



28 August 2018

UNIVERSITIES WILL NOT MAKE BLANKET DECISIONS ON THE 2015/16 #FEESMUST FALL TRANSGRESSORS

A number of organisations and individuals have called for blanket amnesty to be granted to all students who were either suspended or expelled by universities or criminally charged by our justice system during the 2015/16 #FeesMustFall struggle.

During extensive discussions of this matter at the last Board meeting of Universities South Africa (USAf) held in June 2018, three key issues emerged.

- (a) There was a clear understanding that universities had no jurisdiction over those cases where students were charged by the State and were found guilty of criminal activities by a court of law. In these cases, the matter of amnesty has to be taken up with the Presidency.
- (b) There was an agreement that where students have sentences which amount to suspensions or expulsions and wish to apply for amnesty/clemency, these will be addressed at their institutions, each of which has internal policies and procedures to adjudicate appeals for amnesty/clemency. Members of the USAf Board were of the opinion that during the student activism of 2015 and 2016, students had committed varying offences in circumstances changing significantly among universities. As a result, institutions had also dealt with offenders in ways informed by their contexts and differing circumstances and would have to be consistent with their approaches, practices, policies and procedures.
- (c) Universities will therefore not make any blanket decisions on student transgressors being disciplined by their individual institutions or prosecuted in courts of law for offences committed during the 2015 and 2016 #FeesMustFall campaign.

While the universities will not stand in the way of the President exercising his prerogative on the award or otherwise of amnesties, it should not be that there will be no consequences at all for those who violated this or that regulation or law. Any process of amnesties should consider, among other things, the following:

- (a) In the face of the extent of violence and damage to infrastructure, care will have to be exercised in ensuring that the amnesty process is not extended to those involved in wanton violence and destruction. As we are all aware, Minister Naledi Pandor

reported to Parliament that the cost of damage to the infrastructure of universities reached a level close to R800 million, an amount that exceeds the annual state subsidy to many individual universities. And further, it is unlikely that the universities will support the granting of amnesty to students who were involved in acts of violence that caused or had the potential to cause serious bodily harm to individuals.

- (b) Vice-Chancellors were of the opinion that any amnesty considerations needed to be balanced with a genuine concern for the individual rights of those who wanted to teach and study at the height of the #FeesMustFall campaign, but whom protesters denied that right.
- (c) Vice-Chancellors will expect the process to be based on specific admissions made by those who caused damage and threatened life and limb and, for such cases, predetermine a clear set of atonements.
- (d) A clear set of responsibilities related to the future behaviour of the students who are granted amnesty and those who may commit similar infringements in the future will also have to be predetermined.

Universities SA sees this as an important matter. As alluded to above, whatever the President may wish to do, we hope some basic principles will be considered and the affected university communities will be fully engaged. The future precedents that such decisions may create should not be underestimated.

The USAf Board is made up of all vice-chancellors of South Africa's 26 public universities.

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