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OFFICE OF THE CHAIRPERSON OF COUNCIL

09 March 2015

Prof. A.E. Nesamvuni
University Registrar
Private Bag X5050
Thohoyandou
0950

Dear Prof. Nesamvuni

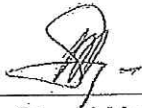
RESOLUTIONS TAKEN BY IN COMMITTEE OF COUNCIL HELD ON 20 FEBRUARY 2015 AT ROODEVALLEI CONFERENCE AND MEETINGS HOTEL RELATING TO PROF. THIDZIAMBI PHENDLA-TSHIVHASE MATTER

On 20 February 2015, external members of Council met in committee to discuss the way forward following the e-mails sent to Council members by Prof. T. Tshivhase-Phendla and a communiqué to Council members from the interim Chairperson of Council, Mr. Serobi Maja, on the matter between the University of Venda and Prof. Thidziambi Tshivhase-Phendla.

Council appointed a Committee comprised of the Chairperson of the Appeals Committee, Mr. M.L. Mashego, and the Chairperson of the Human Resources Committee, Mr. K.K. Maimela, to look into the issues raised in the e-mails that were forwarded to Council members by Prof. T. Tshivhase-Phendla, and report back to Council at its next meeting. The Committee would be working closely with the Director: Legal Services and they have been given a mandate to co-opt any other person as they see fit.

Please give the Committee the necessary support this will need.

Yours sincerely



Mr. Serobi Maja
Chairperson: Council of the University of Venda



UNIVERSITY OF VENDA

"A quality driven, financially sustainable, rural-based Comprehensive University"

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KM 3

OFFICE OF THE CHAIRPERSON OF COUNCIL

30 January 2015

The University of Venda Council
University of Venda
Private Bag 5050
Thohoyandou

Dear Council Members

INVESTIGATIVE REPORT: PROF THIDZIAMBI PHENDLA TSHIVHASE // UNIVERSITY OF VENDA

1. I refer you to the above and advise that I am aware of the letter and annexures thereto sent by Professor Phendla addressed to Professor Nesamvuni and dated 29 January 2015.
2. Upon receipt of the investigative report from the Commission for Gender and Equality ("the CGE"), and as a result of the adverse findings and recommendations made therein, legal advice was sought from the University's legal representatives, Bowman Gilfillan.
3. On 21 January 2015, a letter was addressed by the University's legal representatives to the CGE wherein it was pointed out, *inter alia*, that the University is concerned about the legality of the report and requires clarification of aspects thereof. Furthermore, a meeting was requested with the CGE to engage and attempt to resolve the issues in dialogue in the interests of engendering a cooperative relationship with the CGE, rather than to resort to litigation at this juncture.
4. The CGE was further furnished with the following queries in relation to the investigative report:
 - 4.1 Whether the CGE regards the findings and recommendations in the investigative report as final and the office as *functus officio* or whether the CGE considers itself to be entitled to revisit its findings and recommendations and accordingly hear representations from the University;
 - 4.2 There are relevant documents that are in the CGE's possession which documents have not been provided to the University. This includes, *inter alia*, the documents submitted by the complainant for the investigation including the record of all text messages and telephone calls referred to in the investigation report. The University requested that these be made available;



- 4.3 Whether the CGE has made any of its findings public or whether it intends to do so;
 - 4.4 Whether there is any formal internal remedy available to address the University's concerns in connection with the report; and
 - 4.5 Recommendations 9(i) to (iii) of the investigative report contemplate the involvement of the Minister of Higher Education, which recommendations the University has serious reservations about the legality thereof. The CGE was requested to indicate whether any steps had been taken to notify the Minister of the investigation.
5. The investigative report appears to be very one-sided and the conclusions contained therein have been reached without considering all the evidence relating to this matter. Furthermore, the CGE has pronounced on issues it has no authority to pronounce or make findings on.
 6. As a result of the above, and should the CGE refuse to revisit its investigation, the University will take all necessary steps to ensure that the investigative report is subjected to judicial review.

Yours sincerely,

Serobi Maja

**Interim Chairperson:
University of Venda Council**