

Inclusive legal education for students with disabilities in Zimbabwe: A qualitative case study

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1 Introduction

This research focused on assessing whether the Midlands State University, Faculty of Law has contributed to the 2030 United Nations Sustainable Development Goal 4.5 (hereinafter referred to as ‘UNSDG 4.5’) by providing students with disabilities equal education as students without disabilities, thus molding students that are capable of tackling the 20th Century work environment. Inclusive education is extremely important in andragogy as it allows students from all backgrounds to learn in the same environment and for the benefit of all. Inclusive education is provided for in terms of UNSDG 4.5 which aims to ‘eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations.’¹ UNSDGs are important as they set a blueprint for a global partnership of all countries, developed and developing, to ensure the peace and prosperity of the planet by 2030.² By locating this study within the framework of SDG 4.5, the research underscores the peremptory for inclusive legal education that guarantees all students, regardless of disability, equitable access to quality legal education. This aligns with

1 United Nations Department of Economic and Social Affairs ‘Goal 4’ <https://sdgs.un.org/goals/goal4> (accessed 22 January 2025).

2 UN Department of Economic and Social Affairs ‘The 17 Goals’ <https://sdgs.un.org/goals> (accessed 22 January 2025).

international policy and legal frameworks that promote the rights of persons with disabilities, such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD),³ which stresses the value of accessibility and inclusion in education.

The implementation of the United Nations Sustainable Development Goals (SDGs) has gained significant global attention as a framework for addressing pressing social, economic, and environmental challenges. Tertiary education institutions play a crucial role in shaping future leaders and professionals who can contribute to sustainable development. It follows, therefore, that the emphasis placed on inclusive education for persons with disabilities in tertiary education institutions should not be ignored. It requires effective implementation and realisation to promote the right of persons with disabilities to access education on an equal footing with the students without disabilities.

2 Objectives of the study

The main objective of this research was to assess the implementation of inclusive education for students with disabilities at MSU, Faculty of Law. To achieve this objective, this research had the following sub-objectives:

- (a) To evaluate the contributions made by Midlands State University to reasonably accommodate students with disabilities in line with the 2030 UNSDG 4.5.
- (b) To analyse the challenges and barriers that law school educators and students with disabilities in the MSU Faculty of Law face in ensuring the effective realisation of the right to inclusive education for students with disabilities.
- (c) To explore the effectiveness of the strategies employed by the MSU Faculty of Law lecturers to ensure the reasonable accommodation of the right to inclusive education for students with disabilities.
- (d) To propose feasible strategies that can be adopted to promote inclusivity for persons with disabilities at MSU, Faculty of Law.

3 United Nations Convention on the Rights of Persons with Disabilities, 2009.

3 Research gap

Zimbabwe is a state party to the CRPD by accession, which it entered on 23 September 2013.⁴ Article 24 of the Convention places an obligation on its member states to ensure inclusive education for persons with disabilities. However, the teaching materials, infrastructure and educational facilities for persons with disabilities remain inaccessible in many universities in Zimbabwe.⁵ This has resulted in many tertiary institutions remaining unfriendly to students with disabilities and there are 'limited facilities and human resources to expedite the provision of inclusive education.'⁶ As such, access to quality tertiary education for persons with disabilities remains a challenge in Zimbabwe tertiary education institutions. Therefore, this study sought to assess the effectiveness of the methods adopted by MSU Faculty of Law, to ensure the realisation of inclusive education for students with disabilities in line with the 2030 UNSDG 4.5. 2030 is fast approaching and more needs to be done to ensure that persons with disabilities who are enrolled at tertiary institutions have their academic needs met.

4 Significance of study

This research is important and was worth conducting because it facilitates the effective implementation of inclusive education for persons with disabilities in line with the 2030 UNSDG 4.5. This study also informs curriculum review and adopts possible assessment and evaluation techniques that align with human rights best practices in relation to students with disabilities. Furthermore, this research offers a basis for formulation of feasible policies at tertiary institutions for persons with disabilities. Moreover, this research influences inclusive education at tertiary institutions in Zimbabwe especially MSU Faculty of Law. This research also has the potential to inform policy changes at MSU and other universities in Zimbabwe, leading to a more inclusive learning

4 United Nations Treaty Collection 'Chapter IV Human Rights' https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-15&chapter=4&clang=_en (accessed 22 January 2025).

5 Manuel, Machakanja & Jeranyama 'Inclusive education, rights of persons with disabilities and policy: Mainstreaming PWDs at Africa University in Zimbabwe' 2022 *ZimLII* 69.

6 As above.

environment for students with disabilities. The study further advocates for awareness, respect and sensitivity for students with disabilities as illustrated by the international and regional policy provisions highlighted in Table 1.

Table 1: *International and regional policy provisions and their application in legal education in higher education institutions*

Policy	Provisions	Application in higher education
Salamanca Statement and Framework for Action (1994)	<ul style="list-style-type: none"> - Inclusive education as a fundamental right - Promotion of inclusive practices 	<ul style="list-style-type: none"> - Foundation of inclusive education - Influences international and domestic legal frameworks - Trains educators in inclusive pedagogies
United Nations Convention on the Rights of Persons with Disabilities	<ul style="list-style-type: none"> - Right to inclusive education (Article 24) - Accessibility in education (preamble) - Non-discrimination (Article 5) 	<ul style="list-style-type: none"> - Develop inclusive curricula and teaching methods - Implement reasonable accommodations - Provide assistive technologies
Sustainable Development Goals (SDGs) 2015	<ul style="list-style-type: none"> - Goal 4: Ensure inclusive and equitable quality education for all - Emphasis on lifelong learning 	<ul style="list-style-type: none"> - Integrate disability awareness into university programs - Promote research on inclusive education practices
African Charter on Human and Peoples' Rights (1981)	<ul style="list-style-type: none"> - Right to education (Articles 17 & 25) 	<ul style="list-style-type: none"> - Advocate for disability rights at institutional levels

African Protocol on the Rights of Persons with Disabilities (2018)	- Non-discriminatory education for persons with disabilities (Article 16)	- Ensure policies reflect non-discriminatory practices - Incorporate multi-disciplinary assessment techniques
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Although Zimbabwe is a member state of the CRPD by accession after the Convention had come into force, Zimbabwe is bound by the provisions of the Convention and this act is the same as ratification. As such, Zimbabwe is obligated to abide by the provisions of the CRPD and take into consideration the recommendations from the CRPD Committee. The Committee on the Rights of Persons with Disabilities in its General Comment 4 on Article 24 – the right to inclusive education explained how inclusive education relates to other rights in the Convention.⁷ The Committee provided that inclusive education is connected to the right not to be discriminated (article 5),⁸ the right to be respected (article 17);⁹ freedom of expression (article 21);¹⁰ the best interests of the child (article 7);¹¹ right to participation (article 9);¹² right to be involved in cultural, leisure, sports or play activities (article 30);¹³ and the right to be equipped with the skills and confidence to get a job and participate in public and political life (articles 27 and 29).¹⁴

The Committee further provided recommendations to State Parties on how to ensure inclusive education for persons with disabilities. The Committee recommended that governments as a whole commit to inclusive education through laws, policies and planning.¹⁵ The Committee further provided that States should enact legislation that provides for the equality and non-discrimination for persons with disabilities in education and challenge any form of discrimination against

7 Committee on the Rights of Persons with Disabilities General Comment 4 'Article 24 – the right to inclusive education' (2016) CRPD/C/GC/4.

8 As above, para 43.

9 As above, para 12(e.)

10 As above, para 50.

11 As above, para 45.

12 As above, para 21.

13 As above, para 56.

14 As above, para 54.

15 As above, paras 62 & 71.

persons with disabilities.¹⁶ Furthermore, the Committee provided that proper resource allocation and training and support to educators would be a good way of ensuring educational inclusivity for persons with disabilities.¹⁷

The African Protocol on the Rights of Persons with Disabilities (APRPWD) establishes the African regional legal framework for the rights of persons with disabilities.¹⁸ Although it has not yet come into effect, it is important to highlight the importance of the provisions and their applicability to Zimbabwe. Zimbabwe ratified the APRPWD on 16 May 2024.¹⁹ Although the Protocol still awaits domestication, ratification shows a clear intention to be bound by the provisions of the Protocol. As such, the country cannot act contrary to the provisions of the Protocol. Table 2 demonstrates the domestic policy provisions and their application into legal education in higher education institutions.

Table 2: *Domestic policy provisions and their application in legal education in higher education institutions*

Policy	Provisions	Application in Higher Education
Constitution of Zimbabwe (No. 20) Act 2013	- Equality and non-discrimination (s56) - Right to education (s75)	- Guarantees access to equal and non-discriminatory education for persons with disabilities
Education Act [Chapter 25:04] (as amended)	- Right to education (s4) - Measures for educational inclusivity (s68B)	- Promotes equal education for all, ensuring resources and infrastructure for students with disabilities
Disabled Persons Act [Chapter 17:01]	- Establishment of a National Disability Board (s5(1)(b)(i))	- Protects and promotes the rights of persons with disabilities

16 As above, paras 40(a) & 21.
17 As above, para 70.
18 African Protocol on the Rights of Persons with Disabilities, 2018.
19 Chikandiwa ‘Zimbabwe ratifies Disability Protocol’ *News Day* (2024-05-21).

National Disability Policy (2021)	<ul style="list-style-type: none">- Tuition exemptions in public institutions- Curriculum adaptation for specific needs- Mandatory professional development on disability for educators	<ul style="list-style-type: none">- Ensures inclusion across all sectors and raises awareness of the needs of persons with disabilities
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While the policy provisions indicated in Table 2 contain relevant provisions that all tertiary institutions should effectively implement, little research has been conducted to ascertain the extent to which the students with disabilities are catered for particularly concerning accommodation in tertiary institutions such as Midlands State University, in Zimbabwe. The challenges that these students face in accessing education in Law Schools need to be addressed in line with the indicated policy provisions.

5 Challenges students with disabilities face to access education in Law Schools in Zimbabwe

Students with disabilities face a number of challenges in law schools in Zimbabwe. One challenge is physical barriers. Some law schools in Zimbabwe do not provide adequate and reasonable accessibility infrastructure like ramps and stairs.²⁰ This hinders students with disabilities from fully participating in law school activities and accessing facilitates they need to pursue their qualifications.

Another barrier that students with disabilities in law schools in Zimbabwe face, which affects the majority of students with disabilities, is the lack of adequate accommodations. Some tertiary institutions in Zimbabwe fail to provide students with disabilities with alternative exam assessments,²¹ like extra-time during exam sessions. Moreover, some institutions have limited access to resources, such as assistive technology.²² These devices are expensive,²³ thus imposing a financial

20 Manuel and others (n 5) 79.
21 Majoko ‘Participation in higher education: Voices of students with disabilities’ 2018 *Cogent Education* 4.
22 UNPRPD Brief *Situational analysis of the rights of persons with disabilities: Zimbabwe* (2022) 15.
23 As above.

burden on both the student and the faculty. However, the lack of these devices does not only make it difficult for students with disabilities to be on an equal footing with students without disabilities; but also makes it difficult for students with disabilities to access information and participate fully in lectures.

Students with disabilities also face stigma and discrimination challenges.²⁴ This stigma can be perpetuated by faculty members²⁵ and peers.²⁶ This creates a hostile and unfavourable learning environment. It follows therefore that, as a result of this stigma and discrimination, some law schools in Zimbabwe fail to provide adequate support services, such as academic support and counselling, to help students with disabilities to achieve their full potential.

6 The benefits of inclusive education for persons with disabilities

Inclusive law schools ensure that students with disabilities have equal access to the curriculum, facilities, and support services necessary to attain their legal qualifications. This includes providing reasonable accommodations, such as assistive technology,²⁷ note-takers,²⁸ and extended time for exams²⁹ This ensures that students with disabilities are academically at similar levels to their non-disabled peers.

Moreover, inclusive environments foster a sense of belonging and empowerment,³⁰ leading to improved self-esteem³¹ and confidence in students with disabilities.³² Due to their experiences, some students

24 Matshediso 'Experiences of disabled students in South Africa' (2010) *SAJHE* 740. See also Grimes, Southgate, Scevak & Buchanan 'University student experiences of disability and the influence of stigma on institutional non-disclosure and learning' (2020) *Journal of Postsecondary Education and Disability*.

25 Matsediso (n 24) 740. See also Majoko 2018 *Cogent Education* 4.

26 Grimes (n 24).

27 Ndiweni, Machimnidza & Mutula 'Factors influencing library use by students with disabilities in Zimbabwe: The case of United College of Education (UCE)' (2022) *Library Philosophy and Practice* 6.

28 American Psychological Association 'Reasonable accommodations explained' <https://www.apa.org/pi/disability/dart/toolkit-three> (accessed 26 January 2025.)

29 Howard 'How to get the testing accommodations you need in college' 2023. <https://www.bestcolleges.com/blog/testing-accommodations/> (accessed 26 January 2025.)

30 Trampler *Inclusive classrooms as it relates to self-esteem, behaviour, and social skills* (Bachelor of Science in Social Work thesis 2012 Southeastern University) 12.

31 As above 14.

32 As above 27.

with disabilities tend to be creative and innovative thinkers,³³ thus making them valuable in legal problem-solving and advocacy. It follows therefore, that students with disabilities bring unique experiences and viewpoints, thus enriching class discussions and contributing more to the understanding of legal issues.

Inclusive practices benefit all students, regardless of abilities, and prepare lawyers to serve diverse clients.³⁴ With inclusive legal education, lawyers are prepared to address the unique needs of clients with disabilities, thus enhancing legal services and better advocating for their disabled clients. With their personal experiences, they are able to easily relate to their disabled client's grievances and be able to convey their perspectives from a more relatable standpoint. Thus, offering the disabled clients advice that is best suited for their specific needs.

Moreover, students with disabilities become role models, inspiring others and increasing representation in the legal profession.³⁵ In so doing, the legal profession will be diverse and cater for the diverse needs of the clients.

From the above analysis, it is clear that creating a disability inclusive curriculum in law schools advocates for a legal profession that values diversity and inclusivity builds trust and legitimacy in the eyes of the public, thus fostering a more equitable and just society. A diverse legal profession, including lawyers with disabilities, brings a wider range of perspectives and experiences to the table, enriching legal discourse and decision-making.

7 Best practices of inclusive education of persons with disabilities in law schools South Africa

South Africa, a developing country, has made impressive strides towards the realization of the right to inclusive education for persons with

33 Gobbo 'Dyslexia and creativity: The education and work of Robert Rauschenberg' (2010) *Disability Studies Quarterly*.

34 Brower 'Integration diversity, equity & inclusion in legal education: Teaching where it's unexpected' https://end-educationconference.org/wp-content/uploads/2023/06/06_OP_055.pdf (accessed 27 January 2025.)

35 Rousso 'Role models, mentors, and muses for women with disabilities' <https://publications.ici.umn.edu/impact/21-1/role-models-mentors-and-muses-for-women-with-disabilities#:~:text=Conclusion,nor%20overcome%2C%20but%20rather%20celebrated.&text=Some%20of%20the%20material%20in> (2001) (accessed 28 January 2025.)

disabilities in tertiary institutions. The country's legislative and policy framework provides clear guidelines on the right to equality and non-discrimination for persons with disabilities. The Constitution of the Republic of South Africa, 1996 provides the benchmark of inclusivity.³⁶ Section 9 provides that no one should be discriminated against based on disabilities. Moreover, the Promotion of Equality of Unfair Discrimination Act, which gives effect to s9 of the Constitution, is the cornerstone of ensuring non-discrimination and promoting equality.³⁷ Furthermore, the National Education Policy Act protects persons with disabilities from discrimination in accessing education.³⁸

Furthermore, South Africa developed the White Paper on the Rights of Persons with Disabilities provides a comprehensive policy framework to guide institutions in fostering an inclusive environment.³⁹ The White Paper provides a comprehensive strategies on the protection and promotion of the rights of persons with disabilities. In respect to tertiary education, the chapter provides for access to general education, vocational training, adult education and lifelong learning without barriers.⁴⁰ Moreover, the chapter provides the need for universal design mode in respect of undergraduate and postgraduate modules.⁴¹

South African law schools have implemented impressive strategies in their faculties to ensure inclusivity for persons with disabilities. One such university is University of Cape Town (UCT) Law School which has includes disability perspectives when a piece of legislation or policy is discussed in class.⁴² By incorporating disability perspectives, the faculty ensures that the course materials and instructional methods provide multiple means of engagement, representation and expression. In this regard the curriculum and pedagogy of UCT Law School demonstrates the adoption of universal design for learning. This also creates awareness of the need to promote and protect the rights of students with disabilities. This approach helps accommodate different learning styles and abilities.

36 Constitution of the Republic of South Africa, 1996.

37 Promotion of Equality of Unfair Discrimination Act 4 of 2000.

38 National Education Policy Act 27 of 1996.

39 White Paper on the Rights of Persons with Disabilities, 2016.

40 As above 49.

41 As above 31.

42 Ohajunwa, Mckenzie & Lorenzo 'Enabling disability inclusive practices within the University of Cape Town curriculum: A case study' (2015) *African Journal of Disability* 4.

Moreover, South African law schools have also incorporated infrastructure and accessibility accommodations for students with disabilities. Many schools have incorporated ramps, elevators and accessible rest-rooms on their campuses. One such example is UCT Faculty of Law which has made efforts in creating wheel-chair accessible environments on their campus for students with physical disabilities.⁴³ This demonstrates that UCT is serious about ensuring that all students have access to the classrooms. This does not discriminate against students with disabilities but it promotes their right education through inclusivity.

Some law faculties have also integrated assistive technologies to accommodate persons with disabilities. One such example is the University of Witwatersrand through its Disability Rights Units (DRU), has assistive technology computer centres which provides screen readers and magnifies, braille display and literacy support software among others.⁴⁴ Although the DRU assists students with disabilities including visual, physical and psychological among others, is not specifically for the Faculty of Law, it applies to all faculties across the board. As such, these assistive technologies are available students with disabilities enrolled in the Faculty of Law.

Furthermore, some law schools have made reasonable accommodations for students with disabilities. Through the University of Witwatersrand's DRU, the Faculty of Law makes provision for extra time and concessions for tests and exams⁴⁵ Moreover, depending on the disability of the student, students can be accommodated by reduced course load and academic modifications in instructional methods.⁴⁶ This illustrates how the institution and the faculty have made reasonable strides towards the realisation of inclusivity and accommodation of students with disabilities.

It needs to be highlighted that, University of Pretoria Faculty of Law has been actively involved in advocating for disability rights. The faculty has African Disability Rights Yearbooks published every year since 2013

43 University of Cape Town *Faculty of Law University of Cape Town Orientation Student Guide Arrival and Orientation Information for Postgraduate Students* (2023) 10.

44 University of Witwatersrand 'Disability Rights Unity (DRU)' available at <https://www.wits.ac.za/disability-rights-unit/> (accessed 02 June 2025.)

45 As above.

46 As above.

and currently has twelve yearbooks.⁴⁷ These are journals with articles on the promotion and protection of disability rights on the continent which allows for global participation, including students. By promoting participation in the journals, students with disabilities will be able to share their experiences through academics. This contributes to the inclusivity of persons with disabilities.

8 Methodology

This research was based on a case study research of the analysis of inclusive education at the MSU Faculty of Law. A qualitative research approach was explored. The question of the experiences of students with disabilities in the faculty of Law at Midlands State University requires an in-depth knowledge of the experiences of students. At present, there is no data on the experiences of students with disabilities at the Midlands State University faculty of Law. As such, conducting qualitative research assisted the researchers explore the substantive challenges and subjective experiences of the students. Thus, enhancing creative and critical thinking skills required to analyse the gathered data. The researchers' target population was 2 students with disabilities enrolled in the faculty of law at Midlands State University. The researchers also targeted 5 lecturers and teaching assistants in the faculty of law at Midlands State University on their experiences with students with disabilities. The researchers also used both primary and secondary data sources. The primary data used in the study was collected through use of open ended questionnaires and interviews whereas the secondary data used in the study was from international, regional and national legislative framework; books, articles and research papers.

9 Assumptions

This research was premised on the assumption that MSU, Faculty of Law receives applications from persons with disabilities on a yearly basis. This research also assumes that MSU, Faculty of Law enrolls students with disabilities on a yearly basis. Furthermore, this research is based on the

⁴⁷ *African Disability Rights Yearbook* <https://www.adry.up.ac.za/> (accessed 2 June 2025.)

assumption that the need to implement inclusive education in tertiary education institutions will always exist.

10 Themes

Four themes emerged from participant narratives:

- Policy Framework;
- Challenges and Barriers; and
- Reasonable Accommodations.

These themes will be explained in much detailed below.

10.1 Policy Framework

This theme is mainly based on a question asked the lecturers about their knowledge on the university's policies and procedures supporting students with disabilities in the Faculty. The question was:

How familiar are you with the university's policies and procedures around supporting students with disabilities in the MSU Law Faculty?

Two themes emerged from the responses of the lecturer participants:

10.1.1 Sub-theme 1: Lecturers who are aware of MSU Faculty of Law disability policies and procedures

Lecturer 1 responded that she had '*satisfactory knowledge*' of the policies and procedures that support students with disabilities in the MSU Law Faculty. Lecturers 4 responded '*I'm vaguely aware that there are policies, but I have not actively sought them out or had any formal training on them, I usually rely on the Disability Resources Centres if a specific issue comes up.*' Lecturer 5 responded '*While I have not read every policy document, I regularly consult with the Disability Resource Center and they keep us updated on relevant guidelines. I also try to keep abreast of general university policies through internal communications.*'

10.1.2 Sub- theme 2: Lecturers who are not aware of MSU Faculty of Law disability policies and procedures

Lecturers 2 and 3 responded that they were not familiar with the Faculty's disability policies and procedures. Lecturer 2 further highlighted that he was aware that the support is offered by the university to students with disabilities. Lecturer 3 responded that '*not much, its only when I*

had students with disabilities that I then sought to find out if there were any policies in place.'

An analysis of these responses demonstrates that although some of the lecturers are unaware of the specific policies and procedures of MSU in respect of students with disabilities, they are aware that the Disability Resources Center is always available to assist. However, considering that there is only one Disability Resources Center for the whole university, there is need for a proactive approach to policy engagement so that faculties are able to accommodate disabled students at faculty level.

10.2 Challenges / barriers

This theme was based on a number of questions from the questions from the questionnaires that we distributed to the lecturers and students. The questions were mainly based on the challenges or barriers that the lecturers and the students experience when trying to ensure that students with disabilities are accommodated in their pursuit of their tertiary level qualifications. The sub-themes are based on the experiences of the lecturers and students. The sub-themes will be individually discussed below.

10.2.1 Sub-theme 1: Lack of infrastructure

The lecturer participants unanimously responded that one of the major challenges to educational inclusivity is the lack of infrastructure that accommodates students with disabilities. The participants highlighted that there is lack of braille material like *'textbooks/case law or legislation.'* According to the participants, the lack of these types of assistive infrastructure makes the learning environment non-conducive for students with disabilities to attain their full potential.

The student participants also highlighted that, although the Disability Resources Centre has infrastructure that accommodates students with disabilities, the lack of braille materials in the Law Library has made it difficult for students with virtual impairments to fulfil their learning objectives. According to the student participant 1 *'...if we had such material, it will be easy for us to pursue our studies.'* Student participant 2 further responded that *'relying on information provided in class is not sufficient as students wish to also gain further knowledge through consulting further literature.'*

An analysis of these responses emphasises the systematic barrier of inaccessible library resources. This underscores the impact of academic progression and independence, highlighting a critical area of improvement that goes beyond the capabilities of DRC.

10.2.2 Sub-theme 2: lack of professional training

When asked what training or professional development have you received to enhance your ability to teach in an inclusive manner and support students with diverse needs and abilities? The lecturers unanimously responded '*None*.'

An analysis of this response reinforces the lack of professional training theme. The response highlights a critical gap in professional development that hinders proactive inclusive teaching practices. It also demonstrates lack of specific or tailored training for the legal education context.

10.2.3 Sub-theme 3: curriculum and pedagogy

The lecturer participants were asked 'What challenges have you faced in trying to make your courses and teaching more inclusive, and what strategies have you found to be most effective?'

Lecturer 1 responded that '*teaching the blind students without braille material is a challenge, providing material on soft copy allows them to have their work brailled at the MSU Centre for Disability*.' Lecturer 2 responded that '*lack of suitable electronic devices for recording live lecturers for virtually impaired students*.' Lecturer 3 and 5 responded that '*Challenge has been on group tasks, students with disabilities are usually shunned by others especially those with visual impairments*.' Lecture 4 responded that '*With virtually impaired students, it is difficult to explain virtual aids like picture, graphs and tables*.'

An analysis of these responses demonstrates a focus on the practical challenges of delivery. It highlights the need for training on adaptable teaching methods suggesting the importance of diverse pedagogical approaches.

10.2.4 Sub-theme 4: Admissions

The student participants were asked: 'What barriers or challenges, if any, have you encountered in recruiting, admitting, and enrolling

students with disabilities in your law program?’ Student 1 responded that he did not face any challenges in the recruiting, admission and enrolling in the program. He further highlighted that *‘the faculty was welcoming.’* Student 2 responded that *‘I did not encounter any challenges, the faculty administrators were very helpful both through the application and enrolment procedures. They also advised me of the Disability Resource Center where I can be assisted with the necessary resources to pursue my education.’*

An analysis of responses demonstrates that MSU Faculty of Law faculty members breached the gap of inclusivity in respect by ensuring that students with disabilities are welcomed, thus creating a safe learning environment. These responses further highlight the impact that awareness and sensitivity have on ensuring inclusivity of students with disabilities.

10.3 Reasonable accommodations

This theme was based on a number of questions from the questions from the questionnaires that we distributed to the lecturers and student. The questions were mainly focused on evaluating the ways in which the MSU Law Faculty has accommodated students with disabilities in their pursuit of their tertiary level qualifications. The sub-themes are based on the experiences of the lecturers and students. The sub-themes will be individually discussed below.

10.3.1 Sub-theme 1: Support

Lecturers were asked ‘In your experience, what types of disabilities or accessibility needs have the students in your classes had? How have you worked to accommodate and support these students?’ Lecturer 1 responded *‘How have you worked to accommodate and support these students? For the partially blind I used e-learning, student submitted typed scripts, for fully impaired students I used braille.’* Lecturer 2 responded *‘Visually impaired students. I have printed papers with enlarged fonts and I have also taken time to engage the students throughout the duration of the course especially when I am using the projector or writing on the board.’* Lecturer 3 responded *‘Those with visually impairments, I would simply translate into pdf any words documents because the Jules app can efficiently work on pdfs, I would also do audios for them to explain illustrations I*

would have given others.’ Lecturer 4 responded that ‘*Visually impaired students. I made sure that their module outlines were translated into braille.*’ Lecturer 5 responded that: ‘*Visually impaired, I upload YouTube videos on the Google Classroom platform.*’

The student participants was asked ‘Have you felt supported and included by faculty, staff, and fellow students in the faculty of law? Please explain your experiences.’ Student 1 responded that in another course which required drawing, the lecturer advised that he needed to understand the theory and that his exam will set different to accommodate his virtual impairment. According to the student ‘*this was really helpful*’ in the pursuit of his academic career. Student 2 responded that his fellow students were very helpful in that they showed him the direction to the classrooms

An analysis of these responses highlights a proactive and individualised approach to legal education. The responses suggest that direct communication and collaborative planning with students are effective strategies, reinforcing the importance of person-centered support.

10.3.2 Sub-theme 2: Feedback

Lecturer participants were asked ‘Do you actively seek feedback from students with disabilities about their experiences in your classes and how you can improve your teaching practices?’ The participants unanimously responded that they do seek feedback from the students with disabilities on how to improve on their teaching practices depending on the needs of the student. Lecturer 3 further highlighted that she advised the students to contact her directly and not through the class representatives.

An analysis of the responses validates the idea that feedback is a valuable tool for refining inclusive teaching practices. This creates an atmosphere where the views of students with disabilities are taken into consideration.

10.3.3 Sub-theme 3: Curriculum and pedagogy

Lecturer participants were asked ‘How do you design your course materials, classroom activities, and assessment methods to be accessible and inclusive for students with a range of disabilities?’

Lecturer 1 responded *'I use soft copies of everything and share on Google Classroom, this enables them to have the work brailled where necessary.'* Lecturer 2 responded *'My experience so far has been with visually impaired students. I have printed materials with enlarged fonts when necessary.'* Lecturers 3 and 4 highlighted that they make arrangements with the university's DRC for to ensure that the in class tests and assignments are put in the formats they are more comfortable with. Lecturer 5 responded that *'I upload YouTube videos on Google Classroom.'*

An analysis of these responses reinforces the concept of universal design for learning which is a proactive approach to making curriculum and pedagogy inclusive for all students, including those with disabilities. The responses further elaborate on diversified assessment methods. This shows the need for a more advanced understanding of inclusive pedagogy.

10.3.4 Sub-theme 4: Instructional strategies and technologies

Lecturer participants were asked 'What instructional strategies, technologies or methods do you employ to ensure your content and teaching delivery are accessible?' The participants unanimously responded that they google classroom and request braille when necessary. They also highlighted that they use WhatsApp voice notes as well to ensure that their content and teaching delivery are accessible.

The student participants were asked 'What accommodations or support services have you been provided by the university to assist you (e.g. accessible formats, assistive technology, note-taking, extra time on exams, etc.)? Have these been sufficient and effective?' The participants unanimously highlighted that the university *'has been very supportive.'* They listed the assistive technologies that the Disability Rights Centre has and these include:

- (a) A computer with NVDA software supplied by the Disability Resource Centre used in writing exams. The software ensures that he is *'able to operate it, as a person with virtual impairment.'* He further highlighted that there is no shortage of computers at the Centre. He averaged the computers to *'1 person: 10 computers.'*
- (b) Recorders which they can borrow and use during lectures to record the lecturers and listen to them later for note-taking and revision.
- (c) Brail machines.

- (d) The '*Imboza*' which is a printer that translates the soft-copies to braille, and braille to soft copy. The *imboza* is usually used for exams
- (e) Book-readers which assists in reading printed material using OCR software.

Moreover, the student participants further highlighted that; there is also a disability library which is used by the students with disabilities which contains assistive technology.

An analysis of the responses highlights the efforts of the university to ensure inclusivity and accessibility for students with visual impairments in legal education. The use of these technologies is crucial to ensure consistent accessibility across all courses and instructors. Therefore, this demonstrates the need for staff to be trained to effectively use and support these tools.

10.3.5 Sub-theme 5: Classroom participation and engagement

Lecturer participants were asked 'How do you ensure that student participation and engagement opportunities in your classes are inclusive and equitable for students with disabilities?'

Lecturer 1 responded that '*through discussions.*' Lecturer 2 responded that '*I give the affected students tasks to present on and intentionally ask them questions so that I can appreciate whether or not they are following.*' Lecturers 3, 4 and 5 responded that they ensure that students with disabilities participate in class presentations, thus making show that they engage in their studies.

An analysis of these responses demonstrates a more varied approach to fostering participation and accommodating different comfort levels and communication styles. The responses focus on the practical aspects of facilitating engagement, especially for visually impaired students. This promotes a more equitable environment for engagement and shows a nuanced understanding of encouraging participation without putting undue pressure on students.

10.3.6 Sub-theme 6: Individualised accommodations

The lecturer participants were asked 'What adjustments or accommodations have you made for individual students with disabilities in your courses (e.g. extended time, alternative formats, note-taking support, etc.)?'

Lecturers 1 and 4 responded '*extended time for assignment submission.*' Lecturer 2 responded '*used enlarged fonts.*' Lecturer 3 responded '*oral assessments.*' Lecturer 5 responded chose not to respond to this question.

This shows a willingness to adapt to diverse needs and learning styles. This highlights creative problem-solving and personalised support. The responses also emphasise a collaborative and student-centered approach to individualised accommodations thus reinforcing the idea that individualised support is not a one-size-fits-all solution but a tailored process.

11 Discussion of findings

Upon completion of the data gathering process, the researchers grouped the discussion of findings into the following themes which will be discussed below.

11.1 Policy framework

The Disability Unit Policy has guidelines on how faculty members can better accommodate students with disabilities. The policy borrows its framework from the international and domestic legal framework by promoting equality and non-discrimination.⁴⁸ The policy applies to MSU students and staff. The policy statement also provides information on inclusion of persons with disability in respect of physical infrastructure; admissions staff recruitment and placement; student registration and orientation; teaching, learning and examinations; library services; work related learning; accommodation and further welfare; medical services; leisure, sport and cultural life; and freedom of expression and access to information. The policy is very comprehensive providing for the holistic inclusion of students with disabilities. In this regard, the MSU Disability Resources Centre policy has managed to effectively provided for the respect, promotion and realisation of the right to inclusive education for persons with disabilities.

⁴⁸ MSU Disability Policy 2021 para 6 (i) which is in line with s56 of the Constitution of Zimbabwe (No. 20) Act 2013 and article 24 of the United Nations Convention on the Rights of Persons with Disabilities.

11.2 Challenges and barriers

11.2.1 *Lack of infrastructure*

From the data collected in the study, the researchers concluded that it was evident that the lack of infrastructure was not a unique in that it was also highlighted as a challenge faced by students with disabilities in accessing legal education in Zimbabwe.⁴⁹ This indicates that more needs to be done national level in terms of infrastructural development to ensure the inclusion of persons with disabilities by 2030 in line with the UNSDG4.5.

11.2.2 *Lack of professional training*

From the data collected in the study, the researchers concluded that it was evident that the lack of professional training is not a challenge unique to the MSU Faculty of Law. This barrier is highlighted as a challenge to inclusive education at national level.⁵⁰ The lack of professional training for lecturers in handling students with difficulties is a concern as it impacts on the ability of students with disabilities to attain their fullest potential. As such, the governments should recognise the need to ensure that educators are professionally trained in handling students with disabilities.

11.2.3 *Curriculum and pedagogy*

From the data collected from the study, the researchers concluded that it was evident that it is difficult to ensure that students who are virtually impaired receive the full classroom experience either due to infrastructural challenges or due to being stigmatised by other students. This is not a unique challenge to MSU Faculty of Law, it is also one of the challenges faced by the students with disabilities in accessing legal education in Zimbabwe as highlighted above.⁵¹ This highlights that

49 Manuel, Machakanja & Jeranyama 2022 *ZimLII* 69.

50 Committee on the Rights of Persons with Disabilities General Comment 4 (2016) para 70.

51 Matsedisho 2010 *SAJHE* 740. See also Majoko 2018 *Cogent Education* 4. See also Grimes (n 24).

more needs to be done at national level to ensure that students receive the required infrastructure and that their peers are trained to be more sensitive to them to make their classroom experience favourable.

11.2.4 Admissions

From the data collected from the study, the researchers concluded that it was evident that students enrolled in the MSU faculty of law do not experience any challenges in their admission to the faculty. This is a step in the right direction for the faculty in the promotion and protection of the right to inclusive education for students with disabilities. As such, the faculty should be applauded for their inclusivity for students with disabilities.

11.3 Reasonable accommodations

11.3.1 Support

The support offered by the MSU Faculty shows that the educators in the faculty do not wish to leave any learner behind. The dedication to ensuring that students with disabilities are accommodated demonstrates that educators have embraced the rights of students with disabilities. This shows that the educators do not discriminate against students with disabilities, thus upholding the provisions of the Constitution⁵² and the legislative framework that promotes non-discrimination based on disability.⁵³ In this regard, the faculty educators ought to be applauded for their efforts to reasonably accommodate students with disabilities.

11.3.2 Feedback

Requesting for feedback from the students regarding their understating of the course is an important technique for accommodating students with disabilities. This places the student in a position where they feel valued, thus boosting their self-confidence. Boosting the confidence of students is important as it prepares the students for the legal profession.

52 Constitution of Zimbabwe s56 and 75.

53 Education Act [Chapter 25:04] (as amended).

This also offers the educator an opportunity to improve on their teaching style and method.

11.3.3 Curriculum and pedagogy

The educators' use of the instructional resources offered by the Disability Resources Centre is a step towards reasonable accommodation of students with disabilities. This shows a willingness by the educators to embrace students with disabilities, thus eliminating discrimination and stigmatisation. In this regard, the educators will be promoting and respecting the right to inclusive education for the students with disabilities. As such, educators at the MSU Faculty of Law are actively involved in the realisation of the rights of students with disabilities.

11.3.4 Instructional strategies and technologies

The university's Disability Resources Centre at MSU has sufficiently accommodated students with disabilities. Its assistive technology has made learning easy for students with disabilities. These facilities are aimed to specifically accommodate the needs of the students. The machines in the Disability Resources Centre make assessment and evaluation for students with disabilities easy. This is in line with the international and national legislation on reasonable accommodation of students with disabilities specifically, the National Disability Policy⁵⁴ which mandates education institutions to have a Disability Resources Centre where students with disabilities can be accommodated.⁵⁵

11.3.5 Classroom participation and engagement

The methods incorporated by the educators to ensure that students with disabilities are accommodated in the classroom are beneficial for the students. By allowing the students to engage in classroom participation, the educator is opening up a channel for students to offer their unique perspectives to the classroom, which is beneficial to the students and the legal profession. This is an important aspect as it, not only, boosts the confidence of the students but also ensures that students with disabilities

54 National Disability Policy [Zimbabwe] (2021).

55 As above para 3.9.15.

are equipped in legal advocacy skills and to ensure that their peers embrace them.

11.3.6 Individualised accommodation

The individualised accommodation provided by the educators ensured that the special needs of the students are met. This places students in positions where they feel accommodated and free to express their views and opinions. This is also in line with the National Disability Policy⁵⁶ which provides guidelines for tertiary education institutions to ensure individualised assessments and accommodations for students with disabilities. This demonstrates that the MSU Faculty of Law staff has made impressive strides in ensuring that students with disabilities are reasonably accommodated.

12 Conclusion

The research exposed the fact that, although there are barriers in achieving inclusive education in tertiary education institutions, MSU has managed to ensure that students with disabilities have been reasonably accommodated. Furthermore, MSU Faculty of Law has managed to reasonably accommodate students with disabilities despite the barriers that lecturers and students face. Although the result produced good responses that exposed the substantive issues and formed themes that informed the study, the researchers experienced a number of challenges in conducting the study. One of the researchers was not well vested in empirical methods of gathering data. Having a background in the legal profession which only focuses on desktop research, empirical research was a challenge for the researchers. However, with the assistance and guidance of her co-researcher, the researcher was able to understand the requirements and strategies of empirical research and be able to formulate the required methodology for the study.

After conducting the research, the researchers found that MSU has reasonably accommodated students with disabilities. The university's Disability Resources Centre has assistive technologies to assist students with disabilities in their pursuit of tertiary education qualifications.

56 As above para 3.2.4 & 3.9.4.

However, although the Disability Resources Centre has assistive technologies for students with disabilities, the MSU Faculty of Law does not have assistive technologies to ensure that lecturers are delivered effectively for students with disabilities. This lack of infrastructure is a huge barrier to inclusive education for students with disabilities. Furthermore, stigmatisation by peers also hinders inclusive education in the MSU Faculty of Law. Moreover, the lack of professional training for educators to engage with students with disabilities is also a barrier to inclusive education.

Although, the MSU Faculty of Law faces challenges to inclusive education, the faculty has managed to incorporate inclusive education in the curriculum and pedagogy by ensuring that students with disabilities are involved in the classroom activities. Educators of the MSU Faculty of Law have also incorporated individualised accommodations to ensure that the specific needs of students with disabilities are met. Furthermore, the faculty has offered support to students with disabilities and educators have also ensured that they request feedback on the delivery of the curriculum. This has helped the educators to improve in their delivery of content to better meet the specific needs of the students and to be able to be more accommodative to students with disabilities. The Faculty of Law has also ensured that students with disabilities are accommodated in the admission and enrolment process. Be that as it may, more need to be done to ensure that students with disabilities are reasonably accommodated in line with the UNSDG4.5 by 2030.

12.1 Recommendations / implications

The researchers propose the following recommendations for the effective implementation of inclusive education for students with disabilities in MSU Faculty of Law:

12.1.1 Professional training

The researchers propose that the MSU Disability Resource Centre must provide regular training to all the university's educators to ensure that the members are well vested in the Disability Unit Policy and on how to handle students with disabilities to ensure the realisation of inclusive education in line with the UNSDG4.5. In so doing, the MSU Disability Resource Centre will not only raise policy awareness, but also ensure that

the university's educators are trained to be more sensitive to students with disabilities and thus ensuring that the learning environment is more friendly and favourable for students with disabilities.

In addition, the university must make it compulsory for educators to receive professional training in handling students with disabilities. Having experience in sign language and braille will be a step further in the realisation of inclusive education for students with disabilities. This will ensure that the rights of the students are respected, promoted and realised.

12.1.2 Provision for supportive materials and assistive technologies

The provision of supportive materials and assistive technologies must be made a pre-requisite of module pack preparations before the semester starts. This allows the students to engage with the learning material easily and effectively during the duration of school term.

Furthermore, it is important to mention that the MSU Disability Resource Centre is situated in another campus, which might be costly for the students to travel and collect assistive technologies for use during classroom lectures and return after lectures. As such, it should be more effective if the Law Library made provision for supportive materials and assistive technologies such as braille literature.

12.1.3 Support

Educators must be encouraged to work closely with the MSU Disability Resources Centre for any relevant assistance that the students might need. For example, in ensuring that inclusive education is achieved when students take an in-class test, the educators can liaise with the Disability Resource Centre to ensure that the test is suitable to the individual student's needs. In so doing, the educators will be acting in a non-discriminatory manner and the students will appreciate that they are on the same footing with students without disabilities.