



UNIVERSITY OF PRETORIA  
Department of Student Affairs

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## POLICY ON STUDENTS WITH DISABILITIES

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## **1. PURPOSE**

The University has identified the need to ensure the diversification of students as a strategic imperative. The Constitution of the Republic of South Africa, Strategic policy framework on disability for the post-school education and training system and various pieces of legislation make it clear that discrimination on the basis of disability violates the right to equality.

Unfair discrimination against persons with disabilities is perpetuated in many ways, including but not limited to the following: unfounded assumptions about the abilities and performance of persons with disabilities; academic programmes which either exclude persons with disabilities or limit their opportunities to prove themselves; inaccessible study and learning environment; inappropriate training for students with disabilities, etc.

The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) of 2000, provides for legislation which, amongst other things, addresses the issue of discrimination on the basis of disability. Discrimination is deemed to be unfair unless the respondent can prove that it is reasonable and justifiable. In terms of PEPUDA, UP has a legal obligation to provide access to and facilities for students with disabilities.

It is thus clear that, to fulfil its legal obligations, UP must adopt and implement a policy which addresses the issue of disability in a manner consonant with the spirit of the Bill of Rights and the letter of the law.

In accordance with the University of Pretoria's (UP) vision "to be a leading research-intensive university in Africa, recognised internationally for its quality, relevance and impact, as also for developing people, creating knowledge and making a difference locally and globally", we are committed to ensuring the effective attraction, participation and contribution of students with disabilities throughout the UP-learning experience.

This policy aims to create a holistic framework that is aimed at ensuring an integrated and inclusive learning experience for students with disabilities at UP. Institutional values of quality, relevance, diversity, cooperation and sustainability will guide implementing the provisions contained herein.

The purpose of the Policy is therefore, to ensure that UP provides a physical and social environment which complements and enhances the learning experience and opportunities for students with disabilities in an environment free from harassment and discrimination.

## **2. SCOPE**

- 2.1 The Policy applies to all employees and contractors of UP, as well as all UP registered students and prospective students with disabilities.
- 2.2 This Policy must be read together with other internal UP policies and procedures, as applicable.
- 2.3 This Policy will inform the application of all other UP policies and practices when applied to students with disabilities.

### **3. CONSEQUENCES OF NON-COMPLIANCE**

- 3.1 Reputational damage: not effectively supporting students with disabilities poses a reputational risk. This may lead to negative publicity and a decline in enrolment, particularly from students with disabilities.
- 3.2 Discrimination complaints: Non-compliance with this policy may result in discrimination complaints filed by affected students or groups. These complaints may lead to investigations, legal action and / or fines.
- 3.3 Loss of accommodation: Non-compliance may lead to the loss of reasonable accommodation which students with disabilities are entitled to receive, thereby preventing the removal of barriers to equitable access towards academic inclusion.
- 3.4 Any staff member or student in breach of this policy may be personally liable for their actions and / or omissions and may be subject to UP disciplinary processes.

### **4. POLICY STATEMENT**

UP strives for students with disabilities to be integrated into the learning experience at the University in a manner which allows for their full participation and to acquire the necessary knowledge and skills linked to the academic programme for which they choose to enrol. UP will attempt all reasonable endeavours to actively remove barriers to inclusion and promote the rights of students with disabilities. To this end the following principles are identified:

#### **4.1. Inclusion**

- 4.1.1 No suitably qualified student with a disability may be denied admission to an academic program or service at UP on grounds of the disability alone.
- 4.1.2 However, a student may be advised to consider alternative programmes due to factors which may lead to unjustifiable hardship.
- 4.1.3 UP will actively recruit potential students from special feeder schools. Information of admission requirements, funding opportunities and reasonable accommodations will be made available for learners. UP will therefore, take positive steps to encourage learners to register for academic programmes offered, regardless of disability.
- 4.1.4 UP is committed to the promotion of equal opportunity for all persons. UP strongly supports the rights of persons with disabilities to be involved in higher education as students.
- 4.1.5 UP fosters and encourages amongst its employees and students positive and unprejudiced attitudes towards persons with disabilities and makes provisions, in so far as resources reasonably permit, for any service needed by and for persons with disabilities, including but not limited to students.

## **4.2. Equitable access and reasonable accommodation**

- 4.2.1 The scope of reasonable accommodation for students with disabilities, focuses on the effect of a disability on the person in relation to the study and learning environment, and not on the diagnosis or the impairment.
- 4.2.2 UP will strive to make the learning environment accessible to students with disabilities through the implementation of principles of universal access and design in both the built and virtual environment. The goal of reasonable accommodation is to ensure that no student is unjustifiably excluded from any academic programme offered by UP or any UP activity and/or facility because the student has a disability.
- 4.2.3 Where additional support is required for academic activities, reasonable accommodations may be put in place on advice from the Access, Disability and Inclusion Services (ADIS). These are intended to eliminate barriers faced as a result of a disability and may include, but are not limited to, concessions such as additional time for formal assessments, the use of assistive technology or adapted methods of instruction or academic assessment.
- 4.2.4 Subject to the requirement of reasonable accommodation, students with disabilities should enjoy equitable access to professional services such as student accommodation, libraries, computer laboratories, student health, security, student development and student counselling.
- 4.2.5 The particular accommodation depends on the individual, the impairment and its effect on the student, as well as on the nature of the academic programme or activity in the learning environment.
- 4.2.6 Reasonable accommodation may be temporary or permanent, depending on the nature and the extent of the disability.
- 4.2.7 If the disability does not impact on the student's ability to study and the student does not require any reasonable accommodation, then UP is not under obligation to formally assist the student with concessions.
- 4.2.8 It is however, a challenge that it is in certain cases impossible to provide "reasonable accommodation" for every type of disability due to limited resources; specific academic requirements, which cannot be reasonably adapted. However, UP endeavours to make suitable adaptations to academic programmes and sports and leisure facilities, etc. where possible.
- 4.2.9 Reasonable accommodation should be reasonable to both the student and UP and can be interpreted in terms of the accommodation not creating or causing an unjustifiable hardship to either party.
- 4.2.10 UP recognizes the importance of the layout of the study / learning space and of the design of buildings in the provision of an accessible environment for students with disabilities.

- 4.2.11 UP undertakes to ensure adequate physical access to and within buildings and that these are modified, maintained and extended as required, where reasonably possible. This will also include adequate wayfinding signage which indicates accessible building entrances, toilets, emergency exits, ramps and lifts.
- 4.2.12 The ADIS will consult the student and, where necessary, technical experts to establish appropriate mechanisms to reasonably accommodate the student.
- 4.2.13 Practices and services implementing reasonable accommodation initiatives will be revised on a continual basis. These will be maintained or improved over time and not be reduced or minimized in order to constantly reinforce and improve the quality of inclusion and access.

### **4.3. Disclosure of disability status and confidentiality**

- 4.3.1 Whilst UP strives to promote inclusion and access for all students it is the responsibility of students with a disability to disclose their disability. Whilst disclosure is encouraged with the aim of identifying and implementing appropriate support UP in no way imposes an obligation on students to disclose a disability.
- 4.3.2 Disclosure may be performed during application to UP or at any time after registration by consultation with the ADIS.
- 4.3.3 In order for a disability to be verified and for reasonable accommodations to be identified it is necessary for students to provide sufficient supporting documents when disclosing a disability. Supporting documents from a duly qualified, registered medical practitioner may be requested in order to verify a disability and to inform appropriate support measures to be included for reasonable accommodations.
- 4.3.4 The collection, processing, retention and destruction of personal information submitted during the disclosure of a disability is guided by the Protection of Personal Information Act (POPIA) as well as related internal policies. All personal information collected for disclosure of a disability will not be shared unless legally required. Or where limited information regarding a student with a disability is required to be shared with UP staff who are in a position to provide appropriate support in relation to the disability.
- 4.3.5 Any student may choose to withdraw disclosure at any time. All personal information submitted during the disclosure process will then be destroyed in accordance with the relevant legislation and the University's internal policies and procedures.
- 4.3.6 If a disability has not been disclosed by or disclosure has been withdrawn by a person with a disability UP cannot be held liable for failure to comply with provisions as set out in this policy.

## 5. DEFINITIONS

<b>Access, Disability and Inclusion Services (ADIS)</b>	ADIS refers to the division within the Department of Student Affairs (DSA) established at UP to promote the integration of students with disabilities and which assists on a daily basis to address their respective learning and reasonable accommodation needs.
<b>Barriers</b>	Barriers refer to policies, attitudes, practices, limitations imposed by a disability and structural aspects of the built environment / inaccessibility of the virtual environment, which adversely affect students with disabilities' prospects of entry and/or participation in the learning experience.
<b>Disability</b>	Disability refers to a social construct resulting from the interaction between a person's impairment and associated barriers.
<b>Impairment</b>	Impairment means a physical, sensory, mental, emotional or cognitive condition resulting from an injury, illness, trauma and/or congenital factors which are permanent, long term or recurring and which cause or is likely to cause a loss or difference of physiological or psychological functioning. The impairment can be visible or invisible. The impairment impacts substantively on the way the student accesses the UP learning experience and may require reasonable accommodation measures to be put in place.
<b>Learning Experience</b>	Learning experience refers to UP culture, processes, curricula, teaching methodologies, services, staff expertise, attitudes, built environment and/or facilities that as collective provide students with the context within which to acquire the academic qualification for which they have enrolled.
<b>Persons with Disabilities</b>	Persons with disabilities include those who have long-term impairments and/or chronic conditions which in interaction with various barriers may hinder their full and effective participation in society on an equitable basis with others.
<b>Policy</b>	A policy is a set of principles that guide our actions.
<b>Reasonable Accommodation</b>	Reasonable accommodation means any modification or adjustment to the environment which will enable a student with a disability to have access to or participate in or advance in academia. These measures ensure that persons with disabilities enjoy equitable opportunities and are equitably represented in

the UP-student community to the extent that does not cause the University unjustifiable hardship.

**Students with disabilities**

Students with disabilities for purposes of this policy refers to a registered student with an impairment who is suitably qualified and who experiences restricted access to or progression in the learning experience due to their impairment and/or barriers and/or a combination thereof. Disability, as a consequence of an impairment as well as barriers, substantially limits a student from equitable participation in the learning environment.

**Suitably qualified**

Suitably qualified refers to a person who is eligible for entry into an academic programme at UP and has achieved the required conditions for admission.

**Unjustifiable hardship**

Unjustifiable hardship means significant difficulty or expense being incurred by UP with respect to the provision of reasonable accommodation to a particular student with a disability. It means that an accommodation would be unduly costly, expensive, substantial, or disruptive to the detriment of the academic programme, fellow students, the student with a disability or UP.

## **6. ROLES AND RESPONSIBILITIES**

**Executive**

The Vice-Chancellor and Principal is responsible to provide leadership to ensure cooperation and compliance from all role players to attain the objectives of this policy.

The Registrar has overall accountability and responsibility for ensuring that all institutional policies are managed responsibly within the University.

The Vice-Principal: Student Life is responsible for oversight of this policy. UP management should ensure resources are made available for the institution to enact the principles as set out in this policy.

**Department of Student Affairs (DSA)**

The Director of Student Affairs will act as owner for this policy. The relevant head and staff in the Department of Student Affairs tasked with student access and success Head, as well as the manager of the ADIS will promote and inform internal actions related to this policy within the University. The manager of the ADIS will be responsible to develop and implement processes to give effect to the provisions of this policy. The ADIS will guide, advise and collaborate with internal departments to ensure the

provision of reasonable accommodations to students with disabilities.

**Department of  
Enrolment and  
Student  
Administration  
(DESA)**

DESA, in collaboration with the ADIS will actively recruit qualifying students with disabilities from relevant feeder schools (Student recruitment and Junior Tukkies). DESA is to give specific attention to the needs of students with disabilities throughout the administrative life cycle in areas such as student recruitment, application, admission, registration processes, examination matters and graduation and career services, etc, in collaboration with ADIS.

DESA must collect data from application forms where a disability has been disclosed (Student Administration) and refer cases where exceptional support may be required to the ADIS. Provide an option for these prospective students to indicate their disability during the application and admission processes.

DESA must provide suitable scribes, readers and invigilators for assessments of students receiving reasonable accommodations from the invigilation Office in collaboration with the ADIS.

**Department for  
Education  
Innovation**

The Department for Education Innovation has the responsibility to ensure that the UP Learning Management System (LMS) and all teaching, learning and assessment virtual environments are accessible to students and staff with disabilities.

**Faculties and  
academic staff**

Lecturers will ensure that reasonable accommodations as recommended by the ADIS are applied in the academic environment. In collaboration with DESA's Invigilation Office suitable test / examination measures will be provided for qualifying students.

Academic subject expert-staff and program coordinators, together with the ADIS will advise on the feasibility of specific study programs where applicants with disabilities wish to enrol and where exceptional accommodations may be required.

**Facilities  
Management**

Facilities Management is responsible for continuously conducting physical accessibility audits and progressively removing all physical barriers and accessibility hazards in the built environment, under the guidance from the Director: Student Affairs and the ADIS.

**Security Services**

In collaboration with the ADIS Security Services will provide access for qualifying students with disabilities to dedicated parking and / or alternative or adapted entrances. Security



	services will facilitate access for personal assistants or other service providers being utilized by students with disabilities.
<b>Information Technology Services (ITS) Department</b>	ITS has the responsibility to ensure that the UP virtual environment is accessible to students and staff with disabilities. This implies that all software solutions, both off-the-shelf and bespoke developed, meet accessibility standards, e.g. W3C, WCAG, APA Section 508 standards. The Department should continuously improve access to ITS facilities to accommodate students with disabilities.
<b>Department of Residence Affairs and Accommodation (TuksRes)</b>	TuksRes will strive to provide appropriate placement for qualifying students with disabilities requiring adapted or special accommodations, subject to availability. In collaboration with Facilities Management, minor adjustments will be made where feasible, while ADIS will assist in identifying and verifying the needs of these students to recommend suitable accommodation options.
<b>The Transformation Office</b>	The wider issue of managing disability related initiatives will be the responsibility of a Disability Management Committee, as a subcommittee of the UP Institutional Transformation Committee. The existing levels of service will be maintained and expanded within resource constraints. This will be reviewed annually.
<b>Students with disabilities</b>	Students with disabilities are entitled to enjoy equitable access to the UP learning environment, they are also entitled to the confidentiality of their personal information and consent whether this may be shared with relevant stakeholders as set out in this policy. They are encouraged to disclose a disability in order for the principles of this policy to be put in affect.

## **7. ASSOCIATED DOCUMENTS**

### **Internal documents:**

- Anti-discrimination and harassment policy
- Disciplinary rules for students
- Examinations and related matters
- Guidelines for students for the escalation of matters
- Information Governance Policy
- Information Security Management policy
- Policy on the placement of students in University-controlled residences
- Privacy Policy
- Records Management policy

## External Documents

- A framework for transformation (1996), Report of the National Commission on Higher Education, Department of Education.
- Building Construction – Accessibility and Usability of the Built Environment ISO TC 59/SC 16 N 45 (Draft), ISO.
- Code of Practice on the Accessibility of Buildings to Disabled Persons SABS 0246.
- Constitution of South Africa, 1996.
- Department of Education: Guidelines on additional time.
- Education White Paper 3: A Programme for transformation of higher education (1997), Department of Education.
- Education White Paper 6: Special Needs Education (2001), Department of Education.
- Green Paper on Post-School Education & Training (2012), Department of Higher Education and Training.
- National Plan for Higher Education (2001), Department of Education.
- Occupational Health and Safety Act, 1993 and amendments thereto.
- Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000.
- Strategic policy framework on disability for the post-school education and training system (2016), Department of Higher Education and Training.
- UN Convention on the Rights of Persons with Disabilities.
- Web Accessibility Initiative (WAI) Guidelines & Techniques, World Wide Web Consortium (W3C).
- White Paper on an Integrated National Disability Strategy. (1997). Office of the Deputy President. South Africa

## 8. POLICY LIFE CYCLE

This Policy will be reviewed every five (5) years from date of formal acceptance, or whenever amendments to the applicable legislation requires it.

## 9. DOCUMENT METADATA

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