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1 Preamble

The Disability Policy intends to create and maintain parity, in consultation with students and staff with disabilities to ensure access to education and university resources. Recognizing that an accessible and inclusive environment is one that is created with staff and students. The University is committed to fairness, equity and justice and recognizes the importance of disability inclusion through the provision of universal principles of accessibility.

This policy resonates with the University of Cape Town's (UCT) tenets of Excellence, Transformation and Sustainability as articulated in the UCT Vision 2030 strategic framework. The University thus strives to create an enabling learning and occupational environment in consultation with students and staff with disabilities; where their learning experience and career aspirations are supported and enabled by the University and where their talents are identified, nurtured, and developed. The University further subscribes to an environment where individuals with disabilities have equal and equitable access to opportunities and where diversity is valued.

2 Policy objective

This document sets out the key areas of focus for promoting disability inclusion in the University. It commits the University to progressively realizing resources for disability inclusion in all spheres of university life. It identifies access as including physical, epistemological and social aspects so as to remove inequities experienced by persons with disabilities. The University commits itself to the removal of cultural, physical, social and other barriers that prevent persons with disabilities from entering, being employed, and developing their careers in the University.

3 Legal framework

This policy acknowledges national legislation that recognizes and protects the rights of persons with disabilities. These legislative requirements in Section 9 of *The Constitution of the Republic of South Africa* Act No. 108, of 1996 and Section 51 of the Employment Equity Act, No. 55, 1998 and Section 9 of the Promotion of Equality and the Prevention of Unfair Discrimination Act 2000 No. 4, 2000. These legislative frameworks ensure that no one may unfairly discriminate against a person on the grounds of disability.

This policy acknowledges and follows the Department of Employment and Labour Code of Good Practice guidelines; the Higher Education Act of 1997 and is also aligned with the United Nations Convention on the Rights of Persons with Disabilities and the optional protocols.

4 Definitions

4.1 **Applicants** for employment, for work and/or study and visitors will only be entitled to reasonable accommodation in a limited capacity whilst they are on campus relative to their specific need in relation to their activity. The request will be considered at the discretion of the Disability Service Manager.

4.2 Attitudinal barriers

Attitudinal barriers are often reflected in relation to stigmas arising from prejudicial thinking and unconscious bias, negative attitudes, behaviours and perceptions related to persons with disabilities. A result of attitudinal barriers faced by persons with disabilities is physical and emotional bullying – which impedes access to learning and can lead to a sense of isolation.

4.3 **Barrier-free access** recognizes that every person has the right, without discrimination, to equitable treatment with respect to goods, services and facilities.

4.4 **Disability** encompasses persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (UN, 2006).

4.5 **Disability Inclusion** is a dual approach that addresses a person's needs related to the impairment and removes environmental barriers to participation, which includes attitudinal barriers.

4.6 **Discrimination based on disability** refers to imposing any distinction, exclusion or restriction of persons on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, on all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It encompasses all forms of unfair discrimination, whether direct or indirect, including denial of reasonable accommodation.

4.7 **Discrimination based on the Requirement of a Job:** Any fair discrimination based on the requirement of the particular job does not constitute unfair discrimination. A requirement of a job depends on the nature of the job and required qualifications. If such requirements can be shown, discrimination will be fair, for example: a person with extremely poor eyesight cannot be employed as a driver.

4.8 **Enabling environment** refers to interrelated infrastructure, built environments, institutional culture, policies, attitudes, information and communication technologies and systems that should be in place to facilitate participation of persons with disabilities.

4.9 **Equalizing opportunities** for inclusion and participation involves the process through which the various systems of society and the environment, such as service, activities, information and documentation are made available to all (World Programme of Action) (UN 1982).

4.10 **Institutional Culture** is defined by Toma, Dubrow and Hartley (2005) as the sense of belonging, measures for inclusion and characteristics of an institution.

4.11 **Definition of persons with disabilities**

- I. "Persons with disabilities" as per the UN Convention on the Rights of Persons with Disabilities (2006), include those who have long-term physical, mental, intellectual or sensory impairments and/or chronic conditions which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"
- II. "Persons with disabilities" includes people who have a long -term or recurring physical or mental, or a combination of both, intellectual or sensory impairment which in interaction with various barriers may substantially limit their prospects of entry into, or advancement in, employment.

4.12 **Registered Mental Health Professionals** refers to a psychologist, psychiatrist, registered psychological counselor, clinical social worker or mental health nurse registered with a South African regulatory council (the Health Professions Council of South Africa, the Nursing Council of South Africa or the South African Council for Social Work Professions).

4.13 **Registered Medical Practitioner** refers to a medical practitioner registered with the Health Professions Council of South Africa.

4.14 **Reasonable accommodation** refers to the necessary and appropriate modification and adjustments, as well as assistive devices and technology to accommodate unique individual needs of a person with disabilities, who has declared their disability.

However, such accommodations should be provided when required by a particular circumstance and not be imposed in all circumstances.

4.15 **Staff Member** refers to an employee of the University and includes an applicant for employment at the University.

4.16 **Student** refers to all full-time and part-time registered students studying at the University.

4.17 **Universal Access** means the removal of cultural, physical and other barriers that prevent persons with disabilities from entering, using or benefitting from the various systems that are available to non-disabled students and staff in the University.

4.18 **Universal Design** means the design of products, environments, programmes and services to be usable by all persons, to the greatest extent possible, without the need for adaptation or specialized design.

4.19 **Unjustifiable hardship** is action that requires significant or considerable difficulty or expense and that would substantially negatively affect and/impact of the faculty, department, or university functions.

4.20 **Visitor** is any member of the public present on University property who is not a member of staff or a student, including persons with contractual relationships with the University and persons otherwise legitimately commercially active or employed within the University environment.

5 Policy principles

5.1 This policy is based on the premises of human rights and universal access design. It is acknowledged that all persons with all types of disabilities enjoy human rights and fundamental freedoms.

5.2 The University of Cape Town is committed to the principles of inclusivity through the conceptual transformation framework and create equal opportunities for staff and students with disabilities within reason.

5.3 The University aims to keep abreast of international instruments, such as the UN Convention on the Rights of Persons with Disabilities, relevant legislation, policies and

directives that affect the position of persons with disabilities. In its procedural and substantive application due consideration will be given to the accommodation needs of persons with disabilities to ensure equitable and fair application.

5.4 This policy and the benefits afforded by it are based upon voluntary disclosure and self-identification, unless the disability is visible and self-explanatory. The University reserves its right to verify a person's disability status based on medical evidence, should it deem it necessary.

5.5. The University realizes that universal access relates to more than the built environment and will strive for inclusion of students with disabilities through consultation and the provision of accessible education solutions, and in consultation with staff with disabilities through workplace accommodations.

5.6 All policies and rules of the University are also applicable to students and staff with disabilities.

5.7 The University will, where possible, make available opportunities, for the participation of persons with disabilities in sports, recreational and social activities.

5.8 The University will, through the Employment Equity policy implement affirmative action measures to ensure equitable representation of persons with disabilities for the staff population. The representation of students with disabilities should be evident in the accelerated pipeline to academia programme such as the Next Generation Academics Programme and the Emerging Researchers Programme

5.9 Any student's eligibility for a course or unit is subject only to those selection criteria which are ordinarily applied to applicants for that course or unit including any requirements. Students must be able to meet the requirements of a course they wish to complete.

5.10 Course and unit preference and choice should not be influenced by the level or type of disability, unless even with the provision of reasonable adjustments the student would be unable to meet the requirements of the course of study.

5.11 The Disability Service offers consultations to applicants with disabilities who are applying to UCT, to understand how the University and/or their own support network may be accommodated in the University.

6 Language

Everyday language usage sometimes includes a number of derogatory and discriminatory terms for persons with disabilities. Furthermore, use of terminology that emphasizes the inabilities of people may lead to categorization, stigmatization, discrimination and exclusion. The University discourages the use of such terminology. The University strives to continuously advocate for the use of appropriate language with regards to disability within the UCT community. Resources related to appropriate language, will be provided by the Disability Service, in the Office for Inclusivity & Change (OIC).

7 Communication

The University will ensure access to information and communication services to staff, students, and visitors with disabilities – including appropriate, tactile signage, high contrast signage on notice boards, circulars, library databases, learning materials, and electronic media. It will strive to maximize, through appropriate dissemination of information, opportunities for staff and students with disabilities to participate in all University wide consultation and debate and in grievance mechanisms and decision-making processes.

8 Reasonable accommodation

The University recognizes that disability inclusion is a human right and that an inclusive practice is premised on a collaborative and consultative partnership with staff and students with disabilities to identify the reasonable accommodations that will facilitate their full and equal participation in the services and facilities of the University within its available resources. This policy encourages a partnership approach with shared responsibility between the Disability Service and Faculties and Departments. Reasonable accommodation for students in relation to their academic programme will be provided by the Disability Service where possible. In the case of staff with disabilities, reasonable accommodation, such as assistive devices may be provided for by the University via application to the DVC Transformation. Personal assistive devices for staff, such as, hearing aids should be acquired through the staff member's medical aid or at their own cost. The Disability Service will play a consultative and facilitative role in the fulfilment of reasonable accommodation for staff.

The University will seek medical confirmation of an impairment where a request for the provision of accommodation warrants this. In such cases supporting documentation will be

provided to the manager of the Disability Service from a registered medical doctor in the case of physical and sensory impairments, and/or from a clinical or educational psychologist and/or registered traditional healer, occupational therapists, psychiatrist and other related specialists, in the case of cognitive and psychological impairments. The manager of the Disability Service reserves the right to request a second opinion regarding the reasonable accommodation at Disability Service's own cost.

Where reasonable accommodation provision is made in respect of temporary disabilities this will be done for the calendar year and will be reviewed annually by the manager of the Disability Service. Up-to-date documentation will be required to assess the continued necessity of this provision. The Disability Service reserves the right to refer students to Student Wellness Services or a private physician, for further verification of their physical and/or acute or chronic mental health conditions if existing verification does not exist. The outcome of the verification will be shared with Disability Service, to ensure that reasonable accommodations can be considered.

UCT need not accommodate a qualified applicant or an employee with a disability if this would impose an unjustifiable hardship on the operations of the institution. This involves considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the Unit/Department. An accommodation that imposes an unjustifiable hardship for one employer at a specific time may not be so for another or for the same employer at a different time hence every case will be assessed on its merits.

9 Disclosure of disability, record keeping and data management

The University is committed to creating an institutional culture in which disclosure of disability provides persons with disabilities the opportunity to access relevant services provided by the university. Disclosure of disability is necessary where a student/staff member/visitor requests support and/or accommodation provision. Staff are encouraged to disclose their disabilities to UCT Human Resources at the time of appointment in accordance with the provisions of national legislation and best practice. Staff already employed by UCT, who acquire a disability are encouraged to declare their disability by updating their staff profile details via UCT Human Resources Employment Self-Service SAP system and/or the EEA1 declaration form to ensure that relevant services can be provided to them. Students are required to disclose to the Admissions Department and to the Disability Service in order to access services provided by the Disability Service.

Disclosures which have been made to the Admissions Department may be made available to the Disability Service. Information about an individual's impairment will be made available to persons tasked with facilitating or providing specific reasonable accommodations to the extent that this information is necessary to facilitate the reasonable accommodation.

Disclosed information will be treated as private and confidential. It will be used to monitor progress in employment and student equity, to comply with the reporting requirements of the Employment Equity Act, for strategic planning and to maximize levels of service provision.

Where necessary, any documentary evidence of a person's disability or medical condition will be stored according to the University's Records Management Policy and POPIA Act. Staff are expected to maintain the privacy and confidentiality of information regarding disability or medical conditions provided by students, staff or visitors, except where the University's duty of care takes priority, or where adjustments are requested, and information related to functional impact will be shared.

10 Access to the built environment

The University endorses the principle of Universal Design as a feature on all new infrastructure development and will progressively formulate and implement standards and guidelines which ensure that Universal Design Principles are applied in the design, construction and/or maintenance of all buildings, thoroughfares, facilities, security systems and warning notification systems and all other infrastructures for which the University is responsible.

The University, through the Properties and Services Department (P&S), will endeavor to ensure compliance to the National Building Regulations and Building Standards Act (SANS10400: Part S) and any other relevant National Legislation. The Properties and Services department (P&S) will therefore progressively develop and implement a comprehensive campus-wide strategy to address physical and infrastructural barriers for persons with disabilities. In order to do this, the University will budget each year for retrofitting of access solutions. The Disability Service will be responsible for the signing off on compliance with the SANS10400: Part S and any other additional National Legislation in order to ensure that all facilities are barrier-free and accessible for persons with disabilities. The Disability Service will provide an oversight with P&S, in order to ensure compliance with the regulations and universal design principles.

The University's current emergency evacuation procedures should incorporate measures to ensure the safe evacuation for persons with disabilities. During the implementation of these

procedures the Disability Service will play a consultative and facilitative role. This will include but not be limited to Emergency Evacuation Drills for each Faculty and Departments.

The University will ensure that all relevant personnel receive the necessary training provided by the Health and Safety Department to building curators, building health and safety officers, campus protection services, wardens and other relevant personnel in all sectors of the university. Where specialist equipment, such as evacuation chairs, are present for persons with disabilities, the Disability Service will provide training to the relevant personnel. Health and Safety reports including the information on the use of specialist equipment during drills should be reported to the Health and Safety officer for the University, that being the Registrar.

11 Accessible transport service

The UCT Disability Service recognizes that being mobile is one of the keys to equal citizenship in a society which has an expectation that persons are able to freely move around. Transport opportunities enable people to access and avail themselves of goods, services, employment and other activities. The Disability Service equally recognizes that the current lack of adequate accessible mainstream public transport significantly impacts on the ability of staff and students with disabilities to work and study at UCT, and to take part in functions and events related to UCT community life.

The UCT Disability Service, may be able to offer staff with disabilities, who live within a reasonable distance, scheduled accessible transport during the operating hours of the university (08h00-16h00, excluding public holidays). Accessible transport is available for students with disabilities during the operating hours of 07h00-20h00 Monday to Friday and Saturdays from 08h00-12h00 (excluding public holidays). Students who live a great distance away from the university will be encouraged to move into UCT residence, to maintain an effective scheduled service for all users. As this is a scheduled service, users of the service are expected to formally request this support at least one week in advance for once off rides and take care to communicate any changes to daily or weekly recurrent times to the Disability Service without delay.

The Disability Service, accessible transport support service is a limited resource which is shared by all persons who are blind, visually impaired and those with mobility impairments within the UCT community. There is an expectation that those who require to make use of the service will do so in a constructive, courteous and cooperative manner.

The accessible transport is a tightly scheduled service. Users of the accessible transport service are expected to do everything possible to honor the arrangements reflected in the weekly schedule, and to ensure that they are not responsible for delaying the service, as this impacts on other users.

12 Disabled parking

Disabled parking is intended for use by staff, students and visitors with permanent and significant mobility impairments and for those coping with serious health conditions which may not be permanent. Staff and students with sports and other temporary injuries and manageable, age-related degenerative conditions do not automatically qualify for disabled parking. Requests for parking from this group will be considered on a case-by-case basis, in the light of the severity of an individual's impairment and with regard to competing claims. Although we require documentation from the health care professional, such documentation does not in itself guarantee access to a parking bay. The final decision will rest with the manager of the Disability Service who will have broader sense of the availability of bays and/or discuss alternative measures if necessary.

All staff and students with disabilities who have met the criteria issued by the Disability Service, may purchase a red parking disk endorsed as disabled parking, for an annual fee. This allows them to park in a disabled bay.

13 Accessible digital technology

The University will progressively and within its available resources, provide up-to-date adaptive and assistive technology for students and staff with disabilities where possible.

The Executive Director: Information and Communication Technology Service, remains committed to the principle of disability accessibility and adherence to relevant standards when purchasing and implementing new technology for general student and staff use.

With regards to the accessible virtual environment, Information Communication Technology Services (ICTS) and Communications and Marketing Department (CMD) as advised by the Web Governance Committee, will oversee the accessibility of UCT's web presence. Disability Service will be represented on this committee.

Help and information resources on the use of software and accessibility options and aids will be readily available in alternative formats throughout the University. ITCS Support staff and persons responsible for training in information technology, will be trained where possible in

accessibility options for students and staff with disabilities. Disability Service will play a consultative and facilitative role in the fulfilment of this responsibility.

14 Enabling Environment

The University strives to create an enabling learning and occupational environment for students and staff with disabilities where the University environment enables the learning experience, academic success, and career aspirations. In consultation with each student and staff member, the University is committed to the provision of innovative support for time-sensitive solutions for students and staff with a wide variety of disabilities. This is done through the available suite of services which includes an accessible transport service and specific mobility orientation for staff and students with disabilities, psychosocial support services for students with invisible and visible disabilities and facilitating extra-time applications and/or other specialized accommodations in terms of exams for students.

14.1 Attitudinal barriers

Attitudinal barriers are often reflected in relation to stigmas arising from prejudicial thinking and unconscious bias, negative attitudes, behaviours and perceptions related to persons with disabilities. A result of attitudinal barriers faced by persons with disabilities is physical and emotional bullying – which impedes access to learning and can lead to a sense of isolation. The University recognizes that in order to remove attitudinal barriers, change at the individual level is necessary. Through advocacy, awareness and education, attitudinal barriers towards disability can be removed. As with society in general, it is important that consistent and strong advocacy must be given to raise awareness and combat negative attitudes and stereotypes which are often caused by lack of knowledge, understanding, and acceptance of persons with disabilities. UCT addresses attitudinal barriers through a range of advocacy training programmes geared towards transforming the culture of the university. These training programmes include unconscious-bias training, employment equity training and disability advocacy sensitization training which are all centered around transformation and inclusion.

UCT in collaboration with the OIC strives to create an enabling learning and occupational environment for its students and staff with disabilities where their learning experience and career aspirations are equal with their abilities and where their talents are nurtured and developed. The Disability Service is geared towards providing innovative support for time-sensitive solutions for students and staff with a wide variety of disabilities.

15 Teaching and learning

15.1 Teaching and learning support for students with disabilities

The University is committed to the principle of accessible education for the learning needs of students with disabilities and recognizes that this may in some cases entail modifying, substituting or supplementing curricula and course work requirements, including alternative but equivalent assessment modes, ensuring at all times that academic standards are not compromised and that students will graduate with the requisite skills and competencies.

Any possible and reasonable modification of course requirements or assessment methods will be discussed and agreed on by the Dean of the Faculty (or nominee), the Disability Service and the student. If, after due consideration, the view is that in a certain discipline or course teaching methods and specific teaching environments pose insurmountable obstacles relating to a student's level of impairment, and a genuine attempt has been made by all role players to seek solutions, the Disability Service in consultation with the Dean of the faculty may advise the student to register for a course with fewer access impediments. Should a student be unsatisfied with the course change they would be required to follow the procedure as set out in this policy.

The University undertakes to encourage and support UCT Academic practitioners to enable them to provide accessible teaching and learning environment/methods to students through:

- a. Universal Design Principles in new course offerings.
- b. Educating academic staff with regard to the range of reasonable accommodations, and alternative assessment modes; and access to remote teaching and learning methods.

Academics and line managers are encouraged to liaise with the Disability Services to appropriately prepare for students or staff with disabilities, when developing teaching and resource material that is electronically delivered.

15.2 Extra Time Applications

The Disability Service will address the assessment and case management needs of students who wish to apply for extra time and other concessions (such as the use of a computer and access to a secluded writing space) during tests and examinations. Such applications must be supported by previously documented diagnosis of Specific Learning Disabilities, Physical and Sensory disabilities from an internal or external registered Medical Practitioner. As defined in the UCT Handbook 3: General Rules and Policies, page 15 and 16.

15.3 Applications for Mental Health Concessions

In line with the UCT Mental Health Policy, Disability Service also works in collaboration with external and internal Mental Health Practitioners (MHP) to support students with Mental Health concerns. Students with MHC have the right to apply for various concessions, however such applications must be supported by documented diagnoses and will be assessed by the Disability Service. If the documented diagnoses are not clearly defined in the external and internal reports the MHP will be required to complete a Confidential Verification Form provided by the Disability Service as per Appendix A of the Disability Policy.

15.4 Research

The University recognizes the value of research led teaching in disability related fields. The University acknowledges the need to include, where appropriate, aspects of disability in all undergraduate and postgraduate programs, research groups and grant applications.

16 Extension services/social responsiveness

The University recognizes its obligation to the broader community including persons with disabilities not currently working or studying at the institution. It recognizes too that it able to play a leadership role to support and encourage initiatives that will contribute to the improvement of the quality of their lives in all spheres. Through, inter alia the Disability Service and disability advocates in the broader University community, will endeavor to work to establish linkages,

- i. with professionals in other higher education institutions who work in the area of disability and with organizations for and of persons with disabilities;
- ii. with schools catering for disabled learners;
- iii. with schools involved in inclusive education and mainstreaming of disabled learners, and with the Government with specific reference to education.

17 Employee provisions

17.1 Employment Equity and Employee Support

The University is committed to enhance the employment of persons with disabilities across all sectors and levels within the University. The aim is to achieve a diverse workforce that is representative of the South African population. Persons with disabilities are part of the designated group in the Employment Equity Act and accordingly all Employment Equity Plans will include strategies for the elimination of barriers to such persons as well as goals for the attraction, recruitment, retention and advancement of persons with disabilities. The UCT Recruitment Policy and the Employment Equity Plan govern the application, selection and equity targets for the university.

17.2 Attraction

The University will support initiatives that will assist in the employment of persons with disabilities. These will include (among others):

- i. the use of specialist employment agencies
- ii. the use of specialized/targeted recruitment programs; and
- iii. providing work experience and internships
- iv. learnership programmes
- v. the use of a targeted statement where applicable

17.3 Recruitment Processes

At the outset all selection committees will:

- i. identify the requirements and essential functions of the vacant position;
- ii. describe clearly the necessary skills and capabilities for the job;
- iii. set reasonable criteria for selection, preferably in writing, for job applicants for vacant positions.
- iv. Advertisements shall be accessible to persons with disabilities and, where practicable, circulated to organizations that represent the interests of persons with disabilities.
- v. Advertisements or notices shall include sufficient detail about the essential functions and duties of the job so that potential applicants with disabilities can make an informed decision if they meet the requirements of the job.
- vi. Minimum requirements shall not include functions that are not essential to performing the requirements of the job because selection based on non-essential functions may exclude persons with disabilities unfairly.
- vii. On request, and if reasonably practicable, notices and advertisements should be provided in a format appropriate to persons with disabilities, such as large print, Braille, or audio description. Disability Service currently has equipment to support the conversion of text and other documentation. Disability Service would require at least two weeks to convert the relevant documentation.

17.4 Selection

- i. Where an applicant for employment who is disabled has met the minimum requirements for a particular post, the selection committee shall whenever possible, co-opt a staff member from the Disability Service office or equivalent who will advise the selection committee in regard to the Disability Policy.

- ii. The University shall apply the same criteria to test the ability of persons with disabilities as are applied to other applicants, although it may be necessary to provide reasonable accommodations for applicants who have disabilities.
- iii. The purpose of the selection process is to assess whether or not an applicant is deemed to be suitably qualified for the job. This may require a two-stage process if an applicant has a disability to determine whether an applicant is deemed to be suitable for the job or to determine whether a suitable candidate needs any reasonable accommodation to be able to perform the inherent requirements or essential functions of the job.
- iv. When assessing if an applicant is deemed to be suitable for the job, chairs of the selection committee do not need to enquire about the nature of the disability itself as this information is confidential. However, chairs of the selection committee may enquire about the actual or perceived ability of the prospective employee as part of the reference checking process.
- v. UCT Human Resources practitioners will monitor selection criteria contained in advertisements to assess if they have potential to exclude persons with disabilities.
- vi. An applicant is not obligated to disclose their disability. The knowledge of a person with a disability is only important in as far as compliance to the requirements of the job and provision of reasonable accommodation.

17.5 Interviews

- i. Selection processes shall be sensitive, objective and unbiased. Interviewers shall avoid assumptions about persons with disabilities.
- ii. If an applicant has disclosed a disability or has a self-evident disability, the selection committee must focus on the applicant's qualifications for the work rather than any actual or presumed disability but may enquire and assess if the applicant would, but for the disability, be suitably qualified.
- iii. Interviewers should ask all applicants to indicate how they would accomplish the requirements of the job and perform its essential functions and if accommodation is required.
- iv. If the employer knows in advance that an applicant has a disability the employer should be prepared to make reasonable accommodations during the interview.

17.6 Conditional job offers

- i. If an applicant with a disability is determined to be suitable for the job, the University might make a job offer conditional on medical or functional testing to determine an applicant's actual or potential ability to perform the essential functions of a specific job.

- ii. The testing will comply with the statutory requirements and be consistent with measuring if the applicant is able to perform the essential functions of the job, with or without reasonable accommodation.
- iii. If the testing shows that accommodation requirements would create unjustifiable hardship, or that there is an objective justification that relates to the requirements of the job or to health and safety, the University may withdraw the job offer.

17.7 Terms and conditions of employment

- i. Persons with disabilities shall not be employed on less favorable terms and conditions than employees doing the same work by virtue of their disability.
- ii. Harassment of persons with disabilities will not be tolerated at the University and allegations of harassment or discrimination will be dealt with in terms of the prevailing policies and procedures.

17.8 Medical and Skills testing

- i. Medical Testing is prohibited by the Employment Equity Act except in very limited circumstances.
- ii. All tests must be relevant and appropriate to the kind of work and the necessary criteria for the job, the workplace and its hazards, and necessary to the University's business.
- iii. Tests shall not unfairly exclude persons with disabilities. All tests will not be biased in how or when they are applied, assessed or interpreted.
- iv. Tests to establish the health of an applicant or employee should be distinguished from tests that assess the ability to perform essential job functions or duties.
- v. Health testing shall only be carried out after it has been established that the person is in fact competent to perform the essential job functions or duties and after a job offer has been made. The same applies to medical testing for admission to membership of an employee benefit scheme.
- vi. If the University requires a person to undergo any medical, health screening or safety tests it will bear the costs of the test.

17.9 Health screening and safety

- i. The University is obliged to provide and maintain a working environment that is safe and without risk to the health of its students, employees and visitors with disabilities.
- ii. The University shall not accept a student or employ a person with a disability if such person would represent an actual direct risk of substantial harm to his or

her own or other people's safety, which could not be eliminated or reduced by applicable reasonable accommodation.

- iii. The University has the right to withdraw a conditional job offer or refuse to retain an existing employee with a disability if an objective assessment is conducted, that shows that even with reasonable accommodation, the work would expose the employee and others to substantial health risk and that there is no reasonable accommodation to mitigate that risk.

17.10 Induction

- i. Induction will be provided to all new staff with disabilities to introduce them to employment within the University and assist in their transition. This will be coordinated by the manager/supervisor with assistance, if appropriate, from the Disability Service Specialist and Staff Training and Development Department. Orientation and initial training should be accessible and responsive to accommodate the needs of employees with a disability.
- ii. Induction will be provided to supervisors/managers and staff who will work with persons with disabilities. Similarly, training and information will be provided to assist them with any necessary changes to their work practices and environment.
- iii. New employees with disabilities will be treated equally, subject to reasonable accommodation, to employees who do not have disabilities.

17.11 Training and Development

Persons with disabilities will be actively encouraged and supported to identify and pursue careers within the University. Training information will be provided in a manner that is accessible and appropriate, wherever possible.

Career support programs such as formal and informal mentoring programs for students and staff with disabilities should be done in collaboration with the UCT Career Service Unit and the Human Resources Department respectively.

17.12 Retention

- i. Employees who become persons with disabilities during employment shall, where practicable, be re-deployed and or re-integrated into work.
- ii. If an employee is, or becomes a person with a disability, the University shall, through the Office for Inclusivity and Change keep in touch with the employee and where practicable, encourage early return-to-work. This may require vocational rehabilitation,

transitional work programmes and where appropriate, temporary or permanent flexible working time.

- iii. If an employee is frequently absent from work for reasons of illness or injury, the University may consult the employee to assess if the cause of the illness or injury is a disability that requires accommodation.
- iv. If practicable, the University will strive to offer alternative work, reduced work or flexible work placement, so that employees are not compelled or encouraged to apply for benefits if they could, with reasonable accommodation, continue in employment.

17.13 Termination

- i. If an employee becomes disabled, the University will consult the employee to assess if the disability can be reasonably accommodated.
- ii. If not, the University in consultation with the affected staff member will explore the possibility of alternative employment appropriate to the employee's capacity.
- iii. If the employee is unable to be accommodated or there is no appropriate alternative employment, the University may terminate the employment relationship.
- iv. When employees who have disabilities are dismissed for operational requirements, the University will ensure that any selection criteria do not directly or indirectly unfairly discriminate against persons with disabilities.

17.14 Performance management and appraisal

Where it is necessary, a new staff member who has a disability will have a conversation with his or her line manager, the manager of the Disability Service or his/her nominee, and an HR representative to determine the nature of the accommodations they will need; identify areas of the job which may pose challenges; and agree on a way to address these. This may entail the purchase of technology or equipment, adjustments to the physical workspace, or minor adjustments to job descriptions.

18 Funding support

Wherever possible, external sources of funding for specialist equipment and workplace modifications will be explored. Budgetary constraints at the local level must not preclude reasonable adjustments being provided.

The Faculty/Pass Departments is responsible for basic equipment and training provision afforded to any staff member, such as suitable workspace, desk, chair and computer induction programs and the like. In addition, wherever possible, funding available by the relevant

Faculty/Pass Departments for any workplace modifications and support will also be explored via a request to the Line manager. Guidance may be provided by the Disability Service, in the Office for Inclusivity & Change, upon request.

Where external and Faculty/Pass Departments sources of funding are not secured, application may be made through the Office of Inclusivity to the Deputy Vice-Chancellor seeking funding support. Such proposals may include funding for specific equipment, training or services required by the staff member in order to carry out their work effectively. This funding is limited, and each case will be assessed individually.

The University will liaise with external government role players, e.g. Department of Higher Education and Training, National Student Financial Aid Scheme of South Africa, as well as Corporate Businesses etc. to explore funding opportunities for registered students with disabilities studying at the University.

19 Procedure for lodging complaints of discrimination on grounds of disability

Complaints should be lodged with the Office for Inclusivity and Change (OIC) at the Ivan Toms Building, 28 Rhodes Avenue, Mowbray, Cape Town or via the online case reporting system, <https://casereporting.uct.ac.za/ReportingPage> The OIC will institute the standard procedure for complaints of discrimination and harassment related to disability.

19.1 Responsibility

The OIC shall be responsible for:

- i. complainant and respondent management
- ii. training and providing general support and guidance to the university community
- iii. monitoring cases
- iv. training and awareness-raising

19.2 Supportive measures

There is a clear separation in the OIC structure provided for support in dealing with complainants and respondents. They are dealt with in two streams: Complainant support and Respondent management:

19.2.1 Supportive measures for complainants:

Support for complainants shall include advice and assistance to complainants for matters related to disability discrimination and harassment. The complainant has:

- a. the right to report;
- b. the right to lodge a complaint;
- c. the right to legal representation;
- d. crisis counselling, followed by referral for psychological services, emergency medical services, paralegal advice and other relevant services

19.2.2 Support measures for respondents:

A respondent may approach or be approached by the OIC for advice and assistance. Such an approach may happen at any stage following an allegation of conduct that has become the focus of this policy. In such instances the OIC shall provide the following to the respondent, if so required:

- a. an opportunity to meet with the duly delegated person from the OIC for respondent management;
- a. referral to counselling, paralegal advice and other relevant services

19.3 Informal Procedures

Affected parties have the right to choose an informal procedure administered by the OIC. Formal procedures are available for complainants who are staff, via the Human Resource Disciplinary Policy. For complainants who are students, formal processes are referred to the Registrar's Office, Student Disciplinary Tribunal.

An informal procedure is a process, managed by the OIC, which aims at restoring relations between the complainant and respondent, subject to the consent of all parties.

- i. An informal procedure may or may not finalise the matter and may still be followed by a formal procedure. The complainant and respondent have the right to pursue formal proceedings, regardless of the choice to engage with informal proceedings.
- ii. The respondent has the right to refuse participation in informal proceedings and may exercise this right during any stage of the informal process. No negative inference shall be drawn from refusal to consider, participate or withdraw from the informal process.
- iii. In an informal procedure only, the following information is recorded and stored in accordance with POPIA:
 - a. biographical information and incident description of the complainant and respondent
 - b. the outcome of the informal procedure.
- iv. In the context of a mediation, information is only released with the consent of the participating parties.

- v. Alternative restorative justice education programmes provided by the OIC, will be a form of Informal Proceedings. Participation in an informal process requires the consent of both the complainant and the respondent.
- vi. The informal procedures may include a discussion between a duly delegated person from the OIC and the respondent without revealing the identity of the complainant (depending on the choice of the complainant). Where the objective is the following:
 - a. to provide the respondent an opportunity to apologise if the complainant requests this. The terms conditions and acceptance of such an apology will be facilitated by the duly appointed representative from the OIC
 - b. a request to the respondent to desist from the behaviour that the complainant finds offensive. This may be articulated in a written agreement, signed by the duly delegated OIC representative and the respondent, and will remain confidential
 - c. an invitation to the respondent to engage in the process of alternative restorative justice programmes which may include various forms of education, training and/or a mediation is an informal process as referred to in the Mediation Policy of the University. Engagement with mediation upon receipt of written consent with such a process from the respondent and complainant.
 - d. An informal procedure must be concluded, where reasonably possible, within fourteen (14) days of the incident being reported to the OIC.
- vii. Strict confidentiality regarding the process and those who participate, as well as reporting will be maintained.

20 Formal Procedures

Where a complainant (staff or student) decides to proceed with a case formally, the matter will be referred by the OIC to the applicable disciplinary structure of the university for staff and for students.

21 Monitoring and evaluation

The university recognises the importance of monitoring this policy and will ensure that it collects statistics and data as to how it is used and whether it is effective. Supervisors, managers and those responsible for responding to complaints of harassment and discrimination on the basis of disability will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. Details of these cases should be logged on the UCT Case reporting website. Monitoring of this policy will be done on an annual basis by the Office for Inclusivity & Change to the Executive,

Institutional Forum, and to Council. As a result of this report, the university will evaluate the effectiveness of this policy and make any changes needed.

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Appendix A (Note 15.3)

DISABILITY SERVICE

CONFIDENTIAL VERIFICATION FORM FOR MENTAL HEALTH DISABILITY

The Disability Service of the University of Cape Town strives to ensure that students with documented mental health disabilities receive appropriate accommodations to enable them to demonstrate mastery of course content, meet course requirements, and complete their studies successfully. The Service does not modify or request modifications that are essential to the program of instruction or provide accommodations for persons whose impairments do not substantially limit one or more major life functions. The Disability Service is committed to providing reasonable accommodations that are appropriate to the student's condition.

The UN Convention on the Rights of Persons with Disabilities, ratified by the South African government, defines a "reasonable accommodation" as follows: The provision of

"necessary and appropriate modification and adjustment, not imposing a disproportionate or undue burden, where needed in particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with other of all human rights and fundamental freedoms"

It is important to note that a mental disorder in and of itself does not necessarily constitute a disability. It must be long in duration and substantially limiting.

All information provided in this form, including additional supporting documentation provided, as well as formal and informal conversation relating to necessary accommodations for the student will be treated as confidential as per the POPI Act (Protection of Personal Information Act 01 July 2021).

VERIFYING A MENTAL HEALTH DISABILITY

- 1) This form must be completed by a medical practitioner or mental health practitioner (psychologist, psychiatrist, clinical social worker or mental health nurse) who is registered with a South African regulatory council (the Health Professions Council of South Africa, the Nursing Council of South Africa or the South African Council for Social Work Professions)
- 2) The practitioner must have first-hand knowledge of the student's condition and must be an impartial professional who is not related to the student.
- 3) A mental health disability, in line with the University of Cape Town's Mental Health Policy (Approved by Council in August 2018), refers to:
 - i. the presence of a mental health impairment (a clinically recognised condition or illness that affects a person's thought processes, judgement or emotions);
 - ii. that is long term (at least 12 months in duration) or recurring;

- iii. and that is substantially limiting i.e. it must impact severely on the teaching and learning process of the student and needs to have a significant and sustained impact on the student's ability to access and perform on an academic course.
- 4) The specific impacts of the diagnosed disorder on the student's learning must be fully explained in the relevant section of the form.
- 5) Should clarification or additional information regarding the student's condition be required by the Disability Service, further contact will be made with the certifying person.

Note that only appropriately qualified mental health professionals within the Disability Service or Student Wellness Service and those on the verifying panel will have sight of this document and strict confidentiality will be maintained.

Students need to complete Section A of this form.

Section B is then to be completed by a registered medical or mental health professional (psychologist, psychiatrist, registered psychological counsellor, clinical social worker or mental health nurse) with whom the student has consulted regarding his/her/their condition.

SECTION A – STUDENT INFORMATION

STUDENT INFORMATION				
Student No:			Surname	
First Name/s			Preferred 1 st Name	
Faculty			Name of degree	
Level	Undergrad	Postgrad	Age	
1st year of registration at UCT	20_____			
STUDENT'S CONTACT DETAILS				
Address while at UCT				
Cell Number			Landline	
Email addresses	1.		2.	

SECTION B – TO BE COMPLETED BY CERTIFYING PROFESSIONAL

CERTIFYING PROFESSIONAL	
Name	
Qualification	

HPCSA Registration Number	
Practice Address	
Practice Tel. Number	
Practice Email	
Date of first contact with student	
Date of last contact with student	

DIAGNOSIS/DIAGNOSES
ICD-10 or DSM 5 CODES REQUIRED
<p>Note that place has been provided for three diagnoses in this document.</p> <p>The practitioner is welcome to provide additional information.</p>
DIAGNOSIS 1
ICD 10:
DSM V:
Basis on which diagnosis was made e.g., symptoms, family history
Approximate date of onset, duration, and history of condition
Severity of condition

Treatment to date – Tick applicable box and provide details		
Medication	Psychotherapy	Hospitalisation
Planned therapeutic interventions - Tick applicable box and provide details		
Medication	Psychotherapy	Follow up appointments with psychiatrist/GP

DIAGNOSIS 2
ICD 10:
DSM V
Basis on which diagnosis was made e.g. symptoms, family history
Approximate date of onset, duration and history of condition

Severity of condition		
Treatment to date - Tick applicable box and provide details		
Medication	Psychotherapy	Hospitalisation
Planned therapeutic interventions - Tick applicable box and provide details		
Medication	Psychotherapy	Follow up appointments with psychiatrist/GP

DIAGNOSIS 3
ICD 10:
DSM V:
Basis on which diagnosis was made e.g., symptoms, family history
Approximate date of onset, duration, and history of condition

Severity of condition		
Treatment to date - Tick applicable box and provide details		
Medication	Psychotherapy	Hospitalisation
Planned therapeutic interventions		
Medication	Psychotherapy	Follow up appointments with psychiatrist/GP

CURRENT MEDICATION – If applicable		
Medication	Dosage	Potential side effects

IMPLICATIONS FOR EDUCATIONAL SUCCESS

FUNCTIONAL LIMITATIONS			
Learning difficulties specific to the tertiary education environment that are impaired by the mental health disability (e.g., difficulty with concentration, slow processing speed, planning difficulties etc.)			
Implications for taking exams and other classroom activities caused by the disorder or medications. Please specify which.			
Day to day functioning e.g., sleep problems, fatigue			

SUGGESTED ACCOMMODATIONS			
Each recommended accommodation should be accompanied by an explanation of its relevance to the disability that is diagnosed. Final determination of appropriate accommodations will be determined by the Disability Service.			
Controlled space in which to take exams	Yes	No	Specify reason
Extension of a deadline to complete an assignment	Yes	No	Specify reasons

Adjustments to lecture or tutorial attendance requirements	Yes	No	Specify reasons
May have disability related absences requiring make up tests	Yes	No	Specify reasons
Other. Please specify and give reason			
Signature of certifying professional who bears no relation, other than professional, to the student.			
Date			
Optional condition:			
I am aware that the student may have access to this document and request that access may only be given in the presence of a person qualified to explain its contents.			
Signature of certifying professional			

Kindly: Email to: psychologist.disabilityservice@uct.ac.za

Or Post to: UCT Disability Service, UCT Private Bag, Rondebosch, 7701.

