



## **POLICY ON PERSONS WITH DISABILITIES**

<b>Policy Owner</b>	DVC Academic and Chief Operating Officer
<b>Division/Unit/Department</b>	Academic Development and Support(PsyCaD) and Human Capital Management (HCM)
<b>Date of Initial Approval</b>	24 November 2020
<b>Approved by</b>	Management Executive Committee
<b>Approval Dates of Revisions/Amendments</b>	22 October 2024
<b>Next Review Date</b>	2029
<b>Platform to be published on</b>	UJ Website and Intranet

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## **1. PREAMBLE**

- 1.1. Recognising the talents, abilities and potential of persons with disabilities, the University of Johannesburg is committed to creating an enabling learning and work environment along with an organisational culture where full and equitable participation and progression become a reality for all its students and employees. This commitment is in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), Chapter 2 of the Constitution of South Africa (Bill of Rights), the White Paper on the Rights of Persons with Disabilities (2016), and forms an integral part of the University's transformation agenda.
- 1.2. The University strives to create an enabling learning environment for its students with disabilities where their learning experience is commensurate with their aspirations and abilities and where their talents are nurtured and developed.
- 1.3. The University strives to create an enabling student life environment for its students with disabilities where they have an opportunity to participate in organised co-curricular and extra-curricular student life activities while studying towards a qualification. Participation in co-curricular and extra-curricular activities is aimed at holistic development and student success.
- 1.4. The University further subscribes to a workplace where its persons with disabilities have equal and equitable access to opportunities and where diversity is valued.
- 1.5. Differences and diverse needs will be reasonably accommodated within the University's physical environment, structure, available resources and institutional processes.

## **2. PURPOSE**

In an effort to support persons with disabilities and to direct the University of Johannesburg's commitment to limiting discriminatory practices with regards to disability, this Policy promotes compliance with relevant constitutional and applicable legislation.

## **3. OBJECTIVE**

In an effort to support persons with disabilities and to direct the University of Johannesburg's commitment to limiting discriminatory practices with regards to disability, this Policy promotes compliance with relevant constitutional and applicable legislation.

#### 4. SCOPE AND APPLICATION

- 4.1 All employees and registered students at the University and visitors are subject to this Policy.

#### 5. DEFINITION OF TERMS

- 5.1 Student: means registered (full- or part-time) student at the University and prospective students applying to study at UJ regardless of date, time, or location.

- 5.2 Employee: means a staff member of the University, including students employed by the University or any person who agreed to be bound by the rules and policies of the University.

- 5.3 Visitors: refers to any person that is not an employee nor registered student with the University but visits the University for official purposes.

- 5.4 The term 'Persons with Disabilities' within the University of Johannesburg refers to employees, students and visitors. For purposes of this Policy, a student with a disability is defined as:

i) A student with an impairment who experiences disability based on specific contextual barriers.

ii) Disability, as a consequence of an impairment as well as environmental and attitudinal barriers, substantially limits a student from equal participation in the learning environment. The University accepts its responsibility to incrementally remove or limit the barriers to participation as far as is reasonably practicable and financially sustainable.

Note: An *Impairment* is caused by an injury, illness, trauma and/or congenital factors resulting in a physical, sensory, mental, emotional or cognitive condition that is permanent, long term or recurring and which causes or is likely to cause a loss or difference of physiological and/or psychological functioning. The impairment can be visible or invisible.

- 5.5 In terms of the Employment Equity Act (as amended), persons with disabilities for workplace purposes are considered as such if they satisfy **all** the criteria in the following definition:

i) Having a physical or mental impairment;

ii) Which is long-term or recurring; and

iii) Which substantially limits their prospects of entry into or advancement in employment.

Note: An *Impairment* is caused by an injury, illness, trauma and/or congenital factors resulting in a physical, sensory, mental, emotional or cognitive condition that is permanent, long term or recurring and which causes or is likely to cause a loss

or difference of physiological or psychological functioning. The impairment can be visible or invisible.

- 5.6 Substantially limiting means if, in its nature, duration or effects, the person's impairment substantially limits their ability to perform the essential functions of the job for which they are being considered. This does not equate to an incapacity or inability to perform.
- 5.7 Within the workplace, reasonable accommodation refers to 'any measure that can ensure the entry and/or advancement of persons with disabilities in the workplace'. The purpose is to enhance opportunities for qualified persons with disabilities to be or to remain, employed at the University. Accommodations vary according to the disability and are determined on a case-by-case basis and must be 'reasonable' within the particular circumstances.
- 5.8 Universal access is when the focus of attention is shifted from the individual with the disability to the environment. In this instance, Universal Access demands that the environment and society be more adaptable and flexible. The approach of Universal Access conceptualises a disability as an experience when the environment a person functions or interacts in is inaccessible and may include social, attitudinal, learning, administrative and physical barriers for a student.
- 5.9 Universal design means the design of products, environments, programmes and services to make them usable by all persons to the greatest extent possible, without the need for adaptation or specialised design. Universal Design shall not exclude assistive devices for particular groups of persons with disabilities, where needed (UNCRPD, Art 2).
- 5.10 Unjustifiable hardship means significant difficulty or expense incurred by the University with respect to the provision of reasonable accommodation. Unjustifiable hardship means that an accommodation would be unduly costly, expensive, substantial, disruptive or would fundamentally alter the nature or operation of the University and are to its detriment.

## **6. POLICY PRINCIPLES**

- 6.1 The Policy on Persons with Disabilities is based on the premise of human rights, universal access and design and the pursuit of knowledge. The University acknowledges that all persons with all types of disability enjoy human rights and fundamental freedom.
- 6.2 The University ensures compliance to relevant legislation linked to the management of persons with disabilities.

- 6.3 The University pursues a holistic and multifaceted approach to the implementation of the Policy. It recognises the different roles and responsibilities played by key stakeholders in the process.
- 6.4 The University strives, in a non-discriminatory manner, to entrench inclusivity, create equal opportunities for employees and students with disabilities, and create a culture of acceptance of disability as part of the broader diversity experience.
- 6.5 The University pursues a consultative and participative approach to the management of persons with disabilities. It is the University's approach to involve students and employees with disabilities in the development and implementation of its disability initiatives.
- 6.6 The University strives to provide an accessible environment in compliance with all legal and other regulatory requirements that allow equal freedom of movement and access to services on all our campuses. It strives to inclusion of students in the broader learning experience and in the workplace for its employees with disabilities.
- 6.7 It also aims to continuously address barriers in a strategic and incremental manner that allows students, employees and visitors with diverse needs to function optimally within the campus environment.
- 6.8 The University aims to keep abreast of all relevant local and international best practices, legislation, policies and directives that affect persons with disabilities and takes note of best practice developments in international higher education.

The University strives to comply with the spirit and content of, amongst others:

- 6.8.1 The Employment Equity Act of 1998 (as amended);
- 6.8.2 The Code of Good Practice on the Employment of Persons with Disabilities (issued in terms of section 54(1) (a) of the Employment Equity Act of 1998 and published in Government Gazette no. 23718 of 19 August 2002).
- 6.8.3 Education White Paper 6 (2013) – Special Needs Education – Building an inclusive education and training system.
- 6.8.4 The Integrated National Disability Strategy (1997).
  - i) The White Paper for Post-School Education and Training, Chapter 6 (2014)
  - ii) White Paper on an Integrated National Disability Strategy. Office of the Deputy President
  - iii) SA, DoE (South Africa, Department of Education). (1997b). *Education WhitePaper 3: a Programme for the Transformation of Higher Education*.
  - iv) SA, DoE (South Africa, Department of Education). (2001b). *National plan for higher education*

- v) SA, DoE (South Africa, Department of Education). (2002). *Draft guidelines for implementation of inclusive education*
  - vi) *Promotion of Equality and Prevention of Unfair Discrimination Act. Act No.4 of 2000.*
  - vii) The National Building Regulations and Building Standards Act 103 of 1977 (as amended)
- 6.9 The University is also committed to making its own contribution to the broader higher education sector, specifically in relation to disability equity and integration.
- 6.10 As the custodian of knowledge and education, the University will promote further learning in the subject matter of disability, contributing to expertise and excellence in the field.
- 6.11 This Policy and the benefits afforded by it are based upon voluntary disclosure and self-identification unless the disability is visible and self-explanatory.
- 6.12 The University reserves its right to verify a person's disability status based on medical evidence, should it deem it necessary.

## **7 STUDENTS**

- 7.1 No student with a disability will, on that ground alone, be refused admission to the University. However, the provision of appropriate support will be limited by the affordability of those support systems. The University commits itself, within current and future financial constraints, to enabling as many students with disabilities as possible to study at this institution. The admission of students with disabilities is subject to the admission requirements of the University.
- 7.2 The University endeavours to continually improve all aspects of accessibility for its students – physically, technologically and socially.. Universal access facilitates the whole learning cycle including aspects such as an understanding of the learning content, as well as campus experiences that lead to the full development of the student, integration, and participation within the broader student community.
- 7.3 The University aims to create a positive and safe environment that promotes acceptance and protects students with disabilities from prejudice and discrimination. The University will encourage voluntary disclosure in order to provide suitable support but will not impose any obligation on students to disclose their disability status. In the case of non-disclosure by a person with a disability, or where the disability is not self-evident, the University may not be held liable for failure to comply with the provisions of this Policy. The University may require the student to disclose sufficient information to confirm the disability and/or to

assist in determining appropriate accommodation needs. Disclosure may occur during the application or at any time during the period of study. The University may request medical proof from the student to verify any impairment or condition claimed. The support and integration of students with disabilities is facilitated by the PsyCaD: Disability Unit.

- 7.4 PsyCaD: Disability Unit concerns itself with the position of students with disabilities and serves as the central point of contact for any student or prospective student with a disability.
- 7.5 Students with disabilities are welcome to report concerns and request assistance and support to enable them to be included in all aspects of university life on equal terms with other students.
- 7.6 At the beginning of every year, the PsyCaD: Disability Unit conducts a survey of all the registered students with disabilities (in accordance with the HEMIS classification system) and assists them as far as reasonably possible and within available resources. The student database is continuously updated to ensure that a proper information management system is in place.
- 7.7 The reasonable accommodation requests of students with disabilities are considered on the recommendation of professionals, including registered medical and other health professionals registered with a professional body. Consultation occurs between the requesting student and the PsyCaD: Disability Unit, which forwards requests to an ad hoc Committee comprising of relevant professionals and faculty-based experts for consideration and decision-making. The Committee's recommendations are then communicated to the respective Executive Dean, Lecturers, and Faculty Administration for implementation. The measures put in place must serve the purpose for which they were intended, and the University undertakes to apply resourceful and customised solutions to meet individual needs. All types of disabilities will be catered for as far as reasonably possible.
- 7.8 The confidential nature of information regarding the disability status of a student is honoured, and the information is released to appropriate UJ stakeholders only with the written consent of the student (or, where applicable, the student's parent or guardian) if considered necessary in order to promote a student's academic and academic-related interests.
- 7.9 The PsyCaD: Disability Unit standard operating procedures must be read together with this Policy.
- 7.10 The University will ensure to remove environmental barriers in the built environment by Complying with the National Building Regulations and Building



Standards Act (as amended) for persons with disabilities. Adopting a phased-in approach with older structures, while new projects will include universal access requirements from the outset. Creating adequate signage indicating the location of accessible entrances, parking, toilets and, emergency exits, ramps and lifts and other relevant services and facilities related to students with disabilities. Communicating safety and evacuation procedures applied to students with disabilities with due cognisance of reasonable accommodation needs.

- 7.11 The University has comprehensive complaint, grievance and disciplinary procedures applicable to all staff and students. All students are expected to abide by the student code of conduct.

## **8 EMPLOYEES**

The management of persons with disabilities forms part of the Institutional Transformation agenda as well as the Employment Equity policy adopted by the University. In terms of the Employment Equity Act, persons with disabilities are part of the designated group, and therefore they should be included in Employment Equity Plans of the University as part of the strategies to eliminate barriers for them. Persons with disabilities will not be discriminated against in job selection, dismissed, removed from normal duty or isolated solely on grounds of disability.

- 8.1 The University will endeavour to ensure that any prejudice against victimisation of a person with a disability or unfair discrimination on grounds of disability will be managed through the appropriate procedure. This encompasses, but is not limited to:
- 8.1.1 Resourcing procedures, including advertising and selection criteria;
  - 8.1.2 Appointments and the appointment process;
  - 8.1.3 Job classification and/or grading;
  - 8.1.4 Remuneration, employment benefits and terms of conditions of employment;
  - 8.1.5 Job assignment;
  - 8.1.6 Working environment and facilities;
  - 8.1.7 Training and development;
  - 8.1.8 Performance evaluation systems, promotion, transfer and demotion; and
  - 8.1.9 Disciplinary/incapacity measures short of dismissal.
- 8.2 The University commits itself to the reasonable accommodation of persons with disabilities with regard to physical, medical, psychological and environmental aid

to ensure enhancement of the person's working conditions and performance.

- 8.3 It is incumbent on the employee to disclose their disability status if they expect or request to be reasonably accommodated in the workplace.
- 8.4 Employees who acquire a disability whilst in the employ of the University will, where reasonably practical, be redeployed to an alternative job that can accommodate their capability or be re-integrated into work.
- 8.5 If there is no appropriate reasonable accommodation, the University may consider terminating the contract of the employment on the grounds of incapacity.

## **9 VISITORS**

- 9.1 As far as visitors, including parents, community members, other lecturing staff, and service providers, are concerned, the University strives to create a disability-friendly, accessible and non-discriminatory environment where persons with disabilities have freedom of movement; they are treated with respect, and internal role players are sensitive to their accommodation needs.
- 9.2 The PsyCaD: Disability Unit serves as a point of contact, if required, from where thenecessary referrals can be made.

## **10 ACCESS TO INFORMATION**

- 10.1 The University undertakes to facilitate access to information for persons with print disabilities and will strive to make, amongst others, the Library services accessible.
- 10.2 University communications, including its website, will take cognisance of the need for information in an accessible format.
- 10.3 The POPI Act guides the collection, processing, and retention/destruction of personal information. Under the POPI Act, the University ensures the protection and confidentiality of all students' private information and disability disclosures through secure protocols and procedures. Disclosure will take place only under specified conditions, i.e. with the student's consent or when it relates to the health and safety of the student and others, and when reasonable accommodation is requested. Withdrawal of disclosure can be requested at any time upon which the disability record and relevant documents will be removed.

## **11 RESPONSIBILITIES OF PERSONS WITH DISABILITIES**

Persons with disabilities are encouraged to come forward personally and to notify the University of any concerns, obstacles and needs associated with their disability, which requires the attention of the relevant decision makers within the University to attempt and find reasonable accommodations wherever possible.

## **12 GOVERNANCE**

### **12.1 PsyCaD: Disability Unit**

The Disability Unit resides within the Centre for Psychological Services and Career Development (PsyCaD). This unit is responsible for the coordination of academic support and integration of students with disabilities in collaboration with divisions and Faculties. Therefore, all appropriate UJ staff are responsible for the implementation of support to persons with disabilities with regard to students with disabilities, the PsyCaD: Disability Unit, amongst others:

- 12.1.1 Provides guidance and counselling services.
  - 12.1.2 Identifies and determines specific support needs in consultation with the student.
  - 12.1.3 Attempts to provide practical solutions to their needs.
  - 12.1.4 Liaises on accessibility issues with faculties and divisions.
  - 12.1.5 Helps the students to familiarise themselves with the campus, depending on their special needs.
  - 12.1.6 Brings the situation of every student with a disability to the attention of the respective line managers in faculties and divisions.
  - 12.1.7 Provides assistance with access to learning aids and assistive technology
  - 12.1.8 Incorporates the students in one or more of the support programmes presented by the University if this is deemed necessary or useful.
  - 12.1.9 Provides assistance to students with disabilities to address their special needs.
- In addition, the Office:
- i) Advises Human Capital Management on support for employees with disabilities when required.
  - ii) Provides service support to visitors with disabilities when required.
  - iii) Provides advice to the MEC: Transformation Committee on the provision and maintenance of infrastructure on all campus sites, involvement in fundraising drives and awareness campaigns.
  - iv) Acts as change agent on campus to facilitate disability equity and integration
  - v) Actively raise awareness amongst all internal role players on disability matters and this Policy's principles;

- vi) Work together with other role players to achieve the University's Transformation Plan objectives and targets;
- vii) Facilitate access to student and institutional funding opportunities.

## **12.2 Human Capital Management Division**

- 12.2.1 The Human Capital Management Division is responsible for the development and implementation of best practices and legally compliant policies and procedures throughout the employment cycle to ensure the attraction, integration, progression and retention of persons with disabilities.
- 12.2.2 A newly employed staff member with a disability will have a conversation with the line manager and a representative from Human Capital Management (Employee Wellness and/or HCM Business Partner) to determine the type of reasonable accommodation, especially taking into account their job description.
- 12.2.3 Employees with disabilities shall not be subjected to less favourable conditions of employment compared to employees doing the same work solely because of their disability and the upward mobility of employees with disabilities.
- 12.2.4 The Division: Human Capital Management is responsible for the provision of advice and the coordination of activities in respect of employees and prospective employees with disabilities.
- 12.2.5 The Human Capital Management Division assist employees with accommodation needs, including assistive devices, within reasonable budget limits.
- 12.2.6 The Human Capital Management Division educates the UJ community on disability issues and thus encouraging employees to disclose their disabilities for reasonable accommodation purposes.
- 12.2.7 The Human Capital Management Division will attract and recruit PwD through learnership programmes and direct recruitment with specialised employment agencies, amongst other modes of recruitment.
- 12.2.8 The Human Capital Management Division will ensure that recruited PwD provide medical documentation from a legal health provider/doctor on the nature of their disability.

## **12.3 MEC Committee: Transformation Committee**

The **governance** in respect of support for persons with disabilities is undertaken by the MEC *Transformation Committee*.

### **13 REPORTING**

The Transformation Committee is a sub-committee of the Management Executive Committee (MEC). It reports to the MEC on its activities.

Approved by the MEC on 24 November 2020.

Amendments approved by the MEC on 22 October 2024.