

UNIVERSITY OF CAPE TOWN



THE CONVOCATION

Minutes of the Special General Meeting of Convocation held on Tuesday 28 May 2024 from 17h00 until 19h50 using the Microsoft Teams platform

Present:

The President of Convocation (N Moosajee), the Vice-Chancellor *interim* (Emeritus Professor BD Reddy), the Chair of Council (N Arendse), the Deputy Chair of Council (M Campbell), the Secretary of Convocation (RN Pillay), and those members who had registered and whose names are recorded in the attached Appendix I.

1. Register and apologies

The President of Convocation, Naadiya Moosajee, opened the meeting and welcomed all attendees to the meeting.

She noted that at the December 2022 Annual General Meeting of Convocation it had been resolved that a special meeting would be called in the following year to discuss the findings of Council's independent investigating panel, also known as the Mpati report. This did not occur as the report of the Panel was only adopted by Council late in 2023. It was thus decided at the 2023 AGM that the special meeting would be convened in 2024, in which the Chair of Council would be invited to address Convocation. She indicated further that both a new Chair of Council and a new President of Convocation had taken up office during this period.

During the 2023 AGM it had further been resolved that the University management should report back to Convocation on its recent meeting with the Parliamentary Portfolio Committee for Higher Education, Science and Innovation.

The President set the ground rules for the meeting, noting that as this was not an AGM, the meeting would not be required to confirm the minutes of the 2023 AGM (this would be done at the December 2024 AGM). Members were asked to be succinct in their comments and questions.

2.1 The resolution taken at the AGM of Convocation on 8 December 2022, and as confirmed at the AGM of 7 December 2023:

- a) Convocation expresses its concern with the ongoing senior leadership problems at the University.
- b) The AGM of Convocation requests that the UCT Council finalises the investigation panel as soon as possible.
- c) Convocation calls a special general meeting to discuss these matters at the soonest possible time after Council meets to discuss the Panel's report put to it.
- d) Convocation asks the Chair of Council to attend a special general meeting of Convocation to discuss the outcome of the report by the Panel.

Note: Item 2.1 was dealt with after item 2.2.

The President invited the Chair of Council, Mr Norman Arendse, to take the floor for this item.

Mr Arendse began with the statement that his remarks applied to the UCT Council as much as they did to a democratically elected government. Members who are voted in are given a mandate to govern, and they may or may not do the jobs required of them. Convocation itself had in the previous weeks, together with other constituencies of the university, voted for representatives on the newly constituted Council. Once the elections have been completed, the Council becomes the highest decision-making body of the University. This does not mean that Council cannot be held accountable for its actions, but at the end of the day the best interests of the University are paramount.

Mr Arendse noted that he had stated at an earlier meeting that he felt that Convocation needed reform. This might include meeting more than once a year. Whilst Convocation had to wait a year between its main meetings, the report of the Panel was discussed very thoroughly in Council. Since the report of the Panel having been adopted on 14 October 2023, a number of its recommendations had been implemented and some were ongoing. The Report was widely publicised and had been in the public domain for some time. Council spent many hours debating and discussing the Report.

Mr Arendse asserted that he did not personally appear before the Panel, which adopted an inquisitorial rather than an adversarial approach. He reminded the meeting that members of the University community were invited to make submissions to the Panel. Council was satisfied that the Panel held to its terms of reference. The situation that had developed at UCT and within Council required an external body to investigate and to make recommendations. Council stood by the decisions taken and Mr Arendse believed that the University was in a better place. He commended the leadership of the Vice-Chancellor *interim* during this period.

Timothy Crowe reaffirmed his support that Convocation needed to be more engaged with regard to what happened at the University. He noted further that in addition to the Mpati Report, another which needed to be considered was the Institutional Reconciliation and Transformation

Commission (IRTC) report, which unequivocally concluded that UCT has always been and remains systematically racist, and that he takes exception to this.

Mr Arendse responded that he had noted Professor Crowe's comments, some of which echoed what he had said earlier. As far as the IRTC was concerned, its recommendations were a matter that needed to be revisited as something that was still relevant to UCT. The Mpati panel had a narrower focus on systemic governance failures.

The President gave the floor to Lindokuhle Patiwe, who thanked Mr Arendse for his report.

He stated that there were cases in the Report where hearsay was taken as fact. Further, Council should take responsibility for what had happened at the University during its tenure.

Mr Arendse asserted that he was a member of Council when the IRTC report was adopted, and was therefore familiar with the document. He was not aware that any of its recommendations had been debated since his tenure as Chair of Council began in July 2023, but was happy to relook at it, similarly with the Mayosi Report. The report of the Mpati Panel was accepted on a rational basis following work of the Panel which followed an inquisitorial approach. The fact that Council had appointed an outside body to examine the situation at UCT did not necessarily mean that it should resign – in fact, it appeared that some parties may have felt vindicated by the findings and the recommendations of the report of the Mpati Panel.

Some recommendations had been implemented. Council had apologised to those who felt aggrieved and left UCT under duress. A disciplinary hearing was pending. There were further several governance issues that an ad hoc governance committee was giving attention to.

The President recognised Chumani Maxwele, who raised several matters. He asked whether Council was not concerned about the discussion in the Parliamentary Portfolio Committee to have an independent assessor appointed at UCT. Secondly, he asked that Mr Arendse speak to any concerns he may have with regard to the report being taken on legal review. This related also to the allegation that senior black academic staff members had spoken to the Panel and had not had their contributions included in the Report. Thirdly, the current Vice-Chancellor *interim* is the brother-in-law of the Registrar as well as acting as the Executive Director of Human Resources. He also raised the matter of the proceedings against DVC Ramugondo.

Mr Arendse responded that Council did not see grounds for the appointment of an independent assessor. He did not see cause for concern regarding a legal review application against the Council and the Panel. The issue of the familial relationship between the Vice-Chancellor *interim* and the Registrar had been fully and properly disclosed at the time, with appropriate measures put in place to address any potential conflict of interest. Regarding DVC Ramugondo, in the event that disciplinary action did proceed, she would have the opportunity to be legally represented.

The President gave the floor to Collet Dandara. Professor Dandara asked about the acknowledgement that the Mpati Report was not overwhelmingly accepted by Council, and the statements that some people have felt that their views were not represented in the Report.

Mr Arendse reiterated that the overwhelming majority of Council members accepted the Report. As far as having access to witness statements went, witnesses were offered confidentiality and the majority gave evidence on that basis.

Bongani Dube introduced himself as attending his first convocation meeting, noting that he was a new graduate of UCT. He asserted that Convocation needed to meet more often and that recent graduates should be engaged more deliberately as they can also contribute to the direction of the University.

The President responded that questions about more frequent meetings of Convocation would be discussed at a future meeting of the Executive of Convocation.

The President recognised Jane Nelisa Freitas, who introduced herself as a South African living in Sweden and teaching Economics. She noted that she was disappointed that so much emphasis was being placed on race within the university and asked that there be a paradigm shift and change in thinking. The common ground should rather be focusing on bringing in greater degrees of funding and support.

Sipho Dlamini asked Mr Arendse what would happen if there were a negative outcome in the High Court, given that the Mpati Report was subject to judicial review, and stated further that the question about the Vice-Chancellor *interim* acting as the Executive Director of Human Resources had not been answered.

Mr Arendse responded that if the judicial review had a successful outcome for the applicant, then this could see the Mpati Report set aside, but he was confident that this would not be the case and that there was still a long way to go before such an outcome. The Vice-Chancellor *interim* was entitled to take over the Executive Director function in terms of university prescripts. Deputy Vice-Chancellor Ramugondo had held this role as well.

Daniel Tate proposed a motion that the President and Executive Committee of Convocation should revert to Convocation with proposals for the reform of Convocation's processes at the next AGM. The Registrar indicated that this would require a seconder and a ballot. The motion was seconded by Amanda Weltman and went to vote. The results of this were as follows:

Support: 117

Do not support: 2

Abstain: 7

The motion was therefore carried and became a resolution of Convocation.

The President recognised Shuaib Manjra, who expressed frustration as a Convocation-elected member of Council. He noted that the University faced massive challenges. These included funding and this was not discussed. Other issues included the sustaining of the research and how the institution should retain good staff. Transformation was also key. These were the critical issues which should be discussed in these meetings. Both the IRTC and the Mayosi Reports should be put back on the table for discussion alongside the Mpati Report. People who expect

Council members to resign on the basis of the Mpati Report may not have read this Report fully. It also could not be claimed that there is no institutional racism at UCT.

The President gave the floor to Lethabo Maunye, who stated that Convocation is a sub-structure of Council. The fact that Convocation was being consulted after the adoption of the Mpati Report is problematic and unprocedural. He therefore moved to reject all information provided by the Vice-Chancellor *interim* and Chair of Council at the meeting as all questions could not be answered, and Convocation could not be complicit in what is wrong with UCT.

Mr Arendse stated that Convocation was represented on Council, and that he did not participate in the meeting with a view to seeking and receiving acceptance of any of the decisions made by Council. He and the VC *interim* were offering inputs in response to the agenda for the meeting and as requested to do.

The President added that there were two long-standing agenda items for the day's meeting: the Chair of Council to speak to the outcome of the Panel Report, and the second for the Vice-Chancellor *interim* to speak to the meeting with the Parliamentary Portfolio Committee. The fact that Convocation has representation on Council means that its voice was heard. The need is to move forward, understand that there are and always will be sensitive issues and Convocation cannot keep circling around this. The outcome of this meeting was a robust discussion with both Professor Reddy and Mr Arendse in their respective capacities as VC *interim* and Chair of Council respectively.

2.2 Report to Convocation on University management's recent meeting with the Portfolio Committee on Higher Education, Science and Innovation of the Parliament of South Africa

Note: the report from the Vice-Chancellor interim was taken before item 2.1

The Vice-Chancellor *interim* thanked the Chair and indicated that he would keep his report as succinct as possible. He noted that the University Executive, Council members and others met with the PPC at Parliament on the 30 August 2023. At the August meeting it was requested that the following issues be addressed:

1. The state of Council and the management of the University
2. The circumstances leading to the resignation of the former Vice-Chancellor and Chair of Council
3. The findings of the independent panel report
4. The state of teaching and learning at UCT

This meeting was attended by Chair of Council, other individual Council members, members of the executive management team and Union representatives., The SRC had been invited but did not attend. The Chair of Council addressed agenda topics, followed by questions and comments by PPC members, which flagged items requiring response in writing from UCT, pertaining to matters such as the composition and demographic breakdown of Council, the student body and senior management, the handling of the 2019 Ombud report, questions around

NSFAS and student debt, the institution's transformation plan, and a number of budgetary and operational issues.

The PPC resolved further that it would meet with the University again. The agenda of the 8 November meeting with the PPC was firstly the findings and recommendations of the independent panel of investigation (the Mpati Panel), the actions taken to implement the recommendations recorded in the Report, and an update on the filling of the post of Vice-Chancellor. At this meeting members of the University executive management team, Council, the Unions and the SRC were represented. The format was similar to the August meeting in that Chair of Council made a presentation in which he addressed the agenda items, followed by comments and questions by PPC members.

The Vice-Chancellor *interim* noted that the tone was at times hostile, with UCT branded a racist and untransformed institution in a way that was at times disrespectful to the Chair of Council and others. There were questions around the relationship between the Vice-Chancellor *interim* and the Registrar, the resignation of the Registrar, and considerable discussion and critique of the Panel's report. With regard to the latter, a concern was raised that the Panel was biased and was appointed by Council to investigate itself, and there were views expressed that an independent assessor should be appointed by the Minister of Higher Education.

The University was not able to address all the questions posed at the August meeting in the November session, and a response was sent to the PPC on 25 November on items that had yet to be covered. These included a request for details of non-disclosure agreements that had been signed, the process of filling the Vice-Chancellor and other senior management positions, and the constitution of Senate.

The Vice-Chancellor *interim* noted that there had been no further response from the PPC since the submission of the 25 November 2023 response.

The President opened the floor for questions and comments, and recognised Chumani Maxwele. Mr Maxwele thanked the Vice-Chancellor *interim* and introduced himself as a UCT alumnus and member of the UCT Black Alumni Association (UCTABA). He expressed the hope that the Vice-Chancellor *interim* recognised that UCTABA was a stakeholder of the institution in good standing. He queried if the agenda items at this Special General Meeting were not moot because they had already been dealt with. The recommendations of the Panel report were already being implemented by the University, and he asked whether the two items had not already been over-taken by subsequent events. This meant that there was no room for Convocation to object.

The Vice-Chancellor *interim* responded to Mr Maxwele that it was the case that the Panel's report was received in October 2023 and Council subsequently accepted the Report and its recommendations. Whether it was moot or not was another question, because it remained the case that the Chair of Council was invited through a resolution of the Convocation to comment on the Panel's report and its outcomes.

The President commented that some items were only received by Convocation retrospectively due to the way the meetings were set up: an AGM at the conclusion of the year and special

meetings where necessary during the course of the year. The two items under discussion in this session were legacy pieces, in that they had been tabled since 2022.

The President recognised Sabakhe Mahlangu, who stated that the President was correct, but noted that the fact that the Convocation AGM was held once a year and therefore dealt with matters “late” was problematic. This item in particular had been requested specifically in order to deal with the issues contained in the report of the Panel. It should therefore not have been left off the table for as long as it had been. The special meeting was requested to deal with these important issues, and he raised once again the question of whether the gathering was moot or simply an academic exercise.

The Vice-Chancellor *interim* responded briefly that item 2.1(d), in which it was stated that “Convocation asks the Chair of Council to attend a special general meeting of Convocation to discuss the outcome of the report by the panel” seemed to indicate that the item was not moot because the Chair of Council was present to speak to the meeting.

Mark Oppenheimer took the floor next, referring to David Benatar’s book on the failure of the leadership of UCT, and asked if there had been any reflection on why things had taken the turn that they had. The Vice-Chancellor *interim* stated that he could not say offhand on how widely Professor Benatar’s book had been read at the institution, but noted that following the Panel’s report a number of significant governance failures had been recognised by Council and which had also adopted the recommendations of the Panel and commenced steps to address these failures.

The President recognised Rod Solomons. He noted that the meeting on 8 December 2022 had declared that the meeting with the Chair of Council would take place after Council had received the Mpati report, and not after Council had adopted the report. He asked whether the meeting was therefore not a waste of time and mentioned that the IRTC report had been accepted throughout the university, but there had been silence over this.

The President noted that the Chair of Council would be speaking to this in the next agenda item (2.1), and noted that the issue of whether this is too late had already been addressed.

Daniel Tate expressed thanks for the release of the report of the Panel and frustrations with the time taken to schedule the present meeting. He asked the Vice-Chancellor *interim* to elaborate on whether there is a need for concern given the response from the PPC. Professor Reddy said that he had already commented explicitly on the tone of the meeting in November and the lack of respect shown at times for senior members of the institution. He stated that many of the assertions had to do with a lack of understanding of the details of the circumstances and the University had a chance to address these in its written response.

The President recognised Lethabo Maunye, who stated that there were currently two instances in which due process had not been followed: the election of PASS staff to Council, in which the process had had to be restarted, and secondly, the hiring of the Executive Director of Human Resources. He also expressed the view that the meeting should reject the reports of the Vice-Chancellor *interim* and the Chair of Council.

Hugh Amoore asked that Convocation request that the Vice-Chancellor *interim* publish the written response that was given to the PPC on the university website, as it is a document in the public domain. He further offered an observation: a previous speaker had referred to government funding. The University is not funded by the government; it receives State funding, which is allocated in terms of the ministerial statement of funding and its associated formula, rather than by political whim.

Rod Solomons cautioned that posting the written response to the PPC on the UCT website required further reflection and for Convocation to reach an agreement to do so. The President suggested that the Convocation executive committee considers the document before circulation, and it would do so at its next meeting.

There being no further business, the President thanked the attendees and drew the meeting to a close at 19h50.

UNIVERSITY OF CAPE TOWN



THE CONVOCATION

**List of those members of Convocation present at the Special General Meeting held on
Tuesday, 28 May 2024**

	Name	Surname
1.	Somaya	Abdullah
2.	Oyeniya	Abe
3.	Ron	Addinall
4.	Lateef	Akinyemi
5.	Mark	Alexander
6.	Shaazia	Allie
7.	Sianne	Alves
8.	Feroza	Amien
9.	Hugh	Amoore
10.	Seyi	Amosun
11.	Kate	Angier
12.	Gillian	Anstey
13.	Sarah	Archer
14.	Norman	Arendse
15.	Oludayo	Awe
16.	Joshua	Azaki
17.	Martin	Back
18.	Abdud-Dayyaan	Badroodien
19.	Jeffrey	Bagraim
20.	Sarvesh	Balkaran
21.	Kathleen	Bateman
22.	Kevin	Bennett
23.	Elena	Berdysheva
24.	Bianca	Bohmer
25.	Shimeon	Botes
26.	Mignonne	Breier
27.	Deborah	Budlender
28.	Sindiswa	Calana

29.	Robert	Caldwell
30.	Malcolm	Campbell
31.	Feroza	Cassim
32.	Janet	Cherry
33.	Michael	Cherry
34.	Sashni	Chetty
35.	Tendani	Chimboza
36.	Brandon	Collier-Reed
37.	David	Cooper
38.	Hugh	Corder
39.	Timothy	Crowe
40.	Nikki	Crowster
41.	Collet	Dandara
42.	Tatenda	Dandara
43.	Dominic	Daula
44.	CA	Davids
45.	Carryn	de Moor
46.	Cindy	De Oliveira
47.	Melissa	Densmore
48.	Nobukhosi	Dlamini
49.	Sipho	Dlamini
50.	Lucretia	Dreyer
51.	Andries	Du Toit
52.	Anthea	du Toit
53.	Judith	du Toit
54.	Bongani	Dube
55.	Nande	Dyantyi
56.	Paula	Ensor
57.	Shaun	Foster
58.	Rosemary	Fraser
59.	Jane	Freitas
60.	Mark	Furman
61.	David	Gammon
62.	Itai	Gartushka
63.	Wieland	Gevers
64.	Erica	Gillard
65.	Elaine	Glogauer
66.	Pumeza	Gogwana
67.	Terri	Grant
68.	Frances	Greene
69.	Adrian	Guelke
70.	Sapho	Gwadiso
71.	Irmgard	Haacke
72.	Yolande	Harley
73.	Graham	Herbert
74.	Alan	Hirsch
75.	Robert	Ingle
76.	Kenneth	Ironside
77.	Moses	Isiagi
78.	Caron	Jacobs

79.	Marian	Jacobs
80.	Meryl	Jagarnath
81.	Tanimu	Jatau
82.	Mnwana	Kambule
83.	Masooda	Kaskar
84.	Franklyn	Kessel
85.	Moonira	Khan
86.	Nthabiseng	Khumalo
87.	Lindokuhte	Khuzwayo
88.	Clive	Kirkwood
89.	Bastienne	Klein
90.	Patricia	Kooyman
91.	Frank	Kronenberg
92.	Stephen	Langtry
93.	Diane	Lavies
94.	Magalane	Legodi
95.	Thandi	Lewin
96.	Andrew	Lilley
97.	Leslie	London
98.	Theresa	Lorenzo
99.	Graham	Louw
100.	Iain	Low
101.	Marius	Lund
102.	Phumelele	Luthuli
103.	Luba	Luyaba
104.	Alison	Mackenzie
105.	Breeze	Madadasi
106.	Nombulelo	Magula
107.	Sabakhe	Mahlangu
108.	Thabo	Makgolo
109.	Zolani	Makhosonke
110.	Nomusa	Makhubu
111.	Hanyani	Makumbani
112.	Shamila	Manie
113.	Shuaib	Manjra
114.	Otwen	Manuel
115.	Barbara	Mapara
116.	Ntsiki	Mapukata
117.	David	Marais
118.	David	Maralack
119.	Stephen	Marquard
120.	Lornaj	Martin
121.	Andrew	Matseke
122.	Lethabo	Maunye
123.	Chumani	Maxwele
124.	Tlanelo	Mayisela
125.	Ernest	McKenzie
126.	Adam	Mendelsohn
127.	Success	Mhlanga
128.	Siyabonga	Mhlongo

129.	Josh	Miller
130.	Valerie	Mizrahi
131.	Ndabenhle	Mnyandu
132.	Reitumetse	Monaheng
133.	Mzwa	Mondi
134.	Naadiya	Moosajee
135.	Kelley	Moult
136.	Bulelani	Mqolweni
137.	Libo	Msengana-Bam
138.	Nomcebo	Msweli
139.	Anthony	Murray
140.	Tracey	Naledi
141.	Hlumani	Ndlovu
142.	Tinashe	Ngwenya
143.	Elizabeth	Norton-Amor
144.	Lu	Nteya
145.	Mpiko	Ntsekhe
146.	Sanele	Ntshingana
147.	Hanne	Nyokangi
148.	Morne	Oosthuizen
149.	Mark	Oppenheimer
150.	Mughtar	Parker
151.	Hamieda	Parker
152.	Iqbal	Parker
153.	Lindokuhle	Patiwe
154.	Gonda	Perez
155.	Andre	Peshier
156.	Fredi	Pheiffer
157.	Kelly	Phelps
158.	Kyle	Plandt
159.	Nadine	Platelle
160.	Deborah	Posel
161.	Cathleen	Powell
162.	Lesley	Powell
163.	Max	Price
164.	Simon	Rakei
165.	Medee	Rall
166.	Nomfundo	Ramalekana
167.	Tasleem	Ras
168.	Marjorie	Raubenheimer
169.	Daya	Reddy
170.	Rose-Anne	Reynolds
171.	Linda	Rhoda
172.	Linda	Ronnie
173.	Fiona	Ross
174.	Jacques	Rousseau
175.	Deirdre	Rule
176.	Philippe	Salazar
177.	Fatima	Seedat
178.	Livingstone	Sewanyana

179.	Trevor	Sewell
180.	James	Sharp
181.	Goodman	Sibeko
182.	Mcebo	Sigudla
183.	Michael	Silberbauer
184.	Shajila	Singh
185.	Neil	Smith
186.	Melisa	Smuts
187.	Michael	Smythe
188.	Rod	Solomons
189.	Mugsy	Spiegel
190.	Morne	Steyn
191.	Zayd	Sulaiman
192.	Michelle	Sylvester
193.	Daniel	Tate
194.	Siwe	Toto
195.	Dale	Trimble
196.	Daniel	van der Merwe
197.	Zephne	Van Der Spuy
198.	Peter	van Heusden
199.	Marianne	Vanderschuren
200.	Manfred	Von Willich
201.	Saleem	Wadee
202.	Paula	Walter
203.	John	Webb
204.	Amanda	Weltman
205.	Alethea	Whitfield
206.	Abimbola	Windapo
207.	Brenda	Wingfield
208.	Zenda	Woodman
209.	Dianna	Yach
210.	Liesl	Zuhlke
211.	Nkosi	Zulu