



MAASAI MARA UNIVERSITY

DISABILITY MAINSTREAMING POLICY

Policy No.	MMU/RAD/P01
Version	01
Principal Responsibility	Registrar(Administration)
Effective Date	15 th January, 2018

Policy Approval

This policy shall be known as the Disability Mainstreaming Policy of Maasai Mara University (herein after referred to as “the Policy”) which shall take effect on the date of approval by the University Council.

In exercise of the powers conferred by Statute 17 (2d) of Maasai Mara University, section 35(1) (a) (iii) of the Universities Act No. 42 of 2012 and section 19 of the Charter for Maasai Mara University 2013, Maasai Mara University Council affirms that this Policy has been made in accordance with all relevant legislations.

Dated the day of2018

Signed:

Dr. Samuel Agonda Ochola, PhD

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Foreword

Issues of disability have recently been gaining recognition worldwide. Maasai Mara University recognises that for a long time, persons with disabilities have been viewed as “different” and, as a result, have been looked down upon. As a premier higher learning institution occupying a crucial position in the nation, the University should influence the society to change its perception on persons with disabilities. The University should embrace persons with disabilities whereby efforts should be put in place and those already in place enhanced to create equal opportunities for all, thus enabling them to participate fully both in social life and in national development. In its commitment to promoting academic excellence as per the University’s Vision, the University seeks to uphold equality and equity in opportunities through this policy for its staff, students and stakeholders.

It is expected that this policy will play a major role in mainstreaming disability within the University. This policy provides clear 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 initiatives on disability mainstreaming. It provides guidelines on mainstreaming disability into the various programs, services and structures of the University. I am confident that with the implementation of the policy, the University will provide a better conducive environment for work and study. The University has put in place a disability mainstreaming committee which spear head disability mainstreaming activities in the University.

Prof. Mary K. Walingo, PhD, MKNAS, EBS

Vice-Chancellor

Definition of Terms

“Act” means the Persons with Disabilities Act, 2003 [Rev.2016];

“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” means a method of gathering information to ascertain the needs and the required services for persons with disabilities;

“Devices and Services” means implements, tools and specialised services (including the services of qualified interpreters for the hearing impaired and qualified teachers for the visual 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 Disability;

“Empowerment” Refer to the process through which Person 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” means 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;

“Persons With Disabilities” any person who has physical or mental impairment that substantially limits one or more major life activities; has a record of such impairments; or is regarded as having such an impairment;

“The University” means Maasai Mara University;

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Acronyms and Abbreviations

OPWD Organization of People With Disability

PWDs Persons With Disabilities

1. Introduction

Maasai Mara University is a successor of the then Narok University College which was established as a University College of Moi University in 2008. The university is located within Narok County. It attained full University status following the enactment of the University's Act, 2012 and the award of the charter on 12th February 2013 from which it draws its mandate. The University now operates five Schools namely: School of Science and Information Sciences, School of Education, School of Business and Economics, School of Tourism and Natural Resource Management and the School of Arts and Social Sciences.

Statistics estimate that there are about 650 million PWDs worldwide. They account for up to 10% of the global population. Persons with disabilities in Kenya are estimated at about four million. It is also estimated that about 80% of PWDs live in developing countries where poverty levels are high. Given that PWDs represent a significant segment of population, it is only fair that they are integrated into all areas of development in order to achieve both local and international development goals.

It is unfortunate that PWDs have continually been subjected to multiple forms of marginalization and exclusion and thus a majority of them have been unable to fit into the society. Maasai Mara University endeavors to ensure that this trend comes to an end. The Policy is guided by the core values of the University which apply to all the members of staff, students and stakeholders whether disabled or not. Cultural, economic, educational and social integration and inclusion of persons with disabilities in our society is important for them to realize their potential and ability. This shall be achieved through the policy which articulates the role of the university as regards disability as well as outlining the rights and duties of its staff, students, and stakeholders.

1.1 Vision, Mission and Core Values

Vision

To be a world class university committed to academic excellence for development

Mission

To provide Quality University education through innovative teaching, research and consultancy services for development

Core Values



Excellence

Team Work

Professionalism

Equity and Social Justice

Creativity and Innovativeness

Transparency and Accountability

2. 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 Disabilities Act, 2003 [Rev.2016]

3. Objectives

The overall goal of the policy is to ensure the full inclusion and participation of persons with Disabilities in all activities at the university without any form of discrimination, while the specific objectives are to-

- i. To promote a safe, accessible, healthy work and study environment conducive to PWDs,
- ii. To maximize the contributions of staff and students with disabilities,
- iii. To facilitate PWDs access university facilities and services,
- iv. To ensure that the needs of PWDs are catered for in the discharge of human resource functions and management in work and studies,
- v. To ensure that the environment of the university is disability friendly, and
- vi. To create awareness in and sensitize all members of the university community on matters relating to disability.

4. Scope of the Policy

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

5. The Legal Framework

The policy is informed by relevant national legislation and international instruments such as-

- i. The Constitution of Kenya
- ii. The Persons with Disabilities Act, 2003[Rev.2016]
- iii. The National Social Security Fund Act, 2013,
- iv. The 1975 UN Declaration on the Rights of Persons with Disabilities,
- v. The 1981 International Year of Persons with Disabilities,
- vi. The UN Decade for Persons with Disabilities, 1982-1992,
- vii. The UN Standard Rules on Equalization of Opportunities for Persons with Disabilities, 1994.
- viii. The Commonwealth Disability Standards for Education, 2005,
- ix. The United Nations Convention on the Rights of Persons with Disabilities, 2008,
- x. The Human Resource Policy, 2016,
- xi. The Universal Declaration on Human Rights, and
- xii. The Maasai Mara Human Resource Policy, 2018.

The Policy heavily borrows from;

5.1. The Constitution of Kenya, 2010

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 supreme 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.

5.2. Persons With Disabilities Act,2003[Rev.2016]

The Persons with Disabilities Act, 2003[Rev.2016] 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 of taking steps towards the full realisation of the rights of persons with disabilities as set out in the Persons with Disabilities Act, 2003[Rev.2016] .The Act provides that-

- i. no person shall deny a person with a disability access to opportunities for suitable employment;
- ii. 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;
- iii. 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 endeavor 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 Persons with Disabilities Act, 2003[Rev.2016] places' a duty on the University to promote disability equality as-

- 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 favorable treatment;
- vii. identification and analysis of potential discriminatory policies, practices and procedures in all aspects of the University.

6. 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.

7. Students with Disabilities

The University welcomes applications from PWDs and 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.

8. Reasonable Adjustments

- i. The University is required to make reasonable adjustments when a student or member of staff living with disability is 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-
 - a) teaching, including classes, lectures, seminars, practical sessions;
 - b) examinations and assessments;
 - c) field trips and outings.

- ii. Adjustments may include specific examination arrangements, provision of additional support for learning, adjustments to assessment practices and accommodation arrangements.
- iii. Similarly there is an obligation to make reasonable adjustments for employees or potential employees to ensure that they are not disadvantaged. Adjustments may include-
 - a) reallocation of duties;
 - b) altering work hours;
 - c) changing work location;
 - d) modifying equipment e. g providing an adapted keyboard or telephone;
 - e) consideration for other roles.

9. Data on PWDs

The University shall maintain data of employees and students with disabilities.

Identification of Employees with Disabilities

The University shall identify disabled employees using the following procedure;

- i. An employee with an impairment in his/her body shall be expected to confirm their disability status with a doctor after medical examination;
- ii. Once it is confirmed that he/she is disabled, the employee shall register with the National Council for Persons With Disabilities;
- iii. 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.

10. Strategies

- i. The University shall endeavour to employ 5% (five per cent) of all staff as Persons With Disabilities, without compromising merit.
- ii. The University shall endeavour to provide physical facilities such as wheel chairs and ramps at the work place as may be required to accommodate Persons with Disabilities.

11. Benefits to Persons With Disability in Kenya.

Sections 35 and 36 of the Persons with Disabilities Act, 2003[Rev.2016] vouches for Reliefs' and Incentives for PWDS which sections shall be read together with this policy.

12. Monitoring and Evaluation

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

13. Policy Review

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