

Statement of evidence in response to the portfolio committee on higher education, science, and technology oversight enquiry into the appointment of Professor Peter Mbatlana as vice chancellor of Sefako Makgatho University and related matters.

**By former SRC members
Presented by Mr Rifilwe Victor Modiba**

Honourable chair and honourable committee members, I would like to take this opportunity to thank you for accepting our request to come forth to give evidence to this august committee. Upon seeing the news bulletins during the year 2020 reporting that Professor Mbatlana, the former Vice-Chancellor of University of Venda has led the university astray among the other accusations, we thought it was imperative that we give our side of the story in relation to how he had driven the university of Venda.

Honourable chair, although this affidavit is signed by myself, the contents of this document emanated from a collective letter written to your office on the 20th of August 2020 as signed by the previous SRC presidents and these are:

Mr Machabapala S (who served as the Secretary-General of the SRC in 2009 and SRC president in 2010), Mr Mudau SM (who served as the SRC president in 2012), Mr Mathemusa A (who served as the SRC president in 2013), Mr Mutobvu M (who served as the SRC president in 2014) and Ms Nthulani M (who served as SRC president in 2016). I had served for a period of four leadership years since 2009 as the secretary of the School of Mathematical and Natural Sciences, as a chairperson of same in 2010, as Minister of Arts, Policies and Publicity in 2011 and lastly as Deputy Chairperson of Postgraduate committee in 2012). At this point, perhaps it is important to elucidate here that all of us represented here came from various student formations. The formations represented here, not in any particular order and also without attaching any of us to any formation since some of us have moved to join political parties of our choice, are ANCYL, AZASCO, PASMA and EFF. We couldn't get a signature of the SRC president from YCL student formation before sending correspondence to you in 2020 although he was part of some of the meetings we will shortly bring to light.

Indeed, honourable chair, this submission is entirely in our capacity as the University of Venda's (UNIVEN) former SRC members and our current employers as well as political offices some of us could be occupying are not involved. As such, this is a historical account of events as they happened. To allay your queries that might arise during this statement, it is prudent that we paint a picture of the Univen SRC and the reach of its representation within the university organogram.

Univen SRC followed a parliamentary system wherein parliamentary seats are allocated according to the number of votes a student formation has got with each cabinet position accompanied by two parliament positions. In total there were 14 cabinet positions and 28 parliament positions. Like the Parliament of South Africa, cabinet members would have ministerial positions which were allocated by the president usually under the advice of his/her student formation. After allocation of ministerial positions, the cabinet will then be fully constituted and names will be forwarded to the various university committees for representation. Unlike in other institutions, SRC members at Univen were not observers but

participating members in the university structures. These structures would include 2 members in the university council, a member at the university senate, a member at the university finance committee, a member at the student affairs committee of council, a member to all interview panels, a member to the institutional forum and so on. As such, we had access to the minutes of all these committees we were represented at. Indeed, because parliamentarians and cabinet members are forwarded by the student formations, their formation retained the powers to withdraw them and replace them with names of their choice if they were not implementing their manifestos or other interests. This power included withdrawing the sitting SRC president. In addition, we also had substructures which consisted of schools' committees (eight schools) and SRCC (Sports, Recreation and Cultural Committee), HRC (Housing representative committee) and Disabled Student Council (DSC). In total, the substructures had four members which consisted of the chairperson, deputy chairperson, Secretary and the projects officer and unlike cabinet members, these were elected independently by their respective constituencies. This made the total number of substructure members to be 44. The chairpersons and secretaries of these substructures will then be members of the Student senate. Student Senate was chaired by the Minister of education while the secretary was elected among the senate members. Further to this, the chairpersons of substructures and the minister of education were members of the University senate. As a result, Student Senate has a slot for submission in the university Senate agenda. Apart from the representation at the university senate, schools substructures were members of their respective academic school boards. All these SRC members are members of student parliament. Student parliament had the speaker and deputy speaker elected similarly to the ones in the parliament of South Africa. Like the cabinet positions, student formations retained the powers to withdraw speaker or deputy speaker of the parliament.

Each leadership term had four sittings of the parliament, one constitutional summit as well as policy-making conference in which policies governing the SRC will be proposed or amended. Otherwise, the substructures will run their affairs while the ministers implement the manifestos of their student formations between the sitting of the parliament. For each cabinet position available, there was a standing committee whose members are drawn from the members of the parliament. The SRC has a budget of usually between five to seven million rands depending on the number of registered students. A portion of the student registration had SRC levy and this budget would be controlled by the treasurer of the SRC cabinet. From time to time the student parliament will vote on the changes on the SRC constitution which also determines how the SRC should be run, including who should sign requisitions. All our requisitions were then submitted to the director: student affairs for approval before they can undergo normal university procurement processes.

It is prudent to submit at this juncture that university senior management (i.e the VC, DVCs and directors) will be invited to present and answer the questions as and when the student parliament sits and request their audience. The apology was not acceptable in this regard so the invite was somehow compulsory. Honourable chair, where the interests are mutual, SRC will work from time to time with the Unions other structures representing staff members.

Honourable chair, from this picture you and your honourable committee members will appreciate that our SRC was well represented in nearly all day to day running of the university and there were adequate accountability measures put in place for our members. As such, any developments that took place during our tenure in leadership are equally our responsibility either by actively taking part or by observing silence when incorrect decisions were taken right before us. It is as a result of this, that we were disturbed to read that during the tenure of Professor Mbatia, the University took a wrong turn.

Honourable chair and the honourable members, history will exonerate Prof. Peter Mbatl as a leader who was beyond reproach, a man of integrity, and highly ethical, and very principled when running an institute of this magnitude. The barometer used here is solely the track record of his tenure as compared to those who came before him. Prof Mbatl was attentive to all structures of the university and had always strived for fairgrounds which we all say we believe in. Although we have had differences with him at times as we would have with other employees of the university, it is our sober submission that he is a leader that anyone who has worked with him can freely testify fairly on his leadership. Surface to say, those who read holly literature, will not hesitate to comply with the ninth commandment in the bible which says “one should not bear false witness against ones’ neighbour”. So, honourable chair, it is our divine responsibility to talk the truth. Had it not being forbidden by the bible to swear, we would indeed swear by the words of our mouths but since such right is withdrawn from us, we can only place it on record that this is a sworn affidavit.

Upon arrival at the University of Venda, Prof Mbatl led the university to a strategic goal of being a financially sustainable university, rebranding its insignia and motto as well as publicly taking steps for rooting out of corruption. These have made quick and visible changes within the university since most, if not all fruitless expenditure was cut. We saw the introduction of tip-off anonymous which was a Delloite-run whistleblowing platform. This was well advertised across the university in a form of posters as well as having a permanent slot at the Univen communication newsletter, NENDILA as well as the university website. We have verified this to still be true today. During the student parliament, senior managers whose offices were affected will report on the tip-offs that were received and gave updates on the investigations.

Your letter of invitation honourable chair indicates that we are here because of whistleblowers. It will be interesting to know if these whistleblowers have also enjoyed using the designated Univen whistleblowing platform. It is surely in the interest of this committee to find out if this platform was indeed effective or if it was just another fruitless expenditure. We believe this committee has a duty to go deeper than the allegations themselves and see if indeed Univen was captured, to use this recently popularised word. Going back to the changes Prof Mbatl brought at Univen, in any environment irrespective of its community structure honourable chair, drastic changes are deemed to have those who are for and those who are against. Consequently, we are not amazed that there are those who are against the leadership of Prof Mbatl. Due to the time allocated for this statement, we will not be able to narrate all the good developments that arrived with Prof Mbatl at the University of Venda. We have therefore decided to cover only those that we can and are in line with your invitation and we will be happy to take further questions.

Fundraising

Since we arrived at The University of Venda, we started to see fundraising activities advertised in the university newsletter only after the arrival of Prof Mbatl. We are careful not to they were not there because they might have been there but not publicly advertised and reported upon. However, under the leadership of Prof Mbatl, the University Newsletter was reporting on the funds that the university has raised through fundraising. It was with these funds in addition to government funding, that the university started to expand its infrastructure.

Visible infrastructure development

Before the arrival of Prof Mbatl, Univen was just like most previously disadvantaged universities and relied mostly on government handouts. The university only had few student accommodations and we saw emergency accommodation made of prefabs being established after SRC's strike. This was followed by massive construction projects which included among the others new lecture halls, renovation of old buildings, new student residences, paving of dusty places, the building of new science laboratories, increase of computer labs and so forth. Honourable chair, one of the changes the student parliament has asked the DVC operations, Dr J. Zaaiman to account upon was the fact that some of these buildings took longer to complete and our worry was that big companies were contracted to construct these buildings. In this specific case, Group 5 was among the companies that were taking time to complete a building and Dr Zaaiman clarified that big companies were subcontracting smaller companies in line with local economic empowerment. It is important to note that each year Dr Zaaiman presented to the student parliament the status of the construction projects and how much the university was spending. We are happy to submit to you honourable chair that it was through our own proposals that the university distributed tablets to all students and our postgraduates, especially PhD students were borrowed laptops. Without a single match lit and windows broken we asked for the WIFI across the campus and such was done.

What you see the universities doing under COVID inspired blended learning was long done at the University of Venda under the decisive leadership of Prof Mbatl. Because the SRC disagreed with the university from time to time, the SRC once took the university to court over the issue of electricity, it was through that court process that we learned of the plan by the university to roll out standby generators to back-up all campus buildings. Shortly after such public disagreements, indeed the plan was implemented and Univen became the rural-based university that was not affected by load shedding.

Purchase of fleet

Honourable chair and honourable members, Univen had a nursing qualification which saw our students commuting daily to various hospitals and clinics. This process is probably as old as the qualification itself. The powers that be, did not see any reasons none whatsoever, to procure transport for these students since it was obviously a costly exercise. But with the leadership of Prof Mbatl, we saw the rapid increase of the university fleet including multiple minibuses used primarily by these nursing students. University decreased the reliance on external transport as a result. Perhaps, just perhaps, this has angered those who were financially benefiting from this exercise.

Construction of sports facilities

Honourable chair, Univen has been offering a degree in biokinetics among others. This saw our students having to practice their swimming in a nearby hotel because there was no swimming pool. Our sporting facilities were in shams but with the arrival of Prof Mbatl, this was things of the past and we can confirm to you that Univen was constructing its own swimming pool and new sports grounds before we left that institution. Honourable chairperson, notice how university offered qualifications for years without suitable facilities for students. Let alone steps taken to correct such.

Attentiveness to all structures

Honourable chair, Prof Mbatl did not only listen to us as SRC members, He gave both ears to all university structures. Indeed, not all our proposals were accepted but proposals that were beneficial to teaching, learning and student welfare he delegated his subordinates to attend to them immediately. However, to issues that divided the university, he would seek external interference in a form of independent consultants or auditors. Chair, on a few occasions we asked for certain office bearers to be recused of their duties due to what we viewed as incompetence. Without narrowing this further down to protect the dignity of those who were implicated although they don't deserve it, we would like to state that there was a year wherein exams for certain exit modules were not written because some people did not do their job. Obviously, without us justifying our call for everyone involved to be dismissed, we strongly believe that this committee would have asked for same if you sent your dependants to the university and in their final year, they end up not writing examinations. We called for a strike and asked for an immediate investigation into that issue. Honourable chair, we did not believe that a university that is dominated by interrelated personnel as well as interpersonal problems that are typical at work places could investigate each other and give us as well as those implicated a fair result, hence our determination that all investigations be independent.

I recall we had a list of employees on our placards that were supposed to have been dismissed according to us. However, a forensic investigation, which we requested narrowed down the number. Honourable Chair, I read this with anger coupled with shamefulness. That an educated parent can place the career of students whose parent depended on child grants in jeopardy. We know how some of those students were pushed to prostitution in order to get bread. We knew these students, they stayed with us, attended with us and studied with us. Honourable chair, there is other information which these employees of univen, our own parents, had done to these needy students and we would prefer not to place it on record for the benefit of that institution. Honourable chair and committee members, in line with the allegations of misusing forensic investigations, does this committee think it was uncalled for to have an investigation into this mishap of not writing an examination? What should we have done in this regards?

Today we are here, testifying for a man who aided us in bringing the dignity of the black child instead of testifying on why those implicated former employees should not be employed in any public office. But we are here testifying on behalf of a man who helped our university to be a university of choice. Who have helped our University to be among the top 100 universities globally. ***“Each time I want to fight for African rights I use only one hand because the other hand is busy trying to keep away Africans who are fighting me”*** Benjamin Burombo.

Outside the auspice of the SRC honourable chair, the South African students wrote a petition to Prof Mbatl and in that petition, they raised that foreign students were given preference over South Africans. Honourable chair, this issue nearly divided students deeply along the borderlines. To get to the bottom of it, Prof Mbatl appointed investigators who collected evidence across the student population. Being a person of foreign descent, Prof Mbatl had no other option of dealing with accusations of preference of foreign students other than appointing South African investigators to look into this matter. Again we ask honourable chair, is it a true and sober position of this committee that this was an abuse of consultants? If this was not granted, we, ourselves as members of the SRC then, would have had some doubts about his leadership. We would have believed there is something he is hiding but that was not the case with Prof Mbatl.

Honourable chair, I truly cannot believe that this committee gives audience to an allegation that a forensic investigation can be abused by someone in higher office because this committee

will know better that the oversight structures which is the council, SRC and unions are the ones who will request these investigations when the need arises. However, with this kind of leadership of listening to even “unorganised students”, clearly you will agree with us that this is a man who was attentive to all of the structures. We place “unorganised students” in the inverted commas because naturally and procedurally, such petition was supposed to have been brought to the SRC since it was the only recognised mouthpiece of the students. Honourable chair, we had a collective mandate that Univen staff members should do what they were paid to do. Actually, we were annoyed at the visible pattern of the laziness of always telling our students to come after two and as a result, we took a no exception approach in making sure everyone does their work. Although were from destitute backgrounds, we were not a group of fools. We were poor in pockets but not in mind. Although we had our own political differences, when it came to the interests of our students and that of the university, we did not mince our words. This was visible in the type of students’ strikes we led. In popular circumstances, students’ strikes will be accompanied by destruction of property but in our case, because we had the best interest of our institution at heart, when we led a strike, we simply woke up at 5 am in the morning and closed all university entrances. We got all our problems solved without any window broken or smoke seen.

Cutting of fruitless expenditure

Honourable chair, the leadership of Prof Mbatlana has saved the university millions of rands by cutting off fruitless expenditure. It is imperative that we submit that we only noticed some of these as fruitless as we age. We were affected largely and painfully by this when they cut our infamous freshers ball as well as our yearly tours that each school will undertake with their students. It goes without saying that this caused a lot of turmoil between us the university and the student parliament’s deliberations were dominated by identifying what we deemed as a fruitless expenditure. This placed our relationship with the university management on ice because we believed they are targeting our entertainment and in return student parliament started to put an extra effort into the university expenditure. Perhaps the seriousness of this was seen when the student parliament wanted to know the salary of an intern in the vice chancellor’s office. The Parliament was arguing then that that office did not deserve an intern while there is a PA.

University of choice

Honourable chair, although it is not recommended to blow your own trumpet, I am not an ignorant being. Despite such, I did not know about the existence of the University of Venda although I am from Limpopo. As such when I was in grade twelve I applied to various universities except for univen which I never knew it existed. I would like to believe that this was so because the marketing was very poor or non-existent. Like many others, I ended up walking into Univen and applying and registering as a walk-in. That was in 2006. Honourable chair, I am please indeed to submit to this committee that after the arrival of Prof Mbatlana, until this date, UNiven no longer accepted walk-ins. Meaning it was under the leadership of Prof Mbatlana that Univen transformed itself into a university of choice. We started to see its adverts on the electronic screens at intersections even as far as Mbombela and various newspapers. In 2006 when I joined university of Venda, the University of Venda was 24 years old.

A 24 four years old still relied on walk-ins, had no systems in place, students registered per semester, returning students and first entering students all registered at the same time, room allocation was done concurrently with registration, there was no sign of any development, the university was surrounded by virgin land. Chair, the community adjacent to the university itself had no hope over that University. Is it a coincidence that the arrival of Prof Mbatu saw the virgin land outside the university and within the university being developed for student accommodations? Is it a coincidence that when we arrived at Univen we were accommodated at people's homes because business people did not see a need to build residences despite knowing the university is a permanent institution? Today residences have mushroomed all over Maungani and Ngobela, the adjacent villages to the university.

Honourable Chair, the University of Venda was built on land under the custodianship of Tshivase Royal Counsel. As such it did not have a title deed. Honourable Chair, like any other university, University of Venda is dominated by the locals which are Tshivenda speaking people. Despite this, it took someone born as far as the equator, in Kenya, to come and kick-start the process of University of Venda having to acquire a title deed. That was Prof Mbatu. And we thank the leadership of his highness, Vho Thovhele Tshivase for playing a crucial role in this regard. Our children will live to ask questions on how our people, speaking the same language, all having best interests of the university as they naturally should, did not see a need to kick start this process until the arrival of a foreign-born employee whom we are today hunting down for his head. Clearly, honourable chair, he angered us so much that we are willing to leave no stone unturned in tearing down the little dignity our university was starting to have. We don't care because our children can afford to attend previously white universities and stay at classy private accommodation paid for by the same poor parents through remissions of fees. With shame and teary eyes, our children will use the knowledge they acquired from those previously white universities to narrate history on how someone who brought massive development to the local University was hounded about using media and parliamentary structures.

Before the arrival of Prof Mbatu, univen staff members didn't want their children anywhere near such university for reasons caused by them. Today a number of them have confidence in their university because the systems are put in place although there is still a lot of work to be done. Indeed chair we have seen Univen increases PhD graduation under Prof Mbatu although there is still a lot of work to be done for the systems to be completely fit for remote self-service. We know that it takes longer for most of us to get ideological clarity and stop relying on institutions built by whites, nevertheless, we are happy that this is being recorded so that when the same middle and upper class are fighting for their children to be admitted at that university Solidarity is building, historians can remember this malicious process we are engaged in. In this vein honourable chair, we hereby submit that the accusation that Prof Mbatu overused forensic consultants at the University of Venda will come back to haunt this committee and subsequently our race. Corrupt entities will ascent to the vice chancellor's office and refuse a need to have forensic investigations into corrupt activities citing this committee.

Honourable chair, and committee members, you are politicians and with further political aspirations. The day we view politics as higher than suitably functioning institutions of higher

learning closer to us, it's the day we would have cemented the current colonial mentality that we should all go to the previously white universities. Perhaps, when we are all retired and are raising our grandkids, we might answer to them on why the two whites who publicly siphoned public funds at the University of Johannesburg were never invited to this committee, particularly because this committee should treat all public institutions the same. Honourable chair and committee members, with time you are going to realise you presided over a malicious process which will obviously have a lasting dent in the university of Venda image. It worried us then and it still worries us now that whenever the previously disadvantaged universities are on the media, they are there for wrong reasons. Unfortunately, all this is the doing of our ourselves to our own institutions. Are we saying mismanagement should be swept down the carpet? We are saying fights of personal nature should not drag the institution along. Those with shallow eyes view this as a platform to attack and subsequently finish this foreign man who came to displace us in our own university, if I can use the tone of some of the whistle blowers. When their eyes open, they will know that this is the attack on the university itself. This is the attack on those families that are making a living from the students of that university. This is the attack on all those international exchange students who first do a desktop search of the South African universities to visit first before they make their decision. It is an attack on the socio economic activities around that institution.

Above all chair, doubting the sanity of Univen council is not only an attack on its members, it's a motion of no confidence to the two vhaVenda Royal councils as represented by their highnesses, Thovhele Vho Tshivase and Thovhele Vho Masia who were members of that council. If indeed the university was being mismanaged and council abandoned its oversight, then we can all agree that these two royal councils indeed lost their credibility. Having attended university gatherings and heard his highness Vho Thovhele Tshivase, outline his vision for that university, we doubt the assertions of the whistle blowers. Chair, it might be important to this committee to note that one of the complainant to this committee is a blood relative of Vho Thovhele Tshivase.

Lastly honourable chair, Prof Mbatlana is not a saint and in no uncertain terms do we present him as such. Indeed, there could have been personal problems incurred between him and some of his subordinates, but to drag the fragile insignia of the University into the mud due to personal squabbles have lasting effects on the university than the intended cause. In accordance to your request in paragraph nine, we found it tricky to comment on the point raised in paragraph 3(b). We can however take questions in this regard. Honourable chair, as a race, let us strive to build our own institutions than to continue to tear them down over differences hoping that we will run to the white built institutions. We call upon this committee to be impartial in its approach to matters and to remain consistent from university to University. Chair, if there is any an iota of evidence that Prof Mbatlana and his leadership benefited fraudulently from the construction projects or any other project at the University of Venda, we encourage your honourable office not to hesitate in alerting authorities and let the law take its course. We call for those who have engaged in illegal activities to be brought to book.

We thank you and would like to take this opportunity to show you picture evidence of what we presented about before we could take questions.