



The Teaching and Learning of Sign Language at the University of Zimbabwe

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Abstract: This study examined the teaching and learning of Zimbabwean Sign Language at the University of Zimbabwe (UZ) in order to ascertain the extent to which the University guarantees the educational linguistic human rights of deaf and hearing impaired students. To this end, the study employed document analysis, non-participant observations and semi-structured interviews with purposively sampled officials at the UZ and deaf and hearing impaired students. The study established that the University does not have explicitly written, collated and consolidated language policies. The covert language policies do not guarantee deaf and hearing impaired students' access to education in Sign Language or other forms of communication suitable for them. The University's Disability Support Services does not have resource persons to assist deaf and hearing impaired students. In subtle ways which include proscription, avoidance, neglect and non-recognition of Sign Language, deaf and hearing impaired students are linguistically excluded at the UZ. The study therefore recommends that the University should adopt inclusive language policies which guarantee educational linguistic human rights for deaf and hearing impaired students. This will ensure that the University implements the provisions of Sections 6 (3) (b) – (4), 22 (3) (c) and 63 of the Constitution of Zimbabwe which uphold the respect for linguistic human rights.

Keywords: Deaf; Language Policy; Sign Language; hearing impaired; Educational Linguistic Human Rights.

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Introduction

The role of language and access to language skills are critical in ensuring the right of students to realise their full potential. Language has been and continues to be a barrier to access and success in Zimbabwe, especially for Persons with Disabilities. One of the challenges facing Zimbabwean higher and tertiary education is to ensure the simultaneous development of a multilingual environment in which all the officially recognised languages are developed as academic languages while at the same time

ensuring that the existing languages of instruction do not serve as a barrier to access and success. It is therefore, against this background that this study examined the apparent adequacy or lack thereof, of the provisions of the UZ language policies in guaranteeing the educational linguistic human rights of the deaf and hearing impaired students.

Zimbabwe has ratified international declarations, treaties, covenants, conventions and charters which guarantee the right to education for Persons with Disabilities (PWDs). According to United Nations

(1948), paragraph 1 of 26 of the Universal Declaration of Human Rights, everyone has right to education. Section 2 (2) of the Universal Declaration of Human Rights (United Nations (1948) states that everyone is entitled, without discrimination and, in particular, without discrimination based on language, to fundamental rights and freedom. Similarly, United Nations (2006) in Article 24 of the Convention on the Rights of Persons with Disabilities mandates state parties to adopt appropriate measures to ensure that PWDs have access to education in the most appropriate languages and modes of communication suitable for them. The United Nations (1966) International Covenant on Economic, Social and Cultural Rights also recognizes the right of everyone to education, as does paragraph 1 of 28 of the United Nations (1989) Convention on the Rights of the Child, which mandates signatories to fulfill the right to education and ensure that it is enjoyed by everyone on an equal basis.

The basic right to education is also enshrined and guaranteed in continental human rights treaties such as the African Charter on Human and Peoples' Rights, which stipulates that every individual shall have the right to education. The African Union (1990) also enshrines and entrenches this basic right to education.

Significantly, the Zimbabwean government has gone a step further to domesticate the stipulations of these international and regional declarations, treaties and charters in the Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013), National Disability Policy (Government of Zimbabwe, 2021) and National Development Strategy 1 (Government of Zimbabwe, 2021).

However, as Skutnabb-Kangas (1998); Skutnabb-Kangas (2003) and Skutnabb-Kangas (2006) rightly observed, the legislative instruments which enshrine the right to education do not include this right in one's language of choice. Research is unequivocal that the right to education is void if there is no reference to the right to mother tongue education. An educational policy that fails to guarantee access to education in the mother tongue effectively denies the right of access to education, especially given that language in education is central to the realization of this right (Skutnabb-Kangas, 1998; Skutnabb-Kangas, 1999; Skutnabb-Kangas 2000; Skutnabb-Kangas, 2003; Skutnabb-Kangas 2006;

May, 2001; May 2006; Henrard, 2003; Paulston & Hiedemann, 2006; Skutnabb-Kangas & Heugh, 2010; Skutnabb-Kangas & Dunbar, 2010; Ndlovu, 2013).

Ouane (2010) adequately captures the centrality of language-in-education as follows: Language is not everything in education, but without language everything is nothing in education. In this regard, there is no education without language. If the right to education is perceived as an indispensable human right, then the right to mother tongue medium education is a necessary prerequisite to the right of access to education. Mother tongue education has to be guaranteed as a human right (Skutnabb-Kangas, 2000; Skutnabb-Kangas, 2003; Skutnabb-Kangas, 2006; Kamwendo & Kachiwanda, 2002; Henrard, 2003; Paulston & Hiedemann, 2006; Skutnabb-Kangas & Dunbar, 2010; Skutnabb-Kangas & Heugh, 2010; Ndlovu, 2011; Ndlovu, 2013). For the Deaf and hearing impaired, Sign Language is not only their primary means of communication, but is also the most appropriate language of education. Consequently, their right to higher and tertiary education is void if no reference is made to their right to education in Sign Language. Against this background, this study examined the extent to which the University of Zimbabwe's language-in-education policy guarantees the deaf and hearing impaired students' educational linguistic human rights.

Theoretical Framework

This study used the critical theory to examine the role that language policies and language-in-education policies in higher and tertiary education play in establishing, entrenching and perpetuating inequality among students. The critical theory was propounded by Tollefson (1991) who argued that language policies favour majoritarian or dominant interests at the expense of the minority and non-dominant interests. The author further notes that these interests are often implicit and enmeshed in hegemonic ideologies, which, in effect, have become widely accepted. The goal of critical theorists is to uncover these ideologies and associated policies in order to bring about social change and justice.

Critical theorists study how language-in-education policies give rise to inequalities among students by marginalising some students while granting privileges to others. They examine how these policies serve the interests of the dominant/majority groups within societies and how

linguistic minorities can further their interests by attempting to change language-in-education policies. According to critical theorists, language-in-education policies determine which linguistic groups are disenfranchised and denied their right to education and educational linguistic human rights (Tollefson, 1991; Tollefson, 2002; Tollefson, 2006; Fairclough & Wodak, 1997; Tsui & Tollefson, 2004; Mwaniki, 2004; Mwaniki, 2012; Shohamy, 2006; Wodak, 2007; Lo Bianco, 2009; Abdelhay et al., 2011; Ndlovu, 2013).

Critical theory involves social activism where researchers are not only expected to understand how majority/dominant groups use language to establish, maintain, perpetuate and entrench social hierarchies, but also to investigate ways of altering these hierarchies. Critical scholars hold the view that the process of policy planning involves the institutionalization of selected languages in certain domains, which constitute the basis for the inclusion and exclusion of certain groups. Language-in-education planning and policy are viewed as key mechanisms for locating language within social structures so that they determine who has access to educational opportunities, political and economic power and resources. Languages that have been accorded a particular institutional status become instruments of power, thus rendering the excluded powerless (Tollefson, 1991; Tollefson, 2002; Tollefson, 2006; Fairclough & Wodak, 1997; Tsui & Tollefson, 2004; Shohamy, 2006; Wodak, 2007; Lo Bianco, 2009; Abdelhay et al., 2011; Ndlovu, 2013). Based on these key tenets of critical theory, this study provides an appraisal of the policy documents which regulate language use at the UZ in order to examine the extent to which these documents guarantee the educational linguistic human rights of the Deaf and hearing impaired students.

Language in Higher and Tertiary Education

Education is crucial to human development, upward social mobility, success and access to well-paying jobs. It is a fundamental human right which is key to the future lives of citizens. As such, citizens' equal access and opportunities to education irrespective of their language, ability or disability is a necessity. Education frees people from the cultural imprisonment of illiteracy and allows them access to the social production process and to also deploy their talents more innovatively. Education is thus a powerful tool in reducing inequality and poverty (Bamgbose, 1991; Hartshorne, 1992; Prah, 2000;

Bruns et al., 2003; Faller, 2008; Kendall & Benson, 2008; Ndlovu, 2013).

Denial of access to and success in education perpetuates a vicious cycle of poverty, which leaves the affected citizens unable to fulfil their human potentials and gain meaningful employment. Being deprived access to higher and tertiary education is a major contributor to social, economic and political marginalisation. Adegbija (1994) rightly observes that illiteracy in which the language factor is a crucial impediment hampers the development of human capabilities. It is the root cause of exclusion and marginalisation. It also creates classes of citizens – the included and the excluded. By virtue of their level of education, the included are able to operate easily in the mainstream language(s) and political power, while the excluded are relegated to the lower rungs of the social ladder and are condemned to a vicious cycle of poverty (Bamgbose, 2000).

The medium of instruction in education is therefore one of the tools of exclusion since in most cases, some students' primary means of communication are excluded from the list of official languages of higher and tertiary institutions. Access to and success in higher and tertiary education is curtailed for students whose languages are excluded in teaching and learning. Access to education must therefore entail access to all levels of education that equip all citizens with the capacity to engage in lifelong productive ways of earning a living, irrespective of their language.

Despite this global consensus on the importance and all-encompassing role of educational linguistic human rights and their centrality to the enjoyment of the right of access to and success in higher and tertiary education, Africa is still lagging behind in terms of progress towards achieving this goal, particularly among the deaf and hearing impaired students (Faller, 2008; Ndlovu, 2013; Ndlovu and du Plessis, 2018). In the light of the above submission, this study provides an appraisal of the policy documents which regulate language use at the UZ in order to examine the extent to which they guarantee the educational linguistic human rights of the deaf and hearing impaired students. The article argues that the language of education in higher and tertiary education can be a major barrier to access to and success in education for the deaf and hearing impaired students.

Methodology

Research Design

The study purely used a qualitative single case study design. It focused on the University of Zimbabwe, the country's oldest, biggest and national university. The University of Zimbabwe was chosen out of all the other state universities because it is the oldest and biggest national university which must provide direction and be exemplary to all the other universities in the country.

Population and Sampling

Participants in this study were the purposively selected deaf and hearing impaired University students, lecturers, officials in the office of the Dean of Students and at the Disability Support Services and officials in the office of the Registrar, the Deputy Registrar for Academic and the Pro Vice-Chancellor for Academic Affairs.

Instruments

The research used semi-structured interviews which were conducted with purposively sampled lecturers, Deaf and hearing impaired students, the Registrar, the Deputy Registrar for Academic Affairs and the Pro Vice-Chancellor for Academic Affairs. Purposively sampled officials in the office of the Dean of Students and at the Disability Support Services were also interviewed. These participants were interviewed to ascertain the policy position on the status of Sign Language and the implications of the policy position and practice on the Deaf and hearing impaired students' educational linguistic human rights.

The study also analyzed such documents as Constitution of Zimbabwe Amendment (No. 20) Act (Government of Zimbabwe, 2013), National Disability Policy (Government of Zimbabwe, 2021), National Development Strategy 1 (Government of Zimbabwe, 2020), General Academic Regulations for Undergraduate Programs (University of Zimbabwe, 2015), General Academic Regulations for Undergraduate Programs (University of Zimbabwe, 2020) and Disability Support Services (DSS) Disability Policy (University of Zimbabwe Student Charter(n.d a) and University of Zimbabwe Quality Assurance Guidelines – Student Charter (n.d b) were analyzed. These documents were analyzed in order to examine the apparent adequacy or lack thereof, of their provisions in guaranteeing the educational linguistic human rights of Deaf and hearing impaired students. Newspaper articles from Zimbabwe's leading print and electronic news outlets were also

purposively sampled and analyzed. The targeted articles have reported on the issues under study, and were therefore a vital source of information on the issues under study. These articles provided important stakeholders' views on the subject matter, thereby availing a feel of the public discourse around the issues under study. Disclosed and undisclosed non-participant observations at the UZ on what actually happens on the ground in terms of the use and teaching of Sign Language were employed to corroborate data from interviews and document analysis.

Validity and Reliability

The study employed a multi-method approach to data collection in which a variety of data collection instruments were used to ensure triangulation of data. Interviews with a variety of participants and the use of various sources of data also facilitated triangulation of results, validity and reliability. Data was presented, analysed, interpreted and discussed using the thematic approach.

Ethical Considerations

The study was carried out with full adherence to all the ethical requirements for conducting academic research. The researchers sought clearance from university authorities and all research ethics, namely treating the participants with respect and dignity, seeking informed consent from all the participants, voluntary participation, strict adherence to confidentiality and anonymity, communicating results honestly and credibly and avoiding plagiarism as well as fabrication of data.

Results and Discussion

This section presents the results in relation to the research questions. It also includes the inductive and deductive qualitative analysis, interpretation and discussion of the data using the adopted theoretical framework.

Constitution of Zimbabwe Amendment (No.20) Act

There are 16 officially recognized languages in Zimbabwe, namely, Chewa, Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, Sign Language, Sotho, Tonga, Tswana, Venda and Xhosa. Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013) stipulates that the State and all institutions and agencies of government, state universities included, must ensure that all the officially recognized languages are treated equitably and that they

should take into account the language preferences of people affected by governmental measures or communications. The document further states that the State must promote and advance the use of all languages utilized in Zimbabwe, including Sign Language, and must create conditions for the development of those languages. These provisions are rendered using the firm and obligatory deontic use of the legal term *must*, which expresses the mandatory use, development and equitable treatment of all the officially recognized languages, including Sign Language (Government of Zimbabwe (2013).

The provisions of Section 6 (3) (b) entrench linguistic human rights in their varied forms for all Zimbabweans since they mandate the State and all institutions and agencies of government at every level to take into account the people's language preferences. In Section 6 (4), the Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013) also provides a legal ground for enforcing the use and development of the Zimbabwean Sign Language, and as such language policies and language-in-education policies in higher and tertiary institutions should champion these constitutional ethos and engender this culture of constitutionalism. Thus, recognition of the multilingual nature of the nation should cause government and all institutions and agencies of government at every level to be sensitive to any form of preferential treatment of any language(s).

At face value, the afore-cited clauses of the Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013) gives the impression that the Constitution champions linguistic human rights. The major limitations of Section 6 of the Constitution are that it falls in the realm of what Bamgbose (1991; Bamgbose, 2000) calls 'declaration without implementation'. Firstly, this policy is declared although policy makers are aware that circumstances do not allow for its implementation. In our view, this possibly explains the shift from official language status to officially recognized languages (See: Section 6 of the Government of Zimbabwe (2012). The declaration of a policy without adequate provision of resources for its implementation is tantamount to maintaining the status quo.

Secondly, the policy was declared, but mechanisms for its implementation were left unspecified and no institutional support structures and policy frameworks were put in place to give effect to the

constitutional provisions. The policy is neither accompanied by sanctions to discourage non-compliance, nor incentives to promote compliance. Implementing agents can ignore or selectively implement policy directives, especially when there are no penalties attached to them. In the absence of implementation procedures, watchdogs, resources, institutional structures and policy frameworks, legal sanctions and incentives, the Constitution becomes a mere statement of intent or state propaganda (Georgiou et al., 2010). The presence of the aforementioned promotes a general goodwill towards change among implementing stakeholders and discourages a *laissez-faire* implementation of the policy by stakeholders. There is therefore a need for the language legislation to be accompanied by supporting legislations which will give effect to constitutional provisions and sanctions as well as incentives to discourage non-compliance and encourage compliance (Bamgbose, 1991; Bamgbose, 2000; Bamgbose, 2007; Mwaniki, 2004; Georgiou et al., 2010; Ndlovu, 2013).

On a positive note, Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013) is among the few on the continent to acknowledge Sign Language. It also outlaws the language and disability-based discrimination as evident in Section 56 (3). However, despite these stipulations, the deaf and hearing impaired students at the UZ are excluded in spite of the fact that the document outlaws discrimination on grounds such as language and disability, among others. Observations, corroborated by data from document analysis and interviews revealed that Sign Language is neither a language of instruction nor a subject at the UZ. The non-teaching of Sign Language at the UZ constitutes a major violation of the provisions of Section 6 (3) (a) and (4) of the constitution Government of Zimbabwe (2013) which mandates universities to advance the use and development of Sign Language. A language that is not used in higher and tertiary education will not develop appropriate vocabulary and expression for discussing concepts. This affects other domains (Adegbija, 1994; Bamgbose, 1991; Bamgbose, 2000; Bamgbose, 2007; Webb, 2002; Annamalai, 2004; Batibo, 2005; Benson, 2005; Ndlovu, 2013).

The non-teaching of Sign Language and lack of its recognition as a language of instruction and subject at the UZ constitutes a violation of Section 6 (3) (b) of the Constitution Government of Zimbabwe (2013). The provisions of the policy documents

which enshrine the UZ's language policy and language-in-education policy do not take into account the deaf and hearing impaired students' language preferences. The failure by the University to offer Sign Language as a subject contributes to the vicious cycle of the non-development of Sign Language. This also constitutes the University's failure to promote and advance the use of Sign Language. It is also a reflection of the University's failure to implement the demands of Section 6 (4) of the Constitution which argue for the creation of conditions for the development of Sign Language.

The failure by the UZ to offer Sign Language as a subject reflects the University's failure to respond to societal needs and growing market demands for Sign Language interpreters in Zimbabwean courts and health facilities. The Zimbabwean media has been awash with reports which make clear the desperate situation in the courts of law where cases involving the deaf are postponed owing to lack of Sign Language interpreters. The reports also indicate that in healthcare facilities, the deaf hearing impaired access to healthcare is compromised. These incidents constitute denial of justice because justice delayed, is justice denied as well as denial of access to health.

These failures also violate the provisions of Section 22 (3) (c) of the constitution Government of Zimbabwe (2013 which mandates institutions of government to encourage the use of forms of communication suitable for PWDs. Section 22 (1) of the Constitution stipulates that all state institutions and agencies of government must at every level recognize the rights of persons with physical or mental disabilities, in particular, their right to be treated with respect and dignity. This clause also mandates the State and all institutions and agencies of government at every level to assist PWDs to achieve their full potential and to minimize any disadvantages that PWDs may suffer.

One of the key ways of assisting PWDs to achieve their full potential is through affording them access to and success in higher and tertiary education using the language in which they are most creative and innovative, the language that they use the most and know best. However, sections 22 (2) and 83 of the Constitution undermine the case for the rights of PWDs in Zimbabwe insofar as developing their human potential and capabilities in concerned as shown in the following quotes below:

The State and all institutions and agencies of government at every level must, within the limits of the resources available to them, assist persons with physical or mental disabilities to achieve their full potential and to minimize the disadvantages suffered by them (Section 22 (2)).

"The State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realize their full mental and physical potential including measures."

"(f) to provide State-funded education and training where they need it. (Section 83)."

Inasmuch as these clauses contain a firm and obligatory declaration, must, they are diluted by the part which reads "...within the limits of the resources available to..."

According to Skutnabb-Kangas (1998); Skutnabb-Kangas (2003); Skutnabb-Kangas (2006), Bamgbose (2000) and Ndlovu (2013), this is a technical justification, modification or opt-out, which permits reluctant states, institutions and agencies of government to implement the stipulations of the Constitution minimally and to justify their failure by claiming that full implementation was not possible owing to lack of resources. As a result, PWDs are accorded what Skutnabb-Kangas (2006, p. 276) refers to as "vaguely defined rights," which they can enjoy only where resources are available. Their right to state-funded education and training in Section 83 (d) is not guaranteed in their language of choice, yet it is when education is offered in the most effective language for releasing creativity, initiative and productivity that it can help PWDs to acquire more capabilities, realise their full potential and become informed enterprising individuals.

Section 22 (3) (c) mandates the State and institutions and agencies of government at every level to encourage the use and development of forms of communication suitable for persons with physical or mental disabilities. The word encourage in 22 (3) (c) weakens the case for the deaf and hearing impaired as it implies that the use and development of the forms of communication is merely permissible and not enforceable and binding. It does not in the true sense of things oblige the above-mentioned to use and develop forms of communication suitable for PWDs.

Section 75 of the Constitution of Zimbabwe Amendment (No.20) Act Government of Zimbabwe (2013 enshrines the right to education. Section 75 (1) (b) states that every Zimbabwean has a right to further education, which the State through reasonable legislative and other measures, must be available and accessible. Section 75 (4) mandates the State to take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realization of the right set out in subsection (1). The right to education is not guaranteed in one's language of choice and, as earlier indicated, the right, if it is not guaranteed in one's language of choice, is null and void. Any statutory document that fails to guarantee access to education in one's language of choice effectively denies the right of access to and success in education, especially given that language in education is central to the realization of this right, and that language can be a barrier to access to and success in education.

Moreover, in Section 75, the right to education is also contingent on the availability of resources as evident in the discretionary phrases, within the limits of the resources available to it. As a result, the actual implications of this provision are not as far-reaching as they appear to be. The negative formulation of these provisions places no positive obligation on the State to protect and implement this right (Skutnabb-Kangas, 1998; Skutnabb-Kangas, 1999; Skutnabb-Kangas, 2000; Skutnabb-Kangas, 2003; Skutnabb-Kangas, 2006; May, 2001; 2006; Henrard, 2003; Paulston & Hiedemann, 2006; Skutnabb-Kangas & Heugh, 2010; Skutnabb-Kangas & Dunbar, 2010; Ndlovu, 2013).

Section 75 (1) (b) and 4 mandates the State to take reasonable legislative and other measures to achieve the progressive realization of the right to further education. However, interviews with selected officials at the UZ corroborated with observations of the Ministry's policies, show that the parent Ministry and the University do not have legislations which give effect to the provisions of Sections 6, 22, 56 and 75 of the Constitution in relation to language in education. This can be a barrier to access to and success in education.

The National Disability Policy

The enactment of the National Disability Policy (NDP) is a step in the right direction, especially given that the Disability Act is extremely weak in fulfilling, promoting, enforcing, protecting and fostering the respect of the rights of PWDs. The NDP outlaws

discrimination against PWDs on the basis of their disability in all matters concerning all forms of recruitment, enrolment and career advancement (Section 3.2.1). It also requires all levels of the education system to ensure an inclusive education system of appropriate standards (Section 3.9.2). It further states in Section 3.9.5 that PWDs must receive individual support they require to facilitate effective education in environments that maximize academic and social development, including that of deaf and hearing impaired students. In Section 3.9.6, the NDP obliges all levels of education to deliver education in the most appropriate languages, modes as well as means of communication suitable for them. An analysis of the UZ's practices and policies clearly reveals the violation of these afore-mentioned provisions.

The NDP further states that all levels of education must ensure the learning of Zimbabwean Sign Language and the promotion of the linguistic identity of the deafs' community. As earlier stated, this is not the case at the UZ.

The NDP also states that continuous professional development on disability must be compulsory for staff and a disability resource center must be established at every educational institution to cater for members of staff and students with disabilities (Sections 3.9.14; 3.9.15). At the UZ, there have been no such programs. Section 3.9.20 of the NDP states that educator training programs must include a module on the use of appropriate augmentative and alternative modes, means and formats of communication, including educational techniques and materials to support PWDs. The NDP also mandates educational institutions at all levels to ensure the employment of teachers and staff, including educators and staff with disabilities who are qualified in the Sign Language (Section 3.9.21). An audit of the UZ staff profiles shows that the institution does not have deaf lecturers or those with hearing impairments. Officials at DSS noted that the NDP is not legally binding like an Act, and expressed that it would have been better if this policy was an Act, which they deem to be more forceful, legally binding and whose contravention attracts litigation.

The Language Policy and Language-in-Education Policy of the Ministry

Unlike the Ministry of Primary and Secondary Schools, the Ministry of Higher and Tertiary Education does not have a language policy or a

language-in-education policy governing the operations of higher and tertiary institutions. Tertiary institutions, in collaboration with their parent Ministry, need to put in place an explicitly written inclusive language-in-education policy. A written policy is preferable since its weaknesses can be examined and suggestions can be made for modifications (Bamgbose, 1991; Bamgbose, 2000; Ndlovu, 2011; Ndlovu, 2013). Moreover, in order for the Ministry of Higher and Tertiary Education to do justice to inclusive education and the educational linguistic human rights of abled and disabled students alike, it must ensure that its universities have language policies at their disposal, and that educational linguistic human rights are legally regulated.

Research is unequivocal that in multilingual settings without an appropriate language legislation, the natural tendency to exclude others and increase the social and economic power of the dominant language communities and the hegemony of their languages at the expense of linguistic minorities manifests itself unchecked. The Ministry and higher and tertiary educational institutions, therefore, must have a written language-in-education policy and ensure that educational linguistic human rights are legally regulated (Zvobgo, 1997; Zvobgo, 2007; Bamgbose, 2000; Ndlovu, 2011; Ndlovu, 2013). The absence of the said policies at Ministry level and at the UZ explains why Deaf and hearing impaired students are excluded.

Language legislation is necessary since the Constitution contains general principles about the right to education and language use rather than specific detail. It is therefore the task of the supporting legislative instruments to give content to the principles of the Constitution. These legislative instruments will ensure the effective implementation of the provisions of the Constitution. They will also define the nature and limits of these provisions and set out the procedures for their enforcement. Furthermore, they will serve as supplementary legislation, elaborate on these provisions and will be treated as the principal legal instruments defining and delimiting the scope and content of the constitutional provisions.

University of Zimbabwe's Language-in-Education Policy, Practice and Implications

Findings of this study revealed that the UZ does not have an explicitly written, collated and consolidated language-in-education policy. Its language-in-

education policy is enshrined in the University of Zimbabwe General Academic Regulations for Undergraduate Programmes University of Zimbabwe (2020), the University of Zimbabwe Student Charter (n.d a) and the Disability Support Services (DSS) Policy (University of Zimbabwe (2020). Interviewed officials at the UZ indicated that language use at the University is also regulated by the Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013). Document analysis of the statutory instruments which enshrine the UZ's language-in-education policy showed that the UZ has not aligned its implicit language-education policy with the language provisions of Constitution.

Observations and interviews with officials at the UZ also revealed that there are existing inequalities that impede people with certain disabilities from having better access to education. Interviewed officials and deaf as well as hearing impaired students at the UZ indicated that since 2003 to date, not more than 10 deaf and hearing impaired students have been enrolled at the UZ due to the violation of their educational linguistic rights across all the levels of the education system. UZ Officials and deaf as well as hearing impaired students indicated that there are no dedicated language-related support services or personnel available for the Deaf and hearing impaired at the UZ Disability Support Services, despite the fact that the University has students with this form of disability.

Interviewed Deaf and hearing impaired students expressed that their lecturers are not conversant with issues of disability, making it difficult for them to effectively teach deaf and hearing impaired students. They indicated that the Covid-19 pandemic compounded their learning problems as compulsory masking made it very difficult for them to follow lectures since they made it impossible to lip-read the lecturers and fellow students in class: "...There is one student at the UZ who is deaf totally; she can't use sign language, but is accurate in lip reading. However, with face masks being a mandate in lectures, it is tough to lip-read under such conditions."

This gap also makes clear the need for lecturer training programs about disability, the use of appropriate augmentative and alternative modes, means and formats of communication, inclusive educational techniques and materials to support PWDs. This makes it clear that the UZ Quality

Assurance and Professional Development Directorate should include units on disability in its professional development module, 'Cultural and Diversity Sensitivity' module for lecturers. The University must also ensure that its DSS has qualified staff to cater for deaf and hearing impaired staff and students. It also emerged that the University does not have Deaf and hearing impaired academic and support staff members. This makes clear the need for the University to employ lecturers and support staff, including deaf and hearing impaired lecturers who are qualified in the Sign Language as required by the NDP.

English is the official language of administration and instruction at the University of Zimbabwe as spelt out in the General Academic Regulations. Judging from the overt and covert practices of the UZ, as well as data gathered through interviews, document analysis and observations, it was noted that Sign Language is not an official language at the UZ. It is taught as a short course at the UZ Department of Teacher Education. It is also offered as an optional language major in the BA Honours in Translation and Interpretation Studies in the Department of Languages, Literature and Culture, and is taught as a University-wide optional language beginner's module.

General Academic Regulations for Undergraduate Programs (University of Zimbabwe, 2015, p.17) stipulate that as part of the University's entry requirements, a candidate shall have passed English Language at 'O' Level or should be proficient in the use of English or its equivalent. The Regulations are completely silent on the use of Sign Language as a language of instruction or its teaching as a subject. The Regulations merely state that, "Students with other disabilities will be offered services when they ask for them" (p. 7).

General Academic Regulations for Undergraduate Programs (University of Zimbabwe, 2020) are completely silent on the English requirements, yet the application form and prospectus indicate that Ordinary Level English is a mandatory requirement for all UZ undergraduate programmes. The University seems to have preferred the avoidance technique to free itself from possible 'unpleasant' political and otherwise consequences of such a pronouncement which some sections of society might find objectionable in a heritage-based Education 5.0 curriculum. In addition, the 2020 Regulations In addition, the General Academic

Regulations for Undergraduate Programs (University of Zimbabwe, 2020) in Section 4.6.9 do not outlaw discrimination on grounds of language and disability. They only mention gender, class and religion, yet language and disability can be key sources of exclusion and are key variables in the inclusivity discourse. This section must engender the ethos of Section 56 of the Constitution of Zimbabwe Amendment (No.20) Act (Government of Zimbabwe, 2013) which outlaws discrimination on grounds of disability and language.

According to Bamgbose (2000, p. 9), language requirements are an effective means of exclusion. By way of example, in the section on language of education and admission requirements, the General Academic Regulations for Undergraduate Programs (University of Zimbabwe (2015) and the General Academic Regulations for Undergraduate Programs (University of Zimbabwe, 2020) mention English, but no provision is made for Sign Language, except for the BA Honours in Translation and Interpretation Studies. An analysis of the UZ's policy documents which enshrine the University language policy and language-in-education policy reflects that the Deaf and hearing impaired are excluded in two ways, namely, through official language and through exclusion stemming from a lack of a shared medium of instruction.

These mentioned provisions violate the NDP which outlaws discrimination against PWDs on the basis of disability in matters concerning all forms of recruitment, enrolment and career advancement (Section 3.2.1). They also violate the provisions of the NDP which mandate all levels of the education system to ensure an inclusive education system of appropriate standards (Section 3.9.2). Further, they violate the provisions of Section 3.9.5 of the NDP which states that PWDs must receive individual support so as to facilitate effective education in environments that maximize their academic and social development, including that of Deaf and hearing impaired students. Additionally, the provisions violate Section 3.9.6 of the NDP which obliges all levels of education to deliver education in the most appropriate languages, modes as well as means of communication suitable for them.

The exclusion of the Deaf and hearing impaired owing to their lack of familiarity with the official language of the University is one of the key impediments affecting access to and success in education. This exclusion manifests in the inability

of the deaf and hearing impaired students to enrol at the University on the grounds that they do not meet the language entry requirements. The second form of their exclusion arises from lack of a shared medium of instruction, especially in terms of enrolment at the institution. Sign Language is not acknowledged as a language of instruction at the UZ, and the DSS does not have intermediaries for the deaf and hearing impaired students.

Interviewed deaf and hearing impaired students expressed that they feel excluded in lecture rooms. One of these students noted that;

...since I'm the only deaf student in my class, lecturers can even forget that there is one who is hearing impaired so the aid is actually minimal...this, however, is a huge drawback for me as it is so hard at times to follow lectures when you can't hear...I miss out on crucial notes that would be beneficial. As a result, most times I bunk lectures and actually do my own research...however this is also difficult at times and is a huge drawback for me.

Another student reported that "I feel so bad as lots of information skips me, yet lecturers are not in a position or mood to make sure I received the details as other students."

Language proscription, particularly in view of Sign Language at the UZ, is both covert and overt. The explicit and implicit UZ language-in-education policy is an indication of this, given that the UZ's language-in-education policy recognises and favours certain languages over others. According to Bamgbose (2000), although this is not often overtly stated, languages not specifically mentioned in a policy document or regulation are either merely tolerated or simply proscribed. As Bamgbose rightly observed, language proscription leads to exclusion, marginalisation and the violation of the concerned speakers' educational linguistic human rights.

The exclusion of deaf and hearing impaired students at the UZ can therefore be explained as exclusion through illiteracy, which results from exclusion arising from lack of a shared medium as well as through official languages in higher and tertiary education. This form of exclusion is an impediment to access to and success in tertiary education and

national development, among other things. These forms of exclusion manifest in ways such as the inability to participate in an education system in which Sign Language is not among the official language(s) of instruction. The use of an unfamiliar language of education naturally deters potential applicants from submitting applications for admission. While there may be other factors at play, the choice of language(s) of instruction and entry requirements at the UZ are possibly the main areas of exclusion for the Deaf and hearing impaired students. This is further compounded by the fact that the University does not have educational Sign Language interpreters who can enable these students' participation where their language is not an official language or language of instruction.

Inasmuch as the UZ undertakes to provide services to the PWDs, it does not provide language services and forms of communication suitable for deaf and hearing impaired students. One student noted that;

Not much is present at the University of Zimbabwe to support hard of hearing students or those who are deaf. At the DSS department, there is not any individual who can speak s(S)ign l(L)anguage and is able to help anyone who is deaf if need be.

Another student revealed that

Honestly, apart from the scholarship that helps me gain access to education, I can't really say the University is fully equipped to cater for hearing impaired students...lecturers can even forget that there is one who is hearing impaired so the aid is actually minimal.

One more student revealed that

I do lip reading, but am in need of hearing aids soonest given this pandemic season everyone will be closing their mouth with masks (masks)...I need hearing examination to determine whether there is need for hearing aids fitting. As for me personally, provision of hearing aids or to be assisted to buy one since I do not have funds it be the best solution.

Document analysis, as well as observations and interviews with officials and deaf and hearing impaired students revealed that the University does

not have special facilities and resources for the education of deaf and hearing impaired students. The DSS at the UZ as provided for in the Student Charter (University of Zimbabwe Student Charter (n.d a) does not refer to services for deaf and hearing impaired students, a clear sign that they are excluded. This constitutes a violation of the provisions of Section 3.9.5 of the NDP which states that PWDs must receive individual support to facilitate effective education in environments that maximise academic and social development, including that of deaf and hearing impaired students. Furthermore, it violates Section 3.9.6 of the NDP which obliges all levels of education to deliver education in the most appropriate languages, modes as well as means of communication suitable to the recipients.

The University of Zimbabwe Student Charter (p. 2; p. 9) and the Quality Assurance Guidelines – Student Charter (p. 3; p. 8) state that the University has a zero-tolerance policy against discrimination and segregation of students with disabilities. These documents thus outlaw discrimination on grounds of disability condition and guarantee fair and equal treatment in admission processes with regards to PWDs. However, practice and policies at the UZ show the opposite in view of the Deaf and hearing impaired. Sign Language is neither an official language nor a language of instruction at the UZ. It is not an entry requirement and it is not offered as a subject at the UZ. There are no resource persons to assist deaf and hearing impaired students at the University.

In 2020, the University adopted the Disability Support Services (DSS) Policy (University of Zimbabwe Student Affairs Division, 2020). The Policy states that the DSS is a hub of inclusive education and a source of support for students with various disabilities. It also states that the unit ensures the inclusion of students with various forms of disability, and also creates accessible learning environments, including interpreting services. However, interviews with deaf and hearing impaired students and the UZ officials and teaching staff revealed that the policy is a case of declaration without implementation since deaf and hearing impaired students are linguistically excluded. This was further corroborated through document analysis of the UZ policy documents. Officials from the Student Affairs Division acknowledged the gap between policy and practice and admitted that the University still needs to do a lot of work to ensure inclusivity insofar as deaf and

hearing impaired students are concerned. With the exception of officials from the Student Affairs Division, interviewed participants of this study expressed ignorance of the Disability Support Services (DSS) Policy (University of Zimbabwe, 2020).

The majority-minority dichotomy in multilingual situations has been an inherent source of exclusion of minority groups (Bamgbose, 2000; Bamgbose, 2007; Skutnabb-Kangas, 2006; May, 2006; Skutnabb-Kangas & Dunbar, 2010; Ndlovu, 2013). In multilingual contexts such as the UZ, the so-called minority language speakers are excluded through the neglect of their languages in covert and overt policies. The population size of a linguistic group is decisive in determining the specific demands that it can make upon the State. Higher speaker numbers confer security. The State tends to provide education in a particular language to linguistic groups of a certain size and only in those areas where such groups have a certain level of concentration (Adegbija, 1994; Siemienski, 1997; Henrard, 2003; Paulston & Heidemann, 2006; Ndlovu, 2013). Owing to the supposedly small population size of the Deaf and hearing impaired in Zimbabwe, their linguistic exclusion at the UZ has gone unnoticed and unchallenged. There is therefore a need for adequate language policies in multilingual contexts to provide for appropriate, but not always identical roles for all languages and eliminate cases of exclusion (Bamgbose, 2000; Bamgbose, 2007; Skutnabb-Kangas, 2006; May, 2006; Skutnabb-Kangas & Dunbar, 2010; Ndlovu, 2011; Ndlovu, 2013).

In order for the deaf and hearing impaired students to be integrated in higher and tertiary education, there is need to have educational Sign Language interpreters and trained Sign Language experts. The linguistic exclusion of the deaf and hearing impaired at the UZ denies them the opportunity for self-empowerment and participation and also violates their right to education as well as their educational linguistic human rights. It denies them their constitutional right of access to further education. It also violates the provisions of Section 6 (3) (b) – (4), 22 (3) (c) of the constitution, and denies them access to and success in education.

The provisions of the UZ language policies and practice also violate the NDS1 aspirations of ensuring improved access to quality and inclusive education of not leaving no-one behind and of

promoting the use of indigenous languages in education, including Sign Language. The provisions of the UZ language policy and practice also violate the provisions of the NDP and related international, continental and regional instruments which outlaw the discrimination of PWDs and violation of their right to education and their educational linguistic human rights.

Conclusions and Recommendations

Conclusions

It is evident from the findings of this study that the University of Zimbabwe, like the parent Ministry, does not have an explicitly written and collated language-in-education policy. Deaf and hearing impaired students are excluded at the UZ. This exclusion stems from the provisions of the statutory instruments which enshrine the institution's language-in-education policy and practice. Sign Language is not an official language at the UZ. This means that it is neither offered as a subject nor used as a language of instruction. The UZ's DSS does not have personnel to assist deaf and hearing impaired students – an indication of the University's unpreparedness to enrol Deaf and hearing impaired students. These findings indicate that in subtle ways which include proscription, avoidance, declaration without implementation, neglect and non-recognition of Sign Language, the UZ's language policy and practice exclude deaf and hearing impaired students and curtail their access to and success in education, thus violating their educational linguistic human rights.

Exclusion of Sign Language at the UZ is the basis for social and linguistic discrimination and inequality. It constitutes a major barrier to education for the deaf and hearing impaired learners. Inclusive education, where no-one and no place is left behind cannot be meaningfully pursued without taking cognizance of Sign Language and forms of communication suitable for deaf and hearing impaired students, as it is these forms of communication that can unleash their creativity and innovation.

Recommendations

The study recommends that there is a need to adopt language policies at Ministry and institutional levels that promote the use of Zimbabwean Sign Language as a medium of instruction and its teaching as a subject in higher and tertiary education in Zimbabwe. The parent Ministry and the University of Zimbabwe need to formulate explicitly written inclusive language-in-education policies that

entrench and guarantee the educational linguistic human rights of deaf and hearing impaired students. These policies should take their cues from sections 6 (3) (b) and 22 (3) (c) and 56 of the 2013 Constitution of Zimbabwe Amendment (No.20) Act, and promote the use of all languages used in Zimbabwe including Sign Language.

The Ministry must enact disability legislations which fulfil, promote, protect, enforce and champion the respect of the rights of PWDs in order to eliminate the language-based discrimination and ensure that deaf and hearing impaired students have access to and success in education. The University must ensure that the DSS has competent staff members capable of providing support services to deaf and hearing impaired staff and students. The University should disseminate knowledge of the Disability Support Service Policy (University of Zimbabwe, 2020). This Policy should be taught alongside the NDP in modules run by the DSS and the Quality Assurance and Professional Development Directorate.

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