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Facts related to suspension & disciplinary charge against Mr Chumani Maxwele

**Please cite Ms Gerda Kruger, Executive Director: Communications & Marketing
Department, UCT**

The facts related to the suspension and disciplinary charge:

Mr Chumani Maxwele is a registered University of Cape Town student. Ordinarily we treat student disciplinary matters as private. We have therefore, until now, not made public any details of the allegations against him. We have not done so, notwithstanding the fact that Mr Maxwele has made serious claims against a UCT lecturer – and if these claims are found to be baseless, they would be damaging and possibly actionable.

We have been guided by principle in this matter.

Mr Maxwele has, however, chosen to put these matters in the public domain. He has done so in papers filed yesterday with the Equality Court. As these matters are now in the public domain, we record that Mr Maxwele faces charges that on 1 May 2015 he insisted on being allowed into the Mathematics building after being informed that as it was a public holiday, all lecture theatres and classrooms were locked. Once inside the building, and after ascertaining that the said rooms were in fact locked, he is alleged to have:

- raised his voice at the lecturer (who was in the department to mark student papers), stating that she was “a white woman who takes all the rights of the black students”;
- shouted aggressively that “the statue fell; now it’s time for all whites to go”;
- stated that he was not interested in the opinion of whites and that they should be killed;

- continuously shouted and swore at the lecturer and two other witnesses to the incident;
- started banging on the lecturer's office door (after she had entered the office and locked her door) and when the lecturer opened the door, to have pushed her in his attempt to enter;
- continued to shout and scream at her and bang on her desk; and
- uttered the words: "We must not listen to whites, we do not need their apologies, they have to be removed from UCT and have to be killed."

These charges are based on statements and complaints made by the lecturer on Saturday, 2 May 2015 (the day following the incident). Mr Maxwele was issued with charges after the witnesses had been interviewed on the following Wednesday, 6 May 2015, and he was issued with a provisional suspension order on Thursday, 7 May 2015. On the morning of Monday, 11 May 2015, fully 10 full days after the incident, Mr Maxwele gave a statement of complaint to the University's investigations officer. The *Cape Times* chose to publish that statement in full on Tuesday, 12 May 2015.

The hearing of the complaints against Mr Maxwele, scheduled for 4 & 5 June 2015, has been postponed as Mr Maxwele's legal representatives have submitted a medical certificate stating that Mr Maxwele is indisposed and will not be able to present himself for the matter until 9 June 2015.

On the matter of suspensions:

On the lecturer's version, which is supported by witnesses and was filed the day after the alleged incident, the University considered Mr Maxwele's alleged actions to be threatening and intimidating, and to have been unprovoked. Therefore the University had reason to perceive a potential risk to staff and students. This was the reason for the University's provisional suspension order against Mr Maxwele. Had we not done this, the University might have found itself in a position of being vicariously liable for injury to staff or students for whom it has a duty of care, had this behaviour been repeated or, even worse, had Mr Maxwele acted on any of the threats he is alleged to have made.

On Mr Maxwele's own version of the incident, the lecturer did not threaten or incite violence. Furthermore, Mr Maxwele's complaint arrived 10 days after the alleged incident and investigators could find no witnesses to support his statement. This delay, as well as the content of his complaint, suggested that he did not feel any imminent danger or threat from the lecturer and no urgent action was required to be taken against the lecturer. Therefore there was no reason to restrain or suspend her. Mr Maxwele's statement will still be processed.

UCT rejects the false notion, which has been expressed to media, that the disciplinary case against Mr Maxwele is related to or is a result of his recent protest action in regards to the Rhodes statue. The suspension and disciplinary case he is facing are based on an isolated incident. It is deceitful to claim that this isolated incident, his suspension and the disciplinary case he faces are related to or are a result of his protest action, or that UCT is victimising Mr Maxwele for his activism. It baseless and factually not a sustainable argument.

Not a single student at UCT (including Mr Maxwele) has been charged with any matter related to any of the protest actions that occurred from 9 March to midday on 18 May. Amnesty was granted to all students and staff during this period.

ENDS

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