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## GENERAL NOTICE

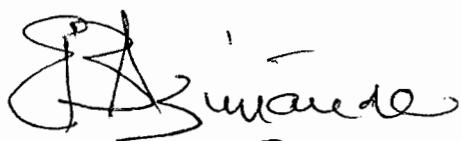
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### NOTICE 172 OF 2011

#### HIGHER EDUCATION ACT (ACT 101 OF 1999)

#### REPORT OF THE INDEPENDENT ASSESSOR INTO THE AFFAIRS OF THE UNIVERSITY OF ZULULAND, APPOINTED BY THE MINISTER OF HIGHER EDUCATION AND TRAINING

I, **Bonginkosi Emmanuel Nzimande**, MP, Minister of Higher Education and Training, in terms of Section 47 (2) of the Higher Education Act, 1997 (Act No. 101 of 1997), publish the report of Professor Hugh Africa, the Independent assessor (appointed under section 44 of the same Act) on the investigation conducted into the affairs of the University of Zululand, as set out in the Schedule.



**Dr Bonginkosi Emmanuel Nzimande, MP**

**Minister of Higher Education and Training**

**Report of the Independent Assessor:  
University of Zululand**

**January 2011**

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### **Acknowledgement**

The Independent Assessor would like to thank the University of Zululand community comprising students, academic and support staff and Council for participating in this investigation and offering useful advice and recommendations.

## 1. Introduction

On the 12<sup>th</sup> November 2010 the Minister for Higher Education and Training, Dr B.E. Nzimande, issued a notice through Government Gazette no 1054, of his intention to appoint an Independent Assessor to conduct an investigation into the affairs of the University of Zululand. This was executed in accordance with Section 44 (1) (a) of the Higher Education Act (Act 101 of 1997). The team appointed consists of:

- Professor Hugh Africa – Independent Assessor
- Professor Themba Mosia – Management Specialist
- Mr Temba Zakuza CA (SA) CIA – Finance Specialist

1.2 In letters of appointment the team was informed that the overall purpose of the investigation is to advise the Minister and the University Council on:

- The nature of the problems facing the institution, including those relating to governance, financial management and procurement practices, administration matters, student governance, and any other matters that may arise
- Measures required to resolve problems identified in all areas
- Clear short, medium and long term recommendations

For the full terms of reference see Annexure 1.

1.3 The team had its first meeting on 10<sup>th</sup> November 2010 and discussed its brief. It was recognized that a report had to be submitted within thirty days. The methodology and strategy for the conduct of the investigation were determined. Several constraints were recognized, the main one being the sessional dates of the University of Zululand. The current session was coming to an end on 15<sup>th</sup> December 2010, and the logistics of visits and schedules of meetings had to be accommodated within the limited time-frame.

The agenda for the meeting was as follows:

**University of Zululand**

**Meeting DHET**

**10<sup>th</sup> November 2010**

1. Mandate: terms of reference
2. Commencement of assignment: procedure
3. Constituencies: Management, Council, Staff, Students: Community
4. Arrangements for meetings: schedule of meetings, accommodation in situ
5. Approach: methodology
6. Role of DHET: Contact person/ secretarial assistance
7. Possibility of two phases: interim report and final

At this meeting key stakeholders were identified and arrangements were to be made for a visit/ visits to the university to confer and consult. It was also decided that the initial meetings would be attended by all team members, and that separate meetings with selected stakeholders would be held later.

- 1.4 The report was submitted on 22<sup>nd</sup> December 2010 as required in terms of the Higher Education Act. However, upon consultation with the Department of Higher Education and Training, it was agreed that further work be carried out to give the report more academic rigour. Accordingly, additional meetings and interviews were scheduled to ensure that a more comprehensive set of views was obtained. Further, there were certain documents that were still outstanding and needed to be collected. Additional meetings and interviews were held at the main campus of UNIZULU, at the Richards Bay Campus and at the University of the Witwatersrand. A recognized concern arising from the visits during the first phase was that not nearly enough academic staff and members of Council had been interviewed. This was addressed during the second phase.



1.5 The schedule of meetings and visits is attached as Annexure 2. Six sets of meetings were held at:

- the University of Zululand
- Richards Bay Campus
- the King Shaka International Airport
- The OR Tambo International Airport
- The University of the Witwatersrand, and
- the Ithala Bank offices in Umlazi, Durban

At the University of Zululand the meetings were held in a conference room, at the King Shaka International Airport in an open, confined space, at the Richards Bay Campus in a boardroom, at the OR Tambo International Airport in the foyer of the Southern Sun Hotel, in a conference room at the University of the Witwatersrand and in a boardroom at the Ithala Bank offices in Umlazi, Durban.

The panel paid a courtesy call on members of Senate who were meeting on 24<sup>th</sup> November 2010, and invited members to make submissions on issues falling under its terms of reference.

During the second phase of the investigation the panel met with senior academic and executive staff and additional members of Council.

## **2. Methodology**

Three communiqués were sent out to the community of the university informing them of the establishment of the assessment panel and inviting both oral and written submissions. These communiqués are attached as Annexure 3.

At the meetings each of the persons or groups interviewed were invited to make submissions and were interrogated by the team. All the groups interviewed at the university submitted supporting documents which are submitted with this report. Many of these documents are copies of original documents and correspondence. The team had access to the minutes of Council and COUNEX meetings held in 2010, and all statutory documents of the University. However, some of the documents are not helpful, for example, the official University Statute, of which there are three versions of the same document, and they do not converge. Further, many of the policy and procedure documents are either of recent origin, or are outdated. In order to utilize the limited time effectively, the team also made use of teleconference facilities to conduct its business before the closure of the academic year. After the submission of the report to the Minister in December 2010, it was clear that the critical registration period at the beginning of the new academic year had to be observed in accordance with the submission made to the team by the Acting Registrar.

This report is based on the interviews held, the documents submitted and the submissions made by members of the University community.

### **3. Report on the Affairs of the University of Zululand**

#### **3.1 Governance and Executive Management Structures**

It is evident from the decision of the Minister to appoint an Independent Assessor that the affairs of the university appeared to be severely compromised to an extent that the core academic mandate of the university is suffering. Throughout the interviews conducted and documents read, it was clear that the University of Zululand is paralyzed in many respects and a substantial number of people interviewed welcomed the investigation and expressed the hope that the best interests of the university will be served. It is unfortunate that the university finds itself in what could be described as a crisis which any responsible and responsive structures, management or individuals could have avoided in the best interests of the university. According to the information provided to the Independent Assessor, the Vice-Chancellor Prof Fikile N.M. Mazibuko officially started her term of office on the 2<sup>nd</sup> February 2010, and it remains inconceivable how, within such a short period of time in office, that matters could have deteriorated to such an extent that the Chairperson and herself could not salvage the situation, and that the Minister had to intervene in this manner.

It is absolutely imperative that the Chairperson of Council and the Vice-Chancellor have a relationship of trust that is beyond reproach. This could be achieved in various ways, but fundamentally with open, courteous communication, preparation and planning for meetings together. From the information at our disposal, this appears to be a serious shortcoming. To illustrate this point, the Independent Assessor requested, through the Department of Higher Education and Training liaison person, to meet with the Chairperson of Council on the first day of the visit to the university in order to set the scene for further work on a firm ground. This was not possible from the side of the Chairperson and further attempts were made to meet on the second day to which he agreed but did not turn up at short notice. Another meeting that was cancelled was that of the Deputy Chair of Council, Advocate B Mkhize, who is also Chairperson of the Finance Committee of Council. The final arrangement made was to meet both the Chair and Deputy Chair at OR Tambo International Airport on our way back from the University of Zululand. Upon our arrival at OR International Airport it became clear that the Independent Assessor Team was in the same aircraft with the Chair of Council

from King Shaka International Airport, a situation that could have been circumvented easily if there was proper communication and sensitivity to wasteful expenditure for the university. Nevertheless, the Deputy Chair of Council informed us at short notice that he was no longer going to be part of the meeting. We proceeded to interview the Chairperson alone as he was due to fly back that afternoon to chair a meeting of Council the following day at the university. This illustration is one example that mires relationships and leads to hardening of attitudes when acceptable and appropriate measures could be taken to put the interests of the university first. It remains a concern therefore, that the statement made by the Vice-Chancellor that she receives no support from the Chairperson of Council is something that needs attention, especially because the Chairperson himself indicated that he supports the Vice-Chancellor. The panel eventually met with the Deputy Chair of Council on its second visit to the University.

Members of Council appeared divided on whether or not the Minister was well advised to appoint an Independent Assessor. There are those who stated that the Minister should first have engaged with Council before appointing an Independent Assessor. They argue that they would have outlined the corrective measures they have instituted to address the shortcomings. Another view expressed is that this investigation is long overdue. For several years malpractices have continued which were not addressed.

### **3.2 The Functioning and Efficacy of Structures and Portfolios**

#### **3.2.1 The Vice-Chancellor's Office**

The first formal interview was held with the Vice-Chancellor, although the Independent Assessor would have preferred to meet the Chair of Council first. This point is fully canvassed above and we therefore proceed to the content of the discussions. According to the Vice-Chancellor she welcomed the decision of the Minister to investigate the affairs of the University of Zululand. She indicated that she experienced tension at the university since she came for an interview on 26<sup>th</sup> November 2009. There were many divisions within the university, allegations and accusations were being made against one another, and it took six weeks to listen to different constituencies characterized by anger, frustration and disillusionment. Some of the problems or challenges she inherited were the following:

- A dysfunctional Senate marginalized by non-core functions of the university

- There was no Student Representative Council and the student political groupings were dominating student life on campus
- A tavern that appeared to distract students from learning activities. This has since been closed
- A dysfunctional Human Capital department fraught with complaints from staff members
- Serious allegations around the functioning of the Office of the Registrar
- A university that appears to be run by the Chief Financial Officer without due regard to the Vice-Chancellor and the academic enterprise
- Preparation for a visit by the National Portfolio Committee on Higher Education investigating the cause/s for the student unrests in 2009 at three universities (incl. UNIZULU)
- On her first day in office she had to meet the team from the Higher Education Quality Committee (HEQC) that was due to perform an institutional audit from 15 March 2010

In a number of areas mentioned above, the Vice-Chancellor felt undermined by some of the junior staff members, notably the Chief Financial Officer, the Registrar (who is now on special leave), the Executive Director: Human Capital, and to a large extent the hostility with which the Deputy Chair of Council treated her.

Other distractions the Vice-Chancellor encountered were newspaper articles with damaging allegations against her. The April graduations were another shocking experience for her, and the number of errors in the program or certificates were unacceptable. This matter will be addressed later in this report. Needless to mention that the Executive Committee of Council (COUNEX) took a decision to suspend the Registrar a while back, and the Vice-Chancellor was instructed to implement the decision. Just as she was about to do that, she was summoned to a meeting in Johannesburg by the Chairman and his Deputy only to be instructed to withhold the implementation of the suspension of the Registrar. They informed her that they would handle the matter and approach the Registrar instead. This action was not recorded as such by COUNEX. However, this matter has since been

addressed on 6<sup>th</sup> October 2010 and will be discussed further as part of the independent auditors' report from KPMG.

According to the Vice-Chancellor she was facing a near-impossible task of performing her duties and she needed immediate support and skills in her office as well as at the Richards Bay Campus. To that end she made certain appointments with the assistance of the Human Capital department, only to be told later that COUNEX did not approve such appointments and that she was acting beyond her competence. She was further accused of varying or changing decisions of the Disciplinary Committee to dismiss certain individuals without COUNEX. The success or failure of the university depends on the performance of its governance structures and a deeper understanding of the roles of each structure or constituency or office. At the University of Zululand it appears that COUNEX and by extension Council is immersed in appointments of staff other than the executive. This is one area that needs to be clarified in future so that each of the constituent parts is able to perform to the maximum of their abilities. This argument is extended further to the Deanery – who believe that they are severely constrained by the bureaucracy around appointments of staff and the ensuing moratorium on appointments.

### **3.2.2 The Chief Financial Officer**

The Independent Assessor team learned that the CFO was initially a Consultant appointed by the former Department of Education in November 2003 to address the financial challenges of the university as well as establish appropriate structures and streamline functions. The CFO has since become a full-time member of staff and a member of Council, and Secretary of the Audit & Risk Committee of Council. Among other functions he performed since arriving at the university:

1. He worked on the composition and developed charters for the committees of Council he is responsible for;
2. Prepared for the appointment of KPMG as auditors through an approved process;
3. Reviewed the delegations of authority;

4. Put together an asset register;
5. Curtailed practices that were draining the resources of the university, e.g. leave encashment that was exceeding R7 million;
6. Addressed staff benefit matters in respect of the children who live in university residences whilst their parents live on campus at the Vulindlela residences;
7. Complied with the Income Tax on fringe benefits, etc.

However, it became clear that the CFO is handling a portfolio that is perceived to be dominating everything else that happens at the university. Some of the serious challenges overseen in this portfolio center around the inability of the Information and Communications Technology, particularly the mainframe Integrated Tertiary Software (ITS) system to ameliorate the risks and glaring irregularities that are taking place in respect of:

- Monitoring and control of admissions and registrations
- Security features to curb the abuse of the system in the alteration of marks
- Staff capacity to handle queries successfully, and no integration with user requests/expectations of what the system should provide
- Non-existent IT Governance requirement

From the interactions with the Chief Financial Officer it was evident that his emphasis is on the activities around his portfolio and the support he seems to enjoy from Council and its Committees. As an example, the CFO stressed that in his budget allocation and meetings with individual Deans, he looks at the viability and sustainability of what they need from the finance point of view. Clearly, this is a flawed and myopic view of how university financing ought to function. Additionally, it does not appear as though the Executive Deans as a collective, meet with the Vice-Chancellor and the Chief Financial Officer in a meeting chaired by the Vice-Chancellor to determine priorities that inform the budget allocations for academic departments. There are academic programs of a strategic nature to the university that may not necessarily be viable but need to be cross-subsidized to keep the identity and strategic direction of the university in its environment. The Audit Report of the Council on Higher Education aptly states that, “. . . [it] is unusual for a specialist in finances to chair a

task team that is supposed to be grappling not only with one of the core functions of the university, but also, in this case is making decisions about the future academic direction of the institution. It is difficult to accept the institution's explanation that the only person capable of chairing a [Programmes Review] task team that included the Deputy Vice-Chancellor: Academic Affairs was the CFO."

It is also true that if approximately 80% of the infrastructure in lecture rooms is vandalized and removed, decisions to focus on strategic academic projects become difficult. However, this argument begs for an explanation on why the expenditure on safety and security is justified if the loss runs to 80% of the infrastructure spending. Something is amiss here, and the university needs to re-focus on its priorities and elevate the academic enterprise from where it is perceived to be by those in the cutting edge of this business.

### 3.2.3 Executive Deans

The Independent Assessor had the opportunity to draw the impressions and opinions of the Executive Deans on how they see their role in the context of the situation in which the University of Zululand finds itself. Frankly, the Executive Deans found their working circumstances very difficult as a result of, among others, the following challenges:

- A moratorium on the filling of senior positions in their faculties
- An unacceptably high rate of vacancies
- Teaching overload
- Low research output
- No academic development and attention given to post-graduate programs
- An unworkable mode of budgeting that constrains the faculties
- Micro-management of faculties by executive management
- The use of part-time staff to handle large numbers of students
- Under-qualified staff are also used to teach students



- No rigour and capacity in the admissions process
- Chaotic registration processes that usually extend way beyond the deadlines
- Students attend and write examinations without being registered
- The academic structure in the system does not differentiate program offerings and leads to perpetual errors
- Irregularities on the change of marks and the use of passwords by persons other than the ones allocated for
- No effort is being made to correct the irregularities and protect the integrity of the records; the system is not used to generate graduation certificates
- Students are invited to apply for graduation, and upon receipt of their application/intention to graduate, then the academic record is generated and sent to Heads of Departments and Executive Deans to verify for compliance
- The Human Capital and Finance Departments are a major source of frustration for the Executive Deans. They cannot finalize any appointments, and some take between six(6) and nine (9) months to fill (when other candidates may have lost interest)
- Similarly, the Finance Department over-regulates the appointments of part-time and temporary staff and insists on re-looking at allocations and mostly block them
- What appears before ordinary people at the university is that the Chief Financial Officer is second in-charge, and the Vice-Rector appears invisible. It is clear that the academic endeavour is being undermined by the elevation of finance over everything else – in other words all the decisions are subordinated to the notion of financial viability. This view was confirmed by the Chair of Council's finance committee

The points mentioned above were also mentioned to the HEQC panel, and reading the entire report gives a fuller picture of the threat facing the academic endeavour of the

University of Zululand. The report has a total of twenty seven (27) recommendations that the university needs to submit an Improvement Plan on in the next few months.

An interview held with the Vice-Rector Prof P T Sibaya did not delve much into academic problems that he acknowledged himself. He has served the University of Zululand in various capacities for thirty five (35) years and will be retiring soon. He confirmed that there were problems of registration, exceeding enrolment targets, graduation problems and so on. What is notable is that he has been the Vice-Rector for some time and much of this rot has happened under his watch. He mentioned that anxiety, fear and provocation are attributes of the current administration and that the President of the SRC is very disrespectful and is perceived to be close to the Vice-Chancellor. The Vice-Rector acknowledged the fact that there were tensions at the executive level, and appealed that the Vice-Chancellor should make use of senior people to perform tasks and not junior people as was the case with her Inauguration Ceremony.

#### **3.2.4 Executive Director: Human Capital**

The Executive Director informed the Independent Assessor that he was seconded by the Department of Education to the university in 2007. Like the CFO, he came in as a consultant and later became a permanent member of staff. He indicated that he was reporting to a Committee of Council and also to the Vice-Chancellor. He restructured the department to a total of fifteen (15) employees and recommended a position on Organizational Development.

When asked what the challenges for the position were, he said the remuneration levels are much lower at a 35 percentile compared to about 50% in the tertiary sector. There were many submissions received complaining about unfair labour practices and discriminatory remuneration levels. The restructuring of remuneration levels commenced in 2003 and to date has not been finalized. The Executive Director further mentioned that people who were longer at the university had a negative attitude towards new comers who are viewed as threats and were relentlessly working against transformation. This generalization could not be tested but it can be confirmed through various submissions that the staff morale is generally low at the university – and this has been the case for a very long period of time.

The matter of negative attitudes could be attributed to all staff members who do not respect one another, or respect the rules and regulations of the university, or those who believe that they are victims of draconian practices. As an illustration, the Independent Assessor asked how the Executive Director hoped the situation of unhealthy relations could be addressed, and he responded in a very belligerent manner that the Vice-Chancellor must change her attitude, and undergo leadership and management training. According to the Executive Director, the Vice-Chancellor was not ready to lead UNIZULU or any other university for that matter. He further indicated that half of the Executive Deans needed management training because they were not ready to lead the faculties. He asserted that he could only work with the Vice-Chancellor if she underwent management training thereby implying that either one of them must leave the university if that was not going to happen. This is an unfortunate state of affairs for a senior official to boldly disqualify eminently qualified academics to occupy the positions they have earned through hard work and many years of experience. He did not see anything wrong with his own attitude and blatant disrespect for higher office.

There are a number of human resources matters that came to the attention of the Independent Assessor through submissions, and some of them will be mentioned as we progress with this report.

### **3.3 Submissions from other Substantive Structures**

#### **3.3.1 NEHAWU**

The staff union representatives had a long list of issues, some of which are already covered and will be covered in other sections of the report. First among their objections was that the Independent Assessor should not grant Executive Deans any interviews because they are not legitimate in their positions. They indicated that they objected to this before and the process to appoint them went ahead nevertheless. According to NEHAWU there is no provision in the Statute of the University of Zululand for such positions, and the manner of appointment for Deans is prescribed in the Statute – not Executive Deans.

In an attempt to understand the issue properly, the Independent Assessor asked the Vice-Rector during his interview why there were allegations that the Executive Deans were

illegitimate in their positions. The Vice-Rector indicated that the positions were supposed to have gone through the various structures, but he did not recall that they were ever before the Institutional Forum as a governance structure. If this is indeed the case that there was no consultation for these and other executive positions, the university needs to correct such irregularities in future. Another allegation made was that the salary gap between the Executive Deans and Deputy Deans is too huge and there are vast differences in allowances paid because there is no harmonization of the salary structures.

According to NEHAWU the staff turn-over is alarming and the university has no more than eighteen (18) professors. A list of concerns raised by NEHAWU in their detailed submission included the following:

- Remuneration practices: junior staff earn more than senior staff; support staff earn more than academics or professors; counter offer given to staff member who pretended to resign is way off the mark and the Executive Director must account
- Inefficiencies in human resources: this caused the prolonged strike in 2008 and 2009; the down-grading and placing staff in inappropriate grades is a sore point; the amount of money spent in litigation of staff cases, some of which appear as pure victimization
- Consultants who became executives as well as the Contracts Manager
- Relatives of prominent people are involved in tenders and other strategic positions
- Abuse of university resources by some Council members who rent cars for an inordinate amount of time with the stamp of approval from the CFO
- NEHAWU strongly believes that the University Council as it exists is corrupted and has failed in exercising its fiduciary duties. And that this Council should be dissolved and a new one be depoliticized
- Allegations of contracts on security and refurbishments that appear suspect and should be the subject of a forensic audit

- Irregularities in the Office of the Registrar
- The ITS system that is failing the university but people are appointed to make it work
- The Director of Finance who has long retired and was brought back should not be engaged by the university

### **3.3.2 The Institutional Forum (IF)**

The Institutional Forum as a statutory governance structure felt that Council does not take it seriously and they cannot even engage Council on matters provided for in the Higher Education Act and the University of Zululand Statute. Not all constituencies are represented in the Institutional Forum, and they believe the Registrar failed in his duty to comply with the membership requirement.

The IF decried the fact that consultants design their own permanent positions, e.g. Human Capital, Finance and ICT departments.

The academic focus of the University of Zululand has been eroded by both the Council and the Chief Financial Officer. They felt strongly that the Council must be dissolved and the CFO investigated for a litany of irregularities in his portfolio. Similarly, they felt that the executive Deans as a structure must be dismantled because they do not appear in the Statute.

Furthermore, the IF recommends that the terms of office of the Research Committee must be limited and the skills development fund must be looked into thoroughly.

### **3.4 Operations of the Office of the Registrar**

One of the fundamental and glaring matters that was brought to the attention of the Independent Assessor was that the said office was fraught with irregularities and allegations of maladministration of a serious nature. Upon the arrival of the Independent Assessor at the university we were informed that the Registrar was placed on special leave in order to enable an investigation into the activities of this office to be conducted. We were informed

that Council decided that an investigation should be undertaken to look into the mismanagement of the 2010 registration process and graduation ceremonies. The process for the 2009 SRC elections that remained a problem for the university for a while, and prompted the National Portfolio Committee on Higher Education to probe the university, was also the reason for the suspension.

Much has been said in this report elsewhere about issues that appeared to cripple the smooth-running of the university, and allegations and investigations were made to cover a range of issues such as:

- Registration processes
- Certification arrangements
- Alteration of marks
- Graduation irregularities
- The academic structure and so on

To this end KPMG services were engaged and a separate report is available on this subject. At this stage it is appropriate to mention that these kinds of irregularities were not new to the university. In 2005 the Independent Auditors were engaged by the university and the Registrar was suspended for some time. Among the findings were problems relating to lack of co-operation by university staff members causing inordinate delays to conclude the investigation; erroneous certificates issued to students; graduation program errors, and many others.

In our investigation of what could be the reason for the irregularities, the Acting Registrar informed us that there was a serious lack of capacity and skills in the office. According to him, there are many technical aspects in respect of registrations and certification that need attention in 2011. It is also well documented that there was over-enrolment and complete disregard for enrolment targets at the university in 2010. This may have been the case in previous years since it appears that registrations drag for unreasonable periods of time, or students attend classes and write examinations without being registered. The far-reaching implications for this cannot be over-emphasized.

Another disturbing pattern at the university is that students are invited to apply for graduation. Obviously this poses a serious risk if the university does not know who is supposed to graduate until they are told or requested by the candidates that they qualify. It is inconceivable how such a practice could be perpetuated for such a long time, that notwithstanding the fact that the academic structure is reported to be problematic. This further clearly explains the number of errors in the graduation programme or even the certificates issued to graduandi. The independent Assessor heard that recently there were 20 persons who graduated without completing their respective study programmes. Apparently their certificates were withheld.

The electronic input of marks into the system is still problematic. Alteration of marks is common. As a result, there are approximately 300 students' marks that are withheld due to using passwords allocated to staff. It is also indicated that it is impossible to charge people responsible for these acts, an assertion that is quite unbelievable. It is patently clear that the university is failing in its mandate to provide quality education and produce knowledgeable undergraduate and post-graduate students.

In the recent findings of the KPMG report (September 2010) the nature of the errors in issuing certificates revealed the following:

- 20 students were included in the graduation ceremony programme without their academic records being submitted for review
- 8 students had qualified for graduation as per their academic records but were not included in the graduation ceremony programme
- 6 students qualified for graduation and were included in the graduation ceremony programme, but their certificates were not issued
- 23 certificates had to be re-issued due to errors on the certificates
- Errors in student names were identified in the graduation ceremony programme
- 79 certificates were spoiled as they did not print properly
- 2 certificates were printed in duplicate
- 27 certificates had errors that were detected before being signed by the Dean, Registrar and the Vice-Chancellor. These errors were detected by the Dean

- 34 errors had been detected after the dean had signed, but before the Registrar or the Vice-Chancellor had signed. These errors were detected by the Registrar
- 2 had errors that were detected by the Vice-Chancellor after both the Dean and the Registrar had signed
- In September 2010 there were approximately 24 500 blank certificates kept in the Registrar's office and stored in sealed boxes. When a box is opened, the remaining certificates are kept in the cupboard in the Registrar's office. In his absence the office is locked
- There are two types of certificates kept at the University of Zululand. The first has an emblem but is blank. The second has a special watermark and UV layer and has standard information typed on them, e.g. name of the university, different qualifications, and these are kept in the safe located in the Registrar's office

It is evident from the above findings that the integrity of the certification processes is compromised. It is also evident that the cost implications for the quantity of errors committed is alarmingly high. It is also clear that the security features required for the issuing out of certificates is at risk. It is also evident that there may be people who walk about with certificates for qualifications they did not earn. This poses a serious reputational risk for the university. Issuing certificates manually is the cause for such a high rate of errors. The university must urgently give attention to this matter and ensure that safe electronic measures with appropriate security features are put in place in order to eliminate the errors.

The extent of the irregularities reported in the office of the Registrar gives the impression that the reporting to the Department of Higher Education and Training may be inaccurate to an extent that the funding arrangements are miscalculated leading to either over-funding or under-funding.

Measures to improve the registration process in 2011 are said to be in place although there are serious capacity problems. At least 45 individuals are expected to assist with the data



capturing early in the year, but the training in the use of the software will remain a serious challenge that may lead to errors and a vicious cycle of problematic registrations. The Independent Assessor heard that there are no admissions officers and the admission of students happens at various points within the university, making the monitoring of enrolment targets impossible. Clearly this situation must be taken seriously. If there are such serious problems at entry and exit points of the university, it can only mean one thing – no respect for the rules that govern the support for the core business of the university.

Upon the return of the assessment team in January 2011 to verify the assertions made about sound planning for registrations, it was indeed disturbing to see thousands of students not attended to, particularly those seemingly referred to the Richards Bay Campus. When the Acting Registrar was asked if the registration process was up to scratch as he promised in December 2010, he admitted that it was not. According to him there were over 46 000 applicants; there were challenges with data transfer from the Central Applications Office (CAO) to the Integrated Tertiary Software (ITS) such as admission letters issued to applicants with no biographical data on the ITS. He further confirmed that this led to misinformation to fresh applicants. It became obvious that the Acting Registrar is actually out of his depth with high level planning and the understanding of the applications process. For example, it was quite ridiculous to state that there were 46 000 applicants. He could not distinguish the number of study options each applicant could have made. He admitted earlier that there was over-enrolment in 2010, and yet when asked why that happened he was not aware. But since a Consultant (Mr N Stofberg) was engaged we discovered that the validation on the ITS was switched off, and therefore the numbers of students registered could not be controlled. The Acting Registrar claimed credit for this discovery, which was evidently not his.

The assessment team also heard that approximately 800 students got their end-of-year results and the rest did not. This is in spite of the assurance made by the Acting Registrar that everything was above board. This obviously has serious implications and poses huge risks for the university when senior officials are not only nonchalant and lackadaisical in performing their duties, but consistently misinform and misrepresent the facts. It is clear

that the continuance of the Acting Registrar in that position will perpetually compromise the university.

### **3.5 Student Governance Problems**

A number of people were interviewed about this subject. A presentation was also made to the National Portfolio Committee, and numerous calls were made to the Presidential hotline and complaints sent to the Department of Higher Education and Training on problems experienced in 2009. In a nutshell, the Independent Assessor was informed that the 2009 SRC elections were heavily contested and this deteriorated into political intolerance between SADESMO (which is IFP-aligned) and SASCO (which is ANC-aligned). Although SRC elections are regulated by the provisions of the Statute, it became clear that political affiliations dominated the SRC election. At some point, in an attempt to resolve matters and ensure impartiality, the Independent Electoral Commission was requested to assist the university in overseeing the process. There is sufficient documentary proof to make sense of where the problems might have emanated. However, the trigger that eventually led to violence and no SRC until September 2010 was that the IEC refused to accept what it regarded as a late name list of SADESMO, and the latter disputed this.

At some point there were four groups of lawyers – for SADESMO, SASCO, IEC and the University of Zululand – that were attempting to resolve the impasse. It also appears that the Registrar failed in his duty to ensure compliance to statutory provisions and a smooth election process. This is one of the reasons mentioned for his suspension from office. It is also reported that Council appointed two administrators to oversee student governance matters, and there are issues raised about the legitimacy of this decision. There may be other provisions that gave effect to this, but certainly not the Statute of the University of Zululand.

It was this state of affairs and chaos that the new Vice-Chancellor inherited. She saw an urgent need to ensure that the SRC is put in place and that affairs of the students are handled properly through their structures. At the time of this investigation the SRC is in office and the Independent Assessor team had an opportunity to meet the President of the SRC and interviewed him. In our interview he expressed concern about certain matters that

may spark unrests on campus, e.g. the procurement processes must be monitored; some Council members are involved in tenders - in fact, he recommended that the Hawks must be engaged to clean up corruption at the university. He further mentioned that security must be prioritized on campus. Apparently Ufukwe private security was introduced over and above the existing Campus Protection Services department. He insisted that the private security company be removed permanently from campus. He also mentioned that to fix potholes on campus cost about R800 000 which, if true, is wasteful expenditure. According to him, the priorities must be set straight.

The failure by the university to ensure a smooth and disciplined election process is a serious indictment of officials and structures, including students who seemed not to respect the basic tenets of democracy. The Independent Assessor hopes that bitter lessons of the past will inform better relations and contestations in the future.

### **3.5.1 The Student Representative Council and the UNIZULU Statute**

It is common knowledge that the SRC is provided for in the higher education legislative framework, and it is expected of universities to take cognizance thereof in their governance arrangements. Section 35 of the Higher Education Act (Act 101 of 1997) provides that the establishment and composition, manner of election, term of office, functions and privileges of the students' representative council of a public higher education institution must be determined by the institutional statute.

Section 62 of the University of Zululand Statute is silent about the provisions of s35 of the Higher Education Act. Normally, a dedicated paragraph giving effect to the constitution of the SRC, its functions, composition and termination of membership must be clearly articulated in the statute. Seemingly UNIZULU relies on the Constitution of the SRC only, and this clearly contributed to the confusion that led to the violence in 2009.

### 3.6 Council

The success or failure of the university hinges on strict adherence to principles of good governance and a clear delineation of roles between Council and management. At the University of Zululand it is clear that Council lost its focus based on the following grounds:

1. There is a long history of mismanagement of admissions, registration, examinations, graduation and certification arrangements, matters which ordinarily should have been handled by holding management to account and empowering Senate to exercise its control over these matters
2. Many of these issues are known to a considerable number of Council members who have been members for a considerable period of time. This is one anomaly unique to the University of Zululand that people serve for unlimited periods of time in Council
3. The Independent Assessor heard that there are the so-called "in-camera" meetings of Council that are usually not recorded. In fact, it also appears that these meetings are held without the statutory secretary of Council, a practice that is unheard of and is irregular
4. The Senate of the university is marginalized to an extent that Council appears to have taken charge of matters that are ordinarily Senate matters. These points are also alluded to in the Audit Report of the Council on Higher Education
5. From the readings gleaned it seems like COUNEX has assumed the authority and power of Council up to a point of even performing management tasks. Council has established a Quality Assurance Committee - a clear usurpation of the powers of Senate
6. Most complaints heard from stakeholders emphasize the ineffectiveness of Council to a point that there is no longer a trust relationship between Council and most stakeholders

It is obvious that Council operates in a world of its own not recognizing the collapse of systems and the maladministration of a serious nature that undermine the effective functioning of the university. The only executive offices that seem to have confidence in

Council are those of the CFO and Executive Director: Human Capital. In an interview with the Chairperson of Council, he indicated that Council is working towards “bringing back the credibility of the university” and acknowledging that it was only during the tenure of Dr Bandile Mkhize as Chair of Council that there were improvements. It is therefore reasonable to infer that Council has always known about these malpractices and failed to exercise the duty of care, even if it was to approach the Minister to make an intervention of this nature. The submission made to the Independent Assessor on behalf of Council indicates that it is fully aware of the shortcomings referred to above.

A number of members of Council were interviewed in January 2011 in order to elicit their views on what seems to be a collapse of the governance arrangements at the University of Zululand. The majority of the members interviewed repeatedly expressed their disappointment about how matters are run by Council. Some expressed the view that Council be dissolved. Others expressed the view that political interference at Council was causing all the problems and that it appeared as though there was no role clarification. Those who have not been long at Council indicated that they were never inducted into the business of Council. Other views were that the Minister’s intervention came too late. There were those in the minority who felt that they served the university for three or so terms and have a better grasp of where the problems lie – essentially, they would like to continue and be given a chance to fix problems that they could not fix over a considerable period of time. The team also heard that meetings of Council drag on for a long time to a point where there is no mutual respect in conducting the business of Council. There is also acknowledgement that there is micro-management by some members of Council, and the Chair of Council has effectively abdicated his responsibility to the Deputy Chair of Council. Members of Council interviewed also confirmed that Senate is virtually ineffective.

Some of the recommendations from the interviewees were that the Registrar and the Executive Director: Human Capital must be released; a proper management structure with the attendant capacity must be created; the Vice-Chancellor needed to work on her emotional intelligence; another suggested that she should be given an ambassadorship elsewhere.

An observation from the literature gleaned, particularly section 27 (1) of the Higher Education Act (Act 101 of 1997) provides that Council must govern the public higher education institution subject to this Act, and any other law and the Institutional Statute. The shortcoming in the University of Zululand Statute s9 (1) is that it “partially” re-states what s27 (1) says but does not elaborate further in order to spell out the role clarification that enhances good corporate governance and avoids/circumvents what could result in micro-management of the university by Council as it appears to be the case in certain instances. Usually, the Institutional Statute should provide for the rules to be made to give effect to certain provisions, but in the case of UNIZULU there is what is called “Standing Orders”. This is quite unusual, especially given the fact that it is an old document that gets added to from time to time when they feel like amending something. The SRC debacle is one such case in point where administrators were appointed by Council to attend to a crisis on SRC matters. This unusual practice must be revised in the short-to-medium term.

#### **4. Financial Matters on the Terms of Reference**

The Terms of Reference for the Independent Assessor mentioned amongst others the following specific issues to be attended to by the Independent Assessor with the view to:

1. Identify the nature of problems facing the Institution
2. Measures required to resolve problems identified in such areas
3. Clear short; medium and long term recommendations

The Terms of Reference required specific focus on a wide range of issues of which the following issues were lifted as relevant financial aspects envisaged:

1. Investigation of Financial policies and procedures of the Institution
2. Internal Audit Processes
3. Procurement and tender procedures
4. Expenditure on legal fees
5. Management of donor funding
6. Management of NSFAS allocations
7. Any allegations of financial irregularity brought to the Independent Assessor's attention

##### **4.1 Financial Policies and Procedures**

The university does have financial policies and procedures in place, however, the documents presented were either in draft format or recently approved by Council. This indicates a possibility of lack of policies at the time of occurrence of the reported transgressions. This would require further probing and obtaining a statement of the presence or otherwise of approved policies at the point of transgression.

#### 4.2 Internal Audit Processes

The University has an Audit and Risk Committee; a sub-Committee of Council; the usual structure in line with best practice of governance as recommended in King 3. The Committee has terms of reference referred to as the Charter which regulates the purpose, membership and functions of this committee. We met Mr. Wilfred Ngubane, the Chairman of the Audit and Risk committee, who shared his views in terms of its membership and functioning. He confirmed its inadequate response to risk management and its dependence on the work of the Internal Audit function which is outsourced.

Apart from chairing this Committee he is also a member of Council. He raised concern about the apparent possession of other information by certain Council members possibly sourced from junior staff members on issues discussed in Council meetings about the Rector. Of further concern was the lack of adequate support for the Rector and unity of Council to speak with one voice that supports the Rector in her quest to turn the university around. This state of affairs does not provide for clear demarcation of the role of Council to give strategic direction and vision and allow the Rector space to implement actions that lead to the desired outcome.

The Internal Audit function is outsourced and reports are prepared and submitted to the Audit Committee. This function was also said to be deficient. Its terms of reference were last updated in 2005 and require it to report administratively to the CEO/ Rector in terms of Governance principles and functionally to the Audit Committee. However, it reported mainly to its point of contact which is the CFO and the Auditee. This practice compromises the usefulness and the independence of the Internal Audit function and the possibility of corrective action being taken with the guidance and monitoring by the Rector's office. There was also no evidence of the annual risk assessment being conducted to inform the coverage plan of the Internal Audit function in order to direct limited resources to areas that need more attention. Hence audits were mainly financial audits as opposed to operations in key areas of the university type of business activity such as Examinations; Certification; Council induction; Academic programmes as well as appropriate capacity and infrastructure.



#### **4.3 Procurement and Tender Procedures**

The first indicator of a problem in this area is the level and number of submissions made and suspicions and concerns raised around this area starting from Council to the lowest level within the institution. This seems to be an area of concern amongst all university stakeholders. The volume of submissions and the explosive nature of allegations call for further probing to compile the facts to support or rebut such allegations and our reporting deadline and timing of the assignment did not allow for adequate time to establish the facts to quantify the magnitude of such alleged deviations. Alleged involvement of Council members or relatives through their influence is cause for concern as the integrity of such a governance structure should be beyond reproach.

We are convinced that this is fertile ground for serious financial irregularities. There are strong indications from the submissions made of transgressions of the procurement and tender procedures. There are also serious allegations of undeclared interests by various parties ranging from Council members or relatives to staff members in this department.

#### **4.4 Expenditure on Legal Fees**

A submission was made of legal fees that are payable monthly to the firm to represent the university on matters that seem not to need external legal representation such as internal disciplinary hearings. This has been identified as an area of focus but will be linked with policies and procedures and the resultant expenditure from compliance or lack thereof in conducting university business. There is a strong belief in this regard that the expenditure of this nature is wasteful as policies and procedures implementation on internal disciplinary matters can be handled with approved internal processes without the need to involve external legal representatives.

Refinement of policies and procedures and compliance therewith will alleviate the current exposure and need to resort to legal representation precaution.

#### **4.5 Management of Donor Funding**

No representations were made to the Independent Assessor about management of donor funds. The donor funds are usually managed through structures such as the University Foundation office with a separate Board and Finance Committee that gets updated on its status. This function would normally be handled through the office of the CFO to oversee its execution.

#### **4.6 Management of NSFAS Allocations**

We gathered information about the allocation process verbally in the verbal submissions made. We realise that such allocations would be better managed and probed live during the registration process. We however can conclude on the basis of the information available that there has not been adequate funding to support the enrolled student population. This would arise mainly from unplanned additional registrations that result in over enrolment. The socio-economic conditions in the homes of many students also impact on the overall performance of students to remain eligible for further assistance and inadequate financial support has a bearing on student performance.

The amount of student debt written off suggests challenges and shortfalls in NSFAS allocations and lack of quality support to ensure success of students financed by NFSAS in their respective programmes.

#### **4.7 Any other Allegations of Financial Irregularity**

We have received a number of such allegations such as:

1. The payments made to suppliers not on the university data base of suppliers
2. The payment of exorbitant amounts for sub-standard work that is re-done at the university expense without recourse to defaulters
3. The payment of performance bonuses to executive management with no relation to the performance of the university
4. Abuse of travel and accommodation facilities for council meetings through the hiring of expensive cars and hotel stays for prolonged periods

5. Council members leaving the meeting earlier before the conclusion of Council meetings

The information received from the secretariat of Council confirms the allegations together with some verbal confirmations from some Council members that cars and hotel accommodation for certain Council members cover periods before and after the date of the Council meetings. This will need to be scoped into the proposed forensic investigation.

## **5. Findings**

### **5.1 University Governance**

The relationship between the Rector and Vice-Chancellor of the university and Council is unhealthy and borders on the dysfunctional. When interviewed, the Chairperson of the Council stated that he thought the purpose of the Minister for Higher Education and Training in appointing the Independent Assessor was “to restore the credibility of the University of Zululand”. He, however, expressed disappointment that the Minister had not engaged with Council before appointing the panel.

Council has twenty two (22) members, nine of whom are serving their first term – which means that the majority have served more than one term. It is recognized that Council has a diverse membership with skills. However, it has failed to give focussed and consistent leadership in the academic enterprise, by ensuring that persons appointed to office are fully competent .

The Council has several sub-committees:

- the executive
- the finance
- human resources
- the audit committee, and
- the quality assurance

In the Statute of the university the only committee provided for is the executive. The others are established in accordance with “standing orders or precedent”, and operate under charters.

The minutes of Council and its Executive Committee (COUNEX) indicate that Council meets regularly, and conducts its affairs in a reasonable manner and complies with best practice. There are, however, no records of the sessions when Council deliberates “in camera”. There are matters of importance, for example, relating to the censure of the Rector, that were not available to the panel. Further, the validity of the decisions taken by the Council when “in

camera" is open to challenges. The fact that there are so many "in camera" sessions points to serious shortcomings in governance. It was asserted that these sessions were held because "personalities" were involved.

Apart from the Council meeting of the 26<sup>th</sup> November, most of the reports tabled by the Rector are not discussed early on in meetings and given due regard. The new management structure proposed by the Rector was estimated to cost an additional R3.9 million, and COUNEX recommended another structure which has still not been implemented.

The general view is that Council is not supportive of the Rector. In fact, Council has sought explanations from the Rector against "allegations of breach of employment conditions".

These are:

- failure to adhere to recruitment processes and policies
- interfering with disciplinary processes
- fruitless and wasteful expenditure
- procurement process
- failure to coordinate business processes

The Rector provided full and adequate account on each of these allegations, yet Council in its subsequent deliberations insinuates that the Rector may be considered as having violated her terms of engagement as the Vice-Chancellor and Rector of the university.

It should be noted that this disharmony between the Rector and Council occurs within eight months of her appointment by the same Council. By all accounts it is clear that Council is usurping the role and functions of Management, and assuming an operational role.

The subject of a report to Council by the Deputy Chair of Council dated 26<sup>th</sup> November 2010 was entitled: An Investigation of the Vice-Chancellor and Rector and Ministerial Appointment of Assessors. As this was discussed "in camera", there is no record of the discussion but the report has strongly negative overtones.

It is difficult to see how rapprochement between Council and the Rector can be achieved when the divisions appear so wide.

## **5.2 Management and Administration**

Members of the university management consist of the senior members in HR, Finance and in academic positions, for example, the DVC and Executive Deans. Very useful submissions were made by the Institutional Forum, the labour union, NEHAWU and all the senior managers. Again it is very clear that there is a chasm between the office of the Rector and some of the senior managers. No concrete, overt evidence of wrong-doing by the Rector was submitted, except for the fact that the loyalties of the managers were divided between the old establishment and Council.

In this regard it must be pointed out that the former Registrar was put on special leave by Council on October, pending an investigation intended to lead to the termination of his services. The Registrar was reported to have been an incapable, inefficient and ineffective officer. Proof of this is the poor record-keeping that resulted in chaotic student registration and admission procedures. A special report by KPMG reported on the problems encountered during the May 2005 graduation ceremony, and these problems were again encountered in 2010.

As the Registrar left the university in October 2010, the Rector attempted to make temporary appointments to facilitate activities in the Registrar's office. She received a stern rebuke from Council instructing her not to usurp the powers of Council.

A fuller account of issues relating to the Registrar's office is given in section 3.4 of this report.

The Rector is the de-facto CEO of the university and is empowered to act in consultation with Council. However, the Council at UNIZULU wants to be both the policy-formulating body and the implementer. The senior members of management do not see themselves as being accountable to the Rector but to Council, and, unfortunately, some Council members

encourage this practice. The head of the Human Capital department is openly non-supportive of the Rector.

There was unanimity among students, NEHAWU and the Institutional Forum and senior academic staff that the Chief Financial Officer had to be replaced. It is obvious that there is an unhealthy relationship between him and some members of Council and this relationship is financially incestuous.

There are a number of staff members in the administration, for example, examinations and graduation sections who are misfits. A general audit of staff ought to be conducted to bring about a new alignment in human skills, profile and functions of the university.

### **5.3 The Office of the Vice-Rector and Vice Chancellor**

The incumbent who was appointed to this office in February 2010 has had difficulty in establishing her leadership and drawing the active support of her senior administration. There can be many reasons for this situation. The senior executive staff may feel inadequate or feel that the new incumbent has no faith and confidence in them. This was a view expressed by the DVC. The incumbent may be paranoid and has concluded that her executive is colluding with Council and other interested parties to ensure her failure. There is no doubt whatever that the incumbent has strong and progressive plans and views to restore the primacy of the academic programme. However, to achieve this goal, the incumbent requires the support of all senior executives and academic staff. The challenge is how to achieve this cooperation. The onus is as much on the senior executives as it is on the incumbent. Perhaps the appointment of a Special Senior Advisor to work with the incumbent in addition to a new competent DVC might be a part solution.

### **5.4 Student Governance**

The University of Zululand operated without an SRC from 2009 to 2010, after the aborted elections held in 2009. This year, 2010, elections were successfully held, after voting took place over a period of two days. The voter turn-out was 6,851 out of a total number of around 14,000 students.

In 2009 the Independent Electoral Commission which was the body responsible for monitoring elections fell into disfavour. The impasse led to student protests which resulted in damage of property to the value of R5 million and the death of a student. Thorough investigations were conducted by RCW Pemberton of Garlicke and Bousfield Inc. and a report submitted on 14<sup>th</sup> October 2009. There is no evidence of action taken as recommended in the report. A full report on student unrest and vandalism of university property before and on the night of Tuesday 3<sup>rd</sup> November 2009 was submitted by the Protective Services Department. There is also no evidence that corrective steps were taken on the basis of this report.

#### **5.5 Financial Management and Procurement Practices**

These issues are covered more fully in section 4 of this report. It is clear from the submissions received that there are gross irregularities in policy and practice under this heading. There is constant reference to the involvement of Council members or their relatives in lucrative tenders and businesses. The following names of companies doing business with the university recur:

- Imali Corp trading as Sister Butchery
- Ufukwe Security
- u Gondwe Security
- Afrileader Consulting

These companies are listed in the database of service providers of the institution but the particulars of directorships were not available.

#### **5.6 Richards Bay Campus**

The Independent Assessor spent a considerable amount of time at the Richards Bay Campus of UNIZULU on 24<sup>th</sup> January 2011. Richards Bay has been recognised as a developmental node in Kwa-Zulu Natal and, because of the location of several industries within its perimeter, it is logical that the expansion of educational facilities takes place there. Accordingly, UNIZULU decided to establish a presence there, where it would initially offer degree, diploma and certificate programmes in business, commerce, law, public administration, IT and later science and technology. The Campus is to be constructed over a



nine year period and will have five defined phases from 2008 to 2012. At a cost of R75 530 000 the Campus is an impressive structure.

However, there is no evidence of its meeting its mandate in the short-term. There is no proper coordinating academic structure and organization to realise its mandate as the driving campus of a comprehensive university. The total number of new approved academic programmes with a vocational or technical bias is no more than ten. No new staff have been recruited to drive the new academic programmes. The prognosis for the success of this Campus is bleak.

## **6. Conclusion**

As indicated above this investigation was conducted in two phases: first phase between 24<sup>th</sup> November and 22<sup>nd</sup> December 2010 and the second between 7<sup>th</sup> January and 31<sup>st</sup> January 2011. In the second phase the Independent Assessor was able to conduct additional interviews, collect more documentation and visit the Richards Bay Campus.

From the interviews conducted, and the submissions received, it is clear that the University of Zululand is in serious trouble and must be given immediate assistance and support through focused interventions. The primacy of the academic programme must be recognized and UNIZULU should strive to implement its mandate as a comprehensive university.

The letter of the Rector dated 5<sup>th</sup> September 2010 requested a forensic investigation into a host of issues covering the period 2008 to 2010, and there is adequate evidence pointing to the need for such an investigation. The major constituencies within UNIZULU called for such an investigation and decried the fact that reports in the past were not acted upon.

It is obvious that working relations between several structures are dysfunctional. The relations between Council and the office of the Rector are badly bruised. There is no trust between the parties. However, it cannot be said that all Council members are hostile towards the Rector. Our interviews revealed that some councillors are committed to promoting the well-being of UNIZULU. There are some, however, who appear to be power-hungry, and have conflicted affiliations, and see UNIZULU as a source of indirect income.

Similarly, relations between some members of management and the Rector are strained. In this regards the onus is on the Rector to draw on the strengths of her existing team - until such time that she can effect changes in personnel.

The only positive ray of light is in the relations between the Rector and the academic staff – especially the lecturing and professional levels. At present, the Rector enjoys the backing and support of the Institutional Forum, NEHAWU, and the SRC. There is an unresolved issue

relating to the position of Executive Deans, the levels of Deputy Deans and the legitimacy of the new structure. However, the Rector's forthright manner in promoting the teaching and research agendas is roundly supported.

## **7. Recommendations**

- 7.1 The current Council must be disbanded and an Administrator appointed to assume the role, functions and powers of Council. Clearly, some members of the present Council are persons of integrity committed to the betterment of the University. However, the fact that there is no limit to the number of terms that can be served has both positive and negative implications for the governance of UNIZULU.
- 7.2 New members of Council must be inducted into their role as Councillors and the standard codes of conduct and confidentiality must be instituted. Conflicts of interest relating to membership on Council and personal business interests must be avoided. Common and best practice in this regard must be observed.
- 7.3 The Council on Higher Education recently concluded an audit of the University and its recommendations must be implemented. The primacy of the academic enterprise must be recognised and the academic staff must assume leadership in re-structuring the academic programmes to enable the University to meet its mandate as a comprehensive university.
- 7.4 A special forensic investigation must be conducted to establish the causes for the malpractices in appointments, remuneration and procurement. To date several investigations covering student issues, graduation and the registrar's office have been conducted and reports tabled. However, there appears to be no follow-up and corrective measures taken. Sadly, not enough has been done to investigate issues pertaining to finance, procurement and human capital/resources issues. A full forensic investigation on the total well-being of the institution must be undertaken. In particular the basis for the annual subsidy for UNIZULU must be investigated.
- 7.5 The internal systems of the University relating to admissions, registration, general enrolment, the conduct and security of examinations, entry and change

of marks, and graduation processes must be further investigated and improved. In particular, the TT network must be fully utilized and all its facilities operated by competent persons. As part of this exercise, a human resources audit must be conducted to evaluate the suitability and capability of the existing incumbents.

- 7.6 The Department of Higher Education and Training must mount the equivalent of a marshal plan to haul the University out of its current quagmire. Special attention must be focused on the institution so that its academic, physical and infrastructural needs are met as expeditiously as possible. To this end a joint task team between the Department and the University must be established to monitor progress.
- 7.7 For the short-term a Special Senior Advisor who is a competent academic and manager should be appointed to work with the Rector and Vice-Chancellor to ensure that the many needed reforms are devised and implemented.
- 7.8 The Statute of the University must be revised as a matter of urgency.
- 7.9 The University must restore and ensure the effective functioning of Senate in terms of section 28 of the Higher Education Act, but, specifically, regulate the triple helix arrangement of teaching-learning, research and community engagement of the University, ensure the effective functioning of the Standing Committees of Senate, and advise on the formation or restructuring of faculties to ensure academic coherence, efficiency and sustainable quality of provisioning.
- 7.10 The University must live up to its mandate as a comprehensive university.

Prof. H.P. Africa

Prof. T. Mosia

Mr. T Zakuza CA (SA); CIA

31 January, 2011

**Annexure 1**

**Minister of Higher Education and Training**

**Terms of Reference**

**of the**

**Independent Assessor**

**To Conduct an Investigation into the Affairs of the University of Zululand**

**Introduction**

In terms of Section 44 (1) (a) of the Higher Education Act, the Minister of Higher Education and Training will appoint an Independent Assessor to conduct an investigation into the affairs of the University of Zululand. The overall purpose of the investigation is to advise the Minister and the university Council on:

- The nature of problems facing the institution, including those relating to governance, financial and management and procurement practices, administrative matters, student governance, and any other matters that may arise
- Measures required to resolve problems identified in all areas
- Clear short, medium and long-term recommendations

**Terms of Reference**

- Conduct a detailed analysis of and provide a report on the current situation of the university governance and executive management structures, in particular their functioning and efficacy, and relationships between the various structures and portfolios
- Conduct a thorough investigation of the financial policy and procedures of the institution, with a specific focus on internal audit processes, procurement and tender procedures, expenditure on legal fees, donor funding management, the management of NSFAS allocations, and any specific allegations of financial irregularity that may be brought to the attention of the Independent Assessor
- Investigate the operations of the Office of the Registrar in relation to management of academic affairs, registration and certification matters and any other matters that the Independent Assessor believes warrants investigation
- Investigate the problems in the area of student governance, including a review of the 2009 SRC elections and related violence and the mechanisms in place to resolve these problems

- Investigate and report on any other matters that, in the opinion of the Independent Assessor, may impact on the effective functioning of the university, from the analysis of problems relating to governance and management

**To make Recommendations on:**

- The restoration of good governance, specifically in relation to the Executive Management of the university and its Council
- Short, medium and long-term solutions required to address any issues identified in relation to the areas in the Terms of Reference
- Any action required to ensure effective academic operations at the university; and
- Ways of resolving the challenges relating to student governance
- Any other areas of action required to ensure the effective functioning of the university

**Completion and Report**

The Independent Assessor must complete their work and submit a report to the Minister within 30 working days of appointment

Dr B E Nzimande MP

Minister of Higher Education and Training



**Annexure 2**

**Schedule of Meetings and Visits**

**UNIZULU Assessor Team Interviews Conducted – Phase One****Tuesday, 23 November 2010 (UNIZULU Campus)**

<b>Interviewee</b>	<b>Position</b>
Prof NM Mazibuko	Vice-Chancellor & Rector
Mr V Naidoo	Council Member
Mr M Govindsamy	Chief Financial Officer
Mr EJ Doeseb	Acting Registrar
Prof RG Ori	Executive Dean: Science & Agriculture
Prof SN Imenda	Executive Dean: Education

**Wednesday, 24 November 2010 (UNIZULU Campus)**

<b>Interviewee</b>	<b>Position</b>
FC Malinga	NEHAWU – Investigator
TJ Mbuli	NEHAWU – Rep
Mr DBX Makhathini	NEHAWU – Chairperson
Mr B Nkosi	NEHAWU – Secretary
Ms T Mtshali	NEHAWU – Deputy Chairperson
Mr j Mokoale	Executive Director: HR
Dr M Hlongwane	Dean of Students
NR Ngcobo	Institutional Forum – Deputy Chairperson
NJ Ngema	Institutional Forum Member
Ms CA Addison	Institutional Forum Member
M Duma	Institutional Forum Member
Mr T Dlamini	Institutional Forum - Secretary
Mr M Ndwandwe	Institutional Forum – Chairperson
Prof NV Makunga	Executive Dean: Arts
Mr BC Sithole	SRC – President
Prof T Sibaya	Vice-Rector: Academic Affairs & Research

**Thursday, 25 November 2010 (O R Tambo Airport)**

<b>Interviewee</b>	<b>Position</b>
Mr B Ntuli	Council Chairperson

**UNIZULU Assessor Team Interviews Conducted – Phase One****Tuesday, 07 December 2010 (Ithala Offices)**

<b>Interviewee</b>	<b>Position</b>
Mr Ngubane	Chairperson of the Audit & Risk Committee

**Thursday, 09 December 2010 (King Shaka Airport)**

<b>Interviewee</b>	<b>Position</b>
Mr Bonga Vezi	HOD: Examinations
Mr Vido Kungune	Head: Academic Administration
Mr Mbuso Elliot Ngubane	Graduation Officer/ Faculty of Arts
Mr Soren Aalto	Director: ICT
Mr Ernst Doeseb	Acting Registrar (2 <sup>nd</sup> interview)

**Sunday, 12 December 2010**

<b>Interviewee</b>	<b>Position</b>
Prof NM Mazibuko	Vice-Chancellor & Rector (2 <sup>nd</sup> interview)

**Wednesday, 15 December 2010 (Tele-Conference)**

<b>Interviewee</b>	<b>Position</b>
Mr Ernst Doeseb	Acting Registrar (3 <sup>rd</sup> interview)

**UNIZULU Assessor Team Interviews Conducted – Phase Two****Monday, 24 January 2011 (Richards Bay & Kwadlangezwa Campuses)**

<b>Interviewee</b>	<b>Position</b>
Prof Khoapa	Acting HOD
Mr N Gumede	SRC Secretary (RB)
Prof NM Mazibuko	Vice-Chancellor
Mr B S Mkhwanazi	Council member (Rector's Boardroom)
Mr N Stofberg	Indep Consultant (Rector's Boardroom)

**Tuesday, 25 January 2011 (KwaDlangezwa Campus/ Rector's Boardroom)**

<b>Interviewee</b>	<b>Position</b>
<b>Adv B Mkhize</b>	<b>Deputy Chair of Council</b>
Prof D P Cyrus	Academic
Prof NJC Van den Bergh	Academic: A/Exec Dean – Commerce
Mrs M Mgobozi	Library Staff
Mrs F Nzele	Library Staff
Mrs U Langeni	Library Staff
Prof AO Banjo	Academic - Commerce

**Wednesday, 26 January 2011 (Kwadlangezwa Campus/ Rector's Boardroom)**

<b>Interviewee</b>	<b>Position</b>
Prof RV Gabela	Senate member
Ms LAK Vahed	Senate member
Prof Max Livingstone	Senate member
Prof Rugbeer	Senate member
Dr John Boughdy	Senate member
Mr EW Bodenstein	Senate member
Prof NM Mazibuko	Vice-Chancellor
Mayor Mnqayi	Council member

**Friday, 28 January 2011 (Wits University)**

<b>Interviewee</b>	<b>Position</b>
Dr Douglas Irvine	Council member
Rev L Mbete	Council member

**Annexure 3**

**Communiqués**

**Communiqué from the Independent Assessor  
University of Zululand**

As you are aware, the Minister for Higher Education and Training, Dr B E Nzimande has appointed an Independent Assessor to investigate the source and nature of the governance, management and administrative problems at the University of Zululand and to advise him on the steps required to restore proper governance, management and administration at the university. The Independent Assessor and his team have conducted some interviews with representatives of the broader university community including the Chair of Council, members of the executive management, the Institutional Forum, staff unions, and the SRC to assist in the investigation. More interviews will be held before the end of term.

The team consists of:

- Professor Hugh Africa, Independent Assessor
- Professor Themba Mosia, Management Specialist
- Mr Temba Zakuza, Finance Specialist

Our initial investigation is constrained by the legal requirement that our report must be submitted by the 22<sup>nd</sup> December. Being aware of the official close of the University on 15<sup>th</sup> December, we invite submissions in writing to be submitted to the dedicated e-mail address below by 15 December. To make this possible we suggest that you confine your submissions to the terms of reference which were gazetted on 12 November in Government Gazette, 33754

[unizulusubmissions@dhet.gov.za](mailto:unizulusubmissions@dhet.gov.za).

I trust that we will once again have the necessary co-operation and support from the university community.

Yours sincerely

Hugh Africa  
30 November 2010

**Professor NM Mazibuko  
Rector & Vice-Chancellor  
University of Zululand  
Private Bag X1001  
KwaDlangezwa  
3886**

**Fax: 035 902 6601**

Dear Professor Mazibuko

I would like to thank you and your office staff for accommodating us, as the independent assessment panel during the visit to your institution last week. The co-operation received made the process well worth the time and effort.

I would like to make arrangements for a follow-up visit to your institution. In order to prepare ourselves for this, we will require supporting documents prior to our visit. In this regard, I would appreciate it if Council's approval can be obtained for you to provide us with such documents, especially, the minutes of Council and its executive committee. These documents will be required to substantiate claims which were made during the interviews which were held.

A list of other required documents will be forwarded to you in due course.

I rely once again on your support and cooperation.

Yours sincerely

Hugh Africa  
02 December 2010

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University of Zululand**

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Yours sincerely

Hugh Africa

03 December 2010



**Communiqué from the Independent Assessor  
University of Zululand**

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I trust that we can once again count on the co-operation and support of the university community.

Yours sincerely

Hugh Africa

08 December 2010



MINISTER  
HIGHER EDUCATION AND TRAINING  
REPUBLIC OF SOUTH AFRICA

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Private Bag X9192, CAPE TOWN, 8000, South Africa • 120 Plein Street • Tel: +27 21 465 5513 • Fax +27 21 465 7956

Mr Bheki Ntuli  
Chairperson of Council  
University of Zululand  
7 Pearce Crescent Road  
The Park, Block-G1  
**EMPANGENI**  
3880

Fax: 035 772 7502

Dear Mr Ntuli

#### **INDEPENDENT ASSESSOR APPOINTED AT THE UNIVERSITY OF ZULULAND**

The Government Gazette, appointing the independent assessor and the terms of reference for investigating affairs at the University of Zululand, was published on 12 November 2010.

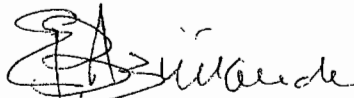
I appointed Professor Hugh Africa in terms of Sections 44, 45 and 47 of the Higher Education Act (Act 101 of 1997) with Professor Themba Mosia (Registrar: University of the Northwest) and Mr Temba Zakuza (University of Fort Hare) to assist Professor Africa in terms of Section 48 of the Act.

Professor Africa provided me with an interim report as per the requirements of the Act. After careful consideration of the report, I extended the period of the investigation until the end of January 2011 to enable the team to conclude the report with the necessary rigour.

I wish to thank you and the rest of the university community for the support given to the Independent Assessor and his team and am confident that this will continue until the report is finalised. I will, after studying the Report, make it available to you and the University Council as well as publish it by Government Gazette as is required in terms of section 47 (2) of the Higher Education Act (Act 101 of 1997).

Thank you for your assistance in this regard.

Yours sincerely



**Dr BE Nzimande, MP**  
**Minister of Higher Education and Training**

Date: 16/01/11

Cc **Professor F Mazibuko, Vice-Chancellor, University of Zululand**  
**Professor Hugh Africa, Independent Assessor, University of Zululand**