

APPENDIX A

Response to the IRTC report focussing on the Executive summary

Dr Max Price

Introduction

As one of the champions of the IRTC process, I am deeply saddened that I am in the position of having to take issue with many aspects of the IRTC report. I believe it lacks credibility because, as I hope to show in this submission, it has not taken care to ensure the views of all parties were heard and taken seriously and it has not tested the truth of the submissions made. This has resulted in one-sided evidence and opinions. I hope to demonstrate that once those competing perspectives are included, and errors of fact corrected, many findings are demonstrably unreasonable let alone unfair.

For the purposes of offering my critique in a more manageable way, I have divided my response into two documents. This one responds only to the high-level issues as summarised in the IRTC Report Executive Summary. The second goes through chapter by chapter, correcting detailed errors, and providing specific comments and I primarily for to place those corrections and alternative views on record.

Flawed process Although the report is highly critical of the management team neither I, nor any of the DVCs involved in managing the conflicts, were invited to respond to the interpretation of events presented to the Commission, and which the Commission seems largely to have endorsed. It is not sufficient to say, in response, that anyone could have made a submission to the ITRC. Several of us did indeed make submissions in response to the original invitation. However, without knowing what others would submit, nor how the IRTC would interpret those submissions, we could not answer allegations made against us nor correct the factually incorrect claims that were made subsequent to our original submissions. When a commission is going to make a specific factual finding on a contested matter, and/or offer an explanation in respect of what happened when this was much disputed, it is a matter of natural justice that it should hear the other side/s - particularly when one of the express and overriding commitments of the commission is to a healing process in the midst of deep schisms, mistrust and experiences of trauma across institutional, ideological and political divides.

Support for some findings and recommendations

I want to emphasize that my response is not wholly negative or dismissive so let me start with the positives

The Disciplinary cases and amnesties

I broadly agree with the approach taken by the IRTC to the amnesties and their recommendations for dealing with the outstanding cases on a case-by-case basis informed by restorative justice approaches and by the context of historical and ongoing structural violence in society. I repeat my previously expressed concern that the IRTC did not hear the views of those affected by the actions of those seeking amnesty. But while the non-inclusion of those directly affected by the protesters and those opposed to amnesty may have been a lost opportunity for reconciliation, their absence does not invalidate the recommendations regarding amnesties.

Mental health, student financial aid, gender based violence

I also largely agree with the conclusions and recommendations in the chapters on mental health, student financing, support systems for sexual assault, but I do have a few comments to correct the record - which I will make under the relevant chapter headings in the second document.

Recommendations

Most of the recommendations in the final chapter are supported and in fact most have already been implemented during 2015, 2016 and 2017. But not all are as effective as hoped for and this will need review and perhaps more resources.

Findings to be challenged

My concerns relate to the analysis of the institutional climate in the university, and to the causes of the protests, especially the problems with the residences, to the analysis of the responsiveness of UCT and the UCT executive and Council to the protests that began with #RhodesMustFall, and to the management of the protests.

I also have substantive comments on the Commission's analysis of institutional racism and institutional violence, and to the transformation interventions particularly as these relate to the demographic transformation of the profile of academic staff. However, these are addressed in the second document.

Comments on the Executive Summary findings – section 7

Section 7.1 - The first key finding is that the protests had a devastating impact on the protesters and their families as well as on the whole academic community. But the bias in reflecting who has been most prejudiced by the protests and where responsibility for this should lie is highlighted by statements such as "many students being expelled or suspended". In fact the total was about 10, out of several hundred protesters, and for activities that the Constitutional Court confirmed should lead to disciplinary and criminal charges.¹

¹ in *Hotz and Others v University of Cape Town* [2017] ZACC 10 at para 39 is: "The destruction of property and incitement of violence is discordant with our constitutional dispensation. It needs to be stressed that the destruction of property cannot be countenanced. The students responsible for these transgressions must be held accountable through appropriate legal means"

Section 7.3 – This finding purportedly lists briefly the issues that were contributing causes to the protests. But the language of the paragraph reflects a strong anti-management bias. I'll give two examples:

It asserts that the protests were fuelled by the university's refusal to accommodate students who had a firm offer of accommodation. I believe this is incorrect. The university did NOT refuse accommodation to those who had firm offers. Yes there were problems in the management of the excess students seeking accommodation and these have been addressed through the task team in 2016. But all who had received offers were provided with alternative accommodation.

The second example is of another issue that the IRTC says "fuelled" the protests, viz. "a demolition of the shack built by the students to protest against the accommodation crisis". Summarising the issue this way places the blame on management for being unreasonable about insisting that the shack should be moved, and thereby fuelling the protest. I believe the facts suggest a different analysis of who caused the escalation. The accommodation crisis was effectively solved in the two weeks preceding the erection of the shack. Since this had been communicated to the protesters, it is difficult not to conclude that they were looking for a way to keep the protests going and to escalate the tension and draw in many more students than had been interested in the protests up to that point. Secondly, in spite of the huge disruption caused by the shack to movement on campus and to traffic on the M3, and to access to the campus during that period, for 24 hours management attempted to negotiate with protesters to move the shack 20 meters. The response of the protest leaders was to tear up the written request to move the shack and swearing at, and insulting the Deputy Vice-Chancellors who were trying to engage them. The protesters then started burning tyres and pictures around the shack several hours before the shack was demolished; a petrol container was also found in the shack indicating the arson was premeditated. There is no evidence that the protesters sought to de-escalate the tension or were interested in resolving the conflict.

The IRTC report does not reflect, or explain why it rejects, any perspectives other than that of the protesters and it also fails to reflect the fact that the courts fully endorsed the management's rights to move the shack. The IRTC has not offered any suggestion of how better the protest could have been managed while it was escalating with increasing vandalism and violence.

Section 7.4: Management's response to the protests.

I am distressed by the Commission's one-sided representation of how University management handled the protests. This is what they say:

IRTC: "The response of the university management to the protests that unfolded in 2015, 2016 and 2017 was inadequate and inappropriate, to say the least,"

This summary is elaborated in the main report to argue, relying mainly on student testimony, that the student protests in 2015 fell on deaf or insincere ears and that the continuation, escalation, increasing disruptiveness and even violence arose out of rising levels of frustration with a management that would not budge or address

the underlying issues. The IRTC goes further to say that violence may be justified or at least should be forgiven under those circumstances.

I would like to know how the IRTC commissioners regard the following genuine attempts to address issues raised through the protests in 2015 preceding the massive escalation of violence in February 2016.

The starting point of the protests was the Rhodes statue. This was taken down a month after the protests started.

Immediately following the removal of the Rhodes statue (before June 2015) the Council mandated the creation of task teams to review the art works and statues on the campus, and the names of buildings.

The critiques of curricula were taken seriously by most faculties, which held open assemblies, created curriculum working groups, and invited discussion on curriculum change.

Later in 2015, when the #FeesMustFall protests demanded a 0% increase, the UCT Exec and Council had already authorised an increase in financial aid that would guarantee that all students on financial aid including those well above the NSFAS threshold, would not pay any more in 2016 than in 2015 – not even an inflationary increase. This had been accepted by the SRC as protecting poorer students with an effective 0% increase.

When the outsourced workers joined the protests and the focus shifted to insourcing, the Executive and Council agreed to the insourcing and committed to doing so within 6 months, an incredibly short period for such a mammoth task – but a sign of our commitment to its implementation.

In response to the last spurt of protests in 2015 demanding that students be allowed to defer writing exams to the following year, this was agreed to – giving all students the choice of writing whenever they wished and facilitating vacation accommodation and additional transport costs home at great expense to the university. I believe management went the extra mile to support students.

Around the first week of February, when we encountered the unexpected shortage of residence places, we responded by finding temporary accommodation for everyone and eventually housed everyone in need – before the Shackville escalation.

In 2016, in response to appeals about improving mental health services, a task team conducted an audit of the problems and facilities and by end 2016 had made recommendations which were largely implemented by 2017.

Similarly, in response to the Rape Survivor protest group, the sexual harassment and violence policies were reviewed; new policies were developed; the Sexual Assault rapid response team was established; DISCHO was reviewed and overhauled.

The Disability lobby had a number of complaints about service – a key one being that the disability services were located on the 4th floor of the Steve Biko building which was difficult to access. This was accepted and at the earliest opportunity (long vacation) the offices were moved to a fully accessible location in the building.

All these (and other interventions listed in the annual transformation reports) were done before the IRTC was appointed and it should have been clear that these were direct responses to the various issues raised by the different lobby groups under the #MustFall umbrella. While there is much more to do, and institutional culture changes slowly, the above is clearly at odds with the IRTC's conclusion that "(t)he response of the university management to the protests that unfolded in 2015, 2016 and 2017 was inadequate and inappropriate, to say the least".

IRTC: "Instead of handling the protests with a necessary understanding and sensitivity, the university management was predominantly preoccupied with removing students from the sites they were occupying without giving due consideration to their needs, motivations and reasons for their action."

Response: Let's look at the record of occupations:

In March 2015, as the #RMF protests took off, I accepted a request from the SRC president that the students be allowed to occupy the Mafeje Room for an extended period – until the decision on the Rhodes statue was taken. They occupied not just Mafeje, but often spread out through the Bremner building causing disruption (which we had accepted) but also intimidation of staff working in the building. While we condemned the intimidation, we allowed the occupation to continue for 3 weeks and made no attempt to remove the occupiers. After the statue came down, the SRC called off the occupation and left the building as had been agreed. A small number of protesters remained and they left a few days later under threat of an interdict. Since there was no demand related to this ongoing occupation, there was no justification for its continuation.

#RMF then argued that they needed a place to meet and organise and University management offered them, on a temporary basis, the use of Avenue Hall (AH). They occupied AH and refused to leave at various times when we indicated we needed AH for teaching purposes. Even though we were also offering alternative space, we did not force the issue. The occupation continued for a whole year. Even over the December holidays of 2015/6, when only a handful of students continued the occupation, and it would have been a simple matter to evict them, we allowed them to stay.

There was another occupation of the Mafeje room which was peaceably handled and resolved in 2017.

Given management's generally tolerant attitude to occupations, I would have expected that the IRTC would accept that when management decided not to allow an occupation, there might have been good reasons for this other than simply wanting to squash protest. Here are two cases in point.

In early February 2016, there was an invasion and occupation of the offices next to Avenue Hall (Avenue House and Cabdol House) where the student housing administration works. The protesters behaved grossly and offensively towards the student housing staff present, including assaults for which some students were convicted. The staff were traumatised and management had a duty to protect the staff. In addition, the protesters' strategy would inevitably have the effect of further aggravating the accommodation of students

since the whole residence administration was disrupted. Moreover, this specific occupation was a betrayal of an agreement we had painstakingly negotiated the year before as highlighted by Rekgotsofetse Chikane a #RMF/#FMF leader in 2015 in his book about the protests. He says:

“The stand-off at Avenue House was especially odd because of the ‘peace treaty’ that had been agreed upon by UCT and #RhodesMustFall the previous year. ... UCT implored #RMF to halt their occupation because they were disrupting the work of the administrators designated to solve the crisis. In my opinion, it was a poor choice of tactic by #RMF, ...”²

Thus I would argue the efforts to end this occupation of the Student Housing offices were fully justified. Furthermore, the comment that management were just focused on removing students rather than on addressing the underlying causes is untrue. There were many people actively involved in solving the accommodation problems, from the Vice-Chancellor doing radio appeals to the public to staff at all levels arranging and leasing private accommodation and making special arrangements for meals, shuttles and security. On a daily basis staff were monitoring where returning students had decided not to take up their residence places and then moving students from the temporary accommodation into these rooms – all in the two weeks before the shack was erected. To the best of our knowledge, all students were being accommodated every night during the two weeks while we were sorting out where to place them in the residence system. This claim by the IRTC of not addressing the causes is patently incorrect.

Another occasion when management intervened was the occupation of the Biko Student Union building in October 2016. Protesters occupied the Steve Biko Students’ Union building on 16 September 2016 and did not leave until 4 October. During those weeks the Department of Student Affairs (DSA) staff could not work in their offices. DSA is a vital service supporting student governance, societies and student wellness directly. The Student Disability Services in the same building were disrupted. The SRC themselves, the elected, representative body, were forced out of their offices, most of which were vandalised by protesters who occupied them. The occupation was causing fear in the vicinity because staff and students in the area were harassed. We were warned by the health and safety officials that it was dangerous and unhealthy to have a whole lot of people living and sleeping in offices over an extended period, a situation that was exacerbated by the fact that they were bringing in cooking equipment. We had negotiated patiently over many weeks and the negotiations had broken down the day before. Notice and warnings were issued before calling on Campus Protection Services and private security to remove the occupants

But these two occasions of management forcing an end to occupations in complex circumstances, amidst the many other examples of extended occupations that were allowed to continue, must surely contradict the

² Rekgotsofetse Chikane (2018). *Breaking A Rainbow, Building A Nation: the politics behind the #MustFall movements*. Picadore Africa, p215.

simplistic analysis of the IRTC that “the university management was predominantly preoccupied with removing students from the sites they were occupying ... “

Finally, I am surprised that the IRTC did not draw on some of the research done by the one commissioner who had edited a substantial research project on the #MustFall protests.³ The following example illustrates an alternative view that was completely absent from the IRTC report:

“In all nine chapters in this report, key informants asserted that university management was highly unresponsive to their demands. ... However, some vice-chancellors, such as those at Rhodes and UCT, tried their level best to actively engage with student leaders. However, divisions and splinter groups within the #FeesMustFall movement negatively affected some of these engagements.”⁴

This difficulty of negotiation in spite of management’s best intentions is well illustrated by the negotiation process in September-October 2016 – the most serious, disruptive and violent protests. In the view of the executive at the time, the #ShackvilleTRC/SRC candidates acted in bad faith in early October 2016. In essence, in response to the protests in late September 2016, the Executive agreed to suspend classes and most university activities in order to avoid bringing security onto campus which would have been necessary to keep campus and roadways open. During these two weeks, externally mediated negotiations reached agreement on all issues, including the establishment of an IRTC process by 1 October⁵. Then the protest leaders at the last minute demanded that the university be closed for another two weeks so the IRTC process could happen immediately before exams, whereas the Executive insisted that the exams could not be postponed since students would not have access to accommodation after November. Furthermore they needed time to catch up what was missed, rather than missing the remaining 2 weeks of term. It was because the protest leaders would not compromise on the timing of the IRTC and then introduced new demands, that the executive eventually had to say, we would proceed with trying to open the campus and using security to do so. The IRTC has not reflected any of this other perspective.

Section 7.6 on Racism at UCT

Here I want to pick up just one theme, which is repeated many times through the report and is presented as proof that UCT is racist, namely that: “that not a single submission claimed that UCT is not a racist place”. I would offer a far more positive interpretation of the submissions. Ten years ago, many people at UCT and other liberal institutions would have argued that these institutions were already beacons of anti-racism during the apartheid years and that they had become increasingly non-racist since the end of apartheid. At that time many at UCT would have rejected the allegation of institutional racism and discrimination. Yet the progress we have made is to work on the blind spots that most of us have about unconscious racism, the stereotypes we all (black and white) carry around in our heads, the ways in which the institution is experienced by black students as

³ Malose Langa (Ed) *#Hashtag: An analysis of the #FeesMustFall Movement at South African universities*. CSV, 2017.

⁴ Ibid. P8

⁵ <http://www.uct.ac.za/usr/news/downloads/2016/Resolution-UCT-and-Student-Formations.pdf>

unwelcoming or worse, undermining their self-esteem because of the exclusivity of a dominant culture. This understanding, I believe, is now widely shared across the university communities, and that is an essential first step to addressing racism and creating a more inclusive, non-racial society. So the fact that this is widely recognised should not become a whip to beat the institution, but rather acknowledgment that progress in tackling transformation is being made.

Section 7.7 Residence issues:

The IRTC’s findings on the causes of the crisis are based on incorrect facts. It has not explained why it rejected the findings of the task team that management set up immediately after the protests to investigate what had gone wrong. The IRTC also alleges the residence allocation system is racist which I strongly reject.

IRTC: The policy of allocating places at the university residences, in particular the system of ‘over-booking’ has been dysfunctional since 2014, and has become the major trigger of the Shackville protest that took place in February 2016.

Response: The task team investigating the cause of the allocation problems at the start of 2016 found that overbooking was not the cause of the lack of places. The IRTC apparently came to this conclusion based on the evidence of one of the wardens (perhaps more) but the warden named was on the task team and in fact signed off on its findings and recommendations. I would argue that the management of residence allocation was substantially fixed following the 2016 debacle, as a result of which the 2017 and 2018 processes went smoothly.

IRTC: “The commission has been particularly concerned to find: ... (the) historical system of preferential access to accommodation at the same residence as one’s parents”

Response: This system of historical preferential access was abolished many years ago – well before I became Vice-Chancellor. In fact the allocations are random to prevent residences from choosing students from particular schools or with high marks – any of which might lead to segregation of residences. In addition, we modified residence allocation policy early in my term to give preference to financial aid students (who are predominantly black) ahead of those who are not on financial aid; and to give preference to those with disabilities. The evidence of the success of this policy is in the numbers which completely contradicts the IRTC assertion that there is a demographic mismatch.

Tier	Race						Total
	B	C	Ch	I	U	W	
Total	3 873	488	43	385	1193	698	6 680
%	57.9%	7.3%	0.6%	5.7%	17.8	10.4%	

B= Black African South African, C = Coloured, Ch = Chinese, I = Indian, U = Unknown and international, W = White, ‘Generic black’ students occupied at least 73% of places which is higher than their proportion in the student population.

The IRTC apparently accepted that the leadership of the residence system in white and male. (See p41) and was therefore out of touch with the needs or concerns of black students. This information was apparently not checked. 90% of the wardens and sub-wardens are black as are the overwhelming majority of staff of Student Housing and Residence Life.

In the chapter on residences there is also considerable reference to the offering of places to foreign students within the residences at the expense of South African students. The 2016 data showed that 86% of places were occupied by South African students, a further 9% by SADC students (to whom we have some obligations in terms of the SADC Higher Education protocol) and only 4% to non-SA, non-SADC students – most of whom are from other African countries.

Section 7.9 Mental Health

I fully agree that there is a high level of mental health problems, and that these were severely aggravated by the protests amongst both the protesters and the thousands of students and staff who did not participate in, but were severely affected by the protests. My challenge here is with the IRTC's inadequate recognition of the massive increase in those services following 2016.

Section 7.13: Violent protest.

The IRTC makes the following statement: "The commission has taken the view that while the violence itself cannot be afforded constitutional protection, students who protest, albeit even violently, continue to be protected by the constitution."

Response: I do not understand what this apparently contradictory statement means. There is no constitutional protection for violent protest, regardless of the cause. There may be subsequent condonations or restorative processes, but not constitutional protection.

The IRTC goes on to argue that protests often need to be disruptive in order to be effective otherwise they can just be ignored. I accept this general principle and I believe the way UCT management handled most of the disruptive protests, from occupations (as explained above) to temporary barricades, and silent protests inside meetings and lectures, demonstrates that we worked within that principle. But there are also limits to that when the rights of other students, staff and members of the public, are being infringed. And the university management has a duty to protect their rights too.

The university was unable adequately to protect the non-protesting students (e.g. to write exams) and staff (e.g. to be allowed to stay at work in their offices). If we failed anyone, it was those who wished to work, not the protesters. Please see the annex for a set of actual examples of disruptive protests which pitch protesters' rights against those of non-protesters. These highlight the dilemmas and need for guidance on whether such situations should be handled differently in future.

Section 8. Recommendations

I broadly agree with the recommendations. I do have substantive comments on several of them. However, while it is necessary for me to comment on the IRTC findings on the events of 2015-2017, I think it is not appropriate for me to volunteer suggestions regarding recommendations for the future.

Annexure: Use of private security and police; need for practical guidelines⁶

Running through the IRTC report is a thread that sometimes states explicitly, sometimes implicitly, that UCT management used private security, Public Order Police Services (POPS) and the South African Police Services (SAPS) inappropriately to manage the protests.

I have selected a sample of situations from October 2015 and February 2016 which exemplify the problems we faced during unlawful protests where we decided to bring in police or private security. My executive believed these were justified. It would be useful for the Executive and Council to have input on how these situations could have been handled differently so Council can confirm or vary guidelines for the use of private security, SAPS and POPS.

In October 2015, the barricades that prevented people from writing exams, and also prevented students and staff from accessing the campus and continuing their work and studies. The internal Campus Protection Services (CPS) are not capable of removing them in terms of the CPS numbers and training. Thus the absence of private security and police meant accepting that the groups of protesters could close the campus, the libraries and study places, disrupt residence life and prevent exams from being written. Later, in November, for the main exam session, we had to decide whether to bring private security onto campus to protect the exams. The choices faced were writing exams and completing the year with private security or shutting the campus and not completing the year. (Negotiations were ongoing throughout, and had produced significant concessions and changes but could not bring the protest to an end since the protesters' goal was to put pressure on government to drop the fees – something our local negotiations could not achieve.)

At times during both periods (2015 and 2016), the management team was unable to work from their offices, nor even from a venue on campus for fear of the offices being invaded and taken over, or of being held hostage. The police will generally not intervene if there is no immediate threat to property or person, and will not guard a building preventatively to ensure access. Is it acceptable for the management, and in fact all other administrative services run from Bremner to be without protection such that the fear of invasion forces them to leave the building and operate from secret venues off campus? How should situations such as this be managed?

A Senate meeting on 9 November was invaded by a large group of protestors (more than 30) who completely disrupted the meeting and behaved violently, throwing food and water bottles at people with no apparent interest in negotiating anything that would allow the meeting to continue. A similar situation faced two Council meetings, one of which was invaded and disrupted, the other was cut short in anticipation of the arrival of the protestors and the absence of any security to allow the meeting to continue. Should private security be used to protect governance meetings (which incidentally include SRC representatives) in such circumstances?

⁶ This is a summary version of one of the executive's submissions to the IRTC.

Appendix B

Detailed Comments on IRTC Report

Max Price

Introduction

This detailed submission supplements another submission I have made which focuses on the high level findings of the IRTC as summarised in the IRTC Report's executive summary. (The first submission responding to the IRTC executive summary is included here as annexure 1 and referred to as annexure 1 throughout this document. To minimise repetition, it is assumed the reader will have read annexure 1 first.)

This second submission reviews the IRTC report chapter by chapter in more detail. It is necessary because there are many factual errors in the IRTC report which should be corrected, recognising that the IRTC report will stand as an important archival source for researchers and the public in the future. Some of these errors are corrected just for historical accuracy. But many, once corrected, lead to different conclusions and recommendations. Aside from factual errors, when analysing the causes of protests, how they were managed, the nature of discrimination and racism in the institution, and much more, the IRTC has relied on evidence largely from one side of the conflict – that representing student protesters and some black students and staff. This is the IRTC's own description of their approach:

“ ... we must say categorically that the process we conducted was not a judicial one. We have not cross-examined any person, nor have we put one version against another. We have formed our opinion on the basis of our own understanding of South African reality, taking into account our collective responses to what we have heard, attempting to achieve a proper balance between an objective and a subjective reality.

Therefore, although there cannot be said to be proof in the real sense of the word, we are satisfied that most of the averments made by people who gave evidence before us are certainly not without foundation.” IRTC P58

The IRTC's own words reveal a fatal flaw of the process: it has not even put one party's version of highly contested events against other parties' versions. It did not test or investigate the veracity of competing claims, and in fact they did not even present the partisan versions which criticise and condemn individuals for ineptitude, or racism, or mismanagement, to those accused individuals, to hear how they might respond – a basic principle of natural justice. Without doing any of this, it is unclear how the IRTC managed to satisfy itself that a wide array of highly contested statements and claims were true, or as they put it, “not without foundation”.

My two submissions are an attempt to present some responses that should have been solicited by the IRTC so that readers of the report will be able to balance the previously untested views and evidence against other views and evidence. This should allow them to form a more balanced, and hopefully, truer understanding of UCT and the protests.

Chapter 1 Background to the Commission's appointment

In summarising the background leading to the IRTC establishment, the IRTC reveals a one-sided view of the nature of the conflicts over the two years and the attempts to resolve those conflicts.

This is captured succinctly in the following IRTC finding (Chapter 1 p5) which describes the stalemate that led to the agreement between protesters and management in November 2016:

“However, there had not been any real effort to resolve the disputes, or the existing critical situation in a different, more creative, constructive way aimed at resolution and a progressive way forward.”

Response: I would strongly dispute this, and would suggest that an objective look at what was done starting in 2015 and continuing into 2016 cannot support this view. Following the first protests, the Rhodes statue came down (April 2015); several task forces were established addressing institutional culture including task teams focussing on Works of Art (July 2015), Naming of Buildings (July 2015), mental health (early 2016), and sexual assault (2016). In response to #FMF, at UCT most fee issues had been resolved. The overwhelming majority (I estimate 95%) of financial aid and missing middle students were covered – no other campuses in SA were doing that. (There remained some real disagreements over financial exclusions. These were mostly cases of students whose funding was subject to NSFAS and donors' rules regarding failing too many subjects or taking too many years to complete their degrees.) The workers' issues of insourcing had been speedily addressed and implemented. There were some teething problems, largely due to inter-union conflicts, which we continued to address through 2016, and by October 2016 all staff were insourced. And for about 5 weeks leading up to the November 2016 agreement, the university had been intermittently shut while negotiations continued endlessly – including late nights and weekends and including the use of external mediators. The management team persisted in spite of protesters continuously moving the goalposts, and in spite of the strategy of the protesters not to have a formally mandated leadership group that management could rely on to represent students' views. In response to this, management had agreed to have all negotiations livestreamed so all stakeholders could see for themselves how the negotiations were proceeding. Thus the statement by the IRTC that there had “not been any real effort to resolve the disputes” is factually wrong.

Chapter 2- Analysis of Terms of Reference

In this chapter and elsewhere, in motivating for amnesties and for dealing with outstanding disciplinary cases, the IRTC makes a number of arguments about how one should view the violence of the protests in the context of other sorts of violence that the students were reacting to. While I don't agree with their view that the kinds of violence are equivalent, that is not material because I do agree with the motivation for a restorative justice approach.

But the IRTC also argues that the protest action including serious violence should be seen in the context of a fight for constitutional rights. They state, for example,

IRTC p 13 "The commission has taken the view that while the violence itself cannot be afforded constitutional protection, students who protest, albeit even violently, continue to be protected by the constitution."

Response: This apparently contradictory statement arises, in my view, because the IRTC has conflated two different points arising out of a particular finding of the Constitutional Court which the IRTC reference at several points (chapters 2, 3 and 11). As a result, I think they have incorrectly interpreted the implications of the Constitutional Court judgement.⁷ The Court made it clear that it was protecting the protesters' ability to come to court and not face financial barriers in doing so, because the issues at stake were constitutional issues - such as the right to education and to assembly. But it also made clear that having lost their case in court, the Court was saying there was no protection, constitutional or otherwise, for the violent protest of which they had been guilty.

In addressing the implications of the Constitutional Court's order which removed from the appellants the obligation to pay the university's costs of litigation, the IRTC argues that this is evidence in mitigation of the violent unlawful actions of the students on the grounds that the context of the protests are underlying constitutional rights issues.

I believe that is a misreading and misreporting of the Constitutional Court's explanation of why it awarded costs differently from the lower court. All three courts made it clear that *nothing* justified the unlawful protests, and the students themselves acknowledged in court documents that "they were in the midst of protest action which

⁷ A very brief recap of the court case for those not familiar with it: On 17 February 2016, the University obtained an interdict in the High Court against 5 protesters (not all students), which inter alia restrained them from accessing the university campus without specific permission. They had opposed this and in losing their case, the High Court had instructed them to pay both their own and the University's costs. They appealed to the Supreme Court of Appeal which upheld the interdict but narrowed its scope, and did not change the costs order. They then appealed to the Constitutional Court which upheld the finding of the SCA and therefore the validity and need for the interdict, but changed the costs award so that the protesters would only have to pay their own costs not the University's.

went beyond the [boundary] of peaceful and non-violent [protest] and thus rendered themselves subject to disciplinary processes that [UCT] initiated against the students”.⁸

What the Constitutional Court said with respect to overturning the costs order was:

It is now established that the general rule in constitutional litigation is that an *unsuccessful* litigant in proceedings against the state ought not to be ordered to pay costs. UCT is recognised as a public institution in terms of the Higher Education Act. The rationale for this rule is that an award of costs may have a chilling effect on the litigants who might wish to vindicate their constitutional rights.⁹ (my emphasis)

In other words, the litigants (in this case the protesters) only need to carry their own costs and do not need to carry UCT’s costs in spite of their case being found to have failed and be lacking merit. The reason for not having to carry the state’s costs is not because their specific actions were in any way mitigated by the constitutional issues involved, but in order not to discourage complainants *in general* from bringing cases that have to do with matters of constitutional rights (such as the right to education and the right to assembly). This finding cannot be used to mitigate the judgement made on the unlawful actions or the sanction and does not imply any constitutional protection of such actions.

Chapter 3 – Account of the major protests

Chapter 3 provides a narrative of the protests. This chapter contains several factual errors and omissions. Some have significant consequences for assigning culpability for the escalation of the protests. Others are not of great consequence, but in view of the fact that the IRTC report may well be referenced in the future as an historical source, it is important to correct the facts anyway.

1. Correction:

IRTC p 12: “ ... students marched to the UCT Bremner building, where Vice-Chancellor (VC) Max Price was addressing the issue, and stormed it, demanding the prompt removal of the statue. They renamed the building Azania House and occupied it for a couple of days until the unanimous decision by the UCT Council on 25 March 2015 called for the removal of the Rhodes statue.”

Correction: The march down to Bremner had been planned in consultation with the VC and the Executive and it had been agreed with the SRC president, Mr Ramabina Mahapa, beforehand that the students would be allowed to occupy the Mafeje room until the university had made a final decision on the statue. There was therefore no attempt to stop students from coming into Bremner (as there were on other occasions when the gates were

⁸ *Hotz and Others v University of Cape Town* [2017] ZACC 10 . Case CCT 280/16 CC Para 7.

⁹ *Ibid.* para 22

locked), they did not “storm” the building – they walked in, and management made no attempt to remove the students during the 3 weeks (not a couple of days) until the statue came down.

The Council met to discuss the issue for the first time only on 8 April (not March 25) and made its decision then. The Statue was taken down the next day. Most students left the building on 9 April. A small number refused and eventually left after 3 days after a warning that management would seek an interdict.

These corrections emphasise three points not captured in the IRTC’s summary of events. First, that UCT management cooperated with the student leaders in managing the first occupation of Bremner, recognising the need to give students space to protest and to make their presence felt in the heart of the administration. Second, that the protest was allowed to continue for 3 weeks, contradicting the IRTC view that management was simply concerned to end occupations as quickly as possible. (See IRTC p 2 para 7.4). Third, that management only invoked the assistance of the law to end the occupation when a small group of protesters refused to honour a prior agreement on when the occupation would end.

2. Correction and omission P15 – 16 on the Sequence of the Shackville protest:

- IRTC: “The protest dubbed by the participants ‘Shackville’ commenced at UCT on 15 February 2016 and must be understood against the broader background of student protests and movements in 2015 and 2016 in South Africa.” And, “As a result of the ‘accommodation crisis’, on 15 February 2016 protesters, led by the #RhodesMustFall movement, erected a shack ... “ p16

Response: In fact the residence protests did not start on the 15th February, but two weeks before the erection of the shack. Seen in the context of the first two weeks of February and management’s response to those protests, the analysis of the 15/16 February Shackville protest would, I believe, be quite different.

The protests had started on 1 February in the vicinity of the Student Housing and Residence Life (SHRL) offices next to Avenue Hall. Avenue Hall had already been occupied for a year. During those two weeks protesters had several times invaded and occupied the offices of SHRL, both Avenue House and Cadbol House¹⁰. These invasions had included intimidation of staff working there, and even assault, for which students were subsequently charged (and admitted guilt). Staff had to be moved to other offices and had to double up at desks and computers and some were so stressed and frightened by the ongoing occupations that they refused to come to work. This all severely undermined SHRL's ability to manage the problem of accommodating all the students who were arriving in those two weeks (orientation weeks).

Moreover, SHRL rented temporary accommodation in Observatory which was able to accommodate all the students who needed accommodation, and provided free shuttle services from this backpacker's

¹⁰ Avenue House is a building that has SHRL offices and is distinct from Avenue Hall which is next to it. Cadbol House is also adjacent to Avenue Hall.

lodge to and from campus. So at the time of Shackville on 15 February, we had already moved past the acute crisis, and not only had all unhoused students been accommodated in temporary accommodation, most who were eligible had already been moved into permanent university residence accommodation.¹¹ Thus the Executive and management considered this escalation of the protest to be in bad faith.

Management's response to the Shackville protest must therefore also be seen in the context of the violent, unlawful, highly disruptive protests that had harassed students and staff over the preceding two weeks over an issue which had been treated with urgency by management, and which had already largely been resolved.

- I am also concerned about bias in the way the IRTC Report selectively quotes from the court documents to support the protesters' side of the argument. For example, the court record explains the extent of the disruption caused by the shack with 2 km back-up traffic jams on the M3 highway¹² - impacting on thousands of commuters who had nothing to do with the campus – but the Report makes no mention of this. This was the reason the Metro police urged university management to remove the cause of the traffic obstruction (i.e. the shack). It also omits the approaches by management to the protesters over a 36-hour period to move the shack just 20 metres – acknowledging their right to protest, while reducing the extent of disruption.¹³ The court record also highlights the intimidation, racial insults and alleged assaults by protesters that occurred over the preceding 24 hours against parents, students and staff trying to access the campus. And the court record indicates that “(a)ccording to the evidence, the protesters made use of social media to summon sympathisers, especially from other campuses and other social activists, to bolster numbers.”¹⁴ All these are relevant in explaining why the university had to insist that the shack be moved, and had to call the police to assist controlling the arson, barricades and obstructions that had already occurred. But none of this is mentioned by the IRTC in the selected references to the events as recorded in court documents. Readers of the IRTC report should be aware of these omissions.

3. Omission:

In recounting the history of the protests, albeit briefly, I think the united campaigns of the students and outsourced workers played a much more critical role than is stated. The decision to insource previously outsourced staff (not mentioned in the narrative of the protest movement and the management response) was

¹¹ By February 15, the following had been placed in residences: all 1st year students who were on financial aid and had received offers; all but 5 *non-financial aid* 1st years who had been offered places; all 1st year students under 18, whether or not they had received offers; 45 of the 85 returning students (2nd year and beyond, financial aid and non-financial aid) who had offers but whose places were not available. Categories not yet allocated places in residence included students who had exceeded the maximum number of years in residence; students awaiting clearance of their debt from previous years; students with successful appeals against exclusions.

¹² *Hotz v UCT* (730/2016) 2016 ZASCA 159 (20 October 2016), para 12

¹³ *ibid*, paras 9, 15

¹⁴ *ibid*, para 15.

the critical decision that ended the protests at UCT in October 2015 (probably more important than the fees issue which had not been directly relevant to UCT).

4. Correction:

The reference on page 13 to “Cape Town University” should be “Cape Peninsula University of Technology”.

5. Correction:

Reference is made to the arrest at the parliament protest of 6 individuals. Actually about 29 individuals were arrested and charged.

6. Correction p15 1st para: 15 August 2018 should read 15 August 2016.

Chapter 4 - Summary of Hearings

P 18: The IRTC reports: “The group refused to meet with the commissioners on campus due to fear of oppression and victimisation, substantiating the apparent unpleasant, sad and dire state of affairs within the institution.”

Response: Of course I have no idea who this group comprises and I cannot dispute their perception and anxiety that they would suffer victimisation if it became known that they had made a submission to the IRTC. But the fact that they really felt this cannot, without other evidence, lead to the conclusion that the institution is in a sad and dire state. That 80 others made submissions, mostly critical of UCT and UCT management, without fear of victimisation, could lead to quite a different conclusion about the institution as a whole.

Chapter 5 - Amnesties

IRTC P22-23: Discussing the process of the amnesty hearings, the IRTC says:

“Critics of the amnesty process, predominantly staff members, expressed their dissatisfaction with the process of granting amnesty by the IRTC, in particular with the commission’s decision to not hear other constituencies within the university who were prejudiced by the Shackville protest. In this regard, the IRTC took the view that many of these individuals had been heard during the disciplinary proceedings held by the UCT Disciplinary Tribunal and therefore they had already had an opportunity to express their grievances and provide their account of events.”

Response: I do not disagree with the amnesty recommendations of the IRTC, so this response is more to correct the record.

When the amnesties were first proposed in April and May 2018, while I was still on the Steering Committee, I did express considerable concern at the process the IRTC followed. At that point we explained that the Student Disciplinary Tribunals (SDTs) are confidential as are the outcomes – a general principle applying to all SDTs in the interests of students who might subsequently be found not guilty. And even when found guilty, we do not normally publish names. Therefore most members of the university community would not have had any

opportunity to participate in the SDTs. But more importantly, for the very few aggrieved parties who were involved in the original disciplinary cases, their views contributed to the process that resulted in guilty findings with strong sentences such as rustication and expulsion. If another body, the IRTC, was going to consider clearing guilty parties' records through amnesty, the aggrieved parties should have had an opportunity to say if and why they opposed such amnesty.

Many others, not directly involved in the cases, have strong views about the risks presented to the rule of law when amnesties are granted. They argue that it creates a culture of impunity. There would have been no reason for them to raise their voices or even take an interest in the disciplinary tribunals at the time, since amnesties were not even a possibility at the time of the SDTs. Furthermore, for people affected by the unlawful protests, the possibility of a reconciliation process would have required an engagement before the amnesty was granted. It is hard to imagine that the protesters granted amnesty would now participate in such a process.

I was told by many who were opposed to the amnesties that they remain aggrieved that they were not given an opportunity to be heard and I view this as a missed opportunity for advocating for restorative justice. But the process cannot be redone and I, personally, am not opposed to the outcome.

While I think the outcomes and recommendations are appropriate, I do have one caveat. The caveat is that I would have proposed that those granted amnesty be required to undertake that they would not commit similar unlawful offences again. In reality, almost all had already signed such a commitment when they had applied for clemency at the time of the agreement in 2016. I believe they remain bound by that commitment. However, it would have reinforced the point being made by the commissioners that the behaviour was unlawful and unacceptable under any circumstances, and that the granting of amnesty did not in any way render such behaviour acceptable.

P23 Scope of Amnesty: The IRTC recommendation is "The amnesty would also result in the University ensuring that the records of all students would be cleansed of all evidence which would have the possibility of impacting them negatively in the future."

Response: I recall that the Executive at the time felt it necessary to clarify our understanding of what was meant by "purging records". We argued that full records of everything that happened (the SDTs, the protests, the agreement, clemencies and amnesties) needed to remain in the archives and on students' records, but that the university will not report on the affected students' transcripts and reference letters or in response to any enquiries about the individuals, anything relating to these disciplinary offences. (In fact, most of the individuals and their actions are recorded in public court records which of course cannot be erased.)

P24 Finding 7D: "Students interviewed by the IRTC spoke to the inadequate procedures at UCT regarding sexual and gender-based violence, in particular rape as well as sexual harassment and abuse. "

Response: It would be helpful to know whether these reports to the IRTC related to experiences prior to mid-2016. From then, partly in response to the raised awareness of these issues through the protests, there have

been many interventions including policy revisions, a review of past disciplinary cases, new structures and regular reporting and better support. These are covered in the annual transformation reports to Council for 2016, 2017 and 2018 and already include most if not all the recommendations made by the IRTC on this matter.

Chapter 6. Is UCT Racist?

IRTC “Many allegations of racism were made against UCT management at the time of the events discussed here. “ (P31 Section 2)

Response: I wish to record my objection that neither I, as the most senior person in UCT management, nor any other senior people in management that I am aware of, were presented with any of these allegations nor given an opportunity to respond. Moreover, since the IRTC report gives hardly any specific examples or evidence of such allegations, it is impossible even now either to acknowledge or dispute these allegations. The few examples that are mentioned I will address and show that they are based on false information.

Section 1 – definitions of racism: As is clear from the extended discussion in the IRTC report, definitions of racism are contested, including amongst the commissioners. I align myself with the definition they quote as coming from the International Convention on the Elimination of All Forms of Racial Discrimination, which defines ‘racial discrimination’ as:

‘Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life’.

This definition differs from the definition chosen by the majority of IRTC members, which requires, as an essential element, that actual subjugation of another race/group be present in order to be defined as racism. The commissioners illustrate this with an example which, paraphrased, says: If a white person were to live in a country where they support a dominant culture and system which discriminates against and subjugates black people, then they are racist. But if the same white person moves to an island where there are no black people to subjugate, then although their attitudes have not changed, they are no longer racist. (IRTC report p28) This is also why, in the IRTC view, people who do not have the power to subjugate cannot be racist.

Thus two dominant but different conceptions of racism are identified. One involves intent to subjugate, and one doesn’t. This has significant consequences for how one interprets the claim that UCT is racist and what evidence is needed to support that claim. So, when I say there is institutional racism at UCT, I mean that the institution works better for white than for black people and reproduces the advantages that white people have in society more generally. This is for a variety of structural reasons ranging from language, cultural capital, how adequately school leavers are prepared by their schooling, social networks, and more. On the other hand, when the

commissioners say UCT is racist, they mean that within the institution there is an active intention to subjugate black people. **I do not believe that UCT is racist on the IRTC's definition.**

It is therefore necessary to examine the examples that the IRTC gives in defence of their claim that UCT intentionally subjugates black people.

The arguments that UCT management is intent on subjugating black students is based on the following:

1) The use of private security and/or the authority of the university to suppress protest rather than deal with the issues or find peaceful ways to resolve the conflict.

- IRTC P31: "This was no more clearly demonstrated than through the use of private security during the period 2015-2017. The description of events by management makes clear that their sole concern was to remove protesting students from the sites they were occupying."

Response: I have provided extensive evidence in the response to the Executive Summary regarding how management handled different occupations, to refute this conclusion.¹⁵ As indicated there, a number of different occupations over the two years were permitted or tolerated, or peacefully managed to conclusion. The few that were terminated by management without protester agreement were, I argue, justified and usually followed extended negotiations anyway. I have also quoted a #RMF student leader who acknowledges that the particular occupation used as an example in this section (the occupation of SHRL offices in February 2016) was misguided and in bad faith and aggravated the problem of finding accommodation for students. If the use of security to maintain order is *ipso facto* proof of subjugation of black people, how is it proposed that property and the rights of all staff and students, (not just white staff and students) should be protected? The IRTC's view cannot be credible unless there are alternatives to the use of security in the examples of actual incidents that I gave. (See the annex to the submission on the IRTC executive summary). What would a non-racial effort to prevent unlawfulness look like? Furthermore, would the much heavier use of security in identical situations at the University of Fort Hare or Walter Sisulu, where most staff and management are black, also be considered racist subjugation?

- IRTC p58: "With regard specifically to the Shackville protest, there was clearly a decision by someone to break down the shack and ... apparently, all that was done was provide the students

¹⁵ See Annexure 1, pp 4-6.

with a written request that they should move the shack to a *field nearby*, a request that could well have been perceived as an uncaring, authoritative and racist instruction.” (my emphasis)

Response: This reveals a serious misunderstanding or bias in the analysis of this crucial incident, which led to the arson, convictions and considerations of amnesty.

First, this written request was not an impersonal missive sent by messenger or by Campus Security. It was an in-person delegation including two Deputy Vice-Chancellors who attempted to discuss matters but were rebuffed, with the letter being torn up in their faces. It also followed two weeks of engagement over the residence crisis during which the accommodation problem had been effectively solved.

Second, the request to move the shack was not to “a field nearby”, implying that management intended to render the protest invisible or ineffective. It was to move the shack 20 metres, so that it would not be obstructing the road which was the crucial thoroughfare and was resulting in 2km long backups on the M3 highway and preventing access to the campus. The shack would have been just as visible, strategically located near the entrance of the two large upper campus residences (Smuts and Fuller Halls). At every stage in the negotiation, management acknowledged the rights of the students to hold a high profile, visible protest.

Third, on what basis does the IRTC conclude that ordering the re-positioning of the shack in order to remove what was in effect a barricade, was racist? It should be remembered that the request to remove the obstruction was first made by the police because of the traffic problems, and was specifically endorsed as a legitimate action by the courts.

2) The suppression of protest against racist residence policies

- IRTC P31: “It is clear here that the priority of the executive is ensuring the orderly running of the university notwithstanding the unfair and inherent injustice of the accommodation allocations system – ‘the allocations process’ – rather than the needs of black students, many of whom were in fact both homeless and hungry at this point. Where management might have sought a peaceful solution to this particular crisis, instead they chose to invoke the power of the system to subjugate.”

Response: There is no inherent injustice in the allocations process – the IRTC had their facts wrong when they stated: “The commission has been particularly concerned to find: ... (the) historical system of preferential access to accommodation at the same residence as one’s parents ...” and concluded that white students had some sort of priority access to residences based on their parents’ history. No one has any choice of residence and the allocations process does not even know whether a parent of an applicant came to UCT or not. The IRTC also did not

seem to know that the policy favours allocating residence places to anyone on financial aid (predominantly black students), and that the consequence is that the proportion of residence places occupied by black African South African students is nearly double their proportion in the student body. The IRTC statement that black students are under-represented in residences and that the allocation process is racist is not borne out by the facts. (See table below, p27) The allocations policies and financial aid policies are, in fact, pro-poor and hence pro-black.

In suggesting that management should have, but didn't, seek a peaceful solution to the residence crisis, the IRTC also appears to have ignored the efforts made by SHRL:

- Firstly, that the students who had been offered accommodation but whose residences were already full were in fact immediately accommodated in other transit accommodation while places at other residences are found. They were not left homeless and hungry. Moreover, this approach applied equally to black and white students since the filling up of places happens on a first come first served basis and some white students also arrive later in the day and find the residence full, and therefore have to go into transit accommodation
- Secondly, the students who we struggled to accommodate and who were placed in 'crisis accommodation' were students **who had never applied for accommodation** but just arrived on the university's doorstep. There were over 500 such students. When this has happened in previous years, the number has been smaller and we have usually had enough no-show vacancies to accommodate them.
- Thirdly, the proportion of students with offers that decided to take up their offers was higher than previous years (possibly due to the success of the fees-must-fall campaign a few months before, and to the commitment by government to assist with historic debt.)
- Fourthly, compounding the demand for accommodation, a large number of students who had written deferred exams in January were awaiting results, or had appealed their exclusions or were looking for funds to clear historic debt so they could register. This was larger by several hundred than in any previous year.

Thus we did not have nearly enough temporary accommodation. This resulted in a last minute scramble to find a roof for those who been offered places in residences which were already full, and for those who had arrived without having applied for residence. Certainly there was some poor management. Certainly there are lessons to learn and the university

must ensure that it can cope with such a situation in the future. But this is not proof of racism or attempted subjugation of black people.

3) Systematic discrimination in appointments and promotions procedures

- IRTC P32: “In relation to these micro-aggressions, the evidence received by the IRTC points to a systematic suppression of black excellence in recent years. Submissions are rife with stories of better qualified black academics being passed over for employment and promotion in favour of white academics.”

Response: One should be cautious about accepting at face value these reports of anti-black bias in appointments and promotions given that none were investigated and the specific allegations were not presented to anyone who could present ‘the other side of the story’. It has to be considered that candidates and their supporters usually would not have access to all the information available to a selection committee to be in a position to judge the relative merit of the different candidates.

However, I do not reject the possibility, even the likelihood, that there are some promotions or appointments that are not fair, sometimes as a result of racism, sometimes sexism or favouritism. Where this exists it must be rooted out. But even assuming true examples of prejudice were present in the submissions, they can never be accepted as representative and generalisable to the system since they are individual, self-selected cases. The IRTC has no knowledge of how many black applicants were indeed promoted or appointed nor is it likely that people who are satisfied with the system would volunteer to make submissions. The only objective way to assess this is through representative research. Such research was in fact commissioned to analyse all academic promotions over the preceding 11-year period (now published in a refereed journal¹⁶). The researchers could not find evidence of racial bias in promotions.

Let me state again that I accept that UCT is a more difficult place to navigate and in which to succeed for black students and staff than for white. I understand and accept without objection that many black people experience the university as institutionally racist – they feel it discriminates against them because of their different educational, social and cultural capital which all correlate strongly with race. However, I do not think UCT management intends to subjugate black staff or students. On the contrary, I believe there are dozens of examples of policies, interventions, and resource allocation decisions, that were directly intended to redress the historical legacies that result in alienation and exclusion. And while there is still a long way to go, the results of

¹⁶ Sadiq, H., Barnes, K.I., Price, M. et al. Academic promotions at a South African university: questions of bias, politics and transformation. *Higher Education* December 2018:1-20 <https://doi.org/10.1007/s10734-018-0350-2>

these interventions to counter the effects of past racism are there for all to see – quite the opposite of what would have resulted from persistent subjugation.

Section 1 P26: IRTC Statement: “It is all the more grievous to observe that no one is prepared to stand up and claim that UCT is not racist.” This statement is repeated several times in the report and seems to be used as proof that UCT is racist

Response: Unless the IRTC conducted a survey or put out a call for people to make a statement on the question “Is UCT racist?”, it cannot say no one was prepared to stand up and make the claim simply on the basis that no such submissions were actually received. To say no one was prepared to stand up to make a statement implies that they were challenged to do so and consciously decided not to. The IRTC did not issue such a call.

In my opinion, if it had been clear that the definition of racism the IRTC was using included as an essential element the intentional subjugation of black people, and if the campus community had been specifically asked to express an opinion on this, then I for one, and I believe many others too, would have stood up to make the claim that UCT is not racist. But as I indicated above under definitions, the definition of institutional racism that I subscribe to does not necessarily require intentional oppression and subjugation. On my definition, I **do** think there is institutional racism at UCT. So do the vast majority of people at UCT. It was one of the reasons they supported the removal of the Rhodes Statue and changes to the names of buildings.

Furthermore, to the extent that I am right about this widespread acceptance of the existence of institutional racism, it is a general measure of the success of transformation rather than something grievous. Today, almost everyone has greater insight into the ways institutions, including UCT, function to reproduce stereotypes, implicit hierarchies linked to race, the domination of one group’s culture, and white privilege in society generally, and the way this intersects with UCT institutional culture to favour whites. I believe this widespread insight has built support for interventions to reduce institutional racism, such as language polices, affirmative action admissions and employment equity policies and decolonisation more generally. I think a strong case can be made that the combination of a multitude of significant efforts and interventions over the decades has made UCT a progressively less racist institution over time. In spite of this, it is still experienced as racist by many black students and staff, and there still are unconscious biases and untransformed practices.

Finally, aside from responding based on different definitions of racism, there are other plausible reasons why people did not spontaneously come forward to say UCT is not racist.

Given the context in which the IRTC was established, and its terms of reference, I am not at all surprised that people did not come forward to assert that UCT is not racist since the point of the IRTC was to seek out and identify incidents or experiences of racism. So for all these reasons, the absence of such submissions is inconsequential.

Chapter 7 – Residences

I have covered most of the issues arising from the Residences chapter of the report in annexure 1 and above. Some additional issues are dealt with below.

Correction: On page 37 there is a quote that is attributed to me, saying that the management of overallocation had failed dismally for several years. I have checked the reference (footnote 113) and there is nothing in my submission which makes that statement. I think this may be an attribution error and perhaps came from someone else’s testimony. The same applies to references in footnotes 114 and 115 – these are incorrectly attributed to me.

P 40: IRTC: “Proper and sustained attention to student housing should have accompanied the introduction of measures to increase black admissions. In dealing with this issue, the university should have paid much more attention to the material conditions of black students if they were to be successful in their studies, since this is precisely what blacks historically were deprived of.”

Response: There is a continuing thread of condemnation of university management for increasing the number of black students without increasing residence capacity or making other arrangements. This is both unfair and incorrect. First, it is unfair because universities generally rely on government infrastructure allocations to build residences (and other buildings). UCT management had applied frequently for funds to expand residence capacity but these applications were mostly unsuccessful. Second, it is incorrect because in spite of minimal government funding, new residences have been built – the most recent and significant being the 880-bed Obz Square opened in 2012. Several other residences have been bought, expanded and refurbished in the last ten years (e.g. Dullah Omar Hall, Harold Cressy Hall). In most cases, this has been done with minimal government funding and significant fund raising and re-allocation of budgets. Third, we have topped up NSFAS allowances by reallocating funds from within UCT’s own budget so that students on financial aid would be able to afford private accommodation, including food allowances, if they were not in residence.

Thus management has been very mindful of the material circumstances of black students and the need to provide accommodation in line with the changing demography of the student body.

P41 IRTC: “There is no evidence that a single white student was refused a place in residence in 2016, and this fact alone should give pause for reflection.”

Response: This is simply false – I question whether the IRTC asked for such evidence – it must be available. Every year there are hundreds of white students who are denied offers of accommodation in order to prioritise students on financial aid and students who come from outside Cape Town. We are aware that we often lose such students to other universities since they very much value and want the residence experience. And I am sure there were white students who received offers and also could not get into their promised residences on the day of arrival in 2016, since the places were filled on a first come, first served basis. (SHRL would have to confirm.)

P41: IRTC: “Perceptions exist amongst the black student population that the office of SH&RL is mainly white and male. Within this environment, perceptions of white supremacy have in fact become quite normalised.”

Response: I cannot comment on the perceptions – the IRTC has referenced one individual as the source of this. But I can comment on the facts. The facts are that over 90% of residence wardens and sub-wardens are black, as are the vast majority of all staff in the division of Student Housing and Residence Life.

P41 IRTC: “It would have been interesting to know whether white students occupied places in residence in excess of their proportion of the population subsequent to 2015-2016.”

Response: Rather than suggesting through this speculative comment that whites are favoured in the residence allocation system, it would have been easy for the IRTC to check these figures which were provided to the IRTC in the submission of SHRL.

As indicated in the table below for 2016, white students have in fact been under-represented in the residence population. This had been the pattern for several years, and this continued to be the case after 2016.

Table 1 Students in residences by population group

Tier	Race						Total
	B	C	Ch	I	U	W	
Total	3 873	488	43	385	1193	698	6 680
%	57.9%	7.3%	0.6%	5.7%	17.8	10.4%	

B= Black African South African, C = Coloured, Ch = Chinese, I = Indian, U = Unknown and international, W = White

‘Generic black’ students occupied at least 73% of places which is higher than their proportion in the student population. We know from other data that the students who refuse to classify themselves (the “Unknown” in the table) come from all groups, but mostly White and Coloured. Yet even if we assumed that most of the “Unknown” were “White”, white students would still be underrepresented compared with the student population. There is **no bias in favour of whites**. There is a **bias in favour of poorer students**, which is why black students are overrepresented.

Chapter 8 Mental Health

IRTC P48: “A constantly expressed view that the reason for black students leaving the university in body-bags due to high rate of suicide was that this was because of a racist institutional culture, unreasonable academic demands and the alienating environment.”

Response: The IRTC has used highly emotive language in presenting a picture of UCT as a place where black students come to die by suicide. This picture is not supported by evidence and is misleading. While the IRTC reported all sorts of statistics about South African mental health and suicide in youth, they did not give any statistics on UCT, though one would think, from their claims that the suicide rate at UCT must be exceptionally high.

In fact there is little evidence to support this. All we know is that UCT has more than 26,000 students each year and on average, during the 6 years before 2015, we recorded one or two deaths by suicide each year.¹⁷ The national average for the same size and age population would be about 3 to 4 per year.¹⁸ In other words, the suicide rate at UCT was about half the national suicide rate. However, given the very small numbers, and annual variations, one cannot draw conclusions that the rate is definitely lower. On the other hand, it would clearly also be wrong to draw the opposite conclusion implied by the IRTC, that the suicide rates are higher at UCT. (There was a spike in suicides and attempted suicides in 2016 and 2017 above the national average – and it might well be that this was related to the stress associated with the protests – but this is speculation and is an exception. Since the IRTC argument here is that the suicide rates are due to racism which presumably would have been long standing, the average rates over the preceding 6 years are the relevant ones.)

IRTC P49: “It was also recommended during the IRTC hearings that the provision of mental health services should be extended to all staff members.” And P50: “Lack of support and counselling services for academic and support staff members was also raised as a concern.”

Response: To the best of my knowledge, UCT provides a comprehensive service for staff. Through employee wellness, any staff member could get an appointment with the psychologist or counsellor within 24 hours of requesting one. HR also provides something like 8 free sessions (i.e. not coming off the staff member’s medical aid) and referral as necessary.

Chapter 9 Financial aid

IRTC P51: Correction: The explanation of Gap funding in the UCT financial aid system in the IRTC report is incorrect. Gap funding is not the funding available to NSFAS students but rather the funding available to students above the NSFAS threshold up to a family income of R600,000. It is the case, however, that UCT tops up NSFAS funding to ensure that the full cost of study is covered (fees, accommodation, living expenses, books).

Chapter 11 Student Protests

Chapter 11 of the report recaps arguments made in the previous chapters which I have responded to above and in annexure 1. Suffice to say that many of the points made in section 2 of this chapter are disputed and I have

¹⁷ This is taken from a VC Desk in 2015 and I recall it was based on a review of suicides done by DSA.

¹⁸ Richard Matzopoulos et al. Injury-related mortality in South Africa: a retrospective descriptive study of postmortem investigations. *Bull World Health Organ* 2015;93:303–313 | doi: <http://dx.doi.org/10.2471/BLT.14.145771>

provided evidence that challenges the assumptions made by the IRTC. They are assumptions because, as the IRTC says in this chapter (p58), they are largely untested assertions by only one party.

However, I would have hoped that in this chapter, the IRTC would have looked more broadly at the drivers of the protest movement and its escalation, often after significant objectives of the various phases of protest had already been achieved. The IRTC assumed that the source of the conflict, and the failure to find a solution, were things which could always be addressed and resolved by local university management and they blame the escalation of conflicts, or the stalemates along the way as reflecting management's unwillingness to address real issues. I would argue that this, as a blanket view, is naïve. For example, regarding the Fees-Must-Fall campaign, at UCT, we had long before instituted a financial aid system that protected poor and missing middle students. The protest and shutdown strategy at UCT was not aimed at changing anything to do with fees at UCT. It was part of a national strategy to shut down enough campuses countrywide to create a crisis that would put pressure on government to reduce or abolish fees. In fact, in 2016, when UCT students signed the agreement and started exams the next day, students from some other universities criticised them for breaking ranks and undermining the national strategy. Moreover, UCT Executive largely agreed with the need for government to provide much more financial support to the universities so they would not have to put up fees, and to improve NSFAS to cover the missing middle. So we encouraged the march to parliament, we participated in a number of marches ourselves, and we lobbied the minister and president directly. All this was ignored in the IRTC's analysis of the protests, which I believe would lead to different conclusions about why protracted negotiations eventually failed to prevent the shutdowns.

Finally, the IRTC analysis has not inquired about or reflected upon external, non-university related drivers of the conflicts – from political party influences and factional divisions within those parties vying for support on the campuses, to the manipulation of the conflict by groups such as Black First Land First, that were using the student protests to mount a more fundamental challenge to the legitimacy of the SA Constitution and the obligation to shun violence. They also ignored the extent to which some student protest groups adopted a particular reading of Fanon to defend a strategy of violence almost for its own sake believing that only a violent revolution can defeat colonialism. See for example Max du Preez's 2016 article as just one of many analysts who believed the protests had become hijacked by external forces. One may not agree with du Preez, but the IRTC has not indicated that it even considered the possibility of such external factors which, if found to be a factor driving the protests, would lead to different conclusions about what options were available to management in addressing the causes of the protests.¹⁹

Conclusion

This submission is not structured as a thematic and systematic response to the IRTC report. It is primarily an attempt to highlight certain major findings the evidence for which was never tested. These findings relate to

¹⁹ <https://www.news24.com/Columnists/MaxduPreez/feesmustfall-no-longer-about-fees-20161011>

how management responded to racism, to protests and to the residence crisis, and which I argue has been biased by concentrating only on the version of one party's narrative (the protesters'). In the process, it goes through chapter by chapter in some detail in an attempt to set the record straight.

APPENDIX C

Comments on the Report of the Institutional Reconciliation & Transformation Commission

Francis Petersen

27 April 2019

In the initial conceptualization of the Institutional Reconciliation and Transformation Commission (IRTC), I had proposed a different process of acknowledging & dealing with the pain and distrust which have developed during the protests of 2015 & 2016, and focusing more on how to build an institutional culture within the University of Cape Town, tackling the key components of institutional racism and institutional violence, and the broader areas of transformation & social justice. My concerns, and the reason why I have proposed an alternative approach/process, at the conceptual stage was primarily based on:

- [a] that the IRTC will have limited or no capacity to test or validate statements made through submissions,
- [b] any submissions (verbal or written) from the then university executive could be seen as defensive, and
- [c] to what extent the executive or anyone from the university management could be 'totally open & transparent' in their submissions, without the risk of being targeted.

Now that the IRTC has produced their Report, this will become a public record.

I am actually in support of most of the recommendations proposed by the IRTC, however, I am extremely concerned of the bias in the Report, without reflecting the side of executive management. I can raise various areas where the university has made key interventions (and I will be first to admit that these were never enough), applicable to the different chapters in the Report, but in the absence of referring to these in the Report, it create a sense in the mind of the reader that none has been done. Furthermore, the reasons around the protests and the manner it was handled by management, the analyses of particular events such as 'Shackville' and the occupation of Avenue Hall, and the subsequent interpretations based on a one-sided view/perspective, can challenge the credibility of the Report. Without listing all of these here (I am sure that my former colleagues will list these more extensively), I am proposing that the IRTC finds a way to reduce the bias in the Report, so that the current executive can focus on ensuring the effective implementation of the proposed recommendations in the Report.

3.1 Response to IRTC on over-allocations in residences Anwar Suleman Mall

A response to the UCT IRTC Steering Committee on the issue of over-allocations and their implications in the residence system

I make this submission in response to the findings made by the Institutional Reconciliation and Transformation Commission (IRTC) as set out in their report in Chapter 7 (pps. 37-46). My involvement in the University of Cape Town (UCT) residence system spans a period of approximately 27 years (1989-2016), as one the longest-serving wardens in the history of the residence system of the University.

I write from a position of having been involved in a variety of student development initiatives at various levels for almost four decades at UCT, as a teacher and mentor in academic and general student support programmes (Deputy Portfolio Manager of Student Support in the Faculty of Health Sciences), a warden in the University residence system with an oversight of the entire residence system during my tenure as chair of the College of Wardens, and finally as an Acting Deputy Vice-Chancellor of Student Support and Transformation in 2015-6. Thus, I have the privilege of having an historical view of changes that have taken place spanning nearly four decades.

The IRTC report focusses on the role residences presumably played in the protests of 2015-2016. In its opening statement it says, 'Student housing was at the core of the protests staged during February 2016 and continues to be a sore point on campus' As the Acting Deputy Vice-Chancellor in 2015-6, with the residence sector under my jurisdiction, I held the view that the issue of residences is one of the most important issues to be addressed and that it would continue to be so, at least into the middle or long-term future. I give due credit to the then Vice-Chancellor, Dr Max Price, for readily agreeing to join me in attending a few meetings of the College of Wardens, to gain first-hand, knowledge of what the wardens were experiencing in their jobs daily. I also accompanied Dr Price on his planned visits to residences on a weekly basis where he sought first-hand knowledge of the lives of students in residence.

Our experience has shown us that for black students, to find housing near the University, is extremely difficult. Every year, Student Housing seeks off-campus accommodation to supplement our current residence spaces. The specific issue in the IRTC report is the allegation that Student Housing policy, particularly the over-allocation of beds to students applying for residence spaces annually, was causing serious problems, resulting in new students being turned away even after being formally offered a space. The seriousness of this allegation cannot be over-emphasised, considering that if it was true, it meant that many new students, especially those on financial aid, who came to UCT, would be unable to register because of the absence of accommodation. The report states:

'In 2014 and 2015, issues were raised in the College of Wardens (the College) regarding over-allocation in residences, the frustrations of wardens at the residences arising out of the mismanagement of over-allocations,

and the risk to the reputation of Student Housing and Residence Life (SH&RL) and UCT as a whole. The issues were formally raised in the first College of Wardens report on the allocations issues residences had faced in 2015 and their recommendations for the 2016 cycle.'

The report further states that 'The report was endorsed by the College and sent to the Director of Student Housing and the Deputy Vice-Chancellor in early 2015. The College has never received any response to this document and to our knowledge none of the recommendations were ever implemented.'

The College found this this absence of a response to their correspondence unacceptable and escalated the matter to the UCT Council in March 2016, addressing it to the then Chair of Council, His Grace the Right Reverend Archbishop Njongo Ndungane. This statement was submitted to the IRTC on the 08 March 2018 by the current Chair of the College, Professor David Jacobs. The next few pages of this chapter in the IRTC report deals with the 'deeply disturbing' (p38) consequences of the over-allocations policy, one which, in my opinion, held the UCT Residences System in good stead for many years prior to 2015-2016.

The Chair, Archbishop Ndungane and the Deputy Chair of Council, Ms Debbie Budlender, delegated the acting DVC of Student Affairs and Transformation, Anwar Mall, to investigate and address the concerns of the College submission and submit to Council a report on the findings and recommendations.

To assist with this task, DVC Mall established an Allocations Task team (ATT) to investigate the matter of over allocations and to make recommendations to Council on how to proceed with over-allocations in 2017. The ATT was composed of:

DVC Mall (Chair)

Mr Frans Mamabolo (the then Chair of The College)

Mr Grant Willis (Director of Student Housing)

Mr Neil Foster (Manager of Student Housing and Advocacy Services – SHAAS)

Associate Professor David Jacobs (Warden, representative of the College and current Chair of the College)

Dr Tiri Chinyoka (Warden and representative of the College)

Mr Carl Herman (Director of Central Admissions)

Jane Hendry (Institutional Information Unit)

Karen Wienand (Science Faculty Manager)

Sibonginesi Sabela and Tshegofatso (2 representatives of the Student Representative Council-SRC)

The ATT met three times, and after much debate and deliberation, drew up a short list of recommendations at its final meeting attended by Anwar Mall, Carl Hermann, Neil Foster, Grant Willis, David Jacobs, Tiri Chinyoka, Sibonginesi Sabela and Tshegofatso (SRC), Frans Mamabolo, together with Jane Hendry of the Admissions Office.

The final report (agreed upon by the members of the ATT), was handed to Council and is attached here (Appendix 1). In summary the ATT agreed that over-offers were not the problem in the residences allocation system. The main issue seemed to be a lack of communication between the central allocations office and individual residences on and around the day of registration of students.

The problem seemed to be the way in which allocations and admissions to residences were managed at the residences level. This was evident from the fact that some residences are completely over-subscribed while places were still available in other residences. It is the allocations to specific residences and the take-up rate at those residences which is the real problem. The answer to this is that the over-allocation percentage must be spread across all residences particularly the Tier 1 residences. In previous years housing offers were cancelled if they were not accepted within 21 days.

It was therefore agreed that the offer target of housing offers for new undergraduates remain unaffected for the 2017 intake. Several suggestions were made that are clearly bulleted in the attached report, with the emphasis on better communication between allocation officers at central office (who required to be trained) and those in individual residences who were involved in allocating spaces to incoming students.

The suggestions for improving the situation as listed in the attached report were the result of an input from all members of the ATT. It therefore comes as a surprise that the submission made to the IRTC by the Chair of the College, a member of the ATT, gives no indication of its findings? Interestingly the minutes of the ATT meetings that over-allocations is not the problem in order for the University to meet its enrolment target.

Another interesting aspect of the IRTC process is that the report finalised by the ATT was referenced in the IRTC report (see Chap 7 'Residences' p37, see footnotes on p.41) and yet its contents do not seem to be taken into consideration by the IRTC!?

A written submission to the IRTC was made by Mr Grant Willis and Mr Foster and is attached here. Again, we are surprised to find that its contents were not taken into consideration (Appendix 2).

Quoting from the 2015-2016 Student Housing Admissions Report to the Senate Executive Committee they say: 'Every year UCT faces a period of uncertainty while we wait to see how many of the students who have received residence offers actually take up the offer. Once we see how many vacancies we have, we can fill the remaining spaces. This year we faced a much greater than usual shortfall in residence spaces as a direct result of a drastic increase in two drivers of demand firstly, students completing deferred exams in January needed beds while awaiting decisions related to financial aid (the government's recent allocations to assist students with outstanding debt) and academic exclusion or readmission, which are much later than usual due to the deferred exams; and secondly, the clearance of historic debt has increased the number of returning students.'

'In order not to have vacant places, and to maximise the number of students who can be accommodated in residence, we make more offers than we have beds available. As can be seen from table 3, we typically make nearly twice as many offers as there are beds for first years; and 10% more offers than there are beds for returning students (table 2).'

This statement clearly outlines the problems faced by the Students Admissions Office for residence places every year. If spaces were not over-allocated it would surely result in beds not being filled in the system, resulting in financial losses (see Tables in Appendix 2). What is very clear in the information provided is that eventually, all students offered a space, enter the system. The report gives in tabular form the situation in 2016 and how the process of allocations was undertaken. In the words of the Director of Residence, Mr Grant Willis:

'Once a student is given an accommodation offer we have an obligation to house that student. A student with an offer may have started off in transit or Riverview Lodge, but under no circumstances would they have been turned away.'

Another issue that requires a response is that of preferential admission, as outlined in the IRTC report:

UCT, like many universities, has a historical system of preference where students whose parents had lived in residence received first preference for accommodation in the same residence. This preferential system may in the current context be perceived as racially discriminatory.....(p.39 IRTC report)

This practice of preference for a particular residence, especially in the context of familial or social/ alumni relationships has been abolished many years ago and replaced with the policy of random allocations. It therefore comes as a surprise that it has been mentioned in the report as a serious discriminatory problem.

On p 41 of the report it was suggested that white students were given preference in the residence system. Anyone claiming this should access annual reports submitted to the Senate Executive Committee, on the Housing Admissions Cycle. These reports clearly reflect the decrease in the offer and take-up rate of white students into the residence system.

In conclusion we remind the IRTC that it is not Student Housing that makes a housing offer to a student. The offers are made either through the institutional auto-offer or through the Faculty rules-based or discretionary housing offers.

We therefore make this submission now in the hope that this matter is given the due consideration it deserves, and that we have clarified the issue of over-allocations and their necessity in having a successful residence system

Anwar Suleman Mall

Emeritus Professor

University of Cape Town

Appendix D

IRTC Statement on Student Accommodation

Anwar Mall

We consider the evidence given by Prof Jacobs specifically that the over-allocation of accommodation was badly managed to be very general, nor to the prevailing climate on campus at the time nor any consideration of the challenges that SH&RL (SHAAS) had to negotiate in that climate. In order to be more direct in our response, we need to explain some elements of the policy, how it has worked in previous years, and the specific circumstances in 2016 that created the problems of shortages of accommodation. We will also comment on how we responded to those shortages at the time, and the subsequent changes introduced for 2017.

In short, the introduction of the 2015-2016 Student Housing Admissions Report to the Senate Executive Committee (attached as annexure 1) is a good summary of the situation:

Every year UCT faces a period of uncertainty while we wait to see how many of the students who have received residence offers actually take up the offer. Once we see how many vacancies we have, we can fill the remaining spaces. This year we faced a much greater than usual shortfall in residence spaces as a direct result of a drastic increase in two drivers of demand firstly, students completing deferred exams in January needed beds while awaiting decisions related to financial aid (the government's recent allocations to assist students with outstanding debt) and academic exclusion or readmission, which are much later than usual due to the deferred exams; and secondly, the clearance of historic debt has increased the number of returning students.

We also wish to bring to your attention the fact that SH&RL had been in daily consultation with Senior Executive Task Team in order to manage the accommodation challenges the university was facing at the time. Daily stats were provided. SH&RL and SHAAS was therefore not working in isolation and managing the "crisis" on its own.

The policy of over-offering residence spaces is based on our long experience that a significant number of applicants who receive offers, and accept those offers, don't arrive on the day of check-in and registration.²⁰ In order not to have vacant places, and to maximise the number of students who can be accommodated in residence, we make more offers than we have beds available. As can be seen from table 3, we typically make nearly twice as many offers as there are beds for first years; and 10% more offers than there are beds for returning students (table 2).

The following tables are an overview of the bed space capacity available in 2016, the number of offers made to new and returning students, the acceptance and sign-in percentage for returning students and the sign-in rate for new,

²⁰ There are many factors that explain this – for example returning students who were made offers might find more attractive private accommodation at the last minute; new first year students might have offers from several universities and decide only after their matric results come out which offer they will take and do not inform us of their decision. We have considered requiring applicants to pay a deposit on acceptance that would be large enough to deter such behaviour, but this would affect poor students most severely, who may then choose not to come to UCT.

first-time entering undergraduates. As can be seen, the sign-in rates relative to the offers made is reasonably consistent over previous years and for first years only about 40% of offers made actually sign in, which emphasises the importance of making over-offers. It is almost always possible to accommodate all those who have accepted offers as a result of this no-show pattern. Furthermore, applicants further down the list who do not receive offers, may be placed on the waiting list and there are almost always places available which are filled from the waiting list.

Tables 1, 2 and 3 below highlight the following: the over-offer rates for new and returning students in 2016 were similar to those in 2014 and 2015 when all students were eventually accommodated, and also illustrate that in terms of the application and eligibility criteria as per the Student Housing Admissions policy there were sufficient beds available for those to whom offers had been made.

However, it is conceded that over the last few years (perhaps from 2013), there were increasing mismatches at the individual residence level, and some wardens were experiencing having to turn away students with firm offers. These students were redirected to other residences but often had to be accommodated in temporary 'transit' accommodation (usually beds and cupboards in a common room in a residence with full participation in that residence's activities). They would stay in transit accommodation until later in the registration process (which usually runs over two weeks) by which time it was known where the vacancies were due to students who had accepted offers not signing in. Students on the waiting lists without firm offers, or who arrived without any offer were accommodated in 'overnight' accommodation – often comprising mattresses on the floor of a house temporarily used for this purpose, until these students could find off-campus accommodation. This system caused a lot of distress to students and wardens even though these students were eventually accommodated.

Table 1. Bed capacity and number of students in residences for the 2016 admissions cycle

	Capacity	New Students - actual	Returning Students - actual	Total – actual
Undergraduate beds	6 054	2 124	3 958	6 082
Postgraduate beds	625	402	196	598
Total	6 679	2526	4 154	6 680, one additional bed created in the attic of 6 Ave. Rd.

Table 2. Admissions overview of returning students for the period 2014 to 2016

Returning Applications	Year 2014	Year 2015	Year 2016
Capacity	4 360	4 147	4 429
Offers Made	4 942	4 498	4 952
Offers Accepted	4 406	4 043	4 349 + 603 pending
Students signed in	3 954	3 988	4 154
% of signed in vs offers made	80%	89%	84%
% of signed in vs offers accepted	90%	99%	96%

Note: the 603 pending are students who had been made housing offers but had not accepted the offer by the deadline, but the offers were not cancelled because of the events that were going on at the same time (the #feesmustfall protests and shutdown). A high percentage of these students arrived and had to be assisted with housing.

Table 3: Offers made and take-up rate for New First-time entering undergraduates:

	Year 2015	Year 2016
Capacity	2 250	2 250
Offers Made	4 359	4786
Students signed in	1874	1874
% of signed in vs offers made	43%	39%

The main challenge for the SHAAS office and the call of the student leaders was to provide accommodation for those who had an academic offer for which there was no housing offer. These fell into three groups. A large number of first time students who had never applied for housing or had applied but had not been given offers, arrived having made no plans for their own accommodation. This happens every year, but we think the number was larger in part because at the end of 2015, following the success of the #ZeroFeeIncrease campaign, many more students thought that there would be free or more affordable tertiary education and decided to accept the offers to study. Secondly, there were demands for accommodation from a large number of returning students who were affected by the “N” rule i.e. they may not stay in residence for more years than the minimum for their degree (e.g. 3 years for a BA). These students were, as usual, denied reapplication in 2015 for 2016. But a number had already been in residence for the deferred exams until early February 2016, may have been awaiting results or appeals or outcomes on financial aid applications which depended on their results – many of these students refused to vacate the residence at the appointed time. Concession was then granted for these students to remain in residence (i.e. the executive took a decision not to evict

them), thus blocking spaces for those students who had been made offers. Thirdly, the uptake rate of returning students was much higher than in previous years, again partly due to the expectation of greater financial aid or lower fees following the protest campaigns²¹, partly due to a more generous approach by the Readmission Appeals Committees which allowed more students who had been academically excluded to return based on the challenges they had faced in 2015 due to the general protest climate and period of shutdown. The result was a higher than expected number of returning students which could not have been predicted when offers were made in September 2015.

As the problem of larger numbers of returning and new students became clear in the first few days of February once registration began, combined with the fact that rooms that ought to have been vacated were being occupied by deferred exam students who refused to leave, Student Housing assisted students who were on the waiting list or who did not have housing offers for 2016 as follows:

- Overnight accommodation for 65 students was secured at the Riverview Lodge, Observatory. Shuttles and meals for the 60 was also organised. The Facility was utilised during the month of February. These were the students who did not have accommodation offers for 2016
- Accommodation near Hiddingh Hall was secured called The Lennox. This housed 30 students, including 20 first year students from Lesotho who had no housing offers
- Advertisements were placed in local newspapers and the VC spoke on radio appealing to landlords and households that had extra rooms for off-campus accommodation. The response was overwhelming and allowed us to place significant numbers of students.
- We assisted financial aid students in off-campus private residences, Southpoint and My Domain by paying their February rental and getting permission for their deposits to be paid over 6 months.
- Accommodation for students was found in two flats in Forest Hill A block and 6 Avenue Road. This accommodation is normally utilised by Staff Housing.

Furthermore, by the 15th February, when the deadline for all those who had been promised places to register had passed, we had the following vacancies in residence: 1st tier 41, 2nd tier 31, 3rd tier 3.

We were therefore able to begin to allocate the Riverview Lodge students to these vacancies.

One additional point to make about what contributed to the events around 15 February was the view of student leaders involved in the protest, which they made strongly in their confrontation with SH&RL management as well as members of the Executive, that while black students with no housing offers could not be accommodated, there were foreign 'Semester Study Abroad' students and white students who had homes in Cape Town, that were being accommodated in residence. It should therefore be pointed out that this is in line with historic policy, that 150

²¹ For example, while private landlords would have raised rentals at the start of 2016 by up to 10%, the accommodation fees of residences remained at the 2015 levels.

Semester Study Abroad students and 322 first-time entering under-graduate local students of all races are accommodated (housing offers made primarily through the Institutional auto-offer facility).²²

In summary, analysing the causes of the 2016 accommodation crisis, it is inaccurate to state that in 2016 the problem was the over-allocation of places by Student Housing, or to oversimplify the problem by saying the management of housing allocation was badly managed. It was rather the unexpected large number of returning students who arrived without any housing offer – the majority because they had actually exceeded their time in residence. It was secondly, the occupation of residence places by students following their deferred exams which resulted in places not being available for those who had been promised places. (This was a problem we should have anticipated and planned for.) There was also the unexpected uneven nature of the take-up of first year offers – with some residences having an unexpectedly high uptake and others a low uptake, with delays and severe inconvenience to students in the process of being reallocated to a different residence. And there was the perception that poor black students were being denied places while international (read wealthy) and local white students were being given preference. While this was not a change from past practice, in the context of the unusual shortage of accommodation and the heightened politicisation of the campus following a year of student protests in 2015, this was targeted as a cause of the problem.

Nevertheless there certainly were major challenges in attempting to resolve the crisis but with the support of the Executive, Senior Executive Task Team, Executive Director: DSA and other role players, we have navigated through rough and stormy waters in an attempt to resolve the problems to the best of our abilities. We have not elaborated here the significant additional disruption of the Student Housing services caused by the protesters themselves who occupied the offices of, and harassed, housing staff during the first two weeks of February (These incidents led to disciplinary cases for which amnesty has been recommended so we will assume the IRTC is familiar with those events). Staff were forced to vacate their offices, and work from other offices; some were too fearful to come to work. Many continued to suffer severe anxiety disorders during and long after these events. These protests disrupted the ability of the Student Housing staff in the first two weeks of February from addressing the shortages more effectively and speedily.

THE LESSONS LEARNT FROM THE 2016 ACCOMMODATION CRISIS

In response to the 2016 Shackville events, the College of Wardens submitted to Council their concerns pertaining to the over-allocations. Council then mandated the then acting DVC, Prof Anwar Mall to establish a task team to review the events and provide recommendations on the way forward. Prof Mall submitted his report which is attached. (annexure2)

²² This is a very small number (7%) of the total of 6800 beds and in terms of the policy is valued as a way of offering the international students a more integrated experience rather than living only with other international students on their own outside the university, and similarly there are reasons for wanting to have some Cape Town resident students in residences to promote local integration and also because we lose some of the best students because they want to have a live-in residence experience for a year or two.

The following are the salient recommendations as per the task team:

The Committee came to the agreement that over-offers is not the actual problem we are dealing with in the Residences System. It is the allocations to specific residences and the take-up rate at those residences which is the real problem. The answer to this is that the over-allocation percentage has to be spread across all residences particularly the Tier 1 residences.

Jane Hendry strongly cautioned about reducing the offer target for new undergraduates since this impact on enrolment targets for Faculties – i.e. it would reduce the number of students accepting academic places and enrolling. It was therefore agreed that the offer target of housing offers for new undergraduates will remain unaffected for the 2017 intake.

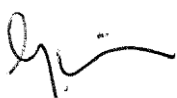
SH&RL must ensure that live capturing is fully operational when students are admitted in 2017. A student on arrival at a residence to which he has been allocated must be booked in on the RMS system immediately. Capturing must not be done after hours. SHAAS will then be able to monitor the take-up rate and re-direct students to other residences if the take-up is too high i.e. because the problem had been random – some residences had higher take-up rates than others, but the unfilled places were not reallocated while waiting to see if students who had accepted offers would still arrive later. This needed to be changed so that the full pool of places was available to those who did not have places. This communication between SHAAS and each residence is of utmost importance. The ‘sign-in rate’ must be live at all times, monitored minute-by-minute by SHAAS. The deadline for the first-time entering students is the 15 January 2017. A cohort of students should be trained to do capturing at each residence.

Student Housing and Residence Life and the SHAAS office have as far as possible tried to adhere to these recommendations, however the climate and student activity subsequent to the events of 2016 have at times necessitated that deviations be made. It is acknowledged that the Housing Admissions policy be adhered to at all times, but given the dynamics at play, flexibility of the policy is required so as to ensure that we accommodate the needs and aspirations of students who are in desperate need of housing accommodation. To this end, a review of the Housing policy is currently being undertaken. Neither the Director nor the Manager of SHAAS have acted unilaterally, but rather within the guidance and mandate as provided by the Executive and the Special Executive Task Team. The experience of 2016 and the ensuing housing admission cycles have clearly identified that the university urgently needs to increase its bed space capacity. SH&RL has in 2017 secured 60 beds from Campus Key in Observatory and also had informal arrangements with South Point and My Domain to assist in housing students who had academic offers but no housing offers. A formal lease agreement with these two accommodation providers was concluded for the 2018 admissions cycle, providing an additional 376 beds. The OCSAS23 office has also been proactive in securing additional listings for those students who prefer to live independently of the formal university housing environment.

²³ Student Housing’s “Off Campus Student Accommodation Services”

In addition to the systemic changes and increased capacity, since late 2016, the Executive established a Rapid Response Task Team which includes DVCs and student leaders, and is tasked with identifying potential problems early, such as individual students that somehow have fallen through the cracks of the admissions, housing or financial aid bureaucracies, and attempting to address their problems, as well as systemic and policy problems that are identified, before these escalate. The RRTT, has, we believe, been an effective instrument in managing potential flash points and in increasing mutual understanding of the policies and limitations of what can be done. In 2017 there were no over allocation problems, in 2018 the 2nd tier experienced over allocations (this was quickly resolved by placing students in 1st tier residences or in the two accommodation providers mentioned above). This over allocation was due to the decision to allow financial aid students back into residence who had already exceeded the number of years allowed in residence (decision ratified by the Admissions Committee). This has necessitated a review of the housing policy.

In conclusion, we acknowledge that accommodation crisis of February 2016 reflected an inability of the housing allocation policies and systems to deal rapidly with unexpected demand, compounded by the protest climate of 2015, and the disruptions of the SHAAS operations at the Masingene Building and the occupation of Avenue House and Cadboll. The subsequent reviews and changes have improved the sign-in process in the last two years, but a further major review of the policy is underway, as is the plan to build more accommodation.



Grant Willis: Director, SH&RL



Neil Foster: Manager, SHAAS



Dr Max Price: Vice-Chancellor

APPENDIX E

Response to IRTC on over-allocations in residences

Anwar Suleman Mall

A response to the UCT IRTC Steering Committee on the issue of over-allocations and their implications in the residence system

I make this submission in response to the findings made by the Institutional Reconciliation and Transformation Commission (IRTC) as set out in their report in Chapter 7 (pps. 37-46). My involvement in the University of Cape Town (UCT) residence system spans a period of approximately 27 years (1989-2016), as one of the longest-serving wardens in the history of the residence system of the University.

I write from a position of having been involved in a variety of student development initiatives at various levels for almost four decades at UCT, as a teacher and mentor in academic and general student support programmes (Deputy Portfolio Manager of Student Support in the Faculty of Health Sciences), a warden in the University residence system with an oversight of the entire residence system during my tenure as chair of the College of Wardens, and finally as an Acting Deputy Vice-Chancellor of Student Support and Transformation in 2015-6. Thus, I have the privilege of having an historical view of changes that have taken place spanning nearly four decades.

The IRTC report focusses on the role residences presumably played in the protests of 2015-2016. In its opening statement it says, *'Student housing was at the core of the protests staged during February 2016 and continues to be a sore point on campus'* As the Acting Deputy Vice-Chancellor in 2015-6, with the residence sector under my jurisdiction, I held the view that the issue of residences is one of the most important issues to be addressed and that it would continue to be so, at least into the middle or long-term future. I give due credit to the then Vice-Chancellor, Dr Max Price, for readily agreeing to join me in attending a few meetings of the College of Wardens, to gain first-hand, knowledge of what the wardens were experiencing in their jobs daily. I also accompanied Dr Price on his planned visits to residences on a weekly basis where he sought first-hand knowledge of the lives of students in residence.

Our experience has shown us that for black students, to find housing near the University, is extremely difficult. Every year, Student Housing seeks off-campus accommodation to supplement our current residence spaces. The specific issue in the IRTC report is the allegation that Student Housing policy, particularly the over-allocation of beds to students applying for residence spaces annually, was causing serious problems, resulting in new students being turned away even after being formally offered a space. The seriousness of this allegation cannot be over-emphasised, considering that if it was true, it meant that many new students, especially those on financial aid, who came to UCT, would be unable to register because of the absence of accommodation. The report states:

‘In 2014 and 2015, issues were raised in the College of Wardens (the College) regarding over-allocation in residences, the frustrations of wardens at the residences arising out of the mismanagement of over-allocations, and the risk to the reputation of Student Housing and Residence Life (SH&RL) and UCT as a whole. The issues were formally raised in the first College of Wardens report on the allocations issues residences had faced in 2015 and their recommendations for the 2016 cycle.’

The report further states that ‘The report was endorsed by the College and sent to the Director of Student Housing and the Deputy Vice-Chancellor in early 2015. The College has never received any response to this document and to our knowledge none of the recommendations were ever implemented.’

The College found this this absence of a response to their correspondence unacceptable and escalated the matter to the UCT Council in March 2016, addressing it to the then Chair of Council, His Grace the Right Reverend Archbishop Njongo Ndungane. This statement was submitted to the IRTC on the 08 March 2018 by the current Chair of the College, Professor David Jacobs. The next few pages of this chapter in the IRTC report deals with the ‘deeply disturbing’ (p38) consequences of the over-allocations policy, *one which, in my opinion, held the UCT Residences System in good stead for many years prior to 2015-2016.*

The Chair, Archbishop Ndungane and the Deputy Chair of Council, Ms Debbie Budlender, delegated the acting DVC of Student Affairs and Transformation, Anwar Mall, to investigate and address the concerns of the College submission and submit to Council a report on the findings and recommendations.

To assist with this task, DVC Mall established an Allocations Task team (ATT) to investigate the matter of over allocations and to make recommendations to Council on how to proceed with over-allocations in 2017. The ATT was composed of:

DVC Mall (Chair)

Mr Frans Mamabolo (the then Chair of The College)

Mr Grant Willis (Director of Student Housing)

Mr Neil Foster (Manager of Student Housing and Advocacy Services – SHAAS)

Associate Professor David Jacobs (Warden, representative of the College and current Chair of the College)
Dr Tiri Chinyoka (Warden and representative of the College)
Mr Carl Herman (Director of Central Admissions)
Jane Hendry (Institutional Information Unit)
Karen Wienand (Science Faculty Manager)
Sibonginesi Sabela and Tshegofatso (2 representatives of the Student Representative Council-SRC)

The ATT met three times, and after much debate and deliberation, drew up a short list of recommendations at its final meeting attended by Anwar Mall, Carl Hermann, Neil Foster, Grant Willis, David Jacobs, Tiri Chinyoka, Sibonginesi Sabela and Tshegofatso (SRC), Frans Mamabolo, together with Jane Hendry of the Admissions Office.

The final report (agreed upon by the members of the ATT), was handed to Council and is attached here (Appendix 1). In summary the ATT agreed that over-offers were not the problem in the residences allocation system. The main issue seemed to be a lack of communication between the central allocations office and individual residences on and around the day of registration of students.

The problem seemed to be the way in which allocations and admissions to residences were managed at the residences level. This was evident from the fact that some residences are completely over-subscribed while places were still available in other residences. It is the allocations to specific residences and the take-up rate at those residences which is the real problem. The answer to this is that the over-allocation percentage must be spread across all residences particularly the Tier 1 residences. In previous years housing offers were cancelled if they were not accepted within 21 days. It was therefore agreed that the offer target of housing offers for new undergraduates remain unaffected for the 2017 intake. Several suggestions were made that are clearly bulleted in the attached report, with the emphasis on better communication between allocation officers at central office (who required to be trained) and those in individual residences who were involved in allocating spaces to incoming students.

The suggestions for improving the situation as listed in the attached report were the result of an input from all members of the ATT. It therefore comes as a surprise that the submission made to the IRTC by the Chair of the College, a member of the ATT, gives no indication of its findings? Interestingly the minutes of the ATT meetings that over-allocations is not the problem in order for the University to meet its enrolment target.

Another interesting aspect of the IRTC process is that the report finalised by the ATT was referenced in the IRTC report (see Chap 7 'Residences' p37, see footnotes on p.41) and yet its contents do not seem to be taken into consideration by the IRTC!?

A written submission to the IRTC was made by Mr Grant Willis and Mr Foster and is attached here. Again, we are surprised to find that its contents were not taken into consideration (Appendix 2).

Quoting from the 2015-2016 Student Housing Admissions Report to the Senate Executive Committee they say:

‘Every year UCT faces a period of uncertainty while we wait to see how many of the students who have received residence offers actually take up the offer. Once we see how many vacancies we have, we can fill the remaining spaces. This year we faced a much greater than usual shortfall in residence spaces as a direct result of a drastic increase in two drivers of demand firstly, students completing deferred exams in January needed beds while awaiting decisions related to financial aid (the government’s recent allocations to assist students with outstanding debt) and academic exclusion or readmission, which are much later than usual due to the deferred exams; and secondly, the clearance of historic debt has increased the number of returning students.’

‘In order not to have vacant places, and to maximise the number of students who can be accommodated in residence, we make more offers than we have beds available. As can be seen from table 3, we typically make nearly twice as many offers as there are beds for first years; and 10% more offers than there are beds for returning students (table 2).’

This statement clearly outlines the problems faced by the Students Admissions Office for residence places every year. If spaces were not over-allocated it would surely result in beds not being filled in the system, resulting in financial losses (see Tables in Appendix 2). What is very clear in the information provided is that eventually, all students offered a space, enter the system. The report gives in tabular form the situation in 2016 and how the process of allocations was undertaken. In the words of the Director of Residence, Mr Grant Willis:

‘Once a student is given an accommodation offer we have an obligation to house that student. A student with an offer may have started off in transit or Riverview Lodge, but under no circumstances would they have been turned away.’

Another issue that requires a response is that of preferential admission, as outlined in the IRTC report:

UCT, like many universities, has a historical system of preference where students whose parents had lived in residence received first preference for accommodation in the same residence. This preferential system may in the current context be perceived as racially discriminatory.....(p.39 IRTC report)

This practice of preference for a particular residence, especially in the context of familial or social/alumni relationships has been abolished many years ago and replaced with the policy of random allocations. It therefore comes as a surprise that it has been mentioned in the report as a serious discriminatory problem.

On p 41 of the report it was suggested that white students were given preference in the residence system. Anyone claiming this should access annual reports submitted to the Senate Executive Committee, on the

Housing Admissions Cycle. These reports clearly reflect the decrease in the offer and take-up rate of white students into the residence system.

In conclusion we remind the IRTC that it is not Student Housing that makes a housing offer to a student. The offers are made either through the institutional auto-offer or through the Faculty rules-based or discretionary housing offers.

We therefore make this submission now in the hope that this matter is given the due consideration it deserves, and that we have clarified the issue of over-allocations and their necessity in having a successful residence system

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Appendix F

Submitted by Anwar Mall

Annexure 1

University of Cape Town
Universiteit van Kaapstad
iYunivesithi yaseKapa

Department of Student Affairs
Student Housing & Residence Life
Student Housing
(SHAAS)

Admissions

&

Advocacy

Services

Report to the Senate Executive Committee - March 2016

2015 - 2016 Student Housing Admissions Cycle

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INTRODUCTION

The 2015 - 2016 Student Housing admissions cycle is best expressed in the following paraphrase of the media release by the Department of Communications & Marketing based on the information supplied by Student Housing & Residence Life:

Every year UCT faces a period of uncertainty while we wait to see how many of the students who have received residence offers actually take up the offer. Once we see how many vacancies we have, we can fill the remaining spaces. This year we faced a much greater than usual shortfall in residence spaces as a direct result of a drastic increase in two drivers of demand firstly, students completing deferred exams in January needed beds while awaiting decisions related to financial aid (the government's recent allocations to assist students with outstanding debt) and academic exclusion or readmission, which are much later than usual due to the deferred exams; and secondly, the clearance of historic debt has increased the number of returning students.

Source: media release, UCT Communication & Marketing Department 8 March 2016

With regard to the experiences with the associated publicity pertaining to the commencement of the admissions cycle, the acting DVC, Student Affairs, Prof Anwar Mall and the relevant stakeholders have been tasked to undertake a full review of the facts and circumstances that have led to the situation. The report will be submitted to Council as well as all the relevant committees so as to correct any possible reoccurrences going forward

Notwithstanding the above, this report seeks to present and inform on the housing offers made, accepted and the actual take-up rate of new and returning students for the 2015 - 2016 Housing Admissions Cycle.

The statistics provided in this report, is for reporting period of the 2015/2016 admissions cycle. The data presented in the report is that extracted from Business Intelligence (BO) dated 14 March 2016. The following key information is provided:

beds overview

demand for student housing

housing offers made

allocation of beds per the faculty

current student profile in residence

2016 HOUSING BEDS OVERVIEW

In 2016 a total of 6 679 beds were available in the system (6 667 in 2015), with a demand of over 24 000 applications, indicating the tensions between supply and demand realities and the related challenges on the housing system. In addition to this total, additional bed space was created with the utilization of 3 and 5 Matopo Road (10 beds), 6 Avenue Road (4 beds), 5 Stanley Road (2 beds) and 2 flats in Forest Hill A-Block (7 beds). These are considered to be temporary until the commissioning of Harold Cressy Hall in mid-April. This will add an additional 58 beds to the existing stock of 6 679.

Beds - Capacity versus Actual

Table 1 below reflects the total bed capacity and the actual number of students in Residence as at 14 March 2016.

Table 1. Bed capacity and number of students in residences for the 2016 admissions cycle

	Capacity	New Students - actual	Returning Students - actual	Total - actual
Undergraduate beds	6 054	2 124	3 958	6 082
Postgraduate beds	625	402	196	598
Total	6 679	2 526	4 154	6 680, one additional bed created in the attic of 6 Ave. Rd.

Table 1 shows the number of new and returning students as at 14 March 2016, filling the bed capacity of 6 679 spaces which includes the additional beds outlined above.

In 2015 the bed capacity was 6 667 and 6 615 (as at 19 February 2015) students were booked into the residences, with the balance of take-up rate filled by students on the waiting list.

In 2016 there was an increase of 23 temporary bed spaces; 6 680 students were booked into the system as at 14 March 2016; an indication that 65 more students were accommodated compared to 2015, this meant that students on the waiting list could not be placed.

Bed allocation - Financial Aid Students

Table 2 below shows the beds allocated between financial aid students and non-financial students.

Table 2 Number of Financial Aid students in residences

	Capacity	Financial Aid Students	Non-Financial Aid Students	Total
Beds allocated	6 679	2 114	4 566	6680

For 2016, 2 114 (32%) of students booked into residences are on Financial Aid whilst 4 595 (68%) students are not on Financial Aid.

In 2015, 2 032 (31%) of the total students in residence were on Financial Aid.

2015 Housing Offers

A comparative analysis of housing offers made to students and the acceptance levels over a 5-year period is provided in Table 3 below, indicating a spike with a continuing upward trend in acceptance levels for the 2015/2016 admissions cycles.

Residence offers to returning undergraduate and postgraduate students

4 952 offers were made (4 498 offers were made in 2015)

4 349 of these offers were accepted (4 043 offers accepted in 2015) which constituted 88% of the offers made and 603 offers were pending*

*SHAC at its November 2015 meeting decided not to cancel the offers that were made or not accepted given the prevailing climate of unrest at the deadline of acceptances.

Of the 4 349 offers accepted and 603 pending, a total of 4 154 students signed into residence, which constituted 62% of the total residence capacity; of the 4 154 students, 3 914 were returning undergraduate students.

Table 3: Admissions overview of returning students for the period 2012 to 2016

Returning Applications	Year 2012	Year 2013	Year 2014	Year 2015	Year 2016
Capacity	6 626	6 562	6 610	6 667	6 679
Offers Made	5 077	5 195	4 942	4 498	4 952
Offers Accepted	4 779	4 898	4 406	4 043	349 + 603 pending
Students signed in	4 127	4 369	3 954	3 988	4 154
% of signed in vs offers made	81%	84.1%	80%	89%	84%
% of signed in vs offers accepted	86%	89%	90%	99%	96%

Table 3 shows a 5 year overview of the bed capacity, offers made, offers accepted, number of students signed in, the percentage of students signed in versus the offers made and the percentage of students signed in versus the offers accepted.

Of particular importance is the percentage of acceptance of students signed in (96%), versus the offers made and the percentage of students signed in (99%) for 2015

Residence offers to new undergraduate students

4 786 offers were made to new undergraduate applicants (4 359 offers were made in 2015)

Of the 4 786 offers, a total of 1 874 (42%) students signed into the residences, as at 6 February 2016.

Undergraduate students – 1 943 undergraduate students were booked into residence (as at 14/03/16) compared to 2 240 new students accommodated in 2015. Students were allocated into Tier 1 and Tier 2 residences. Table 4 illustrates the bookings of first-time-entering undergraduates per faculty.

Institutional auto-offer summary

The following categories indicated automatic offers made to eligible students:

Financial Aid students - A total of 472 auto-offers were made to students who met the Financial Aid eligibility criteria. (708 in 2015). A total of 331 of the 708 offers made signed into residence, (In 2015, 474 of the offers made financial aid students were signed in.) NB: subsequently as a result of late assessments, a total of 583 student who have been awarded financial aid have signed into residence which is 31% of first time entering new undergraduates

High Score (APS of 540>): 286 offers made, 98 were signed in. (275 offers in 2015 and 126 signed-in)

Minors: 1011 offers made, 288 were signed in. (707 offers in 2015 and 222 signed-in*)

Local students - A total of 322 local students were given offers of residence through the institutional auto offer, faculty rules or discretion. This equates to 16% of the first-time entering under graduates who signed into residence. NB: The higher percentage is as a result of the institutional auto offers made.

Table 4: Student Housing first-time-entering new undergraduate students bookings per faculty: 2014 - 2015 cycle.

Faculty	2016		2015	
	No of Actual Bookings	% Actual Bookings	No of Actual Bookings	% Actual Bookings
Commerce	507	26%	732	33%
Engineering & Built Environment	405	21%	378	17%
Humanities	416	21%	555	25%
Science	310	16%	248	11%
Health Sciences	255	13%	276	12%
Law	50	2%	51	2%
Total	1943		2 240	100%

Table 4 is the total and percentage breakdown of the 1 943 students signed in for 2016 according to Faculty enrolment.

Table 5: Student profile by residence, tier, and race (by historical demography) for new and returning students as at 14 March 16

	Residence	Capacity	New						Total New	Return						Total Return
			NA	B	W	I	C	Ch		NA	B	W	I	C	Ch	
First Tier	Baxter Hall	233	29	52	25	13	9	0	128	16	58	15	7	8	1	105
	Carinus House	363	31	55	37	14	16	2	165	12	112	35	16	20	3	198
	Clarendon House	264	24	42	17	12	4	1	100	15	84	31	15	16	4	165
	College House	119	6	33	10	5	7	1	62	12	28	7	7	2	0	56
	Dullah Omar Hall	48	0	1	0	0	0	0	1	10	21	7	6	3	0	47
	Fuller Hall	231	14	47	23	8	9	0	101	13	61	31	10	12	2	129
	Glendower Residence	138	21	46	10	4	11	2	94	11	14	6	7	4	1	43
	Graça Machel Hall	382	52	90	30	5	21	0	198	34	107	23	8	10	2	184
	Kilindini Residence	32	1	7	4	1	3	0	16	2	7	4	3	0	0	16
	Kopano	367	32	00	42	15	14	2	205	26	88	29	8	10	1	162
	Leo Marquard Hall	419	31	24	39	11	7	2	214	21	140	24	9	10	0	204
	Rochester House	322	22	37	20	7	8	0	144	6	131	12	4	18	2	173
	Smuts Hall	235	15	34	24	17	5	2	97	23	53	42	12	7	1	138
	Tugwell Hall	406	57	95	29	8	23	3	215	30	125	14	7	14	1	191
	University House	108	9	30	4	1	4	2	50	9	28	12	6	2	1	58
	Varietas Residence	146	18	41	11	0	9	1	80	11	20	15	12	7	0	65
First Tier Total:			362	94	325	21	50	18	1870	251	1077	307	137	143	19	1934
% of Grand Total:			5%	3%	5%	2%	2%	0%	28%	4%	16%	5%	2%	2%	0%	29%

Second Tier

Census Date: 2016/03/14			New						Total New	Return						Total Return
Residence	Capacity	NA	B	W	I	C	Ch		Unknown	B	W	I	C	Ch		
5 Stanley Road House	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	
Forest Hill	776	57	53	3	1	5	0	129	83	519	18	26	34	0	680	
Groote Schuur Flats	59	10	2	0	0	0	0	12	7	33	1	4	3	0	48	
Groote Schuur Residence	64	0	2	0	0	0	0	2	15	38	2	3	3	1	62	
Inglewood	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Liesbeeck Gardens	434	45	47	2	0	6	0	100	66	220	5	10	31	0	332	
Medical Residence	103	0	0	0	0	1	0	1	0	79	5	4	14	0	102	
Meulenhof	46	0	0	0	0	0	0	0	3	27	0	0	4	0	34	
Obz Square 2T	548	23	5	0	0	1	0	29	30	385	12	54	47	2	530	
The Woolsack	206	11	1	2	0	0	0	14	16	124	13	13	26	0	192	
Second Tier Total:		147	20	7	1	13	0	288	220	1425	56	114	162	3	1980	
% of Grand Total:		2%	2%	0%	0%	0%	0%	4%	3%	21%	1%	2%	2%	0%	30%	

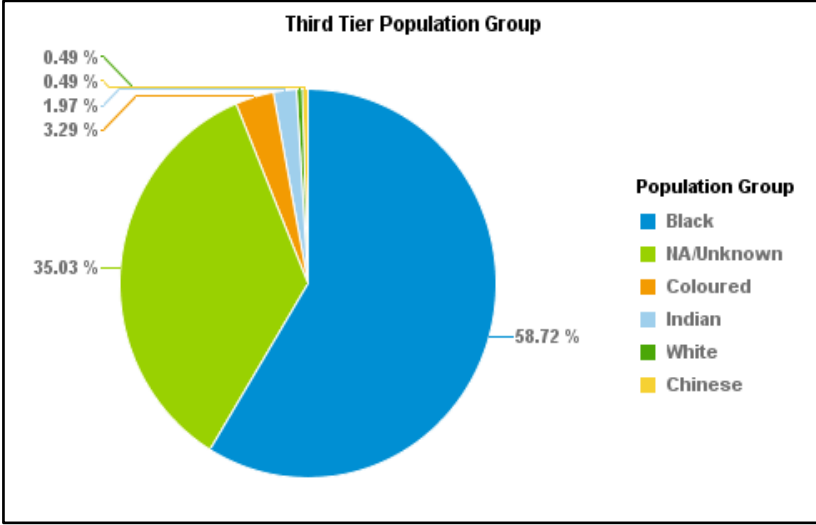
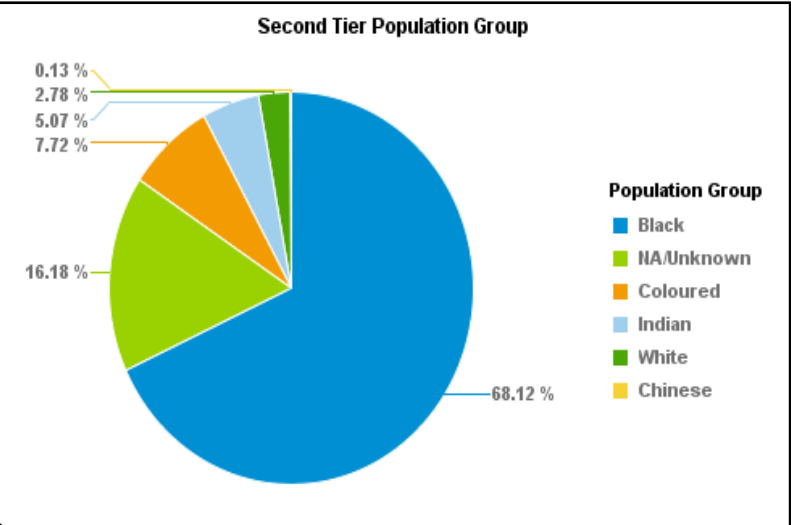
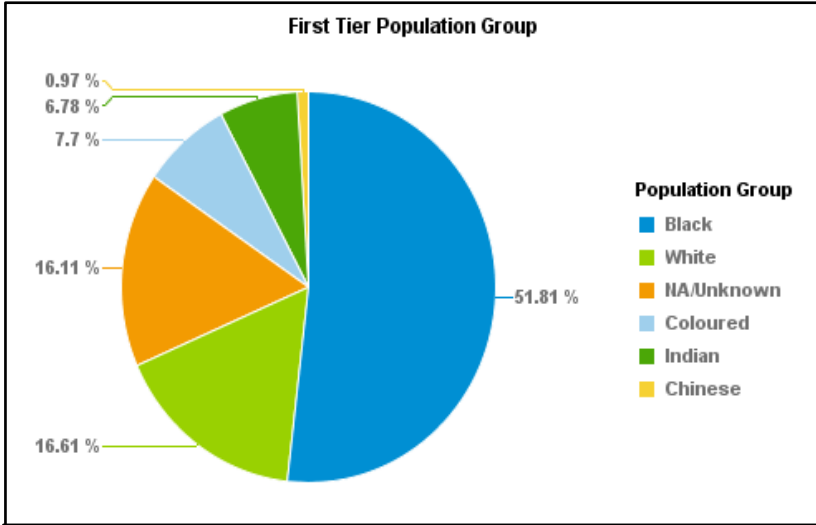
Third Tier

Census Date: 2016/03/14			New						Total New	Return						Total Return
Residence	Capacity	NA	B	W	I	C	Ch		NA/Unknown	B	W	I	C	Ch		
11 Woodbine Road	6	0	3	0	0	0	0	3	1	1	0	0	1	0	3	
8 Avenue Road	6	0	1	0	1	0	0	2	1	3	0	0	0	0	4	
Amalinda	5	0	4	0	0	0	0	4	1	0	0	0	0	0	1	
Edwin Harte	33	1	10	0	0	1	0	12	13	8	0	0	0	0	21	
Ex-Air Residence	42	5	7	0	1	0	0	13	9	19	0	1	0	0	29	
Forest Hill F	42	6	22	0	0	4	0	32	1	8	0	0	1	0	10	
J P Duminy Court	42	6	4	0	0	0	0	10	21	10	0	0	1	0	32	
Linkoping Residence	4	1	0	0	0	0	0	1	3	0	0	0	0	0	3	
North Grange Flats	49	8	34	0	0	2	0	44	3	2	0	0	0	0	5	
Obz Square Post Grad	332	49	163	1	4	7	1	225	51	35	2	4	2	2	96	
Rondeberg Flats	36	4	11	0	0	0	0	15	18	3	0	0	0	0	21	
T B Davie Court	28	4	3	0	0	0	0	7	7	6	0	1	1	0	15	
Third Tier Total:		84	262	1	6	14	1	368	129	95	2	6	6	2	240	
% of Grand Total:		1%	4%	0%	0%	0%	0%	6%	2%	1%	0%	0%	0%	0%	4%	

All Tier Grand Total:

		W	I	C	Ch	Total New	NA	B	W	I	C	Ch	Total Return
593	1276	333	128	177	19	2526	600	2597	365	257	311	24	4154
9%	19%	5%	2%	3%	0%	38%	9%	39%	5%	4%	5%	0%	62%

Grand Total:



Notes to Table 5

Legend: B – Black; C – Coloured; Ch – Chinese; I – Indian; W – White; NA – undeclared

Total Number of beds in stock – 6 679

Total Number of students in residences – 6 680

Student profile by accommodation per residence Tier, for new students and returning students as at 14 March 2016:

Total number of returning and new students – 6 680 students

2 526 new students

4 154 returning students

Tier 1 – 3 804 students in total, of which:

1 870 new students

1 934 returning students

Tier 2 – 2 268 students in total, of which:

288 new students

2 268 returning students

Tier 3 – 608 students in total, of which:

368 new students

240 returning students

Postgraduate Student Accommodation

In 2016, 627 postgraduate students signed into residence; (in 2015: 621) of the 627 students 60% are new postgraduate students and UCT students continuing postgraduate studies or entering the postgraduate level.

Post-doctoral Fellows

5 post-doctoral Fellow is housed in third tier accommodation

4 post-doctoral Fellows are housed in Staff Housing

1 post-doctoral Fellow is housed in All Africa House

2016 Residence Occupancy as at 14 March 2016

A total of 6 680 students were in residence as at 14 March 2016. Tables 6 and 7 below reflect the student profile.

Occupancy levels of the student residence community by residence tiers

The student residence community is accommodated in a structure that is organized around the concept of tiers. Table 6 below, refers.

Tier 1 – accommodates 1st year undergraduate students

Tier 2 – accommodates returning senior undergraduate students

Tier 3 – accommodates postgraduate students.

Table 6: Residence occupancy by community and race.

Tier	Race						Total
	B	C	Ch	I	U	W	
Tier 1	1971	293	37	258	613	632	3804
%	51,81%	7.7%	.97%	6.78%	16.11%	16.61%	
Tier 2	1545	175	3	115	367	63	2 268
%	68.12%	7.72%	0.13%	2.78%	16.18%	2.78%	
Tier 3	357	20	3	12	213	3	608
%	58.72%	3.29%	0.49%	1.97%	35.03%	0.49%	
Total	3 873	488	43	385	1193	698	6 680
%	57.9%	7.3%	0.6%	5.7%	17.8	10.4%	

Table 7: Residence occupancy by nationality and gender

All Tiers	International		South African		Total	% of Total
	SADC	Outside SADC	Citizen	Permanent Resident		
Male	303	143	2535	59	3040	46%
Female	320	150	3085	83	3638	54%
Undeclared	0	0	1	0	1	0%
Trans	0	0	1	0	1	0%
Total:	623	293	5622	142	6680	100%
% of Total:	9%	4%	84%	2%	100%	

Student Housing waiting list

The SHAAS office created two waiting lists.

All new applicants who had applied for housing but were not given a housing offer were informed that their names would automatically be added to the waiting list.

Returning students who had exceeded their stay in residence and off-campus applicants were also informed that their names would be added to a waiting list.

Unfortunately, due to the demand for housing from eligible returning students and new students in receipt of a housing offer attention could not be applied to the waiting list. However, a number of students in the aforementioned categories were assisted either through representation by SETT (Senior Executive Task Team) or the OCSAS office.

Over Night Accommodation.

The purpose of overnight accommodation is intended to house students who arrive at UCT late in the day, are accommodated in the overnight accommodation, given dinner, bed and breakfast. The following day the students are sent to the SHAAS office and are attended to. Student Housing appoints a night manager for the overnight accommodation, who would receive instructions from the Manager of the SHAAS office regarding which students could be accommodated.

The demand for over-night accommodation for this year's admission cycle was extremely high. The ready availability of three staff houses and capacity in Forest Hill A-Block allowed for this demand to be addressed satisfactorily. It must be noted that the over-night facility was not only utilized by new students but also by returning students who had no housing offer for 2016. The assistance of the OCSAS office in facilitating permanent off-campus accommodation for the students passing through the facility alleviated the demand for on campus housing.

Off-Campus Student Accommodation Service (OCSAS)

The OCSAS office continued to play a significant and pivotal referral and advocacy role for the 2015/2016 admission's cycle. During this time consultations and assistance were offered to the following students:

first time entering students who were not successful in obtaining UCT housing

academic and fee exclusion students who lost their spaces in residence

students who exceeded their number of years in residence in terms of UCT policy

students who preferred to live off-campus

postgraduate students who were not successful in obtaining UCT housing

short-term enquiries throughout the year with escalation during graduation and for modular students

The OCSAS office also assisted with requests from departments for short term accommodation for their visiting academics. All short-term requests were firstly referred to All Africa House or Vacation Accommodation to check for in-house availability before we referred them to private landlords. OCSAS also experienced a growing demand for accommodation for postgraduate students with families as we have also experienced an increase in requests for postgraduate family accommodation.

OCSAS provided assistance to approximately 7641 stakeholders. This was largely made up of approximately 1721 consultations, 3586 e-mails and 2334 telephonic contacts. A total of 1525 adverts were placed with OCSAS which resulted in 2074 students being placed off-campus. The off-campus placements increased substantially over the last 3 years from 561 in 2014 to 1070 in 2015 compared to the 2074 in 2016.

Due to an exceptionally high demand for housing this year, OCSAS exhausted all suitable accommodation within the first week of registration. This resulted in requests being made to the broader university community to assist and come forward with possible accommodation to assist displaced students. A request also went out in the local community paper appealing to private home owners to accommodate students. There was an overwhelming response from staff and the general public who responded by offering accommodation to students. OCSAS also partnered with The Lennox who agreed to accommodate students, making the necessary amendments to convert their backpackers to twin and single rooms ensuring that it complied with the minimum norms and standards. UCT academic staff offered to accommodate students without charging rental.

A large number of students arrived without money and OCSAS played a pivotal role in negotiating a substantial reduction in the deposit requirements to our NSFAS students staying at South Point. Further negotiations also allowed that private paying returning students could enter into a payment plan over a 6-month period to cover their deposit. OCSAS furthermore managed the process at My Domain, South Point and Riverview Lodge where the University Executive agreed to pay for the rental and deposits for the month of February to new students. OCSAS managed the process where an agreement between the University and Riverview Lodge was to host some of our overflow students to ensure that there was correlation between the signing in of students and the billing to the university.

Unfortunately, some students were victims of scammers who advertised on private sites – this was reported to SAPS and CPS by the victims. OCSAS assisted with alternative accommodation and negotiated on their behalf for deposits to be waived.

There has been an increase in functions within OCSAS which resulted in an expanding workload. The implementation of the minimum norms and standards is one such function which is time-consuming and due to the nature of this function, it is an on-going process to ensure that due compliance is maintained.

CONCLUSION

There is no dispute that the events of 2015 experienced across the higher education environment have had an impact on the 2015-2016 Student Housing Admissions cycle. Anticipated expectations along with the call for transformation have generated a sense of obligation on the part of Student Housing and Residence Life to address the housing needs of all eligible students both new and returning. Internal institutional dynamics such as more students enrolling on the extended degree programmes, students taking longer than the duration of the “N” years to complete their degrees. Faculties supporting the extension of the residence stay. These are some of the pressures that have influenced the additional demand for housing.

Parallel to the above has been the increase in the take-up rate of academic offers for first-time entering under-graduates. This has a major impact on the demand for housing from new students. All these factors have to be taken into account when a review of the over-allocation of housing offers is undertaken.

The higher education landscape is very fluid and SH&RL together with other role players and stake holders must seriously engage and strategize and devise various scenario options so as to deal with housing admission challenges it may face in the future.

Insights gained

As with any student housing admissions cycle, a reflective process is necessary in making policy and practice adjustments as appropriate in ensuring that the system is continually responsive. The weekly meetings of the group monitoring the offer allocation according to the new criteria ensured that the strategic recruitment goals of the institution remained on target.

Review

A review of the current model and appropriate adjustments thereto regarding the take up rate remains imperative once this cycle has been consolidated.

Operational and Systemic Enhancements

Early indications show that attention needs to be given the following for the 2017 student housing admissions cycle:

Considering the allocation returning students against the anticipated take-up rate of first-time entering students.

Considering to have in place an approved and fixed off-campus alternative in the event of a higher than expected take-up rate.

For the AC to consider reviewing the over offer target for new undergraduate students (FU).

Improving the real time information, monitoring and coordination between the residence and the SHAAS office so that once a residence is fully occupied, no other students are allocated to such residences.

Develop central referencing system to identify students with confirmed student housing offers who request a slightly later arrival than the start date of residences, so that the room can be available by date of arrival.

Annexure: Use of private security and police; need for practical guidelines²⁴

Running through the IRTC report is a thread that sometimes states explicitly, sometimes implicitly, that UCT management used private security, Public Order Police Services (POPS) and the South African Police Services (SAPS) inappropriately to manage the protests.

I have selected a sample of situations from October 2015 and February 2016 which exemplify the problems we faced during unlawful protests where we decided to bring in police or private security. My executive believed these were justified. It would be useful for the Executive and Council to have input on how these situations could have been handled differently so Council can confirm or vary guidelines for the use of private security, SAPS and POPS.

- In October 2015, the barricades that prevented people from writing exams, and also prevented students and staff from accessing the campus and continuing their work and studies. The internal Campus Protection Services (CPS) are not capable of removing them in terms of the CPS numbers and training. Thus the absence of private security and police meant accepting that the groups of protesters could close the campus, the libraries and study places, disrupt residence life and prevent exams from being written. Later, in November, for the main exam session, we had to decide whether to bring private security onto campus to protect the exams. The choices faced were writing exams and completing the year with private security or shutting the campus and not completing the year. (Negotiations were ongoing throughout, and had produced significant concessions and changes but could not bring the protest to an end since the protesters' goal was to put pressure on government to drop the fees – something our local negotiations could not achieve.)
- At times during both periods (2015 and 2016), the management team was unable to work from their offices, nor even from a venue on campus for fear of the offices being invaded and taken over, or of being held hostage. The police will generally not intervene if there is no immediate threat to property or person, and will not guard a building preventatively to ensure access. Is it acceptable for the management, and in fact all other administrative services run from Bremner to be without protection such that the fear of invasion forces them to leave the building and operate from secret venues off campus? How should situations such as this be managed?
- A Senate meeting on 9 November was invaded by a large group of protestors (more than 30) who completely disrupted the meeting and behaved violently, throwing food and water bottles at people with no apparent interest in negotiating anything that would allow the meeting to continue. A similar situation faced two Council meetings, one of which was invaded and disrupted, the other was cut short in anticipation of the arrival of the protesters and the absence of any security to allow the meeting to continue. Should private security be used to protect governance meetings (which incidentally include SRC representatives) in such circumstances?

²⁴ This is a summary version of one of the executive's submissions to the IRTC.

