



Communication and Marketing Department  
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## Suspension of Mr Chumani Maxwele

Mr Chumani Maxwele faces charges for breaches of the University of Cape Town Code of Conduct related to an incident that occurred on campus on Friday, 1 May 2015.

### **Provisional suspension and final suspension order:**

On 7 May, Mr Maxwele was given a provisional suspension order because his continued presence on the campus was considered to pose a threat to the maintenance of good order. This provisional suspension order was made final after a hearing.

### **Challenge of suspension on technical grounds:**

Mr Maxwele subsequently appealed to the independent University Student Disciplinary Tribunal against the decision to make the suspension order final. The Tribunal today heard the appeal and has ruled that the suspension be set aside on technical grounds. The basis for the decision is that the person subject to a provisional suspension order is entitled to a hearing *within 72 hours* to argue why the order should not be confirmed or varied. In this case the 72 hours expired at noon on Sunday, 10 May 2015, and the 72 hour hearing did not take place before then. An attempt was made to hold it on the Monday but it was not held on the Monday as Mr Maxwele sought legal representation. The Tribunal has thus ruled that the provisional order expired after 72 hours (at noon on the Sunday) and that the final suspension order was thus invalid. The Executive accepts our Disciplinary Tribunal's ruling.

### **Basis for charges against Mr Maxwele unchanged and suspension to follow:**

The facts that led to the decision to suspend Mr Maxwele have not changed. The Vice-Chancellor's nominee, who deals with these matters, has applied her mind to the case. Mr Maxwele has informed us that he will be out of town until 15 June 2015. The Vice-Chancellor's nominee intends to issue a new provisional suspension order on Mr Maxwele's return to campus. This will be followed by a hearing within 72 hours after which the provisional order will be confirmed, varied or set aside.

### **Background on charges against Mr Maxwele:**

The charges against Mr Maxwele are based on statements and complaints made by the lecturer on Saturday, 2 May 2015 (the day following the incident). Mr Maxwele was issued with charges (after the witnesses had been interviewed) on the following Wednesday, 6 May 2015, and he was issued with a provisional suspension order on Thursday, 7 May 2015. On

the morning of Monday, 11 May 2015, fully 10 full days after the incident, Mr Maxwele gave a statement of complaint to the university's investigations officer. Mr Maxwele faces similar charges in regard to allegations of a similar incident earlier in the year.

### **Hearing on disciplinary charges to continue:**

The hearing of the complaints against Mr Maxwele, scheduled for 4 and 5 June 2015, has been postponed as Mr Maxwele's legal representatives submitted a medical certificate stating that Mr Maxwele was indisposed and would not be able to present himself for the matter until 9 June 2015. Mr Maxwele is seeking an order interdicting these hearings in the High Court sitting as the Equality Court.

### **Background and basis of charges against Mr Maxwele:**

Mr Chumani Maxwele is a registered UCT student. Ordinarily we treat student disciplinary matters as private. We have therefore, until last week, not made public any details of the allegations against him. We have not done so, notwithstanding the fact that Mr Maxwele has made serious claims against a UCT lecturer – and if these claims were found to be baseless, they would be damaging and possibly actionable.

We have been guided by principle in this matter.

Mr Maxwele has, however, chosen to put these matters in the public domain. He has done so in papers filed last week with the Equality Court. As these matters are now in the public domain, we record that Mr Maxwele faces charges that on 1 May 2015 (a public holiday) he insisted on being allowed into the Mathematics building after being informed that as it was a public holiday, all lecture theatres and classrooms were locked. Once inside the building, and after ascertaining that the said rooms were in fact locked, he is alleged to have:

- raised his voice at the lecturer (who was in the department to mark student papers), stating that she was "a white woman who takes all the rights of the black students";
- shouted aggressively that "the statue fell; now it's time for all whites to go";
- stated that he was not interested in the opinion of whites and that they should be killed;
- continuously shouted and swore at the lecturer and two other witnesses to the incident;
- started banging on the lecturer's office door (after she had entered the office and locked her door) and when the lecturer opened the door, to have pushed her in his attempt to enter;
- continued to shout and scream at her and bang on her desk; and
- uttered the words: "We must not listen to whites, we do not need their apologies, they have to be removed from UCT and have to be killed."

***ENDS***

***Issued by: UCT Communication and Marketing Department***

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