



**Pearson  
Institute**  
of Higher Education

## **PIHE Policy on Disability**

(V17.01)

Pearson Institute of Higher Education

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# **POLICY ON NON-DISCRIMINATION OF STUDENTS AND STAFF WITH DISABILITIES**

## **1.1. Scope**

This policy is applicable to all PIHE staff and students

## **1.2. Policy Statement**

PIHE is a registered private higher education institution that values diversity and seeks to promote meaningful access to educational opportunities for all its students and other opportunities for all its members of staff. PIHE is thereby committed to the full compliance of:

- The Constitution of the Republic of South Africa, 1996 which prohibits all forms of unfair discrimination, entrenches the right to equality and provides for measures to address past imbalances;
- The Employment Equity Act, 1998 (EEA) which aims to address inequities in the workplace;
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA);
- The National Building Regulations 1986;
- The Code of Good Practice and the Technical Assistance Guidelines on the Employment of Persons with Disabilities. (These two guides are not legislation but simply serve to aid and clarify the Employment Equity Act);
- The Integrated National Disability Strategy, 1997 (INDS) which is intended as both a guide and tool to support increased employment of, and to some degree, service to, people with disabilities

Within the context of higher education in South Africa, the “Education White Paper 3: Transformation of the Higher Education System” policy framework recognizes both the need to prevent unfair discrimination and to implement strategies and practices which are designed to overcome inequalities generated in the past. This is important as it sets the framework for how the needs of students with disabilities must be responded to by the system as a whole and by individual institutions. The National Plan for Higher Education, which identifies so-called non-traditional students (which includes students with disabilities) as a target group for inclusion into the higher education system and which aims to operationalize the imperatives in the mentioned White Paper is also of paramount importance.

Also, the “Education White Paper 6: Special Needs Education” covering inclusive education makes provision for regional collaboration between institutions in providing services to address special needs.

PIHE is committed to the full compliance of these legislation, and also its own policy principles, especially on employment equity, staff development, redress and *student rights and responsibilities*, and all other applicable laws prohibiting disability discrimination. These legislations, regulations and policy guides generally prohibit discrimination against individuals with disabilities and provide that no otherwise qualified person with a disability shall be excluded from participation in, be denied benefits of, or be subjected to discrimination under any programme or activity provided for by the institution.

Staff and students have the right not to be discriminated against by any person, unit, department, agent or organization of PIHE for reasons of age, creed, ethnic or national origin, gender, disability, marital status, political or social affiliation, race, religion, sex, sexual orientation, gender identity, or gender expression. In their individual roles as members of student and staff organizations, students and staff have the responsibility not to discriminate against others.

Pursuant to the constitution and related legislation, no qualified individual with a disability shall unlawfully be denied access to or participation in any service, programmes, or activities at PIHE. In carrying out this policy, PIHE recognizes that disabilities include mobility, sensory, health, psychological, and learning disabilities. It is our intent to provide reasonable tuition and services to qualified individuals with disabilities, to the extent it is readily achievable to do so. In determining what appropriate provisions are to be provided, the relevant structures and officers at PIHE will engage in a conscientious and diligent process with the student. We are unable, however, to make provisions that are unduly burdensome or that fundamentally alter the nature of the service, programme or activity.

## **2. STUDENTS WITH DISABILITIES AT PIHE**

PIHE provides reasonable provision, tuition and services to qualified students with disabilities to afford an opportunity for their full participation in the institution`s educational programmes and activities. All members of the PIHE community are responsible for promoting compliance with this policy.

### **2.1. Disability Defined**

A disability is a physical or psychological impairment that substantially limits one or more of the major life activities of the individual.

- A. Major Life Activities: The phrase major life activities refers to normal functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- B. Physical Impairment: A physical impairment includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory and speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine.
- C. Psychological Impairment: A psychological impairment includes any psychological disorder such as organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- D. Learning Disabilities: A learning disability is a generic term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders occur in persons of average to very superior intelligence and are presumed to be due to central nervous system dysfunction.

Reasonable provision for students and staff with disabilities as defined above may include, but are not limited to extra time in tests and/or examinations; modified testing procedures; use of academic aides in the classroom, such as note takers; substitution of similar or related work for a non-fundamental programme requirement; early advisement and assistance with registration and obtaining necessary materials for class; the provision of special furniture, equipment, or other adaptations in a classroom, laboratory, or other facility; provision of access to residential or other structures.

## **2.2. Admission of Students with Disabilities**

PIHE makes admission decisions using criteria which do not consider an individual's disability. Thus, PIHE does not impose or apply admission or eligibility criteria that exclude or intend to exclude individuals on the basis of their disability, unless such criteria are necessary for the provision of the programme, service or activity being offered. PIHE believes that this carries out the intent of the Constitution of the Republic of South Africa and the Bill of Rights.

Students with disabilities enrolling in any programme, service or activity at PIHE must be able to meet the relevant minimum admission requirements and standards of the institution and its faculty, programme, service or activity to which admission is sought.

It is of course within the student's discretion to inform PIHE of a disability. If this choice is made, PIHE will not discriminate against the student on the basis of the disability and will make reasonable provisions, when necessary and where possible.

## **2.3. Students Requesting Tuition and or Accommodations**

Students with disabilities are responsible for contacting the offices of the respective PIHE campus. Campus Directors/Principals will work in conjunction with the Academic Coordinators, Heads of Programme, Registrar, and Dean of Students during the enrolment and registration processes. These staff members and the Student Advisors will assist students in reasonably ensuring he/she is protected from any form of discrimination thereby enjoying all the benefits and privileges provided for at PIHE.

## **2.4. Disability Verification**

Students requesting tuition and other services are required to provide official documentation from a qualified professional verifying their disability. The opinions and recommendations of a qualified professional will be considered in developing a suitable tuition and services plan. Temporary impairments are not commonly regarded as disabilities, and only in rare circumstances will the degree of limitation rendered by a temporary impairment be substantial enough to qualify as a disability pursuant to this policy.

**Physical and Psychological Disabilities:** A student with a physical disability must provide verification certified by a licensed physician, audiologist, speech pathologist, physical therapist, rehabilitation counsellor, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major

life activity affected by the impairment. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and necessary accommodations, PIHE shall have the right to require an additional assessment of the disability. The cost of this shall be borne by the student. If PIHE requires an additional assessment for purposes of obtaining a second opinion, then costs of such additional requirement shall be borne by PIHE.

Learning Disabilities: A student with a learning disability is required to provide professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. Documentation verifying the learning disability must be prepared by a professional qualified to diagnose a learning disability, including but not limited to a licensed physician or learning disability specialist. This documentation should be no older than three years.

## **2.5. Implementation of Approved Tuition and Accommodations**

When the Academic Coordinators, Heads of Programme, Registrar, and/or Dean of Students have completed the student's documentation review and have determined that the student's disability has a current functional impact on the student's academic work, or the student's participation in PIHE's programmes, they will work with the student to determine what provisions are reasonable and appropriate for the student. These departments and their staff will also assist the student with the necessary paperwork required to request services.

If an academic staff member has questions about the approved tuition or services, the staff member should immediately contact the Campus Director/Principal or the Registrar who will seek the assistance from the relevant departments and faculties. Academic staff members may not unilaterally make a determination as to whether the student has a disability, the extent of the student's disability, or the appropriateness of an approved tuition plan and services.

If an academic staff member believes that the approved tuition plan or service is unduly burdensome or would result in a fundamental alteration to an essential component of the course and or service, the academic staff member may present the issue first to the Registrar who will work together with the relevant departments and faculties to resolve the issue. This must be done in writing. While the issue is being considered, the academic staff member will continue to provide the approved tuition or service, unless the Registrar notifies the academic staff that an alternative tuition plan or service should be provided. A meeting with the Registrar, the academic staff

member, the student, and any other relevant individual will take place within a reasonable time period following the academic staff's notice to the Registrar. The final decision regarding any changes to the approved tuition plan and or service will be achieved through an interactive process among the relevant parties.

A student may challenge any determination via the appeals process as outlined below.

## **2.6. Appeals Procedure**

If a student is dissatisfied with the outcome of the evaluation or tuition plan and service provided, the student may file a written appeal through the Office of the Registrar or Campus Director/Principal.

## **2.7. Students Desiring Additional Information**

Students and applicants who desire information beyond what is written in publications may contact the Registrar's office. If after contacting the Registrar there remains a desire for additional information, students may contact the Campus Director/Principal.

## **3. STAFF WITH DISABILITY AT PIHE**

In recognition of PIHE's responsibility to conduct its personnel policies, practices, procedures, and programmes in a manner free of bias and subjectivity, it is hereby reaffirmed that the policy of PIHE is to recruit, employ, renew, retain, tenure and promote employees on the basis of ability, potential, and valid qualifications without regard to race, colour, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, veteran status, or any other status protected by applicable law to the extent prohibited by law. Furthermore, PIHE shall not discriminate against any disabled employee or applicant in regard to any position for which the employee or applicant is otherwise qualified. Consistent with this declaration, PIHE will continue to be responsive to the Constitution of the Republic of South Africa, the Bill of Rights and the relevant Equal Employment Opportunity and Employments Equity and Affirmative Action policies and guidelines. In this regard PIHE will continue to strive to eliminate impermissible discrimination in all its forms, intentional or inadvertent, with respect to all personnel decisions, procedures, and actions, including compensation, benefits, transfers, layoffs, returns from layoff, PIHE sponsored training, educational, tuition assistance, social and recreational programmes.

This policy of Equal Employment Opportunity applies equally to all job categories and all levels of appointments.

#### **4. POLICY IMPLEMENTATION AND ADMINISTRATION**

PIHE is an academic community which values diversity and seeks to promote meaningful access to educational opportunity for all of its staff and students. The Offices of the Registrar, and Dean of Students as well as representation from the Student Representative Council respectively facilitates access to programmes and activities, coordinates auxiliary aids and services, provides access to adaptive technology, and when necessary, advocates on behalf of students and staff with PIHE. PIHE's policy is to assist both staff and students of PIHE with disabilities by offering services to promote and ensure that no student or staff member with a disability is denied the benefits of, excluded from participation in, or is otherwise subjected to discrimination under educational programmes and activities.

#### **5. CONCLUSION**

Under the Constitution of the Republic of South Africa and the Bill of Rights, qualified students with disabilities are entitled to equal access and opportunity to participate in all PIHE programmes, services and activities. A qualified student with a disability is one who has a physical or mental impairment that limits one or more of the major life activities and who, with or without reasonable accommodation, meet the essential eligibility requirements for the programmes, services and activities offered by PIHE.

Following is a summary of the primary provisions relative to qualified students with disabilities under the aforementioned legislation and related regulations:

- Discrimination is prohibited against qualified persons with disabilities in the areas of recruitment, admission and treatment after admission.
- All programmes, services and activities must be available to students with disabilities in the most integrated setting possible. This requirement includes academic programmes, field trips, practicums, internships, research, campus employment, graduate assistantships and all student services and student life activities.

- No student may be excluded from any qualification solely on the basis of disability unless such disability would preclude them from completing the qualification.
- When necessary, reasonable modification of course or degree requirements must be made for students with disabilities unless the requirements can be demonstrated as essential to the programme or unless modification would fundamentally alter the nature of the programme.
- Prohibitive rules may not be imposed on qualified students with disabilities, such as banning audio recorders, service animals or other necessary equipment or aids in the lecturer venue.
- The institution must provide appropriate auxiliary aids to qualified students with disabilities when necessary for full educational access.
- Teaching techniques, as well as special equipment and devices used in the classroom, should be adapted in individual cases, when necessary, to ensure equal access.
- Educational materials must be provided in an alternate format that is effective for the student, when necessary, to ensure access to educational information.
- Alternate testing and evaluation methods must be used, when necessary, to ensure the student's achievement is being measured rather than his or her impaired sensory, manual or speaking skill, except where such skills are the factors that the test purports to measure.
- Classes must be relocated, when necessary, to permit access for students with mobility impairments.
- It is discriminatory to counsel students with disabilities toward more restrictive career objectives than other students with similar interests and abilities.
- Communication with persons with disabilities must be as effective as communication with others and sometimes must be accomplished by the use of auxiliary aids such as interpreters, telephone relay service for the deaf, the use of a computer, or alternate format materials such as large print, audio recording, e-text or Braille for persons with visual impairments.
- Disability information is confidential and should not be disclosed without individual consent.

Students who have a grievance regarding disability access to facilities, programmes, services, or tuition or accommodations should first seek assistance from the Academic Coordinator or Campus Directors/Principals at respective campuses. If the Academic Coordinator is unable to resolve the grievance to the student's satisfaction, the student should contact the Registrar of PIHE.