minorities and marginalized groups;
- b) Advertise available job vacancies in a manner that will reach the diverse ethnic groups including using established Government channels, television, radio and the internet;
- c) Adopt a shortlisting criterion that does not in any way disadvantage the diverse communities and groups;
- d) Create conducive work environment that accommodate diverse groups through the use of official languages at the work place; and
- e) Create awareness on the need for work place diversity.

## 6.0 DUTIES AND RESPONSIBILITIES

### 6.1 Vice-Chancellor

The VC shall appoint the members of Staff to the GMC, DMC and NCNVC Committees to facilitate implementation of this Policy.

### 6.2 Deputy Vice Chancellor (Administration, Finance and Planning)

The DVC (AFP) shall:

- a) Recommend to the VC members of Staff for appointment to the GMC, DMC and NCNVC Committees;
- b) Facilitate the development, overall implementation, and review of this Policy; and
- c) Ensure that the GMC, DMC and the NCNVC Committees are strengthened to support the implementation of this Policy.

### 6.3 The National Cohesion and National Values Committee

The Committee shall:

- a) Oversee implementation of the Policy with reference to matters of national cohesion and values;
- b) Oversee the implementation of the strategies assigned to the Committee; and
- c) Provide the statutory reports required by the National Cohesion and Integration Commission.

### 6.4 Disability Mainstreaming Committee

The Committee shall:

- a) Oversee implementation of the Policy with reference to matters of disability mainstreaming;
- b) Oversee the implementation of the strategies assigned to the Committee; and
- c) Provide the statutory reports required by the National Council for Persons with Disability.

### 6.5 The Gender Mainstreaming Committee

The Committee shall:

- a) Oversee implementation of the Policy with reference to matters of Gender mainstreaming;

- b) Oversee the implementation of the strategies assigned to the Committee; and
- c) Provide the statutory reports required by the National Gender and Equality Commission.

## 7.0 POLICY IMPLEMENTATION AND REVIEW

### 7.1 Policy Implementation

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

### 7.2 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

**APPENDIX 1**  
**MONITORING, EVALUATION AND REPORTING FRAMEWORK**  
**TABLE 1 - MONITORING, EVALUATION AND REPORTING FRAMEWORK**  
**AFTER FIRST YEAR OF IMPLEMENTATION**

S. NO	POLICY ISSUE	STRATEGY	PERFORMANCE INDICATOR	PERFORMANCE OUTPUT	RESPONSIBILITY
1.	Promote equality and diversity of youth at the University	Implementation of attachment and internship Policy	Number of attachés and interns placed at the University	Percentage of attachés and interns successfully trained on Job	HRD
		Representation of youth in all levels of the Institution	Number of youths represented at various levels in the University	Percentage increment of youth represented at the University	HRD
2.	Persons with Disabilities	Recruitment and selection	Number of applications received, shortlisted and interviewed from the target group	Percentage of Persons with Disabilities recruited at the University	HRD & DMC
		Compliance with the Persons with Disability Act, 2003	Number of goods and services procured that are accommodative of persons with disability. Number of Officers provided with access to services that are persons with disability. Progressive improvement of the work environment	100% compliance with the provisions of the Persons with Disabilities Act, 2003	VC & DMC
		Sensitization on disability etiquette	Number of channels for making the complaints, orientation and	Percentage reduction of complaints from persons with disability.	DMC & HRD

			induction programmes		
3.	Gender	Two thirds (2/3) gender principle	Establish gaps in gender representation	Baseline survey report	Percentage decrease of gender imbalance
		Recruitment and selection	Recruitment and selection that meets the 2/3 gender principle	2/3 Gender ratio attained	HRD & GMC
		Establishment of day-care facilities for children below three years	Existence of day-care facilities	Improved work life	HRD & GMC
4.	Ethnicity	Affirmative action programmes on diverse groups, the marginalized, minorities and ethnic communities	Percentage increase in diverse groups, the marginalized, minorities and ethnic communities in the University	Proportion of minority and marginalized groups and ethnic communities in the University.	HRD & NCNVC
		Sensitization on workplace diversity	Number of sensitization forums mounted on workplace diversity	Reduction of Complains in the workplace	HRD & NCNVC



**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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