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Statement by Law Faculty in response to letter by ‘concerned students’

Please attribute to the Dean of the Faculty, Professor Danwood Chirwa

The Faculty of Law takes diversity and transformation seriously. As a result, significant efforts have been made not just to transform the outlook of the student and staff profiles, but also to change the cultural climate.

Like all institutions in South Africa, the history and legacy of exclusion still weigh heavily on us, and we have faced many challenges to making as much progress on transformation as we would have liked.

The faculty encourages student participation in its decision-making process and has opened up many avenues of engagement with students. The current body of students participates in a wide range of Faculty Committees and is consulted regularly on decisions affecting students.

One of the key committees is the Faculty's Transformation Committee, on which two student leaders serve as members. This committee is currently in the process of mapping out a process of faculty-wide consultation and discussion to pin down more work that needs to be done to effect key transformation goals.

The faculty is also in the process of implementing its Improvement Plan of 2018, which was developed following the review of the Faculty's LLB programme by the Council of Higher Education. While this review found that our LLB programme was one of the best academically, there are a number of areas where improvements were recommended. These related to measures aimed at improving throughput rate, improving support measures for struggling students, and improving the overall coordination of the programme.

The statement released by a “collective of concerned law students” is grossly inaccurate and misrepresents faculty processes and facts. Many of the issues relate to issues that affect the university broadly. The faculty, in the context of institution-wide initiatives, continues to seek ways to address and transform systemic racist and exclusionary institutional culture practices.

The responses to specific allegations according to the headings in the statement are as

follows:

Appointments

I can confirm that the faculty recently appointed three white women, one through an open process of advertisement and two through appointment without advertisement (AWA) process. For the former, the advertisement clearly expressed preference for a black candidate. The candidates were scrutinised and given a fair interview. No suitable black candidate was found and a female white candidate was appointed. For the latter, the university recognises an AWA route as an exceptional measure in deserving cases that fall within the conditions set by South African labour law. These are generally candidates who have been appointed on contract for a number of times and have satisfied the legal conditions for permanent status. However, a stringent process of justification by a Head of Department is followed, which must be approved by the Dean and the Deputy Vice-Chancellor or Vice-Chancellor, depending on level of appointment. Once the justificatory process has been completed successfully, a selection committee is constituted, and an interview is arranged and the candidates are scrutinised as rigorously as in the normal interview process. These procedures were duly followed in the appointment of the two white female members of staff.

Deliberate efforts to neglect junior black staff

The statement wrongly alleges that the faculty has lost 'a number of brilliant emerging black academics' and that it does not mentor and provide adequate guidance to younger members of staff.

The truth is the opposite. Between January 2017 and May 2019, at least ten young black academics have joined the faculty. In total, the faculty has about 17 black academics that fall in the category of 'young lecturers'. This is a significant body of emerging academics that will anchor and carry the faculty forward in the coming years.

At the end of 2018, three young black academics left the faculty on study leave to complete their PhDs at leading universities in the UK and the US. One black academic who had left for doctoral studies in the UK four years ago is returning in July with a doctorate. Several other young academics are perusing their doctoral degrees at UCT or abroad on a part-time basis. Overall, we have more than ten current black members of staff who are studying towards their doctorates, four of whom are completing their doctorates this year. Those that are not yet registered are engaging in exploratory research for their doctoral studies.

The faculty is doing everything possible to support and encourage these young academics in their career development. Already some of them have made a significant contribution to teaching and learning, and the governance of the university.

There is every reason to suggest that the faculty's efforts to become more demographically inclusive are starting to bear fruit. With this core group of exceptional young black academics, we are on the verge of making a fundamental breakthrough on transformation in the faculty.

The faculty does have a clear mentorship policy. Every emerging researcher is allocated a senior mentor and a peer mentor. Heads of Departments supervise mentorship relationships and reassign mentors where the relationships do not work. Due to the fact that staff mentorship is a staff matter and the confidential nature of these relationships, students are not in a position to know who is mentored by who and how mentorship works.

Faculty politics having a detrimental effect on students

Students allege that internal faculty politics have a direct impact on their academic life.

Academics do not play politics. They are employed to teach and research and are held accountable for the manner in which they discharge their responsibilities.

Regarding the specific allegation about Administrative Law, a lecturer missed his scheduled lectures on one day and was unable to continue teaching to the end of the semester for reasons beyond his control. A replacement lecturer of professorial rank was assigned to the course and was available to continue with the course from the next scheduled lecture to the end of the semester.

The issues related to the threatened withdrawal of accreditation to our law programme in 2017 recycle well ventilated matters. The faculty regrets that this happened and took measures to rectify the error and has moved on. None of the current students have been adversely affected by this unfortunate incident. If anything, a recent credible survey shows that UCT students are still the most employable, and within UCT, law students are the second most employable graduates.

The students allege that black staff, especially black administrative staff, 'often fall prey to the faculty's racist antics and experience various forms of bullying by senior staff members'. There are also allegations against a former faculty manager. These allegations are clearly defamatory and the authors of the statement shoulder the burden of substantiating their claims.

I should mention, however, that the university has many avenues for addressing racism, bullying and abuse of authority. So far, I am aware of no reported case by a member of staff alleging misconduct of this nature. If there is evidence of them, I would be happy to receive the evidence and act on it.

Issues around victimisation

The statement makes broad claims of victimisation against students and specific allegations by the Head of Public Law. These allegations too are defamatory, require substantiation by their makers and will be addressed by the concerned staff members through their private civil action against the makers.

I must mention, however, that we have received no grievance by students against any member of staff alleging victimisation. Victimisation is actionable as a disciplinary offence and students have various avenues of recourse.

As noted earlier, the faculty encourages students to express themselves and to participate in faculty's decision-making processes. We teach the law and human rights, most of all, and we expect our students to be agents of change. This requires that they must learn to engage robustly while they are studying the law.

After a period of protests, we have managed to reach relative stability in the faculty and the relationship between the student body and staff has significantly improved. The faculty regrets that some students have chosen not to engage the faculty in good faith on the issues they feel they have and have resorted to publishing false statements.

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Dean of Law

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