**MEDIA STATEMENT**

**COMMITTEE OUTRAGED BY THE APPOINTMENT OF PROF P MBATI AS THE VC OF SAFAKO MAKGATHO UNIVERSITY**

**Parliament, Wednesday, 3 June 2020** – The Portfolio Committee on Higher Education, Science and Technology is outraged by the appointment of Prof Peter Mbati by the University Council as the Vice-Chancellor of Sefako Makgatho University despite allegations of sexual harassment still hanging over his head.

During the committee's engagement with the Commission on Gender Equality (Gender Commission) yesterday, it became apparent that the recommendations by the Gender Commission on its report dated 4 December 2014 regarding the allegations of sexual harassment against Prof Mbati were never implemented by the University of Venda.
The background of the matter is as follows:

Prof Mbati was accused of sexual harassment by Prof Thidziambi Tshivhase Phendla during his tenure as the Vice-Chancellor of the University of Venda. Prof Phendla submitted a complaint to the Commission on Gender Equality on the 11th of May 2012 alleging that she was sexually harassed on several occasions by Prof Mbati during the period 2008 and 2010. After an investigation, the Gender Commission, on its report dated 4 December 2014, found the allegations to be convincing and that the failure by the university to discipline Prof Mbati was a direct contravention of the university's policy on sexual harassment. The report therefore recommended that the university should implement clause 5.2 of its own sexual harassment policy by instituting formal disciplinary enquiry against Prof Mbati.

Although Prof Mbati sought to review the report of the Gender Commission in the South Gauteng High Court, he failed to set aside the recommendations of the report, but only succeeded in gagging certain portions of the report. The court ordered the university to implement its own sexual harassment policy by calling for a report of the mediator, Mr Lavery Modise, who was appointed by the university to mediate the allegations in terms of its policy.

Determined to frustrate and impede any process meant to hold him accountable for the serious allegations of sexual harassment, Prof Mbati litigated against the very report by the mediator, Mr Modise, that the South Gauteng High Court directed that it must be produced. In a strange twist of events, the challenge against the mediator's report was not lodged with the court that directed the production of the report, that is, the South Gauteng High Court, as is the norm, but it was lodged with the Thohoyandou High Court. Quite strangely, but not unexpected, given its reluctance to implement its own sexual harassment policy to the extent that it had to be directed by the court, the University Council did not defend its own report which ultimately led to Prof Mbati obtaining a default order.

The appointed mediator by the university, whose report was being challenged in court, that is, Mr Lavery Modise, did not oppose the application but simply deposed to an explanatory affidavit with the view to assisting the court to have a full picture of the matter. In paragraph 28.2 of his affidavit dated 13 March 2017, Mr Modise confirms under oath that “the Applicant (Prof Mbati) conceded that he had a sexual relationship with the Second Responded (Prof Phendla) after I had confronted him with the telephone records detailing telephone calls to and from the Second Respondent, as well as the Second Respondent's graphic description of his body marks including the arrangement and setting of furniture in the Applicant's bedroom”.

What is even more concerning is the allegation that Prof Mbati attempted to bribe Mr Modise, as contained in paragraph 33.3 of the affidavit in which Mr Modise says “it is noteworthy to state that the Applicant improperly sought to influence me to amend my report”.
“These are indeed serious allegations against Prof Mbati, something which calls into question his suitability to be appointed to the high office of a Vice-Chancellor of Sefako Makgatho University. From the information available to the committee, it’s quite clear that Prof Mbati has employed a combination of stratagem, which included litigation and possible collusion with the University Council, to avoid being held to account for the serious allegation of sexual harassment. What is now even worse is the allegation of attempted bribe by Mr Modise in a sworn affidavit to the Thohoyandou High Court,” said Mr Philly Mapulane, the Chairperson of the Portfolio Committee on Higher Education, Science and Technology.

Given all the above issues, the fitness and suitability of Prof Peter Mbati to occupy the high position of Vice-Chancellor of Sefako Makgatho University is in serious question. The question is whether the University Council, and all its structures which were responsible for his appointment, were aware of the allegations of sexual harassment before they decided to recommend his appointment.

In view of all this vexing questions, the Portfolio Committee will conduct a preliminary inquiry into the fitness of Prof Mbati to be appointed and to hold the office of the Vice-Chancellor of Sefako Makgatho University.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON MR PHILLY MAPULANE.**