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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

NO. 782

27 August 2021

**HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****APPOINTMENT OF AN INDEPENDENT ASSESSOR TO CONDUCT AN INVESTIGATION  
INTO THE AFFAIRS OF THE MANGOSUTHU UNIVERSITY OF TECHNOLOGY**

I, Dr BE Nzimande, Minister of Higher Education, Science and Innovation, in accordance with Section 44 of the Higher Education Act (Act 101 of 1997, as amended) hereby appoint an Independent Assessor to investigate the affairs of the Mangosuthu University of Technology.

The terms of reference of the Independent Assessor are attached in the Schedule.



**Dr BE Nzimande, MP**

**Minister of Higher Education, Science and Innovation**

Date: 04/08/2021

## SCHEDULE

### MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION

#### Terms of Reference of the Independent Assessor to Conduct an Investigation into the Affairs of the Mangosuthu University of Technology (MUT)

##### INTRODUCTION

1. In terms of Section 44 of the Higher Education Act, 101 of 1997, as amended (the Act), the Minister of Higher Education, Science and Innovation appoints **Professor Anthony Staak** as an Independent Assessor to conduct an investigation into the affairs of the Mangosuthu University of Technology, following a series of allegations and counter-allegations relating to the governance and management of the University. The overall purpose of the investigation is to advise the Minister on the source and nature of problems; and measures required to restore good governance and management.

##### SCOPE OF THE INVESTIGATION

2. The Independent Assessor shall conduct an investigation into
  - a) various allegations made by the Vice-Chancellor (VC), Dr Duma Malaza in his correspondence to the Department in March and April 2020;
  - b) allegations of misconduct and mismanagement against the VC;
  - c) circumstances and reasons for the suspension of the VC and other senior managers in April 2020;
  - d) the functioning, efficacy and relationships between the governance and executive management structures and portfolios;
  - e) the circumstances that led to the cash-flow problems of the University; and
  - f) any matters that, in the opinion of the Assessor, may impact on the effective functioning of the University, from the analysis of problems relating to governance and management.
3. The Independent Assessor shall report to the Minister in writing of the findings of the investigation together with the reasons upon which the findings are based; and suggest in the report appropriate measures and provide the reasons why the measures are needed.
4. The Independent Assessor must be mindful of the provisions of section 45A of the Act in conducting the investigation.

##### DURATION

5. The Independent Assessor must in terms of section 47 of the Act, complete his work and submit a written report to the Minister within 45 days from 1 October 2021. The delayed period of assessment is as a result of the independent assessor not being immediately available to commence the investigation.