

In the matter between:

University of Cape Town represented by the Vice-Chancellor and members of the Special Executive Task Team

And

The Representatives of the Progressive SRC Candidates

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### **RESOLUTION ON STUDENT PROTESTS 2016**

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The resolution, which is approved and adopted by the above parties to the extended meeting of 30 September and 1 & 2 October 2016, and held at Tshisimani Centre for Activist Education (“TCAE”), Mowbray, Cape Town, is set out below.

We, the representatives of the Progressive SRC Candidates (referred to as the “Shackville TRC”) and the Executive Management team of the University of Cape Town, are committed in our resolve to build a unified, inclusive, transformed, non-racial and non-sexist university that we can all be proud of;

Embracing the values and precepts of the Constitution, such as human dignity, the achievement of equality and the advancement of human rights and freedoms;

Committed to respecting and protecting the rights to freedom of expression (s 16), assembly, demonstration, picket and petition (s 17), and freedom of association (s 18) enshrined in our Constitution within the context of an open and free university;

Acknowledging of the current debates on decolonizing the university and the need to develop a progressive and shared understanding of what a transformed and decolonized university means in a constitutional democracy;

Aware of the responsibilities upon us to ensure that the university progressively reflects the demographics of the country, that its pedagogy and curricula are inclusive and inter alia respond to the daily realities of the poor and marginalized, and address the challenges of economic development in a free democratic South Africa;

Mindful of the national call for free education and universal access to places of learning, particularly institutions of higher education;

We Resolve the following:

1. The University will establish an independent and impartial Institutional Reconciliation and Transformation Commission (“IRTC”) consisting of eminent persons in an effort to find solutions to the grievances of all legitimate interest groups and student formations, and maintain the institutional integrity of the University.
2. The IRTC will have two phases. The proposed terms of reference for Phase 1 are the following:
  1. *Investigate and consider the submissions relating to events leading up to and that took place during the period 16<sup>th</sup> to 18<sup>th</sup> February 2016 within the context of the student protests at UCT, having regard to the incidents of violence, intimidation, destruction of property and related issues, and;*
  2. *Inquire into, make findings, report on the process and outcomes relating to the disciplinary policies and practices at the university*

*including the seeking of interdicts. The findings must address the conditions for the granting of amnesty to students affected by the protests and any other matter that the IRTC may deem relevant. The IRTC must, if at all possible, submit its findings and report to the University Council within two (2) weeks.*

- 3. The VC will immediately request the University Council Executive Committee to suspend temporarily the implementation of the expulsions and rustications affecting 12 students who have been involved in the student protests during 2016, in order to allow them to participate fully in the IRTC so that meaningful engagement can take place. This suspension of the sanctions will last for the duration of the IRTC Phase 1 and at any rate not more than one month, whichever is the sooner. If the IRTC recommends a variation to the sanctions then these will automatically substitute for the original sanctions.*
- 4. The University will facilitate the gathering of information by conferring on the Commission such powers as are necessary for the execution of its mandate.*
- 5. The University and all interest groups are required to co-operate fully with the Commissioners in the execution of their functions relating to the ITRC.*
- 6. The terms of reference for Phase 1 may be amended at any time with the agreement of both parties in consultation with the Commissioners. The parties note that most of the students directly affected by the sanctions have not been party to the mediation that led to this resolution and may choose to participate or not, or may suggest amendments to these terms of reference.*

3. The proposed terms of reference for Phase 2 will be developed by the same eminent persons panel of Commissioners in consultation with all stakeholders and interested parties. At this stage there is no time frame for Phase 2 since its scope is not known but it should take place as soon as possible. The composition of the panel for Phase 2 may change from Phase 1 but shall be determined by the Phase 1 panel in consultation with the University Executive, and after consultation with the various stakeholders and interested parties concerned with the matters to be addressed in Phase 2.
  
4. From Monday 3 October, the University will resume classes and ensure that it completes the academic project for 2016 and all normal university operations must be allowed to proceed.
  
5. The Vice-Chancellor will use his best endeavors to ensure that the University's rules and regulations are amended, where necessary, to give effect to the resolution herein and that the Council endorses the proposal for the establishment of the IRTC.

Signed at Cape Town on this the 2 October 2016 in the presence of each other and the facilitator.

**NAME/SURNAME**

**SIGNATURE**

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