

STEERING COMMITTEE MEETING

MINUTE

18 MARCH 2019

The IRTC met with the Steering Committee on 18 March 2019 to officially release its report entitled:

“The Final Report by the Institutional Reconciliation and Transformation Committee (IRTC) of the University of Cape Town – March 2019”.

The Chair of the IRTC Steering Committee, Siphon Pityana, thanked the Commissioners of the IRTC, on behalf of the university community and Council, for undertaking this pressing task on our behalf and for delivering its final report. He emphasised that the report was intended to assist in the university’s endeavours to reconcile and transform. The report signalled that the institution, through the co-operation of various stakeholders, had reached a new milestone. The Chair expressed deep appreciation for the role that everyone had played.

The Chair relayed the apologies of the Vice Chancellor who was out of the country.

The Chair of the IRTC, Mosibudi Mangena, handed over the IRTC report and urged the university to attend to the issues raised in the report. He clarified that the Commission worked mainly through submissions which totalled about 840 pages. The total number of [other? Or does this include the submissions?] documents reviewed included just under 1000 pages. The IRTC’s conclusions and recommendations were, however, developed primarily from the submissions and oral presentations made during the hearings.

Commissioner Yasmin Sooka presented the report to the Steering Committee on behalf of the IRTC.

She started with a historical outline that contextualised the events that led to the impasse and breakdown in 2016. The university reached agreement during that period to establish the IRTC. She referred to the IRTC’s terms of reference.

She outlined the recommendations of the IRTC with respect to amnesty as well as the limitations of the IRTC in respect of dealing with outstanding cases.

The IRTC recommended a total of 8 students for amnesty to the Steering Committee of 4 May 2018.

Commissioner Sooka also noted that the IRTC dealt with a range of other issues raised including racism, housing and mental health challenges, financial aid scheme, academic and support staff, protests and the right to peaceful protests. The IRTC offered a set of general recommendations at the end of the report, but also included further recommendations in many of the chapters.

The presentation of the report was followed by a question and answer session. The following matters were among those raised:

Amnesty: One member advised that one of the students was not granted amnesty and inquired from the Commission how that case would be addressed. The IRTC provided the reasons why amnesty was granted only to eight students.

Release of the report: Another member inquired into the public release of the report. The Chair confirmed that this meeting signalled the public release of the report and advised that the Steering Committee members would be requested to interact with their respective constituencies and get feedback on how to proceed with the report given that the Steering Committee would be giving recommendations to Council. The report would also be released on the UCT website.

Consideration of work already undertaken by the university: Another member inquired whether the IRTC considered submissions documenting the work undertaken by the university which was detailed in the Transformation Report.

Private security: One member inquired whether the report discussed the need for private security or whether the view of the IRTC was that Public Order Policing was sufficient. An IRTC Commissioner responded that the issue of private security was extensively covered in the report and, after careful thought, the IRTC concluded that it was unrealistic to recommend that private security never be invited onto the campus.

Management responsibility: A view was shared that the students paid a heavy price during protests while management had not been held responsible for making unwise decisions.

Outstanding cases: One member raised concern around the pending 2015-2016 cases. One of the IRTC commissioners responded that they had recommended that a special disciplinary tribunal be set up possibly consisting of three members of the IRTC.

Opportunity for parties to reply: The question was raised whether parties were given the opportunity to reply. The Commission restated that in terms of its methodology the process was open to all.

Closing comments

Steering Committee members expressed unhappiness at the short time provided to obtain feedback from constituencies before the meeting scheduled for 22 March, a date which had been scheduled to allow a feedback report to be disseminated to Council a week before the Council meeting where the IRTC report would be discussed. The committee nevertheless agreed to meet on the 22 March 2019. Members were reminded that the report (soft copy to follow) could be released to constituencies.

MINUTE OF THE STEERING COMMITTEE

22 MARCH 2019

The Chair welcomed the members and noted apologies.

The IRTC Steering Committee was quorate in that nine of the sixteen constituencies were represented.

Part 1 – General comments on the report:

A Senate representative indicated that Most of the responses were critical of the report. Chief amongst the criticism were the factual errors (there was apparently no fact-checking), a lack of understanding of the complexity of the issues and no recognition of the steps the university has taken to address these matters. The *recommendations* in the recommendations chapter were viewed as sensible and were not controversial.

A Dean's representative reported that the constituency also supported the recommendations and too found the substance of the report problematic noting that the report made factual findings by using a methodology in which oral and written submissions were its source of information and that these were untested. He pointed out that there was evidence available within the university which should have been used.

A Shackville/TRC representative agreed with the sentiment that more could have been done with the report and they felt that if the IRTC had more time it could have addressed the issue of how the university could deal with the structural issues for example around racism. He reported that the constituency agreed with the findings in the report.

A second Shackville/TRC representative indicated that the constituency welcomed the report. They were not in agreement with the views shared on the use of private security and that outstanding cases possibly be referred to the USDT. The Executive should also be held accountable for their role in the events that transpired.

A BAC representative indicated the constituency agreed, in general, with the contents of the report. The constituency felt that more details were required on the chapter dealing with Sexual Harassment and Sexual Violence and that it would be important to deal with the recommendation on outstanding student cases.

A representative of the Executive reported that the Executive did not wait for the outcome of the report to begin to address the concerns that existed. The transformation framework plotted the transformation plan against the strategic goals of the university. It addressed the six areas that ultimately speak to institutional culture change. Several of the issues highlighted in the report have been dealt with in a detailed, nuanced manner. Racism was dealt with for example beyond the interaction between people but also what the university looks like as a physical space, language, identity and the extent to which the university was an inclusive space. The Executive welcomed the recommendations put forward in the report and was prepared to expand on the current framework, as required. There was agreement with others that the report was factually incorrect for example the statement that residences were still allocated on historical privileges was unfounded. The Executive requested that the patterns of residence placement be assessed against real time data.

Like other constituencies, the Executive was also hoping to see guidance and an indication of concrete steps that could be taken to for example overcome racism. This was viewed as a critical viewpoint in that it would provide the institution with a much-needed *outsider's lense*.

The Executive representative further clarified that much work was done in preparation of the outstanding student cases where clear recommendations to the IRTC was made as to which cases to drop and those that would need to be heard. The Executive has a view on the cases.

A BAC representative expressed agreement for the adoption of the report given that the IRTC met its mandate as outlined in the Terms of Reference.

An Alumni representative called on the Steering Committee to consider carefully the time needed to deal with the report. The representative re-iterated the concerns around the outstanding student cases which were yet to be addressed. She also referred to a page 8 referencing the alumni submission highlighting the report inaccurately summarised the Alumni position in the sentence: ‘While we agree with this proposition of the alumni...’ and stated that she was unsure how this correction could be addressed.

A Council representative felt that it was important to address the issue raised by a PASS member re: complaint of a breach of confidentiality in naming persons in the report. Prof. Feris reported that the matter was being addressed with the complainant and awaited confirmation from her that confidentiality was requested. The IRTC was clear in its public communications that all submissions will be treated confidentially, where this was requested.

The Chair agreed with the view that in this instance, upon the request of the staff member, the Executive provide the necessary support to avert any backlash or victimisation within the department.

The Chair requested that members respond to the recommendations contained in the report:

Part 2 – Responses to the recommendations made in the report:

A BAC representative reported that the constituency formulated a recommendation that the outstanding cases against the students be withdrawn by Council as to re-open these cases will be against the spirit of restorative justice and that the three clemency cases not heard by the Commission be converted into amnesty. The BAC was not in favour of the alternative proposal made by the IRTC whereby three of its members would constitute and avail themselves to investigate these cases.

An Executive representative explained that Executive proposed that outstanding three amnesty cases be forwarded to Council to provide amnesty as the basis would be the same as the previous clemency cases for which amnesty was granted. In terms of the outstanding cases the recommendation to the IRTC was for several to be dropped and for other cases to be considered on a restorative justice basis, bar one. The Executive engaged the complainants on these cases explaining its recommendations to the IRTC. The Executive invited views on the matter from the Steering Committee.

A BAC representative supported the proposal from the Executive for the outstanding clemency cases to be converted to amnesty.

A Senate representative felt that it was not reasonable for amnesty to be considered without any details being shared. Senate wanted the outstanding cases to be dealt with.

A representative of Shackville TRC also supported the Executive’s recommendation on the three outstanding clemency cases.

The Chair advised that Council would not do a blanket withdrawal of charges without due process.

An Executive representative reported that in the case of amnesty cases the charges were like those whose charges were converted to amnesty (reference was made to page 19 of the report). With reference to recommendation 12, the Executive proposed that 12 of the 33 cases be withdrawn and

that one be either withdrawn or upheld. In event of the latter then this be referred to the IRTC for a hearing.

A Council member agreed with the proposal and for Council to follow the same process of announcing the amnesties as before, by not mentioning names but being specific about the charges.

The **Chair** guided that the Steering Committee afford the Executive time to work on its proposal and resubmit It to the Steering Committee.

The point was made by a **Shackville/TRC** representative to consider that some of these students were due to graduate in April 2019.

The **Dean's** representative responded that the cost to follow through with the IRTC recommendation that the university provide legal representation was not viable.

A BAC representative objected to the view that the Executive prepare these cases for the Steering Committee to make a recommendation to Council. He proposed that the matter be referred to the three members of the IRTC as proposed or to recommend to Council that the cases be dropped.

The Chair requested that the Executive was to make a proposal which this committee will consider on its merits.

A BAC representative proposed that the cases be referred to the IRTC.

The Chair reminded that there were two categories of cases, one with charges and other that had not gone through a process and that the Commissioners indicated that they did not have the capacity to deal with these. The Chair called on the Steering Committee to allow the Executive to prepare its submission to the Steering Committee and that a resolution be found that had due regard for restorative justice.

One objection from Dr Chinyoka to the above proposal was noted.

The Chair invited comments on the other recommendations:

Recommendation 1 - Diversity

Dealing with racism internally: There are some professors who have published work which when presented, will provide the university with a platform to have an open discussion to create a space where ideas could be contested. A diversity of debates would need to be presented. We can then consider ways of developing a model to deal with these issues. Another member commented that the expertise to deal with racism was not limited to the departments mentioned but that other faculties also have expertise to contribute.

Dealing with racism through external intervention: Another member commented that diverse members of society are socialised differently which reflected the power relations within society. It would need an external intervention to assist with fostering a spirit of conversation. The institution should reflect the demographics of the country. It was suggested that a special entity be employed, working at a distance from the university, to assist with issues of racial discrimination and managing diversity to better understand the underlying divisions that exist around differences in society.

Issues to be dealt with systematically: Another member commented that the systemic character of alienation would need to be unravelled so that structural, subliminal issues are dealt with. This will result in finding ways to be specific such as in Chapter 10 of the report and develop an intervention, whilst not dealing conclusively with issues, it will never the less impact them. A programmatic

intervention was required. Another speaker referred to lessons from corporate (e.g. treasury) which had undergone significant change resulting in less criticism. Strong monitoring and evaluation systems were put in place so that for example measurables were implemented for different aspects of the corporation such as the appointments made, advancement of teams and the like. The institution can prioritise thematic areas for investigation, clarify priorities and benchmark using good examples.

Assessing what existed: An Executive member recommended that the Executive present on what is already taking place at the university such as the roll out of the Student Inclusivity Survey and the Staff Inclusivity Survey which highlights a range of qualitative and quantitative data which provides an understanding of the extent to which staff feel included. These surveys are rolled out systematically and the following one will be conducted in 2023. The latest transformation report shows what departments are doing. Discussions are underway to review the performance management system.

Recommendation 2 - Decolonisation

Mapping steps taken and identifying gaps: A starting point for UCT could be to undertake a mapping exercise of academic members of staff doing decolonization work and from there the university can then begin to identify the gaps. The finalisation of the framework will also need attention.

Developing shared meaning: One member advised that it would be important for university stakeholders to have a shared meaning of the term 'decolonization' so that through greater engagement the expectation and realities of different constituencies become known. Actions have been taken however there is not a shared agreement about what we should be talking about.

Develop concrete terms: It would be important to develop concrete terms however the curriculum change policy, which will continue to be developed, is one aspect that has not featured in the report.

Recommendation 4 – Staff appointment, recruitment, diversification and affirmative action:

Update: The Steering Committee needs to be apprised of what concrete steps have been taken to promote employment equity.

Recommendation 13 – Security Personnel

Rejection: The recommendation was rejected in its entirety. There was a counter recommendation that supported the above and instead of management being called up to vet private security to rather equip CPS to deal with situations.

Freedom of expression to be preserved: The view was expressed that nothing should undermine the culture of free expression and protests.

Draft Protest Policy (p.62)

The suggestion was for **a Code of Conduct** for protest at the university to be developed further.

In closing the chair urged the members to engage with their constituencies and to refine a set of recommendations to Council which can impact the underlying issues. He agreed that more time was required for this to occur and hence all recommendations will be tabled for the June 2019 Council meeting.

The meeting closed at 17:25

