

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No: 5982/17

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

And



LINDSAY MAASDORP

First respondent

SINAWO THAMBO

Second respondent

NALEDI MBABA

Third respondent

EMMANUEL LIBERTY SHONGWE

Fourth respondent

MASIXOLE MLANDU

Fifth respondent

SINOXOLO BOYI

Sixth respondent

**PERSONS WHO ARE UNLAWFULLY
OCCUPYING BREMNER BUILDING,
LOWER CAMPUS, UNIVERSITY OF CAPE TOWN**

Seventh Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE THAT the application will be made on behalf of the above-named applicant on **MONDAY 3 APRIL 2017 AT 10H00** or so soon thereafter as Counsel may be heard for an order in the following terms:

1. Dispensing with the forms and service provided for in the Uniform Rules of Court and directing that this application be heard on an urgent basis in terms of Rule 6(12)(a).
2. That a rule *nisi* be issued calling on the respondents to show cause on **12 APRIL 2017** why the following order should not be made final:
 - 2.1. Declaring that the sit-in of the respondents at the Bremner building, Lower Campus, University of Cape Town ('the Bremner building') since 29 March 2017 is unlawful.
 - 2.2. Directing the respondents to forthwith vacate the Bremner building and to refrain from occupying or re-occupying the Bremner building or any of the applicant's other buildings and not to return other than for the transaction of University business that requires their attendances at the Bremner building or any of the applicant's other buildings.
 - 2.3. Directing the respondents to forthwith return any and all keys or access cards in respect of the Bremner building that they may have in their possession forthwith.
 - 2.4. Directing the respondents forthwith to remove all of their possessions from the Bremner building.


- 2.5. Directing the respondents to desist from any action that obstructs or frustrates the effective rendering of university services or decision-making processes of the University.
3. That paragraphs 2.2 to 2.5 above shall operate as an interim interdict with immediate effect until the final determination of the matter.
4. Granting the applicant leave to file a supplementary affidavit and confirmatory affidavits, if necessary, on or before 5 April 2017.
5. That service of any order granted be effected by posting copies thereof:
 - 5.1. on the applicant's website and Facebook page; and
 - 5.2. on the outer doors to the Bremner building.
6. Costs against any person who opposes the application.
7. Further and/or alternative relief.

TAKE NOTICE FURTHER that the accompanying affidavit of **KAREN VAN HEERDEN** will be used in support of this application.

TAKE NOTICE FURTHER that the applicant has appointed the offices of Fairbridges Wertheim Becker at the address indicated below as the address at which it will accept notice and service of all process in these proceedings.

DATED AT **CAPE TOWN** on this 1st day of **APRIL** 2017.

FAIRBRIDGES WERTHEIM BECKER

Per: 
A PETERSEN

Attorneys for the applicant

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TO: THE REGISTRAR

High Court

CAPE TOWN

**AND TO: LINDSAY MAASDORP, SINAWO THAMBO, NALEDI MBABA,
 EMMANUEL LIBERTY SHONGWE, MASIXOLE MLANDU and
 SINOXOLO BOYI**

First to Sixth respondents

Bremner Building

Lower Campus

University of Cape Town

Rondebosch

Western Cape

**AND TO: PERSONS WHO ARE UNLAWFULLY
 OCCUPYING BREMNER BUILDING,
 LOWER CAMPUS, UNIVERSITY OF CAPE TOWN**

Seventh Respondent

Bremner Building
Lower Campus
University of Cape Town
Rondebosch
Western Cape

IN THE HIGH COURT HAVE SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO:

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

and

LINDSAY MAASDORP

First respondent

SINAWO THAMBO

Second respondent

NALEDI MBABA

Third respondent

EMMANUEL LIBERTY SHONGWE

Fourth respondent

MASIXOLE MLANDU

Fifth respondent

SINOXOLO BOYI

Sixth respondent

**PERSONS WHO ARE UNLAWFULLY
OCCUPYING BREMNER BUILDING,
LOWER CAMPUS, UNIVERSITY OF CAPE TOWN** Seventh Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

KAREN ILSE VAN HEERDEN

do hereby make oath and state that:

1. I am an adult female employed by the applicant as the Deputy Registrar:

Academic Administration with my offices situated at Middle Campus,



kwH

Masingene Building, Rondebosch, Cape Town and I depose to this affidavit in my capacity as the applicant's acting registrar.

2. I am duly authorised to represent the applicant in these proceedings and to depose hereto as is apparent from annexure 'KVH1' and 'KVH2'. Annexure 'KVH2' is an extract from a Council resolution taken on 13 February 2017.
3. The facts deposed to herein are within my personal knowledge unless stated to the contrary or otherwise appears from the context, and are to the best of my belief true and correct. Where I rely on information conveyed to me by others, I verily believe same to be true. Legal submissions made are based on the advice provided by the applicant's legal representatives.
4. This affidavit is structured as follows:
 - 4.1. First, I describe the parties to the application.
 - 4.2. Second, I provide an overview of the relief sought in this application.
 - 4.3. Third, I provide some background regarding previous unlawful occupations of the applicant's premises and other unlawful protest action at the university's premises.



- 4.4. Fourth, I set out the facts giving rise to this application.
- 4.5. Fifth, I address the legal and factual bases for the relief sought.
- 4.6. Sixth, I address the question of urgency.

THE PARTIES

- 5. The applicant is the University of Cape Town (also referred to as ‘UCT’ and ‘the University’), a higher education institution established in terms of the Higher Education Act, No. 101 of 1997 (‘The Higher Education Act’) with its principal place of administration at Bremner Building, Lower Campus, Rondebosch.
- 6. The first respondent is **LINDSAY MAASDORP**, and adult male.
 - 6.1. The first respondent is not, and has never been, according to the applicant’s records, a student at UCT.
 - 6.2. The first respondent is known to the applicant’s executive members and security officers due to the fact that he regularly attends protests held on campus.
 - 6.3. A charge of assault was also laid against the first respondent during October 2016 following an incident in which the Vice Chancellor, Dr. Max Price, was assaulted.

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- 6.4. The first respondent's email address is, as far as the applicant is aware, lgmaasdorp@hotmail.com.
7. The second respondent is **SINAWO THAMBO**, an adult male.
- 7.1. The second respondent is a currently registered student at UCT with student no. THMSIN004. He has been a student since 2015 and is registered for a Bachelor of Arts.
- 7.2. The second respondent's email addresses are sinawotambo@gmail.com and THMSIN004@myuct.ac.za.
8. The third respondent is **NALEDI MBABA**, an adult female.
- 8.1. The third respondent is a currently registered student at UCT with student no. MBBNAL001. She is a second year LLB student.
- 8.2. The third respondent's email address is mbbnal001@myuct.ac.za.
9. The fourth respondent is **EMMANUEL LIBERTY SHONGWE**, an adult male.
- 9.1. The fourth respondent is no longer a student at UCT. He was a student until 2012.
- 9.2. The fourth respondent's email address is not known to the applicant.



10. The fifth respondent is **MASIXOLO MLANDU**, an adult male.
 - 10.1. The fifth respondent is a currently registered student at UCT with student no. MLNMAS005, registered for a BSocSci.
 - 10.2. His email address is mlnmas005@myuct.ac.za.
11. The sixth respondent is **SINOXOLO BOYI**, an adult male.
 - 11.1. The sixth respondent is a currently registered student at UCT with student no. BYXSIN001, registered for an LLB.
 - 11.2. The sixth respondent's email address is byxsin001@myuct.ac.za.
12. The seventh respondents are **PERSONS WHO ARE UNLAWFULLY OCCUPYING BREMNER BUILDING, LOWER CAMPUS, UNIVERSITY OF CAPE TOWN**.
 - 12.1. The unlawful occupation ('sit-in') of the Bremner building started on 29 March 2017. There has not been a static group of persons who have been participating in the sit-in. Since the sit-in commenced, both the number of persons as well as their identities have varied. The information that the applicant has compiled in respect of the persons who have been occupying Bremner building overnight since 29 March 2017 is as follows:
 - 12.1.1. On the evening of 29 March 2017: approx. 15 persons.



12.1.2. On the morning of 30 March 2017: between 15 and 20 persons.

12.1.3. In the afternoon of 30 March: 25 persons.

12.1.4. In the evening of 30 March the numbers fluctuated between 25 to 100 persons.

12.1.5. At 07h15 on 31 March: 11 persons.

12.1.6. At 19h30 on 31 March: approximately 80 persons.

12.1.7. At 00h00 on 1 April: approximately 50 persons.

12.1.8. In the morning of 1 April: approximately 20 persons.

13. Attempts were made by Steven Ganger, a crime investigation officer forming part of the applicant's campus security, to establish the names of the persons involved in the sit-in (which is the subject of this application) on the morning of 31 March 2017. They refused to provide their names.
14. On account of the foregoing, the applicant is not in a position to identify the third respondent with any further particularity.



THE RELIEF SOUGHT

15. The substantive relief sought in this application is aimed at:
- 15.1. Declaring that the sit-in of the respondents at Bremner since 29 March 2017 is unlawful.
 - 15.2. Directing the respondents to forthwith vacate the Bremner building and to refrain from occupying or re-occupying the Bremner building or any of the applicant's other buildings and not to return other than for the transaction of University business that requires their attendances at Bremner building or any of the applicant's other buildings.
 - 15.3. Directing the respondents forthwith to remove all of their possessions from the Bremner building.
 - 15.4. Directing the respondents to desist from any action that obstructs or frustrates the effective rendering of university services or decision making processes of the University, including entering any of the applicant's buildings for any purpose other than legitimate university buildings.



BACKGROUND

16. Since March 2015 South African universities have been confronted with on going student protests conducted under various names, including #rhodesmustfall and #feesmustfall. These protests have been widely reported in the media.

17. It is important to briefly set out UCT's position as regards the protests and the issues driving them:

17.1. UCT recognises that the fundamental national issue regarding fees is affordability.

17.2. UCT supports lawful protests, but does not condone unlawful conduct or the actions of the few that are jeopardising the future of many.

18. The events of the past approximately two years are important in order to contextualise the applicant's position and the relief sought in this application. To that end, what follows is a brief summary of the pertinent events.

The events of 2015

19. The first instance of an unlawful occupation in 2015 at UCT occurred at the Bremner building at UCT from 20 March 2015 to 12 April 2015.

This situation was defused and the persons who were unlawfully occupying Bremner ultimately vacated after UCT instituted, in this court, an urgent application for them to vacate on 10 April 2015. The launch of the application caused the unlawful occupiers of Bremner building to leave, and the application for their removal became moot.

20. The second instance of such unlawful conduct occurred at Avenue House, Mowbray, which commenced on 29 April 2015 and was ultimately resolved when the parties reached an agreement as per the court order dated 26 May 2015 under case number 9613/15 to enter into a mediation process. The mediation process was finalised in August 2015.
21. There were further protests on the University premises and at Parliament during October 2015 which resulted in the arrest and prosecution of a number of students.

The events of 2016

The protests during February 2016

22. During January 2016, the Vice Chancellor established a Special Executive Task Team ('the SETT'). The SETT would focus on matters affecting universities nationwide that may impact UCT specifically. The aim is for the task team to work with multiple stakeholders across



campus, to anticipate and defuse tensions, ensure good communication with the campus community when events are moving rapidly, and ensure maintenance of a safe environment for all.

23. The SETT is currently led by Prof. Loretta Feris, who is the new Deputy Vice Chancellor for Transformation. Her portfolio includes student affairs. Other current members Mamokgethi Phakeng, Russell Ally, Elelwani Ramugondo, Thando Tsotsobe, Roland September and Gerda Kruger.
24. During February 2016, correspondence was exchanged between management and the SETT (as it was then constituted) on the one hand and the RMF movement on the other relating to RMF's demands and the occupation of Avenue House and Hall. The correspondence evinced a clear intention on the part of the University and the SETT to engage with students on issues such as accommodation and outstanding fees.
25. During February 2016 further protest action ensued at UCT, dubbed by the participants as '*Shackville*'.

25.1. The nature of that protest and the damage caused to UCT's property, also widely reported, formed the subject matter of urgent interdict proceedings in this court. An interdict was granted against certain of the protestors involved. The protestors appealed the order to the Supreme Court of Appeal ('SCA'). (In

what follows, for ease of reference, I refer to these proceedings as ‘the Shackville proceedings’.)

25.2. On 20 October 2016 the SCA handed down judgment in the appeal. The case is cited as *Hotz v UCT* (730/2016) 2016 ZASCA 159 (20 October 2016).

25.3. The respondents (appellants in the SCA) then applied to the Constitutional Court for leave to appeal. The application is pending.

The protests during October 2016

26. Following the February 2016 protests and the grant of the interdict, and until September 2016, the situation at UCT’s campuses was relatively calm (apart from protests that took place on 15 and 16 September which caused disruptions at all of UCT’s campuses).

27. On 19 September 2016 the Minister of Higher Education and Training (‘the Minister’) announced the decision of government regarding fees for the 2017 academic year.

28. On 16 September 2016, in light of attempts by protestors to shut down the university, the decision was taken by management to suspend classes. The Minister’s announcement was a catalyst for widespread and often extremely violent protests at most of the universities in the



country. In the weeks that followed, a number of universities suspended their academic programme.

29. During the week of 17 October 2016 there was a marked increase in violence and intimidation on the applicant's campus, which necessitated an urgent application to this court for relief preventing unlawful conduct. That application was launched under case no. 19875/16 ('the October 2016 application').
30. On 25 October 2016 Justice Meer granted a rule *nisi* operating as an interim interdict, which was revised on 27 October 2017. The orders are attached marked 'KVH3.1' and 'KVH3.2'.
31. On 4 November 2016 the sixth respondent and two organisations – the Shackville Truth and Reconciliation Commission and Staff for Social Justice in Education - gave notice of their intention to oppose the application.
32. On 7 November 2016 Mr Boyi and the aforesaid organisations withdrew their opposition. However, on the return date of 25 November 2015, Mr Boyi appeared in person and sought a postponement of the matter in order to obtain legal representation to assist in opposing the matter. The matter was postponed and the parties agreed to a timetable for the filing of papers. No papers were, however, filed by any of the respondents in that matter.

33. On 22 March 2017 the matter came before Justice Le Grange.

33.1. The applicant indicated that in light of the relative calm on campus during the exam and deferred examination periods, and the registration process for the new academic year (which had been completed on 10 March 2017), the interdict had served its purpose and that it did not appear to be necessary to confirm the rule *nisi*.

33.2. A supplementary affidavit setting out these facts was filed, and an order was granted in terms of which the rule *nisi* was discharged on the basis of such affidavit. Justice Le Grange also commended the applicant for its prudent approach in dealing with the matter. The supplementary affidavit is annexed marked '**KVH4**' and the order of Justice Le Grange as '**KVH5**'.

34. The October 2016 order catered for a number of situations, including situations such as the present one that has given rise to the need for this application – dealt with more fully below. The applicant had hoped, in the light of the conclusion of the agreement dealt with below, and in light of the relative calm during the examination, deferred examination and registration periods, that an interdict was no longer necessary. With hindsight, the applicant appears to have erred in this assessment – as set out more fully below, not long after the October order was discharged, the respondents unlawfully occupied the Bremner building.

The November 2016 agreement

35. On 6 November 2016, an agreement was concluded between the groups known as the 'SRC candidates' and 'Shackville TRC' and UCT's management team ('the agreement'). A copy of the agreement is annexed marked 'KVH6'.
36. The agreement is aimed at *inter alia* de-escalating tensions, ending the cycle of protests and counter-actions, limiting the need for private security and creating conditions that would allow for the completion of the 2016 academic year for all students. The agreement is also directed at creating a framework for longer-term challenges faced by the university.
37. A number of students signed the agreement including the second, fifth and sixth respondents. The fifth and sixth respondents applied for and were granted clemency.

THE EVENTS GIVING RISE TO THIS APPLICATION

The events of 29 March to 31 March

38. On 29 March 2017 a meeting was held at Bremner building. The meeting was attended by approximately 100 students and by Prof. Loretta Feris, Brandon Collier-Reed, the Deputy-Dean EBE and Chair of the readmission appeal committee ('RAC'), Judy Favish, rapid



response task team ('RRTT') project manager and me. The RRTT was established following the conclusion of the agreement. The meeting pertained to the appeal process for academic and financial exclusions. It was initially scheduled to include only small number of invited students who are leaders of various student-groups.

39. At the meeting, an agreement was reached regarding the need to review all exclusions and to alert students to apply individually to initiate the review process. Various other demands, some relating to financial exclusions, were also agreed to. At the end of the meeting a group of students decided to occupy the Mafeje room in the Bremner building.
40. Members of the SETT then held a lengthy meeting to discuss the issue of the exclusion appeals and agreed as follows:
 - 40.1. An automatic review of all academic exclusions (some 150 cases) will be concluded over the next few days with the deadline of Tuesday, 5 April 2017.
 - 40.2. Excluded students who do not wish to be the subject of such a review need to indicate this to the Deputy Registrar's office by 17:00 on 29 March 2017. (The email to the excluded students was sent later anticipated and therefore they were given 24 hours from receipt of the email in order to opt-out.)



- 40.3. A panel consisting of a maximum of four senior academics would be selected to complete the review.
- 40.4. Two student faculty council chairs (elected by faculty councils) will act as observers to the review.
41. The aforesaid decision was communicated to those persons occupying the Mafeje room in Bremner at approximately 21:00 on 29 March 2017 by Prof. Feris. Prof. Feris met with the occupiers again at 23h00, at which time she was advised that they required more time to consult broadly, and asked that the meeting reconvene at noon on 30 March 2017.
42. Overnight, approximately 15 to 20 persons remained in occupation of the Bremner building.
43. In light of the sit-in, the staff who work from Bremner were advised not to attend work on 30 March 2017.
- 43.1. During past occupations of Bremner and other buildings, staff have been threatened and intimidated.
- 43.2. Past experience has also shown that the administration of the University cannot, in any event, continue from buildings that are occupied by students and other protestors due not only to



intimidation but also disruptions in the form of noise and other disturbances.

43.3. In the past, students have not been able to access occupied buildings for important business concerning administration matters.

43.4. Since 29 March 2017, for these reasons, the staff who work from Bremner have not been able to work from Bremner, with the result that (a) their work has been hampered, (b) no students have been able to attend at the building in order to seek assistance regarding administrative matters, such as regards financial issues, (c) no administration or other meetings could be held at Bremner.

44. Bremner is the administrative heart of the university. There are 118 offices and 123 staff members work from that building. The operations of many of the key departments of the university operate from Bremner, including HR, finance, legal service, institutional planning the secretariat and incoming-mail room. The Vice Chancellor, Deputy Vice Chancellors, and the Registrar work from Bremner. Most essential meetings apart from Senate meetings are held at Bremner. The Mafeje room in Bremner is the central meeting venue.

45. A meeting was held with the persons who had remained in occupation of Bremner overnight at noon on 30 March 2017. They indicated to Prof.



Feris and Prof. Reddy (Acting Deputy-Vice Chancellor: Teaching and Learning) that they were not prepared to vacate until such time as a list of their demands had been dealt with by the executive.

46. The list was received by Prof. Feris shortly thereafter. A copy of the list is attached marked 'KVH7'.
47. The SETT met at 14h00 on 30 March to consider the list of demands. As appears from the list, the occupiers made a number of demands, including that UCT not exclude any black student on academic or financial grounds.
48. The executive has over the past several months resolved many matters and have made substantial and significant progress. Whilst some of the demands on the new list are aligned with issues that are already in the process of being addressed, there are other demands, such as the aforesaid demand, that goes far beyond the agreement and is not a demand that UCT can ever meet.
49. Between 15h00 and 16h00 on 30 March, those occupying Bremner were handed notices to vacate Bremner, a copy of which is attached marked 'KVH8'. The notices were handed out by Norman Van Wyk, a campus security, 'CPS', supervisor, to approximately 23 persons. (25 persons were present, but two persons refused to accept the notice.) Mr Van



Wyk was unable to identify by name any of the persons present. Mr Van Wyk's confirmatory affidavit will be filed as soon as possible.

50. At approximately 17h00, Prof. Feris and Judy Favish received the email attached marked 'KVH9' from the Shackville TRC which indicated a hostile reaction to the notice. Various serious allegations are made against the University, such as that the executive has violated the agreement and that it does not take the students concerns seriously. All of those allegations are denied. Notably, the following threat is made:

'The threat to vacate us from Bremner without engaging our demands will only intensify and spread conflict throughout the campus. We will not be deemed liable for management provoking (sic) students' anger.'

51. Shortly after the notices were handed out on 30 March, CPS locked the doors to Bremner in an attempt to stop the influx of further persons into the building. Those who were already in the building became agitated and confrontational. In order to de-escalate the tension, the CPS officers decided to unlock the doors.

52. The number of persons who entered, left and remained in the Bremner building during the evening of 30 March was transient:

- 52.1. A meeting was held at Bremner regarding a separate protest action that has been underway during this past week in respect of

the Israeli Apartheid Week (IAW). Approximately 40 persons attended that meeting led by the Palestinian Student Forum (PSF).

52.2. Early in the evening, those persons who had been occupying Bremner went to the Graca Machel residence-dining hall to demand food. They then moved on to the Kopano residence. At approximately the same time, a group of approximately 30 members of catering staff from the dining halls of the residences joined the occupiers at and in Bremner.

52.3. At one point, there were approximately 100 persons in Bremner.

52.4. Later in the evening, the persons who had attended the IAW talk left, as did the catering staff.

53. On the evening of 30 March, there were concerns that matters would escalate. A decision was taken by the Vice Chancellor to request the assistance of the SAPS. The SAPS sent two officers to Bremner. The two officers entered the building. They spoke with the second respondent and explained to him that they were simply there to assess the situation. They then returned to their vehicles, parked in the Bremner parking lot. One of the officers remained until the early hours of the morning of 31 March.



54. An inspection of the building in the early hours of 31 March by Mr Ganger revealed that 11 persons had slept in the building overnight – 9 inside the Mafeje room, and 2 outside in the hallway. Mr Ganger's confirmatory affidavit will be filed as soon as possible.
55. During the morning of 31 March CPS determined that they would again lock the doors to Bremner to prevent any further persons occupying the building. Three officers remained in the building and would permit any person inside the building to leave at any time.

Attempts at mediating the dispute

56. On 31 March 2017, and following the exchange of messages between Prof. Feris and the occupiers, the mediator, Nomfundo Walaza, was contacted.
57. The met with those occupying Bremner to establish their position. At the occupiers made two requests: (1) that two persons be permitted to leave to obtain food for those inside and that they be guaranteed entry on return with the food and (2) that more persons be permitted to enter Bremner to attend the meeting with the mediator. The executive was prepared to agree to the first request, but not the second.
58. A meeting was then held between the mediator and those persons already inside Bremner, for approximately 2 hours.

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59. Though attempts were made to stop further persons from entering Bremner, the situation was again fluid throughout the 31st of March, with persons coming and going. It is believed that one or more of the persons occupying Bremner may have access cards that enable them to gain entry into Bremner.
60. A large number of primarily catering staff from the residence dining halls were able to gain access to the building whilst the mediator was speaking to the occupiers.
61. At the end of the discussion with the mediator, the catering staff left Bremner, but a number of other occupiers remained.
62. Prof. Feris was then contacted by the occupiers and advised that the group required time to consolidate and would revert later.
63. On the evening of 31 March 2017, a message titled 'Clarion call to Bremner' was posted on the Shackville TRC Facebook page, a copy of which is attached marked 'KVH10'. As is apparent from the post, people were called to join the occupation at Bremner. Of particular concern is the concluding statement: '*We Won't Move*'.
64. Prof. Feris requested that a meeting be held with the occupiers outside of Bremner, but they refused, and no further engagement occurred on 31 March.

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65. During the evening of 31 March 2017, Prof. Feris addressed an email to the Shackville TRC email account – through which she communicates with the occupiers, a copy of which is attached marked ‘KVH11’.

65.1. As is apparent from the email, the occupiers were updated on the progress of the implementation of the agreement that had been reached on Wednesday 20 March which indicated that extensive progress had been made.

65.2. The occupiers were requested to vacate Bremner. It was made clear that discussions outside of Bremner would continue.

65.3. It was hoped that in light of the substantial progress that had been made in implementing the agreement, that the occupiers would vacate Bremner.

65.4. There has been no formal response to the email.

66. The facts as set out in the aforementioned email were also published to the wider university community *via* the applicant’s website on the morning of 1 April 2017, as appears from the attached annexure, marked ‘KVH12’.

67. On the morning of 1 April 2017, Prof. Feris notified the occupiers that she had sent the email to the Shackville account. She requested a

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meeting to discuss implementation of the agreement and the continued occupation and suggested a time and date for the meeting.

68. The occupiers responded later in the morning of 1 April and indicated their willingness to engage outside of Bremner and suggested a meeting at 15h00 on 1 April. However, neither the mediator nor the executive team was available to meet at that time and for that reason a meeting on Sunday 2 April 2017 between the occupiers, executive members and mediator was suggested. That was agreed to by the occupiers.
69. As of the time of deposing to this affidavit (in the afternoon of Saturday, 1 April 2017) the Bremner building remains occupied.
70. Throughout the past few days executive has indicated its willingness to engage but has asked students to do so outside of the Bremner building. The members of the executive remain willing to engage students on all of the issues.
71. The executive has assured the group of its continued commitment to work with them as soon as the occupation has ended.
72. All resolutions that were agreed to in the meeting with the group on Wednesday, 29 March, have now been implemented. Work on all further issues raised continues, including the reviews of all those

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students still excluded after appealing to the RAC, which will be concluded early next week.

73. Despite the meeting scheduled for Sunday 2 April 2017, and the executive's commitment to continuing to engage with the students raising concerns regarding *inter alia* the issue of exclusions, it critical that Bremner be vacated as soon as possible so that the work of the University can continue.
74. In light of the events of the past few days, it does not appear likely that the occupiers will vacate Bremner unless compelled to do so by an order of this court. It is for that reason that the applicant can longer wait to approach this court for relief. I cannot emphasise strongly enough that this in no way detracts from the applicant and its executive's commitment to continuing to engage with students.
75. Prof. Feris' confirmatory affidavit confirming her involvement in the matter will be filed as soon as possible.
76. Judy Favish has been involved in the RRTT as the project manager. She has been involved in the many of the meetings of the past few days and has identified the third and fourth respondents as being part of the group of persons who have occupied Bremner. Her confirmatory affidavit will be filed as soon as possible.

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77. Member of CPS have identified the first, second, fifth and sixth respondents as being part of the group of persons who have occupied Bremner. Their confirmatory affidavits will be filed as soon as possible.

The consequences of the on going occupation of Bremner

78. In light of the events of 30 March 2017, the staff working from Bremner were again advised not to attend work at Bremner on 31 March 2017.

79. Since taking occupation on 29 March, the group (though in varying numbers) has occupied the Bremner building 24 hours a day. A number of students have been sleeping in the building, as is apparent from the photographs taken by Mr Ganger attached marked 'KVH13.1' to 'KVH13.7'.

79.1. A number of mattresses, pillows, blankets and the like have been brought in by the occupants. Some people are sleeping on the floor. It should noted be that Bremner is not structured to cater for anyone to sleep there.

79.2. There are three portraits of previous Vice Chancellors hanging in the lobby. One of them – that of Prof. Saunders - has been removed by unknown persons, and without authority. The back of the portrait was partly damaged when it was removed. The other two portraits remain hung on the wall.



80. The result of the foregoing is that UCT is, through the manifestly unlawful conduct of the respondents, not able to perform all of its functions as a university. Bremner is the core administration building of the university.
81. The disruptions caused by last year's protests severely prejudiced the University and the entire student body – lectures were disrupted, the term was extended and the 2017 term commenced late, which has resulted in a truncated academic year. The University cannot afford any disruptions if it hopes to complete the 2017 academic year successfully in the time available due to the late start. I should also mention that the disruptions last year had a significant financial impact on the University in the form of, amongst other things, a substantial loss in fee income as a consequence in the decline in international 'semester study abroad' students for the 2017 academic year. The applicant's international partners are not sending students until the situation on campus has stabilised.
82. I wish to make it clear that the applicant does not wish to take any measure to stifle debate and free expression. However, notwithstanding repeated offers to engage, a group of persons continue to unlawfully occupy the Bremner building. They have no right or entitlement in law to do so; in addition, their conduct manifestly impedes the execution of university business.



83. The executive has, since 29 March 2017, repeatedly appealed and urged the group occupying Bremner to vacate the premises urgently. They had steadfastly refused to do so. Every effort has been made to facilitate a mediated settlement of the matter, unfortunately, to date, to no avail.
84. The applicant has pursued a mediated, negotiated settlement with the occupiers for as long as possible before approaching the court. However, the applicant must take steps without further delay to ensure the proper functioning of the university, and cannot permit the continued occupation of Bremner any further. The staff that work from that building must be permitted to return to continue their work on Monday (3 April) for the benefit of the entire student body.
85. Those occupying Bremner have now made it clear that they will not vacate Bremner until such time as their demands are met. Those demands are a moving target. There is every reason to anticipate that without an order from this court preventing this unlawful conduct, the respondents will not vacate Bremner or that if they do vacate, that they will attempt to re-occupy Bremner (or another one of the applicant's buildings), whenever they disagree with the applicant's conduct in future, or when they develop new demands.
86. The applicant has attempted and will continue to attempt to open suitable fora for discussion of the concerns of the students. The applicant cannot however, tolerate the unlawful conduct of the



respondents, which is to the detriment of the applicant and the entire University community.

LAW

87. The applicant is governed by the provisions of the Higher Education Act. Section 36 thereof provides that every student at a public higher institution is subject to such disciplinary measures and disciplinary procedures, as may be determined by the institutional statute or the institutional rules.

88. I am advised that in persisting with the sit-in at Bremner and in acting in the manner that I have described above, the respondents – at least those of them who are students at UCT - have breached a number of rules that govern their conduct at UCT (insofar as they are students). These are the Institutional Rules contemplated by section 36 of the Higher Education Act and include:

88.1. RCS 7.6 which provides: “A student must not act or threaten to act in a manner which interferes with the work or study of any member of staff or student in general and specifically in relation to the person’s race, gender, beliefs, or sexual orientation.”

88.2. RCS 7.7: which provides: “A student must not abuse or otherwise interfere with any member of the University

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community in any manner which contributes to the creation of an intimidating hostile or demeaning environment for staff or students in general and specifically in relation to the person's race, gender, beliefs, or sexual orientation."

88.3. RCS 7.8 which provides: "A student must not prohibit entry or exit from the University campus or any building on the University campus."

88.4. RCS 7.9 which provides: "A student must not obstruct, disrupt or interfere with the teaching research, administrative, custodial or other functions of the University."

88.5. RCS 7.10 which provides: "A student must not obstruct the movement of any member of the University community."

(I attach the relevant section of the Handbook on General Rules and Policies marked 'KVH14')

89. Those who are not students, such as the first and fourth respondents, have no right to attend at the applicant's buildings without an invitation or a legitimate purpose, and in any event, are not entitled to unlawfully occupy any of the applicant's buildings, as has occurred.

90. I respectfully aver that the applicant has:



90.1. A clear right: Although the requirement for an interim interdict is a *prima facie* right, I emphasise in this regard that the applicant has a clear right to: (a) control and manage access to its property; (b) ensure that it is allowed to properly manage and control unlawful conduct on its property. It seeks to assert these rights in the institution of these proceedings.

90.2. Injury committed or reasonably apprehended: If the relief sought in this application is refused, the result will be that the respondents will remain at Bremner for an indefinite period of time with the attendant disruption of the business at Bremner and the university more generally.

90.3. The balance of convenience: I respectfully aver that the balance of convenience favours the applicant. The following is of relevance in this regard: (a) the applicant is seeking to interdict and restrain unlawful conduct; (b) the respondents will suffer no inconvenience if the relief sought herein is granted – in particular, the respondents have other legitimate means of protest, and in any event, the executive has repeatedly engaged with the students and undertaken to continue engaging with them; (c) in the event that the relief sought is refused, the applicant and the entire University community will suffer grave inconvenience and prejudice for reasons described.



90.4. The absence of any other satisfactory remedy: As is apparent from what I have already stated, the applicant has no other satisfactory remedy. In light of the history of the matter, there is every reason to believe that without an interdict, the occupiers will not leave or once they have left, that they will re-occupy Bremner or another one of the applicant's buildings.

URGENCY

91. I respectfully aver that this application is urgent.
92. The applicant has done its best to avoid having to litigate the matter by negotiating with the respondents at length, until it became clear that they would not vacate Bremner until all of their demands, however unreasonable, were met.
93. In an endeavour to give the respondents an opportunity to consider the applicant, the matter has been down for 2 April 2017.
94. The papers will be served by publication on the applicant's website and Facebook page and by posting copies on the entrances to the Bremner building.
95. The founding affidavit has been drafted under conditions of urgency because the situation as far as the administration of the University is concerned is deteriorating by the day. It is necessary for the UCT's



administration to address the situation to ensure that it can continue to provide a workable and efficient administration going forward.

96. In this regard it is clear that the applicant cannot obtain substantial redress at a hearing in due course. This matter is clearly one in which the time periods set out in the rules of court fall to be abridged. If this application was not to be heard on the basis of urgency, there is a high likelihood that UCT's administration could grind to a halt, which will impact on the ability of the University to continue with its academic programme. On this aspect, it is worth emphasising that UCT has over 26 000 students registered; effectively the conduct of approximately 20 - 30 individuals (some of whom are not even students) could jeopardise the rights and interests of the entire student body.
97. In the final instance, it must be emphasised that since 29 March 2017 the situation has become increasingly urgent in light of the continued occupation from Bremner, the indication from the occupiers that they will not leave and the recent 'Clarion call' for more persons to occupy the building.
98. In conclusion, it must be emphasised that this application is not aimed at, geared to or has as its purpose the limiting of legitimate protest action of any kind of students or staff. The sole purpose of this application is to ensure that the administration of the University's affairs are allowed to resume and continue without unlawful hindrance.



99. Due to the urgency with which this application has been launched, and in light of the many issues confronting the university at present, which require constant vigilance, it has not been possible to obtain confirmatory affidavits from all the persons directly involved in the events of the preceding days. UCT seeks the leave of the court to file any necessary confirmatory affidavits from the relevant persons, and possibly a supplementary affidavit if necessary, following the hearing of the matter, before the return date.
100. I accordingly ask for an order in accordance with the notice of the motion filed together with this affidavit.



KAREN ILSE VAN HEERDEN

THUS DONE AND DECLARED BEFORE ME AT Cape Town on the 1st day of APRIL 2017, by the deponent having declared that he knows and understands the contents of this affidavit and considers the declaration to be binding on his conscience.



COMMISSIONER OF OATH

HASHIM CASSIM
 ADVOCATE OF THE HIGH COURT
 MEMBER OF THE CAPE BAR
 HUGUENOT CHAMBERS, 15TH FLOOR
 40 QUEEN VICTORIA STREET
 CAPE TOWN, 8001

"KVH 1"



Office of the Registrar
I-Ofisi ye-Registrar
Kantoor van die Registrateur

Royston Pillay: Registrar

University of Cape Town, Private Bag X3, Rondebosch 7701, South Africa
Room 201, Bremner Building, Lovers' Walk, Rondebosch, Cape Town, 7700, South Africa
Telephone: +27 (0) 21 650-2115/6 Fax No.: +27 (0) 21 650-2138
Email: royston.pillay@uct.ac.za Website: www.uct.ac.za

30 March 2017

Dr Karen Van Heerden
Deputy Registrar
UCT

Dear Karen

Authority to act in terms of UCT's schedule of delegated authority

I hereby confirm that I have appointed you Acting Registrar for the period 30 March 2017 to 17 April 2017, during which time I will be away. You are therefore authorized to exercise powers as per UCT's Council-approved schedule of delegated authorities.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Pillay'.

Royston Pillay
Registrar

Handwritten initials in black ink, possibly 'KPH'.

UNIVERSITY OF CAPE TOWN

HR DELEGATED AUTHORITIES

Notes

1. These authorities include those delegated and those retained by Council. They must be read together with the rules relating to the exercise of delegated authority. Where authority is delegated to an individual, the authority passes from the delegating authority to the designated officer through those officers that make up the line of responsibility between the two. It follows that the exercise of that authority may be referred to a superior officer in that line and that, if referred, the superior officer in the line may exercise the authority. (See also rule 5 for occasions when the authority is away from office.).
2. Executive-level responsibility for Human Resources rests with the Executive Director of Human Resources (EDHR); the Dean is accountable for human resource arrangements in the Faculty and the Executive Director / Registrar for a PASS department.
3. The Dean/ED/Registrar will ordinarily be required to see all proposals, but may delegate his/her responsibility for this to the Head of Department and/or the Faculty/PASS Finance Manager.
4. Where signing of letters is shown as EDHR or nominee, the Dean/ED/Registrar may ask to sign as the EDHR's nominee, but accountability for content of the letter rests with the EDHR.

Rules relating to the exercise of delegated authority

1. Unless the Schedule specifically authorises this, an authority may not further delegate his/her authority.
2. An authority must ensure that :
 - a. the power is exercised within the scope of the delegated authority;
 - b. the power is exercised in accordance with University policies and statutory requirements, and that due process has been followed;
 - c. the direct and indirect financial consequences of his/her decision are covered by an approved budget (authority to act does not confer authority to make a new budgetary appropriation, or create an entitlement to space); and
 - d. there is no conflict of interest (if the authority is conflicted he/she must decline to exercise the authority delegated to him/her).
3. Monetary/time limits refer to the total amount/duration of the contract/lease/salary and, save where otherwise indicated, include VAT. A single contract may not be split into separate contracts to avoid the limitation imposed by any limit.
4. The signing authority may consult, where appropriate, relevant staff within the University before exercising the authority delegated to him/her.
5. Where an authority is away from office :
 - a. and a person has been appointed, in writing, to act in that position for the period of absence, the person appointed to act may exercise the delegated authority vested in that position (e.g., an acting VC may exercise the authority given to the VC, or an acting ED Finance may exercise the authority given to the ED Finance); or
 - b. if a person has not been appointed to act, the authority's line manager is deemed to have the authority (e.g. in the absence of the Registrar or the ED Finance, the VC may exercise authority delegated to either).
6. The Vice Chancellor may, in writing, delegate a specific authority to a Deputy Vice-Chancellor, except where the Council or the Senate as the case may be has expressly reserved the power to act to the Vice-Chancellor subject to any limitation that the Vice Chancellor may impose, and subject to the condition that the Vice-Chancellor may withdraw this delegation at any time.
7. The Council may confirm, ratify, vary or revoke any decision taken by an employee, subject to any rights that may have become vested as a consequence of the decision.

Certified a true extract from Council minutes

M. P. J. J.

(Chair)

13/02/17

(Date)

'KVH2'

[Signature]

D: AUTHORITIES IN REGARD TO LEGAL PROCEEDINGS

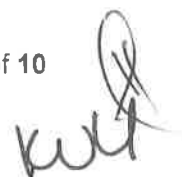
The Council resolves that the Registrar, in his/her capacity as the Registrar of the University of Cape Town, acting independently, be and is hereby authorised -

1. to institute legal proceedings in any court of competent jurisdiction for:
 - a) the payment of any monies owing by any person, persons, close corporation or company to the University of Cape Town and/or
 - b) the delivery of any goods or assets belonging to or claimable by the University of Cape Town and/or
 - c) the sequestration of the estate of any person or persons and the liquidation or judicial management of any close corporation or company and/or
 - d) any other relief or remedy of whatsoever nature on the University of Cape Town's behalf, and whether by way of action, petition, motion, application or otherwise howsoever.
2. to enter appearance to defend and to defend any legal proceedings instituted against the University of Cape Town in any court of law;
3. to represent the University of Cape Town in any such legal proceedings and to employ attorneys and agents, and to sign and execute any power of attorney and/or affidavit and/or other document in connection therewith and to proceed to the final end and determination of any such legal proceedings no matter what cause arising;
4. to nominate, in writing, and for a specified period, one or more officers of the administration to represent the University in signing any affidavit in relation to legal actions, including but not limited to actions in regard to the student fee debtors collection process, and to do all necessary to institute the legal proceedings pursuant to this.
5. to execute powers of attorney where required which without limiting the generality of this shall include powers of attorney in respect of intellectual property protection, in respect of the execution of Council decisions, and in respect of property acquisition and disposal, and to delegate authority to execute powers of attorney to the Director of Research Contracts and Innovation in respect of intellectual property protection
6. to represent the University as shareholder in companies in which the University has a shareholding, other than an investment holding through the Joint Investment Committee, other than in situations where the Vice-Chancellor does so, and to vote the University's shareholding, or to nominate a member of the University to do so, or to grant a proxy to a University-nominated director to do so.
7. to recommend University representatives on Boards, Trusts and other University-affiliated entities to the Vice-Chancellor for final approval.


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The above authorisation is in terms of authority delegated by the University Council. The signing officers must be from the following list and at least one of the signing officers must be from those listed in (a) to (f)

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor responsible for research;
- (c) the Registrar;
- (d) the Executive Director: Finance;
- (e) the Director Research Contracts and IP Services (RCIPS);
- (f) a Contracts Officer (defined as any manager in RCIPS expressly authorised by the Registrar);
- (g) the Dean, Deputy Dean or Director of Research of a Faculty (including CHED and the GSB) in which the research is to be conducted.

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8. to enter agreements and sign documents on behalf of the University of Cape Town in connection with:
- a) purchasing or otherwise acquiring, holding, selling, exchanging or otherwise alienating, hypothecating, burdening with a servitude or otherwise dealing with immovable or movable property of any kind, provided that no action in respect of immovable property may be taken unless previously authorized by a resolution of the Council;
 - b) contracts expressly approved by or authorized by resolution of the Council;
 - c) contracts provided for in the financial authority schedules.

kwu 

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

"X 432 5"
"KVH 3.1"

CASE NO.: 19875/16

On 25 October 2016
Before Justice Meer

In the matter between:

UNIVERSITY OF CAPE TOWN

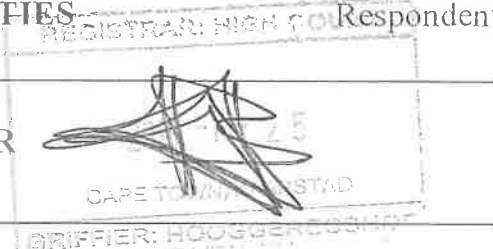
Applicant

and

ALL THOSE PERSONS PARTICIPATING, OR
INTENDING TO PARTICIPATE, IN UNLAWFUL
CONDUCT AT THE APPLICANT'S PROPERTIES

Respondent

DRAFT ORDER



Having read the papers filed of record, and having heard counsel for the applicant, the following order is granted:

1. A rule *nisi* is issued calling on the respondent to show cause on 25 November 2016 why the following order should not be made final:

- 1.1. Interdicting and restraining the respondents from taking or attempting to take any action that obstructs or frustrates (i) the effective rendering of university services or decision-making processes of the applicant, (ii) the ability of the applicant's employees to do their work, and (iii)



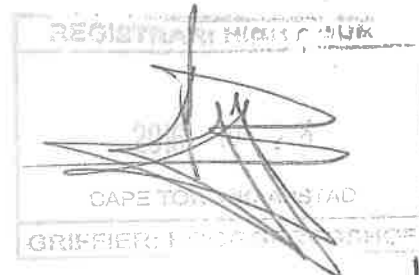
KWH

student/s from pursuing their studies, such action to include, but not to be limited, to the following actions:

- 1.1.1. entering or occupying any of the applicant's properties or buildings other than for the transaction of university business that requires their attendance in the building (including the attendance of lectures, tutorials, and examination venues and for occupying student housing for which they are lawfully registered);
- 1.1.2. interrupting or disrupting any lectures, tutorials or similar activities, or preventing the continuation of lectures or any other learning or studying activities, including learning activities or studying in any of the applicant's libraries or other facilities, in any manner whatsoever;
- 1.1.3. preventing any student or member of the applicant's staff from accessing or remaining on any of the applicant's properties or any building on the properties, or from accessing any form of transport arranged by the applicant;
- 1.1.4. destroying, damaging in any way or defacing any of the applicant's property;



- 1.1.5. erecting any form of barricade, preventing access to any roads, buildings or transport;
- 1.1.6. carrying any weapons, including, but not limited to sticks and whips;
- 1.1.7. activating any of the fire alarms in any of the applicant's premises and in all student residences, save for legitimate reasons;
- 1.1.8. participating in, or inciting others to participate in, violent protest;
- 1.1.9. inciting violence;
- 1.1.1. intimidating any person on the applicant's properties or seeking to access the applicant's properties, including at any of the applicant's student residences;
- 1.1.10. seeking to persuade or coerce any person, using intimidation, duress or threats, from continuing with their work (in the case of any of the applicant's employees or contractors) or, in the



case of students, from studying, attending lectures, or pursuing any other learning or studying activity.

- 1.2. Until the end of the deferred examination period - currently scheduled to end on 10 February 2017 - interdicting and restraining the respondents from gathering in protest or protesting in any manner within 200 metres from the following venues:
 - 1.2.1. all of the examination venues that will be determined and published by applicant;
 - 1.2.2. all of the applicant's libraries, located at the upper and satellite campuses;
 - 1.2.3. the applicant's computer laboratories, located at the following buildings: Leslie, Computer Science, Menzies and Masingeni;
 - 1.2.4. the applicant's research laboratories.
2. Paragraphs 1.1 and 1.2 above shall operate as an interim order with immediate effect until the final resolution of the matter.




kw

3. The members of the South African police services and local law enforcement are directed to forthwith assist the applicant with the enforcement of the interim order.
4. The applicant is granted leave to file supplementary and confirmatory affidavits, if necessary, on or before 4 November 2016.
5. In the event of opposition to the application, any person so opposing must file their notice of opposition by 4 November 2016 and opposing affidavit by 9 November 2016.
6. Service of this order shall be effected on the respondents by posting copies thereof:
 - 6.1. on the applicant's website and Facebook page; and
 - 6.2. on the doors outside each of the applicant's libraries.

BY ORDER OF THE COURT



KVH 3.2. X ¹¹ 



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA
[WESTERN CAPE DIVISION, CAPE TOWN]

Case No.: 19875/2016

Before Justice Meer
on 27 October 2016 at CAPE TOWN

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

and



ALL THOSE PERSONS PARTICIPATING, OR
INTENDING TO PARTICIPATE, IN UNLAWFUL
CONDUCT AT THE APPLICANT'S PROPERTIES

Respondent

VARIATION OF ORDER IN TERMS OF UNIFORM RULE 42 (b)

PARA'S 1.2 and 3 OF THE ORDER DATED 25/10/2016 ARE AMENDED AS SET
OUT IN BOLD BELOW IN THE BODY OF THIS ORDER:

1. A rule *nisi* is issued calling on the respondent to show cause on 25 November
2016 why the following order should not be made final:

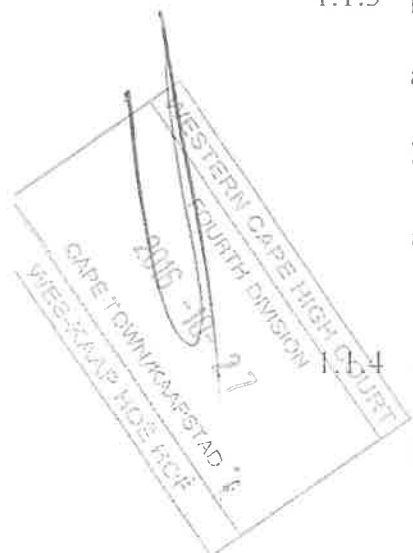
1.1 Interdicting and restraining the respondents from taking or attempting to take any action that obstructs or frustrates (i) the effective rendering of university services or decision-making processes of the applicant, (ii) the ability of the applicant's employees to do their work, and (iii) student/s from pursuing their studies, such action to include, but not to be limited, to the following actions:

1.1.1 entering or occupying any of the applicant's properties or buildings other than for the transaction of university business that requires their attendance in the building (including the attendance of lectures, tutorials, and examination venues and for occupying student housing for which they are lawfully registered);

1.1.2 interrupting or disrupting any lectures, tutorials or similar activities, or preventing the continuation of lectures or any other learning or studying activities, including learning activities or studying in any of the applicant's libraries or other facilities, in any manner whatsoever;

1.1.3 preventing any student or member of the applicant's staff from accessing or remaining on any of the applicant's properties or any building on the properties, or from accessing any form of transport arranged by the applicant;

1.1.4 destroying, damaging in any way or defacing any of the applicant's property;



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1.1.5 erecting any form of barricade, preventing access to any roads, buildings or transport;

1.1.6 carrying any weapons, including, but not limited to sticks and whips;

1.1.7 activating any of the fire alarms in any of the applicant's premises and in all student residences, save for legitimate reasons;

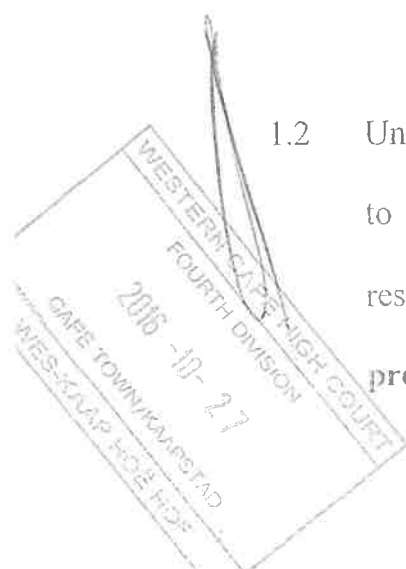
1.1.8 participating in, or inciting others to participate in, violent protest;

1.1.9 inciting violence;

1.1.10 intimidating any person on the applicant's properties or seeking to access the applicant's properties, including at any of the applicant's student residences;

1.1.11 seeking to persuade or coerce any person, using intimidation, duress or threats, from continuing with their work (in the case of any of the applicant's employees or contractors) or, in the case of students, from studying, attending lectures, or pursuing any other learning or studying activity.

1.2 Until the end of the deferred examination period – currently scheduled to end of 10 February 2017 – interdicting and restraining the respondents from gathering in protest, **save for the purpose of peaceful protest**, within 200 metres from the following venues:



[Handwritten signature]

1.2.1 all of the examination venues that will be determined and published by applicant;

1.2.2 all of the applicant's libraries, located at the upper and satellite campuses;

1.2.3 the applicant's computer laboratories, located at the following buildings: Leslie, Computer Science, Menzies and Masingeni;

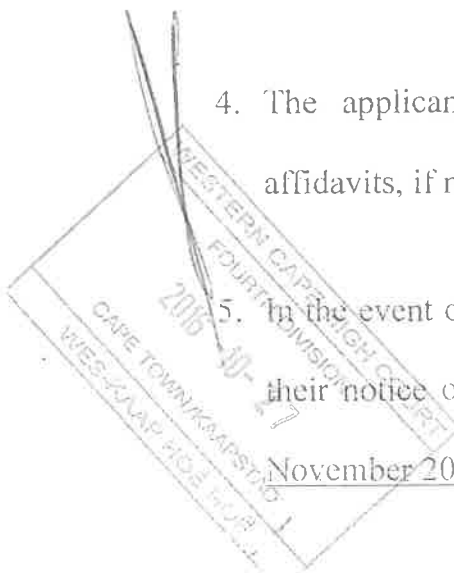
1.2.4 the applicant's research laboratories.

2. Paragraphs 1.1 and 1.2 above shall operate as an interim order with immediate effect until the final resolution of the matter.

3. The members of the South African police services and local law enforcement are directed to forthwith assist the applicant with the enforcement of the interim order. **In so doing the members of the South African police services and local law enforcement are directed to exercise extreme restraint and refrain from using live ammunition.**

4. The applicant is granted leave to file supplementary and confirmatory affidavits, if necessary, on or before 4 November 2016.

5. In the event of opposition to the application, any person so opposing must file their notice of opposition by 4 November 2016 and opposing affidavits by 9 November 2016.



kwk

6. Service of this order shall be effected on the respondents by posting copies thereof:

6.1 on the applicant's website and Facebook page; and

6.2 on the doors outside each of the applicant's libraries.

BY ORDER OF COURT

COURT REGISTRAR

42 Fairbridges, CAPE TOWN



kw

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

CASE NO.: 19875/16

In the matter between:

UNIVERSITY OF CAPE TOWN

Applicant

and

**ALL THOSE PERSONS PARTICIPATING, OR
INTENDING TO PARTICIPATE, IN UNLAWFUL
CONDUCT AT THE APPLICANT'S PROPERTIES**

Respondent

SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

ROYSTON NATHAN PILLAY

do hereby make oath and state that:

1. I am an adult male employed by the applicant as its Registrar. I was the deponent to the founding affidavit filed on behalf of the applicant in this matter.
2. I am duly authorised to represent the applicant in these proceedings and to depose hereto as is apparent from annexure 'RP1' to the founding affidavit.

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3. The facts deposed to herein are within my personal knowledge unless stated to the contrary or otherwise appears from the context, and are to the best of my belief true and correct. Where I rely on information conveyed to me by others, I verily believe same to be true. Legal submissions made are based on the advice provided by the applicant's legal representatives.

The events prior to, and the hearing on, 25 November 2016

4. The rule *nisi* was granted by Justice Meer on 26 October 2016 (record: pp 57-61). On 27 October 2016, Justice Meer varied the order (record: pp 62 – 66). The return date of the rule *nisi* was 25 November 2016.
5. On 4 November 2016, one Mr Sinxolo Boyi and two organisations – the Shackville Truth and Reconciliation Commission and Staff for Social Justice in Education – gave notice of their intention to oppose the proceedings (record: pp 67-69).
6. On 7 November 2016, Mr Boyi and the aforesaid organisations withdrew their opposition (record: pp 69A-69B).
7. On the return date of 25 November 2016, Mr Boyi appeared in person and sought a postponement of the matter in order to obtain legal representation to assist him opposing the matter (record: pp 141-152). The matter came before Justice Dolamo. By agreement between the

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parties the matter was postponed to 16 March 2017, the *rule nisi* extended and a timetable agreed for the further conduct of the matter (record: pp 153-154).

8. On 25 February 2017, the Judge President postponed the matter for hearing from the initial hearing date of 16 March 2017 to 22 March 2017, and extended the *rule nisi* (record: p 160).

The events on campus since the interim order was granted and the continued need for the interdict

9. As appears from the founding papers, the application was necessitated by the escalating violence on campus during October 2016. In light of the conditions then prevailing on campus, UCT considered it essential that it approach the court in order to safeguard its rights and the rights of its students and staff.
10. As I stated in my founding affidavit, UCT was particularly concerned that the protests would escalate closer to the examination periods, both in November 2016 and in 2017 during the deferred examination period.
11. UCT approached the court because it feared that without an interdict, it would be unable to complete the academic year, to the detriment of the university, students and staff.

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12. Following the grant of the interim interdict, and apart from a few minor, predominantly non-violent incidences (mostly in relation to formal meetings held at UCT towards the end of last year and earlier this year) the examination and deferred examination periods were largely without incident.
13. Registration of students for the 2017 academic year was completed on 10 March 2017, without incident.
14. The first term of 2017 also commenced without incident on Monday 13 March 2017.
15. In light of the relative calm that ensued following the grant of the interim interdict in October 2016, the successful completion of the 2016 academic year and the commencement of the 2017 academic year without incident, the reasons for the interdict have largely fallen away.
16. In the circumstances, UCT no longer holds the reasonable apprehension of harm that it did during October and November 2016 and does not, in light of the prevailing circumstances on campus and on its properties, require the confirmation of the rule *nisi*.



ROYSTON NATHAN PILLAY

RPO
A.S.

kwh

THUS DONE AND DECLARED BEFORE ME AT RONDEBOSCH on the
16 day of March 2017, by the deponent having declared that he knows and
understands the contents of this affidavit and considers the declaration to be
binding on his conscience.



A. SIKOTI
7164032-1

COMMISSIONER OF OATH



RP
kw

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

"KVH5"


CASE NO.: 19875/16

On Wednesday, 22 March 2017 at CAPE TOWN
Before Mr Justice Le Grange

22.3.2017

In the matter between:

UNIVERSITY OF CAPE TOWN

and

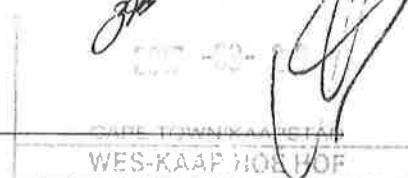


Applicant

ALL THOSE PERSONS PARTICIPATING, OR
INTENDING TO PARTICIPATE, IN UNLAWFUL
CONDUCT AT THE APPLICANT'S PROPERTIES

Respondent

 DRAFT ORDER



Having read the papers filed of record, and having heard counsel for the applicant, the following order is granted:

1. The rule *nisi* granted on 25 October 2016, as varied on 27 October 2016, is hereby discharged on the basis of the supplementary affidavit filed by the applicant dated 16 March 2017.

BY ORDER OF THE COURT





THE REGISTRAR

42, Fairbridges
Cape Town



Agreement with the SRCCandidates/ShackvilleTRC and other student formations:

Higher education in our country is at a cross-roads. There are national issues, particularly related to fees, access and affordability, that need to be resolved as a matter of urgency. At UCT we have our own particular challenges that we need to address alongside these national issues related broadly to questions of transformation, decolonization, curriculum change, institutional culture, names of buildings and symbols, rape culture and gender identities.

Our University has further been characterized by ongoing protests related to these issues which have resulted in interdicts, suspensions, expulsions, arrests, the use of private security and police action.

The 2015 academic year was put into jeopardy and there are concerns that the 2016 academic year will also be compromised.

The executive and students have been in ongoing negotiations to find a way forward.

From the side of management, we believe that there is sufficient common ground for us to reach agreement on a set of principles which can break the deadlock and move the university forward in the best interests of all the constituencies.

Agreement on these principles can lead to a de-escalation of the tensions, end the cycle of protests and counter-actions, limit the need for private security and create the conditions where the 2016 academic year can still be completed by all students. Such an agreement can also provide the framework for solutions to the longer term challenges that the university faces that can lead to the emergence of a new, inclusive identity in a transformed, decolonized UCT.

Towards this end, the executive offers the following to the SRCCandidates/ShackvilleTRC/Other student formations as the basis of an agreement:

1. Clemency and executive accountability

a) In the spirit of restorative justice that takes into account the prevailing context of student protest at UCT and nationally, and to ensure the successful completion of the 2016 academic year, and understanding that the rights to protest as outlined in the Constitution are protected, clemency is granted on the basis of the following principles:

KWH

- i) signing a declaration (attached) by specific individual students who have been subject to Student Disciplinary Tribunals that will provide clemency for specific offences which relate to the protests around February 2016
 - ii) formally acknowledging wrong-doing and committing not to repeat such actions in the future by those granted clemency
 - iii) accepting that if the student is in breach of the Student Code of Conduct after November 6 2016, the University shall be entitled to charge the student as provided for in the University's student disciplinary procedures.
 - iv) agreeing that if there are disruptions of exams, academic activities, the residence system (inclusive of the dining halls and other recreational spaces) or the normal functioning of the university, and where no clear evidence is demonstrated that concerted efforts were taken to prevent such actions, the University may approach the mediators to request revoking the clemency.
 - v) understanding that the IRTC/Shackville TRC will request submissions from all constituencies on the clemencies granted and make recommendations on the granting of amnesties (or the continuation of clemency) and what the nature of these amnesties will be.
- b) The University Executive, Chief Investigating Officer and Shackville TRC will make available to the IRTC/Shackville TRC a full list of pending internal and external charges against students related to student protest action up until November 6.
- c) A moratorium on disciplinary tribunals relating to the list of cases pending the recommendations of the IRTC/Shackville TRC on acceptable forms of protests and appropriate disciplinary procedures and sanctions by the university. The IRTC/Shackville TRC will make recommendations on how to deal with each outstanding case in the spirit of restorative justice.
- d) The executive will also subject its actions to investigation and recommendations by the IRTC/Shackville TRC and respect the outcome of this process.

2. Institutional Reconciliation and Transformation Commission/Shackville TRC

kul

- a) On the basis of the agreement reached on commissioners (some of whom have already indicated their willingness to serve on this commission) UCT will establish the IRTC/Shackville TRC with immediate effect.
- b) The commissioners will immediately begin consulting with the various stakeholders to determine the terms of reference, which need to be in place no later than two weeks after they begin their work. Without limiting the terms of reference, the IRTC/Shackville TRC will:
 - i) look into what is referred to as the 'Shackville protests' of February 2016, including any related and subsequent protest actions
 - ii) invite submissions from all constituencies on the amnesties granted and make recommendations on how the University should deal with such matters in the future
 - iii) make recommendations on institutional culture, transformation, decolonization, discrimination, identity, disability and any other matters that the university community has raised over the past 18 months or may wish to raise.
- c) The university will host university-wide meetings/seminars to launch the IRTC/Shackville TRC process. These meetings/seminars will be led by skilled external facilitators with the purpose of explaining the origins and role of the IRTC/Shackville TRC process and the principles of restorative justice.

3. A coherent policy on funding higher education and advocacy for free decolonised education:

- i) Support for investigating the principle and implementation possibilities of fee-free higher education (recognizing that there may be competing views and solutions and that the university may not settle on a single consensus position). The executive has expressed in principle support for the ideal of fee-free higher education while recognising that the details – time frames, relationship to macro-economic factors, coverage, implementation and sustainability need investigation.
- ii) A commitment to further dialogue and action, to examine the possibility and implications of fee-free higher education. An initiative along these lines in the School of Economics is starting and includes a representative nominated by the SRC Candidates group. All parties and individuals interested in participating in this program will immediately be invited to contribute. The University will also support a formal ongoing research program into the economic policy framework for higher education. The University will find resources to establish a dedicated unit to function, including engaging in debates and lobbying at national level. It will ensure that its influence on national policy is used to ensure all positions are heard and properly considered.
- iii) The UCT Executive and Council will work with the leadership of all universities and student formations to engage government to fund appropriately the higher

WU

education sector. We also call on government to begin implementation in 2017 of a financial aid system that will reduce the effective costs of study for missing middle students. The Executive will further make clear that the submission made to the Fees Commission represented the position of the UCT Executive and that there are many other positions on fees which need to be acknowledged.

- iv) Support in principle for the call to decolonise the university's institutional culture and the curricula and other matters brought forward, while recognising that decoloniality is not understood in the same way by all, and therefore its interpretation will have different connotations especially across faculties.
- v) Putting in place programs, activities and timeframes on how the concept of decolonization can be approached by the university community as a whole
- vi) A commitment to bringing the university community into conversation about these issues, listening deeply, accepting that there is a problem that needs addressing by us all.

4. Financial exclusions and fee-blocks

Note: this applies to undergraduate students but the question of fee-blocks for post-graduate students will be investigated by management as soon as possible.

- i) The executive commits to the principle that as far as possible students on financial aid and/or eligible for financial aid (inclusive of GAP students) who are academically eligible to graduate or to progress to the next academic year of study, but who are prevented from doing so due to affordability, will be allowed to graduate or progress. These students will have rights as any other student.
- ii) The executive further commits to identifying policy changes that could reduce financial exclusions by continually engaging with stakeholders. Where these policies arise from outside UCT, such as the NSFAS rules, if on review we disagree with these rules, we will join students in advocating for these rules to be changed.
- iii) We will actively seek donor funds to cover the outstanding fees of those that NSFAS cannot cover, where such debt is impeding graduation or progression to the next year of study.
- iv) If there are degrees that are currently withheld for financial reasons, the University undertakes to release these degrees for economically marginalised and poor students on the understanding that there will be a commitment to repay this debt.

5. Completion of the 2016 academic year:

- i) The decision to restart the academic program with a limited opening of the university and a blended/online learning program on October 17 was a response by the executive to a crisis situation.
- ii) There are many students, and in particular final year students, who need to write their final exams before the end of the year for a variety of reasons, including job offers, career decisions, rental leases. Not providing an opportunity for students who want to write their exams would have serious and long-lasting consequences, including dire financial consequences for the university.


kwu

- iii) No student will be forced to write in November or be prejudiced for opting to write the deferred exams. Writing the November exams will be on a completely voluntary basis.
- iv) The executive recognizes that these are not ideal conditions and that there are students who will be adversely affected by the limited opening and blended/online learning program
- v) The university has therefore committed to a full deferred exam program in January 2017 including, but not limited to, mini-teaching semesters, consolidation phases and the availability of lecturers and tutors where possible to ensure that students who chose not to write at the end of the year are given the best possible opportunities to be successful in January 2017.
- vi) In recognition of the difficult conditions under which the academic year proceeded, including the presence of private security, suspension of face-to-face classes, and intermittent shutdowns, the executive also commits to working with faculties to put in place mechanisms and programs which will improve the prospects of academic success of all students.
- vii) The university will put in place plans for the use of the residences, food and transport arrangements which will ensure that students in need who chose to write the deferred examinations are not placed in an adverse financial position
- viii) An online facility will be provided which students can access which will enable those who qualify financially to secure a place in the residences for the period of the deferred exams, mini-semesters and consolidation phase.
- ix) An online facility will also be provided for those students who qualify financially to make arrangements with the university for travel as a result of them writing the deferred exams and attending the mini-semesters and consolidation period.

6. The use of private security and police in managing protests

The Council has already appointed a committee jointly with the Institutional Forum to develop a protocol for the use of private security. This committee will solicit views from all stakeholders in formulating a protocol and consult on the proposed protocol before submitting it to Council. It is envisaged the draft should be complete by year end. In the interim, if an agreement is reached on these principles which leads to a de-escalation of conflict, the executive is open to removing private security as soon as possible.

Establishment of Rapid Response Task Team

The executive commits to constructively engage with the Shackville TRC and other student formations for the effective implementation and operationalization of this agreement.

The executive further commits to the immediate setting up of a Rapid Response Task Team made up of representatives of the executive task team and representatives of the student

Handwritten signature and initials, possibly 'KWH', located at the bottom right of the page.

formations to monitor the implementation of this agreement and to ensure that any obstacles that may impede the implementation of this agreement are removed as a matter of priority.

Status of the Agreement:

The agreement is signed by the executive and SRC Candidates/Shackville TRC. The parties agree that the mediators to this agreement will oversee its implementation and be called upon to adjudicate if any party to the agreement believes that there have been any violations. The mediators will recommend what processes are to be followed in any such instances.

7 November 2016

Signed on behalf of the Executive:

Max Price
Francis Petersen
Russell Alb
Ahmal Anwar Mall
Famba

Signed on behalf of the SRC Candidates:

S. Shamba
G. Mlungu
Makomo
J. Misi
Z. Fekasi
C. Mkhahlele
P. B. Mkhahlele
S. C. Baye
Sinoxolo Baye
P. B. Mkhahlele
P. B. Mkhahlele

Mediators:

M. Mkhahlele
K. Mkhahlele
N. Mkhahlele
Geoffrey Mampule

Q
kull

Declaration by student seeking clemency for him/herself

I, hereby declare that:

I am a cadre of the which is engaged in protest action to gain the attention of those who wield the power to intervene in the fee and curriculum-setting process and to create a free decolonised educational system. It has never been the philosophy of the Movement that it would encourage wanton acts of violence and destruction.

I recognise that our cause is one which provides students with a means of giving expression to their marginalization, exclusion, pain and suffering. In so doing, students who have endured these hostile conditions become angry and frustrated. I also recognise that in any protest action there is a likelihood of undisciplined elements taking advantage and those elements often perpetrate violence, destruction and mayhem. I acknowledge that violence does not advance our cause and only serves to discredit it. I do not condone such conduct.

I accept that university management is obliged to set a code of conduct and to enforce disciplinary procedures when it believes that the code has been breached. I hasten to add that, as part of the area of review of the task teams that will be looking at how to create a more widely representative student involvement, the code of conduct and disciplinary procedures should also be subject to further engagement and adjustment. We call upon management to be more even handed and to take the necessary disciplinary action against those who provoke and threaten us.

On I was found guilty of the offence of in breach of the University's Code of Conduct, and was sentenced to

Whether I was provoked into reacting to people who baited us into conflict, or acted off my own initiative, or got caught up in the mood of the moment without thinking carefully of the consequences, I state unequivocally that nothing could justify


kwh

violence, wanton destruction and damage to property. I deeply regret what I have done.

I accept that students who breach the code of conduct must be prepared to subject themselves to a just, fair and reasonable disciplinary process. Given the context in which I committed these offences, I ask the University to grant me clemency for these offences and allow me to return to the University to pursue my studies and enable me to participate meaningfully in the pursuit of the goals of the Movement.

I undertake to conduct myself and any protest / political action that I may undertake or within which I may participate in future, within the scope of the disciplinary code.

In the spirit of restorative justice and healing the deep divisions that exist in the university community, I call upon comrades as well as University management to actively and constructively participate in the IRTC/Shackville TRC process.

Always Forward Never Backward.

NAME OF STUDENT

(Signature)


kwu

Current Demands to UCT Management

30/March/2009

The university has failed to adhere to the agreement and subsequent concessions from RRTT (Response Task Team). These concessions are related to academic exclusion and financial exclusion. The poor implementation of these agreements has adversely affected students.

We thus demand the following:

1. No black student should be academically or economically excluded!
2. Academic Exclusion:
 - a. An automatic review of all cases of academically excluded students premised on the call for no academic exclusion
 - b. A review of RAC itself and its decision makers
 - c. Inclusion of a student representative as deployed by Shackville TRC, within the RAC review committee
 - d. All students who were declined via RAC process, must be contacted by all means (phone, letter, email, sms, face-to-face) and informed that their case will be reviewed and that they will have the right to decline or accept the review process
 - e. All students who accept the review process must be assisted with transportation and/or the cost of transportation including sustenance to return to UCT
 - f. All students undergoing review process must have full student rights:
 - i. Reactivation of MyUCT email address & Vula
 - ii. Full academic access including lectures and tutoring
 - iii. Reactivation of student accounts (MyUCT, Vula) of all academically excluded students and communication to them of the current reviewing of their cases
 - iv. Allocation of accommodation and sustenance while RAC process is underway
3. Economic Exclusion
 - a. Source funding for all black students who are considered academically eligible.
 - b. Source funding for all students who are not considered academically eligible under the premise that the institution and socio-economic factors makes academic illegibility impossible for the black student
 - c. All students undergoing review process must have full student rights.
 - d. A reallocation of UCT funds to a newly constructed fund that ensures that no student may be economically excluded.
 - e. We demand an immediate registration for all black students that have a fee block regardless of the amount of their debt. We demand with immediate effect the reactivation of these student accounts (MyUCT, Vula).
 - f. We demand all black students that have a fee block to be allocated accommodation with immediate effect.



Our immediate demands are consistent with our ongoing call to end all forms of exclusion, end the commodification of education and achieve a decolonized institution in a decolonized society.

Furthermore we locate the occupation of Bremner, and these demands, within the ongoing struggle of the workers who have still not achieved humanity within UCT, in solidarity with the dismissed workers of the University of the Western Cape, as well as the struggle for insourcing of all workers at all institutions and the total obliteration of the enslavement of workers via outsourcing in South Africa.

Finally we want to remind UCT management, the student population, the workers, and the academics that we remain committed to the struggle for free decolonized education, to the workers struggle and the a decolonized society and we call on all to unite as we unite to end the oppression of the black majority.

In light of this, we call on the University of Cape Town community to engage us in Bremner, attend our talks, political discussions and social programs. Furthermore we will be contacting faculties, course conveners, lecturers and tutors to assist in delivering course that those who have been unable to attend classes due to the issues highlighted above that hindered registration.

We the undersigned

Shackville TRC

"KV48"



UNIVERSITY OF CAPE TOWN
iYunivesithi YaseKapa
Universiteit van Kaapstad

Dr Max Price: Vice-Chancellor

Private Bag X3, Rondebosch, 7701, South Africa
Room 101, Bremner Building, Lower Campus, Lovers' Walk, Rondebosch, Cape Town, 7700
Tel: +27 (0) 21 650-2105/6 Fax: +27 (0) 21 650-5100
E-mail: vc@uct.ac.za Website: www.uct.ac.za

30 March 2017

NOTICE
To members of the University and others unlawfully occupying the
BREMNER BUILDING

The University cannot and will not allow the continued occupation of Bremner Building and cannot allow the necessary support work of the administration to continue to be disrupted.

Accordingly, we instruct you:

- To vacate the building by 17:00 today Thursday, 30th March 2017 and not to return other than for the transaction of University business that requires your attendance and with the permission of management.
- To remove all your possessions from the building by that time; and
- To desist from any action that obstructs or frustrates the effective rendering of administrative service by the administration.
- To return to the CPS staff on duty any and all keys to Bremner and or offices in Bremner that you may have in your possession by 17:00 today.

Should you not comply, individually or collectively,

- You will be contravening rules of conduct and will bear the consequences;
- Your continued occupation of the building will be unlawful;
- Your continued occupation will further hamper the administration of the University; and
- We will have no choice but to approach the High Court on an urgent basis for an order compelling you to vacate.

A handwritten signature in black ink, appearing to read "Max Price".

Dr Max Price
Vice Chancellor 30th March 2017

A large, stylized handwritten signature in black ink, possibly reading "Kw" or "Kw" followed by a flourish.

Subject: Fwd: Re-Notice to Vacate Bremner
Date: Thursday 30 March 2017 at 6:12:56 PM South Africa Standard Time
From: Adela Petersen
To: Marilena Maddison

"KVH 9"

Sent from my iPhone

Begin forwarded message:

From: Loretta Feris <loretta.feris@uct.ac.za>
Date: 30 March 2017 at 5:54:21 PM SAST
To: "apetersen@fairbridges.co.za" <apetersen@fairbridges.co.za>
Subject: FW: Re-Notice to Vacate Bremner

Regards,
Prof Loretta Feris
Deputy Vice-Chancellor (Transformation)
University of Cape Town
Rondebosch
7701
Cape Town
South Africa
E: loretta.feris@uct.ac.za
Web: <http://www.uct.ac.za/>

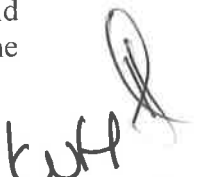


From: TRC FeesMustFall [<mailto:fmf.trc@gmail.com>]
Sent: 30 March 2017 05:01 PM
To: VC
Cc: Loretta Feris; Judy Favish
Subject: Re-Notice to Vacate Bremner

Dear Executive,

We have received another sign that you are acting in bad faith, firstly the campus announcement circulated in the morning and its claim that we had broken the agreement and subsequent threat of taking measures against us. We had received a notice that we had to vacate Bremner within an hour. This disregards the demand we had submitted this afternoon and engagement we had about the occupation.

The University has repeatedly violated the agreement and intentionally failed to adhere to subsequent concessions. This had led us into this blind alley. Whenever we take actions after several complaints and peacefully seeking management to address and resolve our concerns. Management decided to leave us at Bremner. We told management that we are not leaving Bremner till we have arrived at consensus on the demands that we had taken to them.


Page 1 of 2

The threat to vacate us from Bremner without engaging our demands will only intensify and spread conflict throughout the campus. We will not be deemed liable for management provoking students' anger.

we had warned not long ago warned that the situation on campus is progressing to a stage where we are at peril of severe conflict and we will not be able to contain the situation due to UCT management's unwillingness to meet every aspect of the students' demands. The colonial structures of the university have proven to be ineffective in driving the decolonial and the transformative narrative within the university. This is demonstrated by the inevitable repeat of excluding black students. The benefactors of these colonial structures has gained success on the basis that it excludes poor and black students. When poor black students start asserting themselves, the university start speaking in the language of rights, policies and processes that exclude black students. These institutions must reflect to whom it belongs, but on the contrary, it continues to reinforce the status quo.

We have done our best to try to make this place habitable for ourselves as black student, but the university arrogantly places its exclusive policies of exclusions on our people. This institution must not create the illusion that there is no crisis and possible serious conflict that will put this university to a standstill. The university had shown its willingness to place its interests of projecting itself as a progressive and elite university, above the interests of thousands of black and poor students languishing in the streets of this university. We look down with pure disgust on UCT management's willingness to dismiss the ongoing humanitarian crisis and exclusion.

For more than two years the university management has so far not produced any progress in shifting the material conditions of black pupils in this university. It has repeatedly and dismally failed in helping students who are eligible to progress and graduate regardless of unaffordability. Ironically the university management firmly believes that no student should be economically discriminated against, however, its actions reinforces the notion that a UCT degree is reserved for the privileged. The university clearly does not prioritize its funding to accommodate all academically deserving students.


We will unapologetically fight aggressively in solidarity with all excluded students, especially for those that are financially marginalised and academically excluded because they are black. Education shouldn't be a debt sentence for a black child.

Regards

Schackville TRC

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Shackville TRC 2016

20 hrs · 🌐

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Clarion Call To Bremner

Currently the University of Cape Town is playing their usual tactics of not allowing people who have occupied Bremner to enter. These are people who have left their house keys, blankets, medication etc within the building. This is a repeat of a tactic used at Bremner that resulted in escalated conflict between students, private security and police. One that is not considerate of the dangers of hindering people access to their necessities.

We call on comrades to come to Bremner Building and witness this situation and also assist in forgin a way forward with regards to the crisis.

There will also be an engagement with the University Management at 7pm for which we need to caucus and this engagement is not possible if constituencies are denied access. The occupation will continue and any engagements the University wants to have going forward will be preceded by students being allowed an opportunity to consolidate.

Once again the ball remains in The University of Cape Towns court and the longer the stalling and unnecessary obstacles remain due to the Universities attempts at being tactical, the longer we will occupy.

We are also aware of the Senate meeting that has sat today considering whether to evict us or not. We are not fazed by this and in fact to hold the belief that the end of the occupation will bring some form of calm to the institution is delusional. The occupation was a demonstration from students to a commitment to peaceful form of protest, evicting us would be an escalation of engagement.

The ending of the occupation is dependent on the addressing of the demands, and if the institution still fails to understand these consistent terms on our side, then their failure to learn from their mistakes of the past is disappointing.

We Won't Move



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"KVH 10"
 "KVH 10"

KVH

"KVH 14"

"KVH 11"

From: Loretta Feris <loretta.feris@uct.ac.za>

Date: Friday, 31 March 2017 at 8:21 PM

To: "fmf.trc@gmail.com" <fmf.trc@gmail.com>

Subject: Progress report on implementation of decisions taken on 29 March

Dear Shackville TRC/FeesMustFall

I would like to update you on the progress that has been made since the Rapid Response Task Team meeting of the afternoon of 29 March 2017, including the decisions taken by Special Executive Task Team on 29 March as communicated in the Campus Announcement.

Readmission Appeal Committee Review by a panel of 4 senior academics and observed by 2 chairs of faculty councils

As agreed students who were excluded through the RAC process were informed of the review by way of email and sms. By the end of the day 29 students had opted out of the review and 16 students had specifically requested access to Vula.

This afternoon Senate supported the decision to review all academic exclusions. A panel has been constituted and despite Bremner being closed the Registrar's office managed to compile the necessary documentation and the review should be concluded by Tuesday.

Access to email and Vula accounts

All students whose email accounts have been deactivated have been reconnected. Our office has called students to confirm that they have access to emails.

Students who have requested access to Vula will be issued with a letter by latest Sunday afternoon, which will enable them to access Vula through their respective faculties on Monday.

Financial Aid

As agreed on Wednesday, the university will assist NSFAS eligible students who are not yet covered using the 2017 financial aid criteria (students who are not in their first year or final year of study and who did not in 2016 achieve the 50% pass requirement set by NSFAS) but who we have assessed are likely to qualify for NSFAS in 2018. This is done on the basis that the university will do a mid-year assessment about the likelihood that they will qualify for NSFAS funding in 2018, i.e. whether they are likely to meet the 50% requirement. These students may report to Student Financial Aid and sign agreements to this effect.

Accommodation

Students who are academically reinstated through the RAC review process or financial aid agreement process and who qualify for residence will be assisted if campus accommodation is available. All other students will be assisted through the OCSAS office.

We believe that we have proved that we are serious about implementing the agreement reached. We thus appeal to all students still occupying Bremner to please vacate Bremner.

Loretta Feris

Deputy Vice-Chancellor (Transformation)

University of Cape Town





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Today's news

Update on Bremner occupation

Released: 10:10, 1 April 2017
1 April 2017



UNIVERSITY OF CAPE TOWN
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

1 April 2017

Dear students and colleagues

This is an update to the University of Cape Town community relating to the occupation in the Mafeje Room in the Bremner building on lower campus.

As of this morning, Saturday, 1 April 2017, the Bremner building remains occupied. Throughout this time the executive has indicated its willingness to engage but has asked students to do so outside of the Bremner building. The students have refused. The executive has assured the group of its continued commitment to work with them as soon as the occupation has ended. Last night a letter was sent to the group, which laid out the progress that has been made on the issues that had previously been raised by the group. All resolutions that were agreed to in the meeting with the group on Wednesday, 29 March, have now been implemented. The group was assured that work on all further issues raised continues, including the Readmission Appeals Committee reviews of all academic exclusions, which will be concluded early next week.

The executive has previously indicated to the group that while some of the demands on the new lists are aligned with what has already been implemented, or are in progress, there are other demands (specifically demand 1) that go far beyond the agreement and can never be met by UCT.

The executive has now begun a legal process to remove the group from the Mafeje Room. The executive has appealed to the group to vacate and return to engagement.

A decision on when staff may return to Bremner will be communicated later.

- [Read the executive's letter of 31 March to the group occupying Bremner...](#)
- [Read the campus announcement of 30 March...](#)
- [Read the DVC Desk of 29 March...](#)
- [Read the current demands of the group occupying the Mafeje Room...](#)

Communication and Marketing Department

Read previous communications:

- [From the VC's Desk](#)
- [Campus Announcements](#)

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kw

"KVH 1B.1"

"KVH 1B.1"

WHITES ONLY SPEGS BLANKIES

Mafeje Room



kwu

[Handwritten signature]

"KVH 13.2"

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kwil



"KVH B. 3"

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Q

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"KVH 13.6"

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Level 2: 2013 - 2017

KVH

"KVH 13.7"

'KVH 13.7'



KVH

RULES ON CONDUCT FOR STUDENTS

Student Rules

General clauses

- RCS1.1 Any breach by a student of these Rules on Conduct for Students or any other institutional rules framed by the Council is an offence subject to disciplinary action by the University.
- RCS1.2 Nothing in these rules shall be constructed as absolving any student from liability for any misconduct in which he or she is personally involved.
- RCS1.3 No student shall wilfully commit any unjustified act or omission which adversely affects the University or any member of the University.

Academic conduct

- RCS2.1 A student must refrain from dishonest conduct in any examination, test or in respect of completion and/or submission of any other form of academic assessment. Dishonest conduct includes but is not limited to plagiarism.
- RCS2.2 Without limiting the generality of RCS2.1 as student:
- must comply with any instruction of an invigilator of an examination;
 - must comply with all instructions printed on the cover of the answer book for that examination;
 - may not communicate or receive information relating to any examination during the examinations;
 - may not remove or attempt to remove from any examination venue an answer book supplied by the University for the purpose of answering questions in an examination;
 - may not write an examination under a false name and student number, or the name and student number of another student;
 - may not be party, to any other person writing the examination for him or her;
 - may not take into an examination venue, or have or use any unauthorised material while sitting an examination;
 - may not copy another student's work during an examination; or
 - may not allow or assist another student to copy during an examination.

dishonest conduct

exam instruction

communication during an exam

student details

unauthorised material at exam/tests

- (j) must not help another student to engage in dishonest conduct; or
- (k) may not procure for, sell to, or write an assignment for another student.
- (l) may not use any academic material of another student, including a former student, to complete course requirements, representing that the work so produced is his or her own.
- RCS2.3 A student may not submit the work of any other person in any examination, test or in respect of the completion and/or submission of any other form of academic assessment without full and proper attribution and acknowledgement.
- NOTE:** *Guidance on forms on referencing is available from academic staff, the staff of the UCT Libraries and from the Writing Centre.*
- RCS2.4 Where a rule makes an action an offence any attempt to carry out the act is automatically an offence.
- RCS2.5 A student must acquaint himself or herself with the rules relevant to the faculty in which he or she is registered.
- RCS2.6 No student shall make, distribute, reproduce, copy or make us of any material in which copyright resides, without the permission of the author or owner thereof. Included in this definition of material in which copyright resides are teaching materials, computer software, printed materials and audio or video recordings.

dishonest conduct

attempt

faculty rules

violation of copyright

Criminal conduct

- RCS3.1 Any criminal offence, in terms of the criminal law of South Africa, committed by a student of the University and which is prejudicial to the University or its staff and students is an offence subject to disciplinary action by the University.
- RC3.2 Any student convicted of any criminal offence by a South African court with criminal jurisdiction shall be guilty of an offence in terms of these rules.

disciplinary action

offences vis-à-vis these rules

Sexual offences and misconduct

- RCS4.1 Without limiting the generality of RCS1.1, any breach by a student of the University's policy on sexual harassment is an offence subject to disciplinary action by the University.
- RCS4.2 Without limiting the generality of RCS3.1, any act of sexual assault or rape by a student is an offence subject to disciplinary action by the University.

Conduct relating to the work of the University

- RCS5.1 A student must comply with any reasonable instruction of an authorised member of the University.
- RCS5.2 A student is required to be acquainted with the section entitled "Proper Channels for Student Complaints".

reasonable instruction knowledge of procedures

"KVH 14"

KVH

- RCS5.3 A student must, at all times, have in his or her possession his or her student card and must produce this upon request by any authorised person.
- RCS5.4 A student must not supply false information to a University authority.
- RCS5.5 A student must not commit acts of forgery, falsification or alteration in respect of documents, records or instruments of identification.
- RCS5.6 A student must not make unauthorised use of the name or badge of the University.
- RCS5.7 A student must not disobey a Suspension Order on or a no-contact order made or issued in terms of the Rules on Disciplinary Jurisdiction and Procedure.
- RCS5.8 A student must comply with and is bound by the University's rules and policies on copyright and on intellectual property.
- RCS5.9 A student must observe all ICTS (Information and Technology Service) rules, and in particular may not: share, distribute or sell the IP address/number issued to him or her; abuse or cause wilful damage to any hardware component; or infringe any Internet site's copyright rule. ICTS may withdraw internet access from any student who is found to have breached any ICTS rule or policy.

*student card**false information**false information/
falsification**UCT's name/badge**suspension order*

Conduct relating to student bodies

- RCS6 A student shall not make unauthorised use of the name or badge of the SRC or any other recognised student body at the University.
- RCS6.1 A student shall not engage in any electoral misconduct. Such misconduct includes:
- (i) a breach of the Election Regulations which regulate elections;
 - (ii) a breach of regulations contained in the Candidates' Code of Conduct relating to SRC Elections;
 - (iii) behaviour which constitutes a manipulation of electoral rules, voters and electoral administration.
- RCS6.2 The term 'office bearer' in RCS14.2 includes a campaign manager in a student election.

SRC's name/badge

Conduct in general

- RCS7.1 A student must not make unauthorised entry into or use of University facilities.
- RCS7.2 A student must not make use of any University facilities for illegal purposes or for purposes detrimental to the University.
- RCS7.3 A student must not commit acts of theft or damage in respect of University property or the property of any person on the University Campus. For the purposes of this rule, the possession of known stolen property shall be deemed to constitute an act of theft.

*University facilities**theft/damage*

- RCS7.4 A student may not bring onto the University any explosives or other dangerous weapons except by express permission of the Registrar. "Dangerous weapon" includes, but is not limited to, firearms, knives or daggers, martial arts equipment or switchblades, and a normally harmless instrument designed to resemble a firearm or any other dangerous weapon, or which is used by a student to inflict bodily harm upon any person.
- RCS7.5 A student must not commit the act of sale, distribution, use or possess any illegal drug, as defined by the Drug and Drug Trafficking Act 140 of 1992, on the campus of the University.
- RCS7.6 A student must not act or threaten to act in a manner which interferes with the work or study of any member of staff or student in general and specifically in relation to the person's race, gender, beliefs or sexual orientation.
- RCS7.7 A student must not abuse or otherwise interfere with any member of the University community in any manner which contributes to the creation of an intimidating, hostile or demeaning environment for staff or students in general and specifically in relation to the person's race, gender, beliefs or sexual orientation.
- RCS7.8 A student must not prohibit entry or exit from the University campus or any building on the University campus.
- RCS7.9 A student must not obstruct, disrupt or interfere with the teaching, research, administrative, custodial or other functions of the University.
- RCS7.10 A student must not obstruct the movement of any member of the University community.
- RCS7.11 A student must notify the Registrar of any change in his or her term and/or permanent address immediately or within 5 working days of becoming aware of such a change.
- RCS7.12 A student must make use of waste bins provided.
- RCS7.13 A student must not leave litter in any part of the campus (including any building or its grounds and gardens).
- RCS7.14 A student must not, nor must a student body affix any picture, poster or advertisement:
- (a) on any noticeboard, without the authority of the designated custodian of the precinct in which the noticeboard is; or
 - (b) elsewhere on the campus.
- RCS7.15 Where the identity of the person who has affixed any picture, poster or advertisement;
- (a) on any noticeboard, without the authority of the designated custodian of the precinct in which the noticeboard is; or
 - (b) elsewhere on the campus, has not been established, the student body issuing or originating it shall be presumed to have affixed it in contravention of this rule (for the purpose of this rule a precinct is that part of the University, whether building or ground, or both, identified as a Precinct by Council).

*firearms/weapons/
explosives**drugs**race/sex/gender**hostile environment**disruption of work**obstruction of
movement
change of address**litter**affixing pictures/
posters*