



## DISABILITY POLICY

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## 1. INTRODUCTION

The Da Vinci Institute is an accredited private higher distance education provider offering qualifications on NQF levels five to ten, which are registered on the Higher Education Qualifications Sub-Framework (HEQSF). This policy forms part of the institutional Integrated Quality Management System and details the principles for ensuring that programme offerings adhere to academic standards and empower students to contribute to the transformation of their communities, society, and the economy of the future. This approach is underpinned by the Business- and Community-based Action Learning discourse on the co-creation and distribution of relevant knowledge.

Da Vinci practices a policy of equal opportunities for all staff, students and stakeholders. The purpose of this code is to provide a clear statement of this policy in relation to people with disabilities. Da Vinci is committed to equality of opportunity in all its employment and other practices in relation to persons with disabilities. We are strongly committed to lend our full support to measures and programmes which provide for the social, educational, economic and cultural integration of persons with disabilities in our society.

## 2. DEFINITIONS

Term	Definition
Accessibility	Accessibility means that people with disabilities can perceive, understand, navigate, interact, and contribute in a programme. Accessibility in a distance learning programme is determined by the features of the instructional technologies provided by the Institution and by the way that faculty members use those technologies to create materials and design programmes.
Equal Opportunity	Absence of discrimination as in the workplace, based on race, colour, age, gender, national origin, religion, or mental or physical disability
Student Support	A range of services to assist students to meet their learning objectives and to gain the knowledge and skills to be successful in their studies

## 3. REGULATORY FRAMEWORK

This policy is benchmarked against, and should be read in the context of the relevant legislation underpinning the principles against which institutional policies and operational procedures are developed, implemented and maintained. These include:

#### A. Relevant Legislation

- I. Constitution of the Republic of South Africa (No. 108 of 1996)
- II. Criteria for Programme Accreditation (CHE, 2004)
- III. Distance Higher Education Programmes in a Digital Era: Good Practice Guide (CHE, 2014)
- IV. Higher Education Act 101 of 1997 as amended Act No. 39 of 2008
- V. Labour Relations Act (Act 66 of 1995)

#### B. Applicable Da Vinci documents

- I. B17 - Human Resources Policy

### **4. SCOPE**

The provisions of the law will supersede the contents of this document. It is the responsibility of all staff members, students and other stakeholders to carefully study and understand this document and ignorance of the document will not be considered a legitimate reason in any dispute, disagreement or discussion pertaining to adherence.

### **5. PURPOSE**

Through its policies, Da Vinci will aim to ensure that persons with disabilities are placed in jobs that are matched to their skills and abilities and are not disadvantaged by their disabilities. We will endeavour to meet the requirements to which some disabilities give rise so as to maximise access to employment for persons with disabilities and enable employees with disabilities to make the fullest possible contribution in their place of work. The Institute is committed to creating an environment in which disclosure of disability would be both advantageous and safe. 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 maximise levels of service provision.

With regards to students, The Institute acknowledges that people with disabilities have the same right to reach their academic potential as people who do not have a disability. Therefore, reasonable provisions are made to assist and accommodate students with disabilities in the teaching and learning environment.

Additional elective tuition support services available to students who are disabled:

- 5.1 Recorded workshops are made available on YouTube
- 5.2 Additional time is provided to complete formative and summative assessments for such students in need thereof
- 5.3 A Student Support Specialist.

Access will be provided for students with physical disabilities as far as facilities on the campus can accommodate this. As a distance learning institution it is not compulsory to attend workshops.

Special provision could be made for students with additional needs should the student carry the costs (including but not limited to):

- 5.4 Sign language interpretation
- 5.5 Enlarged printing
- 5.6 Braille printing.

It is the right and responsibility of a prospective disabled student to declare his or her disability when he or she applies for admission, and to familiarise himself or herself with the policies and procedures regarding disabilities in order to negotiate support from The Institute. The Dean: Teaching and Learning will determine the special provision for assessment that The Institute can accommodate.

Da Vinci proposes to base its approach to achievement of equality of opportunity in the workplace for persons with disability on two guiding principles:

- 5.7 The creation of a working environment in which differences are respected and in which people, employees, clients, students and other stakeholders are valued as individuals
- 5.8 In accordance with relevant legislation no employee or job applicant to Da Vinci, will receive less favourable treatment on the grounds of disability.

People with disabilities must be recognised and treated as having equal status with all other persons. This requires that there be equality of opportunity to participate in the workforce. It requires having resources available to them to exercise that right in practice. Disabled persons must be facilitated in such a way that they can participate on equal terms.

## **6. DISABILITY AWARENESS**

It is important to realise that it is not only people with physical disabilities who fall within the definition of people who are disabled. While some disabilities are obvious (e.g. as in the case of wheelchair users), others are not readily apparent (e.g. epilepsy or mental ill-health). The term 'disability' can cover a wide range of circumstances including visual impairment, hearing defects, physical disability, specific learning disabilities and mental health difficulties. Furthermore, the same disability can vary in

its impact and affect people differently. Finally, while some people with disabilities may require special assistance and/or equipment to realise their full potential, most can be fully effective employees without special help.

## **7. RESPONSIBILITY FOR UPHOLDING EQUALITY LEGISLATION**

In accordance with the Employment Equity Act 55 of 1998, Da Vinci is required to provide employment opportunities for persons with disabilities. In doing so The Institute will ensure that it provides reasonable accommodation to persons with disabilities such that they will be in a position to fully carry out their role, unless the level of accommodation required would constitute a disproportionate burden on The Institute.

Da Vinci has a responsibility as an employer for developing policy and promoting best practice in equality of opportunity for all staff. However this does not always means that everybody must be treated in exactly the same way.

Da Vinci recognises the importance and, in some cases, the necessity, of positive action in accordance with the law, in creating real equality of opportunity for persons with disabilities. It must be recognised that treating everybody the same way may lead to the continuing exclusion of individuals or groups protected by the legislation. If disability is a barrier, The Institute will work to adopt measures to help remove such obstacles as may exist, thereby providing equal access to employment opportunities and services.

## **8. ACCOMMODATION, EQUIPMENT AND FACILITATION**

The term 'reasonable accommodation' is generally understood to mean the provision of enhanced equipment (whether this refers to computer aids or specially adapted furniture) and improved access arrangements. It may be that the person would need some special treatment or facility to assist them in performing the job: it would be expected that they would be facilitated with some flexibility measures not normally extended to other non-disabled persons employed in that role. This might mean having time-off arrangements that facilitate them in the management of their disability.

The Da Vinci policy on the employment of people with disabilities aims to create a working environment in which differences are respected and in which people; employees, clients and customers are valued as individuals.

Da Vinci will take all reasonable steps to provide employees with disabilities with a workplace compatible with their particular needs. Account will be taken of both the

interior and exterior working environment. In so doing The Institute will fully consult with the individual before, during and after the accommodation has been provided.

The Institute recognises the necessity to consult with employees and applicants with disabilities in respect of its duty to make reasonable adjustments. It is also recognised that in the majority of cases those with the disability will have identified their own reasonable adjustments and their own innovative ways of adapting their environment to suit their needs.

The Institute will be flexible in exploring what changes or reasonable adjustments can be made to the workplace or the way work is done, which would help overcome the effects of disability. Such accommodations may include the provision of special treatment and facilities, as appropriate, to ensure that the person is both competent and capable of doing the job. This may include changes in the provision of aids and adaptations as well as physical changes to buildings.

Access arrangements to The Institute's premises will be reviewed on an on-going basis in relation to the requirements of people with disabilities. It will be necessary to identify alterations to premises necessary to improve accessibility. It is acknowledged, however, that progress might be constrained by the wide variations in the types of premises occupied by The Institute's staff.

In general, the realisation of an employee's full potential in the workplace often depends on the method of work organisation and/or provision of work facilities or aids. The same principle holds in relation to persons with disability, the only difference being the need for the employer and work colleagues alike to be open to a greater diversity of work organisation, methods and facilities, and to consider affording additional forms of assistance or facilitation to enable particular persons to realise their abilities and contribute to their potential as effective employees.

## **9. INCLUSION IN THE WORKPLACE**

The Institute envisages the application of disability policy principles outlined above at three levels:

- 9.1 At the employment (recruitment and selection stage)
- 9.2 In the assessment of employees for assignment and promotion
- 9.3 In assisting the restoration to effectiveness of employees in the workplace following illness or injury

### Recruitment and Selection

- 9.4 Job advertisements will explicitly welcome applicants from all sections of the community, including those with disabilities.

- 9.5 It is The Institute's policy that applicants are selected for particular posts on the basis of their competencies for the advertised role. Interview Boards will not make assumptions about the suitability of individuals for certain types of work based on any criteria not relevant to the job. Shortlisting criteria will not directly or indirectly discriminate against people with disabilities.
- 9.6 The primary criterion for employment, placement or promotion will be the employee's ability to do the job i.e. to meet the requirements, in terms of mental or physical capability, for discharging the demands of the job substantially and effectively.

The Institute will consider any measure of flexibility which might reasonably be employed to facilitate a prospective employee with a disability. Where the suitability of a person with disability for employment is concerned the candidate must be:

- 9.7 Capable of performing the job and/or
- 9.8 Capable of performing the job on the basis of reasonable accommodation.

So, notwithstanding the requirement not to discriminate, it is perfectly legitimate not to appoint someone if:

- 9.9 They are deemed to be medically unfit
- 9.10 Other candidates have better competencies
- 9.11 If they are not capable of doing the job with reasonable accommodation.

## **10. CAREER DEVELOPMENT**

Employees with disabilities will have the same opportunities as other employees to develop their skills for future career development.

Da Vinci will ensure that staff with disabilities will be given the same opportunities to acquire training skills and experience necessary for future career development. Any barriers to same within the workplace will be identified and removed.

Acquired disabilities in the course of work:

- 10.1 An employee who becomes disabled in the course of their working life will be given the fullest support to maintain or return to a role appropriate to their experience, abilities and altered circumstances
- 10.2 In these circumstances, Da Vinci will approach a specialist medical practitioner in the relevant field to submit recommendations regarding inter alia when the employee can return to work, what facilities are needed and rehabilitation
- 10.3 Taking into account the specialist medical practitioner's recommendations, Da Vinci will thereafter consider the necessity of job-restructuring, job analysis, redeployment, rehabilitation, re-training, relocation and flexible working arrangements



- 10.4 The integration of an employee returning to work after acquiring a disability or being absent on long term illness will focus on the abilities and requirements of the returning employee and the support of the supervisor and work colleagues.

## **11. IMPLEMENTATION OF THIS CODE**

All staff have a role in ensuring that the provisions of the Code are adhered to. It is the responsibility of all employees to make themselves familiar with this policy and related procedures and to treat their disabled colleagues with the same dignity and respect that should be properly accorded to other colleagues at all levels in the organisation.

Special responsibility attaches to Managers and Supervisors to:

- 11.1 Familiarise themselves with this Company policy
- 11.2 Uphold it as an integral part of their work
- 11.3 Be mindful of any special needs expressed by disabled staff
- 11.4 Bring this policy to the attention of all employees
- 11.5 Intervene in any instance where discriminatory behaviour is observed or brought to their attention. In this regard, HR Support Services (including the Occupational Health and Support Services, Safety and Environment) will have a role in supporting disability policy, where appropriate, as follows:
  - 11.5.1 Providing counselling services for persons with a disability to help them both adjust to their circumstances and contribute to their full potential as employees
  - 11.5.2 Providing practical supports and facilitation for employees with disability in relation to work and other arrangements.

## **12. SUPPORT SERVICES**

Da Vinci is committed to taking positive measures to increase awareness among staff on disability issues. This will be achieved by distributing this policy to all members of staff and providing disability legislation and disability awareness training to its managers and supervisors.

## **13. REVIEW OF THIS POLICY**

Regular review and amendment of this policy will be done in line with the approved institutional policies and regulatory requirements. This will take place in consultation with the relevant quality assurance structures at departmental and institutional level, under the auspices of the official custodian of this policy, namely the Human Resource Manager.