

UNIVERSITY OF CAPE TOWN



STEERING COMMITTEE MEETING

MINUTE

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**Date:** Thursday, 23 February 2017

**Venue:** Mafeje Room, Bremner

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**Committee Membership**

**Council (Chair):** Sipho Pityana (Chair) and Debbie Budlender (alt)

**SRC:** Rorisang Moseli (rep) and Nthupula Masipa (alt)

**ShackvilleTRC/SRC Candidates:** Mlingani Matiwane (rep), Sinoxolo Boyi (rep), Sinawo Thambo (alt) and Lindokuhle Patiwe (alt)

**Other Student Formations:** Thembelihle Ncayiyana (rep) (alt not yet filled)

**Deans:** Penny Andrews (rep) and Mills Soko (alt)

**Senate:** Nicola Illing (rep) and Jeremy Seekings (alt)

**Academic Union (AU):** Maanda Mulaudzi (rep) and Catherine Hutchings (alt)

**HoDs:** Hussein Suleman (rep) and Eric Van Steen (alt)

**Black Academic Caucus (BAC):** Khwezi Mkhize (rep) and Shadreck Chirikure (alt)

**EDs:** Russell Ally (rep) and Gerda Kruger (alt)

**Alumni:** Nombulelo Magula (rep) Lorna Houston (alt)

**Pass Forum:** Sonwabo Ngcelwane (rep) and Edwina Brooks (alt)

**Employees Union (EU):** Andrea Plos (rep) and Samuel Chetty (alt)

**NEHAWU:** Lindikhaya Payiya (rep) and Noluthano Pawulina (alt)

**Non Recognised Unions:** to be finalised

**Executive:** Max Price (VC) and Loretta Feris (DVC Transformation)

## Apologies

Bulie Magula (Alumni)  
Hussein Suleman (HoDs. rep.)  
Eric Van Steen (HoDs, alt.)  
Lindikhaya Payiya (Nehawu, rep.)  
Noluthano Pawulina (Nehawu, alt.)  
Sonwabo Ngcelwane (PASS Forum)  
Max Price (Executive)

## Attendees

Sipho Pityana (Council, Chair)  
Debbie Budlender (Council)  
Loretta Feris (Exec)  
Russell Ally (ED)  
Maanda Mulaudzi (AU)  
Catherine Hutchings (AU)  
Shadrack Chirikure (BAC)  
Khwezi Mkhize (BAC)  
Penelope Andrews (Deans)  
Lorna Houston (Alumni)  
Nicola Illing (Senate)  
Jeremy Seekings (Senate)  
Edwina Brooks (PASS Forum)  
Samuel Chetty (EU)  
Andrea Plos (EU)  
Lindokuhle Patiwe (ShackvilleTRC)  
Simon Rakei (ShackvilleTRC)  
Sinxolo Boyi (ShackvilleTRC)  
Rorisang Moseli (SRC)

### 1. Welcome

The Chair informed the meeting that the deliberations were being streamed live to the university community in the interest of transparency so that everybody can watch the deliberations. The Chair welcomed the people from the university community who had taken the opportunity to be with the SC. He also thanked all the constituencies for making the time and effort to reflect on the deliberations of the first meeting of the SC and for sending inputs as requested. The feedback indicated interest and engagement on the part of the members. He reminded members that the manner in which they shape the work of the Committee would determine whether the university would be able to get a product that would assist the community to get to the bottom of the issues impacting on the institution's wellbeing, or whether the Committee would have long, never-ending conversations that don't yield concrete outcomes. He urged the Committee to craft terms of reference which would provide clear direction for the Commission.

The Chair recorded the apologies received.

Under apologies Loretta Feris alerted the committee to the absence of representatives from the non-recognised unions. She informed the Committee that management is currently involved in negotiations about recognition of the union/s that will represent workers in pay classes 1-2. The process is still ongoing

and will likely continue until the end of April. She suggested that it could be problematic to bring in representatives prematurely who might not ultimately comply with the agreed requirements for recognition. She proposed two options for the consideration of the Committee: (i) leave the situation as it is until the end of April, or (ii) find another way of facilitating representation of these workers in the short term to ensure that the voices of this constituency are heard.

The Committee was informed by Lindokuhle Patiwe that all but one of the six groupings that management had been meeting with had been afforded interim organizational rights. He therefore proposed that the groupings which had been granted organizational rights should be represented on the SC. He argued that there was no need to wait until the end of April to resolve the matter.

Khwezi Mkhize said that the absence of this constituency raised concerns about the profile of the committee as currently it seemed biased in favour of management. He felt that more students should be on the Committee.

Rorisang Moseli expressed the view that it would be problematic to incorporate people from non-formal groupings into the Committee on the basis of probabilities and argued that a principled approach was needed to resolve the problem. He also queried whether UCT had any staff in pay class one. Loretta Ferris indicated that she would check this with the Human Resources Department. She raised the possibility of using another mechanism to select people to represent the constituency in the meantime. For example, all the staff in the relevant pay classes could be directly balloted to vote on two representatives from a list submitted by all the groupings.

Khwezi Mkhize supported the need to look for an alternative in the spirit of inclusivity and again raised a concern about the structure being management heavy.

Russell Ally appealed to the Committee not to stray from the principle of determining representation for the previously outsourced workers to raise other issues. He proposed that in the spirit of inclusivity there should be provisional representation for this category, pending the resolution of the process.

Edwina Goliath pointed out that she was representing the PASS forum, which is only for staff from PC 10 and above, and therefore there was another gap in relation to representation of staff. She felt that the groupings which had been granted organizational rights should be given representation on the SC.

Nicola Illing and Sinxolo Boyi queried whether it would not be possible for all the groupings to be asked to elect a representative to represent these staff members in the interim.

Maanda Mulaudzi supported the proposal to arrange for a ballot of the workers in the short term on the grounds that the groupings were mobilizing the workers and thereafter it would emerge which union had majority support.

Loretta Ferris reminded the Committee that when Council approved the composition of the SC they had recommended that the representatives of the non-unionised groupings should be elected by a forum of all the groupings. However, this had proved to be difficult to achieve in practice.

Sinxolo Boyi proposed that management needed to facilitate direct representation of the workers via a ballot. This was supported by the Committee. In concluding the discussion, the Chair said like all other constituencies they must have a representative and an alternate. Management must facilitate this.

## **2. Adoption of the Minutes of 26 January.**

The Minutes were approved subject to an acknowledgement that members had not been asked to submit comments on the sections pertaining to the terms of reference or the Criteria for nominating

commissioners, as these were the focus of the current meeting, and the inclusion of the following motion submitted by Samuel Chetty, representative of the Employees Union.

The Minutes should reflect that the Employees Union had explicitly motioned for the retention of section 2(b)(i) of the "Agreement with the SRC Candidates/ShackvilleTRC and other student formations" which refers to the need for the Institutional Reconciliation Transformation Commission (IRTC) to "look into what is referred to as the 'Shackville protests' of February 2016, including any related and subsequent protest actions" as a cluster on its own in the terms of reference.

The meeting supported the retention of this clause in the terms of reference, given the importance of acknowledging the historical and social context within which the protests occurred.

The meeting then agreed to move on to discuss substantive issues related to the terms of reference.

The Chair reported that a written submission had been received from the Senate Representatives. He informed the meeting that the representative of the HoDs had written to inform the SC that they had not received any objections to the terms of reference contained in the draft call for nominations of commissioners from their constituency.

The Senate representative was asked to introduce their submission. In response to a question Nicola Illing informed the Committee that they had sent the draft Call for nominating commissioners to all members of Senate. They set up a Vula site but this was not used for submitting comments. The site contains a record of the comments received by email.

Khwezi Mkhize cautioned against adopting overly localized terms of reference given that the protests formed part of a national movement which was affected by various specificities. The chair supported the need for the commissioners to consider the national context within which the protests occurred and the impact that the national movement may have had on the UCT protests.

The meeting agreed that the terms of reference should include a reference to local and national factors impacting on the student protests.

A discussion then ensued about the reasons for the focus on the Senate submission as it was only a single constituency. It emerged that some constituencies had not yet had a chance to consult with their constituencies and were therefore unable to provide input yet. This suggested that a discussion about the terms of reference was premature.

Khwezi Mkhize questioned why there had been a departure from the Agreement where it was specified that Management would facilitate various engagements to launch the IRTC. Loretta Feris reminded the Committee that the SC was not referred to in the Agreement and that this section had been included before there was an agreement to establish a SC to facilitate engagement with constituencies.

The Chair referred to the document on the SC, which had been approved by Council, which specifically referred to the role of the SC representatives in consulting with constituencies about the terms of reference. Once commissioners are appointed, they will go around and consult constituencies and they may then amend the terms of reference. He then proposed that as all constituencies had not yet had time to consult their constituencies the original deadline of 16 February should be extended. Providing additional time was important because of the trust gap that existed at UCT and the need to build support for the IRTC amongst stakeholders. The members agreed to extend the deadline to 31 March. It was agreed that the consultations would also cover the draft criteria for nominating commissioners. The three points in the Agreement about the terms of reference would form the basis of the document that would be used as a basis for consultation. The Chair reminded the Committee that the terms of reference were intended to serve two processes – to give commissioners a sense of what the University was trying to

achieve, but also to serve as a basis for consultation with stakeholders about their envisaged role. The Commissioners would subsequently have some latitude to amend the terms of reference if deemed necessary.

A small committee was set up consisting of Nicci Illing, Samuel Chetty, Khwezi Mkhize, Rorisang Moseli, Sinxolo Boyi and the representative from other Student Formations to prepare revised terms of reference.

The comments should be sent to the Secretariat by 31 March. The Secretariat will consolidate the inputs and send them to the members of the Committee. The small committee will aim to meet before 10 April to prepare a revised draft for discussion by the SC in the week of 17 April.

Lorna Houston suggested that there were a number of questions that should be considered before nominating commissioners such as the size of the budget, whether commissioners would be asked to volunteer their time or would be paid, how long the commission would last etc.

## **AOB**

Khwezi Mkhize asked if the students who are affected by clemency and exclusions are allowed to come back this year.

Loretta Feris replied that in principle they would be. She reported that some decisions rest with the Registrar and others with the faculties, because financial and academic issues are involved. Each case needed to be examined separately.

Sinoxolo Boyi suggested that whilst the individual cases might differ there should be agreed general principles to guide the decisions. He reported that the students were flabbergasted that clemency means that the charge remains on the record. The Shackville TRC representatives argued that they would have expected a set of general principles to be applied, namely that the students should be granted retrospective leave of absence, and that they should not have to pay fees for classes that they were not able to attend. Any outstanding fees should therefore be written off and if they had residence places or financial assistance they should be reinstated.

The Chair stressed that it is important to separate the issue of clemency from any academic or financial issues and stated that management needed to provide categorical answers to the question asked by a particular deadline.

Rorisang Moseli queried whether there was a possibility that some of the students might not come back. Loretta Feris responded that management was committed in principle to facilitate their return.

The Chair reiterated that Management had not been asked to present a report to the SC and that they should therefore be asked to present a report by 3 March. However, he declared that if management had an agreement with students they must make good on the agreement.

Lindokuhle Patiwe reminded the Committee that the students had signed the agreement on the basis that the students would be back at the beginning of academic year. He informed the Committee that some of the students had gone home because of a lack of clarity on their situation.

Simon Rakei expressed the view that as it was past the middle of February it was a blatant indication of bad faith that no clear decisions had yet been communicated to the students, who were very anxious about their future. It amounted to a breach of the agreement. The Chair acknowledged that students are right to be anxious because there is distrust. Lorna Houston and Khwezi Mkhize requested that student input be incorporated into the report to be provided to the SC.

Jeremy Seekings indicated that whilst he was totally sympathetic to the students for raising the question he felt it was inappropriate for the SC to discuss the issues as it was unambiguously a Rapid Response Task Team (RRTT) issue. He suggested that ShackvilleTRC raise the issue with the RRTT. This was contested by Shadrack Chirikure who felt that it was hard to divorce clemency issues from the IRTC as the two issues were interlinked.

The Chair, while acknowledging that this was an RRTT matter, agreed that the processes were interlinked and that therefore it was important for the matter to be discussed by the SC.

Simon Rakei queried whether it was possible to continue with this process in good faith because a key focus of the IRTC was on the questions of clemency and amnesty for the students.

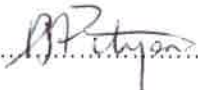
The Chair requested members to give management the benefit of the doubt that they want to deliver on the agreement and stated that as Chair of Council he would be holding management to account about this. He said members needed to be mindful of the fact that the agreement had specified that the RRTT and not the SC was responsible for ensuring that the agreement was implemented.

There was agreement that the SC did need to exercise oversight of the work of the RRTT to ensure that the agreement was implemented.

Jeremy Seekings stated that the discussion had highlighted issues related to the transparency of the RRTT which needed to be addressed. The RRTT needed to be more forthright and transparent otherwise issues would land on the SC table.

The chair ended the meeting by stressing that all processes should be transparent. The meeting had been difficult but this was illustrative of where UCT was at as an institution.

Approved on 18 April 2017

Chair:  .....

Date: 09/05/2017 .....