

**STATEMENT: PROF CR DE BEER (FORMER VICE-CHANCELLOR, SMU)**

**Parliamentary Committee on Higher Education, Science and Technology**

**“Oversight Enquiry into the appointment of Prof P Mbatl as Vice-Chancellor of the Sefako Makgatho Health Sciences University (SMU) and related matters. (Part B: SMU)”**

1. I received a letter dated 20 April 2021 from the Chairperson of the Parliamentary Committee on Higher Education, Science and Technology (HEST), Hon MP Mapulane, MP, with the request to appear before the Parliamentary Committee as a witness in in the abovementioned Oversight Enquiry Part B (“whether SMU complied with due process in the appointment of Prof Mbatl as VC”).
2. On 22 April 2021 I responded to the Letter of Invitation from the Hon Chairperson indicating my availability to testify before the relevant Portfolio Committee on the time and date as indicated.
3. Further to paragraph 2 above I informed the Hon Chairperson, with a view to assisting the Committee, that I was not officially involved in the process of appointing Prof Mbatl.
4. Whether the SMU complied formally and substantively with the prescripts of the approved Regulation for the Appointment of the Vice-Chancellor, or not, is not within my personal knowledge. I indicated to the Hon Chairperson, among other, that only Prof Mbatl’s application for a vacant position as Director: Institutional Advancement, which was publicly advertised, is within my personal knowledge.
5. As the relevant SMU Regulation for the Appointment of the Vice-Chancellor was drafted and approved by Council during my term of Office as Interim Vice-Chancellor, I further indicated to the Hon Chairperson that I may be able to assist the Committee, if so required, in clarifying and contextualising such.
6. Following my response to the Hon Chairperson’s letter of 20 April 2021, I received an Email from the Committee Secretary on 11 May 2021 informing me that the Hon Chairperson of the Committee indicated that I should “give evidence to the Enquiry ..... (of) the fact that Prof Mbatl applied for a management position at the SMU while you were the Vice-Chancellor and he was not successful for the post”.
7. In anticipation of a possible follow-up from the Committee regarding matters within my personal knowledge I, among other, requested access to the official records of the SMU pertaining to Prof Mbatl’s previous application for the position of Director: Institutional Advancement at the SMU, through the Office of the Registrar in his capacity as Secretary to the Council on 3 May 2021.
8. The rationale for this request was to refresh my memory, as I wish to be factually correct in my evidence, considering the Constitutional Mandate of the Committee and the related legal and procedural arrangements governing the powers and functions of the Committee. The Registrar promptly responded and indicated that access would be given in time to empower me to testify factually before the Committee.
9. However, the Registrar of SMU informed me on 11 May 2021 that, regrettably, the records of the proceedings of the Shortlisting and Interviewing Committee have been misplaced and that he is at this stage obliged to revert in this matter to the response of the SMU Council to the Parliamentary Committee. The relevant parts of the response are: “..... in 2017 Prof Mbatl did apply for the position of Director: Institutional Advancement and Internationalisation at SMU. It bears mentioning in terms of the Council’s Delegation of Authority and applicable

institutional rules, the appointment of Directors falls under the responsibility of the Vice Chancellor, therefore Council was not involved in the appointment process for this position..... From the information gathered by Council, Prof Mbatia was interviewed during June 2017. At the time, the Labour Court had not yet pronounced on the sexual harassment allegations and a decision was taken at Management level not to appoint Prof Mbatia. The position was thereafter re-advertised and filled in 2018.”

10. Against the backdrop of the above and further to the request of the Hon Chairperson of 11 May 2021, I am obliged to rely on my memory, as supplemented/corroborated by the information articulated in the Council’s response, in giving evidence regarding Prof Mbatia’s previous application for a management position at the SMU.
11. I first of all, wish to confirm the information provided by the SMU Council, and in particular that the appointment of Prof Mbatia in the advertised position would have been inappropriate due to the (at the time) unresolved allegations of sexual harassment of a fellow colleague. As the Vice-Chancellor at the time I take full responsibility for the decision not to appoint a candidate, inclusive of Prof Mbatia, in the advertised vacancy.
12. Taking into account the challenges the higher education sector faces with regard to sexual harassment and certain related permutations, as a manifestation of gender-based violence, allegations of sexual harassment in general, and in particular by those in positions of authority, must be seen as a serious impediment, if not a disqualification to functioning effectively within the higher education environment in a leadership position, even at junior management level. Second, even in instances of said allegations been addressed through mediation or any other appropriate procedure, the powerful impact of perceptions pertaining to sexual harassment and the associated mistrust mostly continue to be present in the affected community, especially in an extremely vulnerable student and staff environment such as the SMU.



Prof CR de Beer  
13 May 2021