

WITNESS STATEMENT ON THE INVESTIGATION BY PORTFOLIO COMMITTEE ON HIGHER EDUCATION REGARDING THE ALLEGED SEXUAL HARASSMENT AT THE UNIVERSITY OF VENDA

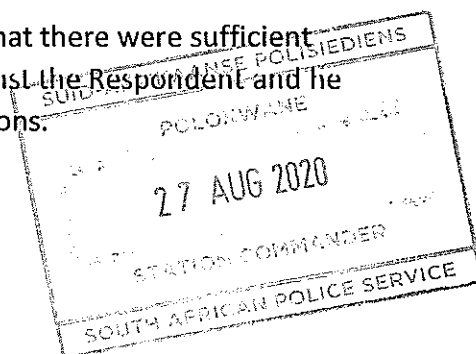
I, the undersigned,

Azwidini Victor Mavhidula

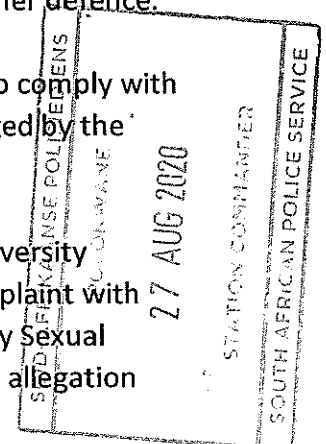
Do hereby state under oath and say that:

1. I am an adult male currently employed by the South Africa Human Rights Commission (SAHRC) as a Provincial Manager for Limpopo Province and a former Acting Head of Legal Department at the Commission for Gender Equality (CGE), a position I occupied from August, 2007 to July 2012.
2. I am an admitted attorney of the High Court of South Africa, with more than 14 years investigation experience on criminal, sexual harassment, gender based violence and human rights violation matters
3. Save where stated to the contrary or where it so appears from the context, all facts herein stated fall within my personal knowledge and are, to the best of my knowledge and belief, both true and correct.
4. The CGE received and registered a complaint of sexual harassment from Professor Phendla (the Complainant) in May 2011 against the then Vice Chancellor of the University of Venda, Professor Peter Mbatlali (the Respondent).
5. The complaint was lodged directly at the CGE Head Office. After assessing the complaint I decided that, because of its high profile nature, I should lead the investigation with the support from Limpopo CGE Provincial Office.
6. I set up a consultation meeting with the Complainant to gather all the relevant evidence related to alleged sexual harassment complaint. During consultation, the complainant submitted all relevant information supporting her allegations.
7. After consultation with the Complainant, I was satisfied that there were sufficient evidence to support allegation of sexual harassment against the Respondent and he should be given an opportunity to respond to the allegations.

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8. I then wrote allegation letter to the Respondent requesting him to reply within specific time frame. The Respondent failed to meet the deadline and requested extension which was granted.
9. When the CGE finally received response from the Respondent, there were allegations that the Respondent did not provide satisfactory answers.
10. As a lead investigator on this matter, I decided to set up a meeting with the Respondent to afford him an opportunity to respond to the allegation against him or provide his side of the story.
11. I went to the University of Venda with the CGE Limpopo Legal Officer (LO) to meet with the Respondent and other witnesses who were mentioned by the Complainant in her statement and or during consultation.
12. During the interviews with the Respondent in his office, he denied all allegation of sexual harassment levelled against him. He also denied that he had a romantic relationship with the complainant. However he failed to explain the romantic text messages he sent to the Complainant during the time of the alleged sexual harassment.
13. Other witnesses, including the Human Resources Manager and the Legal Advisor of the University (the late Advocate Lidovho) did not want to give any details or assist with information that will assist the investigation.
14. However they both failed to explain how the Complainant was charged based on the **Forensic Report** that was compiled by **Du Loite & Touche** and face the disciplinary hearing without her been provided with the said Report to prepare for her defence.
15. They also failed to provide explanation as to why the University failed to comply with its own Sexual Harassment Policy when dealing with the complaint lodged by the Complainant.
16. During the investigation, the CGE also wrote allegation letter to the University Council, because the Complainant alleged that she also lodged her complaint with the university Council but the Council failed to implement the University Sexual Harassment policy. As far as I know the Council failed to respond to the allegation letter from the CGE.
17. Based on the evidence presented by all relevant witnesses, I strongly believe that the University Council had sufficient evidence to charge the Respondent for sexual harassment, same would have provided the Respondent with an opportunity to present his side of the story and clear his name if the allegations were incorrect, but instead the Council chose to allowed the Respondent to use the University resources



to fight the Complainant, knowing that in most cases the victim of sexual harassment are more vulnerable in our society and many of them are reluctant to report such cases for fear of victimization.

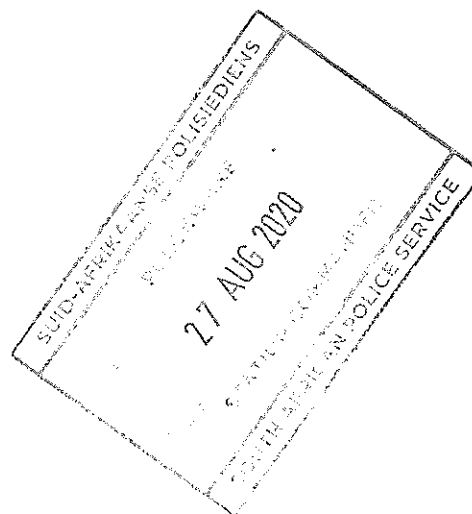
18. In the Draft Investigative Report, it was recommended that the Minister of Higher Education must take action against the University Council for failing to implement University's Sexual Harassment Policy after receiving a complaint against the Respondent.
19. The investigation was completed before I resigned from the CGE, and Draft Report was finalized and submitted to the CGE after I joined the SAHRC in July 2012.
20. That is all I can say about this matter and I still stand by the recommendation made in the Draft Investigative Report I have submitted.

Signed at Polokwane on the 27th day of August 2020



Azwidini Victor Mavhidula

Deponent



Commissioner of Oath