
**WRITTEN SUBMISSION TO PARLIAMENT'S PORTFOLIO COMMITTEE ON EDUCATION BY
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Introduction

1. On 19 August 2020, I received a call and an email from the Secretary of Parliament, soliciting a written submission in response to the allegations made against Professor Mbatlana during his tenure as the Vice Chancellor and Principal at the University of Venda, namely that he allegedly: -
 - (a) **sexually harassed Professor Phendla, a fellow employee at Univen and Dean of the School of Education;**
 - (b) **contributed to the mismanagement of Univen in as far as he failed to properly manage infrastructure projects, committed acts of financial misconduct and abused his position for personal gain.**
2. This submission is made by Tshililo Justice Manenzhe, former Director Human Resources at the University of Venda.
3. I occupied the above position as from 1 April 1995 until my retirement from the University on 31 January 2019.
4. In my capacity as Director Human Resources I was responsible for:
 - 5.1 Providing strategic Leadership and management of the Human Resources Directorate;
 - 5.2 Recruitment and selection;
 - 5.3 Remuneration and conditions of service;
 - 5.4 Performance Management;
 - 5.5 Policy development and implementation;
 - Training and Development;
 - 5.6 Employee Health and Wellness;
 - 5.6 Labour Relations and Transformation (Employment Equity)
 - 5.7 Liaison with critical stakeholders on campus

Written submission

5. I now make the following submissions as regards the allegations contained in paragraph (a) above:
 - 5.1 I agree with the allegations made against Professor Mbatl because in my view, the University Council failed to implement its own Sexual Harassment Policy ('the Policy') after receiving a report from an independent mediator commissioned by itself; and
 - 5.2 in summary, the mediator established that there was a *prima facie* case of sexual harassment perpetrated by Professor Mbatl against Professor Phendla; and
 - 5.3 the mediator submitted his report to Council and by not implementing the report, Council caused gross injustice to the complainant and immense harm to the good image and reputation of the University.
 - 5.4 instead of taking appropriate action against the Vice-Chancellor who wasted a lot of University money on litigation to defend himself, Council failed to take action against the Vice Chancellor and Principal in terms of its own Policy on Sexual Harassment; and
 - 5.5 in accordance with the Policy, Council should have instituted disciplinary proceedings against the Vice-Chancellor and Principal ten days after receipt of the mediator's report. In my view, the failure of Council to follow its own policies and procedures was a gross injustice to Professor Phendla, who in a country where sexual harassment in the workplace is rife, was both the victim of sexual harassment and in addition also lost her job apparently because of this conflict between her and the former Vice-Chancellor of the University.

6. I now make the following submissions as regards the allegations contained in paragraph (b) above -

6.1 much of my submission will be supported by documentary proof or documents that could be obtained from the archives of the University. I therefore wish to make my submission under the following headings:

6.1.1 Professor Peter Mbatia contributed to the mismanagement of Univen in as far as he failed to properly manage infrastructure projects.

(a) it is public knowledge that there are various University infrastructure projects that were not finished due to mismanagement of funds. It is true that Professor Mbatia failed to properly manage infrastructure projects. It is on record at the University that the projects which were not finished were given to bidders who were told to tender at lower amounts in order for them to be awarded the tenders even though they would not be able to finish the projects. This has resulted in such bidders making requests for variations to get additional funds as the initial tender amounts had huge shortfalls. These bidders were awarded the tenders against the warning and advice of project managers who were appointed by the University to ensure that proper evaluations of bidders are done before tenders are awarded in order to eliminate bidders who do not meet the requirements in order to avoid this problem. When this matter was discussed at various fora including Council, it was alleged that variations amounting to millions of Rands were authorized by the Director of Facilities Management Mr Hulisani Nesanane. Both Dr. Zaaima, who was Deputy Vice

Chancellor Operations responsible for infrastructure and the Vice Chancellor and Principal as accounting Officer were never called to account. In my view, Council should have taken steps to apply consequence management by calling Professor Mbatia to account for this gross mismanagement of university resources. In conclusion on this matter I was also reliably informed that there is a building which exists on campus that was constructed without compliance with environmental and built environment requirements which Professor Mbatia sanctioned. Professor Mbatia failed to inform Council about this anomaly.

6.1.2 committed acts of financial misconduct and abused his position for personal gain

(a) Overutilisation of Consultants in order to benefit himself.

Under his leadership, Professor Mbatia used consultants in order to influence the decision to get the desired or intended outcome.

In legal matters he used Bowman and Gilflan Attorneys at exorbitant costs to defend cases that the university on the face of it has no prospect of winning. I should hasten to mention that they have never won any case of misconduct that was levelled at almost all the staff members who were charged for misconduct. The Portfolio Committee may wish to obtain records from the University to establish the extent of the University

money spent towards litigation and payments made to those former employees who won the awards in Labour Court;

- (b) During his tenure, Professor Mbati used Virtual, a consulting company owned by Dr. Tim Hutton to draft HR reports for submissions that he would like to make to the Human Resources Committee of Council for approval without the involvement of HR Director. This has resulted in conflict because in most cases such reports were based on incorrect information while claiming huge sums of money. I wish to point out that Dr. Tim Hutton was never appointed through procurement process. He was involved in the submission transfer the position of Employee Relations Officer from HR to his office. This was to ensure that Professor Mbati will be able to charge those people who disagree with him.

DR Tim Hutton was assigned the responsibility of preparing submission and making recommendations for the adjustment of remuneration packages of executive management and make submission to Executive Remuneration Committee for approval.

During his tenure, Professor Mbati was paid performance bonus every year since its inception. Laetoli Consulting Company was used to drive this process and many other projects that the university embark on. This company was continuously appointed by the University making huge financial gains for

themselves. Surprisingly, he was being paid performance bonus even though there many issues that were not properly managed

Professor Mbatl also tried to change the University Statute to allow the extension of his contract for the third. This exercise failed. However, some of the casualties in this process who were dismissed is Mr. Bally Makhado.

In my capacity as Director Human Resources, I was also a victim of Professor Mbatl's reign. Laetoli was requested to compile a report that the HR was dysfunctional and therefore called for my dismissal. I was also charged for misconduct based on dubious grounds

Immediately after Professor Mbatl's assumption of duty Mr. Nemadzivhanani and I were investigated by a private investigator who was appointed by the University because we were perceived as threats to Professor Mbatl.

I was further the victim of Professor Mbatl who was reluctant to take disciplinary steps for a case of misconduct against Mr. Dzaga for allegedly assaulting and verbally abusing me. He went out of his way to appoint a legal practitioner as mediator who wrote a report that requires the two of us to resolve the

matter through mediation. I refused because the report was written without my consent and involvement. The legal practitioner was paid an amount in excess of R47 000. 00 for the report

The above are my written submissions on the various allegations against Professor Mbatl. They are within my personal knowledge unless it appears different from the context.

T J Manenzhe

(not signed as these submissions are made electronically)