

UNIVERSITY OF CAPE TOWN



THE CONVOCATION

Minutes of the Reconvened Annual General Meeting of Convocation held in Kramer Law Building LT1 on Tuesday 28 February 2017

Present

The President of Convocation (Professor Dr NB Pityana), The Vice-Chancellor (Dr MR Price, the Secretary of Convocation (RN Pillay) and members who signed the roll, and whose names are recorded in the minute book.

Apologies

Members whose names are recorded in the minute book.

1. Welcome and preliminary matters

The President of Convocation, Professor Barney Pityana, welcomed all present. He told the meeting that two items from the adjourned meeting of 15 December 2016 needed to be concluded following that meeting's adoption of a motion of closure. These were the discussion of motions and the election of a member to be President of Convocation for a two-year term. He told the meeting that he had agreed to allow students of the University to stage a silent protest and to award them five minutes to make a statement to Convocation. His reasons for the latter was because he believed that this was a University community and that it was incumbent upon the University allow students a voice when they requested one and that it was appropriate that students should participate as freely as they could. He acknowledged that there was a risk that a silent protest could be experienced as intimidating and limit free expression; expressed the hope that the students would abide by what they had agreed to and cautioned against engagement in acts of provocation.

Mr Philip Lloyd, suggested that the Chair's ruling to allow a silent protest by students for the duration of the meeting and affording them an opportunity to address the meeting was out of line because it was not included in the agenda; and

the students were not members of the Convocation and should not be afforded the opportunity to address the meeting given their conduct at the meeting of 15 December 2016. He moved that the matter be put to a vote. The motion was seconded by Mr Bernhard Rabinowitz.

The substantive motion (to allow the students to address the meeting and then to hold a silent protest) was then put to the vote and carried with a majority of members voting in favour of the motion.

2. Statement by Students

Mr Simon Rakei addressed the Convocation. He made the following points:

- As far as the agreement with students was concerned, the main issue was that it brought comfort to the students, and was a show of good faith as it demonstrated a willingness on the part of the University to engage the protesting students, particularly the 12 individual students who felt that they were unfairly treated by the policies of the University as the rules were designed to punish rather than to dispense justice.
- The student call was to bring back the rusticated and expelled students.
- A motion for a vote of no-confidence was a direct attack on the agreement itself.
- UCT is a systemically and structurally racist institution. The community of UCT needed to acknowledge the epistemology of knowledge, how knowledge is formed and what it validates.
- There are individuals who have very particular understandings of history, how they see themselves within the University and have vested interests in the University and how the latter functions. This raised questions as to why more attention was given to those who seemed to be able to influence the University financially while others who did not have the resources nor institutional backing are not given the platform or listened to.
- Regarding the Student Representative Council (SRC), at this point in time the SRC was illegitimate as its term of office was extended without any vote from the student community. Other student groups were doing the work of the SRC and of the University in terms of helping students in their appeals against financial and academic exclusion, and this was a testament to how parents and alumni did not seem to care about these very particular issues that many students were facing. It was in this context that there was even more concern about the expression of doubt being cast on the agreement between the University Executive and protesting students.
- The current SRC should be disbanded, and there should be immediate recognition of everyone who was expelled or rusticated or was facing disciplinary charges and that they be reinstated as students, and the full agreement between the University Executive and the protesting students be implemented.

3. Opening of the proceedings

The President of Convocation invited the Secretary of Convocation, Mr Royston Pillay, to open the proceedings.

Mr Pillay made the following statement to Convocation.

Statement to Convocation – 28 February 2017

The Annual General Meeting (AGM) of the Convocation of the University of Cape Town was convened on 15 December 2016. The meeting ended in an adjournment due to disruption. Two agenda items were not concluded. These are the motions – and there are three – for which notice was received, and the item related to the election of the President of Convocation for the next two year term. These are the items for consideration at the meeting today – 28 February 2017.

The President of Convocation and the Executive again express their regret that that the 15 December 2016 meeting had to be adjourned in the circumstances that prevailed. We hope that today's reconvened meeting will proceed.

We were pleased that the December 2016 meeting was so well attended and that so many stayed the course even as the meeting fell into disarray. It attests to the commitment felt by most of those present to try achieve a positive outcome in the best interests of the University. We thank members who are present for today's reconvened meeting.

We would all, I am sure, have reflected on the regrettable sequence of events of 15 December 2016. We need to get back to a point where we are able to convene meetings without hostility, verbal abuse and provocation. Hostility, abuse and provocation are wrong no matter from whom it comes. UCT should be a space for vigorous debate while still respecting those with whom one disagrees. Anything less places at risk our institutional values and our attempts to engage on a principled basis the many issues that UCT is confronted with at this point in its history. UCT must always remain a space for reasoned debate.

Convocation is a statutory body. It draws its legitimacy from the Higher Education Act and from UCT's Institutional Statute. Its functions are clearly defined – it may discuss and state its opinion upon any matter relating to the University, including any matter referred to it by the Council, the Senate or the Institutional Forum. Its role is not to govern the University. It does have a direct role in electing 6 members of the 30 person Council and it is the Council that exercises governance powers.

The President of Convocation presides at all meetings of Convocation at which he or

she is present. In terms of the rules, no member may, without permission of the meeting, speak more than once to any motion or to any amendment, except that the proposer and seconder of any motion or any amendment must have the right of reply to the debate on the motion or the amendment as the case may be. The ruling of the Chairperson on any question of order, or procedure is binding unless immediately challenged by a member, in which case the Chairperson must submit his or her ruling without discussion to the meeting which decision is final and binding.

*Royston Pillay
Secretary of Convocation
28 February 2017*

4. Motions

4.1 Vote of no-confidence in The Vice-Chancellor and his senior Executive

Emeritus Professor Timothy Crowe, seconded by Dr Anna Crowe had at the meeting held on 15 December 2016 moved that the UCT Convocation be balloted (anonymously and, if willing, by fine-scale “self-identification” – by “race”, gender, age etc.) to consider a vote of no-confidence in the Vice-Chancellor and his senior Executive acting as representatives of the interests of the UCT community as a whole in negotiations with UCT students, staff and others who have been adjudged to have broken the law under the pretext of legitimate protest.

Professor Crowe addressed Convocation. He noted that he was glad that the students were admitted to the meeting and that they were given the opportunity to speak; throughout his career at UCT he had always cared about and put his students first. He told Convocation that his motion was not a motion of no confidence in the University Executive, but a motion that specifically addressed the policy that the Executive had implemented to negotiate serious matters affecting the University with people who had broken the law. While he supported the notion of protest, he could not support the use of violence, intimidation and destruction as means of protest.

The seconder, Dr Anna Crowe, spoke to the motion. She told Convocation that there was a large group of students at UCT who felt bullied and alienated because their voices had not been heard. She pleaded for consultation about University matters to be solicited from *all* students.

The motion was debated.

Many Convocation members noted that what Professor Crowe had said when speaking to the motion and the written motion was not the same. Professor Crowe reiterated that his motion was not a motion of no confidence but a motion about a policy of negotiation with people who had broken the law.

Mr Nodoba argued that it was clear that the motion was in fact motion of no confidence and read the motion. He reminded Convocation that he had proposed an amendment to the motion at the meeting held on 15 December 2016. He argued that there had been no notification of a change in the motion and that the motion had to be considered as proposed on 15 December 2016 or that Professor Crowe should withdraw the motion.

Dr Cairncross opposed the motion. She interpreted it as an attempt to say that the University should have dealt with the protests of the last two years in line with disciplinary processes, not taking into account recognition of the wave of history that was sweeping through the country and which had been motivating and inspiring student struggles, namely free education and decoloniality. She said that the view that protests should be dealt with in the framework of law and order was taking the University backwards and that the fact that this kind of motion was being put forward had resulted in an enormous amount of conflict and was the direct cause of December 2016 Convocation meeting falling apart. She believed that it would be an act of positive faith for Convocation to vote down the motion with as great a majority as possible.

Ms Lorna Houston also spoke against the motion. She was of the view that consultation and negotiation were needed to resolve matters.. In her view the agreement with the students did exactly this by incorporating a clause providing for the Institutional Reconciliation and Transformation Commission.

A member , who did not identify himself by name, was of the view that the main issue was a lack of knowledge and which spoke to the point about further consultation. He argued that the concerns raised by Professor Crowe were already included in the agreement with the students.

Mr Ian Forbes spoke to the need for agreed rules of conduct, respecting mutual rights of and the rights and obligations of all citizens under a democratic dispensation.

Following several points of order questioning whether the motion verbally motivated was the same as the written motion; whether the motion should be withdrawn or put to the vote, the motion was put to the vote and defeated with 23 members voting in favour, 131 against and 12 members abstaining.

4.2 Motion for Convocation on climate change, fossil fuel divestment and reinvestment

Mr David la Page, seconded by Yvette Abrahams, moved that the University, in accord with the values of engaged citizenship and social

justice, makes a public commitment to phase out, at the least, over no more than five years, all significant investments in fossil fuel companies listed in the Carbon Tracker Top 200, seeking where advisable alternative investments in renewable energy. They also urged action in making UCT's own operations and infrastructure more sustainable and carbon neutral.

Mr la Page read the motivation for the motion and added that the motion embraced profound issues of human rights and global justice which were incredibly pressing. He cited the example of the International Energy Agency which had estimated that the world needed to move to a carbon neutral economy by 2040. He drew attention to additional support for the motion, namely from Emeritus Archbishop Desmond Tutu who on 18 July 2014 had said the following: "The University of Cape Town is perhaps the leading university on the African continent, it is a centre of excellence for climate change research and a home to many leading voices on human rights and social justice. It makes no sense for the University or any other institution to invest in companies that undermine our collective future. It makes little sense for any South African institution to make new investments in mining coal or fracking in the name of economic development. We know these are the kind of most short-sighted developments, their benefits will not last and their costs are immense. It is the world's wealthiest countries and people who benefit most from the use of fossil fuels and have contributed most to global warming. It is time we took full responsibility for our past actions. People of conscience need to break their ties with corporations financing the injustice of climate change. I ask UCT to urgently examine the extent of your investment in fossil fuels and to make a strong commitment to phasing them out as soon as possible"

Yvette Abrahams, the seconder spoke to the motion. She drew attention to the issues of gender and intergenerational equity and the detrimental effect of climate change on women and more specifically women in the third world. She said that Africa was heading for a 4-5 degree warming which would result in the entire horn of Africa and the area around Chad becoming uninhabitable and a second African diaspora. She noted that in cases of migrancy and displacement higher death rates and slower recover rates prevailed. She was of the view that climate change had wiped out much of the progress made in development since the Second World War. She urged the University to act with a conscience; to re-invest in renewable energy and to create jobs for the younger generation.

The motion was debated.

Several members spoke in support of the motion.

A member who did not identify himself spoke against the motion. He noted that while the United Nations had defined global climate change as the greatest threat to mankind there was also views that it was the greatest fraud. He said that it had cut out development in India. Recent studies had shown that if India were able to use as much energy as China (which it was being prevented from doing by the rules of the United Nations) the life expectancy in India would be increased by 20 years. He labelled climate change as a European, white cultural threat.

The Vice-Chancellor supported the motion but moved that the second sentence in paragraph 5 be amended to read as follows:

“*Convocation* now move that the University, in accord with those values, makes a public commitment as follows:

to adjust its investment in ways that reduce the carbon footprint of its investments and to implement the recommendations of the Ethical Investment Task Team over the next five years”

He argued that the motion as it stood pre-empted the recommendations of the Ethical Investment Task Team, noting that it did not make sense to disinvest completely from all fossil fuel companies because, for example there was no alternative to aircraft travel other than fossil fuel, and that many fossil fuel companies were the major investors in renewable energy sources. Mr Ian Forbes seconded the amendment.

Mr la Page did not accept the amendment. He noted that the work of the Ethical Task Team and did not agree with the Vice-Chancellor on the role of fossil fuel companies in facilitating the change that was required. He said that many of these companies were in fact working against transition.

The Vice-Chancellor replied. He told Convocation that the issues were complex in as far as a complete disinvestment from all fossil fuel companies in five years was a radical statement, which could not be decided in this situation. His view was that the University should signal to the Ethical Investment Task Team and Council that the University was committed to reducing its carbon footprint that arose from its investments. Secondly, he said that the Ethical Investment Task Team should not be pre-empted.

The amendment was put to the vote and defeated with 46 members voting against the amendment and 44 in favour of the amendment.

The substantive motion was put to the vote and adopted with 107 members voting in favour of the motion, 25 against and 15 members abstaining.

4.3 Motion in respect of meetings of members of UCT Convocation and the UCT Alumni Association

The meeting noted that the proposer, Dr Neville Rubin, had requested that the motion be withdrawn because he was unable to attend the meeting.

4.4 Late Motions

The President of Convocation told the meeting that a late motion had been received from Mr Laurence Gawronski and that, in terms of the rules, accepting the motion would require approval by a two thirds majority of those present. He told Mr Gawronski that the Alumni Association had indicated that it would consider the motion and suggested that the motion be referred to the Annual General meeting of the Alumni Association. Mr Gawronski agreed with the suggestion.

Ms Lorna Houston questioned why a late motion that she had submitted to the December 2016 meeting of Convocation was not put to that meeting in the same way as Mr Gawronski's motion was put. The President of Convocation explained that a deliberate decision was taken at the meeting in December 2016 not to entertain any late motions it was decided because of the number of motions already included for discussion in the agenda.

Other motions were referred to the AGM of the Alumni Association.

5. Election of a member to be President of Convocation for a two year term to 2018

The Chair called for nominations for a member to be President of the Convocation for a two-year term to 2018.

Mr Clinton Herring seconded by Associate Professor Adam Haupt nominated Ms Lorna Houston, a UCT graduate, former UCT Staff member and a member of the UCT Alumni Advisory Board, currently a director of a social enterprise focused on leadership development, employment and employment wellness. She possessed senior management experience and was a coach and organisational development practitioner. During her employment at UCT she was active in various UCT structures e.g. Faculty Transformation sub-committee, UCT Institutional Forum and Discrimination and Harassment office etc.

Ms Hanne Nyokangi, seconded by Susan Soal, nominated Professor Eddie Maloka, an eighties student activist. Ms Nyokangi highlighted issues from Professor Maloka's biography which she thought was relevant to his nomination, namely that he was a Professor in Public Development at Wits, held a PhD from UCT and was a former UCT lecturer and therefore understood the UCT environment and he had a big interest in economic development in Africa.

The meeting voted by secret ballot and elected Ms Lorna Houston to be President of the Convocation for the period to the Annual General Meeting of Convocation to be held in December 2018.

In a short address to convocation, Ms Houston assured Convocation that in her role as President of Convocation she would be asking critical questions.

There being no further business to meeting ended at 18:47

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