



E2 HUMAN RIGHTS

The NWU, whilst been party to many relevant human rights documents, codes and agreements is devoid of an ethos of human rights. This is captured in the words of a written submission by an academic of the NWU "the term Human Rights has no true meaning to them; it is merely a cliché".

This was found to be implicit in the farce related to the so called "human rights training" given to students at different residences at the beginning of 2014 and referred to with great pride by senior management academics who appeared in person. The reality of this "human rights training" is that it was requested by a law student that junior academics from the Faculty of Law provide "human rights training" at various residences at the Potchefstroom campus relating to the parameters of human rights which apply to Reception and Initiation programs. This training was done on the basis of it being a social responsibility contribution by the academics concern, and was undertaken on a purely voluntary basis.

The written and oral submissions of these academics who performed this task was clear in that they did not receive any official mandate for such training, yet laboured under severe pressure to complete their undertaking with the diligence required of such a task. It appeared as if there was little appreciation of what had been done and that the training was only acknowledged when it was convenient for senior management to refer to it, that is after the incident at hand.

In fact, the comment of one of these academics was "I will never do it again".

This example reflects the Institutional suppression of human rights, which disregards and distorts defining human rights codes as well as practices which embody the Constitution and the Bill of Rights. This is indicative of the systematic entrenchment of the objectives and values which manifest in the descriptions of the negative practices which have appeared time and again not just in this report, but in all others that preceded it (both seen and unseen) in the organizational culture which can be said to be very similar to that of the old Potchefstroom University.

The stereotyping which occurs in the quest to produce student/staff profiles conducive to the maintenance of "old South African" ideals of exclusivity and supremacy, the purpose of which is to strip students/staff of not just their identity and individuality, but also their heritage both past and present.

This practice stifles healthy values which underlie an open and democratic society based on equality and freedom, human values, freedom of religion, belief and opinion and is a barrier to true integration and the full realization and tolerance of ideas and diversity. By its very nature, stereotyping creates a homogenous NWU community where anyone or anything outside of the prescribed profile is marginalized. This emerged from submissions made by gay academics/students and the same was visible with regard to differently held religious/atheist beliefs. The lack of real inclusion and accommodation of people with disabilities was conspicuous in its absence. In a transformation process, exclusion equals alienation.

This university's well written human rights policy clearly defines the mandate and scope of the Human Rights Committee. This committee is one about which the NWU has often said "we are the only university with a Human Rights Committee, chaired by an independent legal expert, where students and staff can lodge complaints about possible abuses".

However, the IITT is of the view that this Human Rights Committee is a "luxury vehicle being driven without an engine or wheels". Despite the fact that it is an independent structure accountable only to Council, it is practicably suffocated by administrative forces and cannot carry out its mandate except at a superficial level.

These anti-transformative dynamics at play within the NWU, have ensured that the human rights are viewed as "irrelevant", according to submissions, and the Human Rights Committee is largely an unknown entity and those who do know of its existence have no confidence in its ability. These factors are reflective of the level of the absence of understanding of fundamental human rights in the NWU Community. It goes without saying that these limitations seriously hamper the value of the powerful transformational tool that the Human Rights Committee is and affects the core heart and soul of all that integrated South Africa aspires towards. The sad aspect of this continued thinking and application is that this myopic approach impacts not just on the role of the NWU in building generations of students revolutionizing nation building in South Africa at a macro level. At the micro level, the NWU has failed to see its unique potential to transform and by the very nature of this process, to promote Human Rights within the Potchefstroom community, which itself suffers from the same asphyxiating effects of the institutional culture of the NWU.

IS CULTURE OF FEAR, VICTIMIZATION AND INTIMIDATION

A number of seasoned academics from the university who appeared before the IITT spoke of the necessity to create an environment that welcomes discussion and debate. They found it hard to believe that those who dissent from the powers that be are being victimized. They couldn't just couldn't fathom where this fear comes from. Their sincerity and integrity have to be respected. Evidence to the contrary has, however, been on the cards for a long time:

"It was strange that the overwhelming majority of people who were interviewed, out of fear of being victimized, requested that their identity, as well as certain information that was supplied by them, not be made known".

"It is important to state that a substantial number of staff who were interviewed testified that they felt that they were being victimized by certain individuals within the university".

"It is remarked in passing that this spirit of intimidation inhibited the freedom of expression of the above mentioned persons points of view and this attitude was not limited to the airing of opinions and the sharing of information with the investigating team".

The above are extracts from various reports of investigations conducted within the NWU by different persons or teams in the past.

The following alarming SMS from Rhoda Kadalle (Saturday 26 April 2014 after she had already resigned from the IITT) is placed on record with her permission;

"Ek het so 'n paar anonieme oproepe gekry van mense wat regtig bang is om te praat. Also, someone asked that the panel refrain from asking submissions via e-mail as they believe campus emails are under surveillance. Perhaps all those fears need to be addressed somehow. Sterkte. Rhoda."

Additionally, the IITT was inundated with requests to meet privately and to protect the identity of individuals. To try and ridicule these accusations of fear and victimization as unfounded is an obstinate denial to acknowledge this sad state of affairs. It would appear that whenever one steps out of line or tarnishes the good image of the campus, one has to be sure to expect a serious backlash from the authorities. The structure and nature of this enquiry is such that we simply do not know what it is we don't know. We can, however, say what we know enough to endorse the views held by senior managers and lecturers: the climate is toxic. Independent thought is often dismissed as disloyal and in some experiences it has shown to be career-limiting.

It cannot simply be by mere coincidence that most of the staff members who recently separated from the university have in one way or another been involved in exposing the initiation practices at the NWU. In a big show of strength, the university has taken radical measures to safeguard the image and reputation of the university by dealing decisively with these "trouble-makers", often times, paying them off huge sums of money to leave. This also raises a concern because the university is funded largely by the tax-payer, and it cannot be right that the taxpayers' money is spent towards suppressing freedom of expression in a public university, operating within the borders of a post-1994 democratic South Africa.

E4: THE MERGER AND TRANSFORMATION

The rationale behind the university merger was to transform the university landscape in South Africa in order to end the apartheid era racial and tribal configuration of universities and Technikons. Under the old dispensation, the higher education sector was segregated according to racial, ethnic and linguistic communities. The success of merger would, therefore, be measured by the success of each institution's ability to integrate and eradicate any vestiges of the colonial and apartheid legacy. Whilst the University Statutes envisaged a unitary approach to the merger, hearings and submissions to the IITT confirm otherwise. What the IITT sees is a federal model that has in reality been adopted by NWU, which gives more autonomy to each constitutive campus (Vaal, Mafikeng and Potchefstroom). This model will consequently encourage campus insulation than integration, thus undermining the very reason for which the merger was established. This model privileges campus diverse identities in student and academic life and undermines common institutional identity and culture, hence the prevalence of initiation rituals in the Potchefstroom/Vaal campuses and its virtual absence in the Mafikeng campus. The campus autonomy model also renders institutional managers ineffective in their endeavour to introduce standard practices and achieve transformation objectives. Campus structures could be used to undermine and resist any transformation efforts.



F. RECOMMENDATIONS

The university marks ten years since the merger of its legacy institutions. Conventionally, ten years of any institutional merger is a milestone that also provides an opportunity to reflect on the successes that may need consolidation as well as weaknesses that need a review of approach and institutional arrangement. The much-reported negative incident of initiation of first year students as well as the use of controversial symbols at the Potchefstroom campus of the North-West University is also an opportunity for the university to engage in a critical introspection on some aspects of its institutional cultures, transformation programme, its institutional architecture or merger governance model as well as the effectiveness of its policies to foster the human rights culture. In its observations and recommendations IITT makes a contribution in this regard even though its main focus was on programmes designed to welcome, induct and orientate first-year students with particular focus on areas where there may be abuses and practices which are at variance with the university's stated values and general human rights.

A general review of literature and reports that were submitted immediately reveals a series of investigations, both internal and external, on irregularities and abuses that often mark reception and induction of first-year students. Most of these incidents have taken place at the Potchefstroom campus. These investigations made recommendations most of which were never implemented, and where some were implemented there was no effective implementation, monitoring and impact assessment to ensure that these interventions resolved the problems.

A series of correspondences and reports responding to the February 2014 postturing and use of controversial "salute" incident reported by the Beeld Newspaper indicates an instinctive defensive posture of the University Leadership that first tried to diminish the implications of this incident and later stated that it had done all it could to deal with similar incidents in the past. This defensiveness compounded this problem and also weakened a sense of accountability. This had a potential of weakening the NWU brand in general and Potchefstroom campus in particular.

In view of the above observations therefore, the IITT accordingly makes the following recommendations:

1. Radical normalization of the racial demographics in the student residences.

The racial composition in the Potchefstroom Campus residences currently stands between 15 – 20% non-white and more than 80% white, 10 years after the merger, and 20 years into democracy. Despite numerous investigations carried out around the issue of initiation practices, not much has changed because today, this investigation seeks to deal with the same problems. Judging from the very slow progress in normalizing this situation, it would seem that there is a tacit implementation of a "quota" system in this regard. The consequence of these figures point to a determination to maintain the status quo, i.e. preserve as far as possible the traditions and the "culture" in the hostels. As was highlighted by some of those who testified, most students (from the 80%) come from Afrikaner-based high schools, where initiation is openly practiced. If these "quotas" are maintained, there remains a high "concentration" of people from the same backgrounds who do not see anything wrong with the said practices and consequently enclaves are created for the perpetuation of these practices. It therefore seems reasonable to believe that one way of effecting change is radical dilution of this "concentration" by removing the quotas where they exist, and enforce the normalization of the demographics in the hostels to slowly yield the demographics of the 20 year old democratic South Africa.

2. Reconfiguration of the marketing, communications and stakeholder office for greater effectiveness in image-redemption.

Throughout the investigation, the role of the Bemarking en Kommunikasie or Branding/Marketing and Communication Department (BEK) office in managing the reputation of the Campus by applying underhanded tactics such as monitoring of certain people's email accounts and other censorship tendencies has repeatedly been brought to light. The role of the BEK also extends to the recruitment of students to come and study at the Potchefstroom Campus. Owing to the allegations of intransigence on the side of this office and their assumed (or mandated) role as image defenders; it is difficult to believe that their existence and approach would be helpful to the transformation agenda of the university, and the much needed exposure of human rights abuses resulting from initiating practices of hostel traditions in the campus residences. The rebranding and repositioning of the university will require a fundamental reconfiguration of the current marketing, communication and public relations unit. In its reconfigured form, this unit should have direct presence, in a standardised manner, in all campuses. This entity must monitor and guide campus-based communication platforms to ensure that these are not used to undermine university transformation and human rights programmes, nor impede on the freedom of expression of staff and students.

3. Review governance merger/organizational model of campus autonomy

Submissions made to this investigation have indicated an organizational model that emphasises campus autonomy over institutional integration and standardization of programmes towards common institutional identity and culture. This federal model has led to the insulation of campuses which leaves institutional managers with a minimal role in driving transformation, the standardization of programmes and greater integration. Areas such as the Institutional Dean of Students, the Institutional SRC, Sports and the Institutional Marketing and Communications' unit have a nominal role over their respective portfolios with little real powers to effect changes in what appears to be "fortified" campuses, thus fostering territorial tendencies that militate against creation of a common institutional identity that was envisaged in the merger process. This institutional architecture and arrangement makes it extremely difficult to implement any uniform changes across campuses while providing for opportunities for resistance against real transformation.

4. Total ban on all initiation rituals and practices and affirmation of university-sanctioned orientation and induction programmes.

Fascism and Nazism do not drive what has been exposed to the IITT, but practices embedded in the so-called traditions. The drivers of these traditions are unable to adapt to a new environment that is grounded in the Constitutional values of dignity and equality. It is impossible to police these undesirable practices effectively; the culture that feeds them has to be uprooted. There is no place for flirtation with authoritarian (quasi-military) practices in modern South Africa. This is not merely a student matter; it goes to the heart of what a university is about. The university has to be clear about its values and ensure that those values are understood and lived by staff and students –especially during R & I programmes and activities when the official R & I period has ended. The recurring incidents of abuse of new students as well as use of controversial symbols have proven to be difficult to control during these informal and highly decentralised activities. Only the formal orientation programme sanctioned by the university should be allowed as a platform to introduce students to the university. Any deviation from this main orientation programme should only occur with the formal approval from the university and under strict supervision to ensure that it strictly adhere to the human rights values.

5. Revision of university vision, mission and values to foreground transformation, integration and multi-cultural diversity.

As part of a ten year review it is recommended that the university should consider reviewing its vision, mission and values in order to reflect its refocus on human rights issues, transformation and promotion or embrace of racial and cultural diversity. These, particularly, institutional values, should be simple and easy to remember and internalize. Consequently, the NWU has to consider reworking its vision and mission and agree on its core values. The current set of values are nice to have but have a danger of "hiding" the values that the University truly wants to embrace. This revision should be standard to all campuses in order to promote common institutional identity and culture. A new motto could also be a powerful tool to achieve this objective.

6. Revision of aspects of language policy that may inhibit integration and institutional cohesion.

The university language policy should be reviewed to ensure that promotion of linguistic diversity is never used as a tool of exclusion in any form. More specifically, the promotion of Afrikaans as an academic language is an important component of the university especially in the Potchefstroom campus but this should be applied in a manner that does not undermine free access to its programmes by both existing students in other NWU campuses or prospective students who are yet to join NWU. Student enrolment plan and its current targets should be revisited.

7. University-wide dialogue towards implementation of a common and appropriate R&I Programme

An institutional summit of practitioners and experts from all three campuses must be convened to ensure that the NWU speaks with one voice as it prepares for the arrival of first year students for 2015. Flowing from this summit a task team of experts, from the three campuses consisting of different backgrounds, disciplines and schools of thought must ensure that the R & I programmes, as well as the activities after the official R & I program, are in step with the reworked values of the NWU.

- The SAHRC report of 2001 is recommended to be used as a benchmark for the work and preparation of the summit. This report should however be updated and customized to suit the requirements of the NWU. It could then be promoted and used as a tool for training everyone involved in R & I programme across all NWU campuses.

8. Bringing closure to the Thabang Magoang matter

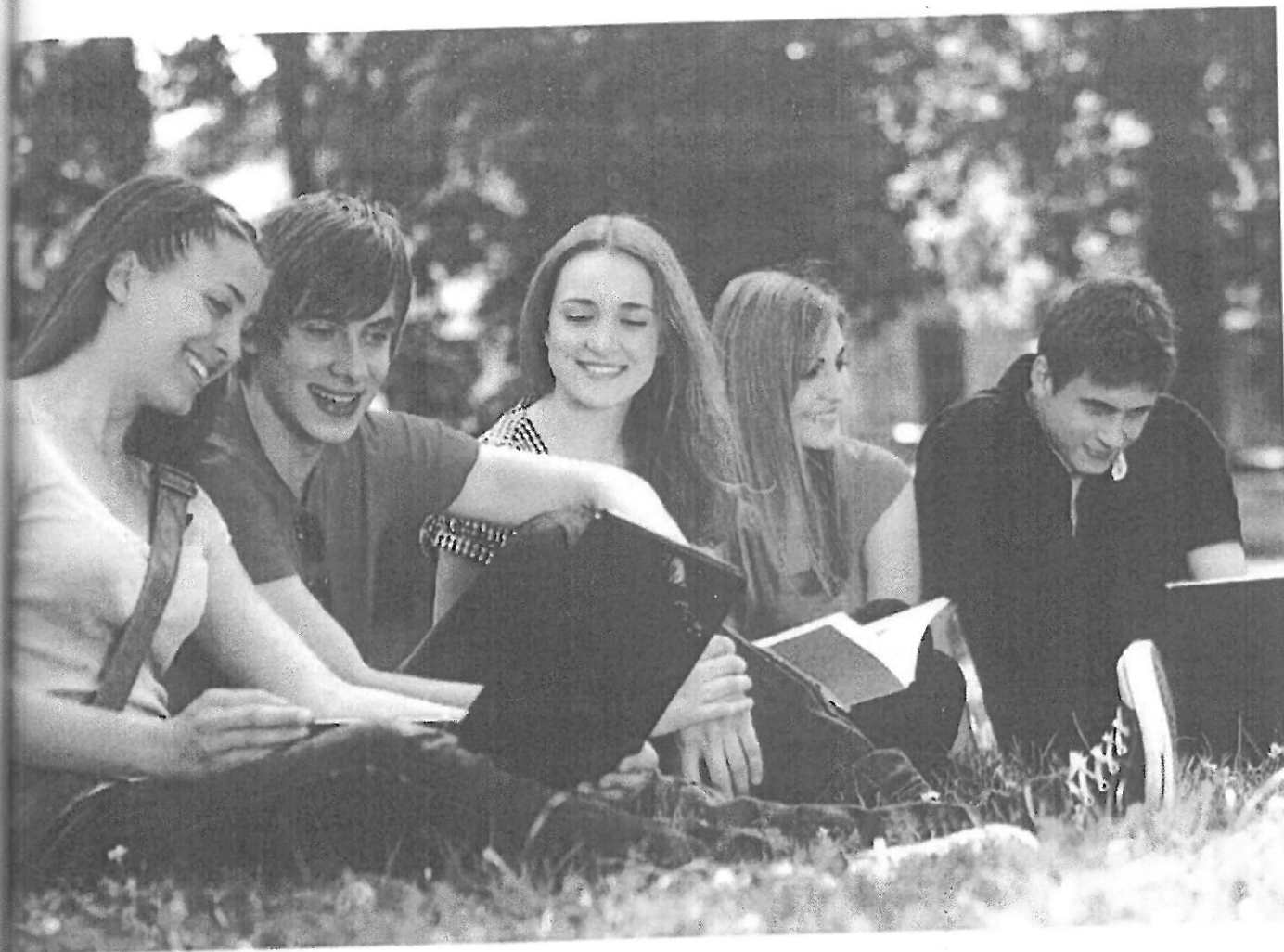
The NWU must find a way to bring closure to the unfortunate incident leading to the death of Mr. Thabang Makhoang. It is recommended that that an annual lecture in memory be instituted to remember his unnatural death. This lecture (s) on all three campuses could be about dignity and all human rights and tentatively be named " The Annual Thabang Makhoang Memorial Lecture on Human Rights and Diversity".

9. Human Rights Committee rejuvenation for greater effectiveness in promotion of human rights

The Human Rights Committee of the University must be empowered to reach its full potential in the development and sustainability of human rights at the NWU. Fundamental to this empowerment is that this body has to be independent and that Human Rights must become a living NWU activity. In addition, The Diversity statements, Code of Ethics, the Code of Conduct of Treatment of first year students and other related documents exemplifies the aloof and denialist nature of the current non-conformist transformation process. A process to reconsider these must be undertaken which will seek to emerge with practical and definitive meanings to reformulating these documents. A comparative study of these documents/codes of other universities would assist in the process. The Human Rights Committee should issue a bi-annual report on Human Rights and Transformation at the NWU. Other than it being a useful monitoring tool for Council, this report could also serve to keep the Ministry of Higher Education informed of progress at NWU.

10. Leadership exchange programme among campuses for greater exposure

Campus leaders, managers, academics and all key role-players should be exposed to other campuses through exchange programmes. This will create greater awareness of conditions in different campuses of the university thus raising sensitivity to different experiences while accelerating integration and common institutional identity. This experience must also include house parents who should be exposed to other residences in other campuses.



G. PROPOSED IMPLEMENTATION STRATEGY

Given a history of investigations and recommendations that seem to have failed to comprehensively resolve the aforementioned challenges at NWU special attention should be given to the way the recommendations of this current report will be dealt with and implemented as to avoid the same fate.

- ❖ A consultative process that will generate a sense of understanding and ownership by all critical university stakeholders is a requisite step in embracing changes.
- ❖ The university principal and all key leaders of the institution and campuses should champion these changes instead of delegating them.
- ❖ There must be a process map, project plan with timelines and resources for the implementation of each one of the recommendations that the university will select for adoption. Each programme must have a dedicated person and unit to coordinate and lead.
- ❖ A tool for monitoring and assessing the implementation and impact of these programmes.
- ❖ Effective communication tool that ensure transparency and commitment.
- ❖ The submission, literature material received during the investigation should be kept in a safe environment, archived or digitized for purpose of later use in academic research. This can provide an extra vehicle for the promotion of awareness to diversity, multiculturalism and tolerance within the university community.

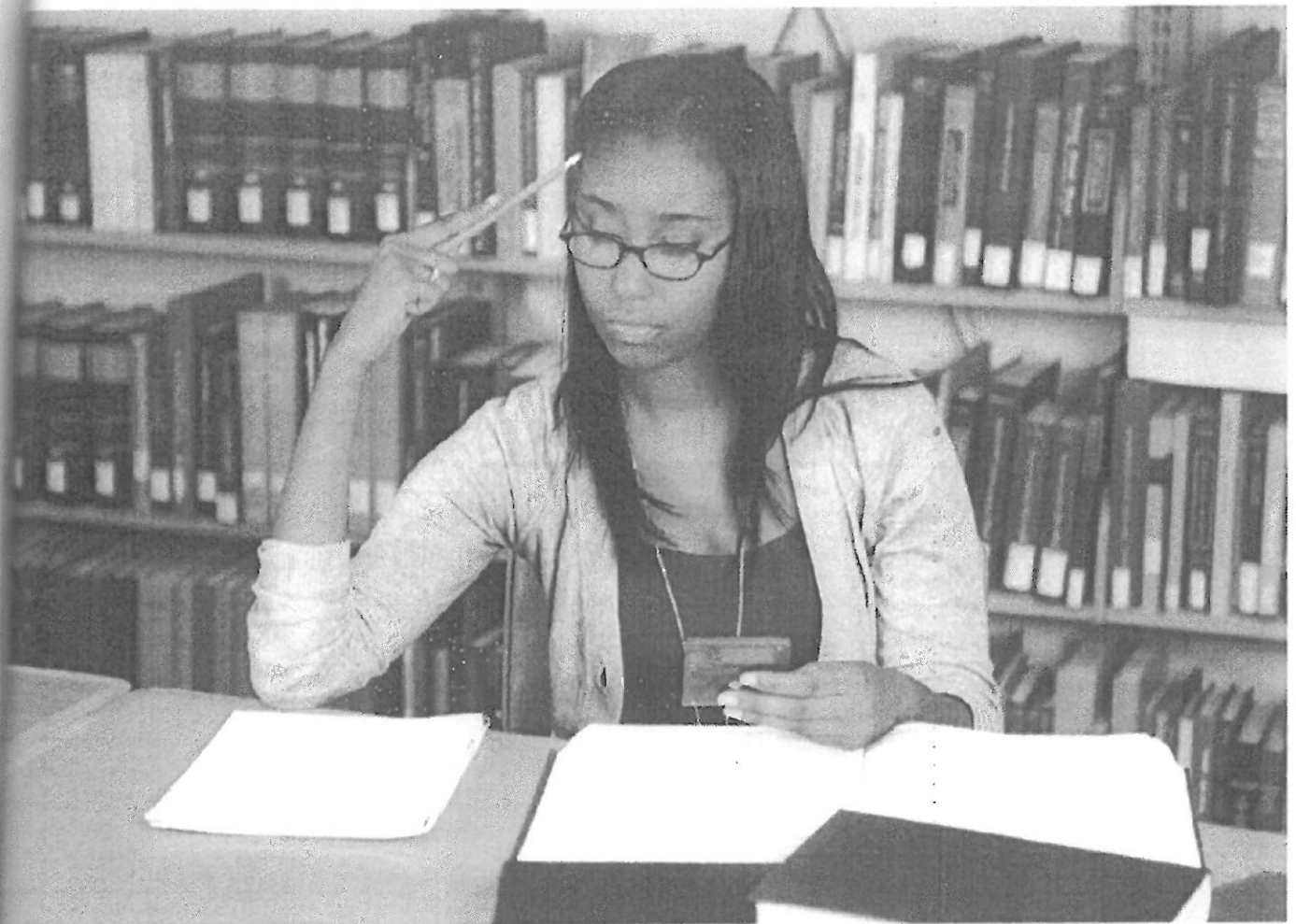
H. CHALLENGES ENCOUNTERED DURING THE INVESTIGATION

The Independent Investigation Team was appointed in March 2014 and commenced its work on 17 April with the stipulated target date of 22 May 2014. There were some challenges which hindered the task team from operating optimally. Some of the challenges that stand out prominently include the following:

1. This investigation is complex and extensive and yet it had to be conducted within a very tight schedule of one month as stipulated in the appointment of this panel. Time constraints were further compounded by the unusual frequency of public holidays and long weekends (Freedom Day falling on Sunday thus making Monday a holiday, followed soon by the Workers' Day on 1 May and the 7th of May set aside for elections). This eroded the very few days of what was already a very tight programme.
2. Transcriptions of recordings of hearings conducted at NWU during the course of the investigation not made available for thorough consideration of every oral submission.
3. Some documents were in Afrikaans without translation and when transactions came some days had been lost in the process.
4. The atmosphere of fear of victimization of witnesses may have deterred some not to appear or where they appear; this imposed constraints on what they could share with the panel.
5. Despite the support we got from James Botha who was designated as the facilitator and secretary, dedicated secretariat for administrative support was not always readily available.
6. Key documents required were not made available until the very last minute. These are:
 - A. Letter from Minister of Higher Education, Dr Blade Nzimande on the issue of NWU initiation ceremony.
 - B. Enrolment plan/policy that determines the proportional numbers of demographic outlook of students per each constitutive campus of NWU.
 - C. Campus SRC constitutions being used presently. Only the Institutional SRC Constitution was made available. It is worth noting that the Task Team finally received the aforementioned documents on the 21st May, a day before the report was completed.
 - D. Processing of payments especially reimbursements for incurred costs did not happen on time.

Despite all these constraints, the panel improvised and effected contingency measures to ensure that the work was done. It is also worth repeating that one of the appointed panel members, Rhoda Khadalie, had to resign due to her work demands in the organization she is heading, and this meant that the panel had one member less for the rest of the investigation.





I. LIST OF SOURCES

(I) WRITTEN SUBMISSIONS

1. Sarel van der Westhuizen
2. Kevin (Wapad Editor-in-Chief for 2013)
3. Christiaan du Plessis (Student)
4. Reginald Legoabe (Executive Director, Higher Education Transformation Network).
5. Prof Attie Gerber
6. Dr Ingrid Tufvesson (former employee of NWU)
7. Bert Sorgdrager (Lecturer)
8. Prof Marlene Verhoef forwarded the Submission by the NWU Senate to the IITT
9. Prof Kobus Pienaar
10. Mart-Marie Tromp (Alumni)
11. Prof JD Froneman
12. Willem van Niekerk (lecturer)
13. Cornia Pretorius (lecturer)
14. Prof Fika van Rensburg
15. Johan van der Merwe (alumni)
16. Johan Gericke
17. Rubina Sethlare-Meltor (Lecturer)
18. Prof Susan Visser
19. Annika Joubert (Student, no written submission)
20. Duane Aslett (Lecturer)
21. Adèle Croucamp (Alumni)
22. Prof Attie de Lange (no written submission)
23. Prof Sarel van der Walt

(II) ORAL PRESENTATIONS

22 APRIL

1. Ms Elbie Steyn and Mr Jacob Simango (Vaal Campus)
2. Mr Rick van Rooyen (Mafikeng Campus)

23 APRIL

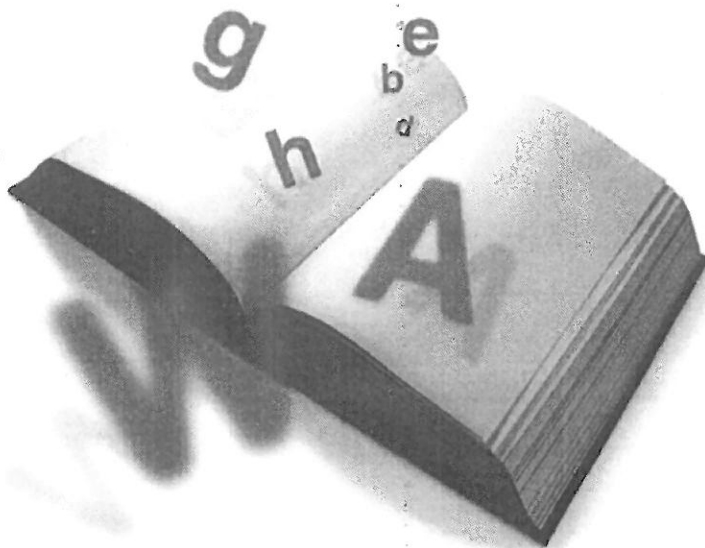
1. Prof Herman van Schalkwyk, Prof Ricus Fick and Mr Janco Jordaan (SRC Chairperson) (Potchefstroom Campus)
2. Prof Robert Balfour
3. Prof Martin Oosthuizen
4. Mr Victor Mothobi

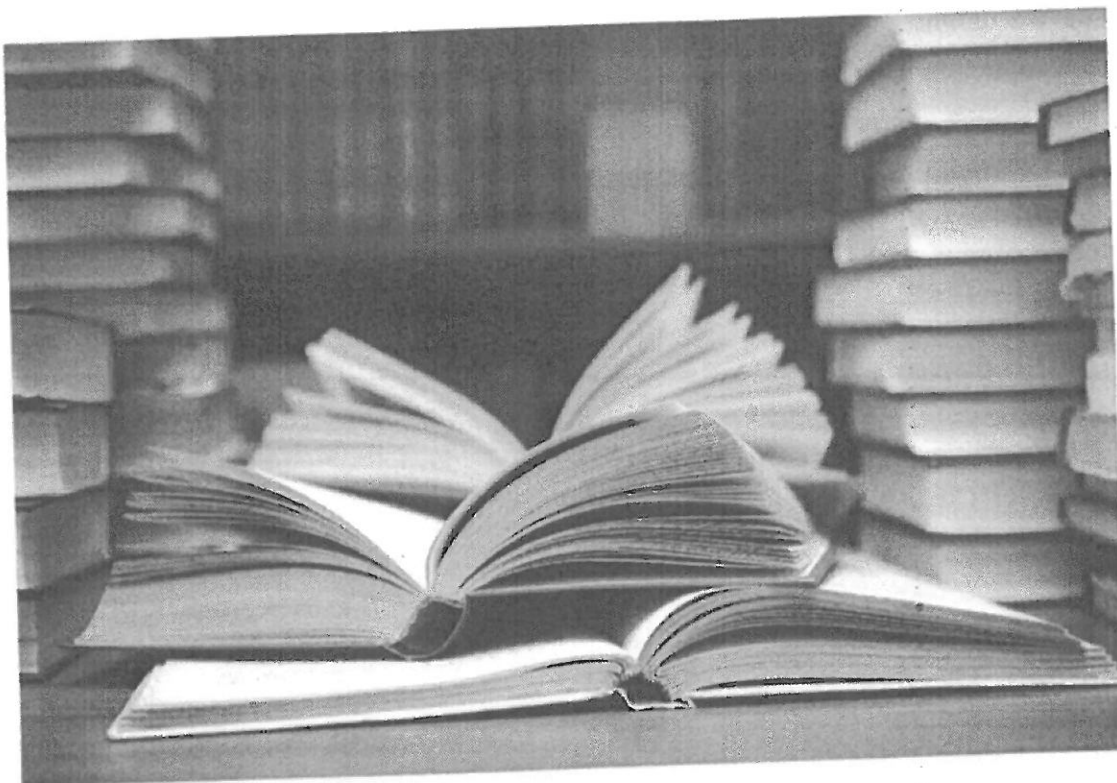
24 APRIL

1. Dr Aldred Genade
2. Ms Denise Knustler (Royal Bafokeng Institute (RBI), Language & Literacy: Programme Manager)
3. Prof Wannie Carstens
4. Prof Lourens du Plessis
5. Rolien Roos, Niel Lubbe, Hein Lubbe and Michelle Barnard
6. Lebona Sello, Jimmy Presley, Rika Niewoudt and Caylin Goodchild (Student leaders from Potchefstroom Campus)

25 APRIL

1. Mmolawa Mokhitile (Student)
2. Prof Alida Herbst
3. Ms Heleen Coetzee and Ms Marine Opperman
4. Mr Anton Scheppel
5. Ms Corrie Rheeder (House parent)
6. Mr Corneels Schabert (academic)





29 APRIL (*Visit to the Vaal Campus*)

1. Prof Vera Roos
2. Prof Kgwadi, Prof van Schalkwyk, Prof Verhoef and Ms Mmope
3. Mr Jacob Simango, Ms Mosa Mokhaneli, Mr Sean McCallaghan
4. Hannelie Booysen (accompanied by her lawyer, Mr Eric Louw)

30 APRIL (*Visit to the Mafikeng Campus*)

1. Mr Rick van Rooyen and Ms Susan van Rooyen
2. Mr Tutu Kgobane (Student Leaders)

8 MAY

1. A group of students who requested to appear anonymous

9 MAY

1. Prof André Duvenhage, Prof Paul Schutte, Prof Jan Swanepoel



(III) INDEPENDENT REPORTS

1. Report on the investigation into the drowning of the Late Thabang Godwin Makhoang and related matters.
2. "Verslag van die ondersoek gedoen na die beweerde onreëlmatigheid tydens die ontvangs en bekendstelling van eerstejaarstudente gedurende Januarie 2011 en verwante aangeleenthede".
3. Government Gazette, 4 February 2009: Report on the investigation by the Ministerial Task Team into the North-West University.
4. Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions.
5. South African Human Rights Commission (2001): Report into initiation practices at Educational Institutions and a preliminary report on cultural initiations.
6. "Verslag: Ondersoek: Beweerde onreëlmatighede tydens die ontvangs- en bekendstelling van eerstejaarstudente gedurende 2011 en verwante aangeleenthede".
7. "Verslag insake die ondersoek gedoen oor die beweerde onreëlmatighede tydens en/of na die ontvangs- en bekendstelling van Ratau Leboné Manskoshuis se eerstejaarstudente gedurende 2014".
8. "Verslag insake die ondersoek gedoen oor die beweerde onreëlmatighede tydens en/of na die ontvangs- en bekendstelling van Over-de-Voor Manskoshuis se eerstejaarstudente gedurende 2014".
9. "Verslag insake die ondersoek gedoen oor die beweerde onreëlmatighede tydens en/of na die ontvangs- en bekendstelling van Karlien Dameskoshuis se eerstejaarstudente gedurende 2014".

(IV) ACADEMIC PAPERS

Johannes Hendrikus de Kock

"A mixed method evaluation of the subjective well-being of first year tertiary students during orientation"

Dissertation submitted in partial fulfillment of the requirements of the degree Magister Artium in Clinical Psychology at the North-West University Potchefstroom Campus.

Supervisors: Prof V. Roos & Prof M.P Wissing

Vera Roos, Johan Potgieter, Marié Wissing

Skool vir Psigo-sosiale Gedragwetenskappe: Noordwes-Universiteit, Potchefstroomkampus

Die lekkerste tyd wat ek nooit weer wil oor hê nie! 'n Ondersoek na nuwelinge se persepsies van sosiale inlywing by 'n akademiese konteks.

Tydskrif vir Geesteswetenskappe 2005, 45/4

